

# Montana Carl D. Perkins Policy and Procedures Manual

**Subject:** Special Populations  
**Policy:** Equal Access  
**Effective:** July 1, 2007  
**Revised:** Not Applicable

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Montana will review special population data during the [Montana Career and Technical Education \(CTE\) Evaluation and Revitalization Process](#). Special populations groups falling below state negotiated levels for high skill, high wage or high demand programs may be addressed in the Annual Perkins Leadership Plan. Special population groups falling below local negotiated levels of performance for high skill, high wage or high demand programs will be addressed within local applications. All grant recipients sign a version of a [certification and assurances form](#) to assure civil rights compliance with the legislation and regulations listed on the form.

Both the Office of the Commissioner of Higher Education and the Office of Public Instruction actively support the mission of the Office for Civil Rights, "to ensure equal access to a high quality education for all students through the vigorous enforcement of civil rights." A primary responsibility for both agencies is the review of career and technical education programs for compliance with federal nondiscrimination regulations.

OPI and OCHE provide technical assistance to help institutions achieve voluntary compliance with the civil rights laws that the Office for Civil Rights enforces.

## Federal Compliance Requirements

### U.S. Department of Education regulations:

- [Title VI of the Civil Rights Act of 1964 \(Title VI\), 34 CFR Part 100](#)
- [Title IX of the Education Amendments of 1972 \(Title IX\), 34 CFR Part 106](#)
- [Section 504 of the Rehabilitation Act of 1973 \(Section 504\), 34 CFR Part 104](#)
- [Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, and National Origin, Sex and Handicap \(Guidelines\), 34 CFR Part 100 Appendix B](#)

## **U.S. Department of Justice regulations:**

- [Title II of the Americans with Disabilities Act of 1990 \(Title II\), 28 CFR Part 35](#)

### **Number of Reviews Per Year**

The Office of Public Instruction (OPI) and the Office of the Commissioner of Higher Education (OCHE) each have a designated Methods of Administration (MOA) Coordinator. Each agency is required to conduct on-site reviews on an annual basis of at least 2.5% of their universe of grantees, but no fewer than two and no more than 25 on-site reviews are required. Each year in Montana approximately four high schools and two two-year colleges, with at least one career and technical program each, are targeted for an onsite review.

### **Targeting On-Site Reviews**

Under the *1998 Memorandum of Procedures*, state agencies have flexibility to develop criteria to assess campuses for on-site reviews that have the greatest potential for civil rights noncompliance. In developing targeting plans, Career and Technical Education programs with disproportionate enrollments by race, national origin, sex, and disability are ranked higher. Each criterion should include some sort of point system or scoring mechanism. This is necessary to generate a ranked list of grantees as required by the *1996 Memorandum of Procedures* and OCR's *1998 Dear Colleague* letter to State Vocational Education Directors and MOA Coordinators, concerning the format and content of the biennial reports to OCR. The Targeting Plan must be approved by the Department of Education, Office of Civil Rights.

### **Letters of Findings and Voluntary Compliance Plans**

Letters of findings issued to grantees after on-site reviews must specifically set forth whether the grantee is in compliance with the relevant civil rights statutes and regulations. State agencies must allow up to 90 days for the grantee to submit a Voluntary Compliance Plan.

### **Biennial Civil Rights Compliance Reports**

Each state agency must submit a compliance report to the Department of Education, Office of Civil Rights, on a biennial basis (every other year). This report is due July 1.