

PROVIDED BY SOUTH CAROLINA DEPARTMENT OF EDUCATION  
CREATED DECEMBER 2012



## CIVIL RIGHTS AND METHODS OF ADMINISTRATION

The South Carolina Department of Education does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in admission to, treatment in, or employment in its programs and activities. Inquiries regarding the nondiscrimination policies should be made to the Employee Relations Manager, 1429 Senate Street, Columbia, South Carolina 29201, (803-734-8781). For further information on federal nondiscrimination regulations, including Title IX, contact the Assistant Secretary for Civil Rights at [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov) or call 1-800-421-3481.

## WHAT IS MOA?

The Methods of Administration (MOA) program is an accountability measure which requires site visits to districts and career centers to assess compliance with the following:

- Title IX of the Education Amendments: Sex
- Title VI of the Civil Rights Act: Race, Color, National Origin *Includes services for Limited English Proficiency (LEP) students*
- Section 504 of the Rehabilitation Act: Disability
- Americans with Disabilities Act (or applicable building standard): Disability

## HOW ARE MCCC/DISTRICTS SELECTED?

The sites are selected based on a Targeting Plan, which targets career centers and school districts based on the following:

- Disproportionate enrollment based on race, sex, disability
- Longest time since date of last visit

Selection pursuant to the Targeting Plan does not, in itself, mean that discrimination is taking place, but it does target the districts and career centers with the highest potential for discriminatory practices.

## WHO IS INCLUDED?

- Any district or career center receiving federal funds is required to follow all civil rights laws and regulations.
- Any district or career center receiving any type of federal assistance and offering vocational education may have all schools reviewed during the on-site visit.
- Failure to comply with this process could result in all federal funds being withheld.

## SITE VISITS

- The SCDE is required by law to perform in-depth site visit to 2.5% of the school districts and/or career centers annually
- Typically, this equates to two site visits per school year

## SITE VISITS

MOA Site Visit Process in a nutshell:

1. Notification by letter of selection for site visit (includes request for documentation)
2. Team visits site(s) (includes interviews, inspections, etc)
3. Letter of Findings will be provided within 30 days
4. If violations are found, District/Career Center submits a Voluntary Compliance Plan stating how they will be remedied.

NOTE: Site visits are now coordinated through the Office of General Counsel (formerly conducted through CATE Office).

## CIVIL RIGHTS

# 11 Areas the Site Visit Team will review:

Administrative

Site Location and Student Eligibility

Recruitment of Students

Admissions and Treatment

Student Financial Assistance

Counseling Programs

Services for Students with Disabilities

Accessibility and Facilities

Comparable Facilities

Work-Based Learning

Employment Practices

## ADMINISTRATIVE

- Policies and procedures prohibiting harassment and discrimination.
- Continuing efforts to notify community that the district/career center does not discriminate on the basis of race, color, national origin, sex, or disability.
  - Nondiscrimination notice should be on most publications and forms
- Prior to the beginning of the school year, advise community that all CATE program opportunities will be offered regardless of race, color, national origin, sex or disability.
  - Annual notice requirement is often overlooked, but is required.

## ADMINISTRATIVE

- Designate at least one qualified employee to coordinate its efforts to comply with and carry out its responsibilities pursuant to Section 504 and Title IX.
  - The recipient must notify students, staff, and the public of the name, address, and phone number of the designated employee(s).
- Adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging discrimination based on sex, race, color, national origin, or disability.
  - KNOW YOUR POLICY**, and make sure your teachers, counselors and students know it too!
  - Recommended: A simple, straightforward explanation of the procedure should be in teacher and student handbooks.

## SITE LOCATION & STUDENT ELIGIBILITY CRITERIA

A recipient may not select or use facilities, building sites, renovations, or residency requirements, student numerical limits, or other criteria that could result in **disproportionate exclusion of students** of a certain race, color, national origin, sex, or disability from participation in the education programs or activities.

## RECRUITMENT OF STUDENTS

- Recruitment activities must not exclude individuals or limit opportunities on the basis of sex, race, color, national origin, or disability.
  - Recruitment materials must not contain biased or stereotypical contents.
- Recruitment materials must be available to and accessible to communities in their languages.
  - Be aware of which non-English languages are prominent in the communities served.

## ADMISSIONS AND TREATMENT

- May not assess candidates for admission to educational (including CATE) programs or activities on the basis of race, color, national origin, sex, or disability.
  - Common issue: Districts/career centers may not exclude students with disabilities from participation in CATE by requiring prohibitive “prerequisites.” This is a serious violation of the law.
- Avoid preadmission inquiries about sex, race, national origin, marital, parental, pregnancy, or disability status.
- May not deny access to any CATE program to students with a disability or LEP on the basis that employment opportunities might be limited.

## STUDENT FINANCIAL ASSISTANCE

- Where financial assistance is offered, it must be available to all students regardless of sex, race, color, national origin, or disability.
- Sex-restricted awards are made only when established by legal instrument and also meet the requirements of Title IX.
- Awards restricted on any other protected class status must meet the applicable legal requirements.
- Information and selection criteria must be free from bias and stereotyping.
- Information must be available in a variety of languages and formats.

## COUNSELING PROGRAMS

- Counseling material and activities may not discriminate on the basis of race, color, national origin, sex, or disability.
- Counselors must not direct students into programs based on race, color, national origin, sex, or disability.
- Districts/career centers must ensure that disproportionate enrollments do not result from their own practices, and must take steps to reduce disproportionate enrollments in classes.

## STUDENTS WITH DISABILITIES

- No qualified person with a disability may be denied access to, or benefits from any course, program, service, or activity on the basis of their disability.
- Related instructional aids or adaptations must be available as necessary.
- Recipients must identify, evaluate, and place students with disabilities pursuant to Section 504 and IDEA, through a process that includes persons knowledgeable about the student, as well as the student's parent or guardian.

## ACCESSIBILITY

Which standard(s) apply to your school building?

DATE OF CONSTRUCTION/ALTERATION:

- Before 1977, no accessibility standards
- June 4, 1977 to January 17, 1991: American National Standards Institute, Inc. (ANSI)
- January 18, 1991 to January 26, 1992: Uniform Federal Accessibility Standards (UFAS)
- January 27, 1992 to March 15, 2012: UFAS or ADA Standards for Accessible Design
- March 15, 2012 to present: 2010 ADA Standards for Accessible Design

## ACCESSIBILITY

Important note: where alterations are made to the building, they must be made in accordance with the **most recent accessibility standards.**

- **Common issue:** All alterations that aren't purely cosmetic should be pre-checked for proper accessibility dimensions, even minimal alterations like re-lining the parking lots.

## ACCESSIBILITY CONTINUED

Most common accessibility violations:

- Door push weight (5 lbs.)
- Ratio of accessible parking spaces
- Paths of accessibility must be flat and smooth, including emergency exit paths (i.e. cement)
- In restrooms, hot water pipe under sink must be covered to avoid burns
- In lab classrooms, at least one lab station should be built to accessibility requirements

## COMPARABLE FACILITIES

- Where applicable, separate programs or facilities for students with disabilities or LEP must be comparable to those of students without disabilities or LEP.

## WORK-BASED LEARNING

- Opportunities in work study, cooperative education, and job placement programs must be available to all students, regardless of race, color, national origin, sex, or disability.
- Recipients must inform and ensure that prospective work-study employers do not discriminate on the basis of race, color, national origin, sex, or disability.

## WORK-BASED LEARNING

- Recipients may not enter into agreements for apprenticeship or other work-based training with any entity that discriminates on the basis of race, color, national origin, sex, or disability.
- Written agreements must include assurances of nondiscrimination.
- Recipients have an obligation to reduce isolation and segregation based on protected class status in work-based learning.

## EMPLOYMENT

- Employment policies and practices may not discriminate on the basis of race, color, national origin, sex, or disability.
- Recipients may not make pre-employment inquiries based on race, sex, national origin, disability, marital, or parental status.
- All positions must be open to qualified candidates with reasonable accommodation provided. Notice of this must be provided as well.
- All faculty and staff sources must be notified regularly of nondiscrimination policies.

**SHAWN EUBANKS, DEPUTY GENERAL COUNSEL**

Office of General Counsel  
South Carolina Department of Education  
1429 Senate St., Suite 1015  
Columbia, SC 29201  
seubanks@ed.sc.gov 803.734.0070