

# Kansas Method of Administration Plan

This document contains the Kansas Method of Administration (MOA) and related procedures, including:

- The process used to create and develop the plan,
- Individuals involved in writing the plan,
- Plan for performing oversight responsibilities, and
- How technical assistance (TA) needs will be identified and delivered.

## Section 1: Introductory Information

The Kansas MOA plan outlines activities conducted by the Kansas Board of Regents (KBOR) and the Kansas State Department of Education (KSDE) in carrying out its obligations under 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). The new plan, developed in accordance with the Program Memorandum OCR and OCTAE issued February 6, 2020, supersedes the previous MOA plan.

### Lead Agency:

The Kansas Board of Regents is the state agency recognized by the U.S. Department of Education responsible for the administration of postsecondary career technical education (CTE) and is the fiscal agent for Carl D. Perkins funding. The Workforce Development Division of KBOR leads the development of the new MOA procedures, assisted by KSDE staff. KBOR and KSDE staff contributing to the development of the new plan include:

- Tobias D Wood, Associate Director, Career Technical Education, Workforce Development Division, KBOR (Postsecondary MOA Coordinator)
- Wendy Coates, Education Program Consultant, Career, Standards and Assessment Services, KSDE (Secondary MOA Coordinator)
- Charmine Chambers, Associate Director, Workforce Development/Data/Finance, KBOR (Assistant Postsecondary MOA Coordinator)
- Angela J. Feyh, Public Service Administrator, Career, Standards and Assessment Services, KSDE (Secondary MOA/Perkins Data Coordinator)
- Kathleen Mercer, Perkins Coordinator KSDE

The Kansas MOA Plan was reviewed by the following:

- Scott Smathers, Vice President for Workforce Development, KBOR
- Connie Beene, Senior Director, Adult and Career Technical Education, KBOR
- Scott Gordon, General Counsel, KSDE
- Natalie Yoza, Associate General Counsel, KBOR
- Bert Moore, Special Education Director, KSDE

# Kansas Method of Administration Plan

## Other State Agencies participating in contribution and review:

- Kansas Department of Commerce, Regulatory Compliance
- Kansas Department of Children and Families, Kansas Rehabilitation Services

## Stakeholder Survey Participation:

- Representatives from special populations
- Kansas superintendents, campus directors/principals and teachers

KBOR and KSDE staff sought input and feedback from these stakeholders to identify strategies involving special populations. This input will be used to develop best practices and TA opportunities.

The Kansas MOA plan will take effect on July 1, 2021.

## **Section 2: Plan for Performing Oversight Responsibilities**

### **A. Collecting and Analyzing Data:**

#### **1. Secondary**

The Secondary MOA Program is organized in the Career Technical Education Division of the Kansas State Department of Education.

#### **Identifying Subrecipients for Desk Audit:**

The Career and Technical Education Services at KSDE is responsible for monitoring secondary subrecipients to ensure compliance. KSDE has identified the following process to identify subrecipients for desk audit.

Kansas is divided into five local Economic Development Regions. Each region has a local workforce development board and one-stop operator responsible for Workforce Center operations and is connected to regional unified school districts (USDs) and postsecondary institutions.

- Subset 1 – Region 1
- Subset 2 – Region 2
- Subset 3 – Region 3
- Subset 4 – Region 4
- Subset 5 – Region 5

#### **Ranking Procedures:**

The KSDE MOA Coordinator and the KSDE Perkins Coordinator will conduct the data review to make the site selections.

# Kansas Method of Administration Plan

The following criteria will be used as a basis for selection of on-site reviews:

- Analysis of career and technical education enrollment data;
  - Underrepresented gender by enrollment;
  - Disproportionate enrollment by race/ethnicity/national origin;
  - Disproportionate enrollment by disability, English language learners, and economically disadvantaged; participants in non-traditional (gender) occupations; and
  - Date of the last on-site review;
- Timely and accurate reporting of Perkins V data

## **Gender**

CTE program enrollment data is analyzed for gender balance. The following point system is employed:

- The percentage of female enrollment in CTE is determined.
- The percentage of female enrollment in CTE is subtracted from the percentage of female enrollment in the institution or in county demographics, depending on the subrecipient.
- For each percentage point difference, the institution receives one point.

## **Race/Ethnicity/National Origin**

CTE program enrollment data is analyzed for ethnicity demographics for both overrepresented and underrepresented populations. The following point system is employed:

- The percentage of enrollment by race/ethnicity in CTE is determined.
- The percentage of enrollment by race/ethnicity in CTE is subtracted from the percentage of enrollment by race/ethnicity in the institution.
- For each percentage point difference, the institution receives one point.

## **Individuals with Disabilities, English Language Learners, Individuals from Economically Disadvantaged Families, and Participants in Non-traditional (Gender) Occupations**

CTE program enrollment data is analyzed for students with disabilities, students who are English language learners, students from economically disadvantaged families, and students preparing for non-traditional occupations based on gender. Non-traditional occupations are those fields of work for which individuals from one gender comprise less than 25% of the individuals employed in that field or occupation. These demographics are analyzed for both overrepresented and underrepresented populations. The following point system is employed:

- The percentage of each special populations group is determined.
- The percentage of each special populations group is subtracted from institutional enrollment.
- For each percentage point difference, the institution receives one point.

# Kansas Method of Administration Plan

## **Date of Last On-Site Review**

- On-site review records are reviewed to determine the date of the last on-site review.
- One point is awarded for each year since last review, therefore longer spans between on-site reviews yield higher point totals. If there is no data, fifty points are awarded.

## **Determination of Timely Data**

Timely and accurate reporting of CTE data is a vital element to provide quality data for decision making. LEA's who fail to report in a timely manner or who fail to report quality data are immediately put on data probation and given intensive TA the following school year. On the second occurrence of data probation, KSDE will reserve the right to withhold funds of 10% or more from the Perkins allocation for that eligible recipient and on the third occurrence of data probation, KSDE will reserve the right to withhold all funds from the Perkins allocation for that eligible recipient. If an LEA is on data probation, this is calculated into the selection process for MOA monitoring.

## **Secondary On-Site Review Selection Procedure:**

The secondary subrecipients will be ranked in the categories as described above. The subrecipient with the highest score within each one of the subsets will be selected for an on-site review and one additional subrecipient will be selected based on the next highest score. Those subrecipients receiving the highest total scores have the greatest potential for violations; therefore, those subrecipients will be flagged for a comprehensive on-site visit.

A total of six comprehensive on-site reviews will be conducted each year within the subrecipients, these will be selected as described above. Should one of the subrecipients selected have more than one high school, the on-site reviews will be determined by their score, taking into consideration the number of high schools for a maximum of six on-site visits in a year. For example, six subrecipients are selected but District B has two high schools. Only the top five subrecipients then will have on-site reviews for a total of six reports.

If a selected subrecipient cannot be visited for some reason, the next-ranking subrecipient will be visited instead. If a subrecipient was selected within the past ten selection years, the subrecipient with the next highest score within the subset will be visited as an alternative.

## **2. Postsecondary**

The Postsecondary MOA Program is administered by the Workforce Development unit of the Kansas Board of Regents.

### **Identifying Subrecipients for Desk Audit:**

Identifying institutions for desk audit begins with defining CTE in Kansas. K.S.A. 71-1802, provides parameters which technical programs must meet and defines a "technical program" as any program of study comprised of a sequence of tiered technical courses and non-tiered courses, which program is identified by the state board as a technical program for funding

# Kansas Method of Administration Plan

purposes. Technical programs must be designed to prepare individuals for gainful employment in current or emerging technical occupations requiring other than a baccalaureate or advanced degree, and lead to technical skill proficiency, an industry-recognized credential, a certificate or an associate degree.

The postsecondary universe will be divided into four sub-universes by geographic region: Central, Southeast, Northeast, and West. The repeating schedule rotation will begin with the Central region in FY 2021-2022.

## **Ranking Procedures:**

A desk audit of all institutions in the selected region will consist of an analysis of the institutions' reported CTE enrollment data from the previous academic year, extracted from the Kansas Higher Education Data System:

### **Gender**

CTE program enrollment data is analyzed for gender balance. The following point system is employed:

- The percentage of female enrollment in CTE is determined.
- The percentage of female enrollment in CTE is subtracted from the percentage of female enrollment in the institution or in county demographics, depending on the subrecipient.
- For each percentage point difference, the institution receives one point.

### **Race/Ethnicity/National Origin**

CTE program enrollment data is analyzed for ethnicity demographics for both overrepresented and underrepresented populations. The following point system is employed:

- The percentage of enrollment by race/ethnicity in CTE is determined.
- The percentage of enrollment by race/ethnicity in CTE is subtracted from the percentage of enrollment by race/ethnicity in the institution.
- For each percentage point difference, the institution receives one point.

### **Individuals with Disabilities, English Language Learners, Individuals from Economically Disadvantaged Families, and Participants in Non-traditional (Gender) Occupations**

CTE program enrollment data is analyzed for students with disabilities, students who are English language learners, students from economically disadvantaged families, and students preparing for non-traditional occupations based on gender. Non-traditional occupations are those fields of work for which individuals from one gender comprise less than 25% of the individuals employed in that field or occupation. These demographics are analyzed for both overrepresented and underrepresented populations. The following point system is employed:

- The percentage of each special populations group is determined.

# Kansas Method of Administration Plan

- The percentage of each special populations group is subtracted from institutional enrollment.
- For each percentage point difference, the institution receives one point.

## **Date of Last On-Site Review**

- On-site Review records are reviewed to determine the date of the last on-site review.
- One point is awarded for each year since last review, therefore longer spans between on-site reviews yield higher point totals. If there is no data, fifty points are awarded.

## **Postsecondary On-Site Review Selection Procedure:**

A minimum of two postsecondary subrecipients will be selected annually for comprehensive on-site reviews.

- The postsecondary subrecipients will be scored using the ranking procedure as described above and ranked from the highest total score to the lowest total score.
- The two postsecondary subrecipients with the highest total score will be initially selected for an on-site review.
- If an initially selected subrecipient received an on-site review within the past five fiscal years, the subrecipient with the next highest score within the subset will be selected for an on-site review as an alternative.
- Should two subrecipients have equal scores, the date of the last on-site review will be the determining factor for the on-site review site:
  - The subrecipient without a review will be selected, or
  - The subrecipient with the oldest review will be selected
- If a subrecipient is selected for an on-site review and cannot be visited in the fiscal year for which it has been selected, it will be reviewed the following fiscal year. The subrecipient with the next highest score will be visited as an alternative.

## **B: Processes and Procedures to Conduct Compliance Reviews:**

### **1. Secondary**

Once site selections are final, KSDE will notify the subrecipients by letter explaining how they were selected. The letter will describe the process for the review and will include a request of documentation and/or data the subrecipient will need to collect. Items that will be requested from the subrecipient include:

- District publications
- Grievance procedures
- Staffing list
- Recruitment and promotional materials
- Staff and student surveys

KSDE staff will provide TA to the subrecipients on the process for the comprehensive on-site reviews. KSDE will examine all areas identified in section B of the Guidelines. The process will

# Kansas Method of Administration Plan

begin with a desk audit, reviewing the district website, and review and inspection of documents, along with results from the survey.

The on-site compliance review will be tailored to fit the needs identified in the desk audit. Although all areas identified in the Guidelines will be examined, the compliance review will focus on areas where there might be a greater potential for unlawful discrimination, making the review process more effective.

The comprehensive on-site reviews will include the following components:

1. Review of documents and data;
2. Interviews/surveys to gather pertinent data regarding compliance issues; and
3. Site review of facilities accessibility.

During the on-site review, KSDE will investigate and confirm whether the preliminary findings from the desk audit are accurate through techniques of observation, interviewing, and records review. At the conclusion of the on-site review, an exit meeting will be held with school administrators to go over the conclusions of the review and explain in detail any findings to be corrected.

## **2. Postsecondary**

KBOR staff will notify subrecipients in writing and by electronic communication to the institution President and the designated On-site Coordinator:

- Notification of the desk audit
- Notification of selection for on-site review
- Notification of non-selection for on-site review for those selected for a desk audit, but not for the on-site review

KBOR staff will continue to examine all areas identified in section B of the Guidelines. KBOR staff will tailor the on-site compliance review to fit the needs identified in the desk audit. Although all areas identified in the Guidelines will be examined, the compliance review will focus on areas where there might be a greater potential for unlawful discrimination. KBOR staff will provide TA to the subrecipients on the process for the comprehensive on-site reviews.

### **Comprehensive reviews will consist of:**

- Desk audit of policies, procedures, records, websites, and published documents:
  - Administrative requirements
  - Recruitment, admissions, and counseling
  - Accessibility
  - Comparable facilities
  - Housing
  - Services for students with disabilities
  - Financial assistance
  - Work-study, cooperative programs, and job placement

# Kansas Method of Administration Plan

- Employment
- Desk audit of survey results
- On-site review:
  - Interviews with administrators, teachers, and students
  - Facilities accessibility review
  - Comparable facilities review

Once on campus, KBOR staff will investigate and confirm whether the preliminary findings from the desk audit are accurate. KBOR staff will determine whether a finding of violation exists. An exit conference with school administrators will be conducted describing the activities of the on-site evaluation and explaining in sufficient detail any findings to be corrected.

## **C. Oversight Processes and Procedures:**

### **1. Secondary**

#### **Post-visit Report and Corrective Action Plan:**

Upon completion of the review process, KSDE will issue a letter of findings (LOF) to the subrecipient informing the subrecipient of the compliance standards applied during the review; identify documents, facilities, or other evidence supporting violation findings; and explain any findings resulting in a need for corrective action. Findings identified in the LOF will include, at a minimum, (1) identification of the appropriate provisions of the Guidelines and the Title VI, Title IX, Section 504, and Title II regulations; and (2) a summary of the evidence that supports each finding of noncompliance. Violation findings may be supported by stating the regulatory requirement that is not being met, and providing both a summary of the evidence relating to the violation (e.g., documents, interviews, facilities) and an analysis of that evidence (an explanation of the facts supporting the finding of a violation). Findings of no evidence of a violation will be supported by an identification of the requirement for compliance with a statement of no findings.

In response to the LOF, KSDE will request that a voluntary correction plan (VCP) be submitted by the subrecipient for issues identified during the on-site review. The VCP must state a remedy for each violation which includes a description of the action to be taken by the sub-recipient, the date or time frame for its implementation, and how the implementation of the remedy will be reported to (and verified by) the state agency. The remedy must bring the sub-recipient into compliance with the applicable regulation. It is expected that the time frames for implementation of the various remedies will vary according to complexity. There should be a remedy for each violation.

Once a subrecipient has satisfactorily completed all corrections on the VCP and has provided sufficient documentation to KSDE, a closed file letter will be sent to the subrecipient indicating all findings are complete and the file is closed.



# Kansas Method of Administration Plan

## **2. Postsecondary**

### **Post-visit Report and Corrective Action Plan:**

Upon completion of the on-site review, an LOF will be issued and will include the opening statement and a narrative providing a complete review of the visit and associated findings. Where violations are found, a concise statement of the facts, observations, and/or measurements will be provided along with an explanation of the requirements or pertinent regulations or standards. If no evidence of a violation is found, the requirement for compliance will be supported by a clear statement, “No evidence of a violation was found.”

A voluntary compliance plan (VCP) shell listing the required corrective actions will be included with the LOF. KBOR staff will request that the VCP be submitted by the subrecipient, signed by the institutional President, and reviewed by KBOR staff who will monitor completion of the elements of the plan.

KBOR staff will notify subrecipients in writing and by electronic communication to the institution President and the designated On-site Coordinator:

- Notification of the LOF
- Closed finding letter(s)
- Closed file letter indicating all findings have been satisfactorily completed

If corrective action has not occurred, dates of implementation will be renegotiated, and TA will be provided on any incomplete items. As renegotiated dates of implementation pass, attempts will be made to verify completion through review of documentation, photos, videos, or an on-site visit, as appropriate. If corrective action has not yet occurred by that point, incomplete corrective actions may be referred to the U.S. Department of Education OCR for assistance with compliance and enforcement activities.

## **Section 3: Technical Assistance**

### **1. Secondary**

KSDE CTE staff will assist subrecipients in meeting the needs of students in special populations by using the following methods:

- Provide TA describing the process for conducting an institutional self-study to determine exact needs of each institution in providing support to students in special populations
- Assist in identifying and overcoming potential barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, or age
- Design and implement programs that will enable students in special populations to meet or exceed state-adjusted levels of performance
- Disseminate research-based instructional materials
- Provide professional development opportunities for faculty, counselors, and administrators to improve instruction for special populations
- Collaborate with other state agencies to providing appropriate support services

# Kansas Method of Administration Plan

Subrecipients will also receive targeted TA on reporting of data based on the Consolidated Annual Report Probation report.

As subrecipients prepare for an on-site review, additional TA will be offered leading up to the on-site review. Further TA may be requested as the LOF and the VCP are discussed and finalized.

## **2. Postsecondary**

KBOR staff will maintain a current list of on-campus Coordinators and Facilities Managers. As new employees are hired in these positions, KBOR staff will provide a basic overview of the MOA Plan, detailing any open corrective actions the institution may have.

A yearly conference will prepare subrecipients for the desk audit and the on-site review processes. This conference will be required for each subrecipient in the targeted region and will be optional for subrecipients outside the targeted region.

As subrecipients prepare for an on-site review, additional TA will be offered leading up to and following the on-site review, and further assistance may be requested as the LOF and the VCP are discussed and finalized.

### **Technical Assistance Survey:**

KBOR staff plan to survey the subrecipient universe to determine the most effective methods for delivering TA related to OCR compliance.

Possible methods of delivery:

- In-service training
- Small group seminars on campus
- Large group seminars at state-wide conferences
- Virtual meetings
- Email communications

These methods of communication may encourage subrecipients to request TA and resolve specific issues/problems in an area on their own.

Respectfully Submitted,



Scott Smathers,  
Vice President of Workforce Development  
Kansas Board of Regents