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To: District Superintendents  
Superintendents of Schools  
Public School Administrators  
Nonpublic School Administrators  
Charter School Administrators

From: Deborah Reiter, CTE Bureau Chief

Date: February 11, 2021

Re: Updated NYS Civil Rights Compliance Methods of Administration Plan

This memo is to inform you of changes to secondary-level civil rights compliance reviews that will be carried out by the NYSED's Office of Career and Technical Education (CTE). Pursuant to the [Office of Civil Rights 1979 guidelines](#), civil rights compliance reviews are conducted annually by the Office of CTE. Historically, these reviews were identified through a targeting plan based only on data from the NYSED data warehouse. The Methods of Administration Coordinator had the sole responsibility of conducting the selection process and identifying the LEA and BOCES requiring a review. In the past, all subrecipients selected would automatically receive a comprehensive civil rights review that consisted of a desk audit of materials, interviews with staff and students, an on-site facility review, and technical assistance.

The 2020 Methods of Administration Plan (MOA Plan) approved by the United States Department of Education's Office of Civil Rights provides for a decentralized approach that integrates various aspects of the work carried out by the Office of CTE. In this decentralized model, all CTE associates participate in efforts to detect activities that signal possible civil rights compliance issues. The MOA Plan builds on existing Perkins grant and CTE program review procedures and widens our view of the factors that impact access to CTE.

Perkins application reviews done by CTE associates will integrate a civil rights component. Staff will identify potential issues by monitoring several factors, such as enrollment and technical assessment pass rates of protected groups, to identify which subrecipients may require technical assistance or a civil rights compliance review.

CTE program reapproval reviews have always included implicit equity monitoring. New York's MOA Plan will now apply a more explicit and consistent check of outcome data, program design, and enrollment to identify programs that may be out of compliance with civil rights requirements. CTE staff will have collective responsibility to support equity and access in CTE programs under their purview.

CTE program amendment forms that are submitted to request changes in the program during the five-year approval period will now be assessed for potential disparate treatment of protected groups (e.g., request to add a separate employability profile or a separate technical assessment for students with disabilities). Data reported for other programs, such as School Safety and Educational Climate (SSEC) and Every Student Succeeds Act (ESSA), will be used to assess the risk for noncompliance with civil rights requirements and to determine the scope of the review that may be conducted.

Another significant change in procedures relates to the consequences of noncompliance. Perkins funding will be impacted for CTE program providers who are out of compliance with civil rights requirements (e.g., failure to submit required documentation or failure to complete the agreed-upon actions in the voluntary compliance plan) if compliance issues remain unresolved beyond established deadlines. Subrecipients with outstanding noncompliance issues will be required to address them in the Perkins application with associated funded action steps and budgets. The Office of CTE's review and approval of applications for CTE program approval and re-approval may also be delayed if noncompliance issues are not addressed and resolved. Subrecipients that are out of compliance with civil rights law but are in good standing with the timely completion of activities in the civil rights voluntary compliance plan process are not subject to sanctions.

Technical assistance is available to the CTE community to address possible civil rights compliance issues. For more information, please contact [emsccte@nysed.gov](mailto:emsccte@nysed.gov).