

Updated Procedures for OCR/MOA

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UNITED STATES DEPARTMENT OF EDUCATION

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PROGRAM MEMORANDUM OCR AND OCTAE

DATE: February 6, 2020

TO: State Directors of Career and Technical Education

CC: Methods of Administration Coordinators

FROM: Kenneth Marcus Scott Stump
Assistant Secretary Assistant Secretary
Office for Civil Rights Office of Career Technical and Adult Education

RE: Updated Procedures for Preparing the Methods of Administration (MOA) Described
in the Vocational/Career and Technical Education Guidelines

Purpose

The U.S. Department of Education's (Department's) Office for Civil Rights (OCR) and Office of Career, Technical, and Adult Education (OCTAE) are pleased to jointly issue the attached updated Memorandum of Procedures (MOP) for State agencies responsible for the administration of career and technical education (CTE) to use in developing the "methods of administration and related procedures" they will follow in carrying out their civil rights obligations under the "Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs" (MOA *Guidelines*) (34 C.F.R. Part 100, Appendix B). This document supersedes and replaces the prior Memorandum of Procedures issued in July 1979, and rescinds prior guidance issued in the form of "Dear Colleague" letters regarding the Methods of Administration (MOA) program.¹ This updated MOP does not affect or alter the 1979 MOA *Guidelines*.

The updated MOP continues the longstanding commitment and ongoing efforts of OCR and OCTAE to ensure that all students, regardless of race, color, national origin, sex, or disability, have equal access and opportunities to succeed in CTE programs. An added goal of this updated MOP is to encourage State agencies to harmonize their civil rights compliance activities under

¹ The original Memorandum of Procedures was issued as, "Procedures for Preparing the Methods of Administration Described in the Vocational Education Guidelines" in July 1979 by the Office of the Secretary, Department of Health, Education, and Welfare. Its terms were amended by the "Revised Procedures for Preparing the Methods of Administration (MOA) Described in the Vocational Education Guidelines," issued September 26, 1996; a "Dear Colleague" Letter regarding Biennial Compliance Reports to the OCR, issued December 28, 1998; a further "Dear Colleague" Letter regarding Targeting Plan Requirements, issued August 8, 2005; and a final "Dear Colleague" Letter regarding Documentation Requirements for On-Site Reviews in Letters of Findings," issued January 11, 2012.

Revised MOAs submitted to OCTAE by
7/1/20 and take effect within one year

State Set-Asides: Reserve Funds & Special Pops Recruitment Sec. 112

Reserve Fund - Sec. 112(c)

- ◆ Of the 85% States must distribute to eligible recipient, it may reserve 85% award grants to eligible recipients in:
 - ◆ Rural areas
 - ◆ Areas with high % of CTE concentrators or participants
 - ◆ Areas with high numbers of CTE concentrators or participants
 - ◆ Areas with disparities or gaps in performance
- ◆ Such grants may be awarded competitively or by formula

Reserve Fund (cont.)

- ◆ Grants are awarded to:
 - ◆ Foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include programs, practices, and strategies that prepare individuals for nontraditional fields; or
 - ◆ Promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified high-skill, high-wage, or in-demand occupations or industries.

Of the 10% set-aside for State Leadership

- ◆ Not less than an amount equal to 0.1 percent or \$50,000 (whichever is less) for the recruitment of special populations to enroll in career and technical education programs
- ◆ Sec. 122(d)(9) – State plan must include how special populations will:
 - ◆ Be provided with equal access to activities assisted under this Act;
 - ◆ Not be discriminated against on the basis of their status as a member of a special population;
 - ◆ Be provided with programs designed to enable individuals who are members of special populations to meet or exceed State determined levels of performance, and prepare special populations for further learning and for high-skill, high-wage, or in-demand industry sectors or occupations;
 - ◆ Be provided with appropriate accommodations; and
 - ◆ Be provided instruction and work-based learning opportunities in integrated settings that support competitive, integrated employment;

Local Application - CLNA

Sec. 134

◆ Most significant change from Perkins IV to Perkins V → Federally funded expenditures must be aligned to CLNA

- ◆ All new local planning requirements
 - ◆ Section 134(b) → nine elements
 - ◆ Section 134(c) → CLNA – five requirements

(a) LOCAL APPLICATION REQUIRED.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency determines to be appropriate) submit a local application to the eligible agency. Such local application shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

(b) CONTENTS.—The eligible agency shall determine the requirements for local applications, except that each local application shall contain—

- (1)** a description of the results of the comprehensive needs assessment conducted under subsection (c);
- (2)** information on the career and technical education course offerings and activities that the eligible recipient will provide with funds under this part, which shall include not less than 1 program of study approved by a State under section 124(b)(2), including—
 - (A)** how the results of the comprehensive needs assessment described in subsection (c) informed the selection of the specific career and technical education programs and activities selected to be funded; and
 - (B)** a description of any new programs of study the eligible recipient will develop and submit to the State for approval;

(b) CONTENTS (cont.)

- (C)** how students, including students who are members of **special populations**, will learn about their school's career and technical education course offerings and whether each course is part of a career and technical education program of study;
- (3)** a description of how the eligible recipient, in collaboration with local workforce development boards and other local workforce agencies, one-stop delivery systems described in section 121(e)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(e)(2),) and other partners, will provide—

 - (A)** career exploration and career development coursework, activities, or services;
 - (B)** career information on employment opportunities that incorporate the most up-to date information on high-skill, high-wage, in-demand industry sectors or occupations, as determined by the comprehensive needs assessment described in subsection (c); and
 - (C)** an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program; and

- (4) a description of how the eligible recipient will improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in the subjects that constitute a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965);
- (5) a description of how the eligible recipient will—
- (A) provide activities to prepare special populations for high-skill, high-wage, or in-demand occupations that will lead to self-sufficiency;
 - (B) prepare CTE participants for **non-traditional fields**.
 - (C) provide equal access for **special populations** to career and technical education courses, programs, and programs of study; and
 - (D) ensure that members of **special populations** will not be discriminated against on the basis of their status as members of **special populations**;

- (6) a description of the work-based learning opportunities that the eligible recipient will provide to students participating in the career and technical education programs and how the recipient will work with representatives from employers to develop or expand work-based learning opportunities for career and technical education students, as applicable;
- (7) a description of how the eligible recipient will provide students participating in career and technical education programs with the opportunity to gain postsecondary credit while still attending high school, such as through dual or concurrent enrollment programs or early college high school, as practicable;
- (8) a description of how the eligible recipient will coordinate with the eligible agency and institutions of higher education to support the recruitment, preparation, retention, and training, including professional development of teachers, faculty, administrators, and specialized instructional support personnel and paraprofessionals who meet applicable State certification and licensure requirements (including any requirements obtained through alternative routes to certification), including individuals from groups underrepresented in the teaching profession; and
- (9) A description of how the eligible recipient will address disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II) in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions such recipient will take to eliminate these disparities or gaps.

(c) COMPREHENSIVE NEEDS ASSESSMENT.—

(1) IN GENERAL.—To be eligible to receive financial assistance under this part, an eligible recipient shall—

(A) conduct a comprehensive local needs assessment related to career and technical education and includes the results of the needs assessment in the local application submitted under subsection (a); and

(B) not less than once every 2 years, update such comprehensive local needs assessment.

(2) REQUIREMENTS.— The comprehensive local needs assessment described under paragraph (1) shall include each of the following—

(A) An evaluation of the performance of the students served by the eligible recipient with respect to State determined and local levels of performance established pursuant to section 113, including an evaluation of performance for **special populations** and each subgroup described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965;

(B) a description of how career and technical education programs offered by the eligible recipient are—

(i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and

(B) a description of how career and technical education programs offered by the eligible recipient are (cont.)

(ii)(I) aligned to State, regional, Tribal, or local in-demand industry sectors or occupations identified by the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) (referred to in this section as the ‘State board’) or local workforce development board, including career pathways, where appropriate; or

(II) designed to meet local education or economic needs not identified by State boards or local workforce development boards;

(C) an evaluation of progress toward the implementation of career and technical education programs and programs of study;

(D) A description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career guidance and academic counselors, including individuals in groups underrepresented in such professions;

(E) A description of progress toward implementation of equal access to high-quality career and technical education courses and programs of study, for all students including—

- (i) strategies to overcome barriers that result in lower rates of access to, or performance gaps in, the courses and programs for **special populations**;
- (ii) providing programs that are designed to enable **special populations** to meet the local levels of performance; and

(d) CONSULTATION.—In conducting the comprehensive needs assessment under subsection (c), and developing the local application described in subsection (b), an eligible recipient shall involve a diverse body of stakeholders, including, at a minimum—

- (1)** representatives of career and technical education programs in a local educational agency or educational service agency, including teachers, career guidance and academic counselors, principals and other school leaders, administrators, and specialized instructional support personnel and paraprofessionals;
- (2)** representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;

(d) CONSULTATION (cont.)

- (3) representatives of the State board or local workforce development boards and a range of local or regional businesses or industries;
- (4) parents and students;
- (5) representatives of **special populations**;
- (6) representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965);
- (7) representatives of Indian Tribes and Tribal organizations in the State, where applicable; and
- (8) any other stakeholders that the eligible agency may require the eligible recipient to consult.

(e) CONTINUED CONSULTATION.—An eligible recipient receiving financial assistance under this part shall consult with the stakeholders described in subsection (d) on an ongoing basis, as determined by the eligible agency. This may include consultation in order to—

(1) provide input on annual updates to the comprehensive needs assessment required under subsection (c)(1)(B);

(2) ensure programs of study are—

(A) responsive to community employment needs;

(B) aligned with employment priorities in the State, regional, tribal, or local economy identified by employers and the entities described in subsection (d), which may include in-demand industry sectors or occupations identified by the local workforce development board;

(C) informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

(D) designed to meet current, intermediate, or long-term labor market projections; and

(E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure programs of study align with skills required by local employment opportunities, including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;

(3) identify and encourage opportunities for work-based learning; and

(4) ensure funding under this part is used in a coordinated manner with other local resources.

Use of Funds

Focus on Special Pops/Non-Trad

Supplanting & MOE

Program Income

Special Populations

- (A) individuals with disabilities;
- (B) individuals from economically disadvantaged families, including low-income youth and adults;
- (C) individuals preparing for **non-traditional fields**;
- (D) single parents, including single pregnant women;
- (E) out-of-workforce individuals;
- (F) English learners;
- (G) homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
- (H) youth who are in, or have aged out of, the foster care system; and
- (I) youth with a parent who—
 - (i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and
 - (ii) is on active duty (as such term is defined in section 101(d)(1) of such title).

Non-Trad Fields

- ◆ **NON-TRADITIONAL FIELDS.**—The term ‘non-traditional fields’ means occupations or fields of work, such as careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

Sec. 135 – Local Uses of Funds

(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c).

(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective, that –

(1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include—

(A) introductory courses or activities focused on career exploration and career awareness, including non-traditional fields;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(B) readily available career and labor market information, including information on—

(i) occupational supply and demand;

(ii) educational requirements;

(iii) other information on careers aligned to State, local, or Tribal (as applicable) economic priorities; and

(iv) employment sectors;

(C) programs and activities related to the development of student graduation and career plans;

(D) career guidance and academic counselors that provide information on postsecondary education and career options; or

(E) any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including **non-traditional fields**; or

(F) provide students with strong experience in, and comprehensive understanding of, all aspects of an industry;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(2) provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, which may include—

(A) professional development on supporting individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curricula;

(B) professional development on ensuring labor market information is used to inform the programs, guidance, and advisement offered to students, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

(C) providing teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(D) supporting school leaders and administrators in managing career and technical education programs in the schools, institutions, or local educational agencies of such school leaders or administrators;

(E) supporting the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs;

(F) providing teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, principals, school leaders, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;

(G) training teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, to provide appropriate accommodations for individuals with disabilities, and students with disabilities who are provided accommodations under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(H) training teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals in frameworks to effectively teach students, including a particular focus on students with disabilities and English learners, which may include universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support; or

(I) training for the effective use of community spaces that provide access to tools, technology, and knowledge for learners and entrepreneurs, such as makerspaces or libraries;

(3) provide within career and technical education the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations;

(4) support integration of academic skills into career and technical education programs and programs of study to support—

(A) CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 by the State in which the eligible recipient is located; and

(B) CTE participants at the postsecondary level in achieving academic skills;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance established under section 113, which may include—

(A) a curriculum aligned with the requirements for a program of study;

(B) sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area, where applicable, that are designed to facilitate the process of continuously updating and aligning programs of study with skills that are in demand in the State, regional, or local economy, and in collaboration with business outreach staff in one-stop centers, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), and other appropriate organizations, including community-based and youth-serving organizations;

(C) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)), including dual or concurrent enrollment programs, early college high schools, and the development or implementation of articulation agreements as part of a career and technical education program of study;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;

(E) a continuum of work-based learning opportunities, including simulated work environments;

(F) industry-recognized certification examinations or other assessments leading toward a recognized postsecondary credential;

(G) efforts to recruit and retain career and technical education program teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals;

(H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(I) expanding opportunities for students to participate in distance career and technical education and blended-learning programs;

(J) expanding opportunities for students to participate in competency-based education programs;

(K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

(L) supporting the integration of employability skills into career and technical education programs and programs of study, including through family and consumer science programs;

(M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science and architecture) for students who are members of groups underrepresented in such subject fields;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(N) providing career and technical education, in a school or other educational setting, for adults or out-of-school youth to complete secondary school education or upgrade technical skills;

(O) supporting career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curricula;

(P) making all forms of instructional content widely available, which may include use of open educational resources;

(Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;

(R) partnering with a qualified intermediary to improve training, the development of public-private partnerships, systems development, capacity-building, and scalability of the delivery of high-quality career and technical education;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(S) support to reduce or eliminate out-of-pocket expenses for **special populations** participating in career and technical education, including those participating in dual or concurrent enrollment programs or early college high school programs, and supporting the costs associated with fees, transportation, child care, or mobility challenges for those **special populations**; or

(T) other activities to improve career and technical education programs; and

(6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(B).

(c) POOLING FUNDS.—An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to one or more eligible recipients to support implementation of programs of study through the activities described in subsection (b)(2).

(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of such funds for costs associated with the administration of activities under this section.