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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

August 8, 2005

Dear Colleague:

I am writing to remind you of an ongoing state agency responsibility in accordance 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 C.F.R. Part 100, Appendix B) (*Guidelines*). In 1996, the U.S. Department of Education's Office for Civil Rights (OCR) and state vocational education agencies developed the *Revised Procedures for Preparing the Methods of Administration Described in the Vocational Education Guidelines* (*1996 Memorandum of Procedures*). This collaborative effort reduced state agency reporting requirements while placing greater emphasis on comprehensive on-site civil rights compliance reviews. The *1996 Memorandum of Procedures* reduced the requirements for vocational education biennial reports to the following information:

- Staff resources allocated to the state agency's MOA Compliance program;
- Results of the review of new state policies and procedures to identify and correct any new policies found to be potentially discriminatory;
- A list of the subrecipient and State Operated Programs (SOPs) universe in alphabetical order and the year in which the last on-site was conducted;
- A list of the subrecipient and SOP universe ranked by the state's criteria used to select subrecipients for on-site reviews;
- A list of all of the subrecipients that the state is monitoring pursuant to on-site reviews conducted in prior years;
- A list of the subrecipients and SOPs for which the sate conducted on-site reviews;
- A copy of each Letter of Findings issued pursuant to the reviews; and
- A copy of each Voluntary Compliance Plan that was received and accepted.

The *1996 Memorandum of Procedures* reduced or eliminated many of the requirements of the previous MOA reporting system so that state agencies could shift staff resources to conducting a more effective civil rights compliance process. To ensure that compliance reviews will focus on subrecipients with the greatest potential for civil rights noncompliance, the *1996 Memorandum of Procedures* requires state agencies to develop targeting plans outlining the criteria and procedures they will use to select subrecipients for on-site reviews.

I am writing to remind you of your ongoing obligation to provide targeting plans for your review process, as established by the *1996 Memorandum of Procedures*. Please note that these plans are due biennially on September 1 of the year that you are scheduled to submit your MOA report to OCR.

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The remainder of this letter will discuss the essence of a targeting plan based on the *1996 Memorandum of Procedures* and the *Guidelines*. OCR's experience in reviewing targeting plans and providing technical assistance to state agencies suggests that it could be helpful to offer basic guidance regarding the plans.

Targeting Plan Requirements

A targeting plan should include a discussion of three areas: Subrecipient Universe, Selection Criteria, and Ranking Factors. This letter will discuss these areas in the order presented.

1. Subrecipient Universe

Pursuant to the *Guidelines,* each agency's universe consists of subrecipients subject to a civil rights compliance review. The universe must include all subrecipients and SOPs that offer vocational education programs and that receive federal financial assistance from the U.S. Department of Education. A "vocational education program" is defined as a concentration or sequence of vocational education courses. Please note that the federal financial assistance is not limited to receipt of Carl Perkins funding. It includes ***any*** funding from the Department. As a result, a provider of vocational education may be a member of the state agency's universe, even if it does not receive Carl Perkins funding.

2. Selection Criteria

Under the *1996 Memorandum of Procedures*, state agencies have flexibility to develop criteria that target those subrecipients for on-site review that have the greatest potential for civil rights noncompliance. The selection criteria, consisting of the information that your agency will use to select subrecipients for review, may include any factors that you deem appropriate. Commonly used selection criteria include time since the last on-site review, number of vocational programs offered, civil rights complaints against a subrecipient, anecdotal information, and geographical concerns. The *1996 Memorandum of Procedures* requires that the selection criteria include an analysis of data to identify a subrecipient's vocational educational programs with disproportionate enrollments by race, national origin, sex, and disability. Please note that this list of criteria is not all-inclusive; state agencies may develop additional criteria depending on individual agency need.

Each criterion should include some sort of point system or scoring mechanism. This is necessary to generate a ranked list of subrecipients 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.

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3. Ranking Factors

The final element of a targeting plan should describe how the subrecipients will be ranked. As you are aware, the *1996 Memorandum of Procedures* requires that the targeted subrecipients be ranked and that a ranked list be included in the biennial report to OCR. OCR does not prescribe any particular ranking process although an agency should be able to identify how the subrecipients were ranked based on quantifiable factors. The simplest ranking method would involve assigning a range of points to each selection criterion, adding the points from each criterion, and listing the subrecipients from highest to lowest ranked. While this ranking method would be simple for most agencies, we understand that there could be situations particular to your agency that may make a different process more effective.

I hope that I have described these areas in a way that will assist your agency in preparing its targeting plan. Please note that this letter is not provided to prescribe a particular method or format, but to give state agencies a framework for developing effective, workable targeting schemes.

In sum, I would like to express OCR's appreciation for your ongoing efforts to ensure the continuing compliance of your subrecipients with the Department's civil rights requirements. OCR remains committed to the principles of collaboration and quality improvement underlying the 1996 revisions to the MOA program, developed in partnership with state agencies. The *1996 Memorandum of Procedures*, OCR's 1998 "Dear Colleague" letter, and the annual MOA training conferences have assisted in improving the vocational education MOA program in pursuit of our mutual goal: equal opportunity in vocational education programs for all students. Prompt, effective targeting plans facilitate the achievement of that goal.

Sincerely,

Sandra G. Battle
Director
Program Legal Group