

Perkins V
Consolidated Monitoring & Technical Assistance Manual

*Stand-Alone Recipient*

Nebraska Department of Education

Office of Career, Technical, And Adult Education

**Nebraska Department of Education**

**Perkins V Consolidated Monitoring &**

**Technical Assistance Manual**

*For the Strengthening Career & Technical Education for the 21st Century Act and*

 *the Office of Civil Rights Methods of Administration*

Career and Technical Education (CTE) is one of the primary systems through which youth and adults are prepared to enter the state’s workforce and continue learning throughout a career pathway. The federal and state investment of financial resources should be used to continuously improve CTE programs so that they deliver coordinated, relevant learning opportunities that engage each student.

In order to qualify for allocations of the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) funds, eligible recipients were required to conduct a comprehensive local needs assessment (called reVISION) and prepare a four-year local application. The Act envisions that students will achieve challenging academic as well as career and technical skill proficiencies, be prepared for postsecondary education and further learning, and attain the skills needed to pursue high-skill, high-wage, and high-demand careers.

This document has been prepared to assist the staff of the Nebraska Department of Education in monitoring approved projects of the Perkins V Act.

The monitoring process is based on assessed risk and has the following purposes:

1. Determine compliance with the assurances as listed in the local application.
2. Evaluate progress toward the goals identified in the local application and meeting the needs of members of special populations.
3. Verify that programs that have been approved as meeting program standards

remain in compliance.

1. Review progress toward meeting core indicators of performance.
2. Provide technical assistance for meeting the goals identified in the local

application.

1. Review and address civil rights compliance within CTE programs.

This document contains monitoring worksheets to be completed by subrecipients for the four primary areas under potential review prior to the monitoring review: (1) Program Performance and Procedures, (2) Fiscal Compliance, (3) Data Reporting & Accountability, and (4) the Office of Civil Rights Methods of Administration. Note, a subrecipient may be monitored for one or more of the review areas.

**Perkins Consolidated Monitoring Worksheet - Cover Page**

Please review and supply responses to the questions within the Areas of Review identified below. Sources of evidence to justify responses should be included and available upon request. Only the areas identified below need to be reviewed and have responses submitted.

**LEA:**  Click or tap here to enter text.

**Individual Submitting/** Click or tap here to enter text.

**Authorized Representative**

**Area of Review #1:** Choose an item.

**Area of Review #2:** Choose an item.

**Area of Review #3:** Choose an item.

*\*Note, only areas that are identified in the “Area of Review” need to be addressed by the LEA.*

**NDE Reviewer:** Click or tap here to enter text. **Date of Review:** Click or tap to enter a date.

**Review of CTE Program Performance and Procedures**

*This review is designed to be a self-assessment and a documentation of meeting the assurance requirements associated with accepting funds from the Perkins V Act. The three sections that make up the Review of CTE Program Performance and Procedures include: (1) Coordination and Planning, (2) Program Requirements, and (3) Student Achievement. Please gather selected evidence and respond to the questions in the third column. Evidence and this worksheet can be uploaded to your respective shared Perkins Consolidated Monitoring Google folder.*

1. **Coordination and Planning**

Intentional coordination and planning, administrative leadership and governance, and evidence of unified planning and decision making.

|  |  |  |
| --- | --- | --- |
| **Assurance** | **Potential Sources of Evidence** | **Response/Comments** |
| * 1. CTE programs are jointly planned and coordinated with other Federal programs to avoid duplicative efforts (e.g., programs conducted under the Workforce Innovation and Opportunity Act (WIOA), Adult Education, the Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education Act (IDEA), and the Rehabilitation Act of 1973). (*Assurance 4)*
 | * List of program partners and descriptions of coordination.
* List of Programs of Study offered and their alignment to state, local, or regional workforce demand (at least 1 required).
* Communication and/or enrollment documentation of CTE students in alternative education programs, private schools, or home school programs.
* Examples of completed and current initiatives
 | Describe the collaboration that occurs to ensure parents, students, teachers, representatives of special populations, and other interested individuals, as well as any local CTE advisory committee, are involved in developing, implementing, and evaluating all CTE programs. *(Assurance 6)* *

Describe the collaboration that occurs and the process used to identify and support students as they enter and advance within a CTE program of study. *

Describe how the needs of CTE students in alternative education programs are adequately addressed, if applicable. (*Assurance 11)**

 Describe how students enrolled in private or religious secondary schools or home schools are provided with the opportunity to participate in CTE programs. (*Assurance 7)**

Describe how procedures were developed by which parents, students, teachers, and community members will be able to directly participate in local decisions that impact CTE programs. *(Assurance 8)* |
| * 1. CTE teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals participate in professional learning that is specific to CTE. *(Assurance 15)*
 | * Lists of CTE professional development opportunities offered, including attendance.
 | Describe the types of professional development activities offered that specifically relate to enhancing CTE teaching and learning. *
 |
| * 1. Career development activities are provided through an organized, systematic framework designed to aid students, including the middle grades, before enrolling and while participating in a CTE program, in making informed plans and decisions about future education and career opportunities and programs of study. *(Assurance 14)*
 | * Examples of career development resources and activities.
* Copies of enrollment materials and guidance/counseling opportunities
 | Describe the supports students receive as they enter and advance within a CTE program of study and make plans for postsecondary education. Describe how students who participate in CTE programs are taught to the same academic standards as all other students and encouraged through high-quality career development activities, including career counseling, to pursue a coherent sequence of courses that integrate academic and CTE disciplines. *(Assurance 13)**
 |
| * 1. Professionally trained counselors and teachers provide guidance and career development activities, including those activities designed to facilitate transitions from school to post-school employment, postsecondary education, and other career opportunities. *(Assurance 10)*
 | * Recruitment and retention efforts for CTE faculty.
* Systemic career development efforts.
* Certification documentation/status of current employees teaching within their endorsed areas.
* Online career exploration systems (e.g., Nebraska Career Connections)

  | Describe activities designed to facilitate the transition from school to post-school employment, postsecondary education, or other career opportunities *(Assurance 10)* |
| * 1. Planning for CTE students with disabilities is coordinated between appropriate representatives of CTE, special education, and vocational rehabilitation agencies. (*Assurance 31)*
 | * Sample agenda for team planning meetings.
 | Describe the coordinated strategies used to overcome barriers for members of special populations to succeed with support services. *
 |
| **Commendations/Recommendations/Next Steps:** ***(To be completed by NDE staff)***  |

1. **Program Requirements**

CTE systems and programs will be of sufficient size, scope, and quality to meet the needs of all students served (Assurance 3). This requires evidence of data-driven decision making and ensuring services and access for students with disabilities or members of special populations.

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| --- | --- | --- |
| **Assurance** | **Potential Sources of Evidence** | **Response/Comments** |
| * 1. CTE systems and programs will be of sufficient size, scope, and quality to meet the needs of all students served. *(Assurance 3)*
 | * Performance on Perkins Core Indicators of Performance
* Local data
* reVISION outcomes
* Placement or matriculation information for CTE concentrators
* Use of results from assessments and/or certifications
* List of CTSOs offered to all students
 | Describe how CTE program of study implementation is informed by student achievement, accurate data collection, and comprehensive data analysis (LEA, school, and program). Review the most recent Perkins Indicator Report. *If data are accurate*, provide examples of how data has been used to inform decisions.*If data are not accurate*, provide a detailed explanation of how data accuracy is being addressed and describe how decisions are made in the absence of accurate data.*

Describe how the skills necessary to pursue careers in high-skill, high-wage, and high-demand industry sectors/occupations is provided within CTE programs. (*Assurance 16).* |
| * 1. Educators regularly analyze their program data and develop/implement evaluations of activities to ensure assessment results, school- and district-wide data, and local/regional labor market data are used to identify opportunities for improvement through reVISION. *(Assurance 19)*
 | * reVISION and reVISION reFRESH outcome summary
* Demonstration of alignment between the four-year local Perkins application and the reVISION needs assessment outcomes.
 | Describe the process used to share and analyze data with CTE educators (including reVISION). Include an example of how CTE teachers and administrators are making improvements based upon CTE data analysis. Describe how the CTE programs offered reflect the Nebraska Career Education Model, approved programs of study, and course-based standards.  |
| * 1. CTE programs will address equity issues and provide equal opportunities to individuals without discrimination on the basis of race, color, national origin, sex, disability, or age. *(Assurance 2)*
 | * Number of CTE concentrators enrolled in CTE programs of study by gender, race/ethnicity, special population, and comparable LEA data.
 | Describe how the LEA ensures members of special populations are provided equal access to CTE programs and are not discriminated on the basis of their status. *(Assurance 2),* *(Assurance 28)*Describe strategies that have been identified or implemented to overcome barriers for members of special populations to succeed. *(Assurance 29)*  |
| * 1. High-skill, high-wage, and in-demand industry sectors and occupations nontraditional for students’ genders are promoted. *(Assurance 12)*
 | * # and % of CTE participants in nontraditional CTE programs.
* # and % of CTE concentrators in nontraditional CTE programs.
 | Describe the strategies that are in place to increase nontraditional enrollment and completion. Include how these strategies are evaluated. *(Assurance 12)**
 |
| **Commendations/Recommendations/Next Steps:** ***(To be completed by NDE staff)***  |

1. **Student Achievement**

CTE systems and programs will be of sufficient size, scope, and quality to meet the needs of all students served (Assurance 3). This is, in part, reflected in progress towards achieving the Perkins State Determined Levels of Performance.

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| --- | --- | --- |
| **Assurance** | **Potential Sources of Evidence** | **Response/Comments** |
| * 1. Students who concentrate in CTE programs will meet state determined levels of performance and will be prepared for opportunities in postsecondary education or entry into high-skill, high-wage, and high-demand or emerging occupations. *(Assurance 9)*
 | * Performance on Perkins Core Indicators of Performance
* Local data
* reVISION outcomes
* Placement or matriculation information for CTE concentrators
 | Describe any performance disparities that were found when analyzing CTE performance data. Identify strategies to improve performance across all special and sub-populations of students.  |
| * 1. CTE Programs are implemented which result in increased student achievement of the state determined levels of performance. *(Assurance 18)*
 | * Performance on Perkins Core Indicators of Performance (inclusive of NSCAS)
* Local data
* List of Programs of Study offered
 | Describe the elements that support the implementation of high-quality CTE programs of study that create secondary and postsecondary linkages, including opportunities for students to earn dual-credit. Describe how academic skills are integrated into CTE programs and programs of study to support secondary and postsecondary CTE students in meeting challenging state academic standards. *(Assurance 17)*  |
| * 1. CTE programs are designed to meet the needs of special populations enabling them to meet the state determined levels of performance and prepare them for further learning for high-skill, high-wage, high-demand occupations. *(Assurance 30)*
 | * Performance on Perkins Core Indicators of Performance
* Perkins Indicator and Indicator Trends report
* Local data
 | Describe any performance disparities that were found when analyzing CTE performance data and identify strategies to address if found.  |
| **Commendations/Recommendations/Next Steps:** ***(To be completed by NDE staff)***  |

**Review of Fiscal Compliance**

*This review is designed to be a self-assessment and a documentation of meeting the assurance requirements associated with accepting funds from the Perkins V Act. Please gather selected evidence and respond to the questions in the third column. Evidence and this worksheet can be uploaded to your respective shared Perkins Consolidated Monitoring Google folder.*

|  |  |  |
| --- | --- | --- |
| **Assurance** | **Potential Sources of Evidence** | **Response/Comments** |
| 1. School districts receiving Perkins funds will provide fiscal control/accounting procedures necessary to ensure proper expenditure of and accounting for Federal funds expended for career and technical education. The district must be able to demonstrate fiscal control and accounting procedures that ensure proper expenditure of funds are in place and utilized. *(Federal Requirement)*
 | * Expenditure Tracking (accounting records)
* Copies of primary source documents such as purchase orders, paid invoices, paid vouchers, and related correspondence for the last five years
* Positive time records documenting the allocation of staff time
 | Describe the process of fiscal oversight for all NDE issued funds for CTE (i.e., funds are obligated within the grant period, expended as per the approved budget, and obligations are liquidated within the timeframe allowed).*

Describe the process for purchases and disbursements and the designated person. (Purchasing functions should be separate from accounts payable functions.)Describe the process for how equipment purchased with Perkins funds is appropriately placed in CTE classrooms/laboratories, and hardware is clearly marked with an inventory sticker indicating the source of funding.  |
| 1. Expenditures are allowable, reasonable, and necessary according to the intent and purpose of the funds outlined in the federal program regulations, and are expended in accordance with the approved budget. *(Federal requirement)*
 | * % of funds released by year
* Document using copies of receipts, executed purchase order, cancelled check, or approved grant amendment in addition to how the approved expenditures were made on a timely basis to allow for full implementation during the school year
 | Describe how funds are only used to support approved CTE programs and programs of study. *(Assurance 23)*Describe the process to ensure all planned activities are completed and funds are spent according to the approved and/or amended budget(s).*

Describe how the funds were used to develop and implement evaluations for CTE Activities. *(Assurance 7)* |
| 1. Perkins funds will be used to supplement state and local funds, and not supplant such state and local funds. *(Assurance 22)*
 | * Fiscal Income
* Payroll and expenditure records
* Administrative expenditures
* Fiscal desk audit results
* Historical records to show that funds supplement, not supplant expenditures for CTE programs and activities
* Evidence of equipment labeling to reflect property of CTE program
* Description of funds allocation process (if used) and connection to reVISION outcomes
 | Describe how the LEA evaluates the use of Perkins funds and calculates return on investment (ROI). Include how the LEA associates programmatic targets with planned expenses.*
 |
| **Commendations/Recommendations/Next Steps:** ***(To be completed by NDE staff)***   |

**Review of Data and Accountability**

*This review is designed to be a self-assessment and a documentation of meeting the assurance requirements associated with accepting funds from the Perkins V Act. Please gather selected evidence and respond to the questions in the third column. Evidence and this worksheet can be uploaded to your respective shared Perkins Consolidated Monitoring Google folder.*

|  |  |  |
| --- | --- | --- |
| **Assurance** | **Potential Sources of Evidence** | **Response/Comments** |
| 1. Local educational agencies will submit required data, statistical, financial, and descriptive reports to the Nebraska Department of Education. *(Assurance 21)*
 | * Perkins data Verification Reports
* reVISION and reVISION reFRESH worksheets
* Copies of Perkins reimbursement requests
* Correspondence between Perkins monitor or CTE staff demonstrating submission of required information in a timely manner
 | Describe the processes in place to regularly submit and validate CTE data, including required participation and performance data, reVISION needs assessment outcome data, financial data and information, and the Annual Grant Narrative. *

If data were submitted late, please describe the circumstances that led to the late submission and strategies for remedying the issues moving forward. *
 |
| **Commendations/Recommendations/Next Steps:** ***(To be completed by NDE staff)***    |

**Review of Office of Civil Rights Methods of Administration**

The Nebraska Department of Education in conjunction with the Office for Civil Rights (OCR) are mandated pursuant to the “Strengthening Career and Technical Education for the 21st Century Act” (Perkins V) monitor the operations of Local Education Agencies (LEAs) career and technical programs throughout the State of Nebraska, which receive federal funds to ensure compliance with several civil rights statutes. It is our responsibility to ensure that the recipients of State and Federal funds are not engaging in unlawful discrimination. This section of the Consolidated Perkins Monitoring Manual provides procedures for the investigation of civil rights complaints and visits led by the Methods of Administration (MOA) Coordinator to ensure compliance with the civil rights statutes.

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**Article I: PURPOSE**

Nebraska is mandated by the United States Department of Education to develop a Methods of Administration (MOA) review process to ensure civil rights compliance with Title VI of the Civil Rights act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disability Act (ADA) of 1990 of ALL recipients, as defined below. If unlawful discrimination occurs under the civil rights statutes, the Nebraska Department of Education, the United States Department of Education Office for Civil Rights (OCR), and/or the United States Department of Justice (DOJ) have the authority to enforce compliance through the denying of federal funding.

**Article II: DEFINITIONS**

As used in this Consolidated Monitoring Manual, the following terms shall mean:

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| --- | --- |
| *Civil Rights Statutes* | The following constitute civil rights statutes that are enforced against Local Education Agencies by the Nebraska Department of Education:* Title VI of the Civil Rights Act of 1964;
* Title IX of the Education Amendments of 1972;
* Section 504 of the Rehabilitation Act of 1973; and
* Title II of the Americans with Disabilities Act of 1990.
 |
| *Covered Class* | Individuals for whom the specified statute was meant to protect from discrimination. Specifically discrimination based on:* Race, Color, or National Origin (Title VI);
* Sex (Title IX);
* Disability (Section 504 or Title II of the ADA)
 |
| *CTE* | Career and Technical Education  |
| *ED* | The United States Department of Education. |
| *LEP* | Limited English Proficiency (sometimes also referred to as ELL (English Language Learner) or EL (English Learner) |
| *Local Education Agency* | The Local Education Agency (LEA) shall be any 9-12 school, school system or community college located within the State of Nebraska. Use of the term LEA can be used generically or to describe a specific school, school system or community college. |
| *LOF* | Letter of Findings |
| *MOA* | Methods of Administration |
| *OCR* | The United States Department of Education Office for Civil Rights. |
| *Recipient* | Nebraska high schools or community colleges with a career and technical program, who participate in or receive Federal or State funds distributed by the Nebraska Department of Education |
| *Statistical Significance* | Occurs when statistical data reveals an over- or under-representation of a specific covered class within a program or activity of the recipient or the over- or under-representation is not congruent and proportional to the population of the covered class at issue within the particular school or school system. |
| *NDE* | Nebraska Department of Education |
| *Section 504* | Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504). |
| *Title VI* | Title VI of the Civil Rights Act of 1964. |
| *Title IX* | Title IX of the Education Amendments of 1972. |
| *Title II* | Title II of the Americans with Disabilities Act of 1990. |
| *Voluntary Compliance Plan*  | The Voluntary Compliance Plan (VCP) shall be an agreement entered into by the Recipient and the Nebraska Department of Education acknowledging a finding of non-compliance, statements affirming Recipient’s intent to put safeguards in place to prevent non-compliance, statements detailing the safeguards and the necessary accessibility corrective actions for compliance, and the timeline for both the corrective corrections as well as the future safeguards to be fully put in place.  |

**Article III: ONSITE REVIEWS AND ISSUING LETTERS OF FINDINGS**

Each year, the Nebraska MOA Coordinator, Mary Janssen, conducts onsite reviews of Nebraska High Schools and Community Colleges with a career and technical program to determine civil rights compliance based on a risk assessment submitted to OCR. Below is the general overview of Nebraska’s targeting plan for civil rights compliance. The overview in no way represents the full extent of the legal analysis, which is conducted on a case-by-case basis, but is meant to represent the minimum analysis conducted.

**Section 3.1: Overview of the Civil Rights Laws**

Compliance with the following laws is required by all recipients that receive federal financial assistance:

* Title VI of the Civil Rights Act of 1964, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), prohibits discrimination based on race, color, or national origin by recipients of federal financial assistance.
* Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), prohibits discrimination based on sex in any program or activity receiving federal financial assistance.
* Section 504 of the Rehabilitation Act of 1973, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), prohibits discrimination based on disability by recipients of federal financial assistance.
* Title II of the Americans with Disabilities Act (ADA) of 1990, and its implementing regulation at 28 C.F.R. Part 35 (Title II), prohibits discrimination on the basis of disability by public entities.
* Guidelines for Eliminating Discrimination and Denial of Services on the Basics of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs.

**Section 3.2: Selection of Recipients for Civil Rights Compliance**

As a result of the U.S. Department of Education’s and Office of Civil Rights’ joint Memorandum of Procedures issued February 2020, Nebraska outlined a plan to select recipients for monitoring reviews based on the results of a statewide risk assessment. Each year the NDE ranks its recipients pursuant to a point system based on seven (7) selection criteria:

1. The percentage of CTE students served in each CTE program by gender/racial/national origin category as compared to the percentage of gender/racial/national origin enrollment of the LEA or postsecondary institution (to assess risk of discrimination).
2. The percentage of gender nontraditional students served through CTE programs compared to LEA or postsecondary institution’s overall enrollment.

1. The percentage of students with disabilities served in CTE programs as compared to the percentage of students with disabilities in the LEA or postsecondary institution.

1. The percentage of English language learners served by the CTE program as compared to English language learners enrolled in the LEA or postsecondary institution.

1. The percentage of students from families who are economically disadvantaged being served in the CTE Programs as compared to the percentage of students from families who are economically disadvantaged enrolled in the LEA or postsecondary institution.

1. The percentage of CTE teachers, administrators, and counselors who are members of a protected group as compared to the percentage of students enrolled in the LEA or postsecondary institution who are members of a protected group
2. The percentage of students who are members of a protected group who participated in work-based learning activities compared to the percentage of students who are members of a protected group enrolled in the LEA or postsecondary institution.

From this ranked list, virtual and onsite visits will be conducted at the highest ranked recipients. Each year one postsecondary college onsite and/or visit will be made. In the event a school cannot be visited because of bad weather or undue circumstances, the next school on the targeting list will be visited. Discretionary considerations may be given in the event of complaints or policy changes that may be brought to the attention of the Nebraska Department of Education.

**Section 3.3: Monitoring Reviews/Visits**

The purpose of the Civil Rights Compliance Review is to ensure Nebraska schools are providing access to educational programs in compliance with the requirements of the federal civil rights statutes. The reviews usually take one to two days and are conducted by Mary Janssen, who is the MOA Coordinator. During the monitoring visit, the MOA Coordinator will do a virtual or physical walk-through of the facility and will speak with students, staff, and faculty. The MOA Coordinator will request the recipient to provide documentary information for the review by providing a list of documents for the recipient to have available during the visit. The Materials Checklist can be found in Section 6.3.

During the monitoring review, four areas are analyzed to determine civil rights compliance:

* 1. Administration
	2. Access and Admissions
	3. Guidance and Counseling
	4. Equal Opportunity

These areas are explained in detail in the *Civil Rights Onsite Review Checklist* found in Section 6.2.

**Section 3.4:  Letter of Findings**

Each recipient will receive a Letter of Findings (LOF), within thirty (30) days of the monitoring review. The LOF shall include:

* Statement of why the recipient was chosen for the civil rights compliance review;
* Statement of areas of compliance; and
* Statement of areas of non-compliance, with a brief explanation of the legal standards and factual analysis.

The LOF will also provide procedures for submission of a voluntary compliance plan to remedy any area of non-compliance.

**Article IV: INITIATING ENFORCEMENT ACTION**

**Section 4.1: Voluntary Compliance Plan**

The Voluntary Compliance Plan (VCP) should be submitted to the MOA Coordinator within sixty (60) days from the date of the LOF. The VCP should include:

* 1. A clear statement of the specific actions that will be taken to remedy each area of compliance;
	2. The Staff person(s) responsible for each action; and
	3. A reasonable projected timeline for completing the action.

The VCP must be signed by the Superintendent of Schools or the President of the community college. A sample copy of the VCP is located in Section 6.1.

**Section 4.2:  Request for Review**

NDE is committed to a high-quality resolution of every monitoring review and LOF. Any questions or concerns about a LOF should be raised with Mary Janssen, the MOA Coordinator, whose name will appear in the letter. Each recipient will also be informed that if there are still concerns after consulting with the MOA Coordinator, the recipient may send a **written request** for reconsideration to Dr. Katie Graham, State Director for Career and Technical Education at the Department of Education within fifteen (15) days of the date of the LOF. Contacting the MOA Coordinator neither tolls the 15-day timeline for filing a request for reconsideration, nor is a prerequisite to file a request for reconsideration with NDE. The written request should be as specific as possible, focusing on factual or legal concerns that could change the disposition of the LOF. A review will entail an assessment of all documents, audio/video tapes, etc. General dissatisfaction with the LOF will not be sufficient. The decision of Dr. Graham on a review constitutes the final agency decision on the matter. Additionally, any determination made by this Department with regard to the civil rights statutes, as defined above, is subject to review by OCR.

**Section 4.3:  Failure to Voluntarily Submit Voluntary Compliance Plan**

When the MOA Coordinator’s monitoring review results in a finding of areas of noncompliance of the civil rights statutes and regulations and the recipient declines to enter into a VCP, within sixty-days (60) of the LOF, the MOA Coordinator may refer the matter to OCR or Department of Justice.

**Article V: COMPLIANCE MONITORING**

**Section 5.1: Recipients Operating Under VCP**

Periodically, Mary Janssen, the MOA Coordinator, will obtain sufficient information to determine whether the commitments made by the recipient have been implemented consistent with the terms of the VCP. In many instances, verification of remedial actions can be accomplished by careful review of reports, documentation and other information submitted. In some instances, an onsite visit may be required to verify actions taken by the recipient to ensure compliance with the VCP and federal civil rights laws.

**Section 5.2:  Recipients NOT Operating Under VCP**

Any recipient may be periodically subjected to a compliance inquiry or full investigation if Mary Janssen, the MOA Coordinator, receives notification from any source that a recipient is potentially violating the applicable civil rights statutes. Notification may range from a phone call from a concerned citizen to events witnessed by a NDE employee, while conducting an onsite visit. If the recipient is found to be out of compliance with the applicable statute after inquiry or investigation, the MOA Coordinator will issue an LOF stating the recipient’s noncompliance. At such point, the provisions of Article IV shall apply to the recipient.

**Section 5.3:  Conclusion of Monitoring**

The MOA Coordinator will conclude the monitoring process when he/she determines that the recipient has fully implemented the terms of the VCP, including any subsequent modifications. The recipient will be notified in writing of this decision. A VCP should be completed within a 2-year period.

**Article VI: SUPPLEMENTAL MATERIALS**

The MOA Coordinator will provide supplemental materials and access to:

**Section 6.1: Civil Rights Onsite Review Interviews**

**Section 6.2: Civil Rights Onsite Materials Checklist**

**Section 6.3: Civil Rights Onsite Review Checklist and Facilities Review**

**Section 6.4: Voluntary Compliance Plan**