



**Technical Assistance Guide**

**for**

**Civil Rights Compliance**

**in Career and Technical**

**Education**

**Michigan Department of Education**  
**Office of Career and Technical Education**

The Michigan Department of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. For more information, view the official Notice of Nondiscrimination ([michigan.gov](http://michigan.gov)) or contact Jim Whittaker at 517-241-2091 or [whittakerj@michigan.gov](mailto:whittakerj@michigan.gov)

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# Introduction

This Guide provides background information and technical assistance for compliance with Civil Rights regulations as they relate to agencies that receive federal financial assistance, including Career and Technical Education (CTE). The Guide is designed to assist personnel of local agencies, area technical centers, postsecondary institutions, state operated programs, and other educational institutions to assess compliance needs and modify policies and practices for compliance.

The ideas and materials presented here are based on an interpretation of 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, Title II of the Americans with Disabilities Act of 1990, and the Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap of 1979. The suggestions in this Guide are intended to be used in conjunction with (as opposed to a substitution for) resources already available on creative approaches to compliance.

With the primary goal of improving the delivery of education, including CTE in Michigan, it is hoped that you will use and adopt what has been developed to meet the specific needs of your individual situations for the maximum possible benefit.

If you should need any further assistance, please contact:

Civil Rights Compliance Coordinator  
Michigan Department of Education  
Office of Career and Technical Education  
P.O. Box 30712  
Lansing, Michigan 48909  
517-241-2091

## **Section A – Assurances**

The Civil Rights Compliance Program, administered by the Office of Career and Technical Education, enforces several statutes that protect the rights of beneficiaries of programs, activities, or services as part of Education programs that receive federal financial assistance. These laws prohibit discrimination on the basis of race, color, and national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), and disability (Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990). The Boy Scouts of America Access of 2001 requires equal access for the Boy Scouts of America and other designated youth groups to meet at public schools.

Title VI, Title IX, Section 504, and the Boy Scouts of America Act require recipients receiving federal financial assistance to file a signed assurance to comply with each regulation. A single, composite assurance form for Title VI, Title IX, and Section 504 replaces the separate forms previously issued by the U.S. Department of Education. Page A-2 provides a copy of the form, "Civil Rights Certificate," for your use, as needed.

Submit all assurances under the signature of the authorized official for the local agency. Submit assurances for Title IX and Section 504 by sending one copy of the form directly to the U.S. Department of Education at the following address:

U. S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

Submit an assurance for Title VI by sending another copy of the form directly to the Michigan Department of Education as indicated below. The Michigan Department of Education has been designated to collect and monitor the submission of assurances for Title VI and to maintain a record of those that have been filed.

Michigan Department of Education  
Office of Career and Technical Education/Civil Rights  
Post Office Box 30712  
Lansing, Michigan 48909

Keep a copy! Each local agency should have a file copy of each assurance form submitted for purposes of documentation in the event that a compliance review is conducted. This is especially important in the case of Title IX, and Section 504 since the Michigan Department of Education maintains no record of these assurances.

**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, sub grantees, 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.

Enter date here <hr/> Date	Authorized official signature here <hr/> Authorized Official(s)
PLEASE RETURN TO: U.S. Department of Education  Office for Civil Rights  400 Maryland Avenue, SW  Washington, DC 20202-1100	<hr/> Title of Authorized Official(s)  <hr/> Name of Institution or Agency  <hr/> Street  <hr/> 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.



## Section B – Policies

### Nondiscrimination Policy

Title VI, Title IX, and Section 504 specify in their general rules that recipients implement a policy of nondiscrimination. A policy of nondiscrimination **must** be formally adopted by the policy-making body of the recipient, usually the official Board.

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#### General Rules

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◆ **Title VI of the Civil Rights Act of 1964, Section 100.3(a)**

No person in the U.S. shall, on the grounds of race, color or national origin be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

◆ **Title IX of the Education Amendments of 1972, Section 106.1(a)**

Title IX is designed to eliminate discrimination on the basis of sex in any education program or activity receiving federal financial assistance (FFA).

◆ **Section 504 of the Rehabilitation Act of 1973, Subpart 104.4**

No qualified person with a disability or handicapping condition shall, ...be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from FFA.

◆ **The Boy Scouts of America Equal Access Act of 2001**

Requires equal access for the Boy Scouts of America and other designated youth groups to meet at public schools. The law applies to any public elementary school, public secondary school, local education agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through Federal financial assistance.

◆ **Title II of the Americans with Disabilities Act of 1990 (ADA), Subpart B, Section 35.130(b)**

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

◆ Agencies may wish to include the State of Michigan's **Elliott-Larsen Civil Rights Act of 1977, Section 102(a)**, that adds height, weight, and marital status as bases for nondiscrimination. (Optional)

"The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodation, public service, and educational facilities without discrimination because of religion, race, color, national origin, age, gender/sex, height, weight or marital status as prohibited by the Elliott-Larsen Act, is recognized and declared to be a civil right."

◆ **Sexual Harassment Policy**

Sexual harassment is prohibited under Title IX. Although Title IX does not specifically require a local education agency to adopt a sexual harassment policy, in addition to nondiscrimination, the **Michigan Revised School Code** (Act 451 of 1976 – 380.1300A) does require each Michigan school district to adopt and implement a written sexual harassment policy.

"At a minimum, the policy shall prohibit sexual harassment by school employees, board members, and pupils directed toward other employees or pupils and shall specify penalties for violation of the policy."

Many people do not realize that sexual harassment complaints would be a Title IX issue. Having a separate policy that defines conditions of sexual harassment and identifies the avenues for complaints would be beneficial to everyone.

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Content

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The Board may adopt a separate policy for each regulation. One comprehensive policy that addresses all regulations is acceptable and more efficient. Nondiscrimination policies should be written so that:

1. Specific regulation(s) can be identified and population groups to which the regulation(s) apply are specified.
2. Situations to which the policy applies (such as employment practices, educational programs and activities, or operational procedures) are stated.
3. Grievance procedures can be derived from policy to address investigation and resolution of complaints relative to violation of policies.

The policy example on the following page is offered for those who wish to implement a separate sexual harassment policy.

# Sexual Harassment Policy

## Example

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It is the policy of this district to maintain learning and working environments that are free from sexual harassment. No board member, staff member, volunteer, or student of this district shall be subjected to any form of sexual harassment or intimidation.

It shall be a violation of this policy for any board member, employee, volunteer, or student to harass any member of the board, staff, or student body through conduct or communications of a sexual nature as defined in this policy.

Each administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with, state and federal laws, and board policy and procedures governing sexual harassment within her/his building or office.

**DEFINITION** – Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition or a person's employment or advancement or of a student's participation in school programs or activities; or
- b. submission to or rejection of such conduct by a board member, employee, volunteer, or student is used as the basis for decisions affecting the employee, volunteer, or student; or
- c. such conduct has the purpose or effect of unreasonable interference with a board member's, employee's, volunteer's, or student's performance or creating an intimidating, hostile, or offensive work or learning environment.

Sexual harassment may include, but is not limited to, the following:

- verbal harassment or abuse;
- pressure for sexual activity;
- repeated remarks with sexual or demeaning implications;
- unwelcome touching;
- sexual jokes, posters, cartoons, etc.;
- suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, safety, job, or performance of duties.

### **GRIEVANCE/COMPLAINT PROCEDURES FOR VIOLATIONS**

(Institutions should complete this section with their Board-approved step-by-step grievance/complaint procedures specific to Sexual Harassment complaints. Contact information should be included in the Grievance Procedure: Title IX Coordinator (name or title), Address, Email, and Phone Number.)

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## **Section C – Designated Coordinator(s)**

Title IX, Section 504, and Title II require recipients to officially designate at least one employee to coordinate compliance activities and investigate complaints charging discrimination.

The regulations identified two major responsibilities for a Civil Rights Coordinator:

- Coordinate compliance activities
- Investigate complaints charging discrimination

The policy making body of the recipient, usually the official Board, should approve the appointment of the coordinator(s) and record the appointment in the official Board meeting minutes.

A recipient may choose to designate one specific employee to coordinate compliance for all legislation or may designate different employees for each Act or group of Acts.

A recipient should consider the time commitment compliance activities and investigations will take, the accessibility of the individual, an individual's knowledge and skills, and the recipient's ability to publicize the contact information in their nondiscrimination statements when selecting personnel to coordinate compliance activities.

The designated coordinator(s) should be supported in developing an in-depth understanding of their responsibilities under the law.

Example 1 provides a typical job description for a Coordinator.

## Examples

### Example 1

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#### CIVIL RIGHTS COORDINATOR JOB DESCRIPTION

Job Goal: To provide leadership and direction in expediting full compliance with the provisions of Title VI, Title IX, Section 504, the Age Discrimination Act, and Title II.

Performance Responsibilities:

1. Advises the board of education, administration, and staff of necessary action to eliminate discrimination in all educational programs, curricular and extra-curricular activities, and employment practices that come under federal or state regulations.
  2. Conducts appropriate evaluations of the school district's policies and practices and their effect on discrimination.
  3. Implements the school district's Grievance Procedure.
  4. Investigates complaints based on discrimination according to the adopted non-discrimination complaint procedure.
  5. Receives and responds to inquiries related to discrimination.
  6. Supervises implementation of compliance efforts.
  7. Advises employment personnel of nondiscrimination regulations in relationship to recruitment, hiring, assignment, promotion, transfer, lay-off, termination, reinstatement, job classification, salary, and fringe benefits for all employees.
  8. Assists in providing all students an equal opportunity to participate in, and benefit from, all academic and extra-curricular activities and services.
  9. Assists in the development of internal procedures to insure that all appraisal, enrollment, and counseling materials do not discriminate.
  10. Develops and implements procedures to determine that each organization or individual receiving "significant assistance" from the district does not discriminate in providing aid, benefits, or services to student employees of the district.
  11. Directs appropriate personnel to maintain required data and records.
  12. Assumes responsibility to be informed of changes and developments in the provisions of the federal regulations and related legislation by attending professional meetings and reading appropriate publications.
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Recipients **must** notify students, employees, job applicants, unions, and professional organizations holding bargaining or professional agreements of the name or title, office address, telephone number and email of the coordinator(s).

**This dissemination effort must be conducted on a continuing basis** and is part of the Notice of Nondiscrimination explained in Section D. Examples 2 and 3 demonstrate additional methods of informing interested parties of the individual(s) designated.

Example 2

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MEMORANDUM OF DESIGNATED EMPLOYEE

M E M O R A D U M

DATE:  
TO: Students, Parents/Guardians, Faculty, and Staff  
FROM: Superintendent James Hurt  
SUBJECT: Title IX, Section 504, Age Discrimination Act, and Title II, Americans with Disabilities Act

The government has made legal provisions to ensure that no person is discriminated against on the basis of race, color, national origin, sex, age, or disability. In order to protect these rights and assure compliance, the North Pole Independent School District has appointed Ms. Pamela Knows as Coordinator of Title VI, Title IX, Section 504, the Age Discrimination Act, and Title II.

Inquiries concerning the application of, or grievances for, any of these regulations should be addressed to:

Ms. Pamela Knows  
North Pole Independent School District  
Administration Building, Room 205  
Cold, Michigan 48823  
(517) 555-3870  
Knowsp@npisd.net

Any person who feels that the rights of an individual have been violated in relationship to the provision of equal opportunity in any educational programs, activities, or services or in employment may contact Ms. Knows.

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## Example 3

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### LETTER TO STUDENTS FOR NOTIFICATION OF CIVIL RIGHTS COORDINATOR

DATE

Dear Student:

Have you ever felt you missed out on something important in school? Perhaps you lost an opportunity to enroll in a class or to prepare for a career about which you really wanted to know more. Maybe it was a chance to try out for a school play or make the varsity team. Not having the opportunity to explore your interests or take advantage of opportunities in school is a sure way to miss out.

As a student, you have rights and responsibilities guaranteed to you under federal laws that provide that ***no person in the United States shall, on the basis of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program, service, or activity receiving federal financial assistance.***

The law simply means that your school cannot treat students differently. Knowing your rights is your first responsibility. Exercising your rights fairly, honestly, and reasonably is your second responsibility.

If you or your parents/guardians would like more information about your rights as a student, please contact the Civil Rights Coordinator:

Ms. Pamela Knows  
North Pole Independent School District  
Administration Building, Room 205  
Cold, Michigan 48823  
(517) 555-3870  
Knowsp@npisd.net

As the Civil Rights Coordinator, Ms. Knows will process and investigate all complaints of discrimination.

Sincerely,

Superintendent/President

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## Section D – Notice of Nondiscrimination

This section delineates the requirements for recipients of federal funds to issue notices of nondiscrimination, clarifies the information that recipients should include in their nondiscrimination notices, and provides a sample notice of nondiscrimination. This section is designed to assist recipients in establishing a notice of nondiscrimination that meets the requirements of the applicable regulations. It is based on a fact sheet entitled Notice of Nondiscrimination, published by the U.S. Department of Education, Office for Civil Rights (USDOE/OCR).

### Notice of Nondiscrimination Requirements

The regulations implementing Title VI, Title IX, Section 504, and Title II contain requirements for recipients to issue notices of nondiscrimination.

These regulations **require that recipients notify beneficiaries and others of their policies that prohibit discrimination** on the basis of race, color, national origin, sex, and disability. These regulations **require that notification be disseminated in a continuous manner**, although this is indirectly required for Title VI and Title II. The regulations contain minor differences relating to the required content of recipient notices of nondiscrimination and the methods used to publish them.

The Title VI regulation requires recipients of federal funds to notify beneficiaries and others of the regulatory provisions in a manner that a responsible Department official finds necessary to apprise such persons of their protections against discrimination under the statute and regulation.

Title II regulation requires a public entity to make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of their non-discrimination policy and its applicability to the services, programs, or activities of the public entity. Nondiscrimination policy information must be made available to them in such manner as the head of the entity finds necessary to explain to beneficiaries of programs, services, and activities the protections against discrimination assured them by the Act.

The Title IX and Section 504 regulations all contain more detailed requirements that specify the information that must be included in a recipient notice of nondiscrimination. These regulations also require recipients to include the **name or title, address, telephone number and email of the employee(s) designated to coordinate efforts to comply** with and carry out responsibilities under Title IX, and Section 504.

The Title IX regulation requires recipients to implement specific and **continuing steps** to inform beneficiaries and others of the protections against discrimination on the basis of sex assured them by the Title IX statute and regulation. The notification must state that the requirement not to discriminate in educational programs and activities extends to employment and admission, and that inquiries concerning the regulation's application may be referred to the employee designated to coordinate Title IX compliance, or to the Assistant Secretary for Civil Rights, USDOE. Recipients are required to include the name or title, address, and telephone number of the designated coordinator in its notification.

The Section 504 regulation requires a recipient employing 15 or more persons to implement appropriate, **continuing steps** to notify beneficiaries and others that the recipient does not discriminate on the basis of disability. The notification must state, where appropriate, that the recipient does not discriminate in admission, treatment, or access to its programs, services, or activities. The notification also must state that the recipient does not discriminate in employment



in its programs, services, or activities. The employee designated to coordinate the recipient's efforts to comply with the Section 504 regulation **must** be identified in the notification.

## Methods of Notification

In accordance with the Title IX and Section 504 regulations, recipients are **required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials** that are made available to participants, beneficiaries, applicants, or employees. Additional forms of notification may be used (e.g., publication in newspapers, web site, or on cable/public access television). Though noted in the Section 504 regulation that recipients may meet this requirement by including appropriate inserts in existing materials and publications, this method has been shown to be ineffective for continuous dissemination. Title VI and Title II regulations do not specify the methods to be used by recipients in publishing notices of nondiscrimination. However, in accordance with Title II regulations (35.160), a public entity in providing the notice **must comply with the requirements for effective communication**.

## Combined Requirements

The OCR has recognized that there are variations among the regulations for notice requirements and understands that recipients may wish to use one statement to comply with requirements of the Title VI, Title IX, Section 504, and Title II regulations. **The OCR encourages the coordination of efforts to comply with these notice requirements by combining the regulatory requirements for a more reasonable compliance effort.**

A combined nondiscrimination notice should contain two basic elements:

1. A statement of nondiscrimination on the basis of which OCR enforces civil rights statutes.
2. Identification by name or title, address, telephone number, and email of the employee or employees responsible for coordinating the recipient's compliance efforts.

The following notes interpretations of the regulatory requirements that the OCR has identified as acceptable and clarifies how the above two elements may be stated correctly in a nondiscrimination notice:

- A recipient may state that it does not discriminate on the basis of race, color, national origin, sex, or disability. **The regulations do not require that a recipient identify the pertinent regulations by title** (e.g., Title VI, Title IX).
- The Title IX regulation requires a recipient to provide the name of the person responsible for its compliance effort in addition to the address telephone number and email where that person may be contacted. However, the OCR recognizes that the inclusion of a person's name in a nondiscrimination notice may result in an overly burdensome requirement for republishing the notice if a person leaves the coordinator position. **The OCR considers it acceptable for a recipient to identify its coordinator by a position title.** In addition, the email address may be generic, i.e. complaint@hadleyps.org. However, the coordinator must receive a live notice of receipt so they may act in a timely manner.
- The Section 504 regulation does not require a recipient to specifically include the address telephone number, or email of the responsible employee assigned to coordinate its compliance efforts. However, the OCR considers that identifying the responsible employee without information on how to contact that person does not constitute an effective notice.

- Although Section 504 and Title IX regulations indicate that recipients, where appropriate, shall specify nondiscrimination in the areas of admission and employment, the **OCR considers acceptable a general statement indicating that a recipient does not discriminate in any of its programs, services, or activities** under the regulations enforced by OCR. This is supported by the Civil Rights Restoration Act of 1987, which amended civil rights statutes to define “program or activity” to mean all of the operations of specified entities. This would logically extend to cover services for Title II.
- The Title IX regulation indicates that inquiries concerning the application of the regulation may be referred to the coordinator or to the Assistant Secretary for Civil Rights, USDOE. A recipient **is not required to include both the responsible employee and the Assistant Secretary for Civil Rights in its notice**. An acceptable notice may include either or both individuals' names or titles. If a recipient designates different people to coordinate compliance with Section 504 and Title IX, the notice should include contact information for both coordinators.

## Sample Notices of Nondiscrimination

The following sample notices of nondiscrimination meet the minimum requirements of the Federal regulations enforced by the OCR and may be used as models in developing your own notices. If an agency wishes to include state regulations in their notice, height, weight, and marital status would need to be included as bases for nondiscrimination.

---

### Example 1 – One Coordinator

#### NOTICE

It is the policy of the Hadley School District not to discriminate on the basis of race, religion, color, national origin, sex, disability, height, weight, or marital status in its programs, services, or activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Administrative Assistant  
222 Education Avenue  
Hadley, MI 48888  
(313) 555-8888  
[complaint@hadleyps.org](mailto:complaint@hadleyps.org)

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## Example 2 – More Than One Coordinator

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### NOTICE OF NONDISCRIMINATION

It is the policy of the Smithville School District not to discriminate on the basis of race, religion, color, national origin, sex, disability, height, weight, or marital status in its programs, services, or activities. The following people have been designated to handle inquiries regarding the nondiscrimination policies:

Inquiries related to discrimination on the basis of disability should be directed to:	Direct all other inquiries related to discrimination to:
Section 504 Coordinator 122 Center Road Camot, Michigan 48351 (906) 555-5555 504complaint@camotps.org	Assistant Superintendent 122 Center Road Camot, Michigan 48351 (906) 555-5566 complaint@camotps.org

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## Example 3

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### NONDISCRIMINATION STATEMENT

In compliance with 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 Americans with Disabilities Act of 1990, and the Elliott-Larsen Civil Rights Act of 1977, it is the policy of the Smithville School District that no person shall, on the basis of race, color, religion, national origin or ancestry, sex, disability, height, weight, or marital status be excluded from participation in, be denied the benefits of, or be subjected to, discrimination during any program, activity, service or in employment. For information, contact:

Name or Title  
Address  
(989) 555-0001  
Email

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## Example 4

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### STATEMENT OF ASSURANCE OF COMPLIANCE WITH FEDERAL LAW

It is the policy of the Anytown School District that no discriminatory practices based on sex, race, religion, color, national origin or ancestry, disability, height, weight, or any other status covered by federal, state, or local law be allowed in providing instructional opportunities, programs, services, job placement assistance, employment, or in policies governing student conduct and attendance. Any person suspecting a discriminatory practice should contact:

Assistant Principal  
Anytown High School  
555 School Street  
Anytown, MI 49999  
(999) 333-4444  
complaint@anytownps.org

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## **Section E – Annual Public Notice of Career and Technical Education Opportunities**

The OCR Guideline IV(O) requires recipients **to annually issue public notification** that all career and technical education opportunities will be offered without regard to race, color, religion, national origin, sex, or disability. Several requirements encompass an acceptable notice.

This notification is to:

- Be made prior to the beginning of **each** school year.
- Advise students, parents/guardians, employees, and the general public of the policy of nondiscrimination.
- Contain an assurance that the lack of English language skills will not be a barrier to admission and participation in career and technical education programs.
- Be disseminated to communities of national origin minority persons with limited English language skills in their native language.
- Provide a brief summary of program offerings.
- Provide the name or title, office address, telephone number and email of the person(s) designated to coordinate Title IX, and Section 504 compliance.

**Local newspapers, school newsletters, bulletins, memoranda, other publications, and other media are suggested ways for providing this notification, as shown in the following example.**

## Example

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Each year, the Cherwell School District offers career and technical education programs at Hubble High School. These programs are designed to prepare youth for a broad range of employment and training services and are offered under the guidance of certified teachers, counselors, and cooperative education coordinators. The following is a list of programs being offered this year and criteria for admission.

Program	Admission Criteria	Students must be able to:
Health Occupations	Prerequisite – 1 year Biology	Pass a background check, drug and TB tests
Retailing	Prerequisite – 1 year Algebra	Lift and carry 20 pounds
Auto Technician	Prerequisite – 1 year Geometry	Be able to reach, bend, and lift 50 pounds
Agriscience & Natural	Prerequisite – 1 year Biology	Be able to work in environments with various pollens and allergens (hay, etc.)

All career and technical education programs follow the district's policies of nondiscrimination on the basis of race, color, religion, national origin or ancestry, sex, disability, height, weight, or marital status in all programs, services, activities, and employment. In addition, arrangements can be made to ensure that the lack of English language proficiency is not a barrier to admission or participation.

For general information about these programs, contact:

Dr. Lyle Jones, Career and Technical Education Director  
Central Administration Office  
Cherwell School District  
14 Lake Michigan Drive  
Cherwell, Michigan 42799  
(616) 934-7000  
[Jones.l@cherwellps.org](mailto:Jones.l@cherwellps.org)

To obtain this information in [Another Language, i.e., Spanish], call 555-1234.

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\*Although agency web sites and/or broadcast messages are increasingly becoming an easy to reach many stakeholders because technology is not universally available to all populations, OCR has held that these may not be the ONLY means of notification. A possible exception is if all students are issued a device by the agency.

## Section F – Grievance Procedures

Title IX, Section 504, and Title II specify that recipients **must officially adopt and publish written grievance procedures** for handling complaints alleging violation. While Title VI does not contain this specific requirement, it is implied in Section 100.6(d), “Information to beneficiaries and participants.” It is recommended, therefore, that recipients also adopt and publish grievance procedures for Title VI.

### Title VI – Section 100.6

“....and make such information available to them in such manner as the responsible Department official finds necessary to appraise such persons of the protections against discrimination assured them by the Act and its regulations.”

### Content

The following “Checklist for Evaluating the Content of Grievance Procedures” may be used to develop or assess a grievance procedure. An example of a grievance procedure, which would apply for any of the current federal regulations, is also provided in this Section.

### Checklist for Evaluation the Content of Grievance Procedures<sup>1</sup>

Listed below are a number of questions, which may be used to evaluate the content of grievance procedures. Questions are organized into three sections: Initiation and filing of the grievance; processing of the grievance; and basic procedural rights. Remember that these questions DO NOT reflect specific requirements; instead, they reflect general principles of grievance processing. A “no” answer DOES NOT indicate a violation of a requirement, but it may indicate an area where further specification is desirable.

### Initiation and Filing of Grievance

Does the grievance procedure:

Questions	Yes	No
1. Provide clear and adequate definitions of who may grieve, of what issues may be covered by grievances, and of the terms used throughout the procedure?		
2. Cover all persons?		
3. Clearly state the form and procedure for filing of ALL grievances?		
4. Specify any applicable time limits in the initiation of a grievance?		
5. Provide for assistance to grievant(s) in the filing/preparation/processing of a grievance?		
6. Specify the responsibilities of institutional agency staff for the receipt and initial handling of grievances?		
7. Provide methods of informal and prompt resolution of grievances when further processing is not needed?		

<sup>1</sup> (Condensed from) U.S. Department of Health, Education, and Welfare, Title IX Grievance Procedures: An Introductory Manual. Contract 300-75-0256, National Foundation for the Improvement of Education, Washington, D.C., pg. E-1 and E-2.

## Processing of Grievance:

Does the grievance procedure:

Questions	Yes	No
1. State the number and levels of steps for grievance processing and the criteria for initial referral to each level?		
2. State the form of grievance presentation and processing (oral/written; hearing officer/hearing panel; etc.) at each step?		
3. Specify the criteria and procedures for the assignment of initial hearing levels?		
4. Delineate procedures and responsibilities for notification of all parties at each processing level?		
5. Delineate timelines for all activities within the grievance procedure?		
6. Specify the procedures that shall be used in conducting the grievance hearings:		
a. amount of time allocated to each hearing?		
b. amount of time allocated to each party to the grievance?		
c. right of each party to representation and assistance?		
d. right of each party to present witnesses and evidence?		
e. right of each party to question witnesses?		
f. roles of persons involved in the hearing?		
g. right of grievant to determine whether hearing shall be open to the public?		
h. provisions/requirements for recording the hearing?		
7. Specify any requirements for submission of written information by grievant(s) or others?		
8. State the form and timelines of the preparation of grievance decisions?		
9. Clearly state the procedures and timelines for the grievant's acceptance or appeal of grievance decisions?		
10. Specify the roles and selection of persons involved in grievance processing?		

## Basic and Procedural Rights

Does the grievance procedure:

Questions	Yes	No
1. Provide grievant(s) with the right to appeal to progressive levels of decision-making?		
2. Provide assurances regarding the impartiality of hearing officers?		
3. Provide for confidentiality of grievance proceedings if so desired by the grievant?		
4. Provide for grievant's access to relevant institutional/agency records?		
5. Provide for the protection of grievants' and respondents' from harassment and entry of information into student and personnel files?		
6. Provide for confidentiality of grievance records if so desired by the grievant?		

# Example of Grievance Procedures

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## Grievance Procedures

for

Title VI of the Civil Rights Act of 1964  
Title IX of the Education Amendment Act of 1972  
Section 504 of the Rehabilitation Act of 1973  
Title II of the Americans with Disabilities Act of 1990

### **Section 1**

Any person believing that the North Pole Independent School District or any part of the school organization has inadequately applied the principles and/or regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, and (4) Title II of the Americans with Disabilities Act of 1990 may bring forward a complaint, which shall be referred to as a grievance to:

Civil Rights Coordinator  
North Pole Independent School District  
Administration Building  
P. O. Box 1234  
Cold, Michigan 48467  
(555) 222-444  
[CRC@NPISD.net](mailto:CRC@NPISD.net)

### **Section II**

The person who believes a valid basis for grievance exists shall discuss the grievance informally and on a verbal basis with the Civil Rights Coordinator, who shall in turn investigate the complaint and reply with an answer within five (5) business days.

If the complainant feels the grievance is not satisfactorily resolved, they may initiate formal procedures according to the following steps.

#### **Step 1**

A written statement of the grievance signed by the complainant shall be submitted to the Civil Rights Coordinator within five (5) business days of receipt of answers to the informal complaint. The coordinator shall further investigate the matters of grievance and reply in writing to the complainant within five (5) business days.

#### **Step 2**

A complainant wishing to appeal the written (or Step 1) decision of the local Civil Rights Coordinator may submit a signed statement of appeal to the Superintendent of Schools within five (5) business days after receipt of the Coordinator's response. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days.



### Step 3

If still unsatisfied, the complainant may appeal through a signed, written statement to the Board of Education within five (5) business days of receiving the Superintendent's response in Step 2. In an attempt to resolve the grievance, the Board of Education shall meet with the concerned parties and their representative within forty (40) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of this meeting. The decision of the Board of Education shall be final.

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The local Coordinator, on request, will provide the complainant with a copy of the district's grievance procedure and investigate all complaints in accordance with this procedure.

A copy of each of the Acts and the regulations on which this notice is based may be found in the Civil Rights Coordinator's office.

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Students and parents and representatives of education institutions may, at any time, contact the enforcement offices if you wish to file a complaint or need assistance on a problem or assistance to prevent civil rights problems. Contact the OCR headquarters office if you have a question on national policy, to make a Freedom of Information request for information that is national in scope, or to request publications or other assistance that is not available online.

#### OCR Regional Office

#### OCR National Office

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Cleveland Office  
Office for Civil Rights  
U. S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, OH 44114-2611

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U.S. Department of Education  
Office for Civil Rights  
Customer Service Team  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 216-522-4970  
FAX: 216-522-7573  
TDD: 877-521-2172  
Email: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

Telephone: 1-800-421-3481  
FAX: 202-246-6840  
TDD: 877-521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## **Dissemination of Grievance Procedures**

Adopted grievance procedures **should be disseminated to students, parents/guardians, employees, organizations, and others** to effectively inform them about the processing of grievances. The information **must be provided on a continuing basis** through the distribution of written materials and/or through periodic briefings.

Written materials through which grievance procedures may be disseminated include:

- Student/Parent-Guardian/Employee Handbooks
- Faculty Handbooks
- Newspapers/Newsletters
- Memoranda
- Bulletins
- Pamphlets/Brochures
- School Catalogs
- Course Offering Booklets/Curriculum Guides
- Agency Web Site\*

Periodic briefings on grievance procedures can be done in:

- Regular Student/Parent-Guardian/Staff meetings
- Special meetings or assemblies
- Classroom presentations
- Seminars

\*Agency web site may be one method of distribution, but not the ONLY method. One possible exception to this rule is if all students are issued a device by the agency.

## **Maintenance of Grievance Records**

The maintenance of grievance records is recommended for the purpose of documenting compliance. Records should be kept for each grievance filed and, at a minimum, should include:

1. The name of the grievant or complainant and their title or status.
2. The date the grievance was filed.
3. The specific allegation made and any corrective action requested by the grievant.
4. The name of the respondents.
5. The levels of processing followed and the resolution, date, and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action(s) taken.

The following is a sample complaint form used to initiate this record keeping process.

### Example Complaint Form

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#### Complaint Form

Type of Complaint:      Title VI     Title IX     Section 504     Title II

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_

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Phone (Home): \_\_\_\_\_ Phone (Work or School) \_\_\_\_\_

Status of person filing complaint:

Student       Parent/Guardian       Employee       Other

Statement of Complaint (include type of discrimination charged and the specific incidents in which it occurred):

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Signature of Complainant: \_\_\_\_\_

Date Received: \_\_\_\_\_ Complaint Number: \_\_\_\_\_

Complaint Authority: \_\_\_\_\_

Submit all copies to the local Civil Rights Coordinator. The person receiving the complaint will sign receipt, date and number the complaint. One copy will be returned to the complainant, one copy will be sent to the school or department affected by the complaint, and one copy will be retained by the Civil Rights Coordinator.

Distribution: Original – Civil Rights Coordinator  
1<sup>st</sup> Copy – School/Department  
2<sup>nd</sup> Copy – Complainant

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# Section G – Title IX, Section 504, and Title II Self-Evaluation

## Title IX Self-Evaluation

The Title IX regulation applies to all education programs and activities. Self-evaluation, as discussed in this section, however, relates specifically to career and technical education. This approach to self-evaluation places special emphasis on information, criteria and procedures in the following areas:

- Admission and Access to courses
- Counseling and Guidance
- Treatment of Students
- Retention on file for three years

The following section contains self-evaluations for Title IX, Section 504, and Title II. These self-reviews are optional, but it is strongly recommended that they be completed as a useful tool to identify areas that may need attention to bring the agency into compliance. The self-study approach may also assist Civil Rights Coordinators to increase awareness of civil rights issues within the agency.

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### Self-Evaluation: Action Checklists – Admission and Access

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Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff levels as to procedures that facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in access to career and technical education.

Please note: Schools of career and technical education are subject to all requirements of the Title IX Regulations that affect local education agencies.

The following questions reflect general principles of Title IX. A “no” answer DOES NOT necessarily indicate a violation of a requirement, but it may indicate an area where further investigation is desirable.

#### **Central Office Staff**

1. Has a policy statement been issued that affirms the right of every student to access career and technical education (CTE) courses, programs, and schools without regard to sex?
2. Has a policy directive regarding the specific implications of Title IX for agency CTE courses, programs, and schools been disseminated to administrators and relevant staff?
3. Have forms, procedures, and timelines been developed for submission to the central office by all building administrators of:
  - a. assurances of review of policies governing student access to courses, programs or schools of CTE, and modification, where necessary, to ensure compliance with Title IX?

- b. assurances of review of procedures (including counseling), criteria, and testing instruments used in the admission or assignment of students to courses, programs, or schools of CTE and modification, where necessary, to ensure compliance with Title IX?
  - c. assurances of review of all descriptive materials relating to student access to courses, programs or schools of CTE (including student handbooks or catalogs), and modification, where necessary, to ensure that content, language and illustrations reflect compliance with Title IX?
  - d. assurances of review of all CTE course and curriculum guidelines and modification, where necessary, to ensure compliance with Title IX?
  - e. assurances of review by sex of all enrollments in classes, courses, or programs of CTE to identify those in which enrollment of students of a single sex is 80% or more; and a description of procedures used to ensure that any such disproportionate enrollments identified are not the result of sex discrimination in counseling or counseling materials?
4. Have forms, procedures, and timelines been developed for submission to the central office by administrators of career and technical education of:
- a. assurances of review of admissions policies and procedures and modifications, where necessary, to ensure compliance with Title IX?
  - b. assurances of review of all admissions forms and materials to ensure compliance with Title IX?
  - c. assurances of review of all tests or criteria used in the admissions process and modification, where necessary, to ensure compliance with Title IX?
  - d. assurances of review of policies and practices related to student recruitment and modification, where necessary, to ensure compliance with Title IX?
  - e. assurances of review of all materials used in the recruitment of students (including student handbooks, catalogs, and descriptive brochures) and modification, where necessary, to ensure that content, language, and illustrations reflect compliance with Title IX?
  - f. a description of any steps taken to encourage applications by members of the excluded sex if the school previously admitted (as students) only members of one sex?
  - g. assurances of review and modification, where necessary, of all other policies, practices, and materials affecting CTE by Title IX requirements\* as specified by central office directives?
5. Have district guidelines or policies regarding procedures and/or criteria to be used in assigning students to courses, programs, or schools of CTE been reviewed and modified, where necessary, to ensure compliance with Title IX?
6. Have all district CTE curriculum guidelines or policies been reviewed and modified, where necessary, to ensure compliance with Title IX?
7. Has every building administrator submitted all required data and assurances to the central office according to specified timelines?

## **Building Administrators (Principals/Supervisors)**

### **All schools – Career and Technical Education (CTE) and non-CTE**

1. Has a policy directive regarding the specific implications of Title IX for courses and programs of CTE been disseminated to all CTE staff and counselors?
2. Have you requested that all building staff submit information regarding any instances of sex discrimination that they may identify in policies, practices, or materials related to CTE courses and programs?
3. Have you prepared the following and submitted them to the central administration according to specified format and timelines:
  - a. assurances of review of policies governing student access to courses and programs of CTE and modification, where necessary, to ensure compliance with Title IX?
  - b. assurances of review of procedures (including counseling), criteria, and testing instruments used in admission or assignment of students to courses or programs of CTE and modification, where necessary, to ensure that content, language, and illustrations reflect compliance with Title IX?
  - c. assurances of review of all descriptive materials relating to student access to courses or programs of CTE (including student handbooks or catalogs) and modification, where necessary, to ensure that content, language, and illustrations reflect compliance with Title IX?
  - d. assurances of review of all CTE course and curriculum guidelines and modification, where necessary, to ensure compliance with Title IX?
  - e. assurances of review by gender/sex of all CTE classes, courses, or programs to identify those in which enrollment of students of a single sex is 80% or above; and a description of procedures used to ensure that any such disproportionate enrollments identified are not the result of sex discrimination in counseling or counseling materials?

### **Career and Technical Education Centers Only**

1. Has a policy directive regarding the specific implications of Title IX for admission to schools of CTE been disseminated to all staff involved in the admissions or recruitment process?
2. Have you requested that all building staff submit information regarding any instances of sex discrimination that they may identify in policies, practices, or materials relating to the admission or recruitment of students?
3. Have you prepared the following and submitted them to the central administration according to specified format and timelines:
  - a. assurances of review of admissions policies and procedures and modification, where necessary, to ensure compliance with Title IX?
  - b. assurances of review of all admissions forms and materials and modification, where necessary, to ensure compliance with Title IX?
  - c. assurances of review of all tests or criteria used in the admissions process and modification, where necessary, to ensure compliance with Title IX?
  - d. assurances of review of policies and practices related to student recruitment and modification, where necessary, to ensure compliance with Title IX?
  - e. assurances of review of all materials used in the recruitment of students (including student handbooks, catalogs, and descriptive brochures) and

- modification, where necessary, to ensure that content, language, and illustrations reflect compliance with Title IX?
- f. if the school previously admitted as students only members of one sex, a description of any steps taken to encourage application by members of the excluded sex?
  - g. assurances of review and modification, where necessary, of all other policies, practices, and materials relating to Title IX requirements\* as specified by central office directives?

### **Building Staff - Instructors**

1. Have you familiarized yourself with the implications of the Regulation to implement Title IX for CTE (Arts & Communications, Business Management, Marketing & Technology, Engineering/Manufacturing & Industrial Technology, Health Sciences, Human Services, Natural Resources and Agriscience pathway courses, and Family & Consumer Sciences programs) for which you have responsibility?
2. Are all CTE and related courses and programs for which you have responsibility open to females and males according to the same criteria?
3. Have you reviewed all course descriptions and plans to ensure that females and males are accorded equal treatment and experiences in all courses/programs for which you have responsibility?
4. Have you reviewed all course enrollments by sex to identify those courses in which enrollment by students of one sex is 80%\* or above?
5. If you have identified courses with such a disproportionate enrollment, have you taken steps to assure yourself that this is not the result of sex discrimination?
6. Have you submitted information to your building administrator/ supervisor regarding any instances of discrimination you have identified in policies, practices, or materials relating to student access to courses?

### **Building Staff – Counselors**

1. Have you familiarized yourself with the implications of the Regulation to implement Title IX regarding nondiscrimination in student access to courses as they pertain to counseling services?
2. Have you reviewed your counseling policies, practices, and materials to assess their compliance with Title IX and modified them where necessary?
3. Have you made it clear to all students that all CTE courses, programs, and schools are open equally to females and males?
4. Have you reviewed all tests used in assignment, referral or placement of students in courses/programs/schools of CTE to ensure that they do not have a disproportionately adverse effect upon students of one sex?
5. If materials that do have such effect are used, have:
  - a. these materials been demonstrated to validly predict success in the course/program in question?
  - b. other materials that do not have such effect been shown to be unavailable?
6. Have you reviewed CTE course/program enrollments by sex to identify any courses/programs in which the enrollment of students of one sex is 80% or more?
7. If you have identified courses or programs with such a disproportionate enrollment, have you taken steps to assure yourself that this is not the result of sex discrimination in counseling practices or materials?

8. Have you submitted to your building administrator or supervisor information concerning any instances of discrimination you have identified in policies, practices, or materials relating to student access to CTE?

\* The 80/20 percent enrollment proportion is a federal benchmark. A 50/50 percent enrollment proportion is the approved benchmark for Michigan's Civil Rights compliance program in career and technical education.

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## Self-Evaluation: Action Checklists – Career Education Counseling and Guidance

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### Central Office Staff

1. Has a policy statement been issued that affirms the right of every student to counseling without regard to sex?
2. Has a policy directive regarding the specific implications of Title IX for counseling policies and practices, counseling instruments, and counseling materials been developed and disseminated to administrators and relevant staff?
3. Have forms, procedures, and timelines been developed and disseminated for submission to the central office by building administrators of:
  - a. assurances of review of all school policies and program plans relating to the provision of counseling and testing services and modification, where necessary, to ensure compliance with Title IX?
  - b. assurances of review of all descriptive materials relating to school counseling and testing services and modification, where necessary, to ensure compliance with Title IX?
  - c. assurances of review of all manuals, procedural guidelines, or other documents pertaining to the responsibilities/job functions of counseling personnel and modification, where necessary, to ensure compliance with Title IX?
  - d. assurances of review of all counseling and testing instruments (and procedures for their use) and modification, where necessary, to ensure compliance with Title IX?
  - e. assurances of review of all counseling materials and modification, where necessary, to ensure compliance with Title IX?
  - f. assurances of review of all course enrollments by sex and a description of procedures used to ensure that course enrollments found to be disproportionate (80% or above of students of one sex) are not due to sex discrimination in counseling or counseling materials?
4. Have all agency/district policies regarding the provision of counseling and testing services been reviewed and modified, where necessary, to ensure compliance with Title IX?
5. Have all descriptive materials relating to counseling and testing services provided by the agency/district been reviewed and modified, where necessary, to ensure compliance with Title IX?
6. Have all district/agency manuals, procedural guidelines or other documents pertaining to the responsibilities/job functions of counseling personnel been reviewed and modified, where necessary, to ensure compliance with Title IX?
7. Have criteria been developed and/or disseminated by which persons with the responsibility for the selection/purchasing of tests, appraisal instruments, and counseling materials shall evaluate such instruments to determine compliance with Title IX?



8. Have directives been issued and/or training provided regarding the nondiscriminatory use of tests or instruments currently employed in the district/agency?
9. Have all counseling materials currently employed in the district been reviewed and modified, where necessary, to ensure compliance with Title IX?
10. Has every building administrator submitted all required data and assurances to the central office according to the specified timelines?

### **Building Administrators (Principals/Supervisors)**

1. Has a policy directive regarding the specific implications of Title IX for counseling policies and practices, counseling instruments, and counseling materials been developed and disseminated to all counselors/members of the counseling staff?
2. Have you requested that all building staff submit information concerning any instances of gender/sex discrimination that they may identify in counseling policies or practices, counseling instruments, and counseling materials?
3. Have records of counseling contacts for the current school year (or, if these records are unavailable, of a sample two-week period) been reviewed to identify possible differential provision of student counseling services on the basis of sex?
4. Have all counselors received information and/or training regarding the nondiscriminatory use and interpretation of tests and counseling instruments administered by the school?
5. Have you prepared the following and submitted them to the central administration according to specified format and timelines:
  - a. assurances of review of all school policies and program plans relating to the provision of counseling and testing services and modification, where necessary, to ensure compliance with Title IX?
  - b. assurances of review of all descriptive materials relating to school counseling and testing services and modification, where necessary, to ensure compliance with Title IX?
  - c. assurances of review of all manuals, procedural guidelines, or other documents pertaining to the responsibilities/job functions of counseling personnel and modification, where necessary, to ensure compliance with Title IX?
  - d. assurances of review of all counseling and testing instruments (and procedures for their use) and modification, where necessary, to ensure compliance with Title IX?
  - e. assurances of review of all counseling materials and modification, where necessary, to ensure compliance with Title IX?
  - f. assurances of review of all course enrollments by gender/sex and a description of procedures used to ensure that course enrollments found to be disproportionate (80% or above of students of one sex) are not due to sex discrimination in counseling or counseling materials?

### **Building Counselors**

1. Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in the counseling process, in counseling instruments and their use, and in counseling materials?
2. Have you reviewed records of your counseling contacts by sex of student, source of initiation and nature of contact, to identify possible evidence of sex bias in the provision of counseling services?

3. Do you encourage all students to make academic, career, and personal decisions on the basis of individual abilities, interests, and values rather than on the basis of sex?
4. Have you reviewed all counseling instruments used in your school to determine sources of sex bias?
5. Have you familiarized yourself with and applied techniques for the non-discriminatory administration and interpretation of counseling instruments used in your school?
6. Have you reviewed all counseling materials used in your counseling programs or activities for sources of sex bias and modified these materials, where necessary, to achieve compliance with Title IX?
7. Have you submitted to your building administrator or supervisor information concerning any instances of sex discrimination that you have identified in counseling policies or practices, counseling instruments, or counseling materials?

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### Self-Evaluation: Action Checklists – Treatment of Students

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#### **Central Office Staff**

1. Has a policy statement been issued that affirms the right of all students to equal treatment (including aid, benefits, services, and application of rules and regulations) without regard to sex?
2. Has a policy directive regarding the specific implications of Title IX for the treatment of students (including but not limited to such areas as insurance, benefits, health services, employment assistance, honors and awards, extracurricular activities, behavior codes, and dress codes) been developed and disseminated to all administrators and relevant staff?
3. Have forms, procedures, and timelines been developed and dissemination for submission to the central office by building administrators of:
  - a. assurances of notification to all organizations or individuals providing services, benefits, or aid to students that are sponsored or administered by the school of the school's obligation to comply with Title IX and the receipt of compliance assurances from all organizations or individuals so notified?
  - b. assurances of review of all student health services and modification, where necessary, to ensure compliance with Title IX?
  - c. assurances of review of all policies and/or agreements pertaining to the employment of students by the school or by outside organizations or individuals and modification, where necessary, to ensure compliance with Title IX?
  - d. assurances of review of all policies and/or programs relating to student honors and awards and modification, where necessary, to ensure compliance with Title IX?
  - e. assurances of review of all policy and descriptive materials relating to extracurricular activities administered, operated, or sponsored by the school and modification, where necessary, to ensure compliance with Title IX?
  - f. assurances of review of all policy and descriptive materials relating to any special student services provided by the school and modification, where necessary, to ensure compliance with Title IX?
  - g. assurances of review of all policies pertaining to student use of school facilities and modification, where necessary, to ensure compliance with Title IX?

- h. assurances of review of any other school policies pertaining to the treatment of students and modifications, where necessary, to ensure compliance with Title IX?
4. Have all organizations or vendors providing services, benefits, or aid to students that are sponsored or administered by the education agency been notified of the agency's policy of compliance with Title IX and have they submitted assurances of their own compliance?
5. Have all agency policies and materials pertaining to student health services and programs been reviewed and modified, where necessary, to ensure compliance with Title IX?
6. Have all policies, statements, or contractual agreements regarding medical, hospital, life, or accident insurance plans made available to students by the education agency been reviewed and modified, where necessary, to ensure compliance with Title IX?
7. Have all agency policies, statements, or contractual agreements regarding employment assistance to students, whether provided by the district or by an outside individual or organization, been reviewed and modified, where necessary, to ensure compliance with Title IX?
8. Have all agency-administered honors and awards policies and programs been reviewed and modified, where necessary, to ensure compliance with Title IX?
9. Have all descriptive and policy materials pertaining to student extra-curricular activities and programs been reviewed and modified, where necessary, to ensure that those activities and programs administered, sponsored, or operated by the education agency are in compliance with Title IX?
10. Have all descriptive and policy materials pertaining to any special student services provided by the district been reviewed and modified, where necessary, to ensure compliance with Title IX?
11. Have all descriptive and policy materials pertaining to student use of district facilities been reviewed and modified, where necessary, to ensure compliance with Title IX?
12. Have all other district policies relating to the treatment of students (other than those pertaining to course access, counseling, athletics, financial assistance, and student marital and parental/guardian status which are considered elsewhere) been reviewed and modified, where necessary, to ensure compliance with Title IX?
13. Have all district policies regarding the behavior of students and the penalties or punishments to be imposed for student violations been reviewed and modified, where necessary, to ensure compliance with Title IX?
14. Have all district policies regarding student dress or appearance been reviewed and modified, where necessary, to ensure compliance with the Title IX?
15. Has every building administrator submitted all required data and assurances to the central office according to the specified timeline?

### **Building Administrators (Principals/Supervisors)**

1. Has a policy directive regarding the specific implications of Title IX for the treatment of students (including, but not limited to, such areas as insurance benefits, health services, employment assistance, honors and awards, extracurricular activities, behavior codes, and dress codes) been developed and disseminated to all staff?
2. Have you requested that all building staff submit information concerning any instances of sex discrimination that they may identify in policies, practices, or materials relating to the treatment of students (including, but not limited to, such areas as insurance

benefits, health services, employment assistance, honors and awards, extracurricular activities, behavior codes, and dress codes)?

3. Have you prepared the following and submitted them to the central administration according to the specified timelines:
  - a. assurances of notification to all organizations or individuals providing services, benefits or aid to students that are sponsored or administered by the school of the school's obligation to comply with Title IX and the receipt of compliance assurances from all organizations or individuals so notified?
  - b. assurances of review of all student health services and modification, where necessary, to ensure compliance with Title IX?
  - c. assurances of review of all policies and/or agreements pertaining to the employment of students by the school or by outside organizations or individuals and modifications, where necessary, to ensure compliance with Title IX?
  - d. assurances of review of all policies and/or programs relating to student honors and awards and modification, where necessary, to ensure compliance with Title IX?
  - e. assurances of review of all policy and descriptive materials relating to extracurricular activities administered, operated or sponsored by the school and modification, where necessary, to ensure compliance with Title IX?
  - f. assurances of all policy and descriptive materials relating to any special services provided by the school and modification, where necessary, to ensure compliance with Title IX?
  - g. assurance of review of all policies pertaining to student use of school facilities and modification, where necessary, to ensure compliance with Title IX?
  - h. assurances of review of all policies or regulations regarding student behavior and dress and any sanctions related to the enforcement of these policies or regulations and modification, where necessary, to ensure compliance with Title IX?
  - i. assurances of review of any other school policies pertaining to the treatment of students and modification, where necessary, to ensure compliance with Title IX?

### **Building Staff (Instructors/Counselors/Student Personnel Workers)**

1. Have you familiarized yourself with the implications of the Title IX Regulations for your activities or programs affecting the treatment of students in the:

(Check only those relevant to your personal responsibilities and activities.)

  - a. provision of health services?
  - b. provision of employment or job placement assistance?
  - c. bestowing of honors or awards?
  - d. provision, sponsorship, or supervision of extracurricular activities and programs?
  - e. development or implementation of policies concerning student use of school facilities?
  - f. development or implementation of rules, regulations, or sanctions governing student behavior?
  - g. other relevant areas
    - i. (specify) \_\_\_\_\_

2. Have you reviewed all of your programs, activities, and materials related to the treatment of students (in those areas checked above) and modified them, where necessary, to ensure that all students are treated equally – provided identical aid, benefits, or services according to the same criteria – and without regard to sex as required by Title IX?
3. Have you submitted to your building administrator or supervisor information concerning any instances of discrimination you have identified in policies, practices, or materials relating to the treatment of students?

## **Institutional Self-Evaluation Summary Report**

Once all parts of the Title IX self-evaluation are completed, it is recommended that a summary report be developed to reflect all findings and actions planned or taken for compliance.

A format for the Institutional Self-Evaluation Summary Report is provided along with a completed sample.

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### **INSTITUTIONAL TITLE IX SELF-EVALUATION SUMMARY REPORT**

#### **Compliance area:**

**Staff member responsible for area coordination:** (name, position, office address, email, and telephone)

**Policy statement issued:** (date)

**Policy directive issued:** (date)

**Forms, procedures, and timelines issued:** (date)

**Data/assurances received:** (date)

From central office staff member - (date)

From building administrators - (date)

(Specify schools or other agency sub-unit)

#### **Noncompliance identified:**

(List policies, practices, or materials found to be in noncompliance)

**Modifications taken:**

(List any actions taken to correct noncompliance) (date completed)

**Remedial steps taken or planned:**

(List any actions taken to eliminate the effects of identified noncompliance) (date completed or of planned completion)

**Comments:**

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Example

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**ANYTOWN TITLE IX SELF-EVALUATION  
SUMMARY REPORT**

**Compliance area:** Counseling

**Staff member responsible for area coordination:**

M. Ortega, Director of Counseling and Guidance  
Administration Building, Room 401, 833-5426, Ortega.m@anytown.org

**Policy statement issued:** December 1, 2008

**Policy directive issued:** February 1, 2009

**Data/assurances required**

**forms, procedures and timelines issued:** February 1, 2009

**data/assurances received:** (deadline—May 1, 2009)

from central office staff March 20, 2009  
from building administrators –

Reed Junior High School April 1, 2009

Jefferson Junior High School April 10, 2009

Strafford Junior High School

May 1, 2009

Central High School

March 31, 2009

West High School

May 1, 2009

### **Noncompliance identified:**

Hedges Career and Technical Interest Blank currently in use has separate female and male scoring forms, each listing different occupations.

*Choosing A Career*, used for senior high school counseling, shows females in only 4 illustrations while males are shown in 39. Females are shown only as nurses, teachers, and librarians; text refers to choosing a career that is compatible with responsibilities of motherhood.

Career and technical education courses in every junior and senior high school have been found to have disproportionate enrollments by gender. Course descriptions in student course catalogs have been found to use stereotyped, gender-linked pronouns in referring to these courses (e.g., "he" when referring to auto technology students; "she" when referring to office applications students).

### **Modifications taken:**

As of March 1, 1976, the Hedges Career and Technical Interest Blank was replaced by the Martin Career Maturity Inventory.

***Choosing a Career*** will be supplemented by ***Career Decisions: Planning for Women***, until such time as a sound, non-biased career guidance volume can be identified.

A directive regarding legal responsibility for nondiscriminatory counseling has been disseminated to all counselors.

A Bias Review Committee has been formed to preview all materials developed/purchased.

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## **Section 504 Self-Evaluation**

The following checklist, "Section 504 Self-Evaluation Questions,<sup>1</sup>" is a tool for recipients to use in examining their policies, programs, services, and activities.

It should be noted that a "yes" answer to any of the checklist questions should not be interpreted as constituting proof of compliance with the Section 504 Regulations. Nor is a completed checklist requisite to compliance. The checklist is intended to help in the development of compliance plans.

A Section 504 "Institutional Self-Evaluation Summary Report" form is provided after the "Self-Evaluation Questions" which may be used as a guide for developing a compliance plan. This must be maintained on file for three (3) years.

## Section 504 Self-Evaluation Questions

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Purpose: This checklist is intended to help in the development of compliance plans.

**The following questions reflect general principles of Section 504. A “no” answer DOES NOT necessarily indicate a violation of a requirement, but it may indicate an area where further investigation is desirable.**

<sup>1</sup>U.S. Department of Health, Education and Welfare, “Civil Rights, Persons with Disabilities, and Education: Section 504 Self-Evaluation Guide for Preschool, Elementary, Secondary and Adult Education.” Contract 100-77-0099, CRC Education and Human Development, Inc., Belmont, Massachusetts, pg. 97-105 and 109-110.

<sup>2</sup>The word “you” in this section refers to the recipient, that is, public and private educational institutions receiving federal financial assistance.

### **Free Appropriate Public Education (FAPE)**

#### **Appropriate Education**

1. Are all persons with disabilities provided regular or special education and related aids and services that are designed to meet their individual needs as adequately as the needs of persons without disabilities are met? [Section 104.33(b)(1)(I)]
2. Are all persons with disabilities provided regular or special education and related aids and services that are based upon adherence to procedures that satisfy the requirements of:
  - a. Least restrictive environments? [Section 104.34]
  - b. Evaluation and placement relative to determination of eligibility and continuing services? [Section 104.35]
  - c. Procedural safeguards including notice to parents (k-12) and an opportunity for them to review placement? [Section 104.36]
3. If a person with a disability is placed in, or referred to, a program not operated by you, “have you maintained responsibility for ensuring that the requirements of Subpart D are met with respect to this person? [Section 104.33(b)(3)]

#### **Free Education**

1. Are persons with disabilities provided educational and related services without cost to themselves or their parents/guardians, except for those fees imposed on persons without disabilities or their parents/guardians?
2. If persons with disabilities are placed in programs not operated by you:
  - a. Is adequate transportation to and from any such program provided at no greater cost to the persons with disabilities or their parents/guardians than that of transportation to and from a program which you operate? [Section 104.33(c)(2)]
  - b. If placement is in a public or private residential program:
    1. Is the program provided at no cost to persons with disabilities or their parents/guardians?
    2. Is non-medical care provided at no cost to persons with disabilities or their parents/guardians?
    3. Is room and board provided at no cost to persons with disabilities or their parents/guardians? [Section 104.33(c)(3)]



## **Date of Compliance**

1. Have the Section 104.33 requirements regarding the provision of a free, appropriate public education, including the non-exclusion provision, been achieved by no later than September 1, 1978?

## **Location and Notification**

1. Are efforts being made annually to identify and locate every qualified person with a disability residing in the jurisdiction who is not receiving a public education?  
[Section 104.32(a)]
2. Are appropriate steps being taken annually to notify persons with disabilities and their parents/guardians (K-12) of the recipient's duties under Subpart D?  
[Section 140.32(b)]

## **Educational Setting**

### **Integrated Education**

1. Are persons with disabilities furnished the opportunity to receive an education together with persons without disabilities to the maximum extent appropriate to the needs of those persons with disabilities? [Section 104.34(a)]

### **Nonintegrated Setting**

1. If persons with disabilities are placed in a setting other than the regular education environment:
  - a. Has it been demonstrated that the education of those persons in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily?
  - b. Is the proximity of the alternative setting to those persons' homes taken into account? [Section 104.34(a)]
2. If you operate a facility identifiable as being for persons with disabilities, have you ensured that the facility, services, and activities provided there are comparable to other facilities, services, and activities that you operate? [Section 104.34(c)]

### **Nonacademic Services**

1. In the provision of nonacademic and extracurricular services and activities:
  - a. Are students with disabilities provided these services in a manner that will afford them equal opportunity for participation? [Section 104.37(a)(1)]
  - b. Are students with disabilities furnished the opportunity to participate with persons without disabilities to the maximum extent appropriate?
2. Are personal, academic, or career and technical counseling, guidance, and placement services provided to students without discrimination on the basis of disability?  
[Section 104.34(b)]
3. Are these services provided in such a way that students with disabilities are not counseled toward more restrictive career objectives than are students without disabilities with similar interests and abilities? [Section 104.37(b)]
4. Are physical education courses, athletics, and similar programs and activities provided to students without discrimination? [Section 104.37(c)(1)]

5. If separate or different physical education and athletic activities are offered to students with disabilities than are offered to students without disabilities:
  - a. Are students with disabilities furnished the opportunity to participate in activities with students without disabilities to the maximum extent appropriate to the needs of those students with disabilities? [Section 104.37(c)(2)]
  - b. Are students with disabilities furnished the opportunity to compete for teams and participate in courses that are not separate or different? [Section 104.37(c)(2)]

## **Evaluation and Placement**

1. Are all tests and other evaluation materials validated for the specific purpose for which they are used? [Section 104.35(b)(1)]
2. Are all tests and other evaluation materials administered:
  - a. By trained personnel?
  - b. In conformance with the instructions provided by their producer?
3. Do tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient? [Section 104.35(b)(2)]
4. Are tests selected and administered so as best to ensure an accurate reflection of the students' aptitude or achievement level, or whatever other factor the test purports to measure, rather than any impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure)? [Section 104.35(b)(3)]
5. For any person who, because of disability, needs or is believed to need special education or related services, is an evaluation (in accordance with the requirements described in Questions 1 through 4 above) conducted before any action is taken with respect to the special education program and any subsequent significant change in placement? [Section 104.35(a)]
6. In interpreting evaluation data and making placement decisions:
  - a. Have you drawn upon a variety of sources and types of information, including:
    1. Aptitude tests?
    2. Achievement tests?
    3. Teacher recommendations?
    4. Physical conditions?
    5. Social or cultural background?
    6. Adaptive behavior?
    7. [Section 104.35(c)(1)]
  - b. Does the group participating in placement decisions include persons who are knowledgeable:
    1. About the child/ward?
    2. About the meaning of evaluation data?
    3. About the placement options?
  - c. Are procedures established to ensure that:
    1. All information is documented?
    2. All information is carefully considered?
  - d. [Section 104.35(c)(2)]
  - e. Is the placement decision made in conformity with Section 104.34? [Section 104.35(c)(4)]

7. Are periodic re-evaluations (in accordance with the requirements described in Questions 1 through 5 above) conducted for students who have been provided special education and related services? [Section 104.35(d)]

### **Procedural Safeguards**

1. Are parents/guardians given prior notice of any action taken regarding identification, evaluation, or educational placement of their child/ward with a disability? (Section 104.36)
2. Are all records relevant to the identification, evaluation, or educational placement of a student with a disability made available to such students' parents/guardians? (Section 104.36)
3. With regard to any action concerning identification, evaluation, or educational placement, are parents/guardians of students with disabilities furnished the opportunity:
  - a. To participate in an impartial hearing?
  - b. To be represented by counsel?
  - c. To have access to a review procedure?

### **Pre-School and Adult Education Programs**

1. If the recipient operates a pre-school education or day care program or activity:
  - a. Have procedures been established to prohibit the exclusion of qualified persons with disabilities, on the basis of disability, from the program activity?
  - b. In determining the aids, benefits, or services to be provided under the program or activity, have procedures been established for taking into account the needs of qualified persons with disabilities? [Section 104.38]

### **Private Education Programs**

1. For all recipients who operate private elementary and/or secondary programs:
  - a. Have procedures been established to ensure that qualified persons with disabilities are not excluded if the person can, with minor program adjustments, be provided an appropriate education?
  - b. Have procedures been established to ensure that you do not charge more for providing an appropriate education to persons with disabilities than is charged for educating persons without disabilities, except to the extent that any additional charge is justified by a substantial increase in cost for providing services to persons with disabilities? [Section 104.39(b)]
  - c. Have procedures been established to ensure compliance with the provisions of:
    1. Least restrictive environments? [Section 104.34]
    2. Nonacademic services? [Section 104.37]
2. Also, for private elementary and secondary program recipients that operate special education programs, have procedures been established to ensure compliance with:
  - a. Evaluation and placement relative to determination of eligibility and continuing services? [Section 104.35]
  - b. Procedural safeguards including notice to parents and an opportunity to review placement? [Section 104.36]

**I. PRELIMINARY INFORMATION**

Noncompliance identified:

Action to be taken:

Person responsible for completion (include telephone number):

Procedures to be followed:

Data or information required:

Schedule for completion (include individual steps):

Projected impact on the institution:

Relationship to "outside" organizations or persons:

Policy changes:

Staffing considerations

Space or facility needs

Communication needs

Equipment, supply, or vehicle needs

Cost factors

Other considerations

**II. INTERIM COMMENTS ON PROGRESS TOWARD COMPLETION**

**III. FINAL INFORMATION**

Date action was completed:

Action that was taken:

Actual impact on the institution:

Relationship to "outside" organizations or persons

Policy changes

Staffing considerations

Space or facility needs

Communication needs

Equipment, supply, or vehicle needs

Cost factors

Other considerations

**IV. Describe steps that will be taken to ensure that the policy, practice, or procedure developed as a result of this action will be followed in the future. Describe also any steps that will be taken to monitor future action.**

**V. (If applicable) Describe any additional “voluntary” steps that will be taken to eliminate the effects of past discrimination.**

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## **Title II Self-Evaluation**

This self-evaluation is based upon the Federal Regulations and literature from the Federal Office for Civil Rights and the Michigan Department of Education, Office of Career and Technical Education. There are many forms of evaluation on the market today.

The self-evaluation must be maintained on file for three (3) years.

**The following questions reflect general principles of Title II. A “no” answer DOES NOT necessarily indicate a violation of a requirement, but it may indicate an area where further investigation is desirable.**

### Equal Treatment

1. Have you ever excluded an individual with a disability from participation in any services, programs, or activities because of the disability?
2. Have you ever denied an individual with a disability the benefits of any services, programs, or activities simply because the person had a disability?

### Opportunity

1. Has a person with a disability ever been denied the opportunity to participate in, or profit from, an aid, benefit, or service provided either directly or through contractual, licensing, or other arrangements? (Be certain to check all contracts and agreements.) (b-1-I) (504)
  - a. Have the aids, benefits, or other services provided to persons with disabilities been equal to those provided to others? (b-1-ii) (504)
  - b. Are the aids, benefits and services provided to persons with disabilities as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those provided to others? (b-1-iii) (504)
    - 1) Are students with disabilities achieving at the same level as students without disabilities? (b-1-iii)
    - 2) Are MME scores for students with and without disabilities comparable?

### Integrated Setting

1. If any aids, benefits, or services are separate or different, have they been necessary to ensure that the aids, benefits, or services are as effective as those provided to others? (b-1-iv)
  - a. In making efforts to provide equal opportunities through separate programs, has any qualified individual with a disability ever been denied the opportunity to participate in services, programs, or activities that are not separate? (b-2)

- b. Are individuals ever required to accept an accommodation, aid, service, opportunity, or benefit that he or she chooses not to accept? (e)
2. Are services, programs, and activities administered in the most integrated setting appropriate to the needs of qualified individuals with disabilities? (d)
3. Are qualified individuals with a disability in any way limited in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service? (b-1-vii)

## Administration

1. Do criteria or methods of administration, either through written policies or actual practice – (b-3)
  - a. Subject qualified individuals to discrimination on the basis of disability?
  - b. Have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities?
  - c. Perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State?
2. Are any charges placed on individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the ADA? (f)
3. Is any person or entity excluded or otherwise denied equal services, programs, or activities because of a known relationship or association with an individual with a disability? (g)
4. Do you provide significant assistance to any agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of your program? (b-1-v) (504)
5. Do the criteria used in the selection of procurement contractors subject qualified individuals with disabilities to discrimination on the basis of disability? (b-5)

## Licensing or Certification Program

1. Is your licensing or certification program administered in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability? (b-6)
2. Do eligibility criteria screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity? (b-8) (504)
  - a. If yes, can these criteria be shown to be necessary for the provision of the service, program, or activity being offered?
3. Do the requirements for the programs or activities of licensees or certified entities subject qualified individuals with disabilities to discrimination on the basis of disability? (b-6)
  - a. Do your licensing or certification programs enroll qualified individuals with disabilities (those that meet the essential eligibility requirements)? (504)
  - b. How many qualified individuals with disabilities have completed a licensing or certification program in the last year?
4. Do you provide any benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities, beyond those required? (504)

## Boards/Meetings/Public Gatherings

1. Are qualified individuals with a disability denied the opportunity to participate as a member of planning or advisory boards? (b-1-vi)
2. Do qualified individuals with a disability participate as a member of planning or advisory boards? (b-1-vi)
3. Are meetings, school activities, hearings, and conferences held in accessible locations?
4. Are interpreters, readers, and/or adaptive equipment provided in an expeditious manner, when requested, for meetings, interviews, conferences, or public appearances by agency officials and hearings?
5. Are assistive listening devices or other means available for individuals with hearing impairments who do not read sign language?

## Illegal Use of Drugs – 35.131

- a. Do your policies and procedures for illegal use of drugs allow for an individual who is not engaging in current illegal use of drugs and who – (a-2-i-iii)
  - a. Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully?
  - b. Is participating in a supervised rehabilitation program?
  - c. Is erroneously regarded as engaging in such use?

## **Health and Drug Rehabilitation Services**

1. Have health services usually provided ever been denied to an individual otherwise entitled to such services on the basis of illegal use of drugs? (b-1)
2. Does your drug rehabilitation or treatment program deny participation to individuals who engage in illegal use of drugs while they are in the program? (b-2)

## **Drug Testing**

1. Has your entity adopted, or does it administer a policy or procedure, such as drug testing, which is designed to ensure that an individual who formerly engaged in the illegal use of drugs is not currently engaging in the illegal use of drugs? (c-1-ok)

## Program Accessibility

1. Are your facilities accessible and usable by individuals with disabilities?
2. Does the location of your facility – (b-4)
  - a. Have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination?
  - b. Have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities?

## **Existing Facilities – 35.150**

1. Is each service, program, or activity, when viewed in its entirety, readily accessible to and usable by individuals with disabilities? (a)

2. If you believe that a proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, have you complied with each of the following: (a-3)
  - a. Were all resources available for use in the funding and operation of the service, program, or activity considered?
  - b. Was the decision made by the head of your entity or her or his designee after consideration of all resources?
  - c. Is there a written statement of the reasons for reaching that conclusion?
  - d. Has any other action that would not result in such an alteration or burden been taken to ensure that individuals with disabilities receive the benefits or services provided by the public entity?
  
3. Check the methods of accessibility used by your entity: (b-1)
  - Redesign of equipment
  - Reassignment of aides to beneficiaries
  - Home visits
  - Delivery of services at alternate accessible sites
  - Construction of new facilities
  - Use of accessible rolling stock or other conveyances
  - Other (specify) \_\_\_\_\_
  
4. Have methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate been given priority? (b-1)

#### Historic Preservation

1. If you have a historic preservation program, check the statutes under 35.150 (b-2).

#### **New Construction and Alterations 35.151**

1. Are all facilities or parts of facilities constructed or altered since January 26, 1992, accessible? (a, b)
2. Are 2010 ADA standards being used by your facility? (Note: For each facility, the recipient or public entity should choose one standard and use it consistently.)
3. Are there curb ramps at any intersection of a newly-constructed or altered street, road, or highway to a street-level pedestrian walkway? (e)

#### **Maintenance and Accessible Features – 35.133**

1. Can you describe the methods established to maintain equipment in operable working condition required for use and accessibility by persons with disabilities? (a)
2. Can you describe the methods used to maintain features of your facility required for use and accessibility by persons with disabilities, such as accessible routes? (a)

***(For the previous two items, it would be advisable to have a record of these methods.)***



## Communications

1. Are communications with applicants, participants, and members of the public with disabilities as effective as communications with others? (a)
2. Are auxiliary aids and services used by your agency to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of your services, programs, or activities?

<b>Aural Deliveries</b>	<b>Visual Deliveries</b>
Note takers	Qualified readers
Transcription services	Braille materials
Written materials	Large print materials
Telephone handset amplifiers	Other effective methods of making visually-delivered materials available
Assistive listening devices	Acquisition or modification of equipment or devices
Assistive listening systems	
Telephones compatible with hearing aids	
Closed-caption decoders	
Open- and closed-captioning	
Telecommunications devices for deaf persons (TDD's)	
Video text displays	
Taped texts	
Audio recordings	

3. Are individuals with disabilities provided an opportunity to request the auxiliary aids and services of their choice? (b-2)
  - a. Is this choice given primary consideration? (b-2)

### **Telecommunication Devices for the Deaf (TDD's) – 35.161**

1. Is a TDD Relay System or other effective telecommunications system used to communicate with individuals with impaired hearing or speech?

TDD: Location of TDDs:

Telephone number of TDD or Relay System Contact Information:

Directories in which the TDD or Relay System number is listed:

Relay: Company & type of relay services:

2. If your entity offers a telephone service, such as a crisis line, is a TDD or Relay System available?

### **Information and Signage – 35.163**

1. Have you ensured that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities? (a)

- a. Are signs posted to indicate the location of any TDD-equipped pay phones or portable TDDs?
- b. In any large building, is there directional signage indicating the location of available TDDs adjacent to banks of telephones that do not contain a TDD?
2. Is there signage at all inaccessible entrances to each facility directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities? (b)
3. Is the international symbol for accessibility used at each accessible entrance of a facility?

## Documents/Publications/Audio-Visual Presentations

### **Notice**

1. Does each publication of your agency contain a notice of nondiscrimination?
  - Handbooks
  - Recruitment materials
  - Manuals
  - Application forms
  - Pamphlets
  - Posters
  - TV, or Radio Broadcasts
  - Social Media
  - Web site
3. Do notices to employees and applicants include language prohibiting intimidation, coercion, or harassment of individuals exercising their rights under the ADA?
4. Are all sources available in accessible formats?
5. Is the content, including language and pictorial displays, consistent with sensitivity to, and inclusion of, individuals with disabilities?
6. Can you identify the person responsible for the continued availability and updating of the notice of dissemination?

### **Designated Responsible Employee – 35.107(a)**

Has at least one employee been designated to coordinate efforts to comply with and carry out your agency's responsibilities under Title II, including investigation of any complaints?

### **Adoption of Grievance Procedures – 35.107(b)**

Has your agency adopted grievance procedures that provide for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II?

### **Access**

1. Are documents and publications available to sight-impaired persons through audiotape, large print, Braille, computer disk, or other formats?
2. Is the content of documents and publications provided in simple, easy-to-understand language for persons with learning disabilities or low reading levels?
3. Are audio-visual presentations accessible to persons with disabilities?

## **Portrayal**

1. Do publications and audio-visual presentations portray individuals with disabilities in a positive, inclusive way?
2. Do they combat stereotypes by avoiding portrayal in an offensive or demeaning way (e.g., stereotypic language such as wheelchair-bound, victim, deaf and dumb)?

## **Self-Evaluation Summary Report**

Coordinator:

Completion Date:

Persons involved in assessment:

Disabilities represented:

Interested persons consulted:

Responsible Person:

1. List steps taken to ensure that persons with disabilities and other interested persons had an opportunity to comment on the self-evaluation process:
2. Complete a table for every service, program, and activity provided by your agency. The table should include: Policies and practice reviewed\*, problems identified (including physical barriers), modifications made. Use the previous review list to individually evaluate each service, program, and activity your agency provides.  
\*Policies and practices are reflected in ordinances, eligibility and admission criteria, regulations, administrative manuals or guides, policy directives, and memoranda. Other practices, however, may not be recorded and may be based on local custom.

## **Program, Services and Activities Assessment**

### **Check that:**

- Administration of each will be free from discrimination.
  - Communications will reach all persons (including those with hearing and sight impairments).
  - Instructions for service application are effective for persons with disabilities.
3. List steps to ensure that each service and activity is equally effective and usable by persons with disabilities.

<b>Service and Activities</b>	<b>Steps to Ensure Effectiveness and Usability</b>
Counseling services	
Job placement	
Transportation services	
Health services	
Housing	
Financial aid	
Food services	
Recreational services	

<b>Service and Activities</b>	<b>Steps to Ensure Effectiveness and Usability</b>
Athletic activities	
Social activities	
Extra-curricular activities	
Other services, e.g., telephones, water fountains	

### Equal Treatment

Assess whether the aids, benefits and services provided to persons with disabilities are as effective in affording equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as those provided to others.

- Compare current average MME scores (or postsecondary equivalent) of both groups.

<b>Average HSPT Scores</b>	<b>Student Scores With Disabilities</b>	<b>Student Scores Without Disabilities</b>
Reading		
Math		
Science		
Social Studies		

- If not as effective, what additional aids, benefits, or services are necessary to ensure they reach the same level of achievement.
- List the reasonable modifications in policies, practices, or procedures you made in the last year to avoid discrimination on the basis of disability. (b-7)

If none could be listed, explain why not.

- Identify any modifications that were not made on the basis of fundamentally altering the nature of the service, program, or activity.

### Boards/Meetings/Public Gatherings

- List qualified individuals with a disability who have participated on planning or advisory boards for the past three years.

<b>Planning or Advisory Board</b>	<b>Number of Members</b>	<b>Qualified Individual</b>	<b>Disability</b>

9. **If none can be listed**, identify potential problems with the selection process for participants.
10. Identify steps taken to ensure that communications relevant to board formation reach qualified individuals with disabilities, including the use of alternative formats.
11. Describe policies and procedures in place or to be implemented to ensure access to public meetings for persons with disabilities.

### Program Accessibility

If physical barriers to access exist, be sure to cover how these programs will be made accessible when viewed in their entirety. Structural changes should be a part of the transition plan.

### **Existing Facilities – 35.150**

If you believe that a proposed action would fundamentally alter the service, program or activity or would result in undue financial and administrative burdens, attach a written statement of the reasons for reaching that conclusion.

12. Check the methods of accessibility used by your entity. (b-1)
  - Redesign of equipment
  - Reassignment of aides to beneficiaries
  - Home visits
  - Delivery of services at alternate accessible sites
  - Construction of new facilities
  - Use of accessible rolling stock or other conveyances
  - Other (specify) \_\_\_\_\_

### Equipment

13. Identify equipment and devices (such as elevators or automatic doors) used by the public and assess the equipment to ensure its usability by persons with disabilities, particularly individuals with hearing, visual, and manual impairments.

14. Review policies to determine if they ensure that equipment is maintained in operable working order.

<b>Equipment and Devices</b>	<b>Problems Encountered</b>	<b>Maintenance Schedule</b>

### Communication Services

15. Check the following auxiliary aids and services your entity uses to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, your services, programs, or activities. (b-1)

<b>Aural Deliveries</b>	<b>Visual Deliveries</b>
Note takers	Qualified readers
Transcription services	Braille materials
Written materials	Large print materials
Telephone handset amplifiers	Other effective methods of making visually-delivered materials available
Assistive listening devices	Acquisition or modification of equipment or devices
Assistive listening systems	
Telephones compatible with hearing aids	
Closed-caption decoders	
Open- and closed-captioning	
Telecommunications devices for deaf persons (TDD's)	
Video text displays	
Taped texts	
Audio recordings	

16. List steps taken to make participants and applicants aware of available auxiliary and related aids and services.
17. Identify the method developed for securing the following services:
- a. Provisions for readers with visual impairments.
  - b. Provisions for interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments.

## Telecommunications Devices for the Deaf (TDDs) – 35.161

TDD: Location of TDDs:

Telephone number of TDD or Relay System Contact Information:

Directories in which the TDD or Relay System number is listed:

Relay: Company & type of relay service:

## Information and Signage – 35.163

18. List additional information that may be needed to inform interested persons, including persons with impaired vision or hearing, of the existence and location of accessible services, activities, and facilities.
19. Identify the location of signage needed.

### EXAMPLE

Signage Needed	Locations Needed
Signage <b>at inaccessible entrances</b> to each facility directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities.	
International symbol for accessibility <b>at each accessible entrance</b> of a facility.	
Appropriate signage <b>at accessible/ inaccessible restrooms</b> .	
Appropriate signage identifies parking designated for handicapped.	

Documents/Publications/Audio-Visual Presentations

20. List all publications of your agency or sources in which applicants, participants, beneficiaries, and other interested persons are informed of their rights and protections afforded by the ADA, such as:

Types of Documents	Agency Documents
Catalogs	
Handbooks	
Manuals	

21. Identify all publications in which the name or title, office address, telephone number(s) and email(s) of the employee(s) designated to coordinate efforts to comply with and carry out your agency's responsibilities under Title II is made available to all interested individuals.
22. Review all materials to ensure that persons with disabilities are:
- Portrayed in a positive, inclusive way in proportion to their representation in the agency.
  - Not portrayed in an offensive or demeaning way. Example: stereotypical language in publications such as wheelchair-bound, victim, deaf and dumb.

Documents	Portrayal Problems	Alternate Formats Available	Easy Format-LD Yes No

23. List all audio-visual presentations (films, videotapes, computer, or television); whether or not they are captioned, and if not captioned, indicate what steps have been taken to ensure that hearing-impaired persons can benefit from these or similar presentations.

A-V Presentation Title	Captioned: Yes or No	If No, Describe Steps Taken to Ensure Accessibility



# Section H – Persons with Disabilities: Identification and Assistance

## Identification and Location

Each public elementary or secondary education recipient is required to annually identify and locate every qualified person with a disability residing within the recipient's area of jurisdiction, including those not receiving public education. The term "qualified handicapped person" is defined in Section 104.3(1), (2), (3), and (4) of the Section 504 Regulations.

Practices to identify and locate the persons with disabilities include:

1. Annually locating qualified individuals with disabilities through a town or local school census (if a census is a standard practice in the area and if census information is accessible).
2. Surveying parents/guardians to determine if there is a school-age individual not yet diagnosed but suspected of having a disability. Parents/guardians are asked if they want their child/ward to be evaluated by the school district to determine whether special education and related services are needed. The parent/guardian signs a form that is forwarded to the Child Find Coordinator or to the school district unit that arranges for screening and evaluation.
3. Conducting a public awareness media campaign:
  - a. Techniques include radio and television announcements, brochures, posters, announcements published in newspapers and newsletters, telephone calls, and presentations before community groups. Examples 1 and 2 provide samples of such announcements in the form of letters to parents/guardians, doctors, and other health service professionals.
  - b. Community groups and individuals could be asked to assist in the campaign. Hospitals, clinics, physicians' offices, organizations of persons with disabilities, churches and religious organizations, ethnic organizations, social service agencies, fraternal and professional organizations, schools, major employers, and retail establishments could be contacted (e.g., Project Child Find).
4. Identifying children suspected of having a disability through routine screening procedures required for all students before entering kindergarten.
5. Identifying individuals with disabilities with the assistance of classroom teachers.
  - a. When a teacher observes that a child is functioning inadequately because of a suspected physical, emotional, or mental condition, the teacher would complete a referral form regarding the problems the child is manifesting. The teacher would forward the referral form to the unit responsible for arranging evaluations.

## Notification

**Two types of notification must be provided annually: notification of a free, appropriate education, and of the recipient's duty regarding nondiscrimination.** Each public elementary or secondary education recipient is required to annually take appropriate steps to notify persons with disabilities and their parents/guardians of the recipient's duty to provide free appropriate public education. The term "free appropriate public education" is described in Section 104.33 of the Section 504 Regulations. Please also refer to Section G.

An attempt should be made to communicate the following message to English and non-English speaking people:

- That the school district guarantees the right to a free, appropriate education for all school-aged persons with disabilities.
- That the school district will arrange for free evaluation services for any child who is suspected of having a disability and of needing special education and related services.
- That parents/guardians may contact a designated unit for further information and/or refer their child/ward for an evaluation.

Public elementary and secondary education recipients must take appropriate steps annually to notify persons with disabilities and their parents/guardians of the recipient's duty regarding nondiscrimination on the basis of disability.

The following practices are suggested to meet this obligation.

1. A handbook could be developed to describe the Section 504 Regulations.  
Topics might include:
  - A. The right of qualified individuals with disabilities to a free, appropriate publicly supported education.
  - B. The variety of educational placement options available.
  - C. Location, identification, evaluation, and placement procedures: including a description of how the procedures are conducted, the types of personnel involved, the role of parents/guardians and their children/wards with disabilities, and the purpose of each procedure.
  - D. Procedural safeguards: such as the right to prior notice, the necessary content of each notice, access to records, hearing and review procedures, and the right to representation by counsel.
  - E. Relevant mandates of Public Law 94-142 and of State education laws.
  - F. Individual(s) and organizations to contact for further information.
2. A telephone information line could be established so that persons could obtain information and schedule meetings with district personnel to discuss the rights and duties established by Section 504.

## Provision of Career and Technical Education

Career Education must be provided by the recipient to students with disabilities in regular career and technical education programs with appropriate accommodations. Decisions regarding placement of a student with disabilities and participation in CTE must be based upon the recommendation of the Individualized Educational Planning Committee (IEPC) for students with disabilities. This committee is expected to recommend what is best for the student rather than what is convenient for the recipient.

Career training and related services for students with disabilities may be provided through an interagency delivery system involving Michigan Rehabilitation Services, the Michigan Department of Education's Special Education & Early Intervention Services, and the Office of Career and Technical Education. The chart that follows entitled "Michigan Interagency Delivery System for Career and Technical Education and Related Services for Students with Disabilities" describes CTE and training alternatives for students with disabilities. Recipients are expected to follow the guidelines presented for the alternatives.

In conjunction with these guidelines, recipients should ensure that:

1. Students with disabilities are exposed to career information concerning a variety of occupations rather than only those requiring lower skills such as building maintenance, food service aides, etc.;
2. Students with disabilities are actively recruited for occupational programs commensurate with their ability;
3. Students with disabilities are supported by reasonable accommodations and support services;
4. Students with disabilities are provided the opportunity to participate in job placement and work experience projects; and
5. Follow-up data on students with disabilities are collected and used to improve services.

## **Notification - Postsecondary Requirements**

Postsecondary institutions have a legal duty to annually notify all students with the information and procedures to self-identify as disabled and needing assistance.

Postsecondary institutions also have a legal duty to notify students and other stakeholders of their duty regarding nondiscrimination on the basis of disability.

An attempt should be made to communicate to English and non-English speaking people.

## **Provision of Career and Technical Education – Postsecondary**

The postsecondary institution must:

1. Students with disabilities are supported by reasonable accommodations and support services;
2. Students with disabilities are provided the opportunity to participate in job placement and work experience projects; and
3. Follow-up data on students with disabilities are collected and used to improve services.

## Example 1

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### Sample Letter to Parents/Guardians:

Dear Parent/Guardian:

Public Act 198 of 1971, the Mandatory Special Education Act, establishes the right of persons with disabilities, from birth through the age of 25, to equal opportunity within the public schools.

THIS MEANS THAT CHILDREN WITH DISABILITIES DO NOT NEED TO WAIT UNTIL THEY ARE SCHOOL AGE TO BENEFIT FROM SPECIAL EDUCATION SERVICES.

It is important that help be obtained for those with disabilities at the earliest possible age. In the State of Michigan, this help is free and available through your public schools. A team of educational specialists evaluates the child to determine the type and degree of disability and the best program placement. This evaluation often includes medical specialists.

Pre-primary Special Education services are available for the:

MENTALLY IMPAIRED  
EMOTIONALLY IMPAIRED  
PHYSICALLY AND OTHERWISE HEALTH IMPAIRED (POHI)  
HEARING IMPAIRED  
VISUALLY IMPAIRED  
SPEECH AND LANGUAGE IMPAIRED  
SPECIFIC LEARNING DISABLED

So, if you have, or know of, a pre-school child who may benefit from these services, call:

Name of Person Responsible  
Office Address  
Telephone Number

Sincerely,

(Superintendent or Special Education Consultant)

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## Example 2

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### Sample Letter to Area Doctors and Other Health Service Professionals

Dear :

The Palmertown School District, in cooperation with other local school districts, seeks to provide educational services to all persons with disabilities from birth through age 25. We are making an effort to locate all persons who have not been identified with special focus on babies and pre-schoolers residing in the local area.

Our diagnostic team consists of the following: physical therapist, occupational therapist, school psychologist, speech pathologist, social workers, and educational coordinator.

Medical evaluations are sought when appropriate. Parents/guardians and all professionals involved meet or send reports to the Individualized Educational Planning Committee (IEPC) meeting. Here, eligibility is determined, developmental goals are planned, and program placement is made. Some program alternatives include:

1. Center-based physical and/or occupational therapy.
2. Home-based programming where parents/guardians are given activities to do with their child/ward at home.
3. School programs available to children at 2½ to 3 years of age with parental/guardian consent.

We are available to help children with the following disabilities, either known or suspected, on a consulting or full-service basis: mental impairment, emotional impairment, learning disabilities, speech and language impairment, physical or other health impairments.

If you have any questions or referrals, please contact me at (517) 555-5500. Patients/clients may also be referred by having the parents/guardians call the school district at (517) 555-5500. Thank you very much.

Sincerely,

Name of Person Responsible

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## **Section I – Limited English Proficiency / English Language Learner Assistance (LEP/ELL)**

Office for Civil Rights (OCR) Guideline IV(L) specifies that recipients must:

- (a) identify students with limited English proficiency and assess their ability to participate in career and technical education instruction.
- (b) use acceptable methods of identification including, (1) identification by administrative staff, teachers, or parents/guardians of secondary level students; (2) identification by the student in postsecondary or adult programs; and (3) appropriate testing procedures, if necessary.
- (c) take steps to open all career and technical education programs to these students, and
- (d) if necessary, be able to demonstrate that a concentration of such students in one or a few programs is not the result of discriminatory limitations of opportunities made available to them.

A number of educational approaches may reasonably be expected to ensure the effective participation of Limited English Proficient/English Language Learners (LEP/ELL) students in the total education program. Thus, school districts and colleges have the flexibility to decide on the education approach that best meets the need of their language minority students. Examples of acceptable approaches include Dual Language Program, Transitional Bilingual Education, Developmental Bilingual Education, Structured Immersion, and English as a Second Language. The Federal law requires appropriate instructional plans that lead to the timely acquisition of proficiency in English by all students in Michigan.

### **Procedures for Ensuring Services to LEP/ELL**

The following procedures are recommended to school districts to ensure that their programs are serving LEP/ELL students effectively:

1. Proper identification of students;
2. Appropriate assessment tools to determine eligibility;
3. Develop a program to meet LEP/ELL students' needs in order to provide an equal educational opportunity to all students;
4. Ensure that staff, curricular materials, and facilities to meet LEP/ELL students' needs are in place and are used properly;
5. Continue program assessment and instructional support where needed.

Proper steps must be taken to avoid LEP/ELL students being misplaced in special education programs. Such steps may include: assessing the student in their own language; ensuring that accurate information regarding the student's language skills is taken into account in evaluating assessment results; and comparing results obtained when a part of the assessment is repeated in the student's first language.

## **Identification of LEP/ELL Students**

The Home Language Survey (HSL) is a tool to collect information on students to identify those whose native language is a language other than English, or who come from homes or environments where a language other than English is spoken. This process, a locally developed survey, or some other method of obtaining the survey information is acceptable.

It is recommended that the Local Education Agency (LEA) or College send a HSL form to the home of every student enrolled or include this information in intake forms. Follow-up contact by telephone or visits may be necessary to obtain or verify this information. If the agency has previously conducted an HLS of all students enrolled, the results of that may be used, as updated, to include new and transfer students from families already identified.

It is recommended that local school districts and colleges undertake outreach to identify ELL/LEP students through radio and television announcements, brochures, posters, announcements published in newspapers and web sites, and presentations before community groups providing information on services available.

## **Determining Eligibility**

Assessment of LEP/ELL students enrolled in grades 3-12 will determine the level of services these students need. In grades K-2, teachers, administrators, parents/guardians, and community members can refer LEP/ELL students for appropriate services. This procedure is based on the State Board of Education's adopted "Procedures for the Identification of Students Eligible for Bilingual Education Funding."

## **Notification and Provision of Instruction**

In Michigan, local education agencies provide bilingual education to LEP/ELL students on a voluntary basis. If LEAs choose to provide bilingual education services to LEP/ELL students, they must follow the Administrative Rules (Eligibility Rules, Bilingual Endorsement Rules) and notify the parents/guardians of LEP/ELL students to be enrolled in the bilingual education program prior to their enrollment. The notification must be in the child's native language and explain the parents'/guardians' rights to pull the child out of the program.

If there is a community of national origin minority persons within the school district or primary college service area, LEAs and colleges are to issue public notification that all career and technical education opportunities will be offered without regard to race, color, religion, national origin, sex, or disability in that community's language. The notification must contain an assurance that the lack of English language skills will not be a barrier to admission and participation in CTE programs.

## **Staff, Curriculum, and Facilities**

Under the Bilingual Endorsement Administrative Rules, LEP/ELL students will be served by certified teachers who are bilingually endorsed and speak the student's language. School Improvement Plans require that all educational agencies serve all students and provide equal educational opportunities to all students in Michigan.



Example 1

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**ENGLISH/SPANISH**

COMMUNITY NEWSPAPER ANNOUNCEMENT

HELP BREAK THE LANGUAGE BARRIER

We are seeking to identify students whose home language is other than English. If you are the parent/guardian of such a child/ward – who is not in our present Bilingual Program – please send your child's/ward's name and the school that he/she attends to:

Bilingual Coordinator  
Rose Park High School  
800 Rose Park Boulevard  
Rose Park, Michigan 42322

AYUDE A ELIMINAR LAS BARRERAS DEL IDIOMA

Estamos tratando de identificar estudiantes que hablan otro idioma en sus hogares además del inglés. Si Ud, es el padre o guardian del niño(a) – si el niño(a) no están inscritos en el programa bilingüe – por favor de enviar el nombre de su niño(a) y el nombre de la escuela que asiste:

Bilingual Coordinator  
Rose Park High School  
800 Rose Park Boulevard  
Rose Park, Michigan 43233

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## Example 2

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STATE BOARD OF EDUCATION  
SAMPLE  
HOME LANGUAGE SURVEY\*

The (Local Education Agency) is collecting information on the language background of each of its students. The information will be used to determine which students are eligible to receive bilingual education. Would you please help by filling out the survey? Thank you very much for your cooperation.

Name of Student \_\_\_\_\_ Grade \_\_\_\_\_

Age \_\_\_\_ School Building \_\_\_\_\_

1. Does your child/ward speak or understand a language other than English? \*\*  
 Yes  No

a. If yes, what is that language?

- b. If yes, is that language the first one the child/ward learned to speak or understand?  
 Yes  No

2. Is there a language other than English spoken regularly in the home or environment?  
 Yes  No

If yes, what is that language?

Date \_\_\_\_\_ Signature of Parent/Guardian \_\_\_\_\_

Address, City, Zip Code \_\_\_\_\_

1. Translations of the survey in major languages may be obtained from the Bilingual Education Office, which will also provide technical assistance in conducting the survey.
2. Districts may wish to devise a survey form that will allow them to gather the same information by household.
3. Districts may wish to gather the information for high school students directly from the student.

\*\*An affirmative response to either question 1 or 2 indicates a student who is potentially eligible for bilingual funding.

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The Home Language Survey may also be included as part of the LEAs or colleges registration/enrollment procedures.

### Example 3

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El distrito de Cherwell ofrece oportunidades para la educación vocacional en los distritos de Mooney, Clark, West Island, Wiley y Kirk.

En el Centro Vocacional, los estudiantes de la secundaria de estos distritos pueden en participar en varios programas y actividades para exploración de carreras y preparación vocacional para el empleo.

Bajo los reglamentos del Distrito Escolar de Wolverine el centro no discrimina raza, color, nacionalidad, sexo, des valido. Además la falta del idioma de ingles no es un obstáculo para la admisión o participación. Ayuda es disponible para las personas que están limitados de ingles.

Los programas que so ofrecen en el centro de su área incluyen:

Airé Acondicionado y Refrigeración	Electrónica
Construcción	Arte Gráfico
Procesamiento de Datos	Ayuntamiento de
Taller Mecánico	Enfermería
Cosmetología	Soldadura

No hay requisitos para registrarse en estos programas.

Si tiene algunas preguntas acerca de estos programas puede informarse. Llama a Wolverine Arrea Centro al telefona (616) 799-8000.

Preguntas de equidad sobre el sexo o desvalidas deben ser dirigida a:

Sinceramente,

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## Example 4

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SILVER SPRINGS SCHOOL DISTRICT  
120 Larson Street  
Silver Springs, Michigan 47310

Dear :

Your child/ward, , has been selected to participate in the Bilingual Education Program offered by the Silver Springs School District. A short description of the program is enclosed. Your child will be receiving instruction in two languages, English and Arabic.

If you do not wish to have your child/ward enrolled in this program, please return the enclosed form to Mr. George Lincoln at the above address.

You are welcome to visit your child's/ward's bilingual instruction class at any time. Please contact Mr. Lincoln at 548-4484 for the time and room number of your child's/ward's class.

As a parent/guardian of a student enrolled in the program, you are eligible for membership on the Parent/Guardian Advisory Committee and on the Bilingual Instruction Eligibility Committee. An explanation of the duties of these committees and an application form for membership are available from Mr. Lincoln.

Sincerely,

Dennis Jameson  
Principal

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## Example 5(a)

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SILVER SPRINGS SCHOOL DISTRICT  
120 Larson Street  
Silver Springs, Michigan 47310

Dear :

There will be a meeting of the Spanish Bilingual Advisory Council on Monday, March 10, at 7:30 p.m., in the Constant High School Cafeteria. All parents/guardians who have students in our schools are welcome.

### AGENDA

1. Evaluation by parents/guardians of the Bilingual Program – Grades K-12.
2. Program recommendations by parents/guardians for next year.
3. Planning for the offering of a course in English for Spanish parents/guardians who do not speak English. The course is to be taught by a Spanish teacher with bilingual paraprofessionals.
4. Employability skills training for those adults who speak English.

Sincerely,

Joseph Perrone  
Bilingual Coordinator

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## Example 5(b) - Spanish

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SILVER SPRINGS SCHOOL DISTRICT  
120 Larson Street  
Silver Springs, Michigan 47310

Estimado \_\_\_\_\_ :

Se llevará a cabo una conferencia del Spanish Bilingue Advisory Council el lunes, 10 de Marzo a las 7:30 p.m., en la cafetería de la escuela Constant High. Los padres de familia que tengan a sus hijos en esta escuela son bienvenidos.

### AGENDA

1. Evaluación del Programa Bilingüe por los padres – Grados K-12.
2. Recomendaciones para el programa del próximo año por los padres.
3. Se esta planeando un curso en inglés que se ofrecerá a los padres de familia de habla hispana que no hablan inglés. El curso será enseñado por una maestra bilingüe paraprofesional.
4. Destrezas de entrenamiento para procurar empleo para todos los adultos de habla inglés.

Sinceramente,

Joseph Perrone  
Coordinado Bilingue

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Example 6(a)

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LETTER TO PARENTS/GUARDIANS OF STUDENTS IN THE  
BILINGUAL EDUCATION PROGRAM

DATE:

TO THE PARENTS/GUARDIANS OF:

Dear Parents/Guardians:

The Powers Consolidated Schools has a Bilingual Education Program. This program helps students who primarily speak a language other than English, or whose families primarily speak a language other than English. The program also helps the families to communicate with the school. We think your child/ward would benefit from this program. Parents/guardians may visit the school during their child's/ward's bilingual period.

You have the right to refuse to allow your child/ward to participate in the program and to withdraw him/her from the program at any time. Your child/ward will be in the bilingual program unless you send a letter of refusal to the principal, written in any language.

If you have questions, please contact \_\_\_\_\_ at  
\_\_\_\_\_, phone 573-7461.

Sincerely,

(Superintendent)

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## Example 6(b) – German

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### BRIEF AN DIE ELTERN VON SCHUELERN IM ZWEISPRACHIGEN UNTERRICHTSPROGRAMM

DATUM:

AN DIE ELTERN VON:

Sehr geehrte Eltern,

Die Vereingten Schulen von Powers ermoeglichen ein Zweisprachiges Unterrichtsprogramm (Bilingual Education Program).

Dieses Programm hilft Schuelern welche sich einer anderen Sprache, anders ais Englisch, bedienen oder Englisch nicht alas Hauptsprache ausserhalb des Schulunterrichtes benutzen. Weiterhin soil dieses Programm Familien in deren Verstaendigung mit der Schule helfen.

Wir glauben, dass dieses Programm fuer Ihr Kuind von Vorteil ist und laden Sie herzlich ein daran teilzunehmen. Besuchen Sie uns bitte waehrend der zweisprachigen Unterrichtsperioden thres Kindes.

Ihr Kind ist automatisch in dem Programm einbezogen. Sie haben das Recht die Teilnahme an dem Programm zue verweigern und Ihr Kind jederzeit aus dem Programm zue nehmen.

Sollten Sie die Teilnahme ihres Kinds an dem Programm nicht wuenschen bitten wir Sie um eine schriftliche Verweigerung (in jeder Sprache) adressiert an den Rektor der zustaendigen Schule.

Fuer weitere Fragen steht ihnen \_\_\_\_\_, Telefon 573-7461 gerne zur Verfuegung.

Mit freundlichen Gruessen

(Superintendent)

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## Example 6(c) – Serbo-Croatian

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### OBRAVESTENJE RODITELJIMA UCENIDA UKLJUCENIH U LINGVISTICKI PROSVETNI PROGRAM

DATUM:

RODITELJUMA OD:

Dragi Roditelji:

Prosveta skolskog sistema u Powers poseduju Lingvisticki Prosvetni Program.

Ovaj program je nemenjen iskljucivo ucenic-ma ciji maternji jezik nije Engliski, kao I ciji se roditelji sluze u kuci drugim jezikom pored Engliskog.

Ovaj program pruza pomoc ucenicima da savladju probleme kako u gradivu tako I u usavrsavanju Engliskog jezika. A, Vama kao rodiljima, omogucava da laves uspostavite vezu sa skolom kao I da blize upoznate njen sistern.

Imate pravo de posetite nas program, da prisustvujete za vreme nastave. Zakon Vam nalaze da Vi resite dali ce vase dete pristupiti ovom programu. U protivnom, Vi se morate obratiti pismenim putem, na vasem jeziku, direktoru ove skole.

Za blize informacije potrazite: \_\_\_\_\_

Telefon 573-7461.

S postovanjem,

(Superintendent)

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## Suggested Tests for Assessment of Oral Language Proficiency

Language Proficiency Supports:

For a list of EL program supports used to determine language proficiency, please contact the Michigan Department of Education, Field Services, at 517-241-6974. MDE must approve any instrument that is not currently on their list of instruments suitable for measuring oral language proficiency in accordance with State Board of Education guidelines.

Additional Resources

The National Association for Bilingual Education website:

<https://nabe.org/>

## Section J – Counseling

### Critical Role of the Counselor

The counselor (academic advisor) assumes a number of roles, all important and potentially critical in affecting a student's future. In performing these varied roles, the professional commitment of the counselor is directed at promoting the fullest development of each individual.

A variety of barriers have acted to limit this with respect to minorities, women, and students with disabilities. These are reflected in the most recent national education statistics. For example, the reading proficiency of minority students, while advancing, is in need of further improvement. The high school completion rates for African Americans and Hispanics lag behind those of Caucasian students. Enrollment of minority students in higher education programs is substantially below that of white students. Women and minorities continue to be under-represented in engineering, mathematics, and other scientific and technical fields.

The challenge is to provide counseling services that improve and expand the service delivery to minorities, women, and students with disabilities; and thereby, help to ameliorate these conditions. This means that a counselor needs to understand how to recognize discrimination and other barriers to equal educational opportunity before appropriate steps can be taken to address these barriers, enabling all students to develop to their fullest.

The counselor should:

- Inform students and parents/guardians of their protection under the civil rights laws.
- Analyze course enrollment data to identify disproportionate enrollment of minorities, women, and students with disabilities.
- Identify discriminatory practices in existing guidance/counseling program policies and procedures.
- Establish goals, objectives, and action steps in school district guidance plans in response to identified career needs of minorities, women, and students with disabilities.
- Implement an ongoing career guidance program to meet students' needs.

- Ensure effective communication with limited English proficient/English language learners students and students with disabilities.
- Provide support through counseling and consultation with teachers, peers, and parents/guardians of students.
- Assist students in such activities as resume writing, job interviewing, decision making, financial aid applications, educational/career planning, and on-the-job adjustment.
- Review guidance materials for stereotypes and bias.
- Identify minorities, female, and disabled role models from occupations where they are traditionally under-represented.
- Coordinate counseling activities with other school and community resources and agencies serving special population groups.

## **Section K – Strategies to Increase Under-Represented Populations**

Findings of disproportionate enrollments of minorities and women in career and technical education have resulted in the request that agencies and institutions “undertake positive strategies to increase the number of under-represented populations enrolled.”

Strategies to increase under-represented populations are best explored from the perspective of what they are not. This is especially important in light of the Michigan Department of Education’s belief and general finding that educational agencies and institutions in the State have a sincere commitment to “equal opportunity.” Therefore, strategies to increase under-represented populations should not be interpreted as:

1. Reverse Discrimination – operating to facilitate or ensure the non-involvement of those who have had access to or have historically benefited from the service. Aside from the fact that action of this type is illegal, it is contradictory to Career and Technical Education’s mission to serve all who desire to participate.
2. Freedom of Opportunity and Choice – operating from the perspective that the opportunity exists and because nothing is overtly done to prevent participation, those not represented chose not to be. While the absence of discriminatory conditions and practices is to be commended, this alone will not result in significant change, nor does it comply with the mandate to take “remedial action” or remedy under-representation as defined by both Federal and State approved benchmarks. Thus, it is not enough to merely “do nothing to prevent involvement.” The question of “what is being or has been done to promote involvement” must be addressed.

The agency or institution must undertake strategies involving specific steps and special efforts to recruit and serve persons of groups that have been formerly excluded or clearly under-represented.

As a component of the Civil Rights Compliance Program in Career and Technical Education, specific recruitment is authorized by Section IIB of the Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex or Disability,” and the supplementary regulations of Title VI, Title IX and Section 504, which either require or support remedial efforts to “overcome the effects of past discrimination.”

This section is directed at agencies and institutions that are involved with the issue of strategies to increase under-represented populations. The activities compiled are offered as suggestions of a number of strategies that can be taken to recruit members of groups that have, for whatever reason, been excluded or are under-represented.

Recruitment strategies, if they are to be successful, require coordination of the following efforts:

1. IDENTIFICATION AND ACCEPTANCE OF THE PROBLEM – In order to provide a comprehensive picture, data should be gathered to illustrate the extent to which specific groups are represented. To propose any type of recruitment effort without this would be an error. As part of the Civil Rights Compliance Review, the non- and under-representation of specific groups may be identified as a prominent concern.

The value of documentation to illustrate the point and to raise the awareness level and concern of the public cannot be over-stressed. Also, the lack of support provided by data can result in acceptance of the problem as a mere “perception” instead of a “reality” or as a “symptom” instead of a “problem.” Based on this argument, it is suggested that findings relative to under-representation be shared or reported to those with whom the responsibility for change will rest.

2. OWNERSHIP OF THE PROBLEM – Like most social-based issues, the problem of non- or under-representation in career and technical education is not new and is not the result of action by any one person or group of persons. As a multi-pronged problem, ownership and responsibility for what exists is shared by two key groups. They are: (a) those directly and indirectly involved in the delivery of career and technical education, including all personnel within the agency or institution; and (2) those who directly or indirectly benefit from this service such as those sources external to the agency or institution.

Using these categories of ownership, information regarding the status of over/under-representation in career and technical education should be shared with:

1. Personnel within the Agency/Institution
  - (a) Policy and Relevant Advisory Boards – Any commitment to strategies should begin at the top decision-making level with those who establish policies. Therefore, it is very helpful, if not essential, to have the approval of all top officials and administrators if the program is to be successful. Although they are not usually charged with the responsibility of establishing policies, they are responsible for making recommendations and their endorsement of actions proposed or taken is considered politically advantageous since they are usually comprised of persons with diversified backgrounds and expertise.
  - (b) Central and Building Administrators – Research identifies these as the most influential factors in determining the priorities for the district and in the building. Their input and support are vital to the execution of any program and their supervision is equally important in interpreting and monitoring adherence to established policies.
  - (c) Counselors and Teachers, Consultants and Specialists, Aides and Volunteers – In addition to the factors already mentioned, these personnel, through interaction with students, parents/guardians, and others, function as a support system that generally provides information, direction,

encouragement, and role models to impact the development and change of attitudes and skills.

- (d) Students and Prospective Students – Images and perceptions held by students play a major part in the implementation of a strategic program. Peer influence is widely recognized as a dynamic catalyst for recruitment efforts.

## 2. Sources External to the Agency/Institution

- (a) Parents/Guardians and Faculty Members – In general, adults, which this group represents, hold beliefs and values about the educational process, especially as it relates to career options. The belief and values that they hold and pass on must be recognized and explored in relationship to any efforts or programs involving minority students.
- (b) Neighborhood/Community/Civil Action Groups/Fraternal and Social - Communication of recruitment needs to these external sources are most significant for building a support network with others who share the same concerns and interests, and whose endorsement can provide assistance in reaching groups and in helping them form linkages with other social institutions. Using this approach, the generic term “minority student(s) or group(s)” is practically useless because most ethnic groups have organizations like these that are unique to their culture.
- (c) Religious and Church Related Organizations – No discussion of support systems would be complete without acknowledging the influence of these organizations. Their traditional role in addressing and coping with the needs and frustrations of cultural groups have made them especially effective in helping these groups locate, assess, and utilize resources. A sample letter is provided that can be used to contact these types of organizations.

Identifying specific minority groups in the community is a key to using the above sources. Given this, special attention may need to be given to methods of reaching ethnic populations. This effort involves finding those groups and organizations in your community whose purpose and/or membership is based on the minority group in focus. The URBAN LEAGUE and the NAACP are two well-known sources that, if available, can usually provide direction to ethnic-based leadership groups in an area. Although these organizations are best known for their efforts in desegregation, they function to protect the civil rights of all minorities and are experienced in doing so.

Unfortunately, local chapters of these organizations are more apparent in or near metropolitan areas with reasonably sized minority populations. A list of groups and organizations and newspapers and newsletters for some of these groups may be obtained by contacting: Special Populations Consultant, Michigan Department of Education, Office of Career and Technical Education, P.O. Box 30712, Lansing, MI 48909, telephone (517) 373-3373.

Once the ethnic-based organization for a specific minority group is identified, initial contact should be made to arrange a meeting to discuss the agency’s or institution’s needs. This can easily be handled by a phone call to the designated officer or administrator of the group. It is recommended that the subject of this call be limited to setting up a meeting to open discussion rather than attempting to explain details. Because some have a different comfort zone, a letter rather than a phone call for initial contact may be preferred. In this case, some background

information might be necessary and appropriate to capture attention (see sample letters on the following pages).

Once arrangements for a meeting with representatives of a minority-based group/organization have been made, efforts should be directed to preparing for the meeting. With this in mind, the following suggestions are offered.

1. Solicit the aid of other personnel who would be willing to attend the meeting. Representation of more than one staff member can be interpreted as an indicator of commitment and a second perspective is usually helpful in facilitating and analyzing group interaction.
2. If possible, strive to have a minority group representative as part of the agency/institution meeting team. This is usually an indicator of endorsement and lends a degree of validity to the effort.
3. Be prepared to explain the objectives and benefits of career and technical education and to deal with traditional misconceptions. If possible, briefly share information concerning program offerings, placement services, wages, etc. to emphasize its value as a career option for all.
4. Be prepared not only to provide background information but also to leave something concerning the effort in the hands of those in attendance. Call a few days before the meeting to confirm the date, time, place, and the number of people expected to attend.
5. Be prepared to explain what the agency or institution is doing internally to accomplish its strategic goals. If possible, share examples of letters, memoranda, and school newsletters that will or have been used to promote such goals
6. Be prepared to share some idea of how you think the group can assist in meeting the objectives of the strategies.
7. Have in mind some estimate of the amount of time the agency will have to spend or the number of people necessary for what is being requested.
8. Request the identification of a specific contact person to coordinate efforts between the organization and the agency or institution.
9. If possible, gain some commitment for immediate feedback by establishing a future time for a follow-up planning session, a meeting with a larger group, etc. Avoid accepting an open-ended promise to "see what can be done" or "get back in touch."
10. Extend an invitation to meet at the location of the career and technical education program and provide a tour of the facility and equipment.

Under-representation of Female Students in CTE Programs:

Specific research-based strategies are essential to improving the enrollment and completion of female students in traditionally male dominated CTE program areas. There are many complex and interrelated factors influencing perceptions and interest in nontraditional programs by female students.

Without specific strategies and support, as well as sustained efforts, it is unlikely that significant change in nontraditional enrollments or completion will occur. It is not enough to

merely “do nothing to prevent involvement.” The question of “what is being or has been done to promote involvement” must be addressed.

It is suggested that an agency that wishes assistance review this website (<https://www.michigan.gov/mde/services/octe/educators/funding-monitoring/perkins-v/state-plan/gender-equity-program-information>) and contact their regional CTE director.

They may also contact the Office of Career and Technical Education’s Gender Equity Consultant at 517-241-2091 for additional strategies and assistance.

## **Soliciting the Support and Effort of Personnel Within the Agency/Institution**

Sharing responsibility for concerns and issues, as well as achievements and gains, is an essential first step to the development of a trusting and supportive relationship.

The finding of a disproportionate number of minority enrollees/underserved populations in career and technical education, like any other educational issue about which some action must be taken, must be addressed by those whose decisions and actions facilitate delivery.

It is assumed that strategies commonly used to communicate with agency or institution personnel to explore concerns and issues, analyze problems, seek alternatives, and find solutions are equally suitable for this purpose and require no elaboration. It is, however, recommended that the student population, including relevant student organizations, be informed of facts surrounding your strategies including:

- The performance of the on-site review
- The report of significant findings
- The Administration’s commitment to compliance
- The meaning and purpose of strategies to increase under-represented populations in programs
- The student’s role in recruiting minority/underserved students.

Expanding on the idea of the student’s role in recruitment, the following is a list of suggested activities/projects that students can implement or assist in implementing, along with a rationale for delegating this responsibility to them.

- School Assemblies – their impact is invaluable in designing and presenting programs that will be effective with their peers.
- Resource Persons/Guest Speakers – they are often the sons, daughters, nieces, nephews, neighbors, friends, or relatives of the experts in the community, and, therefore, often have an inside track they can use to locate and engage important resource people whose skills and talents can be useful in achieving set goals.
- Recruitment Materials – when given the chance, they are masterful in designing creative approaches to the treatment of any subject or issue. Use their input, skill, and talent to produce special brochures, bulletins, newsletters, articles, etc.
- Disseminate Information and Materials – they have a wide range of contacts both inside and outside the school setting. Decide what message or materials need to be conveyed and distributed and allow students to assist. This can be done through personal contact, surveying, special exhibits such as “Career/Recruitment Fairs,” media presentations, panel discussions, etc.

- Support Groups – they can be of primary value in developing and delivering effective support services such as counseling, tutorial, etc. Also, aside from being generally helpful, they are very useful in recruiting under-represented populations and young women, and in assuring that participation will result in a positive experience.

## **Soliciting the Support and Effort of Sources External to the Agency/Institution**

The art of soliciting the effort and support of ethnic-based groups and organizations depends greatly upon the agency's/institution's ability to visualize and explain its perception of the organization's role and function. Difficulties normally experienced in enlisting active support can be minimized when the agency/institution can identify specific responsibilities and activities with which the group or organization can assist or assume. In addition to promoting trust, this directness eliminates the unnecessary waste of both time and effort. More importantly, it allows energy normally consumed in deciding and planning to be better utilized in production. Some specific responsibilities and activities for consideration include:

- Interpreting and disseminating general information about career and technical education to the ethnic community.
- Conducting recruitment workshops targeting specific ethnic populations but excluding none.
- Making referrals of specific ethnic groups based on their accessibility to the group.
- Establishing support groups with which students of a particular ethnic background can comfortably consult when making decisions or communicate special interests and concerns.
- Endorsing and/or producing special communications for specific ethnic groups.
- Placement on review and advisory boards to provide authentic input and to monitor the interests of specific ethnic groups.

## **Recruitment & Retention of Under-Represented Students in Career and Technical Education Programs**

Recruitment of under-represented students will have to include recommendations for formalizing and expanding existing general recruitment activities. If this is the case, two factors should be kept in mind:

1. Good career and technical education recruitment plans must include the information, education, involvement, and coordination of all stakeholders: Boards of Education, Trustees, Presidents, Superintendents, Deans, Chair/Division Heads, CTE and other teachers, CTE and general counselors, employers, minority leaders, and parent/guardian groups. All activities incorporated should be pre-scheduled on a yearly basis with all responsibilities pre-assigned. This recruitment system must be constantly monitored by a responsible body, with revisions and updates made accordingly.
2. It is the agency's responsibility to see that these general recruitment activities are targeted and encouraging to groups presently under-enrolled in its CTE programs as identified in data analysis and assessment studies it has carried out.



For general purposes, **a list of the most commonly used recruitment strategies** by career and technical education centers and colleges within Michigan follows.

### Strategies for Recruitment and Retention

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1. Providing career awareness activities integrated into the bilingual/LEP/ELL or social sciences curriculums.
2. Conducting career awareness events for students and parents/guardians.
3. Hosting socials or open houses at the career and technical education centers or colleges for students and parents/guardians.
4. Disseminating printed notices, posters, or flyers at feeder schools.
5. Using audio-visual presentations to student and parent/guardian groups to explain career and technical education program opportunities. (Short “brag tapes” or video spots developed by CTE students have been used effectively.)
6. Parents’/Guardians’ Day at career and technical education centers for secondary programs.
7. Recognizing the CTE student of the month with announcements at, and credit to, the home school.
8. Letters promoting career and technical education to parents/guardians or to the workplace of under-represented persons.
9. Organizing student CTE promotional teams to give presentations in the high schools. (Replace Yourself Concept, ASETS Program, Career and Technical Student Organization Officers, etc.)
10. Board of Education or Trustee presentations by CTE students, teachers, administrators, and former students.
11. CTE bulletin boards within the schools or colleges with photos of students, including the underserved populations, in training and working.
12. CTE promotional posters that reflect diversity in schools or colleges, featuring CTE students and their testimonials.
13. Distributing promotional materials to teachers, administrators, counselors, and advisory groups throughout the district or service area.
14. Career and Technical Education Center orientation sessions for high school counselors and teachers. (Inservice training on center offerings, recruitment plans and techniques, program prerequisites, and program outcomes.)
16. Specialized career guidance activities such as interest inventory testing, career guidance week, and seminars.
17. Promoting and facilitating a school or college Career and Technical Education Day by all staff.

18. Arranging for student visits to CTE centers or colleges, individually or as a group.
19. Integrating nontraditional CTE choice promotion into regular recruitment programming.
20. Using recruitment and information materials depicting diversity and under-represented populations.

## Religious and Church-Related Organizations Recruitment Letter

### Example 1

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Dear Reverend:

Palmertown School District is seeking to build a more diverse population within our career and technical education programs/courses.

In support of this, the Palmertown School District is conducting an area-wide campaign to locate interested and eligible persons for enrollment.

The enclosed brochure provides a brief explanation of the School District's career and technical education program offerings, which can lead to rewarding occupational careers. We ask that you read this document carefully, as it is certain to have implications for career options for members of your congregation and for others whom you may serve.

Also, as a most effective means of communicating with the Palmertown community, we solicit your cooperation in allowing either a member of our staff and/or an appointed spokesperson from your congregation to read the enclosed script to explain the value of career and technical education as a career option well worth exploring.

Your support and cooperation in this effort is definitely needed and shall be greatly appreciated by our staff.

Arrangements for one of our staff persons to visit the group of your choice can be made by calling:

(Name, Title)  
(Office Address)  
(City, MI Zip)  
(Telephone)  
Between the hours of

Sincerely,

Superintendent

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## Students and Parents/Guardians Recruitment Letter

### Example 2

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Dear :

In a recent survey/review the Palmertown School District found that the Career and Technical Education programs are not as diverse as our student body as a whole.

Our commitment to equal opportunity in all educational programs and activities makes us uncomfortable with these findings to the point that we are committed to changing them by taking action. Therefore, we are sharing our concern with you in the hope of soliciting your assistance in encouraging all students regardless of race, color, national origin, sex, or disability to explore opportunities in career and technical education at Palmertown School District.

Therefore, if you know a student in grades 9-12 who might benefit from career and technical education, please tell them about it and have them contact:

(Name, Title)  
(Office Address)  
(City, MI Zip)  
(Telephone)  
Between the hours of

Sincerely,

Superintendent

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## Ethnic-Based Organization Recruitment Letter

### Example 3

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Dear :

We are contacting you to ask for your assistance. In order to better serve our students, we are seeking representatives to assist us by providing input from each of the various groups within our community. We hope you would be willing to allow a member of your staff or an appointed spokesperson from this community to meet with us.

In a recent survey/review the Palmertown School District found that the Career and Technical Education programs are not as diverse as our student body as a whole.

Our commitment to equal opportunity in all educational programs and activities makes us uncomfortable with these findings to the point that we are committed to changing them by taking action.

In preparation for this important endeavor, we are attempting to locate interested groups with whom to share a mutual concern and assist us in achieving our goal of equal access to participation and benefit. Please contact the person below if you are willing to participate:

(Name, Title)  
(Office Address)  
(City, MI Zip)  
(Telephone)  
Between the hours of

We ask that you seriously consider this request and its implications for members of your group.  
Your support and cooperation shall be greatly appreciated.

Sincerely,

Superintendent

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## Section L – Work-Based Learning

Recipients who operate Work-Based Learning (work study, career and technical cooperative education, job placement, and/or apprentice training) programs must ensure that:

1. Student enrollment and participation in these programs is not based upon race, color, national origin, sex, or whether or not the student has a disability; and
2. Students participating in these programs are not discriminated against by employers or prospective employers in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and pay.

It is recommended that the recipient take every opportunity to inform all parties contemplating involvement or involved in work study, CTE cooperative education, job placement, and similar programs of the requirements not to honor any employer's request for students without disabilities or students of a particular racial/ethnic group or sex.

Any contract or written agreement, when used in relation to work study, CTE cooperative education, job placement, or apprentice training, must contain an assurance **from the employer** that students will not be discriminated against on the basis of race, color, national origin, sex, or disability. This assurance must include enrollment and participation in the program, as well as the areas of recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and pay. The suggested Cooperative Education Student Training Agreement that follows contains this assurance in the section entitled, "PUBLIC LAWS AND REGULATIONS." In addition, written agreements with labor unions or other sponsors providing apprentice training must contain an assurance **from the union or sponsor** that:

1. The union/sponsor does not engage in discrimination against its membership or applicants for membership.
2. Apprentice training, free of discrimination, will be offered and conducted for its membership.

Data regarding race, color, national origin, sex, and disability of program participants should be collected and reviewed periodically (preferably annually) to monitor imbalanced representation that may be an indicator of unlawful discrimination. It is strongly suggested that the above information not be collected on either the "Work-Based Learning" or the "Training Agreement." Instead, a separate effort for the collection of this information is encouraged.

Special emphasis is placed on the fact that any effort or document used to solicit data regarding race, color, national origin, sex, age, and disability must explicitly inform those from whom this information is requested that:

1. The provision of such information is optional and confidential.
2. Such information is collected for reporting purposes to document the agency's/institution's commitment to equal opportunity.

Information concerning the conditions of the job such as task assignment, hours of employment, levels of responsibility, and pay should also be examined periodically to prevent disparate treatment. Career and technical cooperative education coordinators who are required to evaluate training stations for nondiscriminatory employment policies and practices may find information from the "Evaluation of Training Station Form," illustrated on the following pages, useful for this purpose.

In addition to the employers' statements of assurance as outlined above, the local agency nondiscrimination statement, including coordinator contact information, is required on all applications, promotional materials, and forms related to placement in work study, cooperative education, job placement, and apprentice training.

### Additional Resources

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Work-Based Learning examples and other resources can be found on the Michigan Department of Education, Office of Career and Technical Education website for Work-Based Learning (<https://www.michigan.gov/mde/services/octe/educators/work-based-learning>)

Specifically, the [Work Based Learning Toolkit \(Managing Your Risk\)](#) has been developed to assist school district staff with consistent directions and procedures for designing and implementing appropriate solutions when students are placed in work site situations. WBL sample forms can be found here too, such as:

- Sample In-District CTE & Transition Placement Agreement

- Sample CTE Training Agreement

- Sample Training Plan

Also, view Work-Based Learning Frequently Asked Questions (FAQs).

# Section M – Program Accessibility

## SECTION 504

Section 504 requires that all programs, activities, and services of an agency/institution, when viewed in their entirety, be accessible to persons with disabilities. Section 504 also requires the development of transition plans to demonstrate “Program Accessibility.”

### Program Accessibility

The dates for achieving program accessibility have long since passed. Programs, services, and activities must be accessible to all students, including those with disabilities. The regulation states:

#### SECTION 504 – SUBPART C, SECTION 104.21

“No qualified handicapped person shall, because a recipient’s facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.”

Section IV(N) of the Vocational Education Programs Guidelines also stipulates that recipients may not deny students with disabilities access to career and technical education programs or courses and, if necessary, must:

- modify instructional equipment,
- modify or adapt the manner in which the courses are offered,
- house the program in facilities that are readily accessible to mobility impaired students or alter facilities to make them readily accessible to mobility impaired students,
- provide auxiliary aids that effectively make lectures and necessary materials available to students with disabilities, and
- provide related aids or services that assure secondary students an appropriate education.

It is therefore assumed that, depending on the case(s), achieving accessibility may require program delivery and/or physical modifications. Such modifications should be thought of as serving not only those who are currently enrolled or employed, but prospective students and employees as well.

**Policies, practices, and procedures** involving access in all programs, services, and activities, including counseling, student recruitment, promotional activities, placement, etc., must also be objectively examined. These have been covered in the Self-Evaluation (Section G).

The **physical facility** and its components must be evaluated to determine modifications needed to comply with the Section 504 Regulations and the Vocational Education Programs Guidelines mandate that: “Such facilities must be adapted or modified to the extent necessary to make the career and technical education programs readily accessible to persons with disabilities.”

Adaptations and modifications should be developed through a Transition Plan if not immediately achievable. [VI(D)]

## Timelines

Recipients are reminded of two Section 504 deadlines regarding program accessibility that have passed. They are:

- (1) By August 2, **1977**, program accessibility was to have been achieved for all programs and activities, except where alteration or modification of existing facility or construction of new ones was required.
- (2) By December 2, **1977**, institutions were to have completed a Transition Plan that, at a minimum:
  - (a) identified physical obstacles that limit accessibility.
  - (b) described in detail the methods to be used to make facilities accessible.
  - (c) specified the yearly schedule for completion (by June 30, 1980) of steps necessary to achieve full program accessibility.
  - (d) indicated the person(s) responsible for implementation of the plan.

Since these deadlines have passed, it is imperative that an agency/institution be able to document its efforts to achieve program accessibility. This is especially significant in view of the fact that **there is no provision that allows for waivers of the program accessibility requirements and recipients are expected to comply.**

There are a number of publicly available instruments for recipients to use in evaluating facilities. Instruments such as this are designed to cover a wide range of existing barriers that may or may not apply to a given setting. Thus, the recipient is expected to make whatever modifications necessary to fit the needs and conditions of its agency or institution.

Instruments and formats that can be used to evaluate a physical facility can be obtained from:

U.S. Department of Justice Web Site – [www.ada.gov](http://www.ada.gov)

Article titled: “Checklist for Readily Achievable Barrier Removal”

[American National Standards Institute](#)

[The Great Lakes ADA Center](#) (1-800-949-4232)

[Easter Seal Society](#)

## Basic Assessment Questions

- Is the international symbol of access (an outline of a person in a wheelchair) displayed at the accessible entrance of the school?
- Are forms of public transportation that reach the school accessible to people with disabilities?
- Are parking spaces available close to, and level with, the entrance to the school building and clearly marked with the international symbol of access?
- At entrances with stairways; are ramps available?
- Do the doors of the entrance way provide a clear opening of no less than 32 inches, and can they be easily opened?
- Is there a working elevator in the building? If not, are there enough classrooms on the first floor for all students who use a wheelchair? Or do stairways have mechanical risers



wherever possible or necessary? Are there enough classes scheduled in these accessible classrooms for all students who use a wheelchair?

- Do all stairways have handrails?
- Do floors have a nonslip surface?
- Are the building hallways wide and flat enough to accommodate a person who uses a wheelchair or by other persons with different kinds of physical impairment?
- Are safety alarms, telephones, and room controls (lighting, heat, air conditioning, windows, window shades) within reach for a person with a disability?
- Is there an emergency exit plan that addresses the needs of people with disabilities?
- Are warning signals clear to people with disabilities? Can they be heard and seen by people with disabilities?
- Are there water fountains and phones at a height that can be reached by a person in a wheelchair?
- Are there Braille signs in elevators, on restroom doors, public phones, etc.?
- Are common areas (library, cafeteria, auditorium, and other common spaces) accessible to people who use wheelchairs?
- Are there restroom stalls that permit a full 36" rotation of a wheelchair? Are there grab rails surrounding the restroom seat? Are sink, soap, and paper towel holders at a height accessible to a person in a wheelchair?
- Are there tables in common areas (computer labs, libraries, snack bars) and in classrooms high enough so that students who use wheelchairs can fit under them?
- Is classroom furniture moved so that aisles can be wide enough for students who are blind/visually impaired or who use wheelchairs or crutches?
- Are students with disabilities given equal opportunity to learn in public schools in your community?
  - Are students with disabilities given multiple means of representation, expression, and engagement throughout the curriculum and within the classroom?
  - Are inclusion methods employed to include students with physical, mental, developmental, and/or learning disabilities in all aspects of classroom activity?
  - Are support services, special educational services, and paraprofessionals provided to students with disabilities, as needed?
  - Are extracurricular and athletic programs provided for students with disabilities?
  - Are books in Braille provided to students who need them?
  - Are forms of assistive technology available to students with disabilities?
  - Are audio and visual devices equipped with captions?
  - Are big books or large type books provided for students who are visually impaired?
  - Are specially equipped computers available to students who have difficulty printing on paper?
  - Is there computer software that "reads" the print on screen to students?
  - Are there classes provided in sign language for students who are hard of hearing or deaf?
  - Are there athletic programs for students with disabilities or athletic programs taught by a staff person with a disability?

## Title II

**Title II requires that all services, programs, and activities of an agency (public entity), when viewed in their entirety, be accessible to persons with disabilities.** Section 504 and Title II also require the development of a transition plan to demonstrate "Program Accessibility."

### Program Accessibility

Programs must be accessible to all students, including those with disabilities. The regulation states:

#### TITLE II – SUBPART D, SECTION 35.149

*"Except as otherwise provided in 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any public entity."*

### Methods of Accessibility

Section 35.150 of Title II states that a public entity may comply with the requirements of this section through such means as:

- redesign of equipment
- reassignment of services to accessible buildings
- assignment of aides to beneficiaries
- home visits
- delivery of services at alternate accessible sites
- alteration of existing facilities and construction of new facilities
- use of accessible conveyances
- or any other methods that result in making its services, programs, or activities readily accessible to, and usable by, individuals with disabilities

Section IV(N) of the *Vocational Education Programs Guidelines* also stipulates that recipients may not deny students with disabilities access to career and technical education programs or courses and, if necessary, must:

- modify instructional equipment
- modify or adapt the manner in which the courses are offered
- **house the program in facilities that are readily accessible to mobility impaired students or alter facilities to make them readily accessible to mobility impaired students**
- provide auxiliary aids that effectively make lectures and necessary materials available to students with disabilities
- provide related aids or services that assure secondary students an appropriate education

It is therefore assumed that, depending on the case(s), achieving accessibility may require program delivery and/or physical modifications. Such modifications should be thought of as serving not only those who are currently enrolled or employed, but prospective students and employees as well.

**Policies, practices, and procedures** involving access in all programs, services, and activities, including counseling, student recruitment, promotional activities, placement, etc., must also be objectively examined. These have been covered in the Section G - Self-Evaluation.

The **physical facility** and its components must be evaluated to determine modifications needed to make its programs, services, and activities readily accessible to persons with disabilities. Adaptations and modifications should be developed through a Transition Plan if not immediately achievable. [VI(D)]

## Timelines

A Transition Plan was to be developed by **July 26, 1992**, which set out the steps necessary to complete structural changes to the facilities undertaken to achieve program accessibility. Methods were to be used to inform interested persons, including individuals with disabilities or organizations representing disabilities, of the opportunity to participate in the development of the transition plan by submitting comments.

## Content

- The Transition Plan was to have accomplished the following:
  - Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
  - Describe in detail the methods that will be used to make the facilities accessible.
  - Specify the schedule for taking the steps necessary to achieve compliance with this section; and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period.
  - Indicate the official responsible for implementation of the plan.
  - Design all changes to be completed within five (5) years (**completed by 1997**).

## Telecommunications Relay Service

There are times when individuals within your agency need to communicate with someone with a hearing or speech disability via a phone call. It is an important aspect of accessibility that your staff, students, and the public be aware of the Telecommunications Relay Service (TRS). This service provides assistance to persons with disabilities that limit their abilities to communicate via telephone to place and receive telephone calls. There is no charge for this service. TRS providers – generally telephone companies – are compensated for the costs of providing TRS from either a state or a federal fund.

TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals. A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a TTY or other text input device to call the TRS relay center and gives a CA the number of the party that he or she wants to call. The CA in turn places an outbound traditional voice call to that person. The CA then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party.

It is important for all employees to have an awareness of how to place or answer a call using TRS. Some people hang up on TRS calls because they think the CA is a telemarketer. Everyone in your organization should know that if they hear, "Hello. This is the relay service..." when picking up the phone, they should not hang up! They are about to talk, through a TRS provider,

to a person who is deaf, hard-of-hearing, or has a speech disability. In turn, if a call needs to be placed to a parent or other individual that has requested an accommodation, this process should be used.

For additional information about TRS, and the types that are available, visit:

<http://www.fcc.gov/cgb/consumerfacts/trs.html>.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). For more information regarding 711, visit <https://www.fcc.gov/consumers/guides/711-telecommunications-relay-service>.  
[www.fcc.gov/cgb/consumerfacts/711.html](http://www.fcc.gov/cgb/consumerfacts/711.html).

Additional information is available through the Federal Communications Commission, disability rights office: <http://www.fcc.gov/cgb/dro/>.

## Printed Media:

All written communication that is related to programs, activities, and services for which the district receives state or federal funds must be accessible to all individuals, including those with vision impairments. Such documents must be available in a format that the individual can access, such as Braille, text to speech, large print, audio files, etc. The agency has an obligation to inform all stakeholders of the process to request such formats, and to provide all written communications upon request in a format acceptable to the individual with a vision impairment.

Your agency can contact the local office of the Michigan Commission for the Blind (<https://www.michigan.gov/leo/bureaus-agencies/Bureau-of-Services-for-Blind-Persons>) for referrals to sources that can assist you in formatting your written communication in such formats.

## Web Site:

All communication posted on your agency web site related to programs, activities, and services for which the district receives state or federal funds must be accessible to all individuals.

The Web Accessibility Initiative ([WAI](#)) has produced guidelines widely regarded as the international standard for Web accessibility. UAAG defines how browsers, media players, and other "user agents" should support accessibility for people with disabilities and work with assistive technologies.

It is essential that the several different components of Web development and interaction work together in order for the web site to be accessible to people with disabilities. These components include:

**Content** - the information in a Web page or Web application, including: natural information such as text, images, and sounds and code or markup that defines structure, presentation, etc.

**Web browsers, media players**, and other "user agents"

**End user Assistive technology**, in some cases - screen readers, alternative keyboards, switches, scanning software, etc.

**Developers** - designers, coders, authors, etc., who contribute content to the site

**Authoring tools** - software that creates Web sites

**Evaluation tools** - Web accessibility evaluation tools, HTML validators, CSS validators, etc.

The following ten "Quick Tips" summarize key concepts of accessible Web design. These tips are not complete guidelines; they are only excerpts of concepts from the Web Content Accessibility Guidelines 1.0 (WCAG 1.0). Please share these with your web site managers.

#### 10 Quick Tips

1. Images & animations: Use the alt attribute to describe the function of each visual.
2. Image maps. Use the client-side map and text for hotspots.
3. Multimedia. Provide captioning and transcripts of audio, and descriptions of video.
4. Hypertext links. Use text that makes sense when read out of context. For example, avoid "click here."
5. Page organization. Use headings, lists, and consistent structure. Use CSS for layout and style where possible.
6. Graphs & charts. Summarize or use the longdesc attribute.
7. Scripts, applets, & plug-ins. Provide alternative content in case active features are inaccessible or unsupported.
8. Frames. Use the noframes element and meaningful titles.
9. Tables. Make line-by-line reading sensible. Summarize.
10. Check your work. Validate. Use tools, checklist, and guidelines at <http://www.w3.org/TR/WCAG>

Please see WCAG Overview for more information and descriptions of Web Content Accessibility Guidelines documents.

#### **Meetings requiring an Interpreter:**

When meetings with parents and students occur where qualified, certified interpreter—see language donna used in a recent letter.

## **Section N – Postsecondary: Student Financial Assistance**

### **Financial Assistance**

Educational agencies who receive federal financial assistance from the United States Department of Education may not award financial assistance in the form of loans, grants, scholarships, special funds, subsidies, compensation for work, or prizes to students on the basis of race, color, national origin, sex, or disability. Agencies may not provide less assistance than is provided to all other protected classes, limit eligibility for assistance, apply different criteria, or otherwise discriminate in any activity related to student financial assistance.

Agencies may not assist any entity or person that provides assistance to any of the agency students in a manner that discriminates against otherwise qualified persons on the basis of race, color, national origin, sex, or disability.

### **Financial Awards with Specific Restrictions**

Financial assistance with restrictions established by will, trust, bequest, or any similar legal instrument, may be administered by the agency only if the overall effect of all financial assistance awarded by the agency does not discriminate on the basis of any protected class.

### **Promotional Materials and Applications**

Materials and information used to inform or notify students of opportunities for financial assistance may not contain language or examples that would lead potential applicants to believe the assistance is provided on a discriminatory basis.

### **Applicants with Limited English Language Skills**

If the agency's service area contains a community of national origin minority persons with limited English language skills, information about financial assistance must also be disseminated to that community in their native language.

## **Section O – Postsecondary: Residential Housing**

### **Agencies Providing or Offering Residential Housing**

The agency must extend housing opportunities without discrimination based on race, color, national origin, sex, or disability. This requirement applies to on-campus housing and to all off-campus housing with which the agency has agreements to provide housing for students.

### **Housing for Students with Disabilities**

When an agency provides on or off-campus housing opportunities for non-disabled students, it must provide, at the same costs and under the same conditions, comparable convenient and accessible housing to students with a disability. Such housing for disabled students shall be available in sufficient quantity and variety so that the scope of the disabled student's choice of living accommodations is, as a whole, comparable to that available to non-disabled students.

An agency that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of disability.

### **Separate Housing on the Basis of Sex**

An agency may provide separate housing on the basis of sex. When student housing is segregated by sex, the following criteria must be met:

- Housing provided to one sex, when compared to that provided to the other sex, shall be, as a whole:
- Proportionate in quantity to the number of students of that sex applying for such housing;
- Comparable in quality and cost to the student; and
- Governed by the same policies or practices concerning occupancy by students.

### **Housing “Made Available” by the Agency**

An agency, which through solicitation, listing, approval of housing, or otherwise assists any other agency, organization, or person in making housing available to any of its students, shall take such reasonable action as may be necessary to assure that such housing as is provided to the students of one sex, when compared to students of the other sex, is as a whole:

- Proportionate in quantity; and
- Comparable in quality and cost to the student.

An agency may render such assistance to any agency, organization, or person that provides all or part of such housing to students of only one sex.

## **Section P – Postsecondary: Admissions**

Agencies who receive federal financial assistance from the United States Department of Education may not engage in any practice that discriminates against any applicant on the basis of sex, disability, race, color, or national origin. Criteria controlling student eligibility for admissions may not unlawfully discriminate on the basis of race, color, national origin, sex, or disability.

Qualified persons with a disability may not, on the basis of their disability, be denied admission or be subjected to discrimination in admission. An agency shall not give preference to applicants on the basis of attendance at any educational institution or other school or entity which admits as students only or predominately members of one sex, if giving of such a preference has the effect of discriminating on the basis of sex.

### **Admissions Tests**

Admissions tests must be selected and administered in such a way that they accurately reflect the aptitude or achievement of an applicant. An agency shall not administer or operate any test or other criterion for admission that has a disproportionately adverse effect on persons on the basis of sex or disability unless the use of such test or criterion is shown to validly predict success in the education program or activity in question and alternative tests or criteria that do not have such a disproportionately adverse effect are shown to be unavailable.

Admissions tests selected and administered by the agency must ensure that for an applicant with a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor that test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills. Admissions tests that are specifically designed for persons with impaired sensory, manual, or speaking skills must be offered as often and in as timely a manner as are other admissions tests, and are administered in facilities that, on the whole, are accessible to disabled persons.

In determining whether a person satisfies any policy or criterion for admission or in making any offer of admission, an agency shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant that treats persons differently. An agency shall not discriminate or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery there from, or establish or follow any rule or practice which so discriminates or excludes.

### **Pre-Admissions Inquiry**

Agencies may not make pre-admission inquiries regarding disabling conditions except when taking remedial steps to increase participation when under-representation has been identified, the information is being collected on a voluntary basis, it will be held as confidential, and will not be a consideration in the admissions decision. An agency shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." An agency may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of all applicants of both sexes and if the results of such inquiry are not used to determine eligibility for admission.



## **Section Q – Postsecondary: Employment**

Recipients of federal financial assistance from the United States Department of Education may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex, disability, race, color, or national origin. The Standards established by the Equal Opportunity Employment Commission are the applicable compliance standards if the agency is subject to Title I requirements.

### **Recruitment of Faculty and Staff**

Recipients may not limit their recruitment for employees to schools, communities, or companies disproportionately composed of persons of a particular race, color, national origin, sex, age, or disability. Each and every source of potential faculty and/or staff must be notified that the recipient does not discriminate in employment on the basis of race, color, national origin, sex, or disability. All postings, bulletins, advertisements, and other recruitment must contain such notification. The obligations to comply with Title IX regulations are not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex.

An agency may not make use of any employment test or other selection criterion that screens out or tends to screen out persons with disabilities unless the following criteria apply:

- The test score or selection criteria, as used by the agency, is job-related for the position in question; and
- Alternative job-related tests or criteria that do not screen out or tend to screen out as many persons with a disability are shown not to be available.

An agency shall select and administer tests concerning employment to best ensure that, when administered to an applicant or employee with a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except when those skills are the factors that the test purports to measure).

### **Pre-Employment Inquiries**

An agency may not conduct a pre-employment medical examination or may not make pre-employment inquiry of an applicant as to whether the applicant has a disability or as to the nature or severity of the disability. An agency may make pre-employment inquiry into an applicant's ability to perform job-related functions.

An agency may make an offer of employment to a candidate conditional upon the results of a medical examination conducted prior to the employee's entrance to duty, provided that all entering employees are subjected to such an examination. All information obtained as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality, except that supervisors and managers may be informed regarding restrictions on the work duties of a person with a disability and necessary accommodations.

## **Salary Policies**

Recipients must establish and maintain salary scales/schedules and policy based upon the conditions and responsibilities of employment, without regard to race, color, national origin, sex, age, or disability.

## **Employment Opportunities for Disabled Applicants**

Recipients must provide equal opportunities for teaching and administrative positions to disabled applicants who can perform the essential functions of the positions. Recipients must make reasonable accommodation for the physical or mental limitations of disabled applicants who are otherwise qualified, unless recipients can demonstrate that the accommodation would impose an undue hardship.

## **Employment at State Operated Educational Entities**

Where recruitment and hiring of staff for state operated career and technical education is conducted by a state civil service employment authority, the State education agency operating the program must insure that recruitment and hiring of staff for the career and technical education program(s) is conducted in accordance with the requirements of the Vocational Education Guidelines for Eliminating Discriminations And Denial Of Services On The Basis Of Race, Color, National Origin, Sex and Disability, Federal Register, Vol. 44, No. 56, Wednesday, March 21, 1979, as outlined above.

## **Employment Practices**

A recipient may not (directly or through contractual or other arrangements) discriminate on the basis of race, color, national origin, sex, or disability in its employment practices, including, but not limited to, recruitment, recruitment advertising, employment, layoff or termination, upgrading or promotion, demotion, transfer, rates of pay or other forms of compensation, and use of the facilities.

## Section R: Compliance Plans

A compliance plan must be developed to address any deficiencies identified in the On-Site Review Report otherwise known as a Letter of Findings (LOF). The compliance plan will serve to define activities that the agency will conduct to remedy items of noncompliance contained in the report.

### Compliance Plan Process

#### 1. Draft Compliance Plan

Draft a Compliance Plan to address all noncompliance items identified by corresponding items of non-compliance contained in the On-Site Review Report. Examples of materials that meet the Guidelines for compliance may be found in the OCR Technical Assistance Guide.

#### 2. Submit Plan for Tentative Approval

After drafting a Compliance Plan, submit it to MDE-OCTE for review through the Grant Electronic Monitoring Systems/Michigan Administrative Review System (GEMS/MARS). The draft must be submitted on or before the date specified in the cover letter of the On-Site Review Report.

#### 3. Modify Plan

Make any necessary modifications to the Plan based on OCTE recommendations before seeking Board approval. If tentative approval has not yet been granted, repeat Step 2. Otherwise, proceed to Step 4.

#### 4. Obtain Board Approval

After receiving written MDE-OCTE approval of the Plan(s), seek the approval of your local Board of Education or Board of Trustees. A "Certificate of Agency Authorized Office" is included in this section. Postsecondary institutions may substitute the senior authorized official who is authorized by the Board to set policy. The signed certificate should be forwarded to the OCTE. OCTE will add the documentation to the review.

#### 5. Submit Tangible Evidence

Based upon timelines specified in the Plan, submit/upload tangible evidence of activity completion to OCTE through the GEMS/MARS for review.

### Timelines

Timelines defined by the Regional U.S.D.O.E. Office for Civil Rights establish the parameters for compliance plan development. The State must notify the federal Office for Civil Rights if timelines are not met.

The State established the following timelines for compliance plan development. All timelines are measured from the date of the On-Site Review Report cover letter.

Development Step	Timeline
Submit plan for approval by OCTE	45 days from LOF
If necessary, modify as instructed by OCTE then resubmit.	Within 30 of revision request
Obtain Approval	Within 30 days of receipt
Submit Certificate by authorized official	Within 30 days or immediately after the next scheduled board meeting.

The LOF identifies Findings, Items of Noncompliance, and Recommendations. The local agency personnel should complete a compliance plan form for each non-compliance item identified in the LOF.

## Components

Each item will require the following:

1. A compliance action:  
This is often a restatement of the finding with a plan to address the issue identified.
2. Starting date:  
When the agency plans to start on the remedy.
3. End date or expected completion date:  
While prompt remediation is appreciated. Be certain to give the agency enough time to actually complete the required action.
4. Responsible party by title:  
This person will oversee the execution of the compliance plan for the area of concern. This role is most often filled by the Human Resources Director, Facilities Director, or the senior executive.
5. Evidence:  
If evidence is available, feel free to attach/upload it. Otherwise, the evidence will be due at the End Date for the compliance action.

## Certificate of Local Board or Board Authorized Official

I HEREBY certify that the Civil Rights Compliance Plan for (Agency) was adopted by the (Agency) Board of Education or Board Authorized Official on (Date).

This Compliance Plan, as submitted, constitutes the basis for identifying, preventing, and remedying discrimination in education programs pursuant to 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, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. All information and representations contained in this Plan are accurate and, to the best of my knowledge and belief, will be implemented within the established timelines.

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Date

Authorized Signature

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Printed Name

Title