



# **Methods of Administration Plan Revised 2020**

New Mexico Public Education Department  
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## I. Introductory Information

On February 6, 2020, a Memorandum of Procedures (MOP) was jointly issued by the United States Department of Education Office of Career, Technical, and Adult Education (OCTAE) and Office for Civil Rights (OCR) to continue longstanding commitments to ensure equal access in Career and Technical Education (CTE) programs, encouraging states to harmonize civil rights activities under the Methods of Administration (MOA) and the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V).

Under the 2020 MOP, state agencies are permitted to align civil rights work under both the MOA and the Perkins programs to ensure equal access and success for all students in CTE programs. The objective of aligning MOA and Perkins V activities is to create a stronger alignment and produce more effective results overall, and in addition, to improve the civil rights technical assistance provided to all Federal grant subrecipients in facilitating Voluntary Compliance Plans (VCP).

This MOA State Plan outlines the longstanding commitment and ongoing effort of OCR and OCTAE to ensure that all students in the State of New Mexico, regardless of race, color, national origin, sex, or disability have equal access and opportunities to succeed in CTE programs, and learn necessary skills that can lead to gainful and meaningful employment.

The applicable laws and regulations that apply to the MOA program include:

- Title VI of the Civil Rights Act of 1964 and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin;
- Title IX of the Education Amendments of 1972 and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex; and
- Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability.

This MOA Plan outlines how New Mexico will fulfill the following four required responsibilities under the 1979 MOA *Guidelines*, to prevent, identify, and remedy race, color, national origin, sex, and disability discrimination in Federally funded subrecipient programs by:

1. Collecting and analyzing civil rights data and information.
2. Conducting periodic compliance reviews of select subrecipients.
3. Providing technical assistance to subrecipients on request.
4. Periodically reporting activities and findings to OCR.

The following is a description of the process by which the MOA plan was developed.

**A. Which State agency was the lead agency for developing this MOA plan?**

The New Mexico Public Education Department (PED) is designated as the eligible agency for the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V). The College & Career Readiness Bureau (CCRB) is assigned the responsibility for development of the MOA Plan and is responsible for the plan administration. Staff from CCRB, including the MOA Coordinator, CTE Coaches, Data Coordinator, and State CCRB Director collaborated on the development of the plan. Plan development began after the 2020 MOA conference in order to ensure that OCR and OCTAE's most up-to-date information has been referenced.

**B. Which State agencies, other than the lead agency, participated in the development of this MOA plan?**

New Mexico has a formal, statewide Equity Council, which is administered by the PED. Other agencies are involved with the Equity Council, including the Higher Education Department, the Public Schools Facilities Authority, and the Department of Workforce Solutions. PED intends to utilize the Equity Council extensively for continuous stakeholder input.

**C. Which advisory groups or stakeholders were involved and to what extent?**

Staff of PED consulted with the chair of the Statewide Equity Council for input on the plan. Each school district's local equity board has one seat on the State Equity Council. The MOA Coordinator has been added to the Council so that concerns will be reflected in an ongoing and continuous manner.

## II. Plan for Performing Oversight Responsibilities

### A. Section II (B) 1 of the Guidelines

***To address Section II (B) 1 of the Guidelines: Collecting and analyzing civil rights related data and information that subrecipients compile for their own purposes or that are submitted to State and Federal officials under existing authorities:***

**Describe the State agency's plans for collecting and analyzing civil rights related data and information that subrecipients compile for their own purposes or that are submitted to State and Federal officials under existing authorities.**

**(Recommendation: States should include data collected under Perkins V, Section 113(b)(3)(C) (Accountability – State Report) and Section 134 (Local Application and Comprehensive Needs Assessment), in addition to the data comparing total institutional enrollment to CTE enrollment by race, sex, and disability to perform these oversight responsibilities.)**

Civil rights related data and information for secondary LEAs will be collected by the PED. Currently, PED does this through the Student Teacher Accountability Reporting System (STARS), although the specific program may change in the future.

Data reports are used by CCRB staff and shared with subrecipients for continuous equity analysis. Data elements include each defined Perkins V special population category and all protected demographic categories (race/ethnicity, disability, gender, and EL status).

For postsecondary schools, Perkins accountability data are submitted to PED directly from institutional researchers at the school. Only Perkins subgrantees report data to PED; however, other data are reported to HED. Through data sharing agreements, PED has access to data that are reported to HED. PED continually evaluates additional data elements as needed.

CCRB staff are involved in analyzing data. CCRB Coaches evaluate enrollment and performance data for all Perkins sub-categories of students. Civil rights-related data are compared to comparable data for the subrecipient as a whole to identify the greatest disparity among student groups, and hence the most potential for civil rights noncompliance. The Perkins V comprehensive local needs assessment process additionally supports the work of subrecipients in analyzing their data so that their efforts lead to continuous improvement, even if they are not selected by PED for reviews.

## **B. Periodic Compliance Reviews of Selected Subrecipients**

**Describe the processes and procedures the State will implement to conduct periodic compliance reviews of selected subrecipients.**

**(Guidance: Review those subrecipients with the greatest potential for civil rights noncompliance. Recommendation: This part of the MOA plan should describe the procedures the State agency will follow to comply with the requirements set forth in *Section II (B)2 of the Guidelines – Conducting periodic compliance reviews of selected subrecipients i.e., an investigation of a subrecipient to determine whether it engages in unlawful discrimination in any aspect of its program; upon finding unlawful discrimination, notifying the subrecipient of steps it must take to attain compliance and attempting to obtain voluntary compliance.*)**

All Federal grant subrecipients who offer Career Technical Education courses will be included in MOA monitoring and technical assistance. Subrecipients are reviewed annually for grant compliance, and this includes an evaluation of potential performance inequities.

The MOA coordinator will evaluate subrecipient data using the state developed Risk Analysis Assessment (RAA). Data elements described in Section II B will be used to identify subrecipients that demonstrate the most potential for civil rights noncompliance. Subrecipients may also be reviewed based on additional factors such as requests for technical assistance and state initiatives designed to address demonstrated noncompliance issues.

PED plans to phase in the changes to MOA monitoring over the next three years and at that time, we will be fully functional in our plan.

- In year one (2020-2021) the state RAA will be developed by PED with significant input from key stakeholders, using the statewide Equity Council, selected district equity councils, and the New Mexico Government to Government Tribal meeting. A survey will be distributed to all subrecipients to gather additional feedback on the RAA. In addition, a comprehensive desk-audit review of all subrecipient websites will be conducted for appropriate notices of nondiscrimination. Subrecipients who are identified through this process will be offered technical assistance to remedy noncompliance issues.
- In 2021-2022, desktop monitoring processes will begin utilizing sampling and categorical risk measures from the RAA. Technical assistance will be available to identified subrecipients. Site based monitoring processes will be developed with continued stakeholder input.
- In 2022-2023, the RAA will be used to determine both desk-audit and site-based monitoring. Additional supports and technical assistance will be developed based upon identified noncompliance issues.

Thereafter, based on annual results of the RAA, the PED will identify the Local Educational Agencies (LEA) with the highest potential risk and need for monitoring.

Investigative techniques used may include any or all of the following, depending on the data analysis and on the ability to conduct on-site visits with the LEAs.

- Review of publications and websites
- Desk audits
- Online surveys
- On-site reviews
- Facilities reviews
- Interviews

Beginning in year 3, based on the RAA scores, LEA site reviews will be held in conjunction with Perkins V compliance reviews. The scope of the reviews will include a minimum of three of the following focus areas:

- Administrative requirements
- Recruitment, admission, and counseling
- Physical accessibility
- Comparable facilities
- Services for students with disabilities.

All notifications concerning reviews will be electronic. Subrecipients will be notified about the commencement of a review at least 45 days in advance. Notifications of the conclusion of a review and consequent findings will be sent within 45 days of the conclusion of the review. All reviews will be conducted by PED staff. The techniques used will vary depending on the issues/areas being reviewed. The ability to visit subrecipient locations will also be a factor in determining which techniques will be used in any given year.

### **C. Unlawful Discrimination Procedures**

**Describe the processes and procedures that will be followed upon finding unlawful discrimination.**

**(Guidance: This section should include the process for notifying the subrecipient of steps it should take to attain compliance and processes the State agency will follow in attempting to obtain voluntary compliance. In addition, this section should include the process states will use to engage OCR in compliance and enforcement activities.)**

Electronic communications, in the form of letters of findings, will be used to report findings to subrecipients and to negotiate voluntary compliance plans (VCPs). Upon completion of the reviews, letters of findings will be provided to the subrecipients within 60 days, and VCPs will continue to be due back to PED within 45 days. PED will monitor subrecipient progress in resolving the unlawful discrimination issues identified in the letter of findings. A closeout letter will be issued when all identified findings are resolved. PED will endeavor to complete the closeout process within 12 months of the date of the letter of findings.

### III. Technical Assistance for Subrecipients

How does the State plan to conduct outreach to subrecipients, offer technical assistance and provide opportunities for subrecipients to request technical assistance to improve equal access to CTE based on race, color, national origin, sex, or disability? How will the State use Federal (OCR) and other resources to support its technical assistance efforts?

**(Recommendation: It is recommended that this part describe the procedures the State agency will follow to comply with the requirements set forth in *Section II (B) 3 of the Guidelines – Providing technical assistance upon request to subrecipients. This includes assisting subrecipients in identifying unlawful discrimination and instructing them in remedies to prevent such discrimination.*)**

Annually, email notices will be used to notify all subrecipients receiving Federal funding of the availability of technical assistance to improve equal access based on race, color, national origin, sex, or disability. In addition, assurances in the annual federal grant applications will be used to attest to compliance. Each year, all Perkins V compliance monitoring reviews conducted by CCRB staff will include areas related to MOA issues. The CCRB webpage includes links to technical assistance resources and the MOA Coordinator's email address is provided to make it easy to request technical assistance.

The MOA Coordinator is the lead staff member responsible for initiating and coordinating MOA technical assistance and training to subrecipients. The MOA Coordinator is also involved in Perkins V review activities. PED and HED staff members conducting other types of reviews will provide technical assistance concerning MOA activities in consultation with the MOA Coordinator. Technical assistance and training will be conducted in collaboration with other PED staff in Equity, Federal Programs, Special Education, and other support service areas.

CTE Coaches will receive training from the MOA Coordinator on identifying civil rights issues while conducting site visits as part of their regularly scheduled duties. When noncompliance is identified, they will provide basic support to the subrecipient or refer the subrecipient to the MOA Coordinator for further technical assistance. There will be a focus on equitable access to Career and Technical Education and Culturally Responsive Practices as an effective instructional strategy in improving equity in the program and in the classroom.

### Reporting to the Department

**This is not a required element of a State MOA plan. *Guidelines* require each State agency to periodically report on its activities. The Department (USDOE) expects each State agency to submit a civil rights compliance report to OCR and OCTAE as a narrative attachment in the State's Consolidated Annual Report for Perkins V every second year – i.e., biennially.**

PED will report its MOA activities and findings to OCR as a narrative attachment to the Consolidated Annual Report for Perkins, every second year.