



COMMONWEALTH of VIRGINIA
Department of Education

November 22, 2013

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Virginia's Obligation to Comply with the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs (Career and Technical Education)*

This memo serves to call your attention to Virginia's obligation to comply with 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 CFR Part 100, Appendix B, (*Guidelines*). The *Guidelines* are federal law designed to ensure equal access to vocational education programs and services (career and technical education). The *Guidelines* require the Virginia Department of Education (VDOE) to monitor local education agencies (LEAs) for civil rights compliance through technical assistance, analyses of information and data, and periodic on-site reviews that determine compliance with the following civil rights laws:

Title VI of the Civil Rights Act of 1964 (prohibiting discrimination based on race, color, and national origin) 34 CFR Part 100

Title IX of the Education Amendments of 1972 (prohibiting discrimination based on sex) 34 CFR Part 106

Section 504 of the Rehabilitation Act of 1973 (prohibiting discrimination based on disability) 34 CFR Part 104

Title II of the Americans with Disabilities Act of 1990 (prohibiting discrimination based on disability) 28 CFR Part 35

The *Guidelines* were issued by the U. S. Department of Education as a result of injunctive orders entered by the U.S. District Court for the District of Columbia in *Adams v. Califano*. A copy of the *Guidelines* can be accessed from the U. S. Department of Education, Office for Civil Rights' Web site at <http://www2.ed.gov/about/offices/list/ocr/docs/vocre.html>. A copy of the VDOE's monitoring protocol for civil rights reviews (*Commonwealth of Virginia's MOA On-Site Civil Rights Review Checklist*) and other information about the civil rights monitoring program can be accessed from the Department's Web site at http://www.doe.virginia.gov/federal_programs/civil_rights/index.shtml. School administrators are encouraged to review the *Guidelines* and use the monitoring protocol checklist for self-assessment. Historically, issues have been noted in providing physical accessibility to and within facilities; posting annual notices of nondiscrimination for public consumption; posting continuous notices of nondiscrimination on widely distributed documents and materials; posting civil rights grievance procedures in readily available sources for parent, student and employee information; posting prohibited questions on employment and student program

applications, and having Section 504 policies and procedures inconsistent with the ADA Amendments Act of 2008 (ADAAA 2008).

Questions or additional information about the VDOE's review of civil rights laws may be directed to Mrs. Bonnie B. English, monitoring specialist for civil rights laws, at Bonnie.English@doe.virginia.gov or (804) 225-2618. You may also contact Dr. Sandra E. Ruffin, director of federal program monitoring, at Sandra.Ruffin@doe.virginia.gov or (804) 225-2768.

PIW/SER/BBE/dct