

On-Site Compliance Audit Checklist

OCR - Students with Disabilities and ELL Students

District/Charter: _____ Reviewer: _____

School: _____ Date: ____

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.

Students with Disabilities and ELL Students: [Section 504 34 CFR 104.4(a); Title II 28 CFR 35.130(a); Guidelines IV-N and IV-L]

Recipients may not exclude any qualified person from, deny benefits of, or subject to discrimination in any course, program, or activity. A recipient may not restrict access for students with disabilities to schools, programs, services, and activities because of architectural barriers, equipment barriers, the need for related aids and services, or the need for auxiliary aids. Further, a recipient may not restrict admission to CTE programs because an applicant, as a member of a national origin minority group with limited English language skills, cannot participate in and benefit from CTE to the same extent as students whose primary language is English.

Focus of Review:

Non-discrimination with students with disabilities and ELL students

Method of Assessment: (Check all that apply)

- Document Review
- Observation
- Interview

Location of Audit: (Check all that apply)

- LEA Office..... Excludes Charters
- Elementary School..... Excludes Charters
- Middle School Excludes Charters
- High School..... Excludes Charters
- Other Agency

Over the past three years, 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 OCR - Students with Disabilities and ELL Students	Evidence	Compliance			Comments
		Yes	No	N/A	
1.1. <u>No qualified person</u> with a disability is excluded from, denied benefits of, or subjected to discrimination in any course, program, service, or activity solely on the basis of disability.					
1.2 <u>Disabled students are not excluded from CTE</u> , career, or academic programs, courses, services or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available.					
1.3 <u>Disabled students are provided with a free, appropriate public education (FAPE)</u>					
1.4 A system is in place for the <u>identification, evaluation and educational placement</u> of disabled students.					
1.5. <u>Placement decisions</u> must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation, data, and the placement options.					
1.6 <u>Procedural safeguards</u> through which parents or guardians may obtain an impartial review of the evaluation and placement actions					

<p>1.7 <u>Section 504</u> FAPE requirements are met prior to a student with a disability being placed in an CTE program.</p>					
<p>1.8 <u>Course examinations or other procedures for evaluating students' academic achievements</u> are administered in such a way that disabled students' aptitudes or achievement levels or other relevant factors are measured and not the disability.</p>					
<p>2.1 District/School does not restrict admission to CTE programs because the applicant, as a member of a national origin minority group with <u>limited English language skills</u>, cannot participate in and benefit from CTE to the same extent as students whose primary language is English.</p>					
<p>2.2 <u>Procedure exists to identify students with limited English language skills</u> and to assess their ability to participate in CTE programs.</p>					