The Iowa Educational Equity Review Process:

Information for Educational Agencies

Iowa Department of Education
Grimes State Office Building
Des Moines, Iowa 50319

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It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, *et seq*.), Title IX (Educational Amendments, 20 U.S.C.§§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, *et seq*.).

If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact Nicole Proesch, the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295, or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661.

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Major Federal Nondiscrimination Legislation

1. Title VI of 1964 Civil Rights Act

   "No person in the United States shall, on the grounds or race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

2. Title VII of the 1964 Civil Rights Act

   Title VII prohibits discrimination in employment on the basis of race, color, religion, national origin, or gender in educational agencies with fifteen or more employees. Areas such as recruitment, hiring, promotion, salaries, benefits and retirement are covered.

3. Title IX of the Educational Amendments of 1972

   "No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

4. Section 504 of the Rehabilitation Act of 1973

   "No otherwise qualified persons with disabilities shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

5. Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Gender and Disability in Vocational Education Programs, 1979

   As a result of the court ruling in Adams vs. Califano, state education agencies are required to develop methods of administration for assuring sub-recipient's compliance with Title VI, Title IX, and Section 504 of the Rehabilitation Act.

6. Americans with Disabilities Act Of 1990

   This Act prohibits discrimination on the basis of disability in all services, programs, and activities of the public and private sector regardless of funding source.

History of Education Equity Monitoring

1. Title VI of Civil Rights Act of 1964

   Title VI requires that state education agencies, which distribute federal financial assistance to local education agencies, must give reasonable assurance that the sub-recipients of this assistance are complying with Title VI. State education agencies are required to develop "Methods of Administration," which reasonably assure that sub-recipients are in compliance, and that any non-compliance will be corrected.

2. Adams vs. Califano, 1973

   The United States Office for Civil Rights was sued for not enforcing the Title VI requirement that state education agencies have a "Method of Administration" in place. The suit was directly related to vocational education programs. As a result of this litigation, the Department was directed to implement compliance checks in vocational/occupational education programs through desk audits, on-site reviews, and the issuance of guidelines explaining the application of Title VI regulations to vocational education.

3. Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Gender and Disability in Vocational Education Programs, 1979

   As a result of the court ruling in Adams vs. Califano, state education agencies are required to develop methods of administration for assuring school district's compliance with Title VI, Title IX and Section 504 of the Rehabilitation Act. These methods of administration are to include:
   - State policy reviews
   - Desk audits of school district's enrollment and staffing data as well as other equity data
   - On-site reviews of local education agencies to assess their degree of compliance
   - Technical assistance on equity issues
   - Biennial program reports to the United States Office for Civil Rights

Educational Equity Review Process

1. Selection Criteria

   There are several criteria used to determine who will have an equity review each year. The universe from which school districts are selected for equity reviews includes all the school districts with secondary career and technical education programs. Districts will be considered for selection for a focused equity visit if six or more years have passed since their last focused equity visit. The criteria used to select districts from that universe include: (1) A review of course and program enrollment data in career and technical programs disaggregated on the basis of gender, disability and racial/ethnic background; (2) Changing demographics within the boundaries of an educational agency; (3) Complaints received from parents, students, staff, applicants for employment or community representatives and referrals from Department of Education staff or other state or regional agencies; and (4) The time elapsed since the district's last equity review.

2. Notification of On-site Review

   The notification of the Equity Visit usually occurs in May. During the month of May, each agency selected to receive an on-site review during the following school year will be notified by letter as to the date of the review, and the identity of the review team leader.

3. Orientation

In the beginning of each year there will be orientation sessions presented for educational agencies having school improvement visits with a focus on equity. Participants will receive:

- Materials to be reviewed
- Persons to be interviewed
- Sample Equity Site Visit Schedule
- Equity Review On-Site Manual
- Equity Data Table

4. Duration and Schedule of Site Visits

The on-site reviews may be 1.5 - 3 days in length. This will vary with the size of the agency being reviewed. Refer to the 2016-2017 Sample Equity Visit Schedule for a starting point in building the schedule. Send a draft to the Equity Consultant at least four weeks prior to the visit.

5. Members of the Review Team

The equity on-site review team will have 6-9 members. The number of team members will vary with the size of the educational agency being reviewed.

6. Specific Materials Reviewed by Team Members

Refer to the 2016-2017 Equity Document Review Checklist for documents needed and submission methods. Timeline for submission is no later than two weeks prior to the beginning of the visit.

7. Persons to be Interviewed

See 2016-2017 List of Required On-Site Interview Groups document.

8. Building Accessibility Tour

A review of facilities will be conducted during the accessibility portion of the Equity Site Visit. This will be the time for the district's Director of Buildings and Grounds or designee to provide a tour of school facilities. We will be reviewing the district's responsibility for completing periodic self-evaluations of the accessibility of programs and facilities to students, staff, parents and community members with disabilities. We will review the district's accessibility plan that describes how the programs and services in buildings or areas of buildings that are inaccessible are made available to students, staff, parents, and community members with disabilities. Our facility review will be focused on the high school and the central administration building. The facility review will be scheduled during or near to the time of the equity site visit and arrangements will be made with the district by DE staff to schedule the review.

Post-Review Activities

1. Letter of Findings From On-Site Review

   Agencies will be notified of the results of the review within approximately sixty calendar days. The equity letter of findings will include areas of strength and observations, recommendations for improvement and any areas of noncompliance. The agency will be asked to respond to the areas of noncompliance by submitting a voluntary compliance plan. Letters of findings are submitted to the U.S. Department of Education Office for Civil Rights with the Iowa Department of Education's Biennial Report.

2. Voluntary Compliance Plan

   After receiving the equity letter of findings the school district has forty-five calendar days to submit a *voluntary compliance plan* (VCP) to the Department of Education (DE). The VCP will include the statement of noncompliance, district action plan to remedy each of the areas of noncompliance, the evidence of correction that will be submitted, the staff person(s) responsible for each action, and a reasonable projected timeline for completing the action. Implementation of a remedy should be prompt, but reasonable in light of its difficulty. If a remedy cannot be implemented for more than a year, the VCP should describe an interim plan for accommodating students while the remedy is pending. A sample plan format is provided in Appendix A in the equity letter of finding. All plans must be signed by the superintendent or chief administrative officer. Department staff will review the VCP and contact the district if revisions are needed. The district will receive written approval when the final plan is accepted. Approved VCPs are submitted as part of the Iowa Department of Education's Biennial Report to the U.S. Department of Education Office for Civil Rights. Occasionally, the Office for Civil Rights requires further revisions of VCPs even after the plan had been approved by Department staff and/or requires submission of supplemental information even after the equity file has been closed. In this case, DE staff will contact the district to make required revisions or provided supplemental information.

3. Monitoring and Follow-up Visit

   The equity team leader is responsible for monitoring completion of equity visit noncompliances. If the VCP is not received at the DE within forty-five calendar days of the date of the equity letter of findings sent to the school district, the equity consultant notifies the district. During the second semester of the year following the on-site visit, the equity team leader will return to the district to monitor progress toward the implementation of the VCP. During the on-site follow up visit the equity consultant will determine if all non-compliances have been corrected.

   The procedure for continued monitoring after the initial follow-up visit by the team leader includes an email to the district outlining the components of the VCP that have been completed. If all the components of the plan have been completed, the district will receive an email notifying them that the equity review file is being closed by the DE. If more time is needed to implement one or more compliance items, a new short-term timeline may be

arranged. DE staff will continue to monitor all the unfinished components until they are satisfactorily implemented. The date the equity review file is closed is noted in the Iowa Department of Education's Biennial Report to the U.S. Department of Education Office for Civil Rights. The Office for Civil Rights may request supplementary information from the district any time during the process and occasionally after the file has been closed at the DE.

Consequences of Continued Non-Compliance

In the event a district does not submit a voluntary compliance plan, or does not show good faith effort to complete its voluntary compliance plan, the State Director, on behalf of the State Board, will take one of following actions:

- Notify the United States Department of Education Office for Civil Rights (federal law)
- Notify the Iowa Civil Rights Commission or the Attorney General's Office (state law except Chapter 256)
- Inform the school accreditation process