Methods of Administration (MOA)

Access to Career and Technical Education (CTE)

Program Guidance

2021-2022

TEA
Texas Education Agency

Table of Contents

Overview

The Texas Education Agency (TEA), a recipient of federal financial assistance, is required to comply with federal laws and regulations that prohibit discrimination on the basis of race, color, national origin, sex, age, and disability. *The Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs* (34 C.F.R. Part 100, Appendix B) (*Guidelines*) requires each agency responsible for the administration of Career and Technical Education (CTE) programs to conduct compliance reviews of subrecipients (local education agencies and charter schools) that offer CTE programs and receive federal financial assistance from the U.S. Department of Education (USDE). The purpose of the comprehensive review is to determine the school's compliance with the *Guidelines* and the following federal laws and regulations:

- Title VI of the Civil Rights Act of 1964 and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin
- Title IX of the Education Amendments of 1972 and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex
- Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability
- Public Law 115–224 - "Strengthening Career and Technical Education for the 21st Century Act" (Perkins V) prohibits discrimination in accessing Career and Technical Education programs

Campuses are selected for review based on the TEA selection methodology. The methodology is approved by the United States Department of Education (USDE)-Office of Civil Rights (OCR) prior to implementation. The selection criteria in the methodology places emphasis on the provision of equitable opportunities for students to participate in career and technical programs of study. Categories considered include ethnicity, gender, students with disabilities, Emergent Bilingual (EB), individuals from economically disadvantaged families, out-of-workforce individuals, youth who are in, or have aged out of, the foster care system, and homeless individuals. Each category of students enrolled in CTE is compared to the general student population enrolled at the campus.

Purpose

The Methods of Administration (MOA) for Access to Career and Technical Education is designed to ensure all students enjoy equal access to CTE programs of study and activities.

Definitions

Career and Technical Education (CTE): An educational program that specialize in the skilled trades, applied sciences, modern technologies, and career preparation.

CTE Program of Study: Coherent sequences of courses, industry-based certifications, and work-based learning to ensure students are prepared for in-demand, high-skill, high-wage careers in Texas.

Emergent Bilingual: Students who are unable to communicate fluently or learn effectively in English, who often come from non-English-speaking homes and backgrounds, and who typically require specialized or modified instruction in both the English language and in their academic courses.

Letter of Findings (LOF): TEA issues an LOF to a subrecipient following a comprehensive review of the subrecipient's policies and practices.

Local Education Agency (LEA): A public board of education or other public authority legally constituted within a state for either administrative control or direction of a school district.

Methodology: A selection process placing emphasis on equitable opportunities for participation in CTE.

Ranked List: A sampling of campuses with the highest potential for discrimination based on enrollment data.

Recipient Universe: Recipients that receive funding from the USDE and operate CTE programs (state agency).

Regional Education Service Center (ESC): Regional Service Centers provide services to school districts throughout the state. The Centers are service organizations, not regulatory arms of the Texas Education Agency, and participation by schools in services of the centers is voluntary.

Subrecipient Universe: LEAs receiving funding from the USDE through the state agency and that operate a CTE program. (LEA or campus)

Selection Plan: A methodology and ranked list of subrecipients (campuses) with the greatest potential for civil rights noncompliance.

Voluntary Compliance Plan (VCP): TEA and the LEA negotiate a VCP that lists the corrective actions that the subrecipient must take to remedy the findings of noncompliance listed in the LOF. The corrective actions must be approved by the TEA and be consistent with the *Guidelines*, applicable regulations, and accessibility standards, and should include a month and year of anticipated completion. The Superintendent's signature is required.

Pre-Visit Activities

Texas Education Agency (TEA) staff will contact the LEA to provide the dates and time of the virtual interview and to provide information to the LEA prior to the review. TEA will provide an overview of the review process during the annual MOA virtual training. LEA administrative staff should ensure that campus staff are involved in the gathering of documentation and preparation for the MOA review. Agency staff is available to provide virtual, e-mail, and phone support to LEA staff during the preparation stage of the visit**.**

The MOA review will consist of the following process:
- A desk review consisting of surveys and LEA supplied documentation (LEAs submit documentation based on the MOA data collection tool indicators)
- Virtual LEA and campus staff interviews consisting of a review of relevant campus student data and a review of CTE programs of study, CTE courses, and admissions practices
- Virtual or On-site review of campus facilities for accessibility separate from the virtual interview
- The campus is required to provide documentation to demonstrate compliance with each of the indicators identified by the USDE and OCR (indicators and documentation are defined in the data collection tool)
    1. Administrative
    2. Recruitment, Admissions, and Counseling
    3. Accessibility
    4. Services for Special Populations
    5. Work-Based Learning, Cooperative Programs, and Job Placement
    6. Student Performance
    7. Size, Scope, and Quality

The *METHOD OF ADMINISTRATION - Access to Career and Technical Education Programs* data collection tool can be found on the TEA website under the MOA monitoring link at: https://tea.texas.gov/si/MOA/. Each indicator provides legal citations, indicators of compliance, and guidance regarding the documentation to submit for each indicator.

Documentation Request

To streamline work while in the district and to assist the LEA and campus(es) prepare for a MOA audit and review, TEA requests documents prior to the virtual interview. Two sets of documentation submission are required administrative information and accessibility information will be requested of each LEA and campus receiving a MOA audit and review. The documentation is required to be submitted to TEA by the date provided in the initial communication with the LEA which and is submitted prior to the virtual interview and virtual or onsite facilities review. All documents submitted through either Smartsheet, or ShareFile please submit as PDF document(s).

Administrative Information

Administrative information would include documents validating compliance with each of the required indicators. The MOA Data Collection Tool can be found at: https://tea.texas.gov/si/MOA/ LEAs will submit the documentation via Smartsheet (for nonsecure documents and ShareFile for secure documents) and identify the indicator addressed by the document for each of the submitted document(s).

Accessibility Information

As part of the accessibility information the LEA will complete and submit a facility checklist for each campus identified in the MOA visits along with a site map and floor plan for the selected campus and CTE facilities. The map should include paths of travel, buildings, and parking lots. The map(s) may be fire exit map(s). The map(s) should include the following:

1. Date(s) of original construction, and identify areas on map
2. Date(s) and area(s) of subsequent renovation(s)/alteration(s), if any, and identify areas on map with lines separating original construction or other renovations or alterations
3. Dates of ramp added/installed, if any, and identify on map or floor plan
4. Dates that elevators/lifts were installed, if any, and identify on map or floor plan
5. Date of the last resurfacing and/or relining of each the parking lots at each school being reviewed, and identify on map
6. Total parking spaces in each lot at the campus being reviewed, and identify on the map
7. The number of parking spaces in each parking lot which will save time while we are on site.

The maps should be color-coded to the date of construction or renovation.

1. Construction prior to June 4, 1977--Readily Accessible standard - Pink
2. Construction between June 4, 1977, and January 18, 1991–ANSI standard - Blue
3. Construction between January 18, 1991, and January 26, 1992–UFAS standard - Green
4. Construction AFTER January 27, 1992–ADA standard - Yellow

(Note- use date that construction began, not date of completion, otherwise an incorrect higher standard may be used to determine compliance.)

Campus Floor Plan
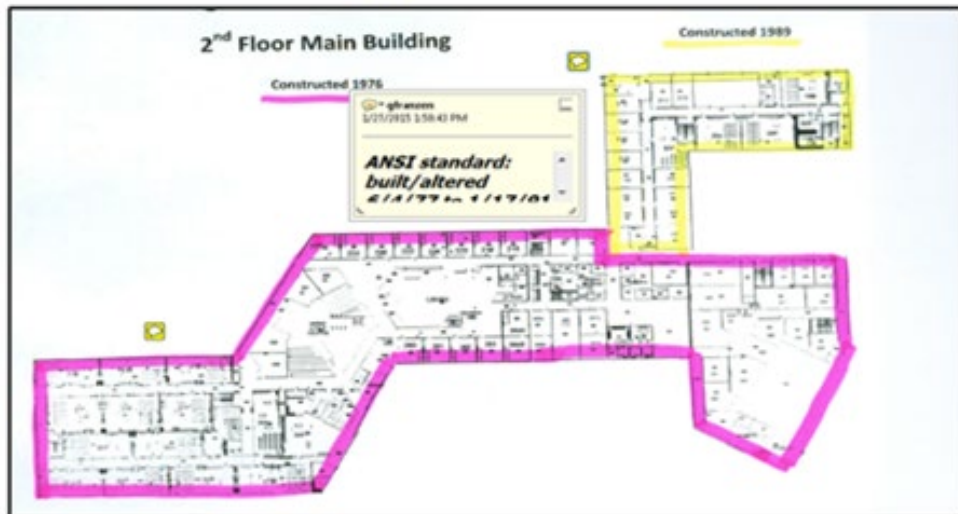
Smartsheet
Smartsheet will be the primary receptacle for nonsecure documentation.

The **LEA will select staff to submit documentation via the Smartsheet Form**. Each item submitted will be categorized as to the indicator it validates. A Smartsheet Form link will be e-mailed to the LEA and the same form will be used for each section of the submission. The LEA will need to identify itself for each submission and select the ESC that is working with the LEA to prepare for the MOA review. Complete the form as noted below.

Identify the LEA

Identify the ESC

Select if the submission is for MOA staff or CTE staff to review.

Add notes to the MOA/CTE reviewer

Select the indicator for which the documentation is submitted (submit

each indicator separately) (example select indicator 1A attach documents and press submit, then in separate submission repeat for indicator 1B), drag and drop one or more files to the indicated box (maximum of 9 documents per submission); select to cc to yourself as desired; and press submit.

The link for each submission will be the same and the process will be duplicated for each indicator submission.

ShareFile

ShareFile is a secure portal through which MOA data can be submitted. ShareFile links will be sent to identified LEAs to upload requested secure documents.

Survey

As part of the MOA audit and review process the campus will be asked to administer an online survey to parents, students, and teachers. The link to the survey will be provided in LEA communications. It is recommended that an opportunity should be provided for parents to complete the survey on campus.

The online survey will be administered to students at the campus site. Parent consent is required for students to participate in the survey. A parent consent form must be signed, dated, and returned to the campus for the student to participate in the survey. Electronic signature or e-mail consent is acceptable, all consent forms should be kept on file according to the district document retention plan.

The surveys are voluntary, confidential to the extent permitted by law, and will automatically submit to TEA. All surveys should be completed in a timely fashion as noted in LEA communications.

MOA Virtual Interview

The review will consist of a virtual interview of central office staff, campus administration, campus counselor(s) (to include feeder middle schools/junior high schools), CTE teachers, special populations teachers (special education teacher(s), BE/ESL teacher(s), and 504 teacher(s). CTE program review will continue during the 2021-2022 review process. A facility review for accessibility will be conducted independent of the virtual interview.

Virtual review process:

The entry conference will vary by LEA, but in most cases, the entry will be with limited staff and designed to answer questions of upper LEA management.

Central Office Interviews

The central office interviews will focus on administrative issues required by the Office of Civil Rights (OCR). Discussion will emphasize required notifications, grievance and complaints policy and practice, coordinator responsibilities for 504, Title IX, a discussion of recent complaints or grievances that advanced to the central office level, and employment. Issues discussed will also include how the LEA ensures accessibility for all students into CTE programs of study and activities. Admission disparities related to CTE may include ethnicity, gender, students with disabilities, and emergent bilingual, individuals from economically disadvantaged families, out-of-workforce individuals, youth who are in, or have aged out of, the foster care system, and homeless individuals. TEA staff will also explore scope, quality, and depth of CTE programs of study in association with the virtual review. Interviews will confirm documentation submitted by the LEA based on the data collection tool submissions and the facility checklist.

Campus Interviews

Campus personnel will be asked to discuss student data related to the accessibility of CTE programs and activities for each of the protected student classes. The master schedule will be discussed with the administrative team. Interviews will confirm documentation submitted by the LEA based on the data collection tool submissions and the facility checklist. The focus of the MOA audit and review is equitable access to CTE and CTE program quality.

Folder reviews

The LEA will be requested to submit student cumulative folders for review. The review will consist of specific requested documents as outlined in communications with the LEA. Appropriate campus staff will be asked questions regarding submitted student's folders during the virtual interview. Campus staff should be knowledgeable about scheduling, CTE, and student recruitment and admissions. Documents to be reviewed should include CTE programs of study, course schedules, evidence of Four-Year Plans that demonstrate programs of study, career inventory or interest inventory, and evidence of equitable counseling of the various student populations.

Facility Review

Facility reviews for architectural barriers occurring at the selected campus and facilities that house programs or activities accessed by CTE students will take place separately from the virtual interview during the 2021-2022 school year. The facility accessibility, MOA Data Collection Tool Indicator 3, review will consist of either a virtual or onsite review of the designated campus. LEA staff members responsible for facilities and facility maintenance are expected to be in attendance during the facility review. The review will focus on items related to student access to the facility and access to CTE programs of study and activities. For an onsite review, the LEA staff should have keys allowing access to all rooms in the building and be familiar with the standards related to the age of the building:

- *34 C.F.R. Part 104--Nondiscrimination on The Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance; (before June 1977)*
- *American National Standard Specifications for Making Buildings and Facilities Accessible To, And Usable By, The Physically Handicapped; (June 4, 1977, and January 18, 1991)*
- *Uniform Federal Accessibility Standards; (January 18, 1991 – January 26, 1992)*
- *ADA Standards for Accessible Design; (1994)*

TEA staff will request/take pictures of areas of noncompliance, as well as take script notes for documentation purposes. The photos and documentation of work completed submitted at a later date by the LEA, will be utilized to document the completion of required corrective actions for facility accessibility.

Post Visit Follow-Up

Following the visit, the LEA will receive a Letter of Findings (LOF). This letter will highlight points reviewed and issues that need to be addressed by the LEA.

Letter of Findings (LOF)

The LOF reviews the MOA process and legal authority for the review. MOA procedures review the following major areas:

1. Administrative
2. Recruitment, Admissions, and Counseling
3. Accessibility
4. Services for Special Populations
5. Work-Based Learning, Cooperative Programs, and Job Placement
6. Student Performance
7. Size, Scope, and Quality

MOA Data Collection Tool

The *METHOD OF ADMINISTRATION - Access to Career and Technical Education Programs* Data Collection Tool describes the indicators that are utilized during the review. The data collection tool can be found at: https://tea.texas.gov/si/MOA/ The indicators are stand-alone and provide the legal references to be reviewed. If the agency determines an area lacks sufficient documentation to validate the indicator, it is noted in the LOF as noncompliance identified.

Indicator 3, Accessibility, reviews building accessibility based upon the age of the building and the date of any renovations of the building including a physical reconfiguration of the structure. The LEA is required to supply the date construction began and the date of remodeling prior to the virtual or onsite review to allow for an appropriate facility review. The facility review only includes the regulations related to the age of the building and remodel. Indicator 3 reflects the findings of the facility review and is documented on in the VCP for the selected campus. Areas of noncompliance must be brought up to the *2010 ADA Standards for Accessible Design.*

> In the area of physical accessibility, note that under Section 504, all corrective action involving new construction or alterations taken on or after March 15, 2012, must comply with either the 2010 ADA Standards or the UFAS standards, even if neither was the original applicable standard. 34 C.F.R. § 104.23; 77 Fed. Reg. 14972-73, 14975-76 (2012). UFAS and the 2010 ADA Standards have differences, and compliance with UFAS does not necessarily result in compliance with the 2010 ADA Standards. The role of MOA coordinators is to ensure that subrecipients are in compliance with Section 504. Although compliance with UFAS will satisfy a subrecipient's Section 504 obligations, a subrecipient that is a public entity is still independently required to comply with Title II of the ADA, and thus must still comply with the 2010 ADA Standards.

Receiving the LOF

Once the LEA receives and reviews the findings of the LOF, it is considered final. However, if the LEA disagrees with a finding contained in the LOF, the LEA must request reconsideration by submitting any objections in writing within 10 calendar days (excluding weekends) of receipt of the LOF. The request for reconsideration should be accompanied by supporting documentation to validate compliance at the time of the visit. Upon completion of the review of documentation submitted by the LEA, TEA will notify the LEA of adjusted findings and/or closure of the review in writing.

Voluntary Compliance Plan (VCP)

Once the LOF is received indicating noncompliance identified, all voluntary compliance action(s) must be included in the LEA's Voluntary Compliance Plan (*VCP*). The VCP represents the corrective actions to rectify identified noncompliance noted in the LOF. The *VCP* template can be found at the TEA website under the MOA Monitoring link at https://tea.texas.gov/si/MOA/. At a minimum, the *VCP* should: (1) address every item of noncompliance, (2) describe the action that the LEA will take to remedy each item, (3) provide the target completion date (month and year), and (4) include a statement of how completion of the action will be reported and verified to the Texas Education Agency. After review, TEA will either approve the VCP as is, or communicate with the LEA to ensure that the appropriate action(s) is taken to bring your school into compliance.

Within 30 days of the date the receiving the LOF, the LEA must submit the completed *VCP with a school official signature*. The electronic copy of the completed *VCP* must be submitted through Smartsheet utilizing indicator item 8 (requested documentation).

Completing and Submitting the VCP

The LEA must develop a Voluntary Compliance Plan (*VCP*) for program access to address each indicator found to be in noncompliance during the Methods of Administration (MOA) review. A copy of the VCP may also be downloaded from: https://tea.texas.gov/si/MOA/

The VCP has one tab for administrative corrections and one tab for facility modifications. The VCP consists of five steps as outlined below. The steps are applicable to both tabs.

1. *LEA data:* Read row #3. By completing this document, the LEA is assuring the TEA that the VCP will be completed and implemented as outlined.
2. Complete row # 5-6 of the *VCP* with the required information and provide the signature of the school official authorized to allot expenditures for corrective activities listed in the VCP.
3. Directions: Read row #8 of the *VCP* with the required directives. The VCP contains areas for corrective activities related to program access and facility compliance.
4. The district must implement actions to correct the noncompliance in a timely fashion. It is expected that all corrective actions will be completed within 90 days of submission of the *VCP*. *If a period of time greater than one year is required TEA approval is required and may need approval from the OCR, Department of Education, Washington D.C.*
5. Submission of corrective activities: Documentation for corrective actions is submitted to the TEA through Smartsheet utilizing indicator item 8 (requested documentation).

Completing the Corrective Activities

The TEA staff will dialogue with the LEA contact. As documentation is submitted, TEA staff will communicate to either to approve, or to ask for clarification to the submissions. Photographic documentation will be required to validate facility updates. The photos will be a part of the VCP submission.

Closing the Review

Upon approving all documentation submitted by the district, the TEA will send an official closure letter.