

COMMONWEALTH OF KENTUCKY

Kentucky Department of Education

Consolidated Compliance Plan

For

Non-Discrimination under
The Age Discrimination Act of 1975,
Title II of the ADA, Title VI and Title VII of the Civil
Rights Act of 1964, Section 504 of the Rehabilitation
Act, and Title IX of the Education Amendments of 1972

July 1, 2018 for fiscal year ending June 30, 2019

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I. Glossary of Terms

Compliance Coordinator: KDE employee designated to coordinate all Age Discrimination Act of 1975, Title II of the American with Disabilities Act, Titles IV, VI, Section 504 of the Rehabilitation Act, and Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972 activities of KDE.

Consolidated Compliance Plan: Plan developed and maintained by KDE to ensure compliance with the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, Titles IV, VI, and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, Title IX of the Education Amendments of 1972, and KRS 344.015.

Discrimination: Treatment taken toward or against a person of a certain group in consideration of or based solely on class or category.

Recipient: Individual or organization for whom federal funds are intended.

II. Overview of the Kentucky Department of Education

The Kentucky Department of Education (KDE) is a public service agency of the Commonwealth of Kentucky. The KDE provides resources and guidance to Kentucky's public schools and districts as they implement the state's P-12 education requirements. The KDE also serves as the state liaison for federal education requirements and funding opportunities.

The KDE is an agency of the state Education and Workforce Development Cabinet. The KDE is led by an appointed Commissioner of Education, who answers to the 12 member Kentucky Board of Education. Offices are administered by associate commissioners, and divisions within those offices are administered by division directors.

The Kentucky Board of Education does not discriminate on the basis of race, color, national origin, sex, sexual orientation, religion, age, gender identity, genetic information, political affiliation, veteran status, or disability in employment or the provision of services.

A. Purpose or Mission Statement

The KDE's mission is to partner with districts, schools, families, students, business and industry, and communities to provide leadership and support to ensure success for each and every student.

No person in Kentucky shall, on the grounds of age, disability, race, color, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

All recipients of federal assistance through the KDE will certify that they will comply with all federal statutes relating to the Age Discrimination Act of 1975; Title II of the Americans with Disabilities Act (ADA) prohibiting

discrimination by public entities on the basis of disability, regardless of whether they receive Federal financial assistance; Title IV of the Civil Rights Act of 1964 prohibiting discrimination in public education on the basis of race, color, sex, or national origin, including national origin discrimination affecting Limited English Proficiency (LEP) persons; Title VI of the Civil Rights Act of 1964 prohibiting discrimination in federally assisted programs on the basis of race, color, or national origin, including national origin discrimination affecting Limited English Proficiency (LEP) persons; Title VII of the Civil Rights Act of 1964 prohibiting discrimination in employment on the basis of race, color, religion, sex, or national origin and prohibiting discrimination in employment based on pregnancy, age, and disability discrimination; Section 504 of the Rehabilitation Act prohibiting discrimination on the basis of disability by recipients of Federal financial assistance; and Title IX of the Education Amendments of 1972 prohibiting discrimination in public education on the basis of sex. Furthermore, the KDE certifies that all staff will comply with all federal and state statutes relating to Kentucky Executive Order 2008-473 and KRS 18A.138 and KRS 156.838 and Presidential Executive Order 11246 as amended.

III. Scope of Applicability to Programs and Activities

The KDE affords all individuals the opportunity to benefit from programs administered by the agency.

The Age Discrimination Act of 1975 and its implementing regulations prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. This law does not permit the use of certain age distinctions and factors other than age that meet the law's requirements.

Title II of the Americans with Disabilities Act and its implementing regulations provide that no person shall be subjected to discrimination on the basis of disability.

Title IV of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination in public education on the basis of race, color, sex, or national origin.

Title VI of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. The 1994 General Assembly of the Commonwealth of Kentucky enacted Senate Bill 248 requiring state agencies to develop Title VI implementation plans by January 1, 1995. Presidential Executive Order 13166 implemented on August 11, 2000 required agencies and programs to ensure that federally funded activities be accessible to all persons, who as a result of national origin, are not proficient or are limited in their ability to communicate in the English language. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The KDE provides that its programs and activities are available for all beneficiaries, including those with limited English proficiency.

Title VII of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination by covered employers on the basis of race, color, religion, sex, or national origin. Title VII has also been supplemented to prohibit discrimination based on pregnancy, age, and disability discrimination.

Section 504 and its implementing regulations prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

Title IX of the Education Amendments of 1972 and its implementing regulations provide that no person shall be subjected to discrimination based on sex in any education program or activity that receives federal financial assistance.

Recipients of federal funding are prohibited from discriminating on the basis of age, disability, race, color, national origin, sex, sexual orientation or gender identity by:

- denying a person any service, financial aid or benefit extended under a program;
- providing any service, aid, or benefit to a person that is different in kind or manner from that provided to others under the program;
- subjecting a person to segregation or other discriminatory treatment in any manner related to the receipt or non-receipt of the service, aid, or benefits;
- restricting a person in any way from enjoying services, facilities, or any other advantage, privilege, property, or benefit provided to others under the program;
- treating a person differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that people must meet to receive any service, aid, or benefit;
- denying or affording a person an opportunity to participate in a program (including the opportunity to participate as a recipient or contractor) in a way that is different from that afforded to others in the program; or
- denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

The KDE’s Consolidated Compliance Plan complies with the provisions of Presidential Executive Order 13166, August 11, 2000, Improving Access to Services for Persons with Limited English Proficiency.

IV. Responsible Official (Compliance Coordinator)

The Commissioner of the KDE has overall responsibility for compliance with the provisions of the Age Discrimination Act of 1975; Title II of the American Disabilities Act; Titles IV, VI, and Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act; and Title IX of the Education Amendments of 1972. The day-to-day responsibilities to oversee, implement, monitor, and enforce the KDE Consolidated Compliance Plan is assigned to the Division of Resource Management. Inquiries related to compliance activities should be directed to:

Compliance Coordinator
Anitra Williams, Human Resource Administrator
Division of Resource Management
Kentucky Department of Education

300 Building, 4 Floor NW 25, Sower Boulevard¹
Frankfort, Kentucky 40601
Phone: 502/564-3716 Ext. 4314
Anitra.Williams@education.ky.gov

V. Statement of Assurances

The KDE complies with the Age Discrimination Act.

The KDE complies with Title II of the Americans with Disabilities Act.

The KDE complies with Title IV of the Civil Rights Act of 1964.

The KDE complies with Title VI of the Civil Rights Act of 1964, the requirements of KRS 344.015 in regard to federal programs, and Executive Order 13166 of August 11, 2000, Improving Access to Services for Persons with Limited English Proficiency.

The KDE complies with Title VII of the Civil Rights Act of 1964, Kentucky Executive Order 2013-841 and KRS 18A.138 and KRS 156.838.

The KDE complies with Section 504 of the Rehabilitation Act.

The KDE complies with Title IX of the Education Amendments of 1972.

The KDE complies with Presidential Executive Order 11246, effective April 8, 2015 prohibiting any federal contractor and any subcontractor from engaging in employment discrimination based on sexual orientation or gender identity.

All recipients of federal funding through KDE must sign a non-discrimination clause prior to receiving any federal loan, contract, or grant. In signing this clause, the recipient certifies that it will comply with all federal statutes relating to non-discrimination. These include, but are not limited to the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age, Title II of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability; Title IV of the Civil Rights Act of 1964, which prohibits discrimination in public education on the basis of race, color, sex or national origin; Title VI of the Civil Rights Act of 1964, which prohibits discrimination by federal funding recipients on the basis of race, color or national origin; Title VII of the Civil Rights Act of 1964 which prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin and discrimination based on pregnancy, age, and disability; Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance; and Title IX of the Education Amendments of 1972 which prohibits discrimination based on sex in education programs and activities. A copy of the assurance required to be signed by all Kentucky Public School Districts can be located on KDE's website at:

VI. Programs or Activities Subject to Compliance Plan

The KDE receives federal funds from the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act of 2015 (ESSA)²; the Carl D. Perkins Career and Technical Education Act as amended by the Strengthening Career and Technical Education for the 21st Century Act; the Individuals with Disabilities Education Act (IDEA); and the National School Lunch Program. The programs have various subcategories, which specify funds for particular purposes. The KDE sub-grants federal funds to recipients for the operation of the specific programs.

All recipients of federal funds will be required to comply with the guidelines under the Age Discrimination Act of 1975; Title II of the ADA; Titles IV (education), VI, and VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act; and Title IX of the Educational Amendments of 1972 (education). Where authorized by federal law, all private schools wishing to participate in these programs are allowed on an equitable basis.

A. ESSA Title I, Part A, Improving Basic Programs Operated by State and Local Educational Agencies

This is one of the largest federal program providing funds to local districts through the state department of education. The purpose of this program is to ensure all children have a fair, equal, and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and assessments. The funds may be used for a variety of purposes such as intervention strategies for students not meeting State standards, instructional materials, parent involvement activities, and professional development. This program awards funds to all public school districts in Kentucky and this program's beneficiaries include the at-risk students in the districts.

Section 1003 of ESEA, as amended by the ESSA, requires a state to reserve a portion of its Title I allocation for subgrants to eligible LEAs for school improvement activities.

B. ESSA Title I, Part C, Education of Migratory Children

The purpose of the program is to support high quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves. It serves children of families meeting the statutory definition of migrant and provides supplemental services such as tutoring and health care, which remove barriers to success in school.

² On December 10, 2015, President Obama signed into law the Every Student Succeeds Act (ESSA), an amendment to the Elementary and Secondary Education Act of 1965 (ESEA). A full copy of the ESEA with the ESSA amendments is available at <http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>. The ESSA reauthorizes the 50-year-old ESEA, the nation's national education law and longstanding commitment to equal opportunity for all students. More information about ESSA can be found on the U.S. Department of Education's website at <http://www.ed.gov/essa?src=ft> and <http://www2.ed.gov/policy/elsec/leg/essa/index.html>.

C. ESSA Title I, Part D, Prevention and Intervention Programs for Children and Youth who are Neglected/Delinquent or At-Risk

The purpose of the program is to improve educational services for children and youth in local, tribal and state institutions for neglected, delinquent, or at-risk children and youth, so that such children and youth have the opportunity to meet challenging state academic standards. These funds may be used for a variety of purposes such as providing students with the knowledge and skills needed to make a successful transition to secondary school, vocational or technical training, further education, and employment. This program covers eligible facilities and the beneficiaries include all eligible students in these facilities.

D. ESSA Title II, Part A Supporting Effective Instruction

The KDE assists districts and schools with securing the talents and skills of the highest quality professionals for every classroom, school, and district in Kentucky. The allocations to local districts are designed to:

- (1) increase student achievement consistent with the challenging State academic standards;
- (2) improve the quality and effectiveness of teachers, principals, and other school leaders;
- (3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and
- (4) provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

To date, in Kentucky, 99% of the educator workforce holds the appropriate certification for the courses they teach.

E. Carl D Perkins Career and Technical Education as amended by the Strengthening Career and Technical Education Act for the 21st Century

The Perkins Act is designed to improve and expand services for students that elect to enroll in career and technical education programs. The Perkins Act defines career and technical education programs as organized educational activities that offer a sequence of progressive courses composed of both academic and technical content that align secondary and postsecondary education.

Perkins funds are available to all school districts that offer at least one program of study based upon a formula outlined in the law. The sole fiscal agent for Carl D. Perkins funding is the Kentucky Board of Education.

F. ESSA Title III, Language Instruction for English Learners and Immigrant Students

This program provides formula grants to help ensure that children who are English learners, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and achievement standards as all children are expected to meet. The subgrantees include districts and consortia that meet the eligibility requirements.

G. ESSA Title IV, Part A, Student Support and Academic Enrichment Grants

Under ESSA, grants under Title IV Part A are distributed to states based on Title I Part A allocations. Grants must be at least \$10,000 unless sufficient funds do not exist to allocate all school districts receive such amount, in which case all grants are proportionately reduced. School districts must submit an application to receive funds and may apply as a consortia. For school districts receiving an allocation of \$30,000 or more must distribute their allocation among three content areas according to specific proportions: well-rounded education (at least 20%); safe and healthy students (at least 20%); some of the remainder on technology with no more than 15% specifically for technology infrastructure. School districts receiving less than \$30,000 are required to provide assurance that they will use their allocation for one of the three content areas.

H. ESSA Title IV, Part B, 21st Century Community Learning Centers

Competitive grants are awarded to local school districts, community and faith-based organizations as well as other qualifying private and governmental organizations, to support community learning centers that provide academic, artistic and cultural enrichment opportunities for children, particularly students who attend high poverty and low-performing schools. Programs are required to meet state and local standards in core academic subjects, such as reading, math and science. Programs must offer literacy and other educational services to the families of participating children and ensure the academic services provided are aligned with the school's curriculum in the core subject areas.

I. ESSA Title V, Part B, Rural Education Initiative

The purpose of the programs is to address the unique needs of rural school districts that frequently lack the personnel and resources needed to compete effectively for federal competitive grants and receive formula grant allocations in amounts too small to be effective in meeting their intended purposes. There are two subparts under this program.

- Subpart 1 - Small, Rural School Achievement Program-The U. S. Department of Education awards these funds directly to public school districts that qualify. Districts may use the funds for the same purposes found in NCLB Title I, Part A; Title II, Part A; Title III; and Title IV, Parts A or B. The beneficiaries include all students in eligible districts.
- Subpart 2 - Rural and Low-Income School Program- These funds are a flow-through to qualifying public school districts. Funds may be used for activities authorized under Title I, Part A; Title II, Part A; Title III; and Title IV, Part A

J. ESSA Title VII, Part B, McKinney-Vento Homeless Education Assistance

The purpose of the program is to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths. Competitive grants to address the needs of homeless students are issued every 3 years. The beneficiaries include homeless students in districts that receive grants.

K. Assistance for the Education of Displaced Homeless Children and Youth in Kentucky

This program provides financial assistance to districts serving homeless children and youth displaced by Hurricanes Harvey, Irma, and Maria, or the 2017 California wildfires. Funds are used to address the educational and related needs of these students consistent with section 723 of the McKinney-Vento Homeless Assistance Act and section 106 of title IV of division B of Public Law 109–148 (the Hurricane Education Recovery Act).

L. IDEA, Part B, Special Education - Grants to States

The purpose of this program is to assist the state and local education agencies in providing special education and related services to all children with disabilities. Funds are used by the state and local educational agencies, in accordance with the IDEA, to help provide the special education and related services needed to make a free appropriate public education available to all eligible children and, in some cases, to provide early intervening services. These are funds for technical assistance (training, supplementary materials for schools) and consultative resources on exceptional children (reading, math, behavioral, areas of disability) to fulfill requirements of state performance plan.

M. IDEA, Part B, Special Education - Preschool Grants

Funds are provided to assist state and local education agencies in providing special education and related services to children with disabilities ages 3 through 5 years, and at a state's discretion, to 2- year- old children with disabilities who will reach age three during the school year. These are funds for identification and for services to ensure preschool children with individual education programs demonstrate improved positive social/emotional skills (including relationships) and improved acquisition of knowledge and skills.

N. Child Nutrition Programs

Child Nutrition Programs are federally assisted meal programs administered by the United States Department of Agriculture's Food and Nutrition Service. These programs include the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Summer Food Service Program, Fresh Fruit and Vegetable Program, and Special Milk Program. Administered by state agencies, each of these programs helps fight hunger and obesity by reimbursing organizations such as schools, child care centers, and after-school programs for providing healthy meals and snacks to children.

O. IDEA, Special Education - Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities

The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

P. IDEA, Special Education - State Personnel Development

The purpose of this program is to assist state educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational and transition services, and to improve results for children with disabilities. As used in this program, personnel means

special education teachers, regular education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities, except where a particular category of personnel, such as related services personnel, is identified.

Q. Cooperative Agreements to Promote Adolescent Health Through School Based HIV/STD Prevention and School-Based Surveillance

The purpose of this program is to provide funding to build the capacity of state, territorial, and local (STL) agencies and support the efforts of national, non-governmental organizations (NGO) to help school districts and schools develop and implement sustainable program activities to:

- 1) Reduce HIV infection and other STD among adolescents; and
- 2) Reduce disparities in HIV infection and other STD experienced by specific adolescent sub-populations.

It is also expected that applicants' activities will reinforce efforts to reduce teen pregnancy rates. States will also conduct the Youth Risk Behavior Survey (YRBS) and the School Health Profiles (Profiles) and will aim to improve the sexual health of high school students within their jurisdiction by delaying the onset of sexual activity; reducing the number of sexual partners; promoting the dual use of condoms and a highly effective contraceptive method among adolescents who are sexually active; increasing STD and HIV testing, counseling, and treatment; and addressing key social determinants of health to ensure we are reaching youth at most disproportionate risk for HIV infection and other STD. This is a five year grant which ends July 31, 2018.

R. Substance Abuse and Mental Health Services Administration (SAMHSA), Now is the Time Project AWARE (Advancing Wellness and Resilience in Education) State Educational Agency Program

The purpose of the grant is to build and expand the capacity of state educational agencies to increase awareness of mental health issues among school-aged youth, provide training for school personnel and other adults who interact with school-aged youth to detect and respond to mental health issues in children and young adults, and connect children, youth, and families who may have behavioral health issues with appropriate services. The intent of NITT-AWARE-SEA is to develop a comprehensive, coordinated, and integrated program for advancing wellness and resilience in educational settings for school-aged youth.

S. Javits Gifted and Talented Students Education

The purpose of this program is to carry out a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary and secondary schools to meet the special education needs of gifted and talented students. The major emphasis of the program is on serving students traditionally underrepresented in gifted and talented programs, particularly economically disadvantaged, English learners, and disabled students, to help reduce the serious gap in achievement among certain groups of students at the highest levels of achievement. This is a newly awarded grant which ends August 31, 2018.

T. School Climate Transformation

Develop, enhance, or expand systems of support for schools implementing an evidence-based behavioral framework for improving a school's climate, resulting in an overall reduction of disruptive behavior, violence, and bullying.

U. Striving Readers

The purpose of the grant is to provide a comprehensive approach to advance literacy in children, including those with limited-English-proficiency and those with disabilities, from birth to grade 12. Using the Kentucky Literacy Plan and a peer-review grant process, KDE will assist schools and agencies to develop and implement comprehensive literacy plans. Objectives focus on gains in oral language skills for 4-year-olds, Kindergarten readiness, and increased reading proficiency at all school levels and increased content proficiency at the secondary level.

V. Vocational Education National Programs

Provide support, directly or through grants, contracts, or cooperative agreements, for research, development, demonstration, dissemination, evaluation, assessment, capacity-building, and technical assistance activities aimed at improving the quality and effectiveness of career and technical education (CTE) programs authorized under the Perkins Act IV.

W. Federal Program Chart

Federal Program	CFDA#	Type of Assistance	Manner of Deliver	Coverage/Potential Beneficiaries
ESSA Title I, Part A, Improving Basic Programs Operated by Local Educational Agencies	84.010	Formula Grant	Reimbursement	Local education agencies
ESSA Title I, Part C, Education of Migratory Children	84.011	Formula Grant	Reimbursement	Local education agencies
ESSA Title I, Part D, Prevention and Intervention Programs for Children and Youth who are Neglected/Delinquent or At-Risk	84.013	Formula Grant	Reimbursement	Local education agencies
ESSA Title II, Part A Supporting Effective Instruction	84.367	Formula Grant	Reimbursement	Local education agencies
Carl Perkins Career and Technical Education Act as amended by the Strengthening Career and Technical Education Act for the 21 st Century	84.048	Formula Grant	Reimbursement	Local education agencies/universities/
ESSA Title III, Language Instruction for English Learners and Immigrant Students	84.365	Formula Grant	Reimbursement	Local education agencies
ESSA, Title IV, Part A, Student Support and Academic Enrichment Grants	84.424	Formula Grant	Reimbursement	Local education agencies

ESSA, Title IV, Part B, 21st Century Community Learning Centers	84.287	Formula Grant	Reimbursement	Local education agencies/universities/non-profit entities
ESSA Title V, Part B, Rural Education Initiative	84.358	Formula Grant	Reimbursement	Local education agencies
ESSA Title VII, Part B, McKinney-Vento Homeless Education Assistance	84.196	Competitive Grant	Reimbursement	Local education agencies
Assistance for the Education of Displaced Homeless Children and Youth in Kentucky	84.938	Formula Grant	Reimbursement	Local education agencies
IDEA, Part B, Special Education - Preschool Grants	84.173	Formula Grant	Reimbursement	Local education agencies and universities
IDEA, Part B, Special Education -Grants to States	84.027	Formula Grant	Reimbursement	Local education agencies, educational cooperatives and universities
Child Nutrition Programs	10.553 10.555 10.559 10.560 10.579 10.582	Formula Grant	Reimbursement	Local education agencies, child care centers and adult care centers
IDEA, Special Education - Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities-Deaf-Blind	84.326	Project Grant	Reimbursement	Universities
IDEA, Special Education - State Personnel Development	84.323	Project Grant	Reimbursement	Universities and educational cooperatives
Cooperative Agreements to Promote Adolescent Health through School-Based HIV/STD Prevention and School-Based Surveillance	93.079	Cooperative Agreement	Reimbursement	Local education agencies
Substance Abuse and Mental Health Services Administration (SAMHSA), Project AWARE (Advancing Wellness and Resilience in Education) State Educational Agency Program	93.243	Project Grant	Reimbursement	Local education agencies and state agency partners
Javits Gifted and Talented Students Education	84.206	Project Grant	Reimbursement	Local education agencies and universities

School Climate Transformation	84.184	Project Grant	Reimbursement	Local education agencies
Striving Readers	84.371C	Project Grant	Reimbursement	Local education agencies
Vocational Education National Programs	84.051	Project Grant	Reimbursement	Local education agencies

Complaint Procedures

Any person alleging discrimination based on age, disability, race, color, sex, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status by the KDE, its staff, its students, or third parties, has a right to file a complaint with KDE. The KDE is a conduit for federal money to the local school districts and ensures the local school districts' compliance with federal financial grants; however complaints alleging discrimination based on age, disability, race, color, sex, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status by the local school districts or its staff should be directed to the local school district level and handled pursuant to local board policy.

A. Filing of Complaints

Complaints alleging discrimination under the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title IV of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, or Title IX of the Education Amendments of 1972 by the KDE, its staff, students, or third parties, may be filed with:

Compliance Coordinator
 Anitra Williams, Human Resource Administrator
 Division of Resource Management
 Kentucky Department of Education
 300 Building, 4th Floor NW 25, Sower Boulevard
 Frankfort, Kentucky 40601³
 Phone: 5025/564-3716 Ext. 4314
 Anitra.Williams@education.ky.gov

All complaints must be submitted in writing. Complaints must be filed within one hundred eighty (180) calendar days of the alleged discrimination and should contain the following information:

- Name, address, and telephone number of the complainant, if known;
- The location and name of the entity delivering the service;
- The nature of the incident that led the complainant to believe discrimination was a factor;
- The basis of the complaint, i.e. race, color, or national origin;
- Names, addresses, and phone numbers of people who may have knowledge of the event;

- The date or dates on which the alleged discriminatory event or events occurred.

B. Complaint Process

Upon receipt of the written complaint by an individual or at the time the compliance coordinator becomes independently aware of the actions that may constitute a violation of the Age Discrimination of 1975, Title II of the ADA, Title IV or VI or VII of the Civil Rights Act, Section 504 of the Rehabilitation Act, or IX of the Education Amendments of 1972, the compliance coordinator shall send an acknowledgement of the complaint to any identified complainant and shall investigate the claim. The KDE assures that the investigation shall be adequate, reliable, and impartial, and include the opportunity for the parties to present witnesses and other evidence. The compliance coordinator shall initiate an investigation upon receipt of a written complaint or the time the compliance coordinator becomes independently aware of the actions that may constitute a violation of the above laws. The compliance coordinator shall render a determination and recommend specific actions to resolve the complaint within ninety (90) calendar days of receipt. The compliance coordinator shall file a report to the KDE's General Counsel.

Any complaints received by the compliance coordinator shall be maintained in a log including date of receipt, determination, and action taken. The complaint log shall be retained for a period of no less than four (4) years. Within thirty (30) calendar days of the completion of the investigation, the complainant and any specific individual accused in the complaint of violating the above described laws shall be notified in writing of the results of the investigation and any actions taken. The KDE shall maintain the confidentiality of the complaint and the name of the complainant.

C. Withdrawal of Complaint

The complainant may withdrawal his/her complaint at any time during the process by notifying the compliance coordinator in writing.

D. Appeals

The complainant may file a written appeal of the compliance coordinator's resolution of the complaint within thirty (30) calendar days of the receipt of the written notice of resolution. Appeals shall be filed with the KDE's General Counsel, 300 Building, Sower Boulevard 5th Floor, Frankfort, Kentucky 40601⁴. The complainant shall be notified of the final resolution of the appeal within sixty (60) calendar days of the receipt of the appeal. This appeal opportunity constitutes the second and final level in the agency's complaint process.

VII. Compliance/Noncompliance Reporting

The KDE shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance. Upon receipt of a complaint by an individual or at the time the compliance coordinator

becomes independently aware of the actions that may indicate non-compliance, an investigation shall be initiated and completed within ninety (90) calendar days. The KDE assures that the investigation shall be adequate, reliable, and impartial, and include the opportunity for the parties to present witnesses and other evidence. The investigation shall include a review of the pertinent practices and policies of the recipient, the circumstances under which the possible non-compliance occurred, and other factors relevant to determining whether the recipient is non-compliant. If there is no basis for the complaint, the individual and/or program area shall be notified of the fact in writing. If there is a basis for the complaint, the compliance coordinator shall notify in writing the complainant and the individual and/or program area accused of discrimination of the following: the violation, the corrective action to be taken, and the timetable for the corrective actions to be implemented. Corrective actions shall be completed within sixty (60) calendar days of receipt of notice. Employees refusing to voluntarily comply with the Age Discrimination Act of 1975, Title II of the ADA, Title IV or VI or VII of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Title IX of the Educational Amendments of 1972 or to comply with the directed corrective actions may face disciplinary action up to and including suspension or termination.

Annually, the compliance coordinator shall accumulate all complaints (the Age Discrimination Act of 1975, Title II of the ADA, Titles IV, VI, and Title VII of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Title IX of the Educational Amendments of 1972) filed during the year for each federal program and shall report those to the KDE, Office of Legal Services. The report shall include a summary of the complaint, a description of the process used to evaluate the complaint, the findings, and actions implemented to correct deficiencies.

VIII. Agency Training Plan

This Compliance Plan and complaint procedures are disseminated to all employees. The KDE informs new employees and contractors of the Department's compliance with all federal and state laws barring discrimination. All new employees and contractors in the agency receive orientation material regarding discrimination and must certify they will comply with all federal statutes relating to the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title IV of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and Title IX of the Education Amendments of 1972.

The compliance coordinator is available to answer any questions and to ensure adequate training and understanding.

To improve staff knowledge, capability, and effectiveness, the KDE provides diversity and sexual harassment training. Training may be conducted by a trainer from the Education and Workforce Development Cabinet or completed via an on-line course or within a classroom at the Office of Diversity, Equality & Training (ODE&T). Completion of these trainings is mandatory for all employees, including full-time, part-time, interim, and contractors.

IX. Goals and Evaluation Procedures

The KDE is an equal opportunity employer. Employment goals are established in compliance with the Kentucky Board of Education minority employment goal and the state affirmative action plan.

A. GOALS

The Department establishes the following goals:

1. No applicant and/or eligible individual shall be excluded from participation in any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic information, political affiliation, or veteran status;
2. No applicant and/or eligible individual shall be denied the benefits of any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic information, political affiliation, or veteran status;
3. No applicant and/or eligible individual shall be otherwise subjected to discrimination under any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic information, political affiliation, or veteran status; and
4. That substantiated complaints, if any, shall continuously decrease and be resolved to the satisfaction of all parties.

The KDE's internal process to meet the above goals and for ensuring a diverse workforce includes the following:

- Interview panels must contain a minimum of three (3) people, one (1) of whom must be a minority;
- A minimum of four (4) candidates must be interviewed, two (2) of whom must be a minority if qualified and identified.

This process is monitored and enforced by the Division of Resource Management. Bimonthly, the compliance coordinator provides written progress reports containing statistical data on employment at the agency to the Kentucky Board of Education.

In an effort to provide corrective procedures, the KDE attempts to update personnel and contractors on the continual importance of equitable practices that provide equal opportunities and fair and agreeable work environments.

Training for staff is arranged by the Division of Resource Management.

B. EVALUATION – Plan Deficiencies, Updates, and Corrective Procedures

The KDE shall evaluate and measure its goals in the following manner:

- The compliance coordinator shall annually review the Compliance Plan to identify deficiencies and existing needs; and shall provide updates, corrections, or changes to the Auditor of Public Accounts and the Kentucky Human Rights Commission by July 1 of each year;
- The compliance coordinator shall submit a report annually to the KDE General Counsel on all complaints filed under the Age Discrimination Act of 1975, Title II of the ADA, Titles IV, VI, and VII of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Title IX of the Education Improvements of 1972, investigated, substantiated, and resolved by the KDE;
- The compliance coordinator shall submit quarterly reports to the Personnel Cabinet’s Office of Diversity, Equality & Training;
- The KDE’s Compliance Plan shall be available to all staff;
- The Division of Resource Management shall provide information to all staff regarding discrimination and will incorporate this information in the new employee orientation training.

The federal grants awarded to the KDE identify covered program evaluation standards and indicators to be included within the state plans to assess service delivery and consumer satisfaction. Customer satisfaction surveys, on-site monitoring and program evaluations provide tools to assess service delivery consistent with the Age Discrimination Act of 1975, Title II of the ADA, Titles IV, VI, and VII of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Title IX of the Education Amendments of 1972 goals.

X. Public Notice and Outreach

Information regarding the KDE’s programs, resources, services, and positions are available to all without regard to age, disability, race, color, sex, national origin, sexual orientation, age, gender identity, genetic information, political affiliation, or veteran status at www.education.ky.gov. The KDE’s Compliance Plan is also available to all on this site.

Additionally, the Office of Career and Technical Education area technology centers must publish a classified advertisement in a well-circulated newspaper in the service area of the institution. It must affirm their nondiscrimination policy statement and identify their Equal Employment Opportunity Coordinator’s name, address and telephone number. A brief summary of vocational programs and admission criteria should be included in the announcement.

XI. Recordkeeping and Reporting

Complaints received by the KDE shall be handled by the compliance coordinator. Any complaints received by the coordinator shall be maintained in a log including date of receipt, determination, and action taken. The complaint log shall be retained for a period of no less than four (4) years.

Changes in the Compliance Plan shall be provided to all employees including contractors and will be forwarded to the State Auditor. The Compliance Coordinator shall ensure that updates are disseminated to all staff, including federal grant coordinators, and the coordinators shall ensure that all grant recipients have been notified of the Compliance Plan and compliance process.

Each office/division in the KDE maintains a data collection system concerning statistical characteristics of its applicants and beneficiaries of covered programs. Service delivery and outcomes statistics are collected and reported annually to federal oversight agencies. Program audits are conducted by federal regional program coordinators.

Requisite programmatic and statistical records for compilation and reporting under this section shall be maintained by the office/division in the KDE for the time periods required by law or until resolution of a pending complaint or audit initiated during that time period consistent with the provisions of Titles 29 & 34 of the Code of Federal Regulations.

Offices/divisions in the KDE are tasked with collecting data demonstrating the participation of members of protected classes in programs and activities.

XII. Representation on Agency Board

Pursuant to KRS 156.029, a board appointed by the Governor of the Commonwealth governs the KDE. The board consists of twelve (12) members appointed by the Governor, with the president of the Council on Postsecondary Education serving as an ex officio nonvoting member. The current Kentucky Board of Education consists of twelve (12) members:

- 2-African American Males
- 5-White Males
- 5-White Females

A. KDE Staff (as 6/30/2019)

Race	Number	Percentage
White	2261	88.87%
Black/African American	85	3.34%
Hispanic/Latino	11	0.43%
American Indian/Alaskan Native	3	0.11%
Asian	17	0.66%
Native Hawaiian/Other Pacific Islander	0	0.0%
Two or More Races	7	0.27%
Other	154	6.05%

Total		100%
Total White	2261	88.87%
Total Minority	277	10.88%

APPENDIX

Policy Statement on Diversity

The Kentucky Department of Education (KDE) recognizes that continued success in meeting the needs of our customers, both internal and external, requires the full and active participation of talented and committed individuals regardless of their race, color, national origin, sex, age, religion, sexual orientation, gender identity, genetic information, veteran status, or disability. By fostering an atmosphere of acceptance and support, we can begin to value and appreciate the strengths afforded by the differences, styles, ideas, and organizational contributions of each and every person.

The ultimate goal of workplace diversity will be achieved when the KDE has further enhanced its ability to recruit, retain, tap the full potential of employees at all levels, and is diverse enough to:

1. Allow all offices and area technology centers within KDE to compete for qualified employees from an increasingly diverse applicant pool;
2. Be more reflective of the population and socioeconomic circumstances of Kentucky's citizens and the areas in which KDE has employment opportunities; and
3. Eliminate biases that may exist in the state government workforce.

Diversity complements the other organizational values of teamwork, leadership, empowerment, and service quality and encompasses the way we work, the work environment, and respect for people and ideas. Diversity includes everyone and everything. While its major focus may often revolve around issues of previous discrimination based on race and gender, it is not something that is defined, or limited solely by those two factors. Diversity also extends to age, personal and work history, education, function, and personality – including lifestyle, sexual orientation, gender identity, tenure with the organization, merit and non-merit status, and management or non-management position. It also encompasses varying management styles and ways of thinking, leadership abilities, skill levels, experiences, viewpoints, expressions of thoughts, and differing ways of delivering services, provided there is consistency in the values we share.

Success in diversity requires inclusion. It stresses equal opportunity and recognizes and respects the multitude of differences that employees bring to the workplace as well as acknowledges the changing “face” of the community we service. The full cooperation and affirmation of diversity by all state employees, including management, is expected.

Policy Statement on Harassment Prevention

The Kentucky Department of Education (KDE) does not tolerate harassment of any kind. All employees must avoid offensive or inappropriate behavior at work and are responsible for ensuring that the workplace is free from harassment at all times. Types of prohibited conduct include, but are not necessarily limited to: harassment because of one's race, color, national origin, sex, age, religion, sexual orientation, gender identity, genetic information, veteran status, disability, or political affiliation.

Examples of prohibited conduct include, but are not limited to threatening, offensive or unwelcome conduct including abusive written or verbal language directed toward an individual because of sex, race, color, age, religion, national origin, sexual orientation, gender identity, or disability; lewd or obscene comments about an individual's body, attire, or gender, including abusive comments or terminology addressed to a specific employee; vulgar or indecent gestures, language, or jokes; bringing or displaying a lewd or obscene object, book, magazine, photograph, cartoon, calendar, picture, or similar item into the workplace; or use of computers to transmit, solicit, display, or download lewd or obscene messages or materials.

Complaints of harassments shall be promptly and carefully investigated. Agencies shall ensure that employees will be free from any and all reprisal or retaliation from filing such complaints. Further, all employees are assured that they will be free from any and all reprisal and retaliation for participating in an investigation of harassment.

Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, has a duty to immediately bring the problem to the attention of his or her supervisor. If the employee's supervisor is the subject of the problem, the employee has a duty to immediately notify his or her second-line supervisor of the problem. Employees may also bring the complaint to the attention of the agency EEO Coordinator. Any supervisor receiving a complaint of harassment shall report the complaint to the agency EEO Coordinator or the State EEO Coordinator. Failure to do so shall be grounds for disciplinary action. For guidance on the complaint filing process, employees may contact the agency EEO Coordinator at (502) 564-3716 or the State EEO Coordinator at (502) 564-8000.

The investigation shall include, but shall not be limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees are assured that the privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by the circumstances.

The appropriate host agency will review its findings with the complainant at the conclusion of the investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge will be taken to stop harassment and prevent its recurrence.

Policy Statement on the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments (ADAA)

The Kentucky Department of Education (KDE) is committed to the full implementation of the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments (ADAA). It is the policy of the KDE to maximize the full inclusion and integration of people with disabilities in all aspects of employment and all programs, services, and activities.

All employees must comply with the following policies regarding the ADA & ADAA:

- **Discrimination Prohibited:** Employees with disabilities who are otherwise qualified shall not be discriminated against in any areas of employment including, but not limited to, job application and compensation procedures, fringe benefits available by virtue of employment, and activities sponsored by the state.
- **Limiting, Segregating, and Classifying:** Employees with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status.
- **Contractual or Other Arrangements:** The KDE shall not participate in contractual or other arrangements or relationships that would subject qualified employees with disabilities to the discrimination prohibited by the ADA and ADAA.
- **Reasonable Accommodations:** The KDE shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability, unless it can be shown that the accommodation would impose an undue hardship on the agency. After a qualified employee requests reasonable accommodation, all agencies shall make every reasonable effort to find out what is needed and provide the appropriate accommodations. This is to be an interactive process with the agency consulting with the employee with a disability.
- **Retaliation and Coercion:** The KDE shall not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA or because that individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA. Employees who believe they have been adversely impacted in violation of this policy may file a complaint as set forth in the KDE Consolidated Compliance Plan or as outlined in the Employee Grievances and Complaints section of the Personnel Cabinet employee handbook.



Kentucky Department of Education

DISCRIMINATION/HARASSMENT COMPLAINT FORM

You do not have to use this form to file a complaint with the Kentucky Department of Education (KDE). You may send KDE a letter or e-mail instead of this form, but the letter or e-mail must include the information in items one through nine and item fourteen of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed.

1. Name of person filing this complaint:

Last Name: _____ **First Name:** _____ **Middle Name:** _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Home Telephone: _____ **Work Telephone:** _____

E-mail Address: _____

2. Name of person discriminated against (if other than person filing). If person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

Last Name: _____ **First Name:** _____ **Middle Name:** _____

Address: _____

3. KDE investigates discrimination complaints against KDE staff, students, or third parties, and KDE program areas receiving and/or administering funds from the U.S. Department of Education or that are otherwise subject to the provisions of with the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, Titles IV, VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and Title IX of the Education Amendments of 1972. Please identify the staff member, student, third party, or KDE program area that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Individual: _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Program Area (if known) _____

4. The regulations KDE enforces prohibit discrimination/harassment on the basis of race, color, national origin, sex, sexual orientation, religion, age, gender identity, genetic information, political affiliation, veteran status, disability, or retaliation. Please indicate the basis of your complaint:

Discrimination/Harassment based on:

Race	Color	National Origin	Sex	Sexual
Orientation				
Religion	Age	Gender Identity		Genetic Information
Political Affiliation		Veteran Status		Disability
Retaliation				

Specify:

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

6. What is the most recent date you were discriminated against?

7. If the allegations contained in this complaint have been filed with any other federal, state, or local civil rights agency, or any federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your claim based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: _____

Date File: _____

Case Number or Reference: _____

Results of Investigation/Findings by Agency or Court: _____

8. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information is not required, but it will be helpful to us.

Last Name: _____ **First Name:** _____ **Middle Name:** _____

Home Telephone: _____ **Work Telephone:** _____

E-mail Address: _____

9. What would you like the KDE to do as a result of your complaint – what remedy are you seeking?

10. We cannot accept your complaint if it has not been signed. Please print your name, sign and date your complaint below.

Printed Name

Signature

Date

Printed Name (Individual in Item 2)

Signature

Date

Please mail the completed and signed Discrimination Complaint Form, your signed consent form, and copies of any written material or other documents you believe will help KDE understand your complaint to the Compliance Coordinator.

Compliance Coordinator
Anitra Williams, Human Resource Administrator
Division of Resource Management
Kentucky Department of Education
300 Building, 4th Floor NW 25, Sower Boulevard
Frankfort, KY 40601⁵
Phone: 502/564-3716 Ext. 4314
Anitra.Williams@education.ky.gov

CONSENT FORM FOR USE OF PERSONAL INFORMATION

Complainant's Name (print or type): _____

KDE Staff Member, Student, Third Party, and/or KDE Program Area Against Whom Complaint is Filed:

Please sign and date section A, section B, or section C and return to the address below:

- A. I give KDE my consent to reveal my identity (and/or that of minor child/ward on whose behalf the complaint is filed) to the KDE staff member, students, third parties, and/or KDE program area alleged to have discriminated, as well as other persons or entities, if KDE, in the course of its investigation or for enforcement activities, finds it necessary to do so.

Printed Name

Signature

Date

OR

- B. I **DO NOT** give KDE my consent to reveal my identity (and/or that of minor child/ward on whose behalf the complaint is filed). I understand that KDE may have to close this complaint if KDE is unable to proceed with an investigation without releasing my identity (and/or that of minor child/ward on whose behalf the complaint is filed).

Printed Name

Signature

Date

OR

- C. Alternatively, if you are not filing this complaint on your own behalf or on behalf of your own minor child/ward, you are responsible for obtaining written consent from the person on whose behalf the complaint is filed or, if he or she is a minor, that person's parent/guardian.

I have read this document, and I agree with the person who filed this complaint. I wish you to proceed with KDE's investigation and resolution process. I give my consent for KDE to reveal my identity (and/or that of my minor child/ward on whose behalf the complaint is filed) to other persons to the extent necessary for the purpose of resolution or investigation of this complaint.

Printed Name

Signature

Date