

**Civil Rights  
Procedural Requirements  
with  
Self-Evaluation Instrument**

**Title VI of Civil Rights Act of 1964  
Title IX of Education Amendments of 1972  
Section 504 of Rehabilitation Act of 1973  
Americans with Disabilities Act of 1990**

**August 2010**

*Oklahoma Department of Career and Technology Education  
1500 West Seventh Avenue  
Stillwater, OK 74074-4364*

**U.S. DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS**

**The mission of the Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.**

The Office for Civil Rights (OCR) enforces several federal civil rights laws that prohibit discrimination in programs that receive federal financial assistance from the U.S. Department of Education.

Title VI of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

Section 504 of the Rehabilitation Act of 1973

Age Discrimination Act of 1975

The Americans with Disabilities Act of 1990 (ADA)\*

- \* Title II of the ADA prohibits discrimination on the basis of disability by public entities whether or not they receive federal financial assistance.

Regional Office  
U.S. Department of Education  
Office for Civil Rights  
8930 Ward Parkway, Suite 2637  
Kansas City, MO 64114  
(816) 268-0550; FAX (816) 823-1404  
TDD (800) 437-0833  
E-mail: [OCR\\_KansasCity@ed.gov](mailto:OCR_KansasCity@ed.gov)

OCR has designated the Oklahoma Department of Career and Technology Education to conduct comprehensive civil rights reviews of school districts, technology centers, skills centers operating at correctional facilities, and collegiate institutions that provide vocational education.

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The Oklahoma Department of Career and Technology Education does not discriminate on the basis of race, color, national origin, sex, disability or age in employment, or in the conduct of its operations, or programs. For questions concerning this policy please contact:

Compliance Coordinator  
Human Resources Division  
Oklahoma Department of Career and Technology Education  
1500 W. 7<sup>th</sup> Ave.  
Stillwater, OK 74074-4364  
(405) 377-2000

## **TECHNICAL ASSISTANCE RESOURCES**

### **Oklahoma Department of Career and Technology Education**

1500 West Seventh Avenue  
Stillwater, Oklahoma 74074-4364  
(405) 377-2000

#### **Civil Rights Coordinator**

Randy Feagan  
(405) 743-5575

#### **Regional Administrators**

Rick Griffin  
(580) 759-2537

Bill Russell  
(405) 714-1350

Dennis Casey  
(405) 564-4486

Marc Montrose  
(405) 641-4817

#### **Technology Center Services Coordinators**

Joe Robinson  
(405) 743-5198

Donna Metcalf  
(405) 743-5442

Jaared Scott  
(405) 743-5569

Gina Hubbard  
(405) 743-5167

#### **Skills Centers Programs and Services**

Jim Meek  
(405) 743-5546

**TECHNICAL ASSISTANCE RESOURCES (cont.)**

**Oklahoma State Department of Education**

2500 North Lincoln Boulevard  
Oklahoma City, Oklahoma 73105-4599

Misty Kimbrough  
Assistant State Superintendent  
Special Education Services  
(405) 521-4873

Cathleen Guthery, Director  
Architectural Services  
(405) 521-3812

**Oklahoma State Regents for Higher Education**

655 Research Parkway, Suite 200  
P.O. Box 108850  
Oklahoma City, OK 73101  
(405) 225-9100 – FAX (405) 225-9230  
E-mail: [forum@osrhe.edu](mailto:forum@osrhe.edu)

## SELF-EVALUATION

Title IX, Section 504, and ADA each required self-evaluations be conducted after their respective effective dates. The self evaluations were conducted to identify any policies or practices that discriminate against persons because of their sex/gender or disability. All comprehensive school districts, technology center districts, and collegiate institutions should have already conducted self evaluations pursuant to enactment of the regulations implementing Title IX, Section 504, and ADA.

School districts and collegiate institutions are not compelled to conduct self evaluations beyond those identified in the implementing regulations. However periodic examination of the policies, procedures, and practices designed to ensure that access to education is provided without discrimination can be helpful. This self evaluation instrument will help guide you through the various issues that have been specifically identified in applicable civil rights laws. Items in this self evaluation are taken from the implementing regulations for the above civil rights laws (28 CFR Part 35, 34 CFR Part 100, 34 CFR Part 104, 34 CFR Part 106, 34 CFR Part 110) and *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education* 34 CFR Part 100 Appendix B.

THE FOLLOWING SELF-EVALUATION INSTRUMENT PROVIDES A CURRENT REVIEW OF ISSUES AT YOUR INSTITUTION FOR TITLE VI, TITLE IX, SECTION 504, AND ADA.

# SELF EVALUATION INSTRUMENT

## A. PROCEDURAL REQUIREMENTS

### 1. Assurances

Has your institution filed the appropriate assurance forms* with the Office for Civil Rights of the Department of Education that its programs and activities are operated in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973? *Title VI, Form #441 - Title IX, Form #639 - Section 504, Form #641	Yes No NA
Additional information and form on pages 8 and 9	

### 2. Annual Notice of Nondiscrimination

Prior to the beginning of each school year, does your school system, technology center, or collegiate institution notify students, parents, employees, and the general public that all programs, activities, and services are offered without discrimination on the basis of race, color, national origin, sex/gender, or disability?	Yes No NA
a. Does the notice include a summary of CTE (vocational) programs offered?	Yes No NA
b. Does the notice include contact information for the person designated to handle inquires and compliance activities for Title IX? Section 504? ADA?	Yes No NA
c. If the recipient's service area contains a community of national origin minority person with limited English language skills, is the notice disseminated to that community in its language and state that the recipient will take steps to assure that lack of English language skills will not be a barrier to admission and participation in vocational education programs?	Yes No NA
Additional information on pages 10 and 11	

### 3. Continuous Notification

Does your school system, technology center, or collegiate institution continuously notify the public of its nondiscrimination policy?	Yes No NA
a. Does the notice include contact information?	Yes No NA
b. Is the notice included on publications distributed to the public?	Yes No NA
c. Is the notification conspicuously displayed on the district/institution website (preferably located on the home page)?	Yes No NA
Sample Continuous Notice on page 12	

### 4. Compliance Coordinators

<b>Title IX</b> – Has your school system, technology center, or collegiate institution designated at least one person to coordinate compliance activities and to investigate complaints alleging noncompliance with the provisions of Title IX?	Yes No NA
<b>Title IX</b> – Has your school system, technology center, or collegiate institution notified all its students, and employees of the name or title, office address and telephone number of the person or persons designated	Yes No NA

## SELF EVALUATION INSTRUMENT

### A. PROCEDURAL REQUIREMENTS (cont.)

#### 4. Compliance Coordinators (cont.)

<b>Section 504</b> – If your school system, technology center, or collegiate institution employs 15 or more persons, has at least one person been designated to coordinate compliance with the requirements of Section 504?	Yes No NA
<b>ADA</b> – If your school system, technology center, or collegiate institution employs 50 or more persons has at least one employee been designated to coordinate compliance with the requirements of ADA and investigate complaints?	Yes No NA
<b>Age Discrimination Act</b> – Has your school system, technology center, or collegiate institution designated at least one employee to coordinate compliance with the requirements of the Age Discrimination Act and investigate complaints of noncompliance?	Yes No NA
<b>Title VI</b> – Although not mandated, has your school included Title VI in the duties of the coordinator?	Yes No NA
Does the designated coordinator maintain documentation of his/her compliance activities?	Yes No NA
Has your school system, technology center, or collegiate institution taken steps to ensure that the Title IX, Section 504, ADA and Age Discrimination compliance coordinators receive proper training?	Yes No NA
Additional information on pages 13 and 14	

#### 5. Grievance Procedures

Has your school system, technology center, or collegiate institution adopted a single grievance procedure to satisfy its obligation to adopt grievance procedures under Title IX, Section 504, ADA, and the Age Discrimination Act (this is permitted)? If so, skip the next four questions.	Yes No NA
<b>Title IX</b> – Has your school system, technology center, or collegiate institution adopted and disseminated a grievance procedure for the prompt and equitable resolution of complaints of discrimination by students and employees (where the object of federal financial assistance is specifically for employment or where employment practices affect beneficiaries)?	Yes No NA
<b>Section 504</b> – If your school system, technology center, or collegiate institution employs 15 or more persons, have you adopted and disseminated a due process grievance procedure for the resolution of complaints by students and employees?	Yes No NA
<b>ADA</b> – If your school system, technology center, or collegiate institution employs 50 or more persons, have you adopted and disseminate grievance procedures providing for prompt and equitable resolution of complaints under the Americans with Disabilities Act?	Yes No NA
<b>Age Discrimination Act</b> – Has your school system, technology center, or collegiate institution adopted and disseminated a grievance procedure for the prompt and equitable resolution of complaints alleging and action that would be prohibited under the Ade Discrimination Act?	Yes No NA



## SELF EVALUATION INSTRUMENT

### A. PROCEDURAL REQUIREMENTS (cont.)

<b>Do the grievance procedures include the following:</b>	
A detailed description of the procedures for submitting the grievance	Yes No NA
A two-step review process that allows for appeal	Yes No NA
Reasonable time frames for review and resolution of the grievance	Yes No NA
Records of all complaints submitted, responses given, and steps taken to resolve the issue	Yes No NA
An alternative procedure if the complainant alleges that a compliance coordinator or other school official with responsibilities pursuant to the grievance procedure process is a party to the alleged discrimination.	Yes No NA
Specific instructions with respect to record-keeping for all complaints, oral and written, and for all documentation, minutes, and decisions regarding complaints addressed using the grievance procedure.	Yes No NA
Additional information on pages 15 and 16	

### B. ACCESS TO PROGRAMS, SERVICES, & ACTIVITIES

Are facilities segregated or established for students of one race, color, or national origin, or of any disabling condition?	Yes No NA
Does the site location of the facility result in the denial of access to persons on the basis of race, color, national origin, or disability?	Yes No NA
Have geographic boundaries been established, approved, or maintained that unlawfully exclude students on the basis of race, color, national origin, sex/gender, or disability?	Yes No NA
Has the physical plant been added to, modified, or renovated in a manner that maintains or increases students' segregation on the basis of race, color, national origin, sex/gender, or disability?	Yes No NA
Are pre-admission inquiries made regarding disability, marital, or parenting status?	Yes No NA
Are numerical limits placed on the number of persons admitted based on race, color, national origin, sex/gender, or disability?	Yes No NA
Are numerical limits placed on the number of persons admitted from each sending school?	Yes No NA
Do the criteria for courses and program admission have a disproportionate/adverse effect on persons of a particular race, color, national origin, sex/gender, or disability?	Yes No NA
Are students with limited English language skills excluded from any program offerings?	Yes No NA
Are students denied access to education courses on the grounds that because of their race, color, national origin, sex/gender, or disability, employment opportunities may be more limited for them?	Yes No NA
Do the recruitment materials include a statement of nondiscrimination that includes contact information?	Yes No NA

## SELF EVALUATION INSTRUMENT

### B. ACCESS TO PROGRAMS, SERVICES, & ACTIVITIES (cont.)

Are recruitment materials free of stereotypes, either in text or illustration? Are males, females, minorities and persons with disabilities portrayed in programs and occupations in which they traditionally have not been represented?	Yes No NA
Are recruitment materials available to persons with limited English-speaking skills in their own language?	Yes No NA
<b>Physical Facilities</b>	
<p>Evaluating compliance of physical facilities with accessibility standards requires a thorough knowledge of the applicable accessibility standards and the regulations implementing Section 504 and ADA. The questions below address general concerns of accessibility. <b>Full compliance with accessibility standards may require more a detailed assessment of specific elements of buildings and facilities.</b></p> <p>For help with specific accessibility requirements contact:</p> <p style="text-align: center;">Randy Feagan, Civil Rights Coordinator          Oklahoma Department of Career and Technology Education          (405) 743-5575  <a href="mailto:rfeag@okcareertech.org">rfeag@okcareertech.org</a></p>	
Are school offices, common areas, and classroom areas accessible to visitors and students?	Yes No NA
Is accessible parking level, marked with signage at the front of the space, and located near (generally less than 200 feet) an accessible entrance?	Yes No NA
Is there an accessible route connecting accessible parking to an accessible entrance? It must be hard-surfaced (no gravel, broken or loose pavement), level (ramps 30 feet or less and with slope 5% or less are allowed), and at least 3 feet in width?	Yes No NA
Are disabled students denied access to programs, services, or activities because of architectural barriers such as doorways less than 32 inches in width or lack of an accessible route?	Yes No NA
Are there any architectural or equipment barriers that would deny access to programs, services, or activities to disabled students? Equipment that could be easily modified to be accessible is not a barrier, but it must be modified if a student needing such a modification participates in the program.	Yes No NA
Are all permanent spaces marked with signage that includes raised letters or numbers (and Braille if constructed or altered after January 27, 1992)?	Yes No NA
If the facility was constructed or altered after January 18, 1991 are all entrances accessible? If constructed or altered prior to this date, is at least one entrance accessible?	Yes No NA
If the facility was constructed or altered after January 18, 1991 are all restrooms accessible? If constructed or altered prior to this date, is at least one restroom accessible?	Yes No NA
Do auditoriums or assembly areas have wheel-chair spaces? Are they level?	Yes No NA
Do emergency alarms provide audible and visual warnings?	Yes No NA

## SELF EVALUATION INSTRUMENT

### C. COUNSELING

1. Are counseling materials and activities free from discrimination on the basis of race, color, national origin, sex/gender, or disability?	Yes No NA
2. Are student program selections, career and employment selections, promotion, and recruitment efforts free from discrimination on the basis of race, color, national origin, or disability?	Yes No NA
3. Are counseling practices free from steering students to enroll in programs based on their race, color, national origin, sex/gender, or disability?	Yes No NA
4. Are testing instruments or other materials used for appraising/counseling students free from bias based on a student's race, color, national origin, sex/gender, or disability?	Yes No NA
5. Are counselors effectively communicating with students of limited English-speaking proficiency and with students who are hearing impaired?	Yes No NA
6. Are promotional materials available to communities with limited English-speaking skills in the language of that community?	Yes No NA
7. Are promotional materials available to the visually impaired?	Yes No NA

### D. SETTINGS AND SERVICES

Additional Information – page 28	
1. Is student financial assistance awarded without discrimination on the basis of race, color, national origin, sex/gender, or disability?	Yes No NA
2. Are financial assistance materials free from discriminatory language, stereotypes, or symbols?	Yes No NA
3. Are financial assistance materials available to persons with limited English-speaking skills in their language?	Yes No NA
4. Are financial assistance materials available to applicants with visual impairments?	Yes No NA
Scholarship/Financial Assistance Information – page 28	
5. Are housing opportunities available without discrimination on the basis of race, color, national origin, sex/gender, or disability?	Yes No NA
6. Are auxiliary aids provided to disabled students to enable them to participate equally in all vocational programs?	Yes No NA
7. Are secondary-level disabled students placed in regular education environments to the maximum extent appropriate to the needs of the student?	Yes No NA
8. Are proper evaluation and due process procedures followed before a disabled student is provided special education or related services?	Yes No NA
9. Are facilities for students of one sex/gender comparable to those offered to the other sex/gender?	Yes No NA
TIPS on Communicating with and about People with Disabilities – pages 35-37	
Alarms and evacuation equipment for people with disabilities – page 27	

## SELF EVALUATION INSTRUMENT

### E. WORK STUDY, COOPERATIVE EDUCATION, JOB PLACEMENT, and APPRENTICESHIP

1. Are work-study, cooperative education, job placement, and apprenticeship training opportunities available to all students without regard to race, color, national origin, sex/gender, or disability?	Yes No NA
2. Does your school system, technology center, or higher education institution honor the instructor/employers' requests to enroll/hire persons who are free of disabilities or for students of a particular race, color, national origin, or sex/gender?	Yes No NA
3. Does your school system, technology center, or higher education institution have written assurance from labor unions, businesses, industrial plants, and other employers to whom it refers or assigns students that they do not discriminate on the basis of race, color, national origin, sex/gender, or disability <i>in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and pay?</i>	Yes No NA
<p><b>An institution not only has the responsibility to provide its services in a nondiscriminatory manner, but it also has the responsibility not to foster discrimination by businesses that provide employment or workplace learning sites.</b> To be a partner in that discrimination is illegal. Assignments cannot be made or withheld in such programs simply because of the race, national origin, sex/gender, or disability of the student. It is also illegal to cooperate with an employer that requests students on the basis of race, color, national origin, sex/gender, or disability status. It is recommended that agencies have written agreements whereby the cooperating worksite indicates that they will not discriminate and that they understand the school or college will not work with any business that does. It is necessary to review these written agreements, the assignments of students presently in such programs and the placement process to see whether any such patterns exist.</p>	

### F. EMPLOYMENT OF FACULTY and STAFF

1. Are all persons treated equally with respect to:	
a. Processing applications for employment	Yes No NA
b. Hiring, upgrading, promotion, tenure, demotion, transfer, lay-off, termination, rights of returning from lay-off, and rehiring	Yes No NA
c. Changing rates of pay or any other form of compensation;	Yes No NA
d. Assigning jobs, job classifications, organizational structures, position description, lines of progression, and/or seniority lists;	Yes No NA
e. Approving leaves of absence, sick leave, or any other leave;	Yes No NA
f. Providing fringe benefits;	Yes No NA
g. Selecting personnel to attend training with financial support, including apprenticeship, leaves of absence to pursue training, professional meetings, conferences, and other related activities.	Yes No NA
h. Selecting employer-sponsored activities.	Yes No NA
2. Are reasonable accommodations made to the known physical or mental limitations of an otherwise qualified applicant or employee except where it imposes an undue hardship?	Yes No NA
3. Are pre-employment inquiries made concerning the marital or parenting status or disabling condition of the applicant?	Yes No NA
4. Does your school system, technology center, or higher education institution participate in contractual or other relationships that have the effect of subjecting applicants or employees to discrimination (such as referral agencies)?	Yes No NA

**ASSURANCE OF COMPLIANCE**  
**Title VI, Title IX, Section 504, and ADA**

Assurance forms were required by Title VI, Title IX, and Section 504, to be filed with the Office for Civil Rights, U.S. Department of Education before an application for federal financial assistance could be approved. The recipient signed these forms as a contract with the federal agency to operate in compliance with the civil rights regulations and not discriminate on the basis of race, color, national origin, sex/gender, disability, or age. The assurance form was filed only once; kept on file, and remained in force as long as the recipient continued to accept federal financial assistance. Most school districts and educational institutions have processed these forms.

**Districts that have signed and returned the “ALLOCATIONS AND OPTIONS” document as recipients of federal funding under the Carl C. Perkins Career and Technical Education Act of 2006 have affirmed their commitment to comply with civil rights regulations.**

Since the assurance forms obligated the recipient to comply with the regulations, it is important to mention a related requirement. Recipients are prohibited from subcontracting with another entity that discriminates against protected class members. The recipient also must assure that it does not engage in discriminatory practices indirectly by hiring another to do what it could do directly.

In addition, public entities, under ADA, are prohibited from participating in a contractual or other arrangement or relationship that has the effect of subjecting the covered entity’s own qualified applicant or employee with a disability to discrimination.

A sample assurance form is on the following page. If the school system copy cannot be found, this form may be copied and filed with appropriate signatures in the district civil rights files.

**A copy of the Assurance Form on the next page can be downloaded from:**  
**<http://www2.ed.gov/about/offices/list/ocr/letters/boy-scouts-assurance-form.pdf>**

# SAMPLE ASSURANCE FORM

OMB Approval No. 1870-0503

United States Department of Education, Office for Civil Rights

## ASSURANCE OF COMPLIANCE – CIVIL RIGHTS CERTIFICATE

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, SECTION 504 OF THE REHABILITATION ACT OF 1973, THE AGE DISCRIMINATION ACT OF 1975, AND THE BOY SCOUTS OF AMERICA EQUAL ACCESS ACT OF 2001

The applicant or recipient (hereinafter applicant) provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans and contracts (except contracts of insurance or guaranty), property, discounts, other Federal financial assistance from the United States Department of Education (Department), or funds made available through the Department. This assurance applies to all Federal financial assistance from or funds made available through the Department, including any that an applicant may seek in the future.

The applicant assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*, which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance.
2. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.
3. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.
4. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*, which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.
5. If applicable, the Boy Scouts of America Equal Access Act of 2001, 20 U.S.C. 7905, which requires equal access for the Boy Scouts of America and other designated youth groups to meet at public schools. This law applies to any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department.
6. All regulations, guidelines, and standards lawfully adopted under the above statutes by the Department.

The applicant agrees that compliance with this Assurance constitutes a condition of continued receipt of Federal financial assistance from or funds made available through the Department, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which this assistance or these funds are provided. The applicant further assures that all contractors, subcontractors, subgrantees, or others with whom it arranges to provide services or benefits are not discriminating in violation of the above statutes, regulations, guidelines, and standards. In the event of failure to comply, the applicant understands that this assistance or these funds can be terminated and the applicant denied the right to receive further assistance or funds. The applicant also understands that the Department may, at its discretion, seek a court order requiring compliance with the terms of the Assurance or seek other appropriate judicial relief.

The person or persons whose signature(s) appear(s) below is/are authorized to commit the applicant to the above provisions.

_____	_____
Date	Authorized Official(s)
_____	_____
PLEASE RETURN TO:	Title of Authorized Official(s)
U.S. Department of Education	_____
Office for Civil Rights	Name of Institution or Agency
400 Maryland Avenue, SW	_____
Washington, DC 20202-1100	Street
	_____
	City, State, Zip Code

### Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1870-0503. The time required to complete this information collection is estimated to average 20 minutes per response, including the time to review instructions and complete the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100.

## NOTICE REQUIREMENTS

Title VI, Title IX, Section 504, and ADA each require that notice be provided informing persons that the school system, technology center, or higher education institution does not discriminate.

There are two types of notices:

1. The first is recognized as an **Annual Notification of Nondiscrimination** frequently called the “annual notification”. This notification shall be published once annually and states the district’s policy of nondiscrimination, provides a brief summary of the vocational programs offered, and the name (or title), address, and telephone number of the person(s) who can be contacted for information concerning the nondiscrimination policy and its implementation. This notification shall be made prior to the beginning of each school year.

The school system is obligated to make this information widely available to the public it serves. This may be accomplished by publishing the notification in local newspapers, school publications, school website, or written communication to students (*including student handbooks*), parents, employees, and patrons or any combination thereof provided that coverage is sufficient to reach the general public.

2. The second type of notice is recognized as a **Continuous Notice** and is frequently called the “nondiscrimination statement.” This is a shorter version of the annual notification and is to be included on course announcements, bulletins, catalogs, application forms, enrollment forms, brochures, and recruitment or promotional materials. This does not mean that a nondiscrimination statement is required on every piece of paper or correspondence leaving the office.

*A good rule of thumb is to include the nondiscrimination statement on all informational or recruiting materials, and enrollment or employment application forms given to students, applicants, and employees. The statement should be included on all catalogs, course listings and other promotional materials.*

Although the notice requirements in Title VI, Title IX, Section 504, and ADA are very similar, there are some differences regarding what is to be included in the notice and to whom the notice is to be given. The sample copy of the notice of nondiscrimination included in this section has been designed to cover all requirements. Also, since the notice requirement is continuing, rather than issue a notice each year for each regulation, one notice is usually prepared addressing or covering each regulation as illustrated in the sample copy.

## SAMPLE ANNUAL NOTIFICATION OF NONDISCRIMINATION

*(District/Institution)* offers career and technical education in the following areas: (list career clusters here). *(District/Institution)* does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission to its educational programs, in the administration of services it offers, in its recruitment, hiring and employment practices, or in any aspect of its operations. *(Name and/or Position Title)* is designated to coordinate civil rights compliance activities at *(District/Institution)* and may be contacted at:

(Name of Designated Individual or Position Title)  
(District/Institution)  
Mailing Address or Physical Address  
City, State, Zip  
Telephone number

This announcement is available in alternative formats to accommodate the hearing and vision impaired.

*Note: If more than one person has been designated to coordinate civil rights compliance activities the district or institution shall list each contact and area of responsibility.*

**It is not sufficient to place the Annual Notification of Nondiscrimination on a website without publishing it elsewhere.**

If the service area of the district/institution does not include a significant community of individuals whose primary language is not English, the district/institution may include the following statement in the annual notification:

“This announcement is available in other languages and in alternative formats to accommodate the hearing and vision impaired.”

When the service area includes a significant community of individuals whose primary language is not English, the annual notification of nondiscrimination should be published in the language spoken by that community.



## SAMPLE CONTINUOUS NOTICE

The following sample notice of nondiscrimination meets the minimum requirements of the regulations enforced by OCR:

The (Name of Recipient) does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Name and/or Title  
Address  
Telephone No.

*Again, if more than one individual has been designated to coordinate compliance activities, list the contact information and area of responsibility for each person.*

### **Include the continuous notice of nondiscrimination in the following:**

- Announcements to public (other than the required annual notification)
- Employment and enrollment application forms
- Brochures
- Bulletins (disseminated to students)
- Catalogs and Course Listings
- Materials used for recruiting or describing programs and training
- Student handbooks
- District/institution website (preferably on the home page)

## COMPLIANCE COORDINATOR

Title IX, Section 504, and ADA require the designation of an employee who will coordinate compliance activities. Title IX requires all recipients who employ 15 or more persons to designate a coordinator. The ADA requires all public entities employing 50 or more persons to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under ADA. One person may be designated as the Title IX, Section 504, and ADA coordinator, or an individual may be designated for each position. Even though a coordinator is not required by Title VI, it is strongly suggested that Title VI be included in the responsibilities of the compliance coordinator.

*One suggestion is offered for selecting the coordinator(s): **Title IX and ADA regulations require the coordinator to investigate complaints, which usually includes gathering relevant information and ensuring that the complaint is processed according to procedures. For this reason, it is better to select an employee(s) who will not be responsible for making a decision or determination about a complaint.*** In many school districts the same individual serves as the Title IX, Section 504, and ADA coordinator; therefore, the management of these activities will be simplified if the functions of the Title IX, Section 504, and ADA coordinator(s) are as similar as possible.

Most educational agencies designate one coordinator with the title of compliance coordinator. Large school districts with multiple campuses frequently designate one or more persons at each site in order to expedite complaint resolution. Districts should consider appointing two compliance coordinators (one male and one female) to allow the grievant to be more comfortable in reporting complaints of sexual harassment. Doing so increases the likelihood that complaints will be addressed internally to the satisfaction of all parties.

Compliance coordinator(s) have responsibility of coordinating the district/institution's activities related to the following federal civil rights laws:

Title VI, 1964 Civil Rights Act  
Title IX of the 1972 Education Amendments  
Section 504 of the 1973 Vocational Rehabilitation Act  
Americans with Disabilities Act

Although naming a coordinator does not diminish the ultimate legal responsibility of a recipient's governing body and chief executive, this designation establishes responsibility and accountability for coordination and monitoring of the activities necessary to ensure compliance with federal civil rights laws.

## COMPLIANCE COORDINATOR (cont.)

### Role and Functions

Title IX and Section 504 regulations specify no particular duties or functions for coordinators beyond the general requirement that they “coordinate” an agency’s compliance activities. The ADA coordinator is the key player to ensure ADA compliance. The coordinator’s role includes planning and coordinating overall compliance efforts plus receiving concerns and complaints about alleged discrimination. The most effective functions the coordinator can provide are the following:

1. Disseminate information on nondiscrimination laws and regulations to staff, students, and the community.
2. Organize activities and in-service for achieving the district/institution’s nondiscrimination goals.
3. Maintain record keeping/documentation of the district/institution’s nondiscrimination activities.
4. Monitor and evaluate the district/institution’s progress toward nondiscrimination.
5. Coordinate the district/institution’s grievance procedures.

### Record Keeping

The coordinator should maintain a system to document all compliance activities including but not limited to: recording the date of publication of the annual notice of nondiscrimination, changes to grievance policies and procedures, the results of self-evaluations and associated action plans, inservice and training, and recording the dates of construction and alterations to physical facilities. The district/institution should develop a record keeping policy and implement procedures that carefully document all complaints, whether oral or written alleging violations of civil rights laws. Some key considerations for these policies and procedures are:

*Maintain a separation of duties*-Those individuals with decision making responsibility about complaints or grievances should not be involved in the investigation of the complaint.

*Create a comfortable atmosphere*-Male and female personnel should be designated to receive/investigate a complaint so as to ensure that a complainant not feel intimidated sharing embarrassing information with a member of the opposite sex.

*No one person should have access to all critical records*-Those conducting the investigation should keep a copy of the investigational findings under restricted access in a secure location after the findings have been forwarded to those who will make a decision about the complaint.

*Designate a single steward for final records of the proceedings*-a copy of the investigational findings, a record of the decision, all written communications, and a transcript of all hearings if applicable should be maintained by the compliance coordinator or other designated person.

## GRIEVANCE POLICIES AND PROCEDURES

Another procedural requirement in Title IX, Section 504, and ADA regulations is the adoption and dissemination of grievance procedures. A commonly overlooked aspect in the policy development process is how grievance policies and procedures are to be disseminated. Adopting and disseminating grievance procedures is a requirement designed to help individuals resolve problems with school districts, technology centers, skills centers, and collegiate institutions rather than file a complaint with the U. S. Department of Education, Office for Civil Rights. *It is important to note that a student or employee, if he or she chooses, may bypass the school district's grievance process and file a complaint with the appropriate regional Office for Civil Rights.* OCR investigators who respond to complaints from students, parents, and patrons often find that the grievant had difficulty finding a district/institution's grievance policy. In some cases this difficulty may have resulted in a complaint filed with the regional OCR office.

Districts/institutions are obligated to disseminate grievance policies and procedures, however the means by and degree to which they are disseminated remains the purview of the school system. Although anecdotal evidence would suggest otherwise, some school officials believe that making grievance procedures widely available leads to an increase in frivolous complaints. As a result these officials make grievance policies and procedures available on an "as requested" basis. This approach will not satisfy the requirements of civil rights laws.

**Grievance procedures must be disseminated to students, preferably in student handbooks. It is not sufficient to publish grievance procedures on the district/institution website.**

When combined with a well-constructed code of conduct or set of expectations on the part of students and school employees, published grievance policies and procedures reinforce the concept of consequences attached to behaviors. Empowered with the knowledge of how unacceptable behavior should be addressed those who would be victims of discrimination or harassment may assert their rights within the local administrative structure before involving external parties.

Grievance models will vary depending on size, administrative structure, and contractual arrangements. A three level procedure with two opportunities to appeal is most common. The important feature of the grievance procedure is that the document/process be effective within the district's setting. Separate grievance procedures for students and employees are not necessary. Also, one grievance procedure can be written to cover multiple grievance discrimination and harassment policies. There is no specific format or content for grievance procedures, but they should provide for prompt and equitable resolution of complaints.

## **GRIEVANCE POLICIES AND PROCEDURES (cont.)**

For purposes of clarity, terms within the grievance procedures document should be carefully defined. For example, if procedures state that a decision will be made within 10 days of a hearing, does “day” imply school days? Does it include weekends or holidays? Defining terms will resolve such questions.

The grievance procedure should be tightly constructed and precise, clearly informing each person of his/her responsibilities. Time limits should be specified for each step/level of the process. Vague or conflicting instructions and procedures may cause the process to stall or cause misunderstandings.

Although not required, it is advisable that grievance policies and procedures be as comprehensive as possible. For example, Title VI does not require that a school system adopt and implement grievance procedures, but providing a mechanism to address complaints alleging discrimination based on race, color, and national origin as well as those addressing sex/gender and disability allows these complaints to be addressed as well.

***Note: Grievance procedures in effect when a complaint is made must be followed. Changes to grievance procedures apply only to subsequent complaints.***

A grievance procedure should provide the following components:

- Detailed description of the procedures for submitting a grievance
- Provide at least two-steps in the review process and allows for appeal
- Establishes reasonable time frames for review and resolution of the grievance
- Documents all complaints submitted, responses given, and steps taken to resolve the issue
- Allows for alternative procedures if the complainant alleges that the compliance coordinator or other school official with responsibilities regarding the grievance procedures process is a part of the complaint

Other Considerations:

- How hearings will be conducted
- Right of parties to representation
- Right of parties to present witnesses and evidence
- Confidentiality of proceedings and records
- Access to regulations and records
- Protection of grievant from harassment and retaliation