

# Desk Audit Compliance Audit Checklist

## OCR - Non-discrimination in Hiring and Treatment of Employees

District/Charter: \_\_\_\_\_ Reviewer: \_\_\_\_\_

School: \_\_\_\_\_ Desk Audit Review Date(s): Begin September 15 End October 30

**Date that data/documentation is available:**

October 15

**Legislation/Regulation Authority:**

1. Title VI of the Civil Rights Act of 1964 (Title VI), 34 CFR Part 100 which prohibits discrimination on the basis of race, color, and national origin by recipients of federal financial assistance.
2. Title IX of the Education Amendments of 1972 (Title IX), 34 CFR Part 106 which prohibits discrimination on the basis of sex in any educational program or activity that receives federal financial assistance.
3. Section 504 of the Act of 1973 (Section 504), 34 CFR Part 104 which prohibits discrimination on the basis of disability by recipients of federal financial assistance.
4. Title II of the Americans with Disabilities Act of 1990 (Title II), 28 CFR Part 35 which prohibits discrimination on the basis of disability by public entities.
5. Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs (34 CFR Part 100, Appendix B)

**Intent of the Legislation/Regulation:**

The Delaware Department of Education (DOE) is responsible for ensuring that sub-recipients of Federal financial assistance that offer Career and Technical Education (CTE) programs do not discriminate against students, employees and other potential beneficiaries on the basis of race, color, national origin, sex or disability status.

Employment Practices: [Guidelines VIII-A, B]

Recipients may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of race, color, national origin, gender, or disability.

Recipients may not limit their recruitment for employees to schools, communities, or companies disproportionately composed of persons of a particular race, color, national origin, gender, or disability except for the purpose of overcoming the effects of past discrimination.

**Focus of Review:**

Verification that LEAs do not engage in any employment practice that discriminates on the basis of race, color, national origin, gender, or disability.

**Method of Assessment:** (Check all that apply)

- Document Review
  - Requires district submission
  - Resides at DOE
- Data Analysis
  - Requires district submission
  - Resides at DOE

**From 2007 to 2009 what guidance, technical assistance, and/or professional development has been offered to the districts and charters regarding this regulation?**

Annual workshop offered specifically for LEAs identified for on-site compliance reviews.

Required District and Charter School Compliance Items of Non-discrimination of Employees and Treatment of Employees	Check in 2009-10? (Y/N)	Evidence	Compliance			Comments
			Yes	No	N/A	
1.1. The LEA has a clearly defined policy and procedure to ensure that its selection and hiring process is non-discriminatory	Y	1. Current LEA policy and regulations regarding selection and hiring. 2. Current procedures or guidelines related to the selection and hiring process.				
2.1. <u>Job postings</u> are free from enquiries concerning the applicant's gender, race, parental or disability status	Y	1. Two recent postings for <u>Teaching</u> positions.				
2.2. <u>Job postings</u> include a non-discrimination notice or Equal Employment Opportunity statement.	Y	1. Two recent postings for <u>Teaching</u> positions. 2. Two recent postings for <u>Non-teaching</u> positions.				
3.1. <u>Employment applications</u> are free from enquiries concerning the gender, race, marital, parental or disability status of an applicant.	Y	1. Employment application for <u>Teaching</u> position. 2. Employment application for <u>Non-Teaching</u> position.				
4.1. <u>Scoring/Ranking</u> of applicants is non-discriminatory on the basis of gender, race, marital, parental or disability status of an applicant.	Y	1. Scoring rubric for <u>Teaching</u> position 2. Scoring rubric for <u>Non-Teaching</u> position.				
4.2. <u>Selection of Interview Panel</u> is non-discriminatory on the basis of gender, race, marital, parental or disability status of an applicant.	Y	1. Selection process for members of interview panel.				

<p>4.3. <u>Interview Questions</u> and <u>scoring process</u> is non-discriminatory on the basis of gender, race, marital, parental or disability status of an applicant.</p>	<p>Y</p>	<p>1. List of Interview Questions and Scoring Rubric for <u>Teaching</u> position. 2. List of Interview Questions and Scoring Rubric for <u>Non-Teaching</u> position.</p>				
<p>5.1. Employees benefits are administered without discrimination on the basis of gender, race, marital, parental or disability status. (Refer to employee contracts)</p>	<p>Y</p>	<p>1. <u>Rates of pay.</u> 2. <u>Promotion procedures.</u> 3. <u>Granting of Leave.</u> 4. <u>Training Opportunities.</u></p>				
<p>6.1. Employees are aware of protections under Title IX and Section 504 regulations and know how to contact the designated Title IX and Sec 504 coordinators</p>	<p>Y</p>	<p>1. <u>Title IX: Written notification to employees of Title IX Coordinator's name and contact information.</u> 2. <u>Title IX: Written notification of Title IX grievance procedure that is not subject to collective bargaining agreements.</u> 3. <u>Sec 504: Written notification to employees of Section 504 Coordinator's contact information and Sec 504 rights.</u> 4. <u>Sec 504: Written notification of Section 504 grievance procedure that is not subject to collective bargaining agreements.</u></p>				
<p>7.1. CTE Staff Demographic ratios are similar to those of the students.</p>	<p>Y</p>	<p>1. <u>Staff demographics by CTE Pathways (see attached table).</u></p>				