Methods of Administration (MOA)

Access to Career and Technical Education (CTE) Program Guidance

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Overview

The Texas Education Agency (TEA), a recipient of federal financial assistance, is required to comply with federal laws and regulations that prohibit discrimination on the basis of race, color, national origin, sex, age and disability. The Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs (34 C.F.R. Part 100, Appendix B) (Guidelines) requires each agency responsible for the administration of career and technical education (CTE) programs to conduct compliance reviews of subrecipients (local education agencies and charter schools) that offer CTE programs and receive federal financial assistance from the U.S. Department of Education (USDE). The purpose of the on-site review is to determine the school's compliance with the Guidelines and the following federal laws and regulations:

- Title VI of the Civil Rights Act of 1964 and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin;
- Title IX of the Education Amendments of 1972 and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability; and
- Title II of the Americans with Disabilities Act of 1990 and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability.

Campuses are selected for review based on TEA's targeting plan. The targeting plan is approved by the USDE-Office of Civil Rights (OCR) prior to implementation every two years. The selection criteria in the targeting plan places emphasis on the provision of equitable opportunities for students to participate in career and technical programs. Categories considered include ethnicity, gender, students with disabilities, and English Learners (EL). Each category of students enrolled in CTE is compared to the general student population enrolled in CTE.

Purpose

The Methods of Administration for Access (MOA) to Career and Technical Education (CTE) is designed to ensure students enjoy equal access to CTE programs and activities regardless of race, color, national origin, sex, or disability.

Definitions

CTE Program: A sequence of at least two CTE courses for three or more credits in an area of study at a campus or feeder pattern.

Letter of Findings (LOF): TEA issues an LOF to a subrecipient following an on-site review of the subrecipient's policies and practices.

Methodology: A selection criteria placing emphasis on equitable opportunities for participation in CTE.

Ranked List: A sampling of campuses with the highest potential for discrimination based on enrollment data.

Receipt of Report: A document to be completed by the local education agency (LEA) following an on-site review indicating they accept the LOF and MOA Report or that they do not accept the LOF and MOA Report and will supply supporting documentation.

Recipient Universe: Recipients receive funding from the U.S. Department of Education and operate CTE programs.

Required Visits: 2.5% of campuses in the recipient's universe or 25 visits.

Subrecipient Universe: Subrecipients receive funding from the USDE through the state agency and operates a CTE program.

Targeting Plan: A methodology and ranked list of subrecipients (campuses) with the greatest potential for civil rights noncompliance.

Voluntary Compliance Plan (VCP): TEA and the LEA negotiate a VCP that lists the corrective actions that the subrecipient must take to remedy the findings of noncompliance listed in the LOF. The corrective actions must be approved by the TEA and be consistent with the *Guidelines*, applicable regulations, and accessibility standards, and should include a month and year of anticipated completion. The Superintendent's signature is required.

Pre-Visit Activities

TEA staff will contact the LEA to confirm on-site dates and to provide information to the LEA prior to the visit. TEA will provide a brief overview of the on-site process during the pre-visit phone conference. LEA administrative staff should ensure that campus staff are involved in gathering documentation and preparation for the MOA on-site review. TEA staff are available to provide phone and e-mail support to LEA staff during the preparation stage of the visit. The on-site review will consist of TEA staff reviewing surveys, reviewing LEA documentation, conducting LEA staff interviews, conducting student interviews, reviewing student data at specified campuses, interviewing staff knowledgeable of the CTE classes, and reviewing campus facilities for accessibility for each of the protected classes.

The campus is required to provide documentation to demonstrate compliance with each of the eight indicators identified by the USDE-OCR.

> 1. Administrative Requirements;
>
> 2. Recruitment, Admissions, and Counseling;
>
> 3. Accessibility;
>
> 4. Comparable Facilities;
>
> 5. Services for Students with Disabilities;
>
> 6. Financial Assistance;
>
> 7. Work-study, Cooperative Programs, and Job Placement; and
>
> 8. Employment.

The *MOA Indicator Reference Guide* can be found on TEA's website under the MOA monitoring link at https://tea.texas.gov/si/MOA/. Each indicator provides legal citations, indicators of compliance, and possible documentation. Possible documentation is suggested for each indicator and sub-indicator, but the LEA has the option to provide alternate documentation to demonstrate compliance with the legal reference for each indicator.

Documentation Request

To streamline work while in the district and to assist campuses with preparation for a MOA visit, TEA requests documents prior to the on-site review. Two sets of documentation will be requested of each campus receiving a MOA visit. The documentation is required to be submitted to TEA at least four weeks prior to the on-site review. For materials that are online, please render as a PDF and provide a link for review. The documentation request may be found online at https://tea.texas.gov/si/MOA/ or in the *Intervention Stage and Activity Manager* (ISAM) application within the Texas Education Agency Login (TEAL). Documentation submissions will include both ISAM submissions and Google Docs. **Under no circumstances should Family Educational Rights and Privacy Act (FERPA) protected data related to students or personnel be submitted in Google Docs.**

Material and Information: The requested Material and Information documentation are cross-referenced with the *MOA Access to Career and Technical Education Program Workbook*. For items that satisfy the documentation requirements for more than one indicator, the LEA should not duplicate, but simply bookmark the document and drag it to the appropriate Google file shared by

TEA. TEA staff will review the documentation prior to the visit and make suggestions for corrective actions, if needed.

Accessibility Information: The LEA is requested to send a site map and floor plan for the selected campus and CTE facilities. The map should include paths of travel, buildings, and parking lots. The map(s) may be fire exit map(s). The map(s) should include the following:

1. Date(s) of original construction, and identify areas on map
2. Date(s) and area(s) of subsequent renovation(s)/alteration(s), if any, and identify areas on map with lines separating original construction or other renovations or alterations
3. Dates of ramp added/installed, if any, and identify on map or floor plan
4. Dates that elevators/lifts were installed, if any, and identify on map or floor plan
5. Date of the last resurfacing and/or relining of each the parking lots at each school being reviewed, and identify on map
6. Total parking spaces in each lot at the campus being reviewed, and identify on the map
7. The number of parking spaces in each parking lot which will save time while we are on site.

The maps should be color-coded to the date of construction or renovation.

1. Construction before June 4, 1977--Readily Accessible standard--Grey
2. Construction between June 4, 1977 and January 18, 1991--ANSI standard--Blue
3. Construction between January 18, 1991 and January 26, 1992--UFAS standard--Green
4. Construction AFTER January 27, 1992--ADA standard—Yellow

(Note: Use date that construction began not the date of completion. Otherwise, an incorrect higher standard may be used to determine compliance.)

ISAM
ISAM is a secure web portal through which MOA guidance can be downloaded and data can be submitted to the Agency. To request access the ISAM application, visit the TEAL online request page at https://tealprod.tea.state.tx.us/TSP/TEASecurePortal/Access/LogonServlet. Assistance with TEAL account setup can be found at https://tealprod.tea.state.tx.us/WebHelp/IAM.htm.

Google Docs
Google Drive will be the primary receptacle for documentation. You can learn more about Google Docs at https://edu.gcfglobal.org/en/googledriveanddocs/. **Under no circumstances should FERPA protected data related to students or personnel be submitted in Google Docs.**

The LEA will select district/campus staff to submit documentation via the shared Google Docs file. The LEA will also determine whether a regional educational service center CTE representative will have access to submitted files.

Survey
Prior to the MOA visit, the campus is required to administer an online survey to parents, students, and teachers. The link to the survey will be provided in LEA communications. An opportunity should be provided for parents to complete the survey on campus.

The online survey will be administered to students at the campus site. Parent consent is required for students to participate in the survey. A parent consent form must be signed, dated, and returned to the campus for the student to participate in the survey. An electronic signature or e-mail consent is acceptable.

The surveys are voluntary, confidential to the extent permitted by law, and will automatically submit to TEA. All surveys should be completed in a timely fashion as noted in LEA communications. The TEA will share the composite results with the campus for planning purposes.

On-Site Review

The on-site review will consist of an entry conference, central office staff interviews, campus principal interview, campus counselor interviews, feeder pattern middle school/ junior high counselor interviews, folder reviews, teacher interviews, student interviews, a facility review for accessibility, and an exit conference. TEA staff will collaborate with LEA and campus administrative staff to design the visit itinerary. The goal is to minimize the impact of the review on both the district and campus.

On-Site Day 1:

The entry conference will vary by district, but in most cases, the entry will be with limited staff and designed to answer questions of district upper management.

The central office interviews will focus on administrative issues required by the USDE-OCR. Discussion will emphasize required notifications, grievance and complaints policy and practice, coordinator responsibilities for 504, Title IX, and Title II, and a discussion of recent complaints or grievances that advanced to the central office level. Issues discussed will also include how the district ensures accessibility for all students into CTE courses and programs. Topics related to gender, ethnicity, English Learners, special education, and students with disabilities as related to CTE programs and pathways will be the stressed.

On-Site Day 2:

Interviews: Campus personnel will be asked to discuss student data related to the accessibility of CTE programs for each of the protected student classes. The master schedule will be discussed with the administrative team. Interviews will confirm data submitted during the pre-visit phase of the review. Student interviews will focus on their understanding of CTE, CTE pathways and planning, and equitable access to CTE programs.

Folder reviews: Appropriate campus staff will be asked to review student folders with TEA staff. Campus staff should be knowledgeable about scheduling, CTE programs, student recruitment and admissions. Documents to be reviewed should include coherent sequences of CTE courses, course schedules, evidence of Four-Year Plans that demonstrate career pathways, career inventory or interest inventory, and evidence of equitable counseling of the various student populations.

Facility accessibility: Facility reviews for architectural barriers occur at the selected campus and facilities that house programs or activities accessed by CTE students. The facility accessibility review, *MOA Indicator Reference Guide* Indicator 3, will consist of the Agency team and a district team walking the designated campus. District staff members responsible for facilities and facility maintenance are expected to attend the facility reviewThe review will focus on items related to student access to the facility itself and access to CTE programs. District staff should have keys that allow access to all rooms in the building and be prepared to take photos of areas noted as being out of compliance with the standards related to the age of the building:

- *34 C.F.R. Part 104--Nondiscrimination on The Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance; (before June 1977)*
- *American National Standard Specifications for Making Buildings and Facilities Accessible To, And Usable By, The Physically Handicapped; (June 4, 1977 and January 18, 1991)*
- *Uniform Federal Accessibility Standards; (January 18, 1991 – January 26, 1992)*
- *ADA Standards for Accessible Design; (1994)*
- *2010 ADA Standards for Accessible Design. (2010)*

TEA staff will take pictures of areas of noncompliance a well as take script notes for documentation. TEA staff will share the script notes prior to exiting the LEA. The script notes and photos submitted

by the LEA, will be utilized to document the completion of required corrective actions for facility accessibility.

Post Visit Follow-Up

Following the visit, the LEA will receive a Letter of Findings, a MOA Report, and a Receipt of Report (ROR). These documents will highlight points reviewed and issues that need to be addressed by the district.

Letter of Findings (LOF)

The LOF review the MOA process and legal authority to conduct the review and on-site visit. The MOA Report outlines MOA review procedures in the following eight major areas:

1. Administrative Requirements;
2. Recruitment, Admissions, and Counseling;
3. Accessibility
4. Comparable Facilities;
5. Services for Students with Disabilities
6. Financial Assistance;
7. Work-based Learning, Cooperative Programs, and Job Placement; and
8. Employment.

MOA Report

The *Methods of Administration-Access to Career and Technical Education Programs* report (MOA Report) is the basis for the review. The Report can be found at https://tea.texas.gov/si/MOA/.

The Executive Summary is a summary of indicators that are determined to be in violation or no evidence of a violation at the time of the review. The determinations correspond with the indicators in the *MOA Report*.

Indicators 1-2, 3.B and 4-8 are stand-alone documents that provide the legal references to be reviewed. If the Agency determines an area lacks sufficient documentation to validate the indicator, it is noted on the indicator sheet as a "Violation" and is recorded on the Executive Summary page.

Indicator 3 Accessibility, reviews building accessibility based upon the age of the building and date of renovation including physical reconfiguration of the structure. The district is required to supply the date construction began and the date of remodeling prior to the visit to allow for an appropriate facility review. The facility review only includes the regulations related to the age of the building and remodel. Indicator 3 reflects the findings of the facility review and is documented on a script sheet(s) at the time of the onsite visit for the selected campus. Areas of noncompliance must be brought up to the *2010 ADA Standards for Accessible Design.*

Receipt of Report (ROR)

The LEA is required to respond to the findings contained in the preliminary *MOA Report* by completing a *Receipt of Report* form, which is attached to the LOF, returning it to TEA within 10 days of receipt. If the LEA agrees with the findings of the preliminary *MOA Report*, it is considered final; however, if the LEA disagrees with a finding contained in the preliminary *MOA Report*, the LEA must request reconsideration by submitting objections in writing within 10 school days of receipt of the original report. The request for reconsideration should be accompanied by supporting documentation to validate compliance at the time of the visit. Upon review of reconsideration documentation submitted by the LEA, TEA will issue a final *MOA Report* to the district.

Voluntary Compliance Plan for Access to CTE Programs

Once the *MOA Report* is considered final, the district will have 45 days to complete, sign and submit a Voluntary Compliance Plan (VCP) to the Agency via the ISAM application. The VCP outlines corrective actions the district will take to rectify violations noted in the *MOA Report*. The VCP template contains two tabs. The ADMIN tab is where the district will enter violations in areas other than facilities. The FACILITY tab is where the district will enter violations of code related to facility accessibility.

At a minimum, the VCP should do the following:

- address every item of noncompliance,
- describe the action that the district will take to remedy each item,
- provide the target completion date (month and year), and
- include a statement of how completion of the action will be reported and verified to the Agency.

After review, TEA will either approve the VCP as is, or work with the district to ensure that the appropriate action(s) is taken to bring the campus into compliance.

Completing and Submitting the VCP

The district must develop a VCP for program access to address all areas of noncompliance identified during the MOA on-site review. The five steps of the VCP process are listed below.

1. **Download the VCP***:* The VCP template can be found online the MOA monitoring web page at https://tea.texas.gov/si/MOA/, downloaded within the ISAM application, or the district may send an email to the TEA MOA Coordinator at gordon.franzen@tea.texas.gov.

2. **District data:** Enter required district information in rows 5 and 6 then obtain the signature of a school official who is authorized to make expenditures for the corrective actions listed in the VCP in the first cell of row 6.

3. **Instructions:** Row 8 outlines the required actions and timeline for completing the VCP. Note: The district must provide TEA with photographic documentation to validate updates and implementation of the plan. Corrective actions should be indicator specific.

4. **Area(s) of Noncompliance addressed in the VCP:**
   a. ADIMIN Tab
   Beginning with row 11, the district will identify each area of noncompliance identified in the MOA Report by entering the number and title of the indicator(s) determined to be out of compliance. Enter one noncompliance issue per row.

   Column A-violation, Column B-corrective action, Column C-evidence of compliance, Column D-District staff responsible for correction, Column E-timeline for completion

   b. FACILITY Tab
   Beginning with row 11, the district will identify each area of noncompliance identified in the MOA Report by entering the number and title of the indicator(s) determined to be out of compliance. Enter one noncompliance issue per row.

Column A-location within facility, Column B-last alteration date, Column C-code from last alteration, Column D-violation, Column E- 2010 ADA Standards, Column F-2010 ASA specific requirement, Column G-timeline for completion.

5. **Submission of corrective actions***:* Documentation for corrective action(s) are submitted to the MOA Coordinator via email to gordon.franzen@tea.texas.gov. Documentation of completion of the submission will be noted in ISAM by the MOA Coordinator**.**

<u>Completing the Corrective Actions</u>
The district must implement actions to correct the noncompliance in a timely fashion. **It is expected that all corrective actions be completed within 90 days of submission of the VCP.** If more than one year is needed to correct issues of noncompliance, TEA approval is required. If additional approval from the OCR, Department of Education, Washington D.C is needed the LEA will be notified accordingly.

As documentation is submitted, TEA will notify the district that the submission is approved or ask for clarification. Photographic documentation is required to validate facility updates. The photos will be part of the script sheets submission for facility accessibility and will be provided to the district by TEA for each area in need of modification.

<u>Closing the Review</u>
Upon approving all documentation submitted by the district, TEA will send an official closure letter.