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# **PROGRAM ACCESS REVIEW REFERENCE GUIDE**

**Division of Program Monitoring and Interventions**

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## **Procedural Requirements**

### **PA1. Annual Public Notification**

Prior to the beginning of each school year the local education agency (LEA) must advise students, parents, employees, applicants, and the general public that all opportunities in Career and Technical Education (CTE) programs will be offered without regard to race, color, national origin, sex, or disability. This public notice provides assurance that limited English speaking skills will not be a barrier to admission or participation in CTE programs, and the LEA designates a person or persons to coordinate CTE activities under Title IX and Section 504. Announcement of this policy of nondiscrimination may be made in local newspapers, publications, and/or media that reach the general public, program beneficiaries, minorities, women, and the disabled. In addition, if the LEA's service area contains a community of national-origin minority persons with limited English language skills, the CTE notice is made available in that community's primary language.

### **Legal Authority**

Office for Civil Rights (OCR) Guidelines IV-0  
28 Code of Federal Regulations (CFR) §35.106  
34 CFR §100.6(d)  
34 CFR §104.8  
34 CFR §106.9

### **Evidence**

**PA 1.1:** Evidence that public notification of nondiscrimination in CTE programs was issued prior to the beginning of the school year.

**PA 1.2:** Evidence that announcement of this policy of nondiscrimination was through media that reach the general public, program beneficiaries, minorities (including national-origin minorities with limited English language skills), women, and disabled persons.

**PA 1.2.1:** Written communications dated prior to the beginning of the school year, such as announcements/articles in newspapers, magazines, or newsletters;  
or

**PA 1.2.2:** Other media communications, such as television or radio announcements with evidence that the communication was prior to the beginning of school.

**PA 1.3:** Evidence that the public notification of nondiscrimination has a brief description of the program offerings and admission criteria.

**PA1.4:** If the community has a national-origin minority with limited English language skills, evidence that the notice is disseminated in the language of that national-origin minority community.

## **Procedural Requirements**

### **PA2. Designation of Coordinators**

The LEA shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504, Title II, and Title IX. The LEA must notify students and employees of the name, office address, and telephone number of the designated employee(s). This person(s) must be aware of his/her responsibilities and have the training necessary to perform the responsibilities.

### **Legal Authority**

28 CFR §35.107(a)

34 CFR §104.7

34 CFR §106.8

34 CFR §110.25

### **Evidence**

**PA 2.1:** Evidence that the name, address, and telephone number of the person(s) designated to coordinate Title IX and Section 504 compliance activities are included in the notice.

**PA 2.1.1:** Annual Public Notification; and

**PA 2.1.2:** District policy and procedures; and

**PA 2.1.3:** Student/Parent handbook, course catalogs; and

**PA 2.1.4:** Employee handbook, recruitment materials or applications for employment; and

**PA 2.1.5:** Annual communications with employees; and

**PA 2.2:** Evidence that designated coordinator is aware of his/her responsibilities and received the training necessary to perform the responsibilities.

## **Procedural Requirements**

### **PA3. Continuous Nondiscrimination Statement**

An LEA must take continuous steps to notify participants, beneficiaries, applicants, parents, employees (including those with impaired vision or hearing), other interested parties, and unions or professional organizations holding collective bargaining or professional agreements with the LEA that it does not discriminate on the basis of race, color, national origin, sex, disability, or age. A statement of nondiscrimination shall be included on publications and other materials that are distributed to or accessible by students, parents, applicants, beneficiaries, employees, unions or professional organizations holding collective bargaining or professional agreements with the LEA, and other interested parties.

### **Legal Authority**

28 CFR §35.106  
34 CFR §100.6(d)  
34 CFR §104.8  
34 CFR §106.9  
34 CFR §110.25

### **Evidence**

**PA3.1:** Evidence that the statement of nondiscrimination has required inclusions (race, color, national origin, sex, disability, and age).

**PA3.2:** Evidence that the nondiscrimination statement is included in the following:

**PA3.2.1:** Student/Parent publications; and

**PA3.2.2:** Applicant publications. Statement includes age; and

**PA3.2.3:** Employee publications. Statement includes age; and

**PA3.2.4:** Web site.

**PA3.3:** Evidence that if an LEA's service area contains a community of national-origin minority persons with limited English language skills, the nondiscrimination statement is in the national-origin community's own language.

## **Procedural Requirements**

### **PA4. Grievance Procedures**

The LEA has adopted and distributed grievance procedures to resolve alleged discrimination complaints as required under Title IX and Section 504. Grievance procedures are available to any individual or class of individuals who feel they have been discriminated against. Grievance procedures for employees and students include a nondiscrimination statement based on race, color, national origin, sex, disability, and age.

### **Legal Authority**

28 CFR §35.107(b)

34 CFR §104.7

34 CFR §106.8

34 CFR §110.25

### **Evidence**

**PA4.1:** Evidence that the LEA has published the board of trustees-adopted grievance procedures in the following documents to ensure that all participants, students, beneficiaries, parents, and employees are informed about the grievance procedures for resolution of complaints and unlawful forms of discrimination based upon race, color, national origin, sex, disability, and age. (Student and parent handbooks, employee handbooks, memoranda, newspapers, newsletters, bulletins, or other publications.)

**PA4.1.1:** Employee grievance policies and/or procedures; and

**PA4.1.2:** Student grievance policies and/or procedures; and

**PA4.1.3:** Parent grievance policies and/or procedures.

**PA4.2:** Evidence that the LEA has on file the most recent board-approved policy regarding student and parent complaints/grievances (i.e., Texas Association of School Boards [TASB] policy FNG) and the most recent board-approved policy regarding employee complaint/grievances (i.e., TASB policy DGBA).

**PA4.2.1:** Local policy regarding student and parent complaints/grievances; and

**PA4.2.2:** Local policy regarding employee complaints/grievances.

## **Procedural Requirements**

### **PA5. Record Keeping**

The LEA must maintain records of compliance activities as required under Title VI, Title IX, Section 504, and the Americans with Disabilities Act (ADA).

### **Legal Authority**

34 CFR §100.6

34 CFR §104.6

34 CFR §106.3

### **Evidence**

**PA5.1:** The LEA maintains records of compliance activities that show the steps that have been taken to eliminate potential discrimination.

**PA 5.1.1:** Notebook or file with civil rights documentation; and

**PA 5.1.2:** List of civil rights training activities; and

**PA 5.1.3:** Notation or signatures of attendees of civil rights training activities.



## **Access to CTE**

### **PA6. Architectural Barriers**

All facilities housing programs are located at sites that are readily accessible to persons who are mobility impaired.

#### **Legal Authority**

OCR Guidelines IV-B and N  
28 CFR §§35.149-35.151  
34 CFR §104.4(vii)(5)  
34 CFR §§104.21-104.23

#### **Evidence –**

**PA6.1:** Evidence through on-site observations that persons with disabilities can access the parking facilities and the buildings of the LEA.

**PA6.2:** Evidence through on-site observations that appropriate parking spaces are located closest to the nearest accessible entrance on an accessible route.

**PA6.3:** Evidence through on-site observations that designated handicapped accessible parking spaces and access aisles are level with surface slopes not exceeding 1:50 (2%) in all directions.

**PA6.4:** Evidence through on-site observations that the number of designated parking spaces for persons with disabilities is appropriate based on the total number of parking spaces for the site.

**PA6.5:** Evidence through on-site observations that one parking space in every eight spaces, but not less than one, is served by an access aisle 96 inches wide minimum and is designated "handicap van accessible".

**PA6.6:** Evidence through on-site observations that appropriate curb ramps are provided whenever an accessible route crosses a curb.

**PA6.7:** Evidence through on-site observations that ramps and walkways used to access buildings meet all accessibility standards.

**PA6.7.1:** The slope and rise of the ramp does not prevent access by the disabled (slope – 2% and rise no greater than 30 inches); and

**PA6.7.2:** The width of the ramp is not less than 36 inches; and

**PA6.7.3:** Ramps have a surface that is stable, firm, and slip-resistant; and

**PA6.7.4:** Ramps have a level landing at the bottom and top of each ramp and each ramp run; and

**PA6.7.5:** Evidence through on-site observations that walkways are not uneven/impassable for the mobility or visually impaired.

**PA6.8:** Evidence through on-site observations that in all doorways the threshold does not exceed ½ inch and/or is beveled.

**PA7.9:** Evidence through on-site observations that door handles do not require grasping, pinching, or twisting of wrist (i.e., knob).

**PA6.10:** Evidence through on-site observations that all doors are adjusted to a maximum five pound pull.

**PA6.11:** Evidence through on-site observations that at least one commonly-used doorway into the building can be used as an accessible entrance and exit (maximum threshold of ½ inch and minimum door width of 32" not including the panic hardware).

**PA6.12:** Evidence through on-site observations that interior stairs are uniform (equal riser heights and tread widths) and have handrails on both sides. Open risers are not permitted.

**PA7.13:** Evidence through on-site observations that hallways and other passageways are at least 60 inches wide allowing wheelchairs to pass or turn around.

**PA6.14:** Evidence through on-site observations that elevators are on an accessible route and provide the following:

**PA6.14.1:** Automatic operation; and

**PA6.14.2:** Door protective-reopening device; and

**PA6.14.3:** Floor plan that promotes wheelchair mobility; and

**PA6.14.4:** Control panel that allows selection by sight and touch; and

**PA6.14.5:** All controls can be reached from wheelchair height.

**PA6.15:** Evidence through on-site observations that the drinking fountains are accessible.

**PA6.15.1:** Drinking fountains are accessible to individuals who are in wheelchairs; and

**PA6.15.2:** Drinking fountains are accessible to individuals who cannot bend or stoop.

**PA6.16:** Evidence through on-site observations that bathrooms are accessible to disabled persons and comply with the following:

**PA6.16.1:** Wheelchair-bound handicapped persons have the required space to enter and leave stalls; and

**PA6.16.2:** Door provides sufficient clearance (32 inches); and

**PA6.16.3:** Door handle does not require grasping, pinching, or twisting of wrist (i.e., knob); and

**PA6.16.4:** Doors to bathrooms swing away from the clear floor space required for maneuverability; and

**PA6.16.5:** Grab bars are properly installed; and

**PA6.16.6:** Bathrooms are free of hazards such as wiring, connections, standing water, etc.; and

**PA6.16.7:** Faucet handles do not require grasping, pinching, or twisting of wrist (i.e., knob); and

**PA6.16.8:** Mirrors are properly installed at a height of 40 inches; and

**PA6.16.9:** Dispensers are properly installed and do not require grasping, pinching, or twisting of wrist; and

**PA6.16.10:** Bathroom doors are installed with a locking device if the bathroom is designated unisex; and

**PA6.16.11:** All push type faucets are adjusted to a minimum 10 second water flow; and

**PA6.16.12:** At least one bathroom sink is installed at the correct height and has the appropriate knee clearance for mobility impaired individuals; and

**PA6.16.13:** Hot water and drain pipes exposed under sinks are insulated or otherwise configured so as to protect against contact; and

**PA6.16.14:** Urinals are stall type or wall hung and properly installed; and

**PA6.16.15:** Water closets are installed at the proper height; and

**PA6.16.16:** Flush valves and controls are located on the wide side of the toilet area and installed at the proper height.

**PA6.17:** Evidence through on-site observations that the areas listed are physically accessible.

**PA6.17.1:** Office/Administration area; and

**PA6.17.2:** Nurse's clinic; and

**PA6.17.3:** Auditorium; and

**PA6.17.4:** Gymnasium and locker facilities; and

**PA6.17.5:** CTE dressing/shower facilities; and

**PA6.17.6:** Computer laboratory; and

**PA6.17.7:** Counseling and guidance areas; and

**PA6.17.8:** Library; and

**PA6.17.9:** Cafeteria; and

**PA6.17.10:** Science classrooms/ laboratories; and

**PA6.17.11:** CTE classrooms/laboratories; and

**PA6.17.12:** Agricultural farm; and

**PA6.17.13:** Music/Dance rooms; and

**PA6.16.14:** Other public areas (specify).

**PA6.18:** The area of rescue assistance is located on an accessible route, is designated by the proper signage, meets all specification requirements, and is large enough to permit at least two people using wheelchairs to enter the space.

**PA6.19:** Evidence that the LEA/campus maintains a written plan, with the board adoption date, to ensure that students with disabilities have access to and an opportunity to participate in the general education curriculum, including the school's programs and services.

## **Access to CTE**

### **PA7. Comparable Facilities**

The LEA provides changing rooms, showers, and other restroom facilities for CTE students of one sex that are comparable to those provided to students of the other sex. This may be accomplished by alternating the use of the same facilities or by providing separate, comparable facilities.

### **Legal Authority**

OCR Guidelines VI-D  
34 CFR §106.33

### **Evidence**

**PA7.1:** Evidence that comparable facilities are provided in CTE classes where students change clothes or use protective clothing.

**PA7.1.1:** Observations of facilities; and

**PA7.1.2:** Interview with the CTE program administrator.

**PA7.2:** Evidence through on-site observations that the changing room facilities in CTE classes are comparable for students of both sexes.

**PA8.3:** Evidence through on-site observations that the restrooms in CTE classes are comparable for both sexes.

**PA7.4:** Evidence through on-site observations that the shower facilities in CTE classes are comparable for both sexes.

## **Access to CTE**

### **PA8. Related Aids and Services**

Access to CTE programs must be provided to disabled persons that need related aids or services in accordance with the students' individualized education programs (IEPs) and/or Section 504 accommodation plans.

#### **Legal**

OCR Guidelines IV-N  
28 CFR §35.130  
34 CFR §104.21  
34 CFR §104.22(b)  
34 CFR §104.33

#### **Authority**

#### **Evidence**

**PA8.1:** Evidence that CTE programs are accessible to disabled persons.

**PA8.1.1:** Student IEPs/504 accommodation plans; and

**PA8.1.2:** Home visits or interviews with students, parents, or staff; and

**PA8.1.3:** On-site observations; and

**PA8.1.4:** Evidence of reassignment of classes or other services to accessible buildings.

**PA8.2:** Evidence that appropriate related aids and services have been provided.

**PA8.2.1:** Student IEPs/504 accommodation plans; and

**PA8.2.2:** Interviews with students or staff; and

**PA8.2.3:** On-site observations; and

**PA8.2.4:** Evidence of redesign of equipment; and

**PA8.2.5:** Evidence of assignment of aide to student(s).

**PA8.3:** Evidence that the LEA has made provisions for the reassignment of classes or other services to accessible buildings.

**PA8.3.1:** Interviews with students or staff; and

**PA8.3.2:** Student IEPs/504 accommodation plans; and

**PA8.3.3:** Proof of delivery of health, welfare, or other social services at alternative handicapped accessible sites.

## **Access to CTE**

### **PA9. Language Support Services**

The LEA does not deny access to CTE programs to national-origin minority persons with limited English language skills on the grounds that the person cannot participate in and benefit from CTE instruction to the same extent as a student whose primary language is English. Steps are taken to ensure that CTE programs are open to these students and that services are available (Reasonable Accommodation standard).

### **Legal Authority**

OCR Guidelines IV-L  
34 CFR §100.3

### **Evidence**

**PA9.1:** Evidence that the LEA has written procedures that are used to identify, assess, and place limited English proficient (LEP) students in CTE programs.

**PA9.2:** Evidence that the LEA provides language support services to LEP students.

**PA9.2.1:** Interviews with superintendent, teachers, and counselors; and

**PA9.2.2:** List of language-related support services provided to LEP students;  
and

**PA9.2.3:** Other provisions made or steps taken to open all programs to LEP students.

**PA9.3:** Evidence that the LEA is consistently implementing its written procedures to ensure proper placement of limited English proficient students in the CTE program.

**PA9.3.1:** Listing of CTE courses with LEP students identified; and

**PA9.3.2:** Listing of Career Programs of Study with LEP students listed for each pathway; and

**PA9.3.3:** Tech-Prep Program participants with LEP students identified; and

**PA9.3.4:** Copy of the academic achievement record (AAR) for each LEP student.

## **Access to CTE**

### **PA10. Equal Accessibility for Minority and Non-Minority Communities**

All CTE facilities housing programs are located at sites that are readily accessible to both minority and non-minority communities, facilities or programs are not identified as intended for non-minority or minority persons, and equal access is provided without regard to race, color, national origin, sex, or disability.

#### **Legal Authority**

OCR Guidelines IV-B and N  
34 CFR §100.3(b)(3)  
34 CFR §104.4(vii)(5)

#### **Evidence**

**PA10.1:** Evidence that the location and/or identification of the facilities do not tend to identify the facilities or programs as intended for minority or non-minority students.

**PA10.2:** Evidence of equal access to the site locations of classes that are apart from the primary campus.

**PA10.3:** Evidence that appropriate transportation is provided for students with disabilities.



## **Admissions**

### **PA11: Admission Practices**

An LEA may not discriminate in its admission practices against persons on the basis of limited English language skills. An LEA operating a secondary CTE program will identify applicants with limited English language skills and assess their ability to participate in CTE programs. Steps are taken to ensure that CTE programs are open to these students and that language support services are available (Reasonable Accommodation standard).

### **Legal Authority**

OCR Guidelines IV-L  
34 CFR §100.3

### **Evidence**

**PA11.1:** Evidence that a concentration of students with limited English language skills in one or a few programs is not the result of discriminatory limitations being placed upon the opportunities available to such students.

**PA11.1.1:** Analysis of campus lists of all LEP students currently enrolled in CTE by program. Data should indicate that there is not a concentration in one or a few programs; or

**PA11.1.2:** If there is a concentration of LEP students in one or a few programs, there is evidence that it is not a result of discriminatory practices (i.e., interviews, policies and/or procedures).

**PA11.2:** Evidence that the enrollment of LEP students in CTE courses on each campus is similar in proportion to the number of LEP students in the campus population as a whole, or the LEA provides a legitimate nondiscriminatory rationale.

**PA11.2.1:** Campus enrollment of LEP students in each CTE course is similar in proportion to the number of LEP students in the campus population as a whole; or

**PA11.2.2:** If campus enrollment of LEP students in each CTE course is not similar in proportion to the number of LEP students in the campus population as a whole, the LEA provides evidence that the numbers are not due to discrimination.

## **Admissions**

### **PA12. Introductory, Preliminary, and Exploratory Courses**

Introductory, preliminary, or exploratory courses are not established as a prerequisite for admission to a CTE program unless the course has been and is available to all students without regard to race, color, national origin, sex, or disability, and there is evidence that prerequisite courses essential to participation are clearly identified.

### **Legal Authority**

OCR Guidelines IV-K

### **Evidence**

**PA12.1:** The LEA has a list of all courses and their prerequisites that are available without regard to race, color, national origin, sex, or disability and based upon specific criteria. NOTE: Teacher recommendation is not an acceptable prerequisite.

**PA12.2:** Evidence that all prerequisite courses that are essential to participation in each program are identified.

**PA12.2.1:** Course catalogs or list of courses and their prerequisites; or

**PA12.2.2:** Student handbook.

**PA12.3:** Evidence that each course is presently, or will be, available to those seeking enrollment for the first time and to those formerly excluded.

**PA12.3.1:** Course catalogs for the current and previous school years; and

**PA12.3.2:** District course schedules for the current and past three semesters; and

**PA12.3.3:** Number of students by ethnicity, sex, LEP, and disability removed from CTE courses during the past three semesters.

## **Admissions**

### **PA13. Temporary Disability for Women**

An LEA does not exclude a woman from admission to or participation in any program on the basis of pregnancy, nor treat a temporary disability due to pregnancy differently than other temporary disabilities.

### **Legal Authority**

34 CFR §106.21(c)(2)

### **Evidence**

**PA13.1:** The LEA has policies, procedures, and/or guidelines concerning students who have been temporarily disabled due to pregnancy.

**PA13.2:** The LEA has a listing of all students who have been temporarily disabled due to pregnancy and other causes of temporary disability.

**PA13.3:** Schedules of students who have been temporarily disabled demonstrate that students are not treated differently due to pregnancy.

**PA13.4:** Interviews with staff demonstrate that students who have been temporarily disabled due to pregnancy are not treated differently.

## **Admissions**

### **PA14. Selection Criteria**

An LEA may not judge candidates for admission to programs, activities, or services on the basis of criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, or disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential to participation.

### **Legal Authority**

OCR Guidelines IV-A and IV-K  
28 CFR §35.130  
34 CFR §100.3  
34 CFR §104.4(b)(4)  
34 CFR §106.21

### **Evidence**

**PA 14.1:** Demographics of CTE enrollment are similar to demographics of eligible pool, or recipient provides a legitimate nondiscriminatory rationale.

**PA 14.1.1:** Eligibility and admission criteria for CTE programs by campus; and

**PA 14.1.2:** Facility; and

**PA 14.1.3:** Program.

**PA 14.2:** Demographics of specific CTE programs are similar to demographics of entire CTE enrollment, or recipient provides a legitimate nondiscriminatory rationale.

**PA 14.3:** Admissions procedure, policy, and/or practice for CTE program enrollment avoid criteria that disproportionately exclude persons of a particular race, color, national origin, sex, or disability.

**PA 14.3.1:** Admission policy for CTE programs along with description of admission process; and

**PA 14.3.2:** Procedures and criteria for selection/admission to CTE programs where there are more applicants than can be accommodated.

## **Counseling Activities and Materials**

### **PA15. Recruitment and Counseling of Students**

Recipients must ensure that their counseling materials and activities (including student program selection and career/employment selection), promotional, and recruitment efforts do not discriminate on the basis of race, color, national origin, sex, or disability.

#### **Legal Authority**

OCR Guidelines V-A, V-C, and V-E  
34 CFR §104.37  
34 CFR §106.23

#### **Evidence**

**PA15.1:** Evidence that promotional and counseling activities, and resources do not include materials that discriminate against or stereotype persons on the basis of race, color, national origin, sex, or disability.

**PA15.1.1:** Career brochures, pamphlets, or memoranda; and

**PA15.1.2:** CTE promotional materials, posters, and bulletin boards; and

**PA15.1.3:** Electronic communication relating to CTE programs.

**PA15.2:** Evidence that the curricula and programs described in course catalogs and student materials, such as brochures, pamphlets, posters, or memoranda cover a broad range of occupational opportunities and are not limited on the basis of the race, color, national origin, sex, or disability of the potential student to whom the presentation is made.

**PA15.3:** Evidence that, to the extent possible, the LEA has conducted promotional activities that portray males or females, minorities, or disabled persons in programs and occupations in which these groups traditionally have not been represented.

## **Counseling Activities and Materials**

### **PA16. Counseling of Students with Limited English Skills or Hearing Impairments**

Recipients must ensure that counselors can effectively communicate with national origin minority students with limited English language skills and with students who have hearing impairments. This requirement may be satisfied by having interpreters available.

#### **Legal Authority**

OCR Guidelines V-D

#### **Evidence**

**PA16.1:** Evidence that the LEA has taken steps to ensure counselors and other employees can effectively communicate with national-origin minority students with limited English proficiency.

**PA16.1.1:** Copies of promotional materials in the community's own language (i.e., brochures, pamphlets, posters, bulletin boards, memoranda) used for career days, parents' night, shop demonstrations, visitation by groups of prospective students, and other activities; and

**PA16.1.2:** Videotapes, electronic communication, or other media used for career days, parents' night, and other activities; and

**PA16.1.3:** Teacher interviews; or

**PA16.1.4:** Special programs/staff interviews.

**PA16.2:** Evidence that the LEA has taken steps to ensure counselors and other employees can effectively communicate with students who have hearing impairments.

**PA16.2.1:** Copies of promotional materials (i.e., brochures, pamphlets, posters, bulletin boards, memoranda) used for career days, parents' night, shop demonstrations, visitation by groups of prospective students, and other activities; and

**PA16.2.2:** Videotapes, electronic communication, or other media used for career days, parents' night, and other activities; and

**PA16.2.3:** Teacher interviews; or

**PA16.2.4:** Special programs/staff interviews.

## **Counseling Activities and Materials**

### **PA17. Counseling of Students**

Recipients that operate CTE programs must ensure that counselors do not direct or urge any student to enroll in a particular career or program, or measure or predict a student's prospects of success in any career or program based on the student's race, color, national origin, sex, or disability. Recipients may not counsel students with disabilities toward more restrictive career objectives than non-disabled students with similar abilities and interests.

### **Legal Authority**

OCR Guidelines V-B

### **Evidence**

**PA17.1:** Evidence that the LEA has a guidance policy and plan to ensure nondiscrimination.

**PA 17.1.1:** Guidance plan, policy, and procedures; and

**PA 17.1.2:** Assessment plan with list of tests administered; and

**PA 17.1.3:** Written procedures for evaluation and placement of disabled students.

**PA 17.2:** Evidence that the LEA has a written assessment plan that ensures nondiscrimination.

**PA 17.2.1:** Enrollment demographics; and

**PA 17.2.2:** LEP policies; and

**PA 17.2.3:** Written plan for the provision of services for students with LEP; and

**PA 17.2.4:** Written plan for provision of services for hearing impaired individuals.

**PA17.3:** Students with disabilities may not be counseled toward more restrictive career objectives than non-disabled students with similar abilities and interests.

**PA17.3.1:** Evidence that the counseling process includes career options that are not limiting; and

**PA17.3.2:** List of role models or any other resources used in career counseling.

## **Appropriate Setting and Services**

### **PA18. ARD Committee Membership**

When a student with a disability who qualifies for special education services is considered for placement in CTE courses, the Admission Review, and Dismissal (ARD) committee includes all required staff.

### **Legal Authority**

34 CFR §104.4

### **Evidence**

**PA18.1:** Samples of special education student eligibility folders provide evidence that the ARD committee discussed the option of CTE courses and career programs of study.

**PA18.2:** Evidence that ARD committee meeting participants include the appropriate CTE representative, preferably the student's teacher.



## **Appropriate Setting and Services**

### **PA19. Comparable Facilities for Individuals with Disabilities**

The LEA ensures that facilities for students with disabilities and the services and activities provided therein are comparable to the other facilities, services, and activities of the LEA.

#### **Legal Authority**

OCR Guidelines VI-A and D  
34 CFR §104.34(c)

#### **Evidence**

**PA19.1:** Evidence that students with disabilities have available an instructional day commensurate with that of students without disabilities.

**PA19.2:** If the instructional day is not commensurate with students without disabilities, evidence that the ARD/IEP committee report indicates an appropriate justification.

**PA19.3:** Evidence that students with disabilities have the opportunity to interact with students without disabilities.

**PA19.4:** Facilities for students with disabilities are comparable to facilities for students without disabilities.

## **Appropriate Setting and Services**

### **PA20. Educational Settings for Students with Disabilities**

Students with disabilities must not be excluded from career or academic programs, courses, services, or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available.

#### **Legal Authority**

28 CFR §35.150  
34 CFR §104.22(b)  
34 CFR §104.33  
34 CFR §104.37

#### **Evidence**

**PA20.1:** The LEA provides appropriate aids and services for students with disabilities and does not have policies that limit participation of students with disabilities.

**PA 20.1.1:** Examples of adapted equipment; and

**PA 20.1.2:** Policy for providing aids and services; and

**PA 20.1.3:** Description of aids and services available, provided, denied; and

**PA 20.1.4:** List of resources available for seeing or hearing impaired; and

**PA 20.1.5:** Number of disabled students denied admission; and

**PA 20.1.6:** Policies governing use of guide dogs, tape recorders, and note takers.

## **Effective Communications in Employment, Programs, and Services**

### **PA21. Communication with Students with Visual, Hearing, and Speech Impairments**

Students in a CTE program who are visually impaired, hearing impaired, and/or speech impaired have the opportunity to receive and present communication in a manner that is appropriate and effective. In addition, the LEA ensures that counseling services are provided to such students.

#### **Legal Authority**

OCR Guidelines V-A and D  
28 CFR §35.160

#### **Evidence**

**PA21.1:** Evidence that the LEA has determined the type of auxiliary aids and services necessary, and gives consideration to the requests of the individual with disabilities.

**PA21.1.1:** Documentation of auxiliary aids and services provided by the LEA; and

**PA21.1.2:** Special education eligibility folders of students with visual impairments, hearing impairments, and speech impairments.

**PA21.2:** Evidence that the LEA has provided the appropriate auxiliary aids and services, including interpreters/translators where necessary, to afford an individual with a disability an equal opportunity to participate in and benefit from counseling, educational services, programs, or activities offered by the school.

**PA21.2.1:** Special education eligibility folders; and

**PA21.2.2:** Documentation of auxiliary aids or services provided by the LEA; and

**CR21.2.3:** List of equipment available for communication; and

**CR21.2.4:** List of qualified interpreters.

**PA21.3:** Evidence that students with disabilities or parents of students with disabilities have participated in the development of the IEP.

**PA21.3.1:** Dissemination of procedural safeguards; and

**PA21.3.2:** Documentation or receipt of notice, such as written receipts or phone logs, with parents/students; and

**PA21.3.3:** ARD Committee reports; and

**PA21.3.4:** Student IEP with student/parent signature.

**PA21.4:** Evidence that documentation includes the signature of a qualified interpreter on appropriate ARD/IEP documents.

**PA21.4.1:** ARD Committee reports; and

**PA21.4.2:** Student IEP with student/parent signature; and

**PA21.4.3:** Interpreter who signed is on a list of qualified interpreters/translators.

## **Effective Communications in Employment, Programs, and Services**

### **PA22. Appropriate Steps and Communication Support**

The LEA ensures that communications with applicants and members of the public with disabilities are as effective as communications with others. In addition, communication support is provided in a manner that enables people with disabilities to participate on an equal basis with all others, unless to do so would result in a fundamental alteration in the nature of a service, program, or activity or an “undue” financial or administrative burden.

### **Legal Authority**

28 CFR §35.160

28 CFR §35.164

### **Evidence**

**PA22.1:** The LEA has a list of resources to meet the needs of applicants and members of the public who participate and enjoy the benefits of a service, program, or activity conducted by the school.

**PA22.2:** Evidence that the LEA has furnished appropriate auxiliary aids and services to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of a service, program, or activity conducted by the school.

## **Effective Communications in Employment, Programs, and Services**

### **PA23. Signage**

Signage is provided at all entrances to an LEA's facilities that direct users to an accessible entrance or to a location at which they can obtain information about accessible facilities. In compliance with the applicable Accessibility Standards (American National Standards Institute, Uniform Federal Accessibility Standards, or ADA), signage is appropriately placed for parking areas, exits, elevators, restrooms, classrooms, and stairways.

### **Legal Authority**

28 CFR §35.163(b)  
34 CFR §§104.21-104.23

### **Evidence**

**PA23.1:** Evidence through on-site observations that all permanent signs are made of material that is non-glare. The finish is matte or slightly rough to the touch.

**PA23.2:** Evidence through on-site observations that parking spaces are designated for persons with disabilities by a sign showing the symbol of accessibility.

**PA23.3:** Evidence through on-site observations that the signs identifying handicapped accessible parking spaces are not obscured by a vehicle parked in the space.

**PA23.4:** Evidence through on-site observations that permanent direction signage identifies handicapped accessible entrance(s) to the building(s).

**PA23.5:** Evidence through on-site observations that permanent directional signage identifies accessible routes within the building.

**PA23.6:** Evidence through on-site observations that signs identifying permanent rooms or spaces have raised upper-case characters accompanied by grade 2 Braille.

**PA23.7:** Evidence through on-site observations that all signs have characters, letters, numbers, and symbols that contrast highly with the sign's background.

**PA23.8:** Evidence through on-site observations that where permanent identification is provided for rooms and spaces, signs are installed on the wall adjacent to the latch side of the door. Mounting height is 60 inches from the floor to the middle of the sign.

**PA23.9:** Evidence through on-site observations that all handicapped accessible restrooms have appropriate signage.

**PA23.10:** The LEA must provide public information regarding the availability of handicap seating in public areas such as gymnasiums, auditoriums, and stadiums.

## **CTE Programs, Services and Activities**

### **PA24. Student Organizations**

Membership in CTE student organizations operated, administered, or sponsored by an LEA are available to all students in the instructional program without regard to race, color, national origin, sex, or disability.

#### **Legal Authority**

34 CFR §100.3

34 CFR §104.37

34 CFR §106.31

#### **Evidence**

**PA24.1:** Evidence that the LEA has documentation indicating that the LEA does not discriminate on the basis of race, color, national origin, sex, or disability in its student organizations.

**PA24.1.1:** LEA and student policies and procedures for membership; and

**PA24. 1.2:** If used, non-discriminatory promotional materials that encourage student participation in CTE student organizations without regard to race, color, national origin, sex, or disability; and

**PA24. 1.3:** Interviews with staff.

## **CTE Programs, Services and Activities**

### **PA25. Career Preparation Education, Work-Based Learning, Apprenticeship and Job Placement**

The LEA makes opportunities available to students in work-based learning, career preparation education, and job placement programs without regard to race, color, national origin, sex, or disability and does not enter into any arrangement with an agency, union, business, or other sponsor that discriminates against the LEA's students on the basis of race, color, national origin, sex, or disability in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, or pay.

#### **Legal Authority**

OCR Guidelines VII  
34 CFR §100.3  
34 CFR §104.4  
34 CFR §106.31

#### **Evidence**

**PA25.1:** Evidence that opportunities are available to students without regard to gender, race, color, national origin, or disability for any of the three types of programs.

**PA25.1.1:** LEA policies and procedures for work-based learning, cooperative career and technical education, and job placement programs; and

**PA25.1.2:** List of number of students in work-based learning, cooperative career and technical education, and job placements by gender, race, color, national origin, or disability.

**PA25.2:** Evidence that the statement of nondiscrimination is contained in written procedures, application forms, contracts, agreements, and other documentation available to the students.

**PA25.2.1:** LEA policies and procedures for work-based learning student, cooperative education, and job placement programs; and

**PA25.2.2:** Written agreements or forms used to assign students to work study, cooperative education, and job placement programs; or

**PA25.2.3:** Other documentation (contracts, written agreements, program descriptions).

**PA25.3:** Documents used for the referral or assignment of students contain an assurance of nondiscrimination.

**PA25.3.1:** Written agreements or forms used to assign students to work-based learning, cooperative education, and job placement programs; and

**PA25.3.2:** Written agreements used with agencies, unions, businesses, and/or other sponsors.

**PA25.4:** Evidence that the students currently enrolled in the programs represent the overall make-up of the district based on race, color, national origin, sex, or disability.

**PA25.4.1:** LEA demographic data; and

**PA25.4.2:** List of CTE students enrolled in work-based learning, cooperative education, and job placement programs by race, color, national origin, sex, or disability.

**PA25.5:** Evidence that the written agreements contain assurances that the agency, union, business, or other sponsor does not unlawfully discriminate on the basis of race, color, national origin, sex, or disability in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and pay.

**PA25.5.1:** Written agreements or forms used to assign students to work-based learning, cooperative education, and job placement programs; and

**PA25.5.2:** Written agreements used with agencies, unions, businesses, or other sponsors.



## **CTE Programs, Services and Activities**

### **PA26. Dropouts**

The LEA operating CTE programs ensures that students in protected groups do not drop out of CTE programs before completion due to unequal treatment or because of a lack of services to meet language- or disability-related needs.

### **Legal Authority**

34 CFR §100.3  
34 CFR §100.4  
34 CFR §106.31

### **Evidence**

**PA26.1:** Evidence that transition services are discussed/developed for each student with a disability on or before the student's 14th birthday and that the IEP includes measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services (including courses of study) needed to assist the child in receiving those goals.

**PA26.2:** Evidence that an individual graduation plan has been developed for each student with limited English language skills. The plan includes a coherent sequence of courses.

**PA26.3:** Evidence that the drop out rate for students from each subpopulation that were enrolled in CTE courses is similar in proportion to the drop out rate for student from each subpopulation that were not enrolled in a CTE course, or the LEA provides a legitimate evidence that students did not drop out due to unequal treatment or because of a lack of services to meet their needs.

**PA26.3.1:** Drop out rate of students from each subpopulation that were enrolled in a CTE course in the 9th and 10th grade is similar in proportion to the drop out rate of students not enrolled in a CTE course in the 9th and 10th grade from each subpopulation; or

**PA26.3.2:** If drop out rate of students from each subpopulation that were enrolled in a CTE course in the 9th and 10th grade is not similar in proportion to the drop out rate of students not enrolled in a CTE course in the 9th and 10th grade from each subpopulation, the LEA provides evidence that students in protected groups did not drop out of CTE programs before completion due to unequal treatment or because of a lack of services to meet language or disability related needs.

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

### **PA27. Recruitment, Employment, and Promotional Practices**

The LEA's recruitment, employment, and promotion practices and procedures are free from discrimination against CTE employees or applicants on the basis of race, color, national origin, sex, disability, or age.

#### **Legal Authority**

OCR Guidelines VIII-A and B  
34 CFR §110.25

#### **Evidence**

**PA27.1:** Evidence that the LEA has attempted to notify every employee and applicant that it does not discriminate on the basis of race, color, national origin, sex, disability, or age.

**PA27.1.1:** Employee job descriptions/handbook; and

**PA27.1.2:** LEA promotion policies and procedures.

**PA27.2:** Evidence that the LEA applications for employment do not contain prohibited pre-employment lines of inquiry.

**PA27.3:** Evidence that the LEA policies and procedures for promotions, transfers, and granting of tenure are nondiscriminatory.

**PA27.4:** Evidence that the LEA applications for employment contain appropriate notice of equal opportunity and the LEA's nondiscrimination policy, including the LEA contact information.

**PA27.4.1:** Evidence of notice of equal opportunity; and

**PA27.4.2:** Evidence of LEA nondiscrimination policy; and

**PA27.4.3:** Evidence of the LEA contact on the notice.

**PA27.5:** Evidence that status reports or descriptions of employee recruitment activities include sources and contacts.

## **Employment of Faculty and Staff**

### **PA28. Salary Policies**

The LEA assures that it has established and maintained faculty salary scales and policies based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex, disability, or age.

### **Legal Authority**

OCR Guidelines VIII-D  
34 CFR §100.3  
34 CFR §104.11  
34 CFR §106.54  
34 CFR §110.25

### **Evidence**

**PA28.1:** Evidence that the salary scales and policies are based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex, disability, or age is found in the documents below.

**PA28.1.1:** Faculty salary schedules; and

**PA28.1.2:** Administration salary schedules; and

**PA28.1.3:** Copy of job descriptions; and

**PA28.1.4:** LEA policies, procedures, and guidelines on faculty salaries.

**PA28.2:** Salary stipends are not discriminatory on the basis of race, color, national origin, sex, disability, or age.

**PA28.2.1:** Stipend salary schedule; and

**PA28.2.2:** Copy of job descriptions; and

**PA28.2.3:** Teacher/Staff interviews.

**PA28.3:** Faculty assignment patterns and job descriptions are not discriminatory on the basis of race, color, national origin, sex, disability, or age.

**PA28.3.1:** Faculty assignment information by race, ethnicity, sex, disability, and age; and

**PA28.3.2:** Teacher/Staff interviews.

## **Complaints**

### **PA29. Complaints**

The LEA has addressed formal complaints based on race, color, national origin, sex, disability, or age.

### **Legal Authority**

34 CFR §100.7

34 CFR §104.7

34 CFR §106.8

34 CFR §110.25(c)

### **Evidence**

**PA29.1:** Evidence that the formal complaint(s) filed with the LEA have been addressed following adopted policies and procedures.

**PA29.1.1:** Documents of notice of hearing and resolution of complaint or grievance; and

**PA29.1.2:** Interviews with staff.