**THE MOA PROGRAM AT A GLANCE**

### COMMON TERMS

**CTE:** Career and technical education.

**MOA Program:** Under the 1979 MOA Guidelines, each state must have a “Methods of Administration” compliance program to prevent, identify, and remedy race, color, national origin, sex, and disability discrimination in its subrecipients’ CTE 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; and (4) periodically reporting its activities and findings to OCR.

**MOA Plan:** Each state MOA agency must create an MOA plan outlining how it will administer the 4 required components of its MOA Program outlined above. The 2020 MOP sets out three sections for the MOA plan: (1) Introductory information; (2) Plan for performing oversight responsibilities; and (3) Technical assistance.

**Biennial Report:** Each state MOA agency submits a “biennial report” to OCR that reflects its MOA activities for the previous two years. The 2020 Memorandum of Procedures (MOP) recommends that states include the following five items in their biennial reports: (1) staff resources allocated to MOA compliance for each year of the reporting period; (2) a description of the agency’s compliance with Guidelines Section II.A (relating to state-conducted programs as well as state criteria for CTE funding, admissions, administration, and approval of local action); (3) a list of subrecipients reviewed; (4) copies of any written findings or compliance plans (LOFs or VCPs); and (5) a description of any technical assistance offered to subrecipients.

**LOF:** A state MOA agency issues written findings of unlawful discrimination or a “letter of findings” to a subrecipient following an on-site review of the subrecipient’s policies and practices in all or some of the following areas: administrative requirements; recruitment, admissions, and counseling; accessibility; comparable facilities; services for students with disabilities; financial assistance; work-study, cooperative programs, and job placement; and employment. LOFs is the way that OCR generally refers to this process of documenting findings of unlawful discrimination. LOFs are not necessarily required if there were no findings of unlawful discrimination.

**VCP:** A state MOA agency and a subrecipient negotiate a “voluntary compliance plan” that lists the corrective actions that the subrecipient must take to remedy the findings of noncompliance listed in the LOF. The corrective actions must be approved by the agency and be consistent with the Guidelines, applicable regulations, and applicable physical accessibility standards.

**Monitoring:** The state MOA agency’s activities to confirm implementation of corrective actions in VCPs. Monitoring is often confused with on-site reviews.
ESSENTIAL BACKGROUND MATERIALS

Authority: 34 C.F.R. § 100.4(b)(2)

Vocational Education Guidelines, 34 CFR, Part 100, Appendix B (March 21, 1979 Federal Register notice)

Guidance: February 2020 Memorandum of Procedures (MOP)

Regulations: Title VI of the Civil Rights Act of 1964 and its implementing regulations (34 C.F.R. Part 100) – Prohibits discrimination on the basis of race, color, or national origin.


Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (34 C.F.R. Part 104) – Prohibits discrimination on the basis of disability.¹

OCR’S SAMPLE MOA DOCUMENTS

- Sample Secondary LOF and VCP
- Sample Postsecondary LOF and VCP
- Sample Monitoring Chart

CONTACT INFORMATION

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¹ In the area of public education, OCR shares enforcement responsibility for Title II of the Americans with Disabilities Act of 1990 and its implementing regulations, at 28 C.F.R. Part 35, with the Department of Justice. Title II prohibits discrimination by State and local governments on the basis of disability regardless of whether they receive Federal financial assistance. State agencies may look to Title II to inform reviews for compliance with Section 504, but will not be reviewing directly for compliance with Title II.