New York State
EDUCATION DEPARTMENT
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New York State Methods of Administration Plan

The 2020 compliance program to prevent, identify, and remedy race, color, national origin, sex, and disability discrimination in its subrecipients' CTE programs

New York State Education Department
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New York State Methods of Administration Plan: 2020

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PART I: SECONDARY PROGRAMS METHODS OF ADMINISTRATION PLAN

SECTION 1: SECONDARY INTRODUCTORY INFORMATION

New York State Methods of Administration and Procedures for Compliance with the Civil Rights Authorities in Career and Technical Education are carried out by two separate offices overseeing CTE civil rights activities within the New York State Education Department (NYSED). The P-12 Office of Career and Technical Education monitors secondary programs, and the Office of Postsecondary Access, Support and Success monitors postsecondary CTE programs. The following plan is presented in two sections (secondary and postsecondary) that describe New York's civil rights monitoring activities covering CTE programs statewide.

This updated Methods of Administration plan has been reviewed by the NYSED Assistant Commissioner of Curriculum and Instruction and Early Learning, the Director of Career Readiness and Workforce Partnerships, the Office of Career and Technical Education Bureau Chief, and the Office of Postsecondary Access, Support, and Success.

SECONDARY CTE INSTRUCTION

CTE at the middle school level

In New York State, students are offered their first formal introduction to CTE at the middle school level. According to Commissioner's Regulations 100.4(c), all middle-level students are entitled to 1 3/4 units of CTE instruction. Instruction, by teachers certified in any CTE content area, may begin as early as grade 5 and must be completed by the end of grade 8. High-quality, relevant CTE learning experiences encourage middle-level students to pursue personal interests; engage in school and community activities; explore potential futures and careers; and begin to develop the social, interpersonal, and life skills needed in the years to come. Middle level CTE gives students the opportunity to explore content areas they may later study in greater depth on their paths to graduation.

CTE at the high school level

Schools, districts, and Boards of Cooperative Educational Services (BOCES)[1] technical centers provide CTE learning experiences for high school students through several options including locally defined sequences of courses, NYSED-approved CTE programs, elective courses, work-based learning, and academic career-focused programs. Any high school student can select CTE coursework as a means to earn elective credits to fulfill graduation requirements.

In 2015, the NYS Board of Regents approved multiple pathways to high school graduation that allow students to demonstrate attainment of the learning standards in ways that are most meaningful to them. The CTE pathway allows students who successfully complete NYSED-approved programs to use the program's technical skills assessment as their fifth required assessment needed to fulfill graduation requirements.

As set forth in New York's Perkins V Four-Year Plan, ensuring special populations equal access and opportunity for success in educational opportunities is built into all program areas at the NYSED. ESSA, Perkins, and IDEA activities are centered on the success of all students. New York's ESSA mission statement illustrates the degree to which advancing equity informs our work: *"New York State is committed to ensuring that all students succeed and thrive in school no matter who they are, where they live, where they go to school, or where they come from."*

Access to programs involves more than the ability to enroll and attend. The NYSED released equitable course access guidance in November 2019 to assist school districts in their efforts to provide course access equity. The guidance focused on advanced courses, but the principles apply to all subject areas, including CTE. Five guiding principles for districts and schools are:

1. providing a course sequence and foundation-building in earlier grades;
2. creating multiple access points to programs;
3. using only enrollment access criteria that are educationally necessary;
4. offering a robust set of student supports that help all students succeed; and

[1] A BOCES is a public educational organization that provides shared programs and services to school districts. BOCES owes its origin to a state legislative enactment authorizing the formation of intermediate school districts. Passed in 1948, the act was aimed at enabling small rural school districts to combine their resources to provide services that otherwise would have been uneconomical, inefficient, or unavailable. Each BOCES is a regional organization that provides educational, administrative, and technical services to component school districts to enhance educational opportunities for students and cost effectiveness of program delivery.

5. publishing materials that encourage all students to participate (e.g., materials available in multiple languages.). [2]

Measuring the degree to which subrecipients operationalize these principles has been siloed work done by the MOA coordinator under the old Methods of Administration Plan. The 2020 MOA plan proposes a more decentralized model that integrates these benchmarks into the work carried out by all CTE associates at NYSED. In a decentralized model, all CTE associates become agents of change in efforts to detect activities that signal possible non-compliance.

There are a number of state and federal reviews done by other NYSED offices to monitor for potential discriminatory acts. The NYSED Office of Special Education works to promote educational equity and excellence for students with disabilities through its roles and responsibilities to:

- oversee the implementation of federal and State laws and policy for students with disabilities;
- provide general supervision and monitoring of all public and private schools serving New York State preschool and school-age students with disabilities; and
- ensure a system of due process, including special education mediation and impartial hearings.

In New York, the Dignity for All Students Act added instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others, and dignity to include an awareness and sensitivity in the relations of people, including but not limited to, different races; weights; national origins; ethnic groups; religions; religious practices; mental or physical abilities; sexual orientations; gender identity; and sexes. The Dignity Act also requires Boards of Education to include language addressing The Dignity Act in their codes of conduct. Additionally, under the Dignity Act, schools are responsible for collecting and reporting data regarding material incidents of discrimination, harassment, and bullying. A state-funded technical assistance center New York State Center for School Safety provides information on DASA provisions and implementation.

[2] See Equitable Course Access Guidance a field memo from Dr. Kimberly Young Wilkins, NYSED Deputy Commissioner of Instructional Support accessed January 10,2020.

SECTION 2: PLAN FOR PERFORMING OVERSIGHT OF SECONDARY PROGRAMS

Oversight of CTE programs involves multiple levels of accountability. The MOA plan builds on existing program review procedures and widens our view of issues concerning access to CTE. The plan connects civil rights monitoring to other oversight work done in the Office of CTE. In this connection we begin to build a culture where all staff have a part to play in ensuring equity in CTE opportunities.

This secondary-program MOA plan will focus on infusing equity and access monitoring into existing review activities carried out by the Office of Career and Technical Education. The use of ESSA and DASA data will support CTE subrecipient monitoring. On-site review activities will be replaced by remote and virtual monitoring. This decision stems from our recognition that the most impactful findings concern procedural and cultural domains of program admissions and operation.

DEFINING THE UNIVERSE

Secondary CTE civil rights monitoring will be based on a universe of school districts and BOCES that apply directly for Perkins funding. New York requires that Perkins funds be used only for NYSED-approved programs. The decision to fund only approved programs creates a closer connection between the two main review activities done by the CTE office (i.e., CTE program re-approval process and the yearly review of Perkins grant applications). This decision also has created common metrics for quality to assess equity and access by all sub-groups.

Other reviews done by the CTE office may inform decisions about which subrecipients require comprehensive monitoring. These include:

1. biennial reviews carried out by the CTE office of nurse aide training programs in secondary agencies required by the Nursing Home Reform Law of the Omnibus Budget Reconciliation Act of 1987 (OBRA, PL 100-203); and
2. initial operational approvals of appearance enhancement license areas (in coordination with the New York State Department of Health).

CRITERIA USED TO DEFINE CTE

The selection of NYSED-approved programs is also based on its status as a graduation pathway. Successful completion of an approved program has provided students with graduation pathway option since 2015. Since NYSED-approved programs can be used to fulfill graduation requirements, access to approved programs has become a broader equity concern. As stated in our Perkins V state plan, the concept of access in this context includes both the ability to enroll and to succeed in approved CTE programs. Students have successfully completed the program when they achieve the academic and technical standards, pass all courses, and pass a three-part technical assessment (student project, performance/clinical, and written components).

As of the 2019-20 school year, New York State has been collecting data based solely on a universe of students in NYSED-approved CTE programs. This change was made to create a data collection approach that standardized program criteria that met the requirements of Perkins V. The new data definitions limit reporting to NYSED-approved programs. This will improve performance comparisons regionally and statewide as NYSED-approved programs share a similar structure and have met state-standards.

CIVIL RIGHTS-RELATED DATA TO BE USED FOR NEW YORK'S MOA ACTIVITIES

New York's secondary monitoring will maximize the use of data that is already reported to the NYSED to fulfill other requirements. Past use of building-level data for targeting plans (and Perkins report cards) masked differences between the highest and lowest performing programs in a district or BOCES. The use of program-level data from CTE program re-approvals and Perkins Comprehensive Local Needs Assessments (CLNA) provides more detail on the programs having possible equity and access issues.

Tier 1 data sources will include:

- CTE program re-approval reviews
    - Data submitted as a part of the NYSED CTE program re-approval applications
    - BOCES report cards
- Perkins CLNA and Local Application reviews
    - Perkins school and program-level enrollment and performance reports as required by Perkins Section 113(b)(3)(C) (Accountability – State Report) and Section 134 (Local Application and Comprehensive Needs Assessment)
    - Data reported by CTE providers to the state data warehouse (e.g., CTE verification report including technical skills assessment results)

Tier 2 data sources will include:

- NYSED's School Safety and Educational Climate (SSEC) Summary Data, part of NYSED's implementation of the Dignity for All Students Act (DASA) and Violent or Disruptive Incident Reporting (VADIR) legislation. Data regarding violent or disruptive incidents, as well as incidents of, discrimination, harassment, bullying, and cyberbullying, is compiled to comply with New York State reporting requirements and to designate schools that are persistently dangerous (8-CRR-NY §120.5);
- New York's ESSA accountability data (e.g., chronic absenteeism, college, career and civic readiness index);
- IDEA data (e.g., Enrollment & Classification Rate; Indicator 2: Drop-Out Rate; Indicator 4A: Suspension Rate; Indicator 4B: Significant Discrepancy by Race/Ethnicity in Suspension Rate; Indicator 5: School-Age Least Restrictive Environment); Indicator 9: Disproportionality - Identification for Special Education; Indicator 10A: Disproportionality in Specific Disability Categories; and
- OCR Civil Rights Data for school-level detail.

SUBRECIPIENT SELECTION

Number and scope of reviews to be conducted

New York State's MOA activities will focus on district and BOCES practices that impact the enrollment and success of students in approved CTE programs. This includes counseling practices, district policies, selection criteria, and supports available for students to enroll and persist in programs. For district subrecipients, the review may also consider how middle-level CTE requirement is being met. In New York, the introductory middle-level course is the formal introduction to CTE and is therefore the foundational opportunity for further access to CTE.

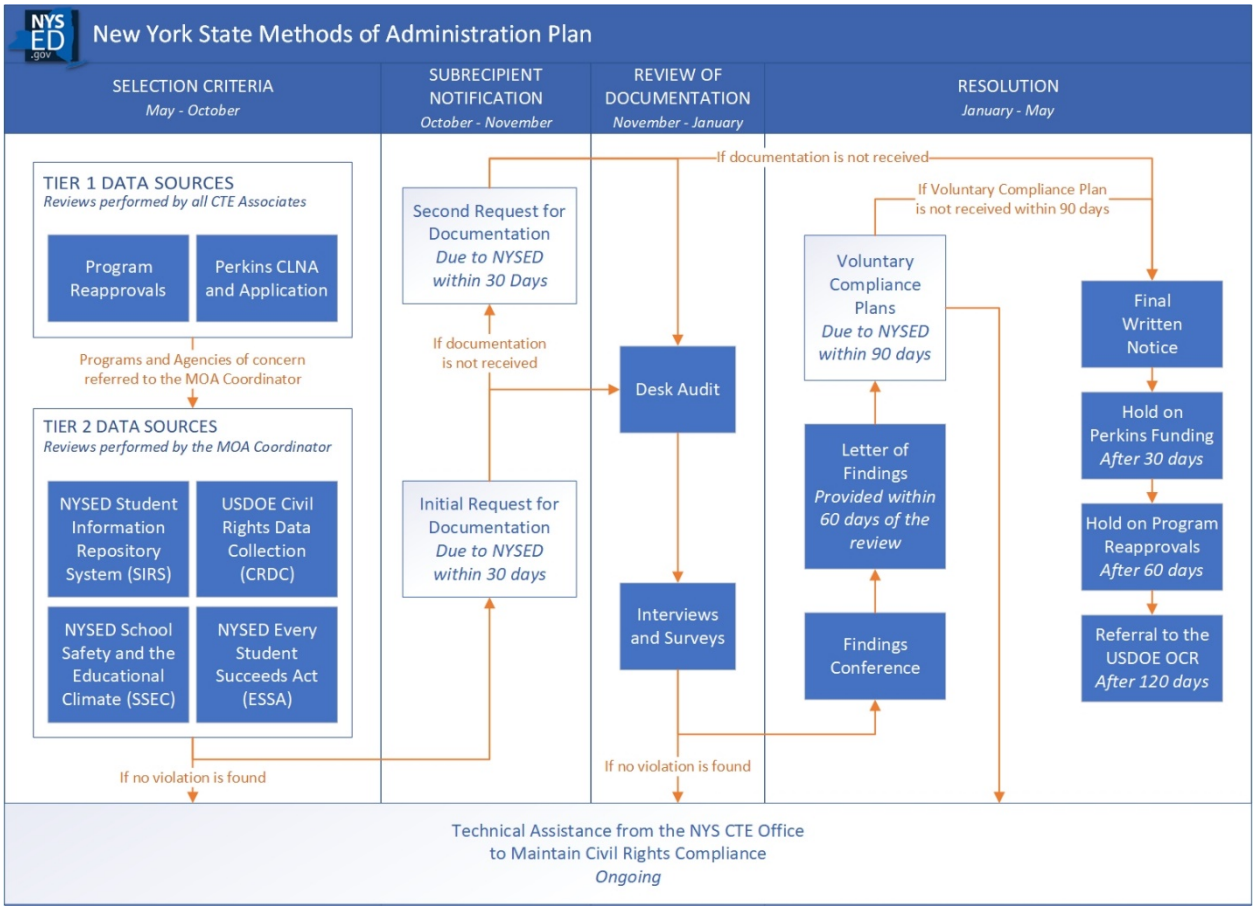
A review of counseling practices will be included when the data suggests uneven opportunity for protected student groups. As practitioners noted in a roundtable on equity in CTE,

> *CTE access doesn't begin at enrollment. Instead, it begins with the messages and outreach used to attract students and participants, and with the difficulty involved in applying. Recruitment efforts themselves (for example, the decision to recruit through word of mouth, ads placed on websites, guidance counselors, or flyers on bulletin boards) influence which potential participants receive messages about an opportunity, as can the language(s) that materials are available in. Applications that require the submission of multiple documents or that have multiple deadlines can also inadvertently create barriers to enrollment. Additionally, with so many new CTE opportunities being created, counselors and advisers at all levels may not have the most up-to-date knowledge about what is available. Combined, poorly delivered messages, complicated or arduous application*

processes, materials available only in English, and a lack of adequate counseling can create a selection process that unfairly weeds out certain potential candidates.[3]

The scope and number of MOA reviews each year will be determined by the content of the program re-approval and Perkins applications. Approximately 250 CTE program re-approval and 52 Perkins applications are reviewed each year by CTE office staff. Multiple programs delivered by the same Perkins subrecipient can be due for reapproval in the same year. Possible issues will be flagged in the review of applications and the number and severity of flags will be assessed. Approximately 10 percent of subrecipients applying for program reapproval will be assessed through a further audit described below.

Secondary Review Process Overview



[3] Rachel Rosen and Frieda Molina, "Practitioner Perspectives on Equity In Career and Technical Education," July 2019, accessed 8/12/2020 at https://www.mdrc.org/publication/practitioner-perspectives-equity-career-and-technical-education

Tier 1 data reviews will be completed by CTE content associates and focus on CTE program re-approvals and Perkins subrecipients' local applications. A review of both program and agency level data will be conducted. This more granular approach will likely make visible the issues that can be masked by reviewing only agency-level data.

The existing CTE program re-approval review process[4] will be updated to include an assessment of equity issues. Program reapproval reviews have always included implicit equity monitoring. New York's MOA plan will apply a more explicit and consistent check of the outcome data, program design, and enrollment to identify programs that may be out of compliance with civil rights requirements. All NYSED CTE staff will take collective responsibility to support equity and access in CTE programs under their purview.

Program level evidence such as rates of attrition, completion, and technical endorsement attainment give an understanding of performance disparities among student groups within the subrecipient's population. These rates will be calculated by NYSED staff for programs submitting applications for CTE program re-approval. Program re-approval occurs every five years, and the number reviewed by NYSED each year averages approximately 250. New indicators scored by program reviewers will include:

- high attrition rates (i.e., greater than 15 percent) of students from protected groups as compared to general education students;
- performance gaps greater than 10 percent;
- overrepresentation or underrepresentation of students with disabilities in certain programs;
- existence of multiple programs offered in the same content area (e.g., general auto tech and auto mechanics) and /or entrance exams to determine placement;
- lack of representation for students with disabilities on self-study committee and/or external review committee; and
- less than 50 percent of completers earning a technical endorsement.

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 a protected group (e.g., request to add a separate employability profile for students with disabilities).

Subrecipients of federal Perkins basic grants will be subject to a review each year based on the content of their CLNA and application for funds. Perkins application reviews done by all CTE

[4] For more detail on the CTE program approval process, see Attachment 1

associates will integrate a civil rights component. Staff will identify potential problems by monitoring for the following:

- lack of qualified representation for students with disabilities on the Local Advisory Council and/or stakeholder groups (e.g., special education instructor or coordinator);
- over- or under-representation of special populations in specific programs;
- performance gaps as defined above in the Perkins indicators;
- use of funds that does not reflect needs of the lowest performing programs or student groups revealed in the CLNA; and
- data quality issues (e.g., failure to report post-program placement or technical assessment outcome data).

COMPLIANCE REVIEW PROCESS

After the content associates complete application reviews, a group of subrecipients with high risk of noncompliance, (i.e., risk scores in the top 10 percent, or approximately 25 subrecipients) will be referred to the civil rights associate serving as the MOA coordinator. The MOA coordinator will review Tier 2 data to determine which subrecipients require an in-depth review for multiple issues and which need targeted technical assistance for one or two issues. Approximately five subrecipients will be selected for an in-depth review. Questionable compliance or compliance that cannot be determined will be subject to a review that covers the areas for which compliance cannot be ascertained. This type of review covers more than targeted technical assistance but is not as detailed as the in-depth reviews of the programs with the top five risk assessment standings.

1. Subrecipient notification and sources of information to be examined

The MOA coordinator will notify subrecipients that information from their program re-approval, and/or Perkins CLNA and local applications, and other data was used to rate all subrecipients offering NYSED-approved CTE programs. The letter will indicate areas of concern found through Tier 1 and Tier 2 data and identify the program and administrative activities that will require further review.

The MOA coordinator will request that the district or BOCES provide documentation related to the issues of concern to NYSED. The submission deadline for these materials will be 30 business days.

2. Desk audit

Once the CTE office receives the materials, a desk audit will be conducted. Materials that may be requested from subrecipients to be submitted to NYSED to perform a desk audit may include the following:

a. Most recent handbooks for: students; faculty/administration; parents; and/or other;
b. CTE course catalog/guide with course descriptions;
c. Recruitment and promotional materials related to CTE courses and/or programs used by the district (e.g., public announcements disseminated by the district concerning CTE programs, including copies of notices intended to reach limited English proficient, hearing impaired, or visually impaired students and their parents;
d. Policies or procedures for admission to CTE programs, including entrance exam types and other prerequisites prior to enrollment;
e. Application and/or admissions forms related to CTE programs used by district school/guidance counselors; copy of grade 9-12 master schedule, complete listing of middle level CTE courses offered by the district; listing of special programs for students with disabilities;
f. Student and faculty grievance policies and procedures, including the appeal process, for Title IX (sex discrimination) and §504 (discrimination based on disability); a copy of two discrimination complaints (one from a student and one from a staff member) based on race, color, national origin, gender, or disability, including all documentation of resolution of the complaints;
g. Title IX and Section 504 compliance officers' contact information;
h. Copy of comprehensive developmental school counseling/guidance plan per CR 100.2 J(2)(b)
i. translated documents for English language learners, and their parents, and a list of language groups served;
j. Copies of written agreements or contracts used with employer partners for cooperative education, internships, work-based-learning, and/or work study;
k. Required professional development sessions related to DASA, civil rights, culturally responsive instruction, or issues related to discrimination based on race, color, national origin, gender, and disabilities; and
l. IEPs of students in NYSED-approved programs.

3. Interviews and surveys

Interviews will be scheduled with the district or BOCES via phone or on-line; the subrecipients may be asked to distribute surveys electronically. Potential groups and/or individuals to be contacted include, but are not limited to:

a. CTE advisory committee members;
b. Students and parents;
c. Title IX coordinator (s);
d. Human resources manager;
e. Superintendent, assistant superintendent; Building principal(s);
f. Guidance counselors, guidance department chair;
g. Building facility manager(s); safety coordinator(s);
h. DASA coordinator(s); social workers;
i. WBL coordinator;
j. CTE, academic, bilingual, and special education teachers and administrators;
k. School law enforcement/safety officer(s); and
l. Staff that contributed to or completed the Perkins grant application.

4. Voluntary compliance plans and the resolution of civil rights review process

If no violation is found, the subrecipient will be provided resources to assist in maintaining compliance with their civil rights obligations.

If a violation is identified, subrecipients will be contacted by phone to discuss findings and the process of planning for compliance. This will be followed up with a letter of finding detailing the issues that must be corrected. Subrecipients will be sent the preliminary report of findings to the subrecipient no later than 60 business days after the review.

The subrecipient then may provide a response providing factual corrections, if needed, within 30 business days of notification.

Voluntary compliance plans

The letter of finding will describe the violation(s) and request that the subrecipient develop a voluntary compliance plan (VCP) to correct the conditions that resulted in the discriminatory activity. Subrecipients will be given 90 calendar days to provide the VCP. At minimum, the VCP will:

- identify the specific violation(s) and the corrective steps needed to attain compliance;

- describe the remedial steps to be taken to correct the area of non-compliance; and
- include a timetable for remediation or the violation(s) and the personnel responsible for the compliance plan.

Technical assistance will be available to the subrecipient to help address the violation(s) and ensure that violations do not recur. Ongoing civil rights monitoring will take place until the noncompliance issues are corrected.

If noncompliance issues remain unresolved when the subsequent year's Perkins application is being developed, the violation(s) must be addressed in the Perkins application with associated funded action steps and budgets submitted.

If, after 90 days, a subrecipient fails to submit a compliance plan to take corrective action to remedy violations identified in the letter of findings, the MOA coordinator will provide subrecipients a final written notice which will include a copy of the assurances that was signed as a part of their application for Perkins funds. The application assurance language includes the following:

> *The Agency complies with (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendments of 1972, (3) Section 504 of the Rehabilitation Act of 1973, (4) The Age Discrimination Act of 1975, (5) the Americans with Disabilities Act, and (6) the U.S. Office for Civil Rights' Guidelines for Eliminating Discrimination and Denial of Services in Vocational Education on the Basis of Race, Color, National Origin, Sex and Handicap….*
>
> *The special populations under Perkins have the same opportunity to enroll in career education programs as other populations served; are provided with programs designed to enable them to meet the State levels of performance; and are not discriminated against on the basis of their status as members of the special populations…The career education being received by students with disabilities is consistent with their Individual Education Plans.*[5]

A subrecipient of federal financial assistance is subject to the requirements of this assurance. Violation findings and required corrective actions in the NYSED's letter of findings for subrecipients relating to violations of Title VI, Title IX and Section 504 that continue uncorrected per the letter of findings and/or the submitted voluntary compliance plan may result in a district being deemed out of compliance with these laws and, therefore, out of

[5] New York State Perkins V Application for Secondary Programs

compliance with its assurance. Based on this failure to comply, any federal financial assistance it receives from the United States Department of Education could be terminated.

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 process as defined in the civil rights guidance on the NYSED's web page are not subject to sanctions. The following state actions shall be taken if a subrecipient is out of compliance with the civil rights process, including failure to submit required documentation per the guidelines published on the NYSED CTE civil rights web page or failure to submit evidence per the agreed-upon actions in the voluntary compliance plan:

1. **Hold on Perkins funding**—Documentation or evidence is missing or more than ***30 days*** late. Perkins funds will be placed on hold for disbursement until the subrecipient is in compliance with the requests found in the initial and subsequent civil rights review request for information.
2. **Hold on career-technical education program approvals and renewals**—Documentation or evidence is missing or more than ***60 days*** late. New CTE program approval and re-approval of existing programming shall not occur until the subrecipient is actively working on completing their compliance plan.
3. **Referral to the Office of Civil Rights, United States Department of Education** - Documentation or evidence is missing or more than ***120 days*** late. The hold on Perkins funding (1) and career-technical education new CTE program approvals and re-approvals (2) will remain in effect until the subrecipient is in compliance. In addition, the Office of Civil Rights will be notified regarding the subrecipient's noncompliance with the civil rights process.

An extension of deadlines or other requirements may be granted in extenuating circumstances. Examples of extenuating circumstances include an environmental disaster, epidemic, fire or other circumstances ***outside of the control of the subrecipient***. The MOA coordinator will be the decision-maker with regard to any extensions.

Exclusion Criteria

Subrecipients that are the subject of pending litigation concerning an alleged civil rights violation in a court of any jurisdiction, and/or investigation or enforcement proceedings by the U.S. Office for Civil Rights are excluded from the selection process.

SECTION 3: SECONDARY TECHNICAL ASSISTANCE

NYSED is developing resources for subrecipients to share promising practices in equity in CTE delivery. Technical assistance and tools designed to encourage on-going self-assessment will provide subrecipients the chance to evaluate their own programs for possible noncompliance with the civil rights authorities. NYSED will provide technical assistance via phone calls, emails, webinars, and informational materials and resources to subrecipients to assist with information and services regarding achieving compliance with civil rights requirements (e.g., establishment of listserv, providing yearly reminders about continuing notice). NYSED seeks to develop stronger support and guidance to assist school counselors in particular so that they can provide students accurate information about CTE and refer students to programs in an equitable manner.

SECTION 4: SECONDARY REPORTING TO THE USDOE

NYSED will submit a civil rights compliance report to OCR and OCTAE as a narrative attachment in the state's Consolidated Annual Report for Perkins V biennially. The report will include information on MOA program activities, findings, compliance plans, and technical assistance provided.

PART II: POSTSECONDARY PROGRAMS METHODS OF ADMINISTRATION PLAN

SECTION 1: POSTSECONDARY INTRODUCTORY INFORMATION

Purpose

The purpose of New York State Education Department (NYSED) postsecondary Methods of Administration (MOA) Plan is to document the State's civil rights MOA program required by 34 C.F.R. Part 100, Appendix B Sec. II.B. and in particular Section II.B. of those Guidelines outlining the necessary elements of a State agency program to prevent, identify and remedy discrimination on the basis of race, color, national origin, sex or disability.

Mission

The mission of NYSED's postsecondary MOA program is to increase equity and access to postsecondary career and technical education programs. Through the MOA civil rights compliance program, the NYSED will collect and analyze civil rights data and information, conduct periodic compliance reviews of select subrecipients, provide technical assistance to subrecipients upon request, and report activities and findings to OCR biennially.

Vision

The vision of NYSED's postsecondary MOA program is to ensure that all students, regardless of race, color, national origin, sex, or disability, have equal access to high-quality career and technical education programs and that members of the learning community reflect the diversity of the student population.

Development

This MOA Plan was developed by the NYSED's Office of Postsecondary Access, Support and Success (OPASS) office under the Office of Higher Education in collaboration with the secondary CTE office. Selected subrecipients who were reviewed by NYSED's postsecondary MOA between 2016 and 2020 were also consulted. The final plan was composed by a team in the Office of Higher Education comprised of the postsecondary MOA Coordinator, Perkins V officers, the Senior Attorney and the Supervisor of Higher Education Program with input from the Program Research Specialist. The MOA Plan was reviewed by the State CTE Director and the Office of CTE Bureau Chief.

Authority

NYSED's OPASS/OACES under the Office of Higher Education of NYSED will administer the postsecondary MOA program in New York State. Responsibilities under the MOA program are set out in the Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs (Guidelines) (Appendix B of the Title VI regulation and the Section 504 regulation, and Appendix A of the Title IX regulation).

Effective Date: July 1, 2021

SECTION 2: PLAN FOR PERFORMING OVERSIGHT RESPONSIBILITIES OF POSTSECONDARY PROGRAMS

Scope

The NYSED postsecondary MOA program will conduct civil rights compliance reviews at a minimum of 5 % of the Perkins V postsecondary subrecipients in New York State for that year, with a target of two compliance reviews annually.

The scope of the postsecondary MOA program is to ensure that subrecipients are providing access to educational programs in compliance with the requirements of federal civil rights statutes, listed below:

- Title VI of the Civil rights Act of 1964, prohibiting discrimination based on race, color, or national origin, which includes English Language Learners;
- Title IX of the Education Amendments of 1972, prohibiting discrimination based on sex;
- Section 504 of the Vocational Rehabilitation Act of 1973, prohibiting discrimination in vocational rehabilitation based on a person's disability;
- Title II of the Americans with Disability Act of 1990, prohibiting discrimination in providing public services to people with disabilities; and
- The Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap (Federal Register, March 21, 1979).

The scope will be focused on the seven areas of civil rights compliance review: Administrative Requirements, Recruitment, Admissions, Counseling, Services for Students with Disabilities,

Employment of Faculty and Staff, Accessibility of Facilities and Comparable Facilities. These areas and more MOA-specific monitoring review criteria and the aligned requested evidence are outlined in the tables in Attachment 2 . By default, these seven areas specified above will be used for the focused review; however, NYSED may use all or a subset of these for the actual review as determined after reviewing the data. More review criteria may be added in the future based on data and evidence.

Obligations

This subpart of the MOA plan is intended to set out in sufficient detail the postsecondary NYSED plans for fulfilling its obligations under Section II (B) of 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) to ensure that our subrecipients are complying with the civil rights laws.

> *The State agency responsible for the administration of vocational education programs must adopt a compliance program to prevent, identify and remedy discrimination on the basis of race, color, national origin, sex or handicap by its subrecipients. (A "subrecipient", in this context, is a local agency or vocational education center that receives financial assistance through a State agency.)*

Subrecipient Universe

The NYSED postsecondary subrecipient universe consists of postsecondary institutions that offer state approved CTE programs and are subrecipients of the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) funding.

Currently the NYSED postsecondary universe consists of 49 postsecondary institutions (some organized as consortia) for a total of 45 subrecipients (see Attachment 3). A ranking procedure will be applied on 50% of the subrecipients every year, and the top two ranked schools would be reviewed the following year. The postsecondary universe will be reviewed annually and updated as needed. NYSED MOA coordinator will check annually with Office of Civil Rights at USODE and exclude from the ranking for that year any subrecipient that has open OCR reviews/monitoring related to MOA issues area.

NYSED defines CTE according to the definition cited in the Strengthening Career and Technical Education for the 21st Century Act.

Analysis

The NYSED postsecondary MOA Coordinator will conduct a yearly detailed analysis using a combination of quantitative and qualitative civil rights related data and information to develop a ranked list from which subrecipients will be selected for on-site reviews. This data will be retrieved from NYSED databases, from IPEDS (https://nces.ed.gov/ipeds/) , NYSED Perkins V collection of data and, as need be, from OCR's Civil Rights Data Collection (CRDC) https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/crdc.html.

The NYSED postsecondary MOA Coordinator will track rates and disparities in enrollment by comparing total institutional enrollment to CTE program enrollment disaggregated by demographics, sex, and disabilities. Disparities in faculty employment and average salaries by sex will also be considered.

Additionally, NYSED will consider length of time since the last civil rights compliance review, new CTE programs added, Perkins V Core Indicator 3P1 data, and any reported complaints received by NYSED postsecondary MOA Coordinator.

Administrative Process

The postsecondary MOA program administrative process will include the selection of a subrecipient to review, as described in the Analysis section above and in more detail in the Selection Plan below.

The following steps describe the Administrative Process:

1. A Notification Letter will be sent electronically and by mail to the subrecipient (College President and Perkins Grant coordinator) at least 90 days prior to an on-site review.
2. Process documents will be provided to subrecipients at the same time. Recipients will be required to compile, at minimum, specific documented items and to submit them electronically to the MOA Coordinator.
3. Subrecipients will be subject to a pre-review visit on site or by virtual meeting if travel is not feasible - at least 60 days prior to an on-site review.
4. Civil rights compliance documents and artifacts must be received from subrecipients at least 45 days prior to on-site review.
5. The MOA Coordinator performs desk audits and analysis of subrecipients documents, artifacts and website.
6. On-site accessibility/facility reviews conducted if travel is feasible.
7. On-site and/or virtual interviews.

8. A draft Letter of Findings (LOF) issued electronically within 45 days of the on-site review (exception for large subrecipients – more than 3,000 CTE students and/or two or more sites with more than 20 buildings, when the draft LOF will be issued within 75 days of the on-site review).
9. Draft LOF feedback from Subrecipient within 10 business days (exception for large subrecipients – more than 3,000 CTE students and/or two or more sites with more than 20 buildings, when the LOF feedback is expected within 15 business days. The IHE will have an opportunity to discuss the draft findings with the MOA Coordinator via videoconference.
10. A Final Letter of Findings (LOF) issued electronically within 60 days of the on-site review (exception for large subrecipients – more than 3,000 CTE students and/or two or more sites with more than 20 buildings in total, when the Final LOF will be issued within 90 days of the on-site review
11. Signed Compliance Plan (CP) within 60 days of Final LOF – electronically (exception for large subrecipients – more than 3,000 CTE students and/or two or more sites with more than 20 buildings in total, when the CP is expected within 75 days of the Final LOF.
12. If, after 90 days of the Final LOF, a subrecipient fails to submit a compliance plan to take corrective action to remedy violations identified in the Letter of Findings, the MOA coordinator will provide subrecipient a final written notice which will include a copy of the assurances that was signed as a part of their application for Perkins funds and will follow the steps presented at Pages 12-13 of this document to assist the subrecipient reach compliance.
13. Approved Compliance Plan by NYSED within 30 days of the receipt of the Compliance Plan
14. Monitoring (subrecipient submits periodic updates to the Compliance Plan at time intervals determined by the MOA Coordinator (3-6 months) with proofs of the corrective actions undertaken as documents, photos and/or videos.
15. Letter from the subrecipient (College President or designee) certifying the completion of the Compliance Plan.
16. Closure of CP within 24 months from the onsite review (extension requests may be approved for just cause).
17. A closing on-site visit may be scheduled as determined by the MOA Coordinator.
18. NYSED letter with notification of CP completion within 30 days of last update.

Investigative Techniques

The NYS MOA Compliance Reviews will include various investigative techniques such as data requests, data analysis, desk review of subrecipient documentation, artifacts and website, a set

of standard interview questions for visitations, interviews with staff and students, virtual interviews, and on-site facilities accessibility reviews.

Selection Plan

The MOA Coordinator will select postsecondary institutions offering career and technical education programs and receiving federal financial assistance from the U.S. Department of Education for on-site reviews to determine compliance under federal civil rights statues, regulations, and guidelines, using the criteria and procedures below for the first two years starting in 2021. The criteria and procedures will be reviewed every two years, and updated as need be, based on data and evidence.

Selection Criteria

The following will be reviewed (using the most recent available data):

a. Minority Enrollment Data.
Data that compares the percentage of minority students* in CTE to the percentage of minority students enrolled at the institution will be reviewed. Minority data will be aggregated rather than disaggregated by specific races or ethnicities. A difference of 3% or more will result in 3 points being assigned to the institution; a difference of 5% or more will result in 5 points being assigned, a difference 10% or more will result in 8 points being assigned and for a difference of 15% or more 10 points will be assigned.

b. Enrollment by sex.
Data that compares the enrollment of students in CTE by sex versus the enrollment of students at the institution by sex will be reviewed. A difference of 3% or more will result in 3 points being assigned to the institution; a difference of 5% or more will result in 5 points being assigned, a difference 10% or more will result in 8 points being assigned and for a difference of 15% or more 10 points will be assigned.

c. Enrollment of Students with Disabilities.
Data that compares the enrollment of students with disabilities in CTE versus the enrollment of students with disabilities at the institution will be reviewed. A difference of 3% or more will result in 3 points being assigned to the institution; a difference of 5% or more will result in 5 points being assigned, a difference 10% or more will result in 8 points being assigned and for a difference of 15% or more 10

points will be assigned. If the difference between the percentage of CTE students with disabilities versus the percentage of all students with disabilities at the institution is 3% or less but the percentage of CTE students with disabilities is 10% or more of the total CTE population at the institution, 10 points will be assigned.

d. Faculty body composition by sex.

This data will be examined to determine whether one sex might be underrepresented in comparison with the other. Institutions with faculty of one sex underrepresented by more than 10% will be assigned 3 points. Institutions with faculty of one sex underrepresented by more than 20% will be assigned 5 points. Institutions with faculty of one sex underrepresented by more than 30% will be assigned 8 points.

e. Faculty salaries.

Average salaries will be compared by sex. Institutions with a differential of more than 5% between the sexes will be assigned 3 points; those with differentials of more than 10% will be assigned 5 points; those with differentials of more than 20% will be assigned 8 points.

f. Perkins V Core Indicator 3P1: Nontraditional Program Enrollment.

The Actual Level of Performance for Nontraditional Program Enrollment at the recipient when compared to the Adjusted Level of Performance. A difference of 2% or more to the Adjusted Level of Performance will result in 3 points being assigned to the institution; a difference of 5% or more will result in 5 points being assigned to the institution; a difference of 8% or more will result in 10 points being assigned, a difference of 10% or more will result in 15 points being assigned and those institutions with a difference of 12.5% or more will be assigned 20 points.

g. CTE programs recently added to the curriculum.

One point will be assigned for each new program at the institution approved by NYSED in the previous reporting year.

h. Last On-site Review Date.

Points based on the number of years since each subrecipient has been subject to an on-site CRCR will be assigned as follows:

- subrecipient has never been reviewed: **25** points
- subrecipient has been reviewed in or before 1996: **20** points
- subrecipient has been reviewed between 1996 and 2000: **10** points
- subrecipient has been reviewed between 2001 and 2005: **5** points
- subrecipient has been reviewed between 2006 and 2010: **3** points
- subrecipient has been reviewed between 2010 and 2013: **1** point
- subrecipient has been reviewed after 2013: **0** points.

Penalties of 8 points per criterion will be assigned for incomplete student data. Colleges that have been reviewed in the past 7 years will not be reviewed unless they meet all three of the following:

a. Enrollment data not submitted for the past two years
b. Repeated and substantiated public complaints against the subrecipient - from three or more different individuals/entities
c. Newly finalized construction or alteration project of a whole building

Any college with an open Compliance Plan will not be reviewed and technical assistance will be provided.

*Student enrollees are defined as students in credit-bearing degree or certificate programs.

Ranking

The scores accumulated by each institution will be totaled. Those two institutions with the most points ("highest score") will be selected for review each year. In the case of a tie or very closely ranked institutions (a range of up to two points), those subrecipients will be subjected to a secondary ranking procedure based on the size of the CTE student population and points will be awarded as follows:

- 7 points for CTE student population of more than 3,000
- 5 points for CTE student population of more than 2,000
- 3 points for CTE student population of more than 1,300
- 1 point for CTE student population of more than 800

Those two institutions with the most points ("highest score") after the second ranking will be then selected for review.

In addition, the New York State Education Department reserves the right to select a postsecondary institution for review at any time if circumstances warrant (data not submitted, repeated and substantiated public complaints against the subrecipient - from three or more different individuals/entities-, and newly finalized construction/ renovation projects).

If a selected subrecipient requests NYSED to delay the scheduled review, the MOA Coordinator and NYSED's management will review the request and decide whether to honor it. It is expected that such a request would only be made under extremely limited circumstances such as a recent change at the Presidential level at the institution or massive construction/renovation projects in progress.

However, in such a case, the subrecipient with the next highest score will be selected for review and the previously selected subrecipient may be reviewed during the following year, in lieu of one of the following year top scorers, at NYSED's discretion.

Situations such as adverse weather conditions or illness of the MOA Coordinator/ NYSED team members or significant institutional staff or NYSED travel restrictions due to pandemic conditions may result in a re-scheduling of the on-site review at a mutually agreed upon time or, in very rare circumstances such as a lockdown, cancelling it altogether.

Letter of Findings and Compliance Plans

Written findings will be issued electronically to the subrecipient in a formal Letter of Findings (LOF) to inform the subrecipient of the issue areas reviewed, the relevant legal standards, any findings of noncompliance, and where corrective actions are needed. The LOF will be issued as specified in the Administrative Process section. A sample Compliance Plan will be included with the LOF. The Compliance Plans is a voluntary agreement to take certain steps to correct the findings of noncompliance in the LOF. After subrecipients are notified of findings, the Compliance Plan will be used to provide updates on the corrective actions progress.

The Compliance Plan will include the following sections to be completed by the subrecipient: 1.) Provide specific corrective action to be completed for each finding; 2.) Identify the individual(s) responsible to address the issue; 3.) Project a targeted completion date for each item listed (month and year); 4) Provide a statement of how each remedy will be reported and verified to NYSED MOA Coordinator; and 5.) Obtain authorized signature to bind the institution.

Corrective actions

If corrective actions have not occurred as planned, a request for an extension will be sent to the MOA Coordinator, technical assistance will be provided on those items not yet completed, and implementation dates may be renegotiated.

After renegotiated dates of implementation have passed, the IHE will verify completion through submission of documentation, photos, videos or an on-site visit, as appropriate.

If corrective action has not yet occurred by that point, a determination will be made as to whether incomplete corrective actions should be referred to the U.S. Department of Education OCR for assistance with compliance and enforcement activities.

SECTION 3: POSTSECONDARY TECHNICAL ASSISTANCE

The NYSED postsecondary MOA Coordinator will be responsible for the administration of the process. A MOA review team made up of MOA and Perkins staff will be part of the review process. OPASS Leadership and the MOA team will meet to address findings, brainstorm strategies, and share best practices of compliant IHEs, providing ongoing technical assistance in each area of non-compliance.

The MOA Coordinator will provide technical assistance to subrecipients upon request via emails, phone calls, in-person meetings, and video conferencing. Notification of the availability of technical assistance will be provided during monitoring visits and Perkins V meetings.

The MOA Coordinator will conduct outreach and offer technical assistance to help subrecipients prevent, identify, and remedy unlawful discrimination; such as webinars, brochures, Q&A documents, reference links to OCR materials, and sample documents as well as by maintaining a listserv for the Civil Rights Compliance officers of subrecipients.

SECTION 4: POSTSECONDARY REPORTING TO THE USDOE

NYSED will submit a civil rights compliance report to OCR and OCTAE as a narrative attachment in the State's Consolidated Annual Report for Perkins V biennially. The report will include information from MOA program activities including LOFs and Compliance Plans from the subrecipients as well as the technical assistance provided to subrecipients.

ATTACHMENTS

ATTACHMENT 1: SECONDARY CTE PROGRAM APPROVAL PROCESS

The process used for approving secondary CTE programs in New York was launched in 2001 as a way for students to complete programs of study while satisfying new graduation requirements that decreased the amount of time available to concentrate in a CTE content area. The process identified components of quality CTE programs for periodic review to monitor student outcomes and program alignment with industry standards. The main components are:

- *Opportunity to apply academic concepts to real-world situations:* The program approval policy increased the availability of integrated academics in CTE programs, which solved the problem of inadequate time in student schedules to accommodate the half-day programs offered at technical centers. Schools and BOCES that have NYSED-approved CTE programs can offer students up to eight units of integrated academic credit through the approved program. According to Commissioner's Regulation 100.5, an integrated CTE course combines CTE and academic commencement level learning standards and may be jointly developed and taught by an academic subject teacher and/or a CTE teacher. Successful completion of one unit of study in an integrated CTE course may be awarded only one unit of credit but may be used to meet the distribution requirements in more than one subject. For details on this option, please see Commissioner's Regulations 100.5(d) (6) Diploma Requirements and Expansion of Integrated Credits in Approved CTE Programs.
- *Preparation for industry-based assessments or certifications:* Technical assessments offered by approved programs have a written component and a performance component where students demonstrate physical skills and/or produce a culminating project. All approved CTE programs must include a technical assessment that is nationally recognized and based on industry standards.
- *Work-based learning:* These experiences provide opportunities for students to practice employability and technical skills in a real-world setting.
- *Postsecondary articulation agreements:* The opportunity to earn college credit or advanced standing while still in high school is built into an approved program through the requirement for an articulation agreement with a postsecondary entity offering certification, apprenticeship, or college degree programs in technical content areas.

Programs applying for approval must convene a planning group represented by a number of stakeholders that must include, but not necessarily be limited to, representatives of each of the following:

1. persons familiar with the CTE needs and problems of management and labor in the service area;
2. persons familiar with programs of CTE at the secondary, postsecondary and adult levels;
3. persons familiar with the workforce needs and requirements of the community to be served;
4. persons familiar with the special educational needs of individuals with disabilities;
5. persons representative of community interests, including persons familiar with the special needs of the population to be served; and
6. persons enrolled as CTE students at the agency.

This group determines which programs will be developed for the district or BOCES. Once the program is developed, the district or BOCES will forward the program to a self-study team for review.

The self-study review, required for all approvals and re-approvals, is done by a team comprised of district and building administrators, guidance personnel, career and technical education teachers from the proposed content area, teachers of academic subject areas for which credit is being offered, representatives/advocates for students with disabilities, and postsecondary representatives who participate in the review of the CTE program of study including content, course sequence, instructional setting, and equipment to ensure that there is alignment with industry standards, expectations, and trends. These partners validate the appropriateness of the program's academic and technical content and employability skills in providing students with the skills and knowledge required for entry into industry and/or post-secondary education.

The self-study review team develops a report of its findings and forwards it to an external review committee for review. The external review is conducted by a team comprised of secondary and postsecondary educators, business/industry representatives, community representatives, representative/advocate for students with disabilities, parents, Workforce Investment Board members, board of education representatives, school and program administrators, and counselors. This team reviews the self-study report, identifies deficiencies and needs of the program, and recommends improvements to the self-study team prior to submission to the superintendent of schools or the district superintendent for board of education action. The external committee may also recommend that the program is without

deficiencies and should be directly forwarded to the superintendent of schools or the district superintendent for board of education action.

Once the self-study and external reviews are complete, applicants must process all modifications necessary as the result of the external review; obtain the chief administrator's and Board of Education president's certification on the application; complete the application for program approval; and submit it to the NYSED.

After five years, an application for re-approval must be submitted. The program re-approval process is the same as first-time approvals, except returning programs must report data about program performance for the previous five-year period.

The current NYSED CTE application review is performed by NYSED content specialist associates to ensure program elements include:

1. An appropriately certified CTE teacher;
2. A self-study, with justification of the program in terms of local and statewide workforce development data;
3. Instruction on career development and employability skills[6] ;
4. A meaningful, non-duplicative sequence of courses that increases in specificity from all aspects of an industry to more in-depth studies;
5. Access to work-based learning opportunities for all students;
6. Data reporting procedures and the CIP code alignment with program content;
7. An employability profile for 21st Century skills and technical skills in the appropriate content area;
8. A technical assessment that is designed to assess all areas of the program. In New York, all assessments must include a written component, a performance component, and a locally developed portfolio of projects and experiences completed within the program;
9. A postsecondary articulation agreement;
10. An external review of the program by outside persons; and
11. Signatures indicating support of the program from district administration.

[6] In New York, this is done through a required half-unit (at a minimum) course called Career and Financial Management. Local education agencies may elect to embed this content throughout their course content, or they may present the course content under a locally developed course name.

ATTACHMENT 2: NEW YORK STATE POSTSECONDARY MOA PLAN SCOPE

Administrative Criteria
Recipient has: • taken continuing steps to notify students, applicants, parents, employees, and unions or professional organizations that its policies do not discriminate based on race, color, national origin, sex or disability. • provided an annual public notice of nondiscrimination prior to the beginning of each school year that advises students, parents, employees, and the general public that all CTE program opportunities will be offered to all students regardless of race, color, national origin, sex or disability or age. • designated at least one qualified employee to coordinate efforts to comply with Section 504, Title II, Title VI, and Title IX. The recipient must notify students, staff, and the public of the name and/or title, address , email and phone number of designated employee(s). • adopted and published grievance procedure for prompt and equitable resolution of complaints alleging discrimination based on sex, race, color, national origin, or disability.
Equity Requirement/ Legal Cites
Title IX: 34 CFR § 106.8; 34 CFR § 106.8(b); 34 CFR § 106.9 Section 504: 34 CFR § 104.7(a); 34 CFR § 104.7(b); 34 CFR § 104.8 Title II: 28 CFR § 35.107(a); Guidelines IV-O; 28 CFR § 35.107(b)
Requested Evidence
• A copy of the recipient's continuous nondiscrimination notice. • Copies of a variety of the recipient's publications that notify applicants, students, employees, and parents that it does not discriminate on the basis of race, color, national origin, sex, or disability. Can include the following: o Brochures on programs, activities or job announcements and posters advertising various programs o Student and staff applications o Job applications o Recruitment/marketing materials o Catalogue/ website o College newspaper • Copies of the annual public notice of nondiscrimination as published in local newspapers, recipient's newsletters, radio/TV, etc. • Description of plans for providing annual public notice to visually impaired and national origin minority persons. • Document(s) which designate the Title IX and Section 504 Coordinator(s) that includes name (or position), business address, and phone number. • Copies of the recipient's publications that notify applicants, students, employees, and parents of the names or titles, addresses, and phone numbers of the Title IX and Section 504 Coordinator(s) in the notice of nondiscrimination. • The job description for the Title IX and Section 504 Coordinator(s) which outlines the duties and responsibilities of the position(s). Description of the training the Title IX and Section 504 Coordinator(s) have received. • A copy of the recipient's grievance procedure for persons who feel like they have been discriminated against based on sex or disability. • Copies of publications/list of locations where the recipient's grievance procedure can be accessed by students, employees, parents, and patrons.

Recruitment Criteria
Recipient has established and implemented a process to ensure that: • recruitment activities do not exclude or limit opportunities based on sex, race, color, national origin, or disability. • recruitment materials do not contain biased or stereotypical contents. • recruitment teams represent diverse populations. • counselors can communicate with limited English proficiency populations and persons with sensory impairments. • recruitment materials are available to communities of minority-language speakers in their native languages.
Equity Requirement/ Legal Cites
Title IX: 34 CFR § 106.21 (a)(b); 34 CFR § 106.23 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a) Section 504:34 CFR § 104.4 (a); 34 CFR § 104.34 Guidelines V-C
Requested Evidence
• Copy of CTE recruitment plans. • Description of CTE recruitment activities. • Copies of CTE recruitment materials, including brochures, flyers, newspaper ads, course catalogs, etc. • Copy of CTE course catalog / course descriptions. • Written plan for recruiting individuals with English as a second language. • Written plan for recruiting individuals with hearing impairments. • Samples of recruiting materials in alternative languages/formats (as applicable).

Admissions Criteria
Recipient has established and implemented a process to ensure that: • the student admission eligibility criteria does not discriminate on the basis of race, color, national origin, sex, disability, or English proficiency. • candidates for admission to CTE programs of study are not assessed based on race, color, national origin, sex, or disability. • there are no preadmission inquiries about marital, parental, pregnancy, or disability status. • access is not denied to any CTE program of study to students with disabilities. • policies and procedures are in place for identifying and serving limited English proficient students and students with disabilities.
Equity Requirement/ Legal Cites
Title VI:34 CFR § 100.3

Title IX:34 CFR § 106.21(b); 34 CFR § 106.21(c) Section 504:3 4 CFR § 104.42(b)(1); 34 CFR § 104.42 (b)(4) Guidelines IV-F Guidelines V-E TITLE II: 28 CFR 35
Requested Evidence
• Student Enrollment data • Admissions policy for CTE and description of admissions process. • Procedures and criteria for selective admissions to CTE programs where there are more applicants than can be accommodated. • Demographics of rejected candidates by selection criteria. • Procedure for Limited English Proficiency/English Learner identification and placement.

Counseling Criteria
Recipient has established and implemented a process to ensure that: • counseling materials do not discriminate against individuals based on race, color, national origin, sex, or disability. • counselors do not direct students into programs nor measure their prospects for success based on race, color, national origin, sex, or disability. • counselors do not direct students with disabilities toward more restrictive career objectives. • disproportionate enrollments do not result from unlawful discrimination. • counselors can effectively communicate with students with limited English proficiency and with students with hearing impairments.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Evidence
• Copy of the recipient's written guidance plan. • Copy of the recipient's assessment plan. • Calendar of counseling and pre-CTE activities. • Copy of enrollment forms. • Description of the process to identify and address disproportionate enrollment in CTE programs.

Site Location and Student Eligibility Criteria
Recipient has established and implemented a process to ensure that: • CTE facilities, renovations, and building sites are accessible and do not result in disproportionately excluding students of certain race, color, national origin, sex, or disability. • Geographic boundaries do not unlawfully exclude students on the basis of race, color, national origin, sex, or disability.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Evidence
• Copy of policies for student admission criteria. • Copy of student enrollment demographics by program. • Population demographics of recipient's attendance area or local community.

Services for Students with Disabilities Criteria
Recipient has established and implemented a process to ensure that: • related aids or adaptations are available as necessary. • educational settings accommodate the needs of all learners. • students with disabilities are placed according to the provisions of Section 504. • tests of academic accomplishments measure abilities and achievements.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Evidence
• Description of how the recipient provides access to all programs, courses, services, and activities offered to students with disabilities. • Description of how equipment and/or facilities have been adapted to accommodate students with disabilities. • Policy(ices) for providing aids and services to students. • Provide aids and services available to students with disabilities. • Provide a copy of policies governing use of service animals, tape recorders, note takers, etc. • Provide a copy of recipient's Free and Public Education (FAPE) policy and procedures. • Description of how staff familiar with CTE programs participate in FAPE and/or Section 504 placement decisions for students with disabilities. • Policies for testing modification for students with disabilities. • Provide a list of testing modifications that have been used by the recipient for persons with disabilities.

Accessibility of Facilities Criteria
Recipient has established and implemented a process to ensure that: • each facility or part of a facility, constructed under standards for construction initiated on or after January 27, 1992 (ADA or UFAS) by, on behalf of, or for the use of a recipient, is readily accessible and usable by persons with disabilities. • each facility or part of a facility constructed under standards for construction initiated or altered on or after January 18, 1991 (UFAS) by, on behalf of, or for the use of a recipient, is readily accessible and usable by persons with disabilities. • existing facilities whose construction or alteration initiated before June 4, 1977 (ANSI) when viewed in entirety, are readily accessible to disabled persons, programs or activities, or when each part is viewed in its entirety, are readily accessible to disabled persons. • each facility or part of a facility, constructed under standards for construction initiated or altered between June 4, 1977 and January 18, 1991 (ANSI) by, on behalf of, or for the use of a recipient, is readily accessible and usable by persons with disabilities.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Evidence

• Copy of the Americans with Disability Act (ADA) accessibility self-study.
• Facility Checklists - one for each building and adjacent parking lot (s)
• Floor plans/maps noting the following:
  • The locations of accessible entrances and accessible restrooms
  • The month and year of the building construction/ alteration
  • Accessibility standards used (e.g. ANSI, UFAS, ADA 1991 or ADA 2010) for each building or portion thereof (floor, wing) if different standards were used for different portions of these.
• Copy of any ADA transition plan.
• Listing or description of facility modifications with dates made to assure accessibility compliance.
• Copy of a notice of facility accessibility for activities/patron request for special requirements.

Financial Assistance Criteria
Recipient has established and implemented a process to ensure that: • financial assistance in the form of loans, grants, scholarships, special funds, subsidies, compensation for work or prizes to CTE students is not provided on the basis of race, color, national origin, sex or disability, except to overcome the effects of past discrimination. • sex restricted financial assistance is administered only where the assistance and restriction are established by will, trust, bequest, or any other restricted legal instrument and the overall effect of all financial assistance awarded does not discriminate on the basis of sex. • materials and information used to notify students of opportunities for financial assistance do not contain language or examples that would lead applicants to believe the assistance is provided on a discriminatory basis. If the recipient's service area contains a community of national origin minority persons with limited English language skills, such information must be disseminated to that community in their language.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Documentation
• Copy of policies or description of process for making all students aware of financial assistance opportunities.

Work-Based Learning Criteria
Recipient has established and implemented a process to ensure that: • opportunities in work-based learning programs are made available to all students, regardless of race, color, national origin, sex, or disability. • prospective employers do not discriminate based on race, color, national origin, sex, or disability. • agreements for any work-based learning/training opportunities with any entity does not discriminate based on race, color, national origin, sex, disability. • written agreements include assurances of non-discrimination.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Evidence
• Copy of apprenticeship, workplace, job-shadowing, internships/externships and/or cooperative education agreements

Comparable Facilities Criteria
Recipient has established and implemented a process to ensure that: • separate programs or facilities for students with disabilities are comparable to those of students without disabilities. • changing rooms, showers, and other facilities and equipment for students of one sex or students with disabilities are comparable to those of the other sex and to students without disabilities.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Evidence
• Listing of separate programs, services, and/or facilities for students with disabilities. • Listing of separate programs, services, and/or facilities for male and female students. • Listing of separate programs, services, and/or facilities for English Learner students. • Description of action taken to ensure no disparities exist in programs, services, and/or facilities for students with disabilities, male/female students, or English Learner students.

Housing in Postsecondary Institutions
• Community College has ensured that housing opportunities have been extended without discrimination based on race, color, national origin, sex, or disability. • Community College provides at the same cost and under the same conditions, comparable, convenient and accessible housing to students with disabilities as on-campus or off-campus housing provided to student population.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Evidence
• Copy of policies or description of process for making all students aware of housing opportunities. • Copy of housing application.

Employment of Faculty & Staff Criteria
Recipient has established and implemented a process to ensure that: • employment practices do not result in segregation, exclusion, or other discrimination against faculty and/or staff. • there are no pre-employment inquiries concerning disability, martial, or parental status. • all staff are notified of non-discrimination policies. • salary schedules reflect conditions and responsibilities of employment. • all positions are open to qualified candidates with reasonable accommodations provided. • demographics of the recipient's employees reflect the demographics of the community.
Equity Requirement/ Legal Cites
Title IX:34 CFR § 106.21 (a)(b); 34 CFR § 106.34; 34 CFR §106.36 (a); Section 504:34 CFR § 104.4 (a; CFR § 104.34; 34 CFR § 104.47(b) Guidelines V-B, V-D
Requested Evidence
• Copy of employee handbooks. • Example job announcement. • Employee recruitment policies. • Copy of employment applications. • Salary schedule. • Promotion or tenure policy. • Staffing Profile data

ATTACHMENT 3: POSTSECONDARY SUBRECIPIENT UNIVERSE

#	Institution	Target Schedule*	Date of Last On-Site CRCR
1	Adirondack Community College	2022	09-12-92
2	Borough of Manhattan Community College	2022	26-02-85
3	Bronx Community College	2022	15-03-05
4	Bronx EOC	2022	11-04-07
5	Broome Community College	2023	08-04-97
6	Capital District EOC	2023	25-02-15
7	Cayuga County Community College	2023	16-11-94
8	College of Staten Island	2022	23-10-90
9	Corning Community College	2023	30-03-10
10	Dutchess Community College	2023	05-03-96
11	Erie Community College	2023	08-07-15
12	Fashion Institute of Technology	2023	18-03-97
13	Finger Lakes Community College	2023	30-04-15
14	Fulton-Montgomery Community College	2022	15-02-20
15	Genesee Community College	2022	17-09-81
16	Herkimer County Community College	2023	10-02-04
17	Hostos Community College	2022	28-03-14
18	Hudson Valley Community College	2022	24-02-88
19	Jamestown Community College	2023	09-09-19
20	Jefferson Community College	2022	14-10-81
21	Kingsborough Community College	2022	05-03-02
22	LaGuardia Community College	2023	19-03-03
23	Long Island EOC	2023	16-03-94
24	Manhattan EOC	2022	25-03-18
25	Medgar Evers College	2022	13-03-91
26	Mohawk Valley Community College	2022	25-03-16
27	Monroe Community College	2023	11-04-19
28	Nassau Community College	2022	06-06-11
29	New York City College of Technology	2023	18-04-01
30	Niagara County Community College	2022	26-02-91
31	North Country Community College	2022	09-03-93
32	Onondaga Community College	2022	05-02-16
33	Orange County Community College	2022	28-01-18
34	Queensborough Community College	2023	24-03-92
35	Rochester EOC	2022	02-02-95
36	Rockland Community College	2023	24-02-04

#	Institution	Target Schedule*	Date of Last On-Site CRCR
37	Schenectady County Community College	2023	06-02-08
38	Suffolk County Community College	2023	08-07-16
39	Sullivan County Community College	2023	28-03-06
40	SUNY ATC at Cobleskill	2022	20-03-02
41	SUNY ATC at Morrisville	2023	28-03-00
42	SUNY College of Technology at Alfred	2022	31-10-20
43	SUNY College of Technology at Canton	2023	29-11-83
44	SUNY College of Technology at Delhi	2023	03-03-99
45	SUNY College of Technology at Farmingdale	2022	07-03-07
46	Syracuse EOC	2022	28-04-09
47	Tompkins-Cortland Community College	2023	0 *
48	Ulster County Community College	2023	04-11-82
49	Westchester Community College	2023	10-03-08

Institutions are targeted as follows:

"2022" refers to "2021-2022"

"2023" refers to "2022-2023"

* "0" = NO VISIT