



Utah State Board of Education

State of Utah Methods of Administration Plan Revised 2020

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USBE Approved:

September 3, 2020

Submitted:

September 11, 2020



ADA Compliant: September 2020

I. Introductory Information

On February 6, 2020, a Memorandum of Procedures (MOP) was jointly issued by the United States Department of Education Office of Career, Technical, and Adult Education (OCTAE) and Office for Civil Rights (OCR) to continue longstanding commitments to ensure equal access in Career and Technical Education (CTE) programs, encouraging states to harmonize civil rights activities under the Methods of Administration (MOA) and the Strengthening Career and Technical Education for the 21st Century Act (Perkins V).

Under the 2020 MOP, state agencies are permitted to align civil rights work under both the MOA and the Perkins programs to ensure equal access and success for all students in CTE programs. We believe that by aligning both MOA and Perkins V activities, we will create a stronger program and be more effective overall. In addition, we will improve the civil rights technical assistance provided to CTE subrecipients in facilitating Voluntary Compliance Plans (VCPs).

This MOA State Plan outlines the longstanding commitment and ongoing effort of OCR and OCTAE to ensure that all students in the State of Utah, regardless of race, color, national origin, sex, or disability, have equal access and opportunities to succeed in CTE programs and learn necessary skills that can lead to gainful and meaningful employment.

The applicable laws and regulations that apply to the MOA program include:

- 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; and
- 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.

This MOA Plan outlines how Utah will fulfill the following four required responsibilities under the 1979 MOA Guidelines to prevent, identify, and remedy race, color, national origin, sex, and disability discrimination in subrecipient's CTE programs by:

1. Collecting and analyzing civil rights data and information.
2. Conducting periodic compliance reviews of select subrecipients.
3. Providing technical assistance to subrecipients on request.
4. Periodically reporting activities and findings to OCR.

The following is a description of the process by which the MOA plan was developed.

A. Which State agency was the lead agency for developing this MOA plan?

The Utah State Board of Education (USB E) is designated as the eligible agency for the Strengthening Career and Technical Education for the 21st Century Act (Perkins V). USB E Career and Technical Education (CTE) section was assigned the responsibility for development of the Methods of Administration (MOA) Plan and is responsible for the plan administration. Staff from CTE, Special Education, Equity, and Student Support Services, including the MOA Coordinator, Perkins Coordinator, Data Steward, and State CTE Director, collaborated on the development of the plan. Plan development began after the 2020 MOA conference in order to ensure the Offices for Civil Rights and Career and Technical, Adult Education’s most up-to-date information was used.

B. Which State agencies, other than the lead agency, participated in the development of this MOA plan?

The state education agency was involved in the development of the MOA Plan as well as the Utah System of Higher Education (USHE).

C. Which advisory groups or stakeholders were involved and to what extent?

LEA and postsecondary CTE Directors reviewed the MOA plan and provided feedback. Partners at the Utah System of Higher Education (USHE) also reviewed the plan and provided feedback. In addition, the MOA Coordinators Association (MOACA) provided guidance in development of the plan.

II. Plan for Performing Oversight Responsibilities

The Utah State Board of Education’s (USB E) plans for fulfilling its obligations under *Section II (B) of the Guidelines* to ensure that its subrecipients are complying with the civil rights laws, i.e. *a compliance program to prevent, identify and remedy discrimination on the basis of race, color, national origin, sex or handicap by it subrecipients*, are as follows.

A. Section II (B) 1 of the Guidelines

To address Section II (B) 1 of the Guidelines: Collecting and analyzing civil rights related data and information that subrecipients compile for their own purposes or that are submitted to State and Federal officials under existing authorities:

Describe the State agency’s plans for collecting and analyzing civil rights related data and information that subrecipients compile for their own purposes or that are submitted to State and Federal officials under existing authorities.

(Recommendation: States should include data collected under Perkins V, Section 113(b)(3)(C) (Accountability – State Report) and Section 134 (Local Application and Comprehensive Needs Assessment), in addition to the data comparing total institutional enrollment to CTE enrollment by race, sex, and disability to perform these oversight responsibilities.)

Civil rights related data and information will continue to be collected through the state's UTREx/Data Clearinghouse system (for secondary) and Utah System of Higher Education (USHE) data systems – the same systems currently used to collect and report Perkins V data. Additional data and information have been and will continue to be collected in the Perkins V Comprehensive Local Needs Assessment which is submitted in USBE's grants management system. Utah will continually evaluate additional data elements as needed.

Data from postsecondary institutions is submitted to the USBE Data Steward through Perkins V data submission processes. At the secondary level, UTREx collects teacher and student level data. The USBE CTE Data Steward then develops aggregate state and local level reports. These reports are used by state level staff and subrecipients for continuous improvement efforts and planning. The data includes each special population category including demographic data (race/ethnicity, disability, gender, and EL status).

USBE CTE staff (including the MOA Coordinator, Perkins Coordinator, CTE Data Steward, and Perkins Executive Committee) will be involved in analyzing enrollment and achievement data for protected classes of students. This civil rights-related data will be compared to those same data sets for the subrecipient as a whole to identify those schools with the greatest disparity among student groups, and hence the most potential for civil rights noncompliance. The Perkins V local needs assessment supports the work of subrecipients in analyzing their data to work on continuous improvement even if they are not selected by the SEA for on-site reviews.

B. Periodic Compliance Reviews of Selected Subrecipients

Describe the processes and procedures the State will implement to conduct periodic compliance reviews of selected subrecipients.

(Guidance: Review those subrecipients with the greatest potential for civil rights noncompliance. Recommendation: This part of the MOA plan should describe the procedures the State agency will follow to comply with the requirements set forth in *Section II (B)2 of the Guidelines – Conducting periodic compliance reviews of selected subrecipients i.e., an investigation of a subrecipient to determine whether it engages in unlawful discrimination in any aspect of its program; upon finding unlawful discrimination, notifying the subrecipient of steps it must take to attain compliance and attempting to obtain voluntary compliance.*)

Perkins V subrecipients will be included in MOA monitoring and technical assistance. Perkins subrecipients are reviewed annually for grant compliance. USBE will evaluate subrecipient data using a state developed risk tool. Data elements described in Section II B will be used to identify subrecipients that demonstrate the most potential for civil rights noncompliance. Other subrecipients may also be reviewed based on additional factors such as requests for technical assistance and state initiatives designed to address demonstrated noncompliance issues.

Utah plans to phase in the changes to MOA monitoring over the next three years and at that time, we will be fully functional in our plan.

- In SY20-21, notification to all subrecipients will be made. The state risk tool will be developed which will be a combined effort of Perkins and MOA. Annual training will be developed for all subrecipients. In addition, a comprehensive review of all subrecipient websites for appropriate notices of nondiscrimination will be conducted. Technical assistance will be available as requested.
- In SY21-22, desk monitoring processes will begin utilizing sampling and categorical risk measures of the state risk tool. All subrecipients will be required to participate in the annual MOA training. Technical assistance will be available as requested.
- In SY22-23 and moving forward, use of the state risk tool and resulting desk monitoring will continue. Required annual training will be conducted. Onsite monitoring will be used as an additional tool and technical assistance will be available as requested.

Based on results of the state risk tool (data disparity) used annually for each subrecipient, each year a minimum of 4 subrecipients will be reviewed using desk audits for compliance with MOA.

Investigative techniques used may include any or all of the following, depending on the data analysis and the ability to conduct on-site visits to schools.

- Review of publications and websites
- Desk audits
- Online surveys
- On-site reviews
- Facilities reviews
- Interviews

Beginning in year 3, based on the data analysis risk scores, one to two schools/institutions will be reviewed in conjunction with Perkins V periodic compliance reviews each year. The scope of the reviews will include a minimum of three of the following focus areas:

- Administrative requirements
- Recruitment, admission, and counseling
- Physical accessibility
- Comparable facilities
- Services for students with disabilities.

All notifications concerning reviews will be electronic. Subrecipients will be notified about the commencement of a review at least 45 days in advance. Notifications of the conclusion of a review will be sent within 45 days of completion. All reviews will be conducted in collaboration among CTE and USBE Equity, Special Education, and Facilities Operations staff. The techniques used will vary depending on the issue areas being reviewed. The ability to visit subrecipients' locations will also be a factor in determining which techniques will be used in any given year.

C. Unlawful Discrimination Procedures

Describe the processes and procedures that will be followed upon finding unlawful discrimination.

(Guidance: This section should include the process for notifying the subrecipient of steps it should take to attain compliance and processes the State agency will follow in attempting to obtain voluntary compliance. In addition, this section should include the process states will use to engage OCR in compliance and enforcement activities.)

Electronic communications, in the form of letters of findings, will be used to report findings to subrecipients and to negotiate compliance plans. Upon completion of the reviews, no matter their format, letters of findings will be sent to the subrecipients within 45 days and compliance plans will continue to be due back to USBE CTE within 45 days. USBE will monitor subrecipients' progress in resolving the unlawful discrimination issues identified in the reviews.

III. Technical Assistance for Subrecipients

How does the State plan to conduct outreach to subrecipients, offer technical assistance and provide opportunities for subrecipients to request technical assistance to improve equal access to CTE based on race, color, national origin, sex, or disability? How will the State use Federal (OCR) and other resources to support its technical assistance efforts?

(Recommendation: It is recommended that this part describe the procedures the State agency will follow to comply with the requirements set forth in *Section II (B) 3 of the Guidelines – Providing technical assistance upon request to subrecipients. This includes assisting subrecipients identify unlawful discrimination and instruction them in remedies for and prevention of such discrimination.*)

Annually, state-wide email notices will be used to notify all subrecipients offering CTE programs of the availability of technical assistance to improve equal access to CTE based on race, color, national origin, sex, or disability. In addition, assurances in the annual Perkins V applications will be used to verify compliance. Each year, all compliance monitoring reviews conducted by USBE CTE staff will include notices of the availability of technical assistance related to MOA issues. The USBE CTE webpage will include a link to technical assistance resources and the MOA Coordinator's email address will be provided to make it easier to request additional technical assistance.

Types of technical assistance available may include, but are not limited to, correspondence (phone/email) addressing specific subrecipient questions, pro-active emails to address common issues statewide, website information, reference links to OCR site materials, Q & A documents, publications, webinars, and training events related to Equity in CTE. Additionally, required annual training for all subrecipients will be developed and implemented. This training will help to ensure that each subrecipient has the foundational knowledge of their responsibilities and best practices around civil rights.

The MOA Coordinator will be the lead staff member responsible for initiating and coordinating MOA technical assistance and training to subrecipients. The MOA Coordinator will also be involved in review activities. USBE CTE staff members conducting other types of reviews will provide technical assistance concerning MOA activities in consultation with the MOA Coordinator. All technical assistance and training, including Equity Labs, will be conducted in collaboration with other USBE staff in Equity, Federal Programs, Special Education, and Student Support Services. Partners with USHE will also collaborate with USBE to reach the postsecondary subrecipients.

CTE Education Specialists will receive training courses from the MOA Coordinator on spotting civil rights issues while conducting site visits as part of their regularly scheduled duties. When issues are identified, they will provide basic support to the subrecipient or refer the subrecipient to the MOA Coordinator for further technical assistance. There will be a focus on equitable access to Career and Technical Education and Culturally Responsive Practices as an effective instructional strategy in improving equity in the classroom.

IV. Reporting to the Department

This is not a required element of a State MOA plan. *Guidelines* require each State agency to periodically report on its activities. The Department (USDOE) expects each State agency to submit a civil rights compliance report to OCR and OCTAE as a narrative attachment in the State's Consolidated Annual Report for Perkins V every second year – i.e., biennially.

Utah will report its MOA activities and findings to OCR in a Biennial Report. The report will be submitted in odd-numbered years as a narrative attachment to the Consolidated Annual Report for Perkins through the Perkins portal.