

Summary of Findings from Onsite Review of Sample High School  
Conducted on January 15-16, 2013

**I. Administrative Requirements**

**A. Annual Notice of Nondiscrimination**

Applicable Requirements:<sup>4</sup> *Guidelines* Section IV.O; 34 C.F.R. § 100.6(d)

Summary of Findings and Analysis: State Agency interviewed administrative staff and reviewed documentation provided by Sample High School to determine whether the district was appropriately providing its annual notice of nondiscrimination.

Sample High School provided a copy of its annual notice of nondiscrimination in both English and Spanish. (Sample High School serves a significant community of national origin minority persons who are Spanish speakers. This is representative of the district as a whole.) Prior to the beginning of each school year, this notice is mailed to parents with high-school-aged children as part of a registration packet, provided to the district's employees, and is published on Sample School District's website in English and Spanish. The notice appropriately included a brief summary of CTE offerings and admission criteria as well as the title and contact information for the school's designated Title IX and Section 504/Title II coordinators. It also states that, "Sample High School will take steps to assure that a lack of English language skills will not be a barrier to admission and participation in the school's CTE offerings." Sample High School fails to disseminate this notice to members of the community who do not have children eligible for enrollment at the school.

Required Corrective Action(s):

1. Expand dissemination of annual notice of nondiscrimination to all households within the district, either through direct mailing (in English and Spanish) or through publication in a local newspaper. If published in English in a local newspaper, and if there is a newspaper or other media outlet that targets the community of national origin minority persons with limited English language skills, the notice must be published in Spanish in the local Spanish publication or other media outlet.

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<sup>4</sup> Please note that some citations apply only to secondary institutions, while others apply to postsecondary institutions. For purposes of this sample LOF, which describes a review of a fictional secondary school, we have listed only those citations applicable to secondary institutions. When reviewing a postsecondary institution, you should review the *Guidelines* and regulations to ensure that you are applying the appropriate standards.

Agency by March 5, 2013.<sup>3</sup> We will review the VCP, and either approve it as is, or work with you to ensure that the appropriate corrective action is taken to bring your school into compliance.

Thank you again for your cooperation during the onsite review. Your time and effort in organizing documents for the State Agency's review and scheduling interviews was much appreciated. Feel free to contact me if you have any questions regarding this LOF or if you need any assistance preparing your VCP. Please be advised that your district has a continuing obligation to maintain compliance with all civil rights requirements.

Sincerely,

[YOUR NAME]

[YOUR TITLE], State Agency

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<sup>3</sup> OCR suggests that the deadline for receipt of a VCP be 30 to 45 days from the date of the LOF. This provides the subrecipient adequate time to draft the VCP, but allows time to negotiate any necessary changes prior to the timeframe for your agency to approve the VCP, which is 90 days from the date of the LOF.

**B. Continuous Notice of Nondiscrimination**

Applicable Requirements: 34 C.F.R. §§ 100.6(d), 104.8, and 106.9; and 28 C.F.R. § 35.106

Summary of Findings and Analysis: State Agency interviewed administrative staff and reviewed documentation provided by Sample High School to determine whether the school was appropriately providing its continuous notice of nondiscrimination.

Sample High School's continuous notice of nondiscrimination appears in all major school publications, recruitment materials and on the school's website, in both English and Spanish. It states that the school does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs or activities. It also clarifies that all youth groups, including the Boy Scouts, will have equal access to school facilities. There was no evidence of a violation.<sup>5</sup>

Required Corrective Action(s): None.

**C. Designation of Compliance Coordinators**

Applicable Requirements: *Guidelines* Section IV.O; 34 C.F.R. §§ 104.7(a) and 106.8(a); 28 C.F.R. § 35.107(a)

Summary of Findings and Analysis: The titles and contact information for Sample High School's Title IX and Section 504/Title II coordinators were provided in all major school publications and on the school's website. Interviews with staff and students confirmed that the school community knew where to find this information. The Title IX and Section 504/Title II coordinators received training in their respective areas, and there is no evidence of concerns about the coordinators' performance of their duties or of any conflict of interest. There was no evidence of a violation.

Required Corrective Action(s): None.

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<sup>5</sup> LOFs need only describe the evidence reviewed when there is a violation finding. If there is no violation finding for a given standard, a recitation of the standard, the applicable requirements, and a statement that there was no evidence of a violation will suffice. Although a summary of the evidence is unnecessary where there is no evidence of a violation, this sample includes details to provide examples of the type of evidence that is often reviewed during an onsite review. For example, Section I.B of this LOF could read:

**A. Continuous Notice of Nondiscrimination**

Applicable Requirements:<sup>5</sup> 34 C.F.R. §§ 100.6(d), 104.8, and 106.9; and 28 C.F.R. § 35.106

Summary of Findings and Analysis: There was no evidence of a violation.

Required Corrective Action(s): None.

**D. Grievance Procedures**

Applicable Requirements: 34 C.F.R. §§ 104.7(b) and 106.8(b); 28 C.F.R. § 35.107(b)

Summary of Findings and Analysis: State Agency reviewed Sample High School's Title IX and Section 504/Title II grievance procedures. These procedures appear in the student and employee handbooks and the student code of conduct. Interviews with staff and students confirmed that the school community knew where to find the grievance procedures. The grievance procedures explicitly state that they apply to all complaints of discrimination, including harassment and assault, based on sex or disability, respectively. Although there is no evidence that complaints of discrimination are being inadequately addressed, State Agency reviewed both sets of procedures under the "prompt and equitable" requirements set forth in the Title IX, Section 504, and Title II regulations and OCR's April 2011 Dear Colleague letter and found that they lack specific timeframes for the major stages of the complaint process, such as for filing a complaint, completing the investigation, and appealing any findings.

Required Corrective Action(s): Revise the Title IX and Section 504/Title II grievance procedures to include designated and reasonably prompt timeframes for all major stages of the complaint process.

**II. Recruitment, Admissions, and Counseling****A. Admissions Criteria**

Applicable Requirements: *Guidelines* Sections IV.A, IV.F, IV.K, and IV.N; 34 C.F.R. §§ 100.3(a) and (b)(1)(v), 104.4(a) and (b), and 106.21

Summary of Findings and Analysis: State Agency reviewed this year's Sample High School Course Description Guide. The Guide contains general information including graduation requirements and an explanation of the grading system. The Guide contains a section entitled "Sample School District Career and Technical Education." This section has a description of each CTE program, the number of credits available, and any prerequisites.

The introduction explains that all students are eligible to take CTE courses, although some courses state a specific grade level status requirement (e.g., upperclassmen only). On their face, these requirements apply to all students, regardless of race, color, national origin, sex, or disability. Interviews with students and staff did not raise concerns about any inappropriate application of admissions criteria for CTE programs based on race, color, national origin, sex, or disability. There was no evidence of a violation.

Required Corrective Action(s): None.

**B. Access for National Origin Minority Students with Limited English Language Skills**

Applicable Requirements: *Guidelines* Section IV.L

Summary of Findings and Analysis: There was no evidence indicating that CTE programs, are not open to English learners, and there are many English learners currently enrolled in CTE programs. For example, in an interview, three students whose primary language is Spanish described their experiences in CTE programs. When they asked teachers about the program, the teachers referred them to the counseling center for assistance. The counselor assured all three students that their limited English language skills would not prevent their success in CTE programs. The counselor arranged for the ELL instructor to attend the first few classes of each student's program to make individual assessments of their needs. Pursuant to these assessments, the students received note-taking assistance, translations for technical terms, and designated office hours with the CTE instructors. Thus, there is no evidence of a violation.

Required Corrective Action(s): None.

**C. Counseling and Prospects for Success**

Applicable Requirements: *Guidelines* Sections V.A and B; 34 C.F.R. §§ 100.3(a) and (b); 104.37(b), and 106.36

Summary of Findings and Analysis: As noted above, Sample High School's admission criteria for CTE programs are nondiscriminatory on their face and there is no evidence to indicate that there has been inappropriate application of admissions criteria for CTE programs, based on race, color, national origin, sex, or disability. Interviews with several students with learning disabilities and their parents, however, revealed that the school's counselor solely recommends that students with learning disabilities enroll in the culinary arts program and refuses to discuss any other CTE programs with students with learning disabilities. The counselor acknowledged this practice because he believes that the hands-on nature of the culinary arts program is the best fit for students with learning disabilities. Additionally, female students enroll in CTE programs in disproportionately low numbers, but there is no similar evidence of inappropriate steering by counselors.

Schools are required to ensure that counselors do not steer students into particular programs or careers based on the students' race, color, national origin, sex or disability. Where a CTE program disproportionately enrolls male or female students, minority or nonminority students, or students with disabilities, subrecipients must take steps to ensure that the disproportion does not result from unlawful discrimination in counseling activities. At least one counselor at Sample High School is steering students

with disabilities toward certain CTE programs. Additionally, despite disproportionate male enrollment in CTE programs, the district does not regularly review their counseling activities to ensure that they do not discriminate on the basis of sex.

**Required Corrective Action(s):**

1. Eliminate and prevent any steering of students into or away from particular CTE programs on the basis of disability.
2. Develop and implement a plan to regularly evaluate counseling activities to ensure that they are not discriminatory, particularly on the bases of disability or sex. If any discrimination is discovered, modify the counseling program to eliminate and prevent the discrimination.

**D. Counseling of Students with Limited English Speaking Ability or Hearing Impairments**

**Applicable Requirements:** *Guidelines* Section V.D; 34 C.F.R. §§ 100.3(a) and (b) and 104.37(b)

**Summary of Findings and Analysis:** Sample High School employs counselors who speak Spanish (the primary second language spoken at the school). The school also has procedures in place for counseling students who speak other languages or who are hard-of-hearing. No evidence of a violation.

**Required Corrective Action(s):** None.

**E. Recruitment and Promotional Activities**

**Applicable Requirements:** *Guidelines* Sections V.A, V.C and V.E; 34 C.F.R. § 106.23

**Summary of Findings and Analysis:** Although there is disproportionate enrollment, there is no evidence that Sample High School's promotional materials or activities create or perpetuate stereotypes or restrictions based on race, color, national origin, sex or disability. Sample High School serves a community of national origin persons who speak Spanish. Promotional literature is disseminated to the community in Spanish.

**Required Corrective Action(s):** None.

**III. Accessibility for Students with Disabilities**

**Applicable Requirements:** *Guidelines* Section IV.N; 34 C.F.R. §§ 104.21-104.23; 28 C.F.R. §§ 35.149-35.151

**Summary of Findings and Analysis:**<sup>6</sup>

The following chart indicates the construction/alteration dates for Sample High School, as well as the applicable accessibility standards.

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<sup>6</sup> Where appropriate, you may wish to include photographs to illustrate accessibility violation findings.

AREA	CONSTRUCTION/ALTERATION DATE	APPLICABLE ACCESSIBILITY STANDARD
All areas not specifically mentioned below.	Original construction- 1972	Readily Accessible. 34 C.F.R. § 104.22; 28 C.F.R. § 35.150.
Cafeteria	Alteration (entire cafeteria)- July 1986	ANSI
Second floor girls' restroom- Room 210	Alteration (entire restroom)- August 1991	UFAS
Second floor boys' restroom- Room 211	Alteration (entire restroom)- August 1991	UFAS
Library	Alteration (updated carpet and added fixed, built-in computer stations and bookshelves)- June 2001	1991 ADA Standards <sup>7</sup>
Student Parking Lot	Restriped to create more spaces- July 2009	1991 ADA Standards
New addition, which includes two new science labs and CTE classrooms.	April 2011	2010 ADA Standards <sup>8</sup>

<sup>7</sup> For construction or alterations commenced between January 27, 1992, and September 14, 2010, covered entities had the option of complying with UFAS or the 1991 ADA Standards. You should confirm the applicable standard with the subrecipient. Please note that in situations where a subrecipient may decide between applicable standards, only one standard may be used for each facility that is being assessed. Thus, in this example, Sample High School may not apply the 1991 ADA Standards to its library bookshelves, but UFAS to its library computer stations.

<sup>8</sup> For construction or alterations commenced between September 15, 2010, and March 14, 2012, covered entities had the option of complying with UFAS, the 1991 ADA Standards, or the 2010 ADA Standards. You should confirm the applicable standard with the subrecipient.

The following chart outlines areas of inaccessibility at Sample High School.

Accessibility Violation	Applicable Standard	Required Corrective Action
<p>There is a courtyard at the center of the building where additional tables are available for students to eat. It is the only area at Sample High School that is available for outdoor dining. The courtyard also provides a shortcut from one end of the building to the other, although one can also use the longer, indoor route. The courtyard is unpaved and the ground is uneven, which makes it inaccessible to individuals who use wheelchairs and other individuals with mobility impairments.</p>	<p>Readily Accessible; 34 C.F.R. § 104.22; 28 C.F.R. § 35.150.</p>	<p>Pave or otherwise provide a stable, firm and slip resistant ground surface in the courtyard, to create an accessible route consistent with Chapters 3 and 4 of the 2010 ADA Standards.<sup>9</sup></p> <p>Alternatively, because the courtyard is subject to a readily accessible standard, Sample High School may designate an existing accessible space for outdoor dining.<sup>10</sup></p>
<p>The door to the cafeteria is 31 inches wide.</p>	<p>ANSI 5.3.1, which requires that “doors shall have a clear opening of no less than 32 inches.”</p>	<p>Expand the width of the doorway to at least 32 inches, in accordance with section 404.2.3 of the 2010 ADA Standards. Note that</p>

<sup>9</sup> All corrective action involving new construction or alterations taken on or after March 15, 2012 must comply with the 2010 ADA Standards, even if that was not the original applicable standard.

<sup>10</sup> The “readily accessible” standard for an existing facility is less rigorous than the requirements under ANSI, UFAS, the 1991 ADA Standards, or the 2010 ADA Standards. Under the “readily accessible” standard, each program or activity should be readily accessible to or usable by individuals with disabilities; not every portion of the facility must be accessible. The readily accessible standard often allows for the correction of a violation by relocating the program or activity to an accessible, convenient location, rather than bringing the inaccessible space up to current standards.

		the updated door must comply with section 404 of the 2010 ADA Standards.
The pipes under the sink marked as “accessible” in the second floor girls’ restroom (room 210) are exposed.	UFAS 4.24.6, which states that “drain pipes exposed under sinks shall be insulated or otherwise covered.”	Insulate the pipes, or otherwise configure them to protect against contact, in accordance with section 606.5 of the 2010 ADA Standards.
The paper towel dispenser in the second floor boys’ restroom (room 211) is unobstructed, and approachable through a forward reach. However, it is mounted 50 inches high.	UFAS 4.27.3 and 4.2.5, which together state that for “all controls, dispensers, receptacles, and other operable equipment” the “maximum high forward reach allowed shall be 48 in.”	In accordance with section 308.2.1 of the 2010 ADA Standards (see also, advisory 606.1), lower the paper towel dispenser to a height between 15 and 48 inches above the floor.
The library has 10 fixed, built-in computer stations that are frequently used by the computer programming CTE courses. The knee clearance of each of these stations is 27 inches high, 30 inches wide, and 17 inches deep.	Section 4.32.3 of the 1991 ADA Standards, which states that “If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep shall be provided.	Section 306.3.3 of the 2010 ADA Standards only requires knee clearance with a minimum depth of 8 to 11 inches (at different heights above the floor). Because the computer stations meet this requirement, no corrective action is necessary.
The student parking lot has 350 total spots, six of which are designated as accessible. None of these spaces is designated as “van accessible.”	Section 4.1.2(5) of the 1991 ADA Standards, which requires eight accessible parking spaces for a parking lot with 301 to 400 spaces. That section also requires that “one in every eight accessible spaces, but not less than one, shall be	Add two accessible parking spaces, to increase the total to eight, in accordance with section 208.2 of the 2010 ADA Standards. In accordance with section 208.2.4, which requires that one in every six accessible

	served by an access aisle 96 in (2440 mm) wide minimum and shall be designated ‘van accessible.’ In this case, the student parking lot should have at least one van accessible parking space.	spaces, or fraction thereof, be van accessible, two of the spaces must be van accessible spaces that comply with section 502 of the 2010 ADA Standards.
The first floor science lab (room 130), which was part of the new addition, used by the health science CTE courses among others, has an emergency roll-in type shower with a threshold that is 1.5 inches high.	Section 608.7 of the 2010 ADA Standards, which states that thresholds “in roll-in type shower compartments shall be ½ inch (13 mm) high maximum.”	Adjust the height of the shower threshold to ½ inch or lower.

**IV. Comparable Facilities**

**A. Comparable Facilities**

Applicable Requirements: *Guidelines* Section VI.D; 34 C.F.R. § 106.33

Summary of Findings and Analysis: Sample High School has separate locker rooms and showers for male and female students. State Agency reviewed these facilities and noted that they are comparable in number and condition of lockers and showers. There was no evidence of a violation.

Required Corrective Action(s): None.

**V. Services for Students with Disabilities**

Applicable Requirements: *Guidelines* Sections IV.N and VI.A; 34 C.F.R. §§ 104.4(a) and 104.33-104.36; 28 C.F.R. § 35.130

Summary of Findings and Analysis: State Agency reviewed the following documents provided by Sample High School staff: Sample High School Student Handbook; Sample High School Faculty Handbook; mission statement, job postings, applications for employment, internship application materials, the high school’s prohibition against computer use during examinations, and the district and high school’s websites. State Agency also reviewed the district’s Section 504 procedures for serving students with disabilities, and the Section 504 plans in place for ten Sample High School students.

After interviewing parents and students, State Agency learned that students are not receiving Section 504 services as required. Sample High School develops Section

504 plans for students in need of services. The interviews with parents and students revealed that students had Section 504 plans, but the plans were not implemented consistently for students who required speech/language services or physical therapy. State Agency interviewed Principal of Sample High School and learned that there is a shortage of qualified speech language pathologists and the high school has had trouble finding and keeping speech language service providers. In addition, Principal informed State Agency that the school has one physical therapist and she became ill during the year and had to take an extended medical leave. The school did not hire a substitute physical therapist during this time.

Sample High School is under an obligation to provide the Section 504 services the students are entitled to receive. Because Sample High School failed to provide students with speech/language and physical therapy services, the school is in violation of Section 504. The school district must remedy this issue.

Required Corrective Action(s):

In order to remedy the Section 504 violation, Sample High School must resolve the past failures to provide services on an individual basis for each student. For example, a resolution might consist of Sample High School meeting with a student's parent(s) to develop a compensatory education plan to make-up for lost services. Going forward, Sample High School must hire a speech language professional that can provide the speech language services students require. Additionally, Sample High School must ensure a physical therapist is available to provide services to students. One method to resolve this issue is to hire a substitute physical therapist to provide services while the permanent physical therapist is on medical leave. Finally, Sample High School will need to develop a system that ensures the school has the necessary personnel to provide speech language and physical therapy services in the future. Such a system may include a national search for speech language pathologists and the school system hiring a "back-up" or itinerate physical therapist who can fill in when Sample High School's physical therapist is unavailable to work.

## VI. Financial Assistance

Applicable Requirements: *Guidelines* Sections VI.B; 34 C.F.R. §§ 100.3(a) and (b), 104.4(a) and (b), and 106.37

Summary of Findings and Analysis: Sample High School does not provide or assist in administering any financial assistance to any students. Thus, there was no evidence of a violation.

Required Corrective Action(s): None.

**VII. Work-Study, Cooperative Programs, and Job Placement**

Applicable Requirements: *Guidelines* Sections VII.A and B, 34 C.F.R. § 106.38(a).

Summary of Findings and Analysis: State Agency reviewed Sample High School's contracts with all employers or other sponsors offering work-study, cooperative education, job placement, and apprenticeship programs and the application materials that students complete to obtain these positions. Each contract contained an assurance that the employer or other sponsor does not discriminate against students on the basis of race, color, national origin, sex, or disability. Application materials included the district's nondiscrimination notice, along with a statement that employers or other sponsors are prohibited from engaging in unlawful discrimination. Based on interviews with students, there was no evidence that students had been limited from internship or employment opportunities on the basis of their race, color, national origin, sex, or disability. Thus, there was no evidence of a violation.

Required Corrective Action(s): None.

**VIII. Employment**

Applicable Requirements: *Guidelines* Sections VIII.A-F; 34 C.F.R. §§ 104.11-104.14 and 106.51-106.61

Summary of Findings and Analysis: In addition to interviewing teachers and administrators, State Agency reviewed all job postings for staff and faculty positions used by the school in the last three years. All of these postings contained a nondiscrimination notice. State Agency also reviewed the district's salary policies. There was no evidence of a violation.

Required Corrective Action(s): None.