

Information about the **VOLUNTARY COMPLIANCE PLAN**

to meet the Civil Rights Compliance Regulations in response to an onsite visit

A *Voluntary Compliance Plan* (VCP) is a written document developed by the recipient that outlines the steps and actions that will be taken to correct findings of noncompliance resulting from the onsite review.

A. Timelines for Submission

Within 60 days of the date of the *Letter of Findings* (LOF), the local recipient: is to have submitted the VCP to NDE, NDE reviews the VCP, the recipient modifies if necessary, and the recipient has approval by the MOA Coordinator for their *Voluntary Compliance Plan*, which is a plan for compliance.

B. Recipient Contact

To ensure clear and consistent communication, designate one staff member as the contact to NDE for the *Voluntary Compliance Plan*. This person will be the first-point-of-contact for any questions or concerns related to the VCP and should, therefore, have first-hand knowledge of the Plan, its development and implementation. This person will also be the contact for local staff that may have questions of NDE staff.

C. Developing the VCP

1. You can request an electronic copy of your Letter of Findings (LOF) from either lilly.blase@nebraska.gov or mary.janssen@nebraska.gov. This will allow you to “cut and paste.”
2. The *Letter of Findings* details the results of the onsite review and describes areas of compliance and also issues of concern and/or noncompliance. A separate plan should be created for each finding of noncompliance. The findings may be copied and pasted from the LOF document. It is helpful to create a recipient master with repeated information and to name each VCP page by the number of the Finding.
3. A VCP template is available on the OCR website located at <https://www.education.ne.gov/nce/perkins-administration/office-of-civil-rights-ocr-review/>, where you will also find the VCP coverpage template. Once you have prepared your VCP, please delete the instructions (in blue) from the VCP template. An example of a completed VCP is available in this notebook—see VCP tab.
4. It is recommended that the findings of noncompliance and related directives be reviewed to determine what staff are most appropriate to be involved in both developing the specific plan to address each area of noncompliance and in implementing the steps, tasks and/or activities identified as requisite to correcting the issue of noncompliance.
5. Convene an individual or team representing the recipient to complete a *Voluntary Compliance Plan* for **each** finding of noncompliance.

6. After all *VCP pages* have been developed, either the Superintendent of schools or President of the community college must complete, sign and date the *Cover Page*.
7. Compile all *VCP pages*, relevant documentation and evidence. Hard copy and electronic copy of the VCP should be mailed to Mary Janssen, MOA Coordinator. Remember to sign the VCP cover page that is mailed to the MOA Coordinator.

D. Completing the VCP Form

1. Download the VCP Template as a Microsoft WORD document from <https://www.education.ne.gov/nce/perkins-administration/office-of-civil-rights-ocr-review/>
2. Enter the recipient name.
3. From the *LOF* document, copy and paste the finding of noncompliance. (Remember, each finding of noncompliance is to be addressed in a separate plan, unless the findings or directives are so similar that they can be combined)
4. Copy and paste the related directive(s) from the *LOF* document.
5. Place the cursor in the blank row under the table headings and begin typing. Rows will expand vertically to fit the text that is entered.
6. Use <TAB> key to move from one cell to another.
7. When finished, SAVE AS and provide a descriptive name for each file (most use the letter and number of the LOF item).
8. If completing multiple pages, repeat steps 4-8.
9. There was an example of a completed VCP included in the OCR Handbook that was mailed to the Superintendent or college CEO. A sample is also available on the OCR web site.

E. Disputing Findings of Noncompliance

On occasion evidence to support a finding of compliance is missed during the onsite review or, the recipient is able to correct an issue of noncompliance prior to receiving the *LOF*. If the recipient believes that a finding is in error, compile the evidence that supports this and send it to your NDE OCR contact with a letter of explanation that includes the date of the review and the finding of noncompliance that is being contended. If it is found that an issue of noncompliance has been corrected, compile the evidence that supports this and attach it to the appropriate *VCP*.

F. The Review Process

An electronic version of the VCP should be emailed to your NCE OCR contact with a hard copy of cover page and VCP being sent to Mary Janssen at the Nebraska Dept. of Education, 301 Centennial Mall South, Lincoln, NE 68509. Upon receipt at your NDE OCR contact, the recipient's *VCP* will be reviewed using the criteria outlined below. A letter of acceptance or one requesting additions or modifications will be issued. Additions or modifications must be submitted within 30 days following notification.

The following criteria are used to evaluate a VCP:

1. A *VCP* is developed for each finding of noncompliance.
2. The *VCP* (for each finding of noncompliance) addresses **each** related directive identified in the *Letter of Findings*.
3. The *Corrective Activities* described are detailed and sequential to the extent that the NDE review team can envision the process the recipient will use to correct the issue of noncompliance.
4. Based on the regulations, the proposed activities will resolve the noncompliance issues.
5. Local staff has been designated to implement each planned activity/step.
6. Tangible examples/products/outcomes to constitute as evidence of compliance are clearly identified.
7. The timeline for monitoring and evaluating these tangible examples/products/outcomes is evident, reasonable, and realistic.
8. The *Cover Page* is completed in full, signed and dated by all required parties.
9. The recipient indicates the schedule for reporting back to the department when parts of the *VCP* are complete.

G. Notification to Office for Civil Rights for Failure to Develop a Voluntary Compliance Plan(s)

NDE may grant an extension for the revision of an unacceptable *Voluntary Compliance Plan* if it is determined that the educational agency has been working in good faith to develop a plan to correct issues of noncompliance.

H. Monitoring the Voluntary Compliance Plan

Plans will be monitored to determine if remediation activities are taking place. Educational agencies will be requested to provide updates, examples/products/outcomes to meet compliance obligations.

I. Closing the Civil Rights Compliance Review

The NDE will issue a letter of closure when all findings of noncompliance have been corrected.



J. Reporting to OCR

NDE is required to submit a copy of all Letters of Finding and Voluntary Compliance Plans to the Office for Civil Rights as part of its biennial report.

K. Technical Assistance

Technical assistance in developing, implementing or evaluating a *VCP* may be obtained by contacting your CTE Regional Coordinator or Mary Janssen at 402-471-4818 or mary.janssen@nebraska.gov.