



MEMORANDUM

Ref: 22-32-14

DATE: July 8, 2022
TO: College Presidents
FROM: Maryam Jacobs
System Internal Auditor and Methods of Administration Coordinator,
SBCTC
SUBJECT: CIVIL RIGHTS REVIEW PLAN

On February 6, 2020, Department of Education's (the "Department") Office of Civil Rights (OCR) and Office of Career, Technical, and Adult Education (OCTAE) notified all states that the prior Memorandum of Procedures issued in July 1979, and prior guidance issued in form of "Dear Colleague" letters regarding the Method of Administration (MOA) program was being rescinded. In the same memorandum announcing these changes, the Department requested that each state develop and submit the methods of administration plan and related procedures they propose to follow in carrying out their civil rights 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." This memorandum did not change the states' obligations in ensuring civil rights laws were followed, but did allow states to formulate and submit a plan for carrying out its duties in a manner better aligned with their MOA management and gave states an opportunity to ensure civil rights administration is more effective and better aligned with other administrative functions.

In response to this mandate, SBCTC, in conjunction with the Office of Superintendent of Public Education (OSPI), submitted a new plan in June 2020 for administering the MOA programs in Washington State's Community and Technical Colleges. This plan was approved by OCR in December 2020.

The previous Department mandated program required each state to perform a full review on a percentage of the educational districts in the state or a minimum of two institutions each fiscal year. The districts to be reviewed were selected mainly based on statistical data such as enrollment and graduation from CTE programs for special populations and the number of years since the districts were last reviewed. Unfortunately, under this system, some colleges were receiving a review every 17 years, while technical colleges were reviewed as often as every four years. This schedule put some colleges at risk of noncompliance, while other colleges were tasked with accommodating reviews more often than necessary. It also failed to take other risk factors such as key staff turn-over, training, and administrative changes into consideration.

In addition to the scheduling, the amount of time and effort required for each Civil Rights full review has increased substantially in the last ten years as new requirements and areas of review have been expanded due to court rulings and new mandates. This increase in scope required a large amount of staff resources both at the colleges and at SBCTC, which has been difficult to accommodate for all parties involved.

The new plan submitted by SBCTC changed the MOA review process as follows:

- For the administrative and non-facility areas of the review, every fiscal year, a desk review of 11 or 12 colleges will be performed by SBCTC's MOA coordinator. This initial desk review will ensure each college receives a minimum cursory review every three years. In depth and on-site reviews will only be performed when, and if, areas of risk and concern are identified during the desk review and based on risk factors. Each college will then receive a letter summarizing the results of the desk review and any additional reviews required.
- For facility reviews, SBCTC's Chief Architect will perform a limited review of five to six colleges each biennium. Full facility reviews will only be performed if areas of risk or non-compliance are identified during the initial limited review. As with the administrative areas, the college will receive a report summarizing the results of the engagement.
- In addition to performing the reviews noted above, SBCTC will update its Civil Rights web page to provide resources to all colleges and will ensure technical assistance, training, and other resources are available to assist institutions in serving local needs.

SBCTC has created a three-year cycle, starting with the current fiscal year, to identify institutions that will receive a desk review every three years based on the years since their last civil rights reviews. The following is a list of colleges that will be reviewed during each of the following three years:

FY 22-23

Clark College
Everett Community College
Green River College
Highline College
Peninsula College
Seattle Central College

Shoreline Community College
Skagit Valley College
Spokane Community College
Walla Walla Community College
Whatcom Community College

FY 23-24

Bellingham Technical College
Cascadia College
Centralia College
Clover Park Technical College
Edmonds Community College
Yakima Valley College

Lake Washington Institute of Technology
Lower Columbia College
South Puget Sound Community College
South Seattle College

FY 24-25

Bates Technical College
Bellevue College
Big Bend Community College
Columbia Basin College
Grays Harbor College
North Seattle College

Olympic College
Pierce College
Renton Technical College
Spokane Falls Community College
Tacoma Community College
Wenatchee Valley College

If you are listed in the first group above, we ask that you designate a liaison for the civil rights review by August 1, 2022 to work with SBCTC's MOA coordinator in completing the scheduled engagement. Once a liaison has been identified, SBCTC's MOA coordinator will meet with the liaison to coordinate details.

If you have any questions or if I can be of any assistance, please feel free to contact me at (253) 691-7618 or mjacobs@sbctc.edu.

- cc. Carli Schiffner, Deputy Executive Director Education, SBCTC
- Choi Halladay, Deputy Executive Director Business Operations, SBCTC
- Marie Bruin, Director of Workforce, SBCTC
- Steve Lewandowski, Chief Architect, SBCTC
- Vice Presidents and Directors of Human Resources, All Colleges
- Vice Presidents and Directors of Student Services, All Colleges
- Vice Presidents and Directors of Equity, Diversity and Inclusion, All Colleges