



MOA PROGRAM ADMINISTRATIVE REQUIREMENTS MEMO

Pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the *Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap (Guidelines)*, subrecipients of Perkins funds (subrecipients) must comply with the following administrative requirements to ensure nondiscrimination within its CTE programs:

1. Annual Nondiscrimination Notice
2. Continuous Nondiscrimination Notice
3. Designation of a Title IX and Section 504 Coordinator
4. Grievance Procedure

The following is an overview of each of these administrative requirements, including relevant examples and resources.

Annual Nondiscrimination Notice

Prior to the beginning of each school year, subrecipients must advise students, parents, employees, and the general public, that all CTE courses will be offered without regard to race, color, national origin, sex, or disability. This yearly announcement, or annual nondiscrimination notice, must be published in a local newspaper and/or on a subrecipient's website.

The annual nondiscrimination notice must include three elements:

1. A statement specifying the bases for nondiscrimination;
2. A brief summary of program offerings and admissions criteria; and
3. The name/title, address, and phone number of the person(s) designated to coordinate compliance under Title IX and Section 504.

If there is a community of national origin minority individuals with limited English language skills in the district or service area, the annual notification must be disseminated in the community's language. The notification must also include a statement that the subrecipient will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in CTE programs.

The following is a sample annual nondiscrimination notice which satisfies the minimum requirements in the *Guidelines*:

ANNUAL NOTICE OF NONDISCRIMINATION

[Subrecipient] offers the following career and technical education programs:

<u>Program</u>	<u>Criteria for Admission</u>
[List each program]	[List criteria, if any]

It is the policy of [subrecipient] not to discriminate on the basis of race, color, national origin, sex, or disability in its career and technical education programs, services, and activities, including employment policies and practices. [Subrecipient] will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in [subrecipient's] career and technical education programs.

For information regarding nondiscrimination policies, please contact:

Name/Title, Title IX/Section 504 Coordinator
Office Address
Telephone Number
Email Address

Continuous Nondiscrimination Notice

A subrecipient must take continuing steps to notify students, employees, and other individuals that the subrecipient does not discriminate on the basis of race, color, national origin, sex, or disability. This is achieved through the publication of a nondiscrimination notice. A nondiscrimination notice must contain the following elements:

1. A statement specifying the bases for nondiscrimination; and
2. The contact information of the Title IX and Section 504 Coordinator(s).

The publication of nondiscrimination notices must reach the following groups of people: students; beneficiaries; applicants for admission and employment; employees (including people with impaired vision or hearing); and unions with collective bargaining agreements. The notice must be prominently displayed on the subrecipient's website.

Other suggested locations for publishing the nondiscrimination notice include:

- a. Student and faculty handbooks;
- b. Job announcements and job application forms;
- c. Course catalogs;
- d. Recruitment materials, including brochures on programs and activities, and application forms;

- e. School newspapers, newsletters, and magazines;
- f. School websites and electronic publications; and
- g. Local newspapers.

The following sample notice of nondiscrimination meets the minimum requirements of Title IX, Section 504, and Title VI:

[Subrecipient] does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs or activities and provides equal access to the Boy Scouts and other designated youth groups. The following person(s) has been designated to handle inquiries regarding the nondiscrimination policies: name/title, address, telephone number, email address.

Postsecondary subrecipients are not required to include the following language in nondiscrimination notices: “and provides equal access to the Boy Scouts and other designated youth groups.”

Language regarding the availability of alternative formats of the notice of nondiscrimination should be added to the notice if applicable (e.g., “This notice is available in large print, on audio tape, and in Braille.”)

Additional information regarding nondiscrimination notice requirements is available on the Office for Civil Rights’ website: <https://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>

Designation of a Title IX and Section 504 Coordinator

All subrecipients must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX and Section 504. Subrecipients must notify students, employees, applicants, parents, guardians, and the public of the coordinator’s contact information, which includes the coordinator’s: name/title, office address, phone number, and email address. The coordinator’s contact information must be prominently displayed on the subrecipient’s website and should be included in notices, handbooks, applications, and other publications.

The Title IX/Section 504 Coordinator must be aware of his or her duties and responsibilities and receive the necessary training to effectively carry them out. Coordinators should possess comprehensive knowledge in all areas over which they have responsibility, including the subrecipient’s policies and procedures. All materials used to train the Title IX Coordinator must be posted on the subrecipient’s website.

A coordinator’s role should be independent in order to avoid any potential conflicts-of-interest. If possible, employing a full-time, trained coordinator minimizes the risk of a conflict-of-interest arising, as this would be the coordinator’s sole duty, instead of having additional job titles and responsibilities.

Large school districts and colleges are encouraged to designate multiple coordinators, including having a coordinator at each building. Subrecipients are strongly encouraged to designate a Title VI coordinator.

Additional information regarding Title IX coordinator and training requirements is available here: <https://www2.ed.gov/about/offices/list/ocr/blog/20200518.html>

Grievance Procedure

All subrecipients must adopt and publish a grievance procedure which provides for proper resolution of student and employee complaints alleging sex (Title IX) or disability (Section 504) discrimination. Students, employees, parents, and guardians must be notified, in all established language communities, that a grievance procedure is available, and the grievance procedure must be readily accessible. This can be accomplished by publishing the grievance procedure in student and faculty handbooks, on subrecipient websites, and in other publications disseminated to students, employees, parents, and guardians.

The grievance procedure should:

1. Outline the steps a student or employee should follow to report a grievance;
2. Specify, with appropriate timelines, a prompt and equitable resolution to complaints;
3. Address how the subrecipient prohibits, and will address, any form of retaliation;
4. Be readily available on the subrecipient's website;
5. Be published in both the student and employee handbooks; and
6. Assign a neutral party as the point-of-contact.

Subrecipients are strongly encouraged to adopt and publish procedures for resolving complaints of discrimination based on race, color, and national origin.

Additional information regarding grievance procedure requirements is available on the Office for Civil Rights' website: <https://www2.ed.gov/about/offices/list/ocr/grievance.html>

Grievance procedure requirements pursuant to Title IX are outlined in more detail here.

Resources

Title VI: <https://www2.ed.gov/policy/rights/guid/ocr/raceoverview.html>

Title IX: <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html> and <https://sites.ed.gov/titleix/policy/>

Section 504: <https://www2.ed.gov/policy/rights/guid/ocr/disabilityoverview.html>

Guidelines: <https://www2.ed.gov/about/offices/list/ocr/docs/vocre.html>

If you have any questions regarding this memo, or administrative requirements in general, please contact Kathleen Ash, MOA Coordinator, at KaAsh@gov.in.gov.

Disclaimer: The purpose of this document is to provide general information only and does not represent a complete recitation of applicable law in this area.
