METHODS OF ADMINISTRATION (MOA) COMPLIANCE CHECKLIST
SECONDARY

# Section 1: Administrative

| **Item Number** | **ITEM DESRIPTION** | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
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| **Item 1-1** | **Statement of Assurance** Districts must have signed Statements of Assurance on file indicating they will comply with Title VI, Title IX, and Section 504.Legal Authority: Title VI, 34 CFR § 100.6Title IX, 34 CFR § 106.8Section 504, 34 CFR § 104.7Title II, 28 CFR § 35.107 | A formal Statement of Assurance signed by LEA (Local Educational Agency) is on file. | A Statement of Assurance is available. Check all that apply:[ ]  Division 22[ ]  Perkins Plan[ ]  General Fund[ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 1-2** | **Civil Rights Coordinator Positions***Districts must have Civil Rights Coordinators in place to coordinate and monitor the LEA's compliance with state nondiscrimination laws, Title IX, and Section 504 and to respond to questions and concerns.*Legal Authority: Title IX, 34 CFR § 106.8Section 504, 34 CFR § 104.7Title II, 28 CFR § 35.107 | LEA designated at least one employee to coordinate and monitor LEA’s compliance with its responsibilities under state nondiscrimination laws, Title IX, and Section 504. | Name, Title, Job Description is available for:[ ]  Title II (ADA) Coordinator[ ]  Title IX Coordinator[ ]  Section 504 Coordinator | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 1-3** | **Training for Civil Rights Coordinators***All district Civil Rights Coordinators must have training regarding their responsibilities under state nondiscrimination laws, Title IX, and Section 504.* Legal Authority: Title IX, 34 CFR § 106.8Section 504, 34 CFR § 104.7Title II, 28 CFR § 35.107 | All district Civil Rights Coordinators receive training regarding their responsibilities under state nondiscrimination laws, Title IX, and Section 504. | Training certifications are available for the following people, each having completed training for all applicable civil rights laws: [ ]  Title II (ADA) Coordinator[ ]  Title IX Coordinator[ ]  Section 504 Coordinator | Investigation reveals evidence of violation:[ ]  Yes [ ]  NoNotes:  |
| **Item 1-4** | **Independent Decision Maker and Investigator***In addition to the Title IX Coordinator, federal statute requires that a school/district also designate and train a decision maker and investigator (two different people) to respond to complaints of sexual harassment.*Legal Authority: Title IX, 34 CFR § 106.8 | LEA has designated and trained at least one decision maker and one investigator to respond to complaints of sexual harassment. | Name, Title, Job Description is available for:[ ]  Decision Maker[ ]  InvestigatorTraining certification are available for:[ ]  Decision Maker[ ]  Investigator[ ]  Title IX Training is posted for staff | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |

Notes/Comments:

Resources:

1. [U.S. Department of Education (ED) Office for Civil Rights (OCR) Outreach, Prevention, Education and Non-discrimination (OPEN) Center](https://www.ada.gov/regs2010/service_animal_qa.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)
2. [ED Title IX Coordinator Resource Guide](https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal)
3. [New Title IX Regulations](https://www.ride.ri.gov/Portals/0/Uploads/Documents/Inside-RIDE/Legal/Civil-Rights/Sample%20Annual%20Notice%20of%20Nondiscrimination.pdf)
4. [ED Section 504 Parent and Educator Resource Guide](https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf)
5. ED Frequently Asked Questions on the ADA Amendments Act
6. [Oregon Department of Education (ODE) Section 504 Webpage](https://cte.ed.gov/wbltoolkit/)
7. [ODE Title IX Webpage](https://www.oregon.gov/ode/students-and-family/equity/civilrights/Pages/CivilRightsTitleIX.aspx)

# Section 2: Notice, Policy, and Procedure

| **Item Number** | **ITEM DESCRIPTION** | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 2-1** | **Continuous Notice of Nondiscrimination***All districts must provide continuous notice stating that it does not discriminate. As state and federal civil rights laws contain minor differences in the required content of these notices and the methods used to publish them, school districts are encouraged to publish a combined nondiscrimination statement that covers all requirements of state and federal laws*.Legal Authority: Title VI, 34 CFR § 100.6 Title IX, 34 CFR § 106.9Section 504, 34 CFR § 104.8 Title II, 28 CFR § 35.106OAR Chapter 581, Division 22 | LEA nondiscrimination notices include:* A statement that specifies the basis for nondiscrimination, including race, color, national origin, age, disability, sex, (sexual orientation, Marital status, and religion state required).
* The name, title, physical address, email address, and telephone number of the Title IX Coordinator, Section 504 Coordinator, and Title II of the ADA Coordinator.
 | Notices of nondiscrimination are available in each of the following ways:[ ]  School and district webpages[ ]  Student and staff handbooks[ ]  Announcements[ ]  Course Catalogue[ ]  School Newsletter[ ]  Academic Calendar[ ]  Employment Applications[ ]  Available in languages of community[ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes [ ]  NoNotes: |
| **Item 2-2** | **CTE Annual Notice of Nondiscrimination***Prior to the beginning of each school year, recipients must advise students, parents, employees and the general public that all vocational opportunities will be offered without regard to race, color, national origin, sex or disability.* *The notice must include a brief summary of program offerings and admission criteria and the name, office address, and phone number of persons designated to coordinate compliance under Title IX and Section 504.**If a recipient’s service area contains a community of national origin minority persons with limited English language skills, public notification materials must be disseminated to that community in its language and the school must take steps to assure that the lack of English language skills will not be a barrier to admission and participation in CTE programs.*Legal Authority:Title IX, 34 CFR § 106.8Section 504, 34 CFR § 104.7(b)Title II, 28 CFR § 35.107(a)Guidelines IV-O, 34 CFR § 100, Appendix BORS 659.850 | LEA nondiscrimination notice, in languages of the community, includes:* Brief summary of program offerings and admission criteria
* Name and contact information of designated Title IX and Section 504 coordinators
* Title IX and Section 504 compliance activity
* Statement that the lack of English language skills will not be a barrier to admission and
* Participation in CTE classes and activities.
 | LEA nondiscrimination notice includes:[ ]  Brief summary of program offerings and admission criteria[ ]  Name and contact information of designated Title IX and Section 504 coordinators[ ]  Title IX and Section 504 compliance activity[ ]  Statement that the lack of English language skills will not be a barrier to admission and participation in CTE classes and activities.[ ]  Availability in languages of the community | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 2-3** | **Complaint Procedures: Discrimination and Sexual Harassment***The district shall adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging any discrimination based on sex or disability.* *Under Title IX, the published notice must include how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the recipient will respond.*Legal Authority: Title IX, 34 CFR § 106.8Section 504, CFR § 104.7 Title II, 28 CFR § 35.107ORS 342.704; ORS 342.708 | School/district notifies all students, parents, employees, and third parties about the discrimination complaint policy and procedure and sexual harassment policy and procedure. | This is evident in: [ ]  Policy [ ]  Availability in languages of the community[ ]  Policies prohibiting discrimination[ ]  Discrimination Complaint Procedures readily accessible[ ]  Complaint procedures for Sexual Harassment aligned with new Title IX requirements and ORS 342[ ]  Samples of notice  | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |

Notes/Comments:

Resources:

1. [Continuous Notice of Nondiscrimination](https://www.wrightslaw.com/law/ocr/colleague.201612.racedisc.pdf)
2. [Sample Annual Notice of Nondiscrimination](https://rid.org/advocacy-overview/state-information-and-advocacy/oregon-state-information/)
3. [Summary of Major Provisions of the ED's Title IX Final Rule](https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf)
4. [ORS 659.850 (Discrimination in Education Prohibited)](https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards.pdf)
5. [ORS 342.704 (Adoption of District Policies on Sexual Harassment Required)](https://www.oregonlaws.org/ors/342.704)
6. Language Requirements: See Section 4

# Section 3: Services for Students with Disabilities

| **Item Number** | **ITEM DESCRIPTION** | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 3-1** | **Services for Students with Disabilities***No qualified person with a disability may be excluded from, denied benefits of, or subjected to discrimination in any course, program, or activity.*Legal Authority: Section 504, 34 CFR § 104.4(a)Title II, 28 CFR § 35.130(a)Guidelines IV-N, 34 CFR § 100, Appendix B | LEA does not restrict access for students with disabilities to schools, programs, services, and activities because of architectural barriers, equipment barriers, the need for related aids and services, or the need for auxiliary aids.  | This is evident in:[ ]  Inspection of facilities[ ]  Data demonstrating equitable access and treatment of students with disabilities (e.g., discipline, graduation, enrollment, examples of accommodation, etc.)[ ]  Accommodations Training for staff [ ]  Course requirements[ ]  Admissions process [ ]  Counseling/advising[ ]  Handbook for Student Services[ ]  Policy and procedure for examining new admissions applications and new proposed programs [ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 3-2** | **Policy and Procedure for Ensuring Equitable Access for Students With Disabilities***No student with disabilities shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance. The district must establish and implement policies and procedures that ensure equitable access for students with disabilities.* Legal Authority: Section 504, 34 CFR § 104.4(a)Title II, 28 CFR § 35.130(a)Guidelines IV-N, 34 CFR § 100, Appendix BORS. 339.250; ORS. 339.291 | School implements policies and procedures ensuring equitable access for students with disabilities to programs, services, and activities.Students with disabilities integrated with their nondisabled peers as much as possible. Students with behavior-related disabilities receive services and supports that assist them to remain in, or return to, the most integrated educational placements appropriate to their needsRecipients must place secondary level students with disabilities in the regular educational environment of any vocational education program to the maximum extent appropriate to the needs of the student. | This is evident in:[ ]  Enrollment data[ ]  Student and Staff Handbook[ ]  Interviews with Students and Staff[ ]  Methods for notifying staff /instructors[ ]  Child Find and identification processes[ ]  Scheduling practices[ ]  Policies for student clubs and organizations[ ]  Discipline data[ ]  Policies and data on use of seclusion[ ]  Contracts with third party providers[ ]  Policy for Service Animals[ ]  Sample IEP and 504 Plans[ ]  Policy for web based platforms to meet accessibility requirements [ ]  Other policies and procedures (specify)[ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 3-3** | **Equitable Course Examination***The district ensures course examinations—and other procedures for evaluating students' academic achievements—are administered in such a way that students' aptitudes, achievement levels, or other relevant factors are measured rather than the disability.*Legal Authority: Section 504, 34 CFR § 104.44(c) Title II, 28 CFR § 35.130(b)(8)Guidelines IV-N, 34 CFR § 100, Appendix B | LEA reasonably accommodates the needs of students with disabilities for testing. | This is evident in:[ ]  List of available testing accommodations[ ]  List of accessible testing locations[ ]  Available accessible software for computers[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 3-4** | **Equipment Barriers, Related Aids and Services** *A district may not deny students with disabilities access to career and technical education programs or courses because of architectural or equipment barriers, or because of the need for related aids and services or auxiliary aids.*Legal Authority:Title II, 28 CFR § 35.130(b)(8)Guidelines IV-N, 34 CFR § 100, Appendix B | Students with disabilities shall not be excluded from vocational, 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. Online activities are accessible. | This is evident in: [ ]  Examples of current and past accommodations [ ]  Staff and student interviews[ ]  Enrollment data☐ Policies/requirements for online course accessibility[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 3-5** | Unlimited Occupational Opportunities for Persons Experiencing Disability*The district must not deny access to CTE and academic programs or courses to students with a disability on the basis that employment opportunities in any occupation or profession may be more limited for disabled persons than for nondisabled persons.*Legal Authority: Section 504, 34 CFR § 104.10; 34 CFR § 104.43Guidelines IV-N, 34 CFR § 100, Appendix B | The LEA does not discourage students with disabilities from participating in programs due to a perceived potential for workplace discrimination. | This is evident in: [ ]  Documentation of notes from advising session with students[ ]  Counseling and advising information/materials[ ]  Enrollment data by program[ ]  Placement/follow-up data[ ]  Student and Staff interviews/surveys[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |

Notes/Comments:

Resources:

1. [ED: Dear Colleague Letter providing guidance for recognizing, redressing, and preventing racial discrimination in special education](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charter-school.pdf)
2. [ED: Section 504 Parent and Educator Resource Guide](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201612-504-charter-school.pdf)
3. ED: Dear Colleague Letter providing guidance on restraint and seclusion policies for students with disabilities and [Question and Answer Fact Sheet](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201612-504-restraint-seclusion-ps.pdf) addressing the guidance
4. [OCR and the Office of Special Education and Rehabilitative Services (OSERS) joint Dear Colleague Letter](http://www.ada.gov/service_animals_2010.htm) helps update educators, parents, students, and other stakeholders to better understand the rights of students with disabilities in public charter schools under Section 504 and IDEA. [Section 504 Charter School Guidance](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf) | [IDEA Charter School Guidance](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/faq-idea-charter-school.pdf) | [Know Your Rights in Charter Schools](https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3499/Enrolled)
5. [ED: Protecting Students with Disabilities](https://www2.ed.gov/about/offices/list/ocr/504faq.html)
6. [U.S. Department of Justice (DOJ) Technical Assistance on Testing Accommodations](https://www2.ed.gov/about/offices/list/ocr/ellresources.html) for individuals with disabilities who take standardized exams and high-stakes tests. Students with a history of academic success may still be a person with a disability who is entitled to testing accommodations under the ADA.
7. [ADA: Information and Technical Assistance](https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf)
8. [ADA: Additional Guidance from OCR](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html) - The Office for Civil Rights (OCR) issued additional guidance about how the Americans with Disabilities Act Amendments of 2008 affect public elementary and secondary programs. In most cases, these rules should shift inquiries away from the question of whether a student has a disability, and toward the school district's obligations to ensure equal educational opportunities.
9. [U.S. DOJ FAQ (2015) about Service Animals and the ADA](http://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html) and [U.S. DOJ Revised Rules (2010) on Service Animals under the ADA](https://www.ada.gov/olmstead/)

# Section 4: Admissions

| **Item Number** | **ITEM DESCRIPTION** | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 4-1** | **Student Eligibility***The district may not develop, impose, maintain, approve, or implement student admission eligibility criteria that discriminates on the basis of race, color, national origin, sex (including gender identity and sexual orientation), or disability.**Legal Authority:* Title VI, 34 CFR § 100.3Title IX, 34 CFR § 106.21Section 504, 34 CFR § 104.4Guidelines IV-A, 34 CFR § 100, Appendix BPlyler v. Doe, 457 U.S. 202 (1982) | The LEA does not have policies or procedures that may discourage enrollment, or that discriminates on the basis of race, color, national origin, sex or disability. **At no time should a student be denied enrollment in school while awaiting confirmation of eligibility for services.** | This is evident in: [ ]  School enrollment forms[ ]  School enrollment policies and procedures [ ]  **Enrollment Data**[ ]  **Other:**  | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 4-2** | **CTE Admission Policies***The district may not assess candidates for admission to CTE programs 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: Title VI, 34 CFR § 100.3Title IX, 34 CFR § 106.21Section 504, 34 CFR § 104.4Guidelines IV-K, 34 CFR § 100, Appendix B | Demographics of career-technical enrollment reflect demographics of total student pool. If this is not the case, the recipient shall provide a legitimate non-discriminatory rationale for the discrepancy.Demographics of distinct CTE programs reflect the demographics of entire school enrollment. If this is not the case, the recipient provides a legitimate nondiscriminatory rationale.Admissions policy, procedure, and implementation of career and technical education program enrollment avoid criteria that may disproportionately exclude persons of a particular race, color, national origin, sex, or disability status.Admissions criteria that does disproportionately exclude any protected class has been validated as essential to participation**.** | This is evident in: [ ]  Admissions policy for career and technical education programs, including description of the admissions process and the admissions application[ ]  Procedures and criteria for selective admissions for career and technical education programs (when there are more applicants than can be admitted).[ ]  Demographics of rejected applicants by selection criteria [ ]  Demographics of selected applicants by selection criteria[ ]  Course Catalogues[ ]  CTE Program Handbooks[ ]  CTE Student Data [ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 4-3** | Preadmission Inquiries*The district must avoid preadmission inquiries about marital, family, or disability status.* Legal Authority: Title IX, 34 CFR § 106.21(c)Section 504, 34 CFR § 104.42(b)(4)Plyler v. Doe, 457 U.S. 202 (1982)ORS 659.850 | Application forms/materials do not request information about marital, family, or disability status or elude to unlawful discrimination for these protected classes.Application forms/materials do not have a chilling effect on protected classes for admission. | This is evident in: [ ]  Admissions Application and related materials/information[ ]  Any specific program or CTE Center applications and processes[ ]  Interviews and surveys[ ]  Student Handbooks [ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 4-4** | Limited English Skills *The district may not restrict admission to career & technical education programs because the applicant, as a member of a national origin minority group with limited English language skills, may not be able to participate in and benefit from career and technical education to the same extent as students whose primary language is English.*Legal Authority: Guidelines IV-L, 34 CFR § 100, Appendix B  | The district implements a policy and procedure to identify and equitably assess applicants with limited English proficiency.Enrollment of Emergent Bilingual students in career & technical education is proportional to Emergent Bilingual enrollment in the service areaEmergent Bilingual enrollment in specific CTE programs is proportional to Emergent Bilingual enrollment in career & technical education overall. | This is evident in: [ ]  Policy and procedure for LEP identification and placement of English Language Learners[ ]  Procedural steps taken to increase participation of Emergent Bilingual students in programs where they traditionally have been underrepresented[ ]  Specific program enrollment demographics by EL status[ ]  Testing requirements for enrollment or continuation in course[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 4-5** | **Admission/Placement Tests Highlights the Student’s Academic Ability***For students with disabilities, secondary admission tests are selected and administered in a way that accurately reflect the aptitude or achievement level—the abilities of an applicant—rather than reflecting or highlighting the applicant’s disability (except where these skills are the factors the tests purports to measure).*Legal Authority:Section 504, 34 CFR § 104.42(b)(3)Guidelines IV-N, 34 CFR § 100, Appendix B | Admission and placement tests and their manner of administration are properly validated for use with persons with disabilities. | This is evident in: [ ]  Lists of admission or placement tests used[ ]  Description of test administration methods for persons with sensory, vocal, or speaking disabilities[ ]  Examples of software or other modes of testing | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |

Notes/Comments:

Resources:

1. [Dear Colleague Letter: School Enrollment Procedures](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf)
2. [ORS 339.115 (Admission of Students)](https://www2.ed.gov/about/offices/list/ocr/open/index.html)
3. [Plyler v. Doe, 457 U.S. 202 (1982)](https://supreme.justia.com/cases/federal/us/457/202/)

# Section 5: Recruitment

| **Item Number** | ITEM DESCRIPTION | REQUIREMENT | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 5-1** | Inclusive Recruitment*Districts must conduct their recruitment activities in a way that does not to exclude or limit opportunities on the basis of race, color, national origin, sex, or disability.*Legal Authority: Title IX, 34 CFR § 106.23(a), (b)Section 504, 34 CFR § 104.10 Guidelines V-C, 34 CFR § 100, Appendix B | All potential students have access to the same information.Materials must be disseminated in languages of the community.Targeted efforts are made to reach underrepresented groups. | This is evident in: [ ]  Description of current and past recruitment plans and activities including advertising, marketing, counseling[ ]  Examples of current and past recruitment efforts[ ]  Schedule of recruitment activities[ ]  Selection and admissions criteria for career & technical education programs/courses[ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 5-2** | Recruiting Teams*To the extent possible, recruiting teams should represent persons of different races, national origins, sexes, and disabilities.* Legal Authority:Guidelines V-C, 34 CFR § 100, Appendix B | Persons of differing races, genders, and abilities are included in the recruitment process. | This is evident in: [ ]  Staff demographics by program[ ]  Recruitment team demographics by program[ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 5-3** | Community with Persons of limited English Proficiency *If a district’s service area contains a community with persons of LEP (limited English proficiency), recruitment information must be available to that community in its language.*Legal Authority:Guidelines V-E, 34 CFR § 100, Appendix B | Process is in place to identify and communicate with language minority communities. Efforts are made to communicate in a commonly understood language. | This is evident in: [ ]  Verification of limited English proficient community[ ]  Examples of materials in other languages[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 5-4** | Promotional Efforts and Materials *Districts may not undertake promotional efforts in a manner that creates or perpetuates stereotypes or limitations based on race, color, national origin, sex, or disability. Materials that are part of promotional efforts may not create or perpetuate stereotypes through text or illustration.**Description of career and* *occupational opportunities may not show bias toward any individual or group of persons on the basis of race, color, national origin, sex, or disability.*Legal Authority:Guidelines V-E, 34 CFR § 100, Appendix B | Materials and/or media presentations show persons of varying races, genders, abilities, and different national origins.Materials for marketing career and occupational opportunities are bias-free and free from stereotyping in all protected classes.A variety of recruitment tools are utilized to engage multiple and diverse communities, including but not limited to print, digital, and in-person activities. | This is evident in: [ ]  Outreach policies [ ]  Policies & procedures for CTE programs and courses that address needs of Limited English Proficiency students[ ]  Course syllabiRecruitment and marketing materials (English and non-English versions) including:[ ]  Brochures[ ]  Flyers[ ]  Newspaper advertising[ ]  Catalogs[ ]  Videos[ ]  Website[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |

Notes/Comments:

# Section 6: Site Location

| **Item Number** | ITEM DESCRIPTION | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE**  | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 6-1** | Site Selection*The district may not select or approve a site for professional technical education programs that has the purpose or effect of excluding, segregating, or otherwise discriminating on the basis of race, color, or national origin. Districts must locate career & technical education facility sites that are readily accessible to both minority and non-minority communities and that do not tend to identify the facility or program as intended for only minority or only non-minority students.*Legal Authority: Guidelines IV-B, 34 CFR § 100, Appendix B | Sites of professional technical programs are readily accessible to and welcoming of minority and non-minority communities and their location does not result in segregation. | This is evident in: [ ]  Maps showing location of career & technical education facilities, along with demographics of community surrounding sites[ ]  Facilities housing ESL programming is comparable and accessible [ ]  Enrollment data for each site[ ]  District policy for site selection[ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 6-2** | Site Modifications*A district may not add to, modify, or renovate the physical plan of a career & technical education facility in a manner that creates, maintains, or increases segregation on the basis of race, color, national origin, sex, or disability.*Legal Authority: Guidelines IV-D, 34 CFR § 100, Appendix B | After modification, the CTE site is accessible to minority and non-minority communities and the modification does not result in segregation. | This is evident in: [ ]  Maps showing location of modified CTE program facilities[ ]  Student demographics before and after facility modifications[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 6-3** | Residency*A district may not establish, approve, or maintain geographic boundaries that unlawfully exclude students on the basis of race, color, or national origin.*Legal Authority: Guidelines IV-C, 34 CFR § 100, Appendix B | Attendance zones do not have the effect of excluding students on the basis of race, color, or national origin. | This is evident in: [ ]  Demographics of contiguous service areas to the district[ ]  Curriculum offerings at contiguous facilities[ ]  Job placement rates at contiguous facilities[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |

Notes/Comments:

# Section 7: Work Study, Cooperative Work Experience, and Job Placement

| **Item Number** | ITEM DESCRIPTION | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 7-1** | Opportunities Available to All*Opportunities in career related learning experiences are available to all students regardless of race, color, national origin, sex, or disability.*Legal Authority: Title VI, 34 CFR § 100.3(b)Title IX, 34 CFR § 106.31(d)Section 504, 34 CFR § 104.4(b)Guidelines VII-A, 34 CFR § 100, Appendix B | Students in work-study, cooperative education, and job placement programs are representative of the demographics of the school or program.If there is disparity, the institution provides a legitimate, nondiscriminatory rationale. | This is evident in: [ ]  Enrollment data for career-related learning experiences, internships, and job placement programs[ ]  Placement policies and criteria[ ]  Application Forms [ ]  Methods of notification to students, staff, and community[ ]  Employment notices[ ]  Interviews with students [ ]  Interviews with staff[ ]  Student employment notices[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 7-2**  | Equitable Curriculum and Grading Practices *Curricular choices, grading practices and requirements within work study, career connected learning, or job placement do not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, age, religion, or disability.*Legal Authority: Title VI, 34 CFR § 100.6Title IX, 34 CFR § 106.9Section 504, 34 CFR § 104Title II, 28 CFR § 35.106ORS Chapter 659.850OAR Chapter 581, Division 22 | Grading Practices of school and workplace do not discriminate on the basis of any protected class.Requirements for participation do not limit the ability to participate for any individuals based on membership in a protected class. | [ ]  Enrollment data for career-related learning experiences, internships, and job placement programs[ ]  Interviews/surveys with students [ ]  Interviews/surveys with staff[ ]  Handbooks, fliers, or other materials associated with programs | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 7-3** | Assurance of Employer Nondiscrimination*Employers agree that they will not discriminate when selecting or working with students participating in Work based Learning, Career Connected Learning Experiences, and Job Placement.*Legal Authority: Title VI, 34 CFR § 100.6Title IX, 34 CFR § 106.9 Section 504, 34 CFR § 104.8Title II, 28 CFR § 35.106OAR Chapter 581, Division 22 | If there are written workplace agreements, they contain a statement of assurance of nondiscrimination that is signed by both the employer and the school.The district does not honor employer requests nor does it make referrals for placement, career related learning experience or internship to any employer who indicates a preference for applicants based on race, color, national origin, gender or disability.Complaint procedures for alleged unlawful discrimination is clearly communicated in student and employer materials. | This is evident in: [ ]  Workplace assignments, hours of work, and job assignments[ ] Interviews with students [ ] Interviews with staff[ ]  Examples of training agreements with employers that include statements of nondiscrimination and employer assurances [ ]  Placement policies and criteria for career related learning experience [ ]  Student employment notices[ ]  Student and employer handbooks and applications | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 7-4** | **Agreements with Nondiscriminating Work Based Learning Partner or Apprenticeship Sponsor***Districts may not enter into an agreement for the provision or support of apprentice training for students with any work based learning partner or other sponsor that discriminates against its members or applicants on the basis of race, color, national origin, sex, or disability.*Legal Authority: Title VI, 34 CFR § 100.3(c)Title IX, 34 CFR § 106.31(d)Section 504, 34 CFR § 104.11(a)(4)Guidelines VII-B, 34 CFR § 100, Appendix B | The district does not enter into agreements for the provision or support of apprentice training for students with any work based learning partner or other sponsor that discriminates against its members or applicants on the basis of race, color, national origin, sex, or disability. | This is evident in:[ ]  Written policy or procedure[ ]  Interview with students[ ]  Interview with staff[ ]  Interview with sponsors of apprenticeship programs[ ]  Promotional materials | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 7-5** | **Written Agreement with the Work Based Learning Partner or Apprenticeship Sponsor***A written agreement between the district and the work based learning partner or other sponsor includes an assurance of nondiscrimination on the basis of race, color, national origin, sex, or disability.*Legal Authority: Guidelines VII-B, 34 CFR § 100, Appendix B | The district has on file a written agreement between the district and all sponsors, including work based learning partners, that includes an assurance of nondiscrimination on the basis of race, color, national origin, sex, or disability. | This is evident in:[ ]  Written agreements between the district and all sponsors | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |

Notes/Comments:

Resources:

1. [Work Based Learning Toolkit](https://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html)
2. [ORS 659.850 (Discrimination in Education Prohibited)](https://www.ansi.org)

# Section 8: Guidance and Counseling

| **Item Number** | ITEM DESCRIPTION | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 8-1** | **Counseling and Advising Materials and Activities***Districts must ensure counseling materials and activities (including student program selection and career/employment selection), promotional, and advising efforts do not discriminate on the basis of race, color, national origin, sex, or disability.* Legal Authority: Title IX, 34 CFR § 106.36Section 504, 34 CFR § 104.47(b)Guidelines V-A, 34 CFR § 100, Appendix B | The written guidance plan, policy, and procedures for counseling ensures nondiscrimination.The written assessment plan for counseling ensures nondiscrimination. | This is evident in:[ ]  Written district guidance and counseling policy, plan and procedure.[ ]  Tests administered for selecting students for placement in career & technical education programs/courses[ ]  Written procedures for evaluation and placement of students with disabilities[ ]  Tests and interest inventories administered[ ]  Promotional and recruitment materials[ ]  Student and staff interviews | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 8-2** | CTE Programs Open to All Students *Counselors must not direct students into programs based on their race, color, national origin, sex, or disability. Districts must ensure that counselors do not direct or urge any student to enroll, or not enroll, in a particular career or program, or measure or predict a student’s prospects for success in any career or program, based upon the student’s race, color, national origin, sex, or disability.*Legal Authority: Title IX, 34 CFR § 106.36Section 504, 34 CFR § 104.47(b)Guidelines V-B, 34 CFR § 100, Appendix B | CTE program enrollments by sex, race, national origin, and disability are proportionate to enrollment of these groups in the general student population.Where enrollments are not proportionate, the institution can furnish a legitimate, nondiscriminatory rationale. | This is evident in:[ ]  Enrollment demographics by class/program[ ]  Admission criteria[ ]  Advisor trainings[ ]  Enrollment forms and applications[ ]  Description of counseling services for students with limited English language skills and disabilities[ ]  Promotional materials used for limited English language students[ ]  Interviews with students[ ]  Student surveys[ ]  Course catalogues and forecasting [ ]  Examples of pre-enrollment counseling[ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 8-3** | Counseling of Students with Limited English Proficiency or Hearing Impairments *Districts must ensure that counselors can effectively communicate with students with limited English proficiency and with students with sensory impairments.*Legal authority: Guidelines V-D, 34 CFR § 100, Appendix B | The written guidance plan, policy, and procedures ensure nondiscrimination.The written assessment plan ensures nondiscrimination.Districts must have policy and procedures in place for interpreters. | This is evident in:[ ]  Written plan for the provision of services for Emergent Bilingual Students and families[ ]  Written plan for provision of services for individuals with hearing impairments [ ]  Examples of materials in languages/formats other than written English[ ]  Processes for interpreters and translators [ ]  Policy and procedures for interpreters and translators  | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 8-4** | **Disproportional Enrollment** *If disproportionate enrollments occur, efforts must be made to ensure that counseling services and materials are not responsible. Districts must take steps to ensure that any disproportionate enrollment does not result from unlawful discrimination in counseling activities.*Legal Authority: Title VI, 34 CFR § 100.3Title IX, 34 CFR § 106.36Section 504, 34 CFR § 104.37(b)Guidelines V-B, 34 CFR § 100, Appendix B | Where enrollments are not proportionate, the institution can furnish a legitimate, nondiscriminatory rationale and demonstrate the disproportionality does not result from counseling activities. | This is evident in:[ ]  Demonstration of efforts made to correct disproportionate program enrollment by gender, sexual orientation, national origin, minority or disability status [ ]  Examples of pre-enrollment counseling[ ]  Enrollment data[ ]  Examples of revised counseling materials or activities in response to disproportionate enrollments | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |

Notes/Comments:

Resources:

1. [ED: Dear Colleague Letter on Gender Equity in Career and Technical Education](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201606-title-ix-gender-equity-cte.pdf)
2. [Regulations for Interpreters and Translators](https://www.oregon.gov/ode/students-and-family/equity/civilrights/Pages/Section504.aspx)
3. [ODE Counseling Resources](https://www.oregon.gov/ode/educator-resources/standards/comprehensive_school_counseling/Pages/default.aspx)

# Section 9: Employment

| **Item Number** | **ITEM DESCRIPTION** | REQUIREMENT | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 9-1** | **Pre-employment & Employment Practices** *Districts may not engage in any employment practice that unlawfully discriminates against any employee or applicant for employment on the basis of race, color, national origin, sex, sexual orientation or disability. Districts may not engage in any employment practice that discriminates on the basis of race, color, or national origin if such discrimination tends to result in segregation, exclusion, or other unlawful discrimination against students.**Districts may not make pre-employment inquiries concerning disability, marital, or family status.*Legal authority: Title IX, 34 CFR § 106.60Section 504, 34 CFR § 104.14Guidelines VIII-A, 34 CFR § 100, Appendix B | The district’s employment practices do not unlawfully discriminate on the basis of race, color, national origin, sex, or disability of applicants or employees.Application forms and materials are free from prohibited questions. concerning disability or marital or family status. | This is evident in employment practices documents including:[ ]  Hiring policies and procedures[ ]  Advancement policies and procedures[ ]  Employee handbooks[ ]  Application materials and forms[ ]  Screening committee policies and procedures[ ]  Rating systems [ ]  Job announcements [ ]  Recruitment policies[ ]  Affirmative action or equal employment opportunity plan adopted by the Board, if it exists, must be consistent with federal law | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 9-2** | **Notice to Faculty of Nondiscrimination***The district must notify every source faculty that it does not discriminate on the basis of race, color, national origin, sex, or disability.*Legal Authority: Guidelines VIII-B, 34 CFR § 100, Appendix B | The district notifies every source of faculty that it does not discriminate on the basis of race, color, national origin, sex, or disability. | This is evident in: [ ]  Employment application [ ]  Job position descriptions[ ]  Published job vacancy announcements and advertisements[ ]  Recruitment letters or contacts[ ]  Personnel website and other related recruitment documents[ ]  Published nondiscrimination statement in newspapers, student handbooks, and other school materials | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 9-3** | **Faculty Salary Scales Do Not Discriminate** *The district must establish and maintain faculty salary scales on the basis of the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability.*Legal Authority: Title IX, 34 CFR § 106.54Section 504, 34 CFR § 104.11 - 104.12Guidelines VIII-D, 34 CFR § 100, Appendix B | Faculty salary scales and policy are based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability.Faculty assignment patterns are non-discriminatory on the basis of race, color, national origin, sex, or disability.Non-faculty salary administration is based upon the conditions of employment and level of responsibility without regard to race, color, national origin, sex, or disability. | This is evident in:[ ]  District salary schedule(s)[ ]  Faculty assignment data by race/ethnic group, sex, and staff with disabilities[ ]  Non-faculty classification/compensation system (assessed for appropriate salary ranges according to working conditions and level of responsibility) | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 9-4** | **Equal Employment Opportunities for Applicants with Disabilities***Districts must provide equal employment opportunities for teaching and administrative positions to disabled applicants who can perform the essential functions of the positions and make reasonable accommodations for the physical or mental limitations of disabled (otherwise qualified) applicants unless it can be demonstrated that such accommodations would impose undue hardship.*Legal Authority: Section 504, 34 CFR § 104.12Guidelines VIII-E, 34 CFR § 100, Appendix B | The district’s employment policies do not unlawfully discriminate against persons with disabilities.Persons with disabilities are employed in teaching and administrative positions and are not treated differently in promotion and tenure decisions. | This is evident in: [ ]  Number of staff with disabilities[ ]  Policies, procedures, and criteria considered for hiring, promotion, retention, and tenure including professional and non-professional applications | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |

Notes/Comments:

Resources:

1. [BrailleWorks Section 504 Guide](https://brailleworks.com/section-504-guide/)

# Section 10: Comparable Facilities

| **Item Number** | **ITEM DESCRIPTION** | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE**  | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 10-1** | **Changing Rooms, Showers, and Facilities Comparable***Changing rooms, showers, and other facilities for students of one sex and gender are comparable to those provided to students of another sex and gender.**Changing rooms, showers, and other facilities for students with disabilities are comparable to those provided to students without disabilities.*Legal Authority:Title IX, 34 CFR § 106.33Section 504, 34 CFR § 104.21Guidelines VI-D, 34 CFR § 100, Appendix B | Locker rooms and facilities have approximately the same space and amenities for male, female, and non-binary students. If there is disparity, the institution provides a legitimate, nondiscriminatory rationale.Changing rooms, showers, bathrooms, and other facilities near the professional technical areas are comparable for both men, women, and non-binary people.Persons with disabilities have convenient access to comparable changing facilities and shower facilities. | This is evident in:[ ]  Visual examination of the facilities[ ]  Interviews students[ ]  Interviews with staff | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |

Notes/comments:

# Section 11: Program Accessibility

| **Item Number** | **ITEM DESCRIPTION** | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 11-1** | **Section 504 and ADA Accessibility** *The district may not exclude students with disabilities from enjoying the benefits of its program or service because its facilities are inaccessible to or unusable by persons with disabilities.* Legal Authority:*Existing facilities:* Section 504, 34 CFR § 104.22*New construction:* Section 504, 34 CFR § 104.23ADA, 28 CFR § 35.151 | Applicable accessibility standards are determined by the date the facility was constructed or last renovated by the institution. | This is evident in: [ ]  List of each facility reviewed with the date of construction or last renovation and the career & technical education programs offered therein. Information must include: * Building
* Date
* Programs

[ ]  Interviews with Agency CEO, Guidance Counselors, Department chairs, ADA and 504 Coordinators, Coordinator for Disabled Student Services, & Facilities Director. | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 11-2** | **Program/Facility Built or Altered on June 3, 1977 or Earlier***The district shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to disabled persons. A recipient is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons with disabilities.*Legal Authority:Section 504, 34 CFR § 104.22 | * Readily Accessible
* Redesign of equipment
* Reassignment of classes or other services to accessible buildings
* Assignment of aides to beneficiaries (but no carrying)
* Home visits
* Alteration of existing facilities and construction of new facilities in conformance with the requirements for new construction or any other methods that result in making its program or activity accessible to persons with disabilities
 | This is evident in:[ ]  Observations and measurements[ ]  Blueprints and plans[ ]  Renovation schedules[ ]  Maintenance records, work orders, or contracts indicating construction start dates  | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 11-3** | **Program/Facility Built or Altered Between June 4, 1977, and January 17, 1991***Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Disabled," published by the American National Standards Institute, Inc. (ANSI A117.1-1961 (R1971)) Later versions of ANSI A117.1 do not apply.*Legal Authority:Section 504, 34 CFR § 104.21 - 104.22ANSI A117.1-1961 (R1971) | **ANSI**4.1 Grading4.2 Walks4.3 Parking lots5.1 Ramps and gradients5.2 Entrances5.3 Doors and doorways5.4 Stairs5.5 Floors5.6 Toilet rooms5.7 Water fountains5.8 Public phones5.9 Elevators5.10 Controls5.11 Identification5.12 Warning signals5.13 Hazards | This is evident in:[ ]  Observations and measurements[ ]  Blueprints and plans[ ]  Renovation schedules[ ]  Maintenance records, work orders, or contracts indicating construction start dates | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 11-4** | **Facility Built or Altered Between January 18, 1991, and January 26, 1992***Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subparts 101‑19.6). Departures from particular technical and scoping requirements permitted where substantially equivalent or greater access to and usability of the building is provided.*Legal Authority:UFAS, 41 CFR § 101-19.6, Appendix A (1990) | Uniform Federal Accessibility Standards (UFAS) as applicable. | This is evident in:[ ]  Observations and measurements[ ]  Blueprints and plans[ ]  Renovation schedules[ ]  Maintenance records, work orders, or contracts indicating construction start dates | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 11-5** | **Facility Built After January 26, 1992 (UFAS)***Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subparts 101‑19.6). Departures from particular technical and scoping requirements permitted where substantially equivalent or greater access to and usability of the building is provided.* Legal Authority:Section 504, 34 CFR § 104.23Title II, 28 CFR § 35.151UFAS, 41 CFR § 101-19.6, Appendix A (1990) | Uniform Federal Accessibility Standards (UFAS) as applicable. | This is evident in:[ ]  Observations and measurements[ ]  Blueprints and plans[ ]  Renovation schedules[ ]  Maintenance records, work orders, or contracts indicating construction start dates | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 11-6** | Facility Built Between January 27, 1992 and September 14, 2010 (1991 ADA Standards)*Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity is designed* *and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the 1991 ADA Standards for Accessible Design (1991 ADA Standards) (Appendix A to 28 CFR Part 36). Departures from particular requirements permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.**District may also exercise the option to follow UFAS.*Legal Authority:Title II, 28 CFR § 35.151(a) - (c)(1) | 1991 ADA Standards for Accessible Design (1991 ADA Standards) as applicable. | This is evident in:[ ]  Observations and measurements[ ]  Blueprints and plans[ ]  Renovation schedules[ ]  Maintenance records, work orders, or contracts indicating construction start dates | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 11-7** | **Facility Built Between September 15, 2010 and March 14, 2012 (2010 ADA Standards)***Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity is designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities. Conformance with the 2010 ADA Standards for Accessible Design (2010 ADA Standards).**Departures from particular requirements permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided. (Sub-recipients may also exercise the option to follow UFAS or the 1991 ADA Standards. The elevator exemption contained at 1991 ADA Standards 4.1.3(5) and 4.1.6(1) (k) shall not apply.)* Legal Authority: Title II, 28 CFR § 35.151(c)(2) | 2010 ADA Standards for Accessible Design. | This is evident in:[ ]  Observations and measurements[ ]  Blueprints and plans[ ]  Renovation schedules[ ]  Maintenance records,work orders, or contracts indicating construction start dates | Investigation reveals evidence of violation:[ ]  Yes[ ]  NoNotes: |
| **Item 11-8** | **Facility Built on or after March 15, 2012 (2010 ADA Standards)***Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the 2010 ADA Standards for Accessible Design (2010 ADA Standards).*Legal Authority:Title II, 28 CFR § 35.151(c)(3) | 2010 ADA Standards for Accessible Design. | This is evident in:[ ]  Observations and measurements[ ]  Blueprints and plans[ ]  Renovation schedules[ ]  Maintenance records, work orders, or contracts indicating construction start dates | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |

Notes/comments:

Resources:

1. [American National Standards Institute Website](https://www.oregonlaws.org/ors/339.115)
2. [Uniform Federal Accessibility Standards](https://www.access-board.gov/aba/ufas.html)
3. [2010 ADA Standards for Accessible Design](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-charter-school.pdf)

# Section 12: Services for Emergent Bilingual Students

| **Item Number** | **ITEM DESCRIPTION** | **REQUIREMENT** | **EVIDENCE OF COMPLIANCE** | **DETERMINATION** |
| --- | --- | --- | --- | --- |
| **Item 12-1** | **Nondiscrimination on the basis of national origin***Recipients may not restrict admission to education programs based on national origin.* Legal Authority: Title VI, 34 CFR § 100.3Guidelines IV-L, 34 CFR § 100, Appendix BPlyler v. Doe, 457 U.S. 202 (1982) | LEA implements policies and procedures ensuring equitable access for national origin minority students. LEA demonstrates that a concentration of students with limited English language skills in one or a few programs is not the result of discriminatory limitations upon the opportunities available to such students. | This is evident in:[ ]  Policies and procedures[ ]  Interviews with Students and Staff[ ]  Data demonstrating equitable treatment of students, including (e.g., enrollment, course attrition rates, graduation rates, alternative education enrollment, etc.) [ ]  Enrollment forms do not ask for citizenship or other information that could have a chilling effect | Investigation reveals evidence of violation:[ ]  Yes [ ]  NoNotes: |
| **Item 12-2** | **Services for Emergent Bilingual Students***LEA may not restrict an applicant's admission to vocational education programs because the applicant, as a member of a national origin minority with limited English language skills, cannot participate in and benefit from vocational instruction to the same extent as a student whose primary language is English.*Legal Authority:Title VI, 34 CFR § 100.3Guidelines IV-L, 34 CFR § 100, Appendix B | LEA demonstrates that Emergent Bilingual Students have access to services and programs while receiving Language Services.  | This is evident in:[ ]  Data demonstrating equitable access of programs to students, including (e.g., enrollment, course attrition rates, graduation rates, alternative education enrollment, etc.) [ ]  Scheduling Policies and procedures[ ]  Course Prerequisites[ ]  Discipline data, Policies and procedures | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 12-3** | **Identification Process***It is the responsibility of the recipient to identify emergent bilingual students.*Legal Authority:Guidelines IV-L, 34 CFR § 100, Appendix BHB 3499 (Or. 2015) | LEA implements policies and procedures to identify emergent bilingual students and families.  | This is evident in: [ ]  Policy and procedures [ ]  Student and Staff surveys[ ]  Student and family interviews/surveys[ ]  ELL (English language learner) Plan[ ]  Sample student plans[ ]  Other:  | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |
| **Item 12-4** | **Interpreter and Translation Services***If a recipient's service area contains a community of national origin minority persons with limited English language skills, all public notification materials must also be disseminated to that community in the preferred language of that community*.Legal Authority: Title VI, 34 CFR § 100.3Lau v. Nichols, 414 U.S. 563 (1974) | LEA provides interpreter and translation services for all languages in the service area and provides all public notification materials to that community in the preferred language of that community.  | This is evident in: [ ]  Policies and procedures [ ]  Examples and samples of translated documents[ ]  Evidence of disseminated materials in all languages required[ ]  Evidence of training for interpreters[ ]  Other: | Investigation reveals evidence of violation:[ ]  Yes [ ]  No Notes: |

Notes/Comments:

Resources:

1. [OCR English Learner Resources](https://www.oregonlaws.org/ors/659.850)
2. [ED English Learner Toolkit](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html)
3. [OCR Dear Colleague Letter: School Enrollment Procedures (discussing Plyler v Doe)](https://www.oregonlaws.org/ors/659.850)
4. [Lau v. Nichols, U.S. Supreme Court (1974)](https://supreme.justia.com/cases/federal/us/414/563/#tab-opinion-1950565)
5. [House Bill 3499 (Relating to English language learner programs)](https://www.ada.gov/regs2014/testing_accommodations.html)