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ABSTRACT

The primary objective of this administrator's guide is to make vocational administrators aware of their equity obligations under the law so that they can discharge their responsibilities to meet the needs of special groups as realistically as possible. In addition, the guide is designed to remind administrators that they have a choice in developing their own philosophy of equity as it relates to vocational education and in reconciling their idea with the pragmatic concerns of helping special groups according to federal mandates. Major sections of the guide define those who may experience discrimination on the basis of handicap, academic or economic disadvantage, limited-English proficiency, aging, race or ethnic origin, and sex. The guide concludes by listing major laws and implementing rules and regulations that affect selected administrative responsibilities or functions in working with individuals who are discriminated against. (LRA)

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Research and Development No. 208

**THE ADMINISTRATOR'S GUIDE TO
EQUITABLE OPPORTUNITY IN VOCATIONAL EDUCATION**

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FOREWORD

Equity issues in education have been an ongoing debate for the past decade; and vocational educators from a number of skill disciplines, administrators, legislators, and others have been actively involved in trying to resolve equity problems for some time. The emphasis on equity in the philosophical, legislative, and educational arenas is constantly shifting as terminology and definitions change. The issue clearly will be the subject of lively discussion for many years to come.

The National Center for Research in Vocational Education has prepared the *Administrator's Guide to Equitable Opportunity in Vocational Education* in the hope that vocational education administrators will pause to reflect on the status of equity and equitable opportunity in their programs, and to give some thought to the future directions of legislation and ethics with regard to the issue. How will future policy affect the equity issue in vocational education? It may be too soon to tell. At the very least, administrators should be aware and informed of the educational, economic, and political developments that will greatly affect the outcome of equitable opportunity. The *Administrator's Guide* will help you as you examine the past, present, and future of equity in vocational education programs.

The National Center is indebted to Lucille Campbell-Thrane, Associate Director and Program Director, and to Cindy Silvani-Lacey for researching and writing the first draft of the introduction and summary chapters of the *Administrator's Guide*. Project staff Denie Denniston, Kevin Manning, and Patricia Worthy Winkfield completed the legislation and special needs sections. Special thanks are extended to Michael Brustein who reviewed the Guide, and to Steven Gyuro and Michael Morris for their helpful suggestions. Credit also goes to Carolyn Burton and Regenia Castle who spent many hours typing the manuscript.

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EXECUTIVE SUMMARY

With the passage of the Vocational Education Act of 1963, Congress issued not only an equity mandate but also an equity challenge to the vocational education community. Although the history of federal support for public vocational education is primarily indicative of vocational education's potential as a remediation system for social problems, it is also indicative of vocational education's leadership ability in addressing social issues. Vocational educators have grappled with equity both as a problem and as a cause, sometimes successfully and sometimes not.

The primary objective of this *Administrator's Guide to Equitable Opportunity in Vocational Education* is to make vocational administrators aware of their equity obligations under the law so that they can discharge their responsibilities to meet the needs of special groups as realistically as possible. The other objective of this guide is to remind administrators that they have a choice in developing their own philosophy of equity as it relates to vocational education and in reconciling their idea with the pragmatic concerns of helping special groups according to federal mandates.

The guide defines those who may experience discrimination on the basis of—

- handicap;
- academic or economic disadvantage;
- limited-English proficiency;
- aging;
- race or ethnic origin;
- sex.

It then lists major laws and implementing rules and regulations that affect selected administrative responsibilities or functions in working with individuals who are discriminated against.

INTRODUCTION

The Purpose of the Administrator's Guide

The guide has been written to help you understand and apply federal equity legislation in administering vocational education programs for special populations. The guide is *not* about the substance of law. It identifies and categorizes major rules and regulations that affect your day-to-day responsibilities as a vocational education administrator. The information contained in the guide provides a philosophical and historical framework for applying the concepts of equity and equal opportunity to educational policy and for legislation concomitant with the evolution of equity principles. The *Administrator's Guide* will help you analyze your own personal philosophy and code of ethics as you consider the question of equity in educating special groups, and it will serve as a resource for ideas and information about equity and law as you explore the issue further.

Equal Opportunity, Equity, and Equitable Opportunity for Education

In an analysis of the concept of equal opportunity and its relationship to equity, justice, and educational policy, Burbules, Sherman, and Lord maintain "that there is no single concept of equal opportunity, but several alternative conceptions."¹ Some twenty-five years after the landmark *Brown v. the Board of Education* decision, researchers, teachers, administrators and others are still working to define and refine a theory of educational equity. To shape that theory, we need to understand some of its underlying premises or critical concepts.

The equal opportunity/equity polemic dates back to Aristotle's discussion of distributive justice or what Burbules and Sherman refer to as the equality and fairness principles that dictate: treat equals equally and unequals unequally.² Essentially, these complementary principles determine just distribution of benefits within the context of any given situation, and are dependent upon the relevance of context. Burbules and Sherman offer a lengthy but logical discussion of the philosophical basis for equity, equality, fairness, and related abstractions. The point is that individuals should develop their own definition of equity, because it is a process, not doctrine; and as such, the debate will most likely never be fully resolved.

¹ Burbules, Sherman, and Lord, p. iii.

² Burbules and Sherman, p. 9.

Building on the premises of this earlier work, Burbules and Sherman discuss the principle of equal educational opportunity in an unpublished paper entitled "Equal Educational Opportunity: Ideal or Ideology?" The authors maintain that equal opportunity is certainly a worthy ideal, but is, in itself, insufficient as a basis for educational policy. "Equal is a misleading term. In education, equal opportunity placed in context refers to fair or equitable, but *not* necessarily the *same* access to education. Access is relevant only to the unique or different needs of each individual. "Opportunity" carries with it the connotation of free will; that is, individuals *are* free to choose whether or not they will avail themselves of a given opportunity.

There are three interpretations of "equal educational opportunity."³ Formalism stresses a literal interpretation of the word *equal* (the same). Actualism considers barriers beyond the literal "equal access," and stresses compensation by educational institutions as a means of remediation. Actualists interpret "equal" as meaning "fair" opportunities or opportunities based on the unique needs of each individual. The third interpretation is the "equal results" theory, which holds that opportunities are equal only when results are equal.

To determine your own equity philosophy, then, you will need to weigh formal principles and theories against your own pragmatic concerns in discharging daily administrative responsibilities. Burbules and Sherman refer to this general framework as a "genuine spirit of collectivism . . . 'a value orientation and mode of conduct that emphasizes social consciousness, concern for others, group solidarity, and moral commitment'."⁴

Legislation – An Historical Perspective

The history of federal support for vocational education dates back well over one hundred years. In 1862, the Morrill Act provided funding for land-grant institutions offering agricultural and home economics teacher education programs, among others. It was not until 1909, however, that the term "vocational education" actually appeared in federal legislation as part of the Davis bill. Federal legislation specifically for vocational education began with the Smith-Hughes Act of 1917 that allotted funds for teacher training and salaries to assist states in offering secondary level courses in agriculture, trade and industrial education, and home economics. Equity concerns or issues in vocational education did not receive high visibility in federal legislation until the passage of the Vocational Education Act of 1963 and the 1968 Amendments to the Act. These Acts represent a radical shift in federal vocational education policy with greater attention to meeting the needs of the disadvantaged and handicapped through the establishment of "set-asides" at the secondary level. For the first time, postsecondary and adult education were designated to receive targeted funding. Congress began to look to vocational education as a remediation system for basic social and economic problems.

³ Ibid., p. 3.

⁴ Burbules and Sherman, p. 12.

This pattern continued with the Education Amendments of 1976, which amended the Vocational Education Act to include limited-English proficient persons among special needs groups receiving particular attention. The elimination of sex bias and sex-role stereotyping in vocational education emerged as a major equity issue in the Vocational Education Amendments of 1976. This legislation further sought to more closely align vocational education programs with changing technology, occupations, and labor market conditions.

The relationship between vocational education and equity through law or legislation is deeper than the observable mention of a commitment to equity in federal vocational education policy. Consider Houghteling's definition of law in *The Dynamics of Law*, "law must be viewed not as a body of static rules but as a dynamic process by which rules are constantly being created, changed, and molded to fit particular situations."⁵ This definition is reminiscent of the various definitions of equity in and equal opportunity for education. Law as a concept, like equity, is constantly evolving. There are laws that impose duties on people, laws that create privileges or extend liberties and opportunities, and laws that endow people with powers.

Legislation or law is a system of balancing or reconciling diverse interests in a society in the most equitable way possible or, as Houghteling says, a "principle of orderly, institutionalized adjustment of competing interests."⁶ Through legislation, vocational education is manifestly striving for more equitable opportunity. The basic philosophy of vocational education as a system of remediation for groups that have had a less than equitable opportunity, or as the most open and flexible system possible for educating with an eye to the future and the changing occupational outlook is evidence of a much deeper commitment. Vocational education has traditionally been closely linked to social and economic issues, and it will continue to embrace the equity issue as it evolves.

Ethos and Cultural Pluralism: Concepts for the Future

Now that we have traced the historical development of equity or equitable treatment in legislation that affects vocational education, we need to consider a parallel concept—the ethos of the special population. "Ethos" is the distinctive character or spirit indigenous to a particular group or culture. Ethos must be considered in any discussion of equity, because it addresses the individuality or the uniqueness of a person or group. The fabric of American society is woven of many strands; each strand represents the ethos of a special group that is only one part of an entire culture.

Cultural pluralism, the recognition and acceptance of sub-cultural units or groups and subsequent accommodation rather than subversion of the interests of those groups that comprise the whole, is the very nature of our society. The process of cultural pluralism results in a society comprised of discrete subparts, amalgamated rather than assimilated, each maintaining its integrity and uniqueness and existing

⁵ Houghteling, Jr., p. 2.

⁶ *Ibid.*, p. 3.

side by side. Cultural pluralism is the antithesis of the common "melting pot" view of American society in which all subgroups are assimilated and subsumed by a common cultural quotient.

The Link Between Education and Target Populations

The *Administrator's Guide* presents federal legislation that affects the administrator's responsibilities to persons discriminated against on the basis of any of the following:

- Handicap
- Academic and economic disadvantage
- Limited-English proficiency
- Aging
- Race and ethnicity
- Sex

The above conditions of discrimination categorizes people into groups that have special needs. The technical panel made up of staff from the U.S. Department of Education's Office for Civil Rights, the Office of Vocational and Adult Education, educators working in vocational education, and consultants working with special needs groups verified that these categories represent the groups most often seeking services and impacting upon the curriculum, services, and offerings of vocational schools. There are other special needs groups such as American Indians, Asian Americans, migrants, and the incarcerated that might be considered; but because of the limitation of time, it was impossible to include them. These groups can be included in a future project by updating a similar legislative review.

This legislation reflects the existing approach to equity in our society and in particular to equity in education and vocational education. If administrators understand the intent and purpose of this legislation, it will be easier for them to achieve the intent of laws and rules and regulations in applying them to vocational programs for special students. Cohen and Rosenberg state:

Like plays, laws can be understood in terms of how they shape moral and emotional expression for an audience, not just in terms of their functional impact on a "target population." Like plays, laws can be seen as an encounter between an organized presentation of meaning and an audience. Legislation involves expressive and communicative encounters between those who shape and articulate meaning in the culture and those who listen and respond.⁷

⁷ Cohen and Rosenberg, pp. 123-124.

Because administrators are the vital link between legislators and the "target population," they should be aware not only of the spirit and intent of laws, but also of how those laws are shaped and communicated.

There are several perspectives from which we can examine the dynamics of shaping and communicating legislation. Cuban describes three approaches:

Center-to-periphery

This is a linear or chain-like view in which plans and goals are set at the federal level and carried out at the local level.

Bilateral Process

In this view local districts are actively involved in, rather than passive recipients of, plans and objectives set at the federal level. The dominant feature of the bilateral process is equal participation.

Multilateral Process

This process is less well-defined and more likely to be fragmented than the other two. Local issues and concerns may take precedence over and compete with federal mandates. This process is fragmented because local districts may have differing views of the compelling purpose of legislation at the federal level and of how that legislation affects their own interests.⁸

Multidimensional Process

Another perspective is multidimensional and reflects the interests of three strands of equal weight and importance that are closely interwoven. In this view, federal policy on equity becomes the crucible in which the interests of three unique strands are amalgamated: vocational education administration representing the special interests and purpose of vocational education; law reflecting a balancing or reconciliation of diverse interests in society; and each special population itself with its own ethos. This amalgamation results in vocational education equity legislation.

⁸ Cuban, pp. 32-33.

To Summarize

In the preceding sections, we have examined equity, equitable opportunity, and the history of this philosophical debate. We have traced the history of vocational education and equity legislation. We have discussed the concepts of ethos and cultural pluralism and examined several perspectives on the dynamics of shaping and communicating legislation. As the polemic continues, equitable treatment should occur along the way. To achieve some measure of equity in their own programs, vocational education administrators should develop their own definitions of what constitutes equitable opportunities and treatment. The definition should include the administrator's own philosophies of equity and its appropriateness to their daily administrative tasks.

To help you analyze the question of equity and to draw some conclusions, there are three facets of the issue you should consider:

- First, is equal opportunity in education an ideal or an ideology?
- Second, is there a solution to the dichotomy between capitalism and democracy?
- Third, what are the implications of pluralistic education for the future?

Is equal educational opportunity an ideal or an ideology? Burbules and Sherman in "Equal Educational Opportunity: Ideal or Ideology?" conclude that the principle is inadequate. It represents a worthy educational ideal but it cannot, by itself, ensure a decent educational experience to every individual, fair distribution of educational outcomes, or a rational basis for all that we, as vocational educators, want our programs to accomplish. In the past, many educators and policymakers have relied solely on the principle to achieve idealistic goals; it is this reliance that characterizes equal educational opportunity as ideological. The principle by itself is simple inadequate to guide the formulation of educational policy.⁹ Rather, the authors suggest the adoption of a "genuine spirit of collectivism ... 'a value orientation and mode of conduct that emphasizes social consciousness, concern for others, group solidarity, and moral commitment'."¹⁰

Inherent in this whole discussion is the dichotomy between capitalism and democracy. While the spirit of collectivism is a goal worth striving for, there are some key considerations as to our national, "collective" motivation for working toward a philosophy that embraces equitable opportunity.

The American state serves two masters that are philosophically and technically incompatible. On the one hand, we revere the institution of capitalism; we respect market incentives, market outcomes, and profit-seeking as a fundamental motive. Profit rests in the private (individual) rather than the public (government) domain. At the other end of the spectrum, our nation purports to be democratic. We constantly seek to eliminate class, race, and sex distinctions and inequalities and to subjugate individual desires to the collective interest. Democratic forces tend to produce egalitarian outcomes and capitalistic pressures in egalitarian outcomes.¹¹ Our society is in a state of constant tension and conflict between these two poles.

⁹ Burbules and Sherman, p. 10.

¹⁰ Ibid., p. 12.

¹¹ Grubb and Lazerson

The concept of educational pluralism is perhaps the best way to reconcile equity or equitable opportunity in education as an ideal with capitalistic-democratic polarity. Green postulates that educational pluralism recognizes the presence of pluralism, by cultural groups and the differences in ability or excellence from one individual or group to another. Educational pluralism, by extension, can also accommodate the market forces constantly at work in a capitalistic society. Educational value in concert with a pluralistic definition of ability or opportunity can be determined in accordance with the shift between supply and demand that is the common denominator of the marketplace. This determination will not exclude the possibility of equitable opportunity. "Equity" in the future will simply expand to include issues of pluralism, maximum efficiency, and effectiveness. But equity will also allow for the differential effects of subcultural and individual units.¹² "Equity" will guarantee equitable provision of opportunity, but not equal outcomes. Results are up to the individual who is given the freedom to choose what should or should not be made of that opportunity.

¹² Green, pp. 26-32.

HOW TO USE THE ADMINISTRATOR'S GUIDE

The *Administrator's Guide* was developed by working with a highly skilled technical panel and consultants with expertise in the area. The primary source of information was the *Federal Register* (FR). The *Federal Register* is published almost daily by the federal government and can be found in most law libraries and many other reference centers. It contains regulations, public notices, interpretations, guidelines, and other information of interest to the general public. When the *Federal Register* is cited the volume number appears, the date, the title, the public law number, and a short explanation of the information contained. Thus, a reference commonly used in the *Administrator's Guide* is: *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs).

The information in the following sections relates most directly to federal financial assistance for programs of vocational education and employment related training for persons discriminated against on the basis of any of the following:

- Handicap
- Academic and economic disadvantage
- Limited-English proficiency
- Aging
- Race and ethnicity
- Sex

The technical panel, consultants, and staff adapted the administrative functions and specific administrative tasks that were verified in a nationally validated study by Robert E. Norton at the National Center for Research in Vocational Education as a basis for their work.¹³ The following format was followed in each section:

¹³ Norton, Ross, Garcia, and Hobart

- Definition of Special Population or Condition of Discrimination
- Relevant Legislation
 - Laws
 - Rules
- Administrative Functions (as adapted from the Norton study)
 - Program Planning, Development, and Evaluation
 - Personnel Management
 - Staff Development
 - Instructional Management
 - Student Services
 - School/Community Relations
 - Professional Relations and Self-Development
 - Business and Financial Management
 - Facilities and Equipment Management
- Summary

Under each administrative function heading, you will find a paragraph outlining legislative specifications. In addition, you will find a list of administrative tasks and legislation pertinent to the administrator's responsibilities in providing equitable services to students and employees. The laws and rules and regulations referenced in this guide are not dated later than 1979. A new Title 34 was established to govern all regulations under the administration of the Department of Education, which results in a change for many of the section numbers. Finally, there is a summary of legislative guidelines to specific administrative tasks or responsibilities at the end of each section.

A Few Caveats

Please note that the *Administrator's Guide* does not in any way purport to address comprehensively all laws, rules, and regulations at the federal, state, and local levels, nor does it attempt in any way to interpret those federal laws that are included. For assistance or guidance in dealing with salient legal points, local administrators should consult their own legal counsel.

Although the federal legislation relates to state responsibilities, local administrators are responsible for carrying out mandates of the law when they use state and federal funds.

In addition, vocational education administrators should be aware of the numerous court cases based on civil rights legislation that have had or may in the future have some bearing on the question of equity or equitable opportunity in education. The Bakke reverse discrimination case is an excellent and very recent example. An administrator following the letter of the law in one instance, may find he or she gets involved in another legal entanglement because individuals feel they are discriminated against. You should consult your own legal counsel if you need an interpretation of major court decisions that may have an impact on provision of equitable opportunity in vocational education.

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DISCRIMINATION ON THE BASIS OF HANDICAP

Definition

Handicapped persons are defined in three different ways according to federal regulations. Educators must be aware of the several definitions that follow in order to ensure that educational and administrative services are in accordance with federal regulations.

Definitions Under Regulations Implementing Section 504

The regulations implementing section 504 of the Rehabilitation Act of 1973 (P.L. 93-112) define handicapped persons as follows:

- (j) "Handicapped persons." (1) "handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.
- (2) As used in paragraph (j)(1) of this section, the phrase:
 - (i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
 - (ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
 - (iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

- (iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.¹⁴

Definition Under Regulations Implementing Part B

The regulations implementing part B of the Education of the Handicapped Act (P.L. 94-142) define handicapped children as follows: (a) as used in this part, the term "handicapped children" means those children evaluated in accordance with section 121a.530–121a.534 as being mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multihandicapped, or as having specific learning disabilities, and who, because of those impairments, need special education and related services. (b) The terms used in this definition are defined as follows.

- (1) "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.
- (2) "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.
- (3) "Hard of hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of 'deaf' in this section.
- (4) "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.
- (5) "Multihandicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.
- (6) "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments

¹⁴ *Federal Register*, Volume 42, No. 86, May 4, 1977, Part IV (Rules and Regulations for section 504, Rehabilitation Act of 1973, P.L. 93-112, Nondiscrimination on Basis of Handicap), Section 84.3(j).

caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

- (7) "Other health impaired" means limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affect a child's educational performance.
- (8) "Seriously emotionally disturbed" is defined as follows:
 - (i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:
 - (A) An inability to learn which cannot be explained by intellectual, sensory, or health factors;
 - (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - (C) Inappropriate types of behavior or feelings under normal circumstances;
 - (D) A general pervasive mood of unhappiness or depression; or
 - (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
 - (ii) The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.
- (9) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction (sic), dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, or mental retardation, or of environmental, cultural, or economic disadvantage.
- (10) "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.
- (11) "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.¹⁶

¹⁶ *Federal Register*, Volume 42, No. 163, August 23, 1977, Part II (Rules and Regulations for Part B of the Education of the Handicapped Act of 1976, P.L. 94-142), Section 121a.5.

**Definition Under the Vocational Education Act of 1963,
as Amended by the Education Amendments of 1976**

The regulations implementing the Vocational Education Act of 1963 as amended by the Education Amendments of 1976 (Title II of P.L. 94-482) define handicapped persons in the following manner:

A person who is:

- mentally retarded;
- hard-of-hearing;
- deaf;
- speech impaired;
- visually handicapped;
- seriously emotionally disturbed;
- crippled; or
- other health impaired persons, disabilities; and

These individuals, who because of their handicap—

- require special education and related services; and
- cannot succeed in the regular vocational education program without special assistance; or
- require a modified vocational education program.

Relevant Legislation

The laws covering handicapped persons in vocational education are as follows:

Laws

- The Vocational Education Act of 1963 as amended by the Education Amendments of 1976 (Title II of P.L. 94-482).
- The Rehabilitation Act of 1973 (Section 504 of P.L. 93-112).
- The Education of the Handicapped Act as amended by the Education for All Handicapped Children Act of 1975 (P.L. 94-142).

Rules and Regulations

- *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs).
- *Federal Register*, Volume 42, No. 86, May 4, 1977, Part IV (Rules and Regulations for Section 504 of the Rehabilitation Act of 1973, P.L. 93-112 Nondiscrimination on Basis of Handicap).
- *Federal Register*, Volume 42, No. 163, August 23, 1977, Part II (Rules and Regulations for Part B of the Education of the Handicapped Act of 1975, P.L. 94-142).
- *Federal Register*, Volume 44, No. 56, March 21, 1979, Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap.

Administrative Function

Program Planning, Development, and Evaluation

Federal Register, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs); and the *Federal Register*, Volume 42, No. 86, May 4, 1977, Part IV (Rules and Regulations for Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, Nondiscrimination on the Basis of Handicap) provide regulations for performing the following administrative tasks pertaining to program planning, development, and evaluation: (a) collect and analyze manpower needs assessment data; (b) involve community representatives in program planning and development; (c) obtain state and federal state agencies in developing and operating vocational programs; (d) cooperate with other agencies in developing and operating vocational programs; (e) prepare annual programs; (f) establish school admission and graduation requirements; (g) develop plans for evaluating instructional programs; (h) involve external evaluation personnel in assessing program effectiveness; (i) design and select instruments for evaluating the instructional program; (j) coordinate local demonstration, pilot, and exemplary programs; and develop supplemental/remedial instructional programs to meet student needs.

Collect and analyze manpower needs assessment data

The administrator may ask the state for assistance in collecting and analyzing manpower needs.

FR October 3, 1977
section 104.183

Involve community representatives in program planning and development

The local educational agency or other recipient is required to establish a local advisory council composed of various community representatives.

FR October 3, 1977
sections 104.111-104.112

Obtain state and federal services and resources for program development

The vocational educator may apply to the appropriate state agency to receive federal or state funds for the development of programs for the handicapped.

FR October 3, 1977
section 104.312

Cooperate with district, county, regional, and state agencies in developing and operating vocational programs

The local administrator must cooperate with the state and other agencies in operating educational programs.

FR October 3, 1977
sections 104.97, 104.182

Prepare annual program plans

The local educational agency must submit an annual application to the appropriate state agency.

FR October 3, 1977
section 104.141(f)

Establish school admission and graduation requirements

The local administrator in a vocational education program must adjust admission and graduation requirements that discriminate against the handicapped.

FR May 4, 1977
sections 84.42, 84.44(a)

FR March 21, 1979
part 80, IV, K, N

Develop plans for evaluating instructional programs

The vocational administrator shall cooperate with the appropriate state agency in evaluating the effectiveness of educational programs.

FR October 3, 1977
sections 104.401-104.404

Involve external evaluation personnel in assessing program effectiveness

The local administrator must involve external educators in evaluating and assessing program effectiveness.

FR October 3, 1977
section 104.141(f)(4)(A)

Design and select instruments for evaluating the instructional program

The administrator must cooperate with State Board to evaluate in quantitative terms the effectiveness of instructional programs.

FR October 3, 1977
section 104.402

Coordinate local demonstration, pilot, and exemplary programs

The local administrator may use a certain portion of federal and state funds in order to develop new and innovative vocational programs.

FR October 3, 1977
sections 104.701, 104.706,
104.707

Develop supplemental/remedial instructional programs to meet student needs

If necessary, the local administrator must utilize auxiliary instructional aids in order to assist handicapped students.

FR May 4, 1977
sections 84.33, 84.44

Personnel Management and Staff Development

The *Federal Register*, Volume 42, No. 86, May 4, 1977, Part IV (Rules and Regulations for Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, Nondiscrimination on the Basis of Handicap); the *Federal Register*, Volume 42, No. 163, August 23, 1977, Part II (Rules and Regulations for Part B of the Education of the Handicapped Act as amended by the Education for All Handicapped Children Act of 1975, P.L. 94-142); and the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) cover the following task areas in personnel management and staff development for the vocational administrator: (a) prepare and recommend personnel policies; (b) establish staff selection and recruitment procedures; (c) recommend staff to administration and board; (d) interpret the staff benefits program; (e) schedule staff work load; (f) recommend staff promotions and dismissals; and (g) assess staff development and supportive personnel.

Prepare and recommend personnel policies

The administrator must develop personnel policies regarding hiring, job assignments, rate of pay and other employment policies that do not discriminate against handicapped persons and that afford the handicapped person reasonable accommodation in employment.

FR May 4, 1977
section 84.11-84.14
FR March 21, 1979
part 80, VIII, A, E

Establish staff selection and recruitment procedures

The local administrator must develop staff selection and recruitment procedures that do not discriminate against qualified handicapped persons. Administrators may not recruit employees in such a manner as to discriminate against handicapped persons.

FR May 4, 1977
section 84.11, 84.13
FR March 21, 1979
part 80, VIII, B

Recommend potential staff to administration and board

The administrator must initiate policies that do not discriminate against qualified handicapped persons in the area of hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, right of return from layoff, and rehiring.

FR May 4, 1977
section 84.11

Interpret the staff benefits program

Local administrators must ensure that nondiscriminatory practices are developed in the area of fringe benefits whether or not the local agency or recipient controls such benefit programs.

FR May 4, 1977
section 84.11

Schedule staff work load

Local administrators must permit handicapped persons to modify work schedules if necessary to make reasonable accommodation for such persons.

FR May 4, 1977
section 84.12

Recommend staff promotions and dismissals

Administrators must initiate policies that do not discriminate against qualified handicapped persons in the area of hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring.

FR May 4, 1977
section 84.11

Provide for inservice program for supportive personnel

The local administrator may assist the state in providing supportive personnel with inservice training activities.

FR August 23, 1977
section 121a.383

Instructional Management

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs); the *Federal Register*, Volume 42, No. 86, May 4, 1977, Part IV (Rules and Regulations for Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, Nondiscrimination on the Basis of Handicap); and the *Federal Register*, Volume 42, No. 163, August 23, 1977, Part II (Rules and Regulations for Part B of the Education of the Handicapped Act as amended by the Education for All Handicapped Children Act of 1975, P.L. 94-142) provide regulations for the vocational practitioner in the following task areas of instructional management in vocational programs: (a) establish instructional program entry and completion requirements; (b) design and oversee student progress reporting procedures; (c) guide staff in selecting and using effective instructional strategies; and (d) promote integration of vocational student organizational activities into instructional programs.

Establish instructional program entry and completion requirements

The local administrator must adjust admission and graduation requirements that discriminate against the handicapped.

FR May 4, 1977
sections 84.33, 84.35,
84.44

Design and oversee student progress reporting procedures

The local administrator must develop and coordinate methods to evaluate the achievement of students in educational programs and the appropriateness of a child's individualized education program.

FR May 4, 1977
section 84.35
FR August 23, 1977
section 121a.534

Guide staff in selecting and using effective instructional strategies

The local administrator must develop an educational program that meets the individual needs of the handicapped person.

FR August 23, 1977
sections 121a.320-349

FR October 3, 1977
section 104.182

FR May 4, 1977
section 84.33

Promote integration of vocational student organizational activities into instructional programs

The local administrator must ensure that any nonacademic and extracurricular services are not provided in a manner that discriminates against handicapped persons.

FR May 4, 1977
sections 84.43, 84.37, 84.47

FR August 23, 1977
section 121a.306

Student Services

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs); the *Federal Register*, Volume 42, No. 86, May 4, 1977, Part IV (Rules and Regulations for Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, Nondiscrimination on the Basis of Handicap); the *Federal Register*, Volume 42, No. 163, August 23, 1977, Part II (Rules and Regulations for Part B of the Education of the Handicapped Act as amended by the Education for All Handicapped Children Act of 1975, P.L. 94-142); and the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs--Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) regulate programs and services provided in the following areas of student services: (a) oversee student recruitment activities; (b) oversee school admission services; (c) arrange for work-study programs; (d) provide for supplemental remedial instructional programs; (e) provide for special needs programs; (f) provide for adult continuing education programs; (g) maintain a learning resource center for students; (h) program placement; (i) oversee student guidance and testing program; and (j) provide for a student record keeping system.

Oversee student recruitment activities

The local administrator must conduct recruitment activities in a manner that does not discriminate against qualified handicapped persons. The administrator may not limit the number of handicapped persons admitted into educational programs. Generally, all administrators must conduct recruitment activities in such a manner as to provide qualified handicapped persons equal access to all educational programs.

FR May 4, 1977
sections 84.33, 84.42

FR March 21, 1979
part 80, V, C

Oversee school admission services

The local administrator must develop an admission program that permits broad access to educational programs for qualified handicapped persons. These regulations cover all areas of access normally associated with the admissions function including minimal qualifications and financial aid.

FR May 4, 1977
sections 84.33, 84.35,
84.42, 84.43, 84.46

FR March 21, 1979
part 80, IV, A, E, F, G, K,
N, O

Arrange for work-study programs

The administrators may make work-study programs available to area youth. The administrator may not engage in any contract that would discriminate against qualified handicapped persons.

FR March 21, 1979
part 80, VII, A

FR October 3, 1977
section 104.523

FR May 4, 1977
section 84.46, (c)

Provide for cooperative education programs

The local administrator may use funds to develop cooperative programs with public or private employers. The local administrator must not enter into any cooperative relationship that discriminates against any special need groups.

FR October 3, 1977
sections 104.531-532

FR March 21, 1979
part 80, VII, A

Provide for supplemental/remedial instructional programs

If necessary, the local administrator must utilize auxiliary instructional aides in order to assist handicapped students in the postsecondary setting.

FR May 4, 1977
section 84.44

Provide for special needs programs

The local administrator must provide regular and specialized programs of education for handicapped persons if necessary.

FR May 4, 1977
section 84.33,(G)

FR March 21, 1979
part 80, VI, A

Provide for adult/continuing education programs

The local administrator must not discriminate against qualified handicapped persons in the operation of adult education programs.

FR May 4, 1977
section 84.38

Maintain a learning resource center for students

The local administrator may use funds to establish a vocational resource center to meet the needs of out-of-school individuals including handicapped persons.

FR October 3, 1977
section 104.763

Program placement

The local administrator must place handicapped persons in the least restrictive environment. The placement must be made in light of individualized needs of the handicapped person. At the postsecondary level, administrators must provide students with the "most integrated setting appropriate."

FR March 21, 1979
part VI, A
FR August 23, 1977
section 121a.533
sections 121a.550-556
FR May 4, 1977
sections 84.43(d), 84.34

Oversee student guidance and testing program

The local administrator must develop broad-based support programs including counseling services, placement, testing, and other activities that are necessary in order to accommodate handicapped persons. These services must be developed so that they do not discriminate against handicapped persons.

FR May 4, 1977
sections 84.36, 84.37,
84.43, 84.47
FR August 23, 1977
sections 121a.530-532
FR March 21, 1979
part 80, V, A, B, D

Provide for a student record-keeping system

The administrator must develop a record-keeping system to describe a student's participation in the educational program. All records must be kept confidential in accordance with appropriate regulations.

FR May 4, 1977
section 84.36
FR August 23, 1977
sections 121a.560-576

School and Community Relations

The *Federal Register*, Volume 42, No. 86, May 4, 1977, Part IV (Rules and Regulations for Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, Nondiscrimination on the Basis of Handicap); and the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) provide regulations and guidelines for the vocational practitioner in the following task areas of school and community relations: (a) develop working relationships with employers and agencies; (b) encourage staff participation in community civic service and social organizations; (c) conduct conferences with individuals relative to vocational programs; and (d) make public presentations on school programs and activities.

Develop working relationships with employers and agencies

In developing a cooperative relationship with employers, the local administrator must ensure that no contracts or agreements are entered into that would discriminate against qualified handicapped students.

FR March 21, 1979
part 80, VII, A, B

Encourage staff participation in community civic service and social organizations

Local administrators are prohibited from discriminating against handicapped persons when engaging in social or recreational activities.

FR May 4, 1977
sections 84.37(a)
84.43(a)

Conduct conferences with individuals relative to vocational programs

When conducting conferences to promote vocational programs, the local administrator may not perpetuate any stereotypes or limitations concerning handicapped persons in promotional literature or in activities.

FR March 21, 1979
part 80, V, E

Make public presentations on school programs and activities

The local administrator must advise the general public of nondiscriminatory policies regarding vocational programs. Public announcements should include program offerings and must include the name of the Section 504 coordinator.

FR March 21, 1979
part 80, IV, O

Business and Financial Management

The *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs--Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) provide guidelines for the following task areas of business and financial management: (a) prepare and recommend financial policies; and (b) locate sources of funds for program development and operation.

Prepare and recommend financial policies

Local administrators must utilize and distribute federal funds in a manner that does not discriminate against any special need groups including the handicapped.

FR March 21, 1979
part 80, III, A-F

Locate sources of funds for program development and operation

Local administrators may use state assistance in applying for discretionary or competitive grants.

FR March 21, 1979
part 80, III, E

Facilities and Equipment Management

The *Federal Register*, Volume 42, No. 86, May 4, 1977, Part IV (Rules and Regulations for Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, Nondiscrimination on the Basis of Handicap); and the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational

Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) provide regulations and guidelines in the following task areas related to facilities and equipment management: (a) assess the need for physical facilities; (b) oversee architectural planning; and (c) develop long-range facility and equipment plans.

Assess the need for physical facilities

The local administrator must identify physical obstacles that limit accessibility of handicapped individuals.

FR May 4, 1977
section 84.22

FR March 21, 1979
part 80, IV, N

Oversee architectural planning

The local administrator must ensure that design plans for new buildings provide for ready accessibility for handicapped individuals.

FR May 4, 1977
section 84.23

Develop long-range facility and equipment plans

The local administrator must develop plans to ensure that existing facilities are made accessible to handicapped individuals.

FR May 4, 1977
section 84.22

Summary

Legislation related to educating the handicapped in vocational education is comprehensive in its scope and implications. Regulations govern all but one of the major functional areas (professional relations and self-development).

By law, vocational educators are required to take an active and specific role in identifying handicapped persons and providing them with equitable educational services. Individualized educational programs (IEPs) must be developed for all handicapped students under twenty-one years of age.

The vocational educator should be aware that legislation pertaining to the handicapped is continuously amended and, therefore, should stay abreast of changes in this area.

DISCRIMINATION ON THE BASIS OF ACADEMIC AND ECONOMIC DISADVANTAGE

Definition

Disadvantaged persons are those, other than the handicapped, who have academic or economic disadvantages requiring special types of services, aids, or programs to help them to succeed in programs of vocational education. Academic disadvantages are described as: lacking reading and writing skills; lacking mathematical skills; or performing below grade level. Lastly, economically disadvantaged persons include: persons with family incomes at or below the national poverty level; participants or parent(s) or guardians of the participant who are unemployed; participants or parents of the participant who are public assistance recipients; or a participant who is institutionalized or subject to state guardianship.¹⁶

Relevant Legislation

Legislation reviewed in equity and vocational education revealed the following laws and rules and regulations as most relevant to providing vocational education to disadvantaged populations:

Laws

- The Vocational Education Act of 1963 as amended by the Education Amendments of 1976 (Title II of P.L. 94-482).
- The Comprehensive Employment and Training Act of 1973 as amended by the Comprehensive Employment and Training Act Amendments of 1978 (P.L. 95-524).¹⁷

¹⁶ *Federal Register*, Volume 42, No. 191, October 3, 1977. Part VI (Rules and Regulations for Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs), Section 104.804.

¹⁷ This legislation is identified as a source of additional funds for administrators of vocational education programs that serve disadvantaged clients.

Rules and Regulations

- *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs).

Guidelines are provided for vocational education personnel in performing the following administrative functions: (a) program planning, development, and evaluation; (b) personnel management and staff development; (c) instructional management; (d) student services; (e) business and financial management; (f) facilities and equipment management.

Administrative Function

Program Planning, Development, and Evaluation

Federal Register, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) that describes the implementation of Title II of P.L. 94-482 provides administrators with a guide in planning vocational programs. The specific tasks addressed in these rules and regulations that are related to program planning include: (a) evaluating the effectiveness of the instructional program; and (b) developing supplemental/remedial instructional programs.

Evaluate the effectiveness of the instructional program

Administrators of vocational programs funded on the federal, state, and local level will be involved in a program evaluation conducted by the state board during the five-year implementation period of the state plan. The evaluation will be based upon numerous indicators, including the results of additional services provided by the state for the following special populations: women, members of minority groups, handicapped persons, disadvantaged persons, and persons of limited-English-speaking ability. Administrators should, at the inception of their vocational programs, plan for program evaluation with school staff.

FR October 3, 1977
section 104.402

Develop supplemental/remedial instructional programs to meet student needs

Local administrators, as part of their vocational program instruction, may provide remedial programs focusing on the educational deficiencies or handicaps that inhibit student progress.

FR October 3, 1977
section 104.512

Personnel Management and Staff Development

Federal Register, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) serves as an aid to administrators in implementing Title II of the Education Amendments of 1976 (P.L. 94-482). This legislation provides guidelines to vocational education administrators in the performance of the following tasks in their management of personnel: (a) conducting workshops and other inservice programs for professional personnel; (b) arranging for workshops and other inservice programs for professional personnel; (c) providing for inservice programs for supportive personnel.

Conduct workshops and other inservice programs for professional personnel; arrange for workshops and other inservice programs for professional personnel; and provide for inservice programs for supportive personnel

Local administrators can make use of funding available for programs of personnel development to upgrade the skills of eligible individuals. The programs can be designed to make improvements in such areas as guidance/counseling, and instruction, supervision, and administration of vocational education for disadvantaged or handicapped persons and those of limited-English-speaking ability.

FR October 3, 1977
section 104.774

Instructional Management

Vocational administrators can turn to the *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) as a guide in providing instructional services to disadvantaged vocational students. This area is covered extensively in the rules and regulations and offers basic guidelines to practitioners in providing the following instructional services: (a) supplemental/remedial programs; (b) special needs programs; (c) program placement.

Provide for supplemental/remedial instructional programs

Local vocational administrators may provide remedial programs to remedy the educational deficiencies or handicaps that prevent some students from taking full advantage of their vocational instruction.

FR October 3, 1977
section 104.512(b)(4)

Provide for special needs programs

Local vocational education program administrators can take advantage of funds that are available for each state to cover additional cost of programs, services, and activities for persons who are disadvantaged. The funding is for the costs of special educational and other services that exceed the costs for persons who are not disadvantaged. Additionally, funds are available for stipends for new or current vocational students who have severe economic needs that cannot be remedied through their participation in work-study programs.

FR October 3, 1977
sections 104.303, 104.305,
104.313, 104.706,
104.801, 104.802

Program Placement

Local administrators can use the funds allocated for disadvantaged persons and those of limited-English-speaking ability to develop programs that will enable these students to benefit from vocational education.

FR October 3, 1977
section 104.313

Student Services

Student services is an administrative area which is addressed in the *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs). The specific vocational administrator tasks referred to in the aforementioned legislation include: (a) arrangements for work-study programs; and (b) disbursement of financial aid to students.

Arrange for work-study programs

Local administrators of vocational education programs should be aware of policies and procedures outlining work-study programs for students as well as the eligibility and selection criteria for students to qualify for the programs.

FR October 3, 1977
sections 104.522, 104.523

Financial Aid

Local vocational education administrators may take advantage of the allotment provided to states for the purpose of providing vocational education for disadvantaged persons.

FR October 3, 1977
sections 104.313, 104.801

Business and Financial Management

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) presents vocational administrators with directives for the business and financial management of their programs. Specific guidelines aid the administrator in (a) preparing long-range budgets, and (b) locating sources of funds.

Prepare long-range budgets based on total program requirements

Local vocational education administrators should be aware of the purpose of the five-year state plan as it relates to the funding of special programs for the disadvantaged.

FR October 3, 1977
section 104.186

Locate sources of funds for program development and operation

Local vocational education program administrators should become familiar with the available sources of funding to assume a portion of the additional costs of special educational and other services for the disadvantaged that exceed the costs for persons who are not disadvantaged. Administrators should also be aware of funding sources provided for in legislation areas other than vocational education such as the Comprehensive Employment and Training Act of 1973, as amended by The Comprehensive Employment Act Amendments of 1978 (P.L. 95-524).

FR October 3, 1977
sections 104.303, 104.305,
104.708

P.L. 95-524
Comprehensive Employment
and Training Act
Amendments of 1978

Facilities and Equipment Management

Vocational administrators, interested in updating their facilities to better serve rural and urban populations, can consult the *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) as an aid in architectural planning.

Oversee architectural planning

Local vocational education program administrators should be aware of the technical review criteria used to rank order the applications submitted by local education agencies in urban and rural areas to obtain emergency assistance to modernize their facilities or equipment and convert academic facilities that are needed to offer vocational programs. The need for assistance is determined by review of the application in reference to the criteria.

FR October 3, 1977
section 105.505

Summary

Legislation that pertains to administration of vocational education, equity, and the disadvantaged population is concentrated in the area of instructional management. The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) offer guidelines to administrators in this area.

Other administrative functions reviewed in the disadvantaged area are program planning, development and evaluation, personnel management and staff development, and business and financial management. The disadvantaged population as well as the handicapped and limited-English proficient student have been highlighted in the *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs). These guidelines center around providing vocational instruction geared to the special needs of students such as the disadvantaged and other specified groups as well as a means for providing financial support to students as they pursue their education.

DISCRIMINATION ON THE BASIS OF LIMITED-ENGLISH PROFICIENCY

Definitions

The designation "limited English proficiency,"¹⁸ refers to those individuals--

- who were not born in the United States or whose native language is other than English;
- who use a dominant language, other than English, for daily communication and interaction in the home environment;
- who are American Indian or Alaskan Native students and who come from an environment in which a language other than English has had a significant impact on their level of English language proficiency;
- who as a result of circumstances described in the preceding statement of this definition, have significant difficulty in understanding, speaking, reading, or writing the English language to a degree that may impede their opportunity to learn successfully in classrooms in which the language of instruction is English.

The designation "bilingual vocational training"¹⁹ refers to--

- training or retraining with instruction both in English and in the dominant language of the person being trained;
- training as part of a program to prepare those with limited English-speaking ability for gainful employment as semiskilled or skilled workers, technicians, or subprofessionals in both recognized and new and emerging occupations;

¹⁸ *Federal Register*, Volume 45, No. 67, April 4, 1980, Part 123 (Rules and Regulations for the Education Amendments of 1978, Title VII of the Elementary and Secondary Education Act as amended P.L. 95-561, Bilingual Education Act), 123.4 (20 U.S.C. 3381 [e]).

¹⁹ *Ibid.*, Part 123a, Appendix A, Definitions (Section 195[2]; 20 U.S.C. 2461).

- training that excludes any program to prepare individuals for employment in occupations requiring a baccalaureate or advanced degrees;
- training that includes both group and individual guidance and counseling as well as occupation-specific instruction;
- training of instructors for bilingual vocational programs.

Bilingual vocational training also includes the acquisition, maintenance, and repair of instructional supplies, aids, and equipment.

Relevant Legislation

A review of legislation in the areas of equity and vocational education resulted in the identification of the following mandates relevant to the administration of vocational services to those with limited-English proficiency:

Laws

- The Education Amendments of 1978, Title VII of the Elementary and Secondary Education Act as amended (P.L. 95-561) Bilingual Education Act.

Used primarily for the funding of programs:

- The Comprehensive Employment and Training Act of 1973 as amended by the Comprehensive Employment and Training Act Amendments of 1978 (P.L. 95-524).

Rules and Regulations

- *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs).
- *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap).
- *Federal Register*, Volume 45, No. 67, April 4, 1980, Part 123 (Rules and Regulations for the Education Amendments of 1978, Title VII of the Elementary and Secondary Education Act as amended (P.L. 95-561) Bilingual Education Act).

Administrative Function

Program Planning, Development, and Evaluation

The Comprehensive Employment and Training Act of 1978 (P.L. 95-524); the *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs); and the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) assist vocational practitioners in providing equal educational opportunities for students of limited-English proficiency. These authorities present guidelines for performing the following administrative tasks related to this function—planning, development, or evaluation: (a) surveying student, employer, and manpower needs; (b) establishing school admission requirements; (c) developing vocational and remedial programs, curriculum, and evaluation methods; and (d) involving the community and outside agencies.

Surveying student, employer, and manpower needs

Local administrators are required to identify students with limited-English-speaking ability. They may use state agencies to assist in surveying student, employer, and human resource needs.

FR March 21, 1979
section IV, L

P.L. 95-524
Comprehensive Employment
and Training Act of 1978
Title I
section 103.(a) (5) (A)

Establish school admission requirements

Local administrators need to know eligibility requirements to establish admission standards for student entry into vocational education programs.

P.L. 95-524
Comprehensive Employment
and Training Act of 1978
part B
section 121, B

Developing vocational and remedial programs, curriculum, and evaluation methods

Local administrators may apply for financial assistance in developing bilingual instructional and testing programs for students with limited-English proficiency.

FR October 3, 1977
sections 104, 104.706 (a)(3),
104.708 (b)(3),
104.402, 104.403,
104.404

Involving the community and other outside agencies

Local recipients are responsible for serving persons with limited-English-speaking ability. Local vocational administrators may be involved in training and job placement. The local administrator must establish advisory councils with appropriate representation.

FR October 3, 1977
section 104.111

Instructional Management and Staff Development

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) provides for bilingual instructional materials, methods, techniques, and programs. These regulations set guidelines for developing administrative tasks relative to providing: (a) special needs programs; and (b) staff development related to these programs.

Special needs programs

Local administrators may use vocational basic grant funds for remedial programs designed to help students of limited-English-speaking ability to profit from occupationally-related instruction.

FR October 3, 1977
section 104.512 (b) (4)

Staff development related to those programs

The local vocational administrator may apply for financial assistance to establish staff development programs for persons participating in bilingual education programs.

FR October 3, 1977
sections 104.774 (e), 105.611

Student Services

The *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap); and the *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) assist administrators of vocational education by providing directives relative to the identification and assessment of ability for students with limited-English-language skills. These regulations and guidelines offer procedures for performing the following administrative tasks: (a) school admission; (b) student counseling; and (c) job placement.

School admission

Guidelines are established for developing acceptable methods for identifying limited-English-speaking youth. The responsible local administrator will use these guidelines for assessing the ability of these youths to participate in vocational education programs.

FR March 21, 1979
part 80, IV, L

Student counseling

The local administrator must ensure that counselors and staff can effectively communicate with students and applicants of limited-English-language skills. The administrator may apply for financial assistance to establish vocational guidance and counseling programs for these students.

FR March 21, 1979
part 80, V, D

FR October 3, 1977
section 104.763 (f)

Job Placement

The local administrator must ensure that employers of students in cooperative vocational education programs, work-study programs, and job placement programs do not discriminate on the basis of national origin. Financial assistance from state vocational education basic grants may be used for these programs.

FR October 3, 1977
section 104.523

FR March 21, 1979
part 80, VII, A

FR October 3, 1977
section 104.581

Professional and School/Community Relations

The Comprehensive Employment and Training Act of 1978 (P.L. 95-524); and the *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-432, Vocational Education, State Programs, and Commissioner's Discretionary Programs) designated certain requirements that the vocational administrator must adhere to when serving limited-English-speaking students. These rules and regulations set forth the requirements relative to various relationships outside of the school, and may or may not include the vocational education administrator. The following administrative categories are covered: (a) professional relations and self-development; assist with development of state and/or federal plans for vocational education; and (b) organize and work with general vocational advisory council, employers, agencies; and involve community leaders in school programs and activities.

Professional relations and self-development; assist with development of state and/or federal plans for vocational education

The local administrator may participate with the CETA prime sponsor in the development of a comprehensive training plan and may review and comment to the CETA prime sponsor on both the master plan and the annual plan.

P.L. 95-524
sections 103.(a)(9), 104

Organize and work with general vocational advisory council, employers, agencies; and involve community leaders in school programs and activities

An advisory council with representation from the bilingual community should be established by the local administrator. The administration needs to develop working relationships with employers and agencies that relate to the bilingual population; and that involve community leaders in the role of advocacy for bilingual programs and employment.

P.L. 95-524
sections 103.(a)(5)(A),
(6), (14), (16),
110.(b)(3)(A), (B)(4)

FR October 3, 1977
section 104.204

Facilities, Equipment, and Financial Management

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) assists the vocational education practitioner in developing resources for facilities and equipment; and financial management of vocational programs. This rule and regulation provides guidelines for funding facilities and sets forth the uses for which funds may be designated in the following areas: (a) analyze the cost of operating various instructional programs; and (b) locate sources of funds for program development and operation.

Analyze the cost of operating various instructional programs

A local administrator may apply for grants to support bilingual vocational training programs, bilingual vocational instructor training programs, and programs to develop bilingual instructional materials. There are criteria used in reviewing these applications for grants.

FR October 3, 1977
sections 105.601, 105.611,
105.606, 106.616,
105.621, 105.626

Locate sources of funds for program development and operation

The local administrator may apply for funding of program development for persons of limited-English-speaking ability, especially for exemplary and innovative programs.

FR October 3, 1977
sections 104.313, 104.314

Summary

The administrative functions that were reviewed in the areas of limited-English proficiency or bilingual vocational training were: (a) program planning, development, and evaluation; (b) instructional management and staff development; (c) student services; (d) professional and school/community relations; and (e) facilities, equipment, and financial management. The major authorities relative to vocational education and these functions are: the Education Amendments of 1978, Title VII of the Elementary and Secondary Education Act as amended (P.L. 95-561), Bilingual Education Act; the Comprehensive Employment and Training Act of 1973 as amended by the Comprehensive Employment and Training Act Amendments of 1978 (P.L. 95-524); the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs--Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap); and the *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs); and the *Federal Register*, Volume 45, No. 67, April 4, 1980, Part 123 (Rules and Regulations for the Education Amendments of 1978, Title VII of the Elementary and Secondary Education Act as amended P.L. 95-561, Bilingual Education Act). These authorities set rules and regulations for vocational education and add directions relating to bilingual vocational training.

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) sets forth more specific regulations in the areas of student services and curriculum development. The Comprehensive Employment and Training Act as amended 1978 (P.L. 95-524) makes financial support available for the administrative functions of personnel and community relations and also for student, employer, and manpower needs. This financial support is often in the form of grants, for which application is necessary.

DISCRIMINATION ON THE BASIS OF AGING

Definition

No one definition is given as a general rule for the aging population, but rather specific chronological age limits are used in some legislation. The use of chronological age is often misleading because of the differences among people in their chronological, psychological, physiological, and social aging process. There is probably a greater range from the mean of old age than in any other age group. Older people become more diverse rather than similar with aging.²⁰

Gerontologists should take actual capacities into account when defining age, but they divide old age into early old age (sixty-five to seventy-four years) and advanced old age (seventy-five years and above).²¹

Various governmental agencies use the term sixty-five plus when defining older Americans.²² However, as people retire earlier, age fifty-five, or even fifty, will be used to describe the aging group. Bernice Neugarten uses the term "young-old" to describe people between fifty-five and seventy-five years of age.²³ There seems to be no consensus for an acceptable age term and these labels are often used: "the elderly," "older adult," "senior citizens," and "elders".

Legislative acts may merely use the general term "age," or be more "age specific," e.g.: The Age Discrimination in Employment Act Amendments of 1978 is limited to individuals who are at least forty years of age, but less than seventy years of age.²⁴ The Older Americans Act (1978 Amendments) defines "eligible individual" as one who is fifty-five years old or over.²⁵

²⁰ Robert N. Butler, *Why Survive? Being Old in America*. New York: Harper and Row, 1975, p. 7.

²¹ *Ibid.*, p. 17-18.

²² U.S. Department of Health, Education, and Welfare, Office of Human Development Services, Administration on Aging, and National Clearing House of Aging.

²³ Bernice L. Neugarten, "Age Groups in American Society and the Rise of the Young-Old," *The Annals of The American Academy of Political and Social Science*. September, 1974, p. 191.

²⁴ 95th Congress, P.L. 95-256. Section 12 (a), April 6, 1978.

²⁵ The Older Americans Act, Title V, Community Service Employment for Older Americans: Section 507 (2), 1978 Amendment.

Relevant Legislation

Legislation reviewed in equity and vocational education revealed the following laws and rules and regulations as most relevant to providing vocational education and service to the aging group. This legislation does not preclude the fact that other ages, as well as the aging, should have equitable treatment. However, this section covers legislation related to older, aged persons. The Older Americans Act now has emphasis on older persons with the greatest economic or social need. Special emphasis is given to minority older persons.²⁶

Laws

Legislation helpful for vocational education planners is:

- The Vocational Education Act of 1963 (P.L. 88-210), Title I, as amended by Title II of the Education Amendments of 1976 (P.L. 94-482) and amended in 1978. Included in the Education Amendments of 1976 (P.L. 94-482) is Title X (Establishment and Expansion of Community Colleges). Also cited is the Education Amendments of 1974 (P.L. 93-380), Special Projects Act, Title IV.
- The Higher Education Act of 1965 (P.L. 89-329), Title I, as amended (P.L. 92-318).
- The Adult Education Act of 1965 (P.L. 91-230) and amended in 1970, Title III (P.L. 89-750); and the Act was amended in 1978 (P.L. 95-561).
- The Library Services and Construction Act (P.L. 597, 84th Congress), Title IV—Older Readers Services, 1973 Amendments (P.L. 93-29).
- The Age Discrimination Act of 1975 (P.L. 94-135), Title III, and amended in 1978 (P.L. 95-478).

Legislation helpful to persons involved with employment in vocational education:

- The Age Discrimination in Employment Act as amended in 1978 (P.L. 95-256) and cited as Age Discrimination in Employment Act Amendments of 1978.
- The Civil Rights Commission Act of 1978 (P.L. 95-444).

²⁶ United States Commission on Civil Rights. *The Age Discrimination Study*. Superintendent of Documents, U.S. Government Printing Office: Washington, D.C., December 1977.

Legislation helpful to vocational educators dealing with funding and cooperative programming is:

- The Social Security Amendments of 1965 (P.L. 89-97) and amended in 1974 (P.L. 93-647).
- The Older Americans Act of 1965 (P.L. 89-73) and amended in 1972 (P.L. 92-258), and amended in 1973 (P.L. 93-29). This Act became known as the Comprehensive Older Americans Act Amendments of 1978 (P.L. 95-478).
- The Economic Opportunity Act of 1964, Title II as amended (P.L. 88-452).
- The Domestic Volunteer Act of 1973 (P.L. 93-113).
- The Comprehensive Employment and Training Act of 1973 (P.L. 93-203) and amended by the Comprehensive Employment and Training Act Amendments of 1978 (P.L. 95-524).

Rules and Regulations

- *Federal Register*, Volume 44, No. 114, June 12, 1979, Part III (Rules and Regulations for the Age Discrimination Act of 1975, as amended in 1978, P.L. 95-256, Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.
- *Federal Register*, Volume 44, No. 148, July 31, 1979 (Rules and Regulations for the Comprehensive Older Americans Act Amendments of 1978, Title III of P.L. 95-478, Grants for State and Community Programs on Aging).

These laws and rules and regulations provide guidelines for administrators in vocational education programs and services, and can be used by administrators and their staff to plan and finance programs and services for the aging group. The administrative functions described in this section are not outlined in a way traditional to most present-day vocational education planners. A more creative approach to planning is necessary. Many administrative tasks are not addressed by the legislation.

Administrative Function

Program Planning, Development, and Evaluation

Administrators of vocational education programs will find the legislation helpful in their effort to ensure equal educational opportunities for the aging group. When planning vocational education programs for the aging population, the administrator must comply with the Civil Rights Act, as amended. This Act serves and protects the civil rights of all persons within the United States. In 1978 the words "age, handicap" were added to the Civil Rights Act (P.L. 95-444), and gave power to the Civil Rights Commission to investigate age

discrimination (Civil Rights Commission Act of 1978, P.L. 95-444). The Higher Education Act of 1965 (P.L. 89-329, Title I, as amended P.L. 92-318) assists the practitioner in developing and implementing a program for lifelong learning. The Adult Education Act of 1978 (P.L. 95-561) makes funds available to the local school district for program planning and development in adult basic education. The Vocational Education Act (P.L. 88-210) as amended by the Education Amendments of 1976 (P.L. 94-482); the Domestic Volunteer Act (P.L. 93-113); the Economic Opportunity Act (P.L. 88-452); the Comprehensive Older Americans Act Amendments (P.L. 95-478); the Comprehensive Employment and Training Act Amendments (P.L. 95-524); and the Library Services and Construction Act (P.L. 95-597) are cited under the administrative tasks for the program planning, development, and evaluation function.

This legislation provides guidelines for performing the following administrative tasks of this function: (a) involve community representatives in program planning and development; (b) obtain state and federal services and resources for program development; (c) cooperate with district, county, regional, and state agencies in developing and operating vocational programs; (d) interpret and apply other relevant state and federal legislation; (e) initiate student and employer follow-up studies; and (f) write proposals for the funding of new programs and local research studies.

Involve community representatives in program planning and development

The local vocational administrator may assist community action agencies to obtain financial assistance for planning programs to help the elderly poor. Funds may also be obtained to plan programs in conjunction with community agencies to train elderly paraprofessionals for participation in community service programs.

- P.L. 89-329
Higher Education Act
section 132
- P.L. 93-113
Domestic Volunteer Act
section 201
- P.L. 95-561
Adult Education Amendments
section 306(3)(7)
- P.L. 88-452
Economic Opportunity Act
Title II Part B
section 221(a)
Title VI section 302

Obtain state and federal services and resources for program development

The local vocational administrator may apply to the state for federal assistance to develop new programs or improve existing programs to help older persons.

- P.L. 93-380
Education Amendments:
Special Project Act
- P.L. 94-482
Education Amendments
Title II Part A
section 101

(continued on next page)



*Obtain state and federal services and resources for program development,
continued*

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
Title III

*Cooperate with district, county, regional, and state agencies in developing and
operating vocational programs*

P.L. 95-561
Adult Education Amendments
section 311

The local administrator may cooperate with the CETA prime sponsor to develop training programs for the elderly.

P.L. 95-524
Comprehensive Employment
and Training Act
Amendments
section 2

Interpret and apply other relevant state and federal legislation

P.L. 95-561
Adult Education Amendments
sections 306, 318

The local vocational administrator must be aware of the proliferation of state and federal legislation relative to the training and education of the elderly.

P.L. 89-750
Adult Education Act
Title III

P.L. 597, 84th Congress
Library Services and
Construction Act
sections 401, 402(3) (6) (7)
Title IV—Older Readers Services
1973 Amendments (P.L. 93-29),
Title IV
section 801(a)

FR July 31, 1979
Major Issues—5
section 307(a)(1)
Major Issues—6
section 302(1), (1), (2)

P.L. 95-478
Comprehensive Older
Americans Act Amendments
section 213

Initiate student and employer follow-up studies

The local vocational administrator may cooperate with the CETA prime sponsor, members of the business community, labor organizations, and community-based organizations in conducting analyses of the local labor force on the basis of such factors as age, educational background, race, and sex in order to develop methods to increase labor force participation of older workers.

P.L. 95-524
Comprehensive Employment
and Training Act
Amendments
section 308

Write proposals for the funding of new programs and local research studies

The local vocational administrator may develop proposals to obtain financial assistance for innovative or model programs or research studies to evaluate the effectiveness of adult education programs for older persons.

P.L. 92-258
Older Americans Act
Amendments
Title IV—Model Projects

P.L. 95-561
Adult Education Amendments
section 310

Personnel and Staff Development

It is against federal policy for federal contractors and federal agencies and those persons involved with federal government contracts and grants to discriminate against employees or job applicants because of their age. The legislation also requires that older persons who are employed or seeking employment with the above employers receive full and fair employment and advancement opportunities. The local administrator should be aware of these laws and related regulations for persons between the ages of forty to seventy when making new appointments and staff development assignments that could lead to promotions.

Legislation pertaining to personnel and staff development function is: the Age Discrimination in Employment Act as amended in 1978 (P.L. 95-256) and cited as Age Discrimination in Employment Act Amendments of 1978; the Comprehensive Employment and Training Act of 1973 (P.L. 93-203) and amended by the Comprehensive Employment and Training Amendments of 1978 (P.L. 95-524); and the Older Americans Act of 1965 (P.L. 89-73), and amended in 1972 (P.L. 92-258) and amended in 1973 (P.L. 93-29), and became known as the Comprehensive Older Americans Act Amendments of 1978 (P.L. 95-478).

This legislation presents guidelines for performing the following administrative tasks related to personnel and staff development: (a) recommend personnel policies and prepare job descriptions; (b) establish staff selection and recruitment procedure; (c) establish staff grievance procedures; (d) foster work opportunities for senior citizens; (e) counsel with staff regarding personnel development and conduct workshops and preservice programs for professional and supportive personnel; and (f) arrange for staff exchange with business and industry.

Recommend personnel policies and prepare job descriptions

Local administrators when preparing job descriptions or recommending personnel policies for professional and support personnel must take into consideration the legislation that protects employees and job applicants between the ages of forty to seventy.

P.L. 95-256
Age Discrimination in
Employment Act
Amendments
section 12

Establish staff selection and recruitment procedures

The local vocational administrator may make age a necessary occupational qualification because of the safety or other physical factors in the normal operation of a particular job. However, the administrator's personal preferences for hiring personnel is not a valid reason to discriminate in employment practices.

P.L. 95-256
Age Discrimination in
Employment Act
Amendments
section 12

Establish staff grievance procedure

The local administrator should be aware of the legislation that gives employees or applicants for employment the right to bring court action. Legislation states that persons between the ages of forty to seventy who believe they have been discriminated against because of their age can apply for legal redress.

P.L. 95-256
Age Discrimination in
Employment Act
Amendments
section 4

Foster work opportunities for senior citizens

The local vocational administrator may cooperate with the CETA prime sponsor in retraining older workers when their skills become obsolete, or if physical changes associated with aging make it impossible for them to continue in the same trade. The administrators may also assist in the development of job opportunities for the unemployed older worker.

P.L. 95-524
Comprehensive Employment
and Training Act
Amendments
Title II

Counsel with staff regarding personnel development and conduct workshops and pre-service programs for professional and supportive personnel

The local vocational administrator may apply for financial assistance to assist in paying costs, in whole or in part, of short-term and inservice training courses, workshops, institutes, and other activities. These activities are designed to improve the capabilities of participants to provide services to older persons and to administer programs related to the field of aging.

P.L. 95-478
Comprehensive Older Americans
Act Amendments
Title IV

Arrange for staff exchange with business and industry

The local vocational administrator may apply for funds to provide for increased opportunities for practical experience and/or fellowships for staff exchanges between business and industry. Additionally, funds may be used for educational staff involved with providing services to older persons.

P.L. 95-478
Comprehensive Older Americans
Act Amendments
Title IV

Instructional Management and Student Services

The Age Discrimination Act of 1975 (P.L. 94-135), the Higher Education Act of 1965 (P.L. 89-329), the Education Amendments of 1976 (P.L. 94-482), the Adult Education Act of 1978 (P.L. 95-561), the Comprehensive Older Americans Act Amendments of 1978 (P.L. 95-478); and the *Federal Register*, Volume 44, No. 114, June 12, 1979, Part III (Rules and Regulations for the Age Discrimination Act of 1975 as amended in 1978, P.L. 95-256, Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance) offer guidelines and mandates for performing the following administrative tasks to provide for instructional management and student services: (a) establish instructional program entry and completion requirements; (b) enforce student rules and policies; (c) establish and implement a curriculum design that will achieve the school's instructional goals; (d) provide for special needs programs; (e) provide for adult/continuing education programs; (f) approve selection of instructional material; (g) maintain a learning resources center for students; and (h) oversee student recruitment, admission, and work-study programs.

Establish instructional program entry and completion requirements

When establishing entry and completion requirements for vocational programs, the local administrator must be aware that age discrimination shall not exist in programs and activities receiving federal financial assistance.

P.L. 94-135
Age Discrimination Act
Title III

Enforce student rules and policies

The local administrator is responsible for enforcing rules that guarantee that no person is excluded from participating in or denied benefits of, or subjected to discrimination in programs or activities receiving federal funds.

P.L. 94-135
Age Discrimination Act
Title III
section 304(b)

FR June 12, 1979
Part III
Supplement Material:
Background; Subpart B,D,E

Establish and implement a curriculum design that will achieve the school's instructional goals

The local vocational administrator should be aware of the intent of Congress that states lifelong learning is important for all persons to improve their personal well-being, prepare them to participate in cultural, civic, and political activities, and to upgrade their work-place skills; and is especially important to the growing number of retired and older persons.

P.L. 94-482
Education Amendments
Title I – Higher Education
Part B – Lifelong Learning
sections 131, 132

Provide for special needs program

The local vocational or adult education administrator may apply for grants to assist them in modifying their educational offerings and delivery systems to provide educational programs suited to the special needs of older persons.

P.L. 94-482
Education Amendments
Title I—Higher Education
section 102(a), (b), and (c)
Title X—Establishment and
Expansion of Commu-
nity Colleges
“Expansion Grants”
section 1014(b) (90 Stat. 2166)

P.L. 89-329
Higher Education Act
Title I
sections 132, 133(2)(3)(ii)(iv)

P.L. 95-561
The Adult Education Act
sections 306(1)(2); 309(A)

Provide for adult/continuing education programs

Postsecondary programs relating to aging and pre-retirement should be offered. Financial assistance may be obtained to support the expansion of continuing education.

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
Title IV

P.L. 94-482
Education Amendments
Title I—Higher Education
Part A—Community Services
and Continuing Education
section 102(a) and (b)
Part B—Lifelong Learning
131(2) and (4)

Approve selection of instructional material

The local administrator of adult or vocational education may apply for grants of federal funds to prepare and disseminate materials, including audiovisual and printed materials for the recruitment and training of elderly persons.

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
Title IV

Maintain a learning resources center for students

The local administrator of adult education may apply to the state for federal funds to assist in the planning and operation of educational information centers to provide educational information, counseling, guidance, and referral service for elderly persons and other adults.

P.L. 94-482
Education Amendments
Title I—Higher Education
Part A—Community Services
and Continuing Education
section 102(a) and (c)

Oversee student recruitment, admission, and work-study programs

When developing recruitment policy, admission requirements, and work-study arrangements for older persons, the local administrator must be aware of the legislation that prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance including revenue-sharing funds.

P.L. 94-135
Age Discrimination Act
Title I

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
section 303

Professional and Community Relations

The Comprehensive Employment and Training Act as amended in 1978 (P.L. 95-524), the Education Amendments of 1976 (P.L. 94-482), the Adult Education Act (P.L. 95-561), and the Older Americans Act as amended in 1978 and cited as the Comprehensive Older Americans Act Amendments (P.L. 95-478) assist administrators of adult and vocational education by designating certain requirements the administrator must adhere to when serving older persons. The legislation sets forth requirements relative to professional and community relations. The following administrative tasks are covered by the legislation: (a) develop working relationships with employers and agencies; (b) involve community leaders in school programs and activities and encourage staff participation in community organizations; (c) develop and maintain professional relationships with the state department of education; and (d) participate in professional meetings for self-improvement.

Develop working relationships with employers and agencies

The local adult and vocational education administrators must establish procedures to insure adequate consultation, coordination, and cooperation relative to adult education among the educational institutions, business organizations, labor unions, libraries, public health authorities, community organizations, and anti-poverty programs.

P.L. 95-561
Adult Education Act
section 306(b)(1),(3), and (7)

Involve community leaders in school programs and activities and encourage staff participation in community organizations

The local adult and vocational education administrators may apply for financial assistance to initiate local community projects for providing social services to older persons. They may also consult with CETA prime sponsors and community organizations to assist in the training of older persons.

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
Title III, IV, and V

P.L. 95-524
Comprehensive Employment
and Training Act
Amendments
section 103

Develop and maintain professional relationships with the state department of education

The state, in order to carry out training programs for adults, should ensure coordination among local education agencies that operate adult education service programs. The local adult education administrator should be involved with the state personnel in the development of plans for vocational education for the aging population.

P.L. 95-561
Adult Education Act
section 306 (1) and (7)

Participate in professional meetings for self-improvement

The local adult and vocational education administrators may apply for funds to assist in paying costs, or part of, for short-term and inservice training courses, workshops, institutes, and other activities to help participants to provide better services to older persons. Funds are also available to assess future personnel needs, including the need for training advocates for the elderly.

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
Title IV

Facilities, Equipment, and Financial Management

The Older Americans Act of 1965 as amended in 1978 became known as the Comprehensive Older Americans Act Amendments of 1978 (P.L. 95-478), the Adult Education Act of 1965 (P.L. 91-230), the Social Security Amendments of 1965 (P.L. 89-97) and amended in 1974 (P.L. 93-647), and the Comprehensive Employment and Training Act Amendments as amended in 1978 (P.L. 95-524) assist the local vocational education administrator in developing resources for new facilities and equipment. This legislation sets forth the uses for which funds may be designated in the following task areas: (a) assess the needs for physical facilities; (b) procure equipment and furnishings; (c) locate sources of funds for program development; and (d) prepare local, state, and federal reports.

Assess the need for physical facilities

The legislation provides for funds to determine if facilities are available to and utilized by the aging. Special effort should be made in planning and designing facilities so that they are accessible to the elderly.

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
section 306

Procure and maintain equipment and furnishings

The local adult and vocational education administrators may apply for funds to plan space requirements for programs and acquire, alter, renovate, or construct facilities for the elderly.

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
section 307

Locate sources of funds for program development

The local adult and vocational education administrators may apply for federal funds from many sources. Financial assistance is available through the U.S. Department of Education, U.S. Department of Labor, U.S. Department of Health and Human Resources, U.S. Department of Transportation, and U.S. Department of Housing and Urban Development.

P.L. 93-647
Social Security Amendments
Title X

P.L. 95-524
Comprehensive Employment
and Training Act
Amendments
Title II

P.L. 95-478
Comprehensive Older
Americans Act
Amendments
Title III

Prepare local, state, and federal reports

The Adult Education Act requires input from the local education agency to show the extent to which the goals of adult education were achieved in programs for the elderly financed by federal grants.

P.L. 91-230
Adult Education Act
section 306

Summary

The administrative functions that were reviewed relative to federal legislation for the aging were: (1) program planning, development, and evaluation; (2) personnel and staff development; (3) instructional management and student services; (4) professional and community relationships; and (5) facilities, equipment, and financial management.

Legislation and rules and regulations for the aging population are not specific. Services and programs serving aging persons are limited and only exist in some locales. Legislation dealing more directly with aging persons is the Older Americans Act. This Act states that no age discrimination should exist in federally sponsored programs. The Civil Rights Act of 1964 protects the rights of *all* persons, including the aging. Additionally, the Age Discrimination in Employment Act protects the aging worker forty to seventy years of age.

The Social Security Act as amended in 1965 (P.L. 89-97) and amended in 1974 (P.L. 93-647) under Titles I, IV, X, XIV, and XVI provides social services and funding to the states. Local school administrators can use these services or referrals.

Vocational educators can emphasize that students should receive job market services regardless of age. The role of the local administrator may be to advocate student services and vocational programs that are appropriate for the older population. Part of these services may need to be coordinated with other community programs. This is particularly true for counseling and guidance staff to be trained to understand manpower needs and opportunities, and to translate this value to a vocational program for the elderly. The student service program can develop a workable placement program and follow-up for job progress and promotion suitable for the aging population.

Public education will need to look at older individuals who are looking not only for vocational skills, but for continuing education courses to change their career skills. The older person will have the educational need to meet the demands of a changing labor market; and public education will need to develop the volunteer resourcefulness of older persons.

DISCRIMINATION ON THE BASIS OF RACE AND ETHNICITY

Definition

The racial/ethnic designations used by the U.S. Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), the General Accounting Office (GAO), and the Office of Management and Budget (OMB) are not scientific definitions of anthropological origin. Students or employees may be included in the group to which they appear to belong, identify with, or are regarded as belonging to within the community. No person should be counted as a member of more than *one* of the following race/ethnic groups: (a) American Indian or Alaskan native; (b) Asian or Pacific Islander; (c) Black, not of Hispanic Origin; (d) Hispanic; (e) White, not of Hispanic Origin. These five categories are mutually exclusive and exhaustive and are representative of the minimum number of categories to be used.²⁷

Relevant Legislation

A review of legislation in the areas of equity and vocational education resulted in the identification of the following mandates relevant to the administration of vocational education services to racial/ethnic minorities:

Laws

- The Civil Rights Act of 1964 (Title VI of P.L. 88-352) as amended.
- The Civil Rights Act of 1964 (Title VII of P.L. 88-352) as amended by the Equal Employment Opportunity Act of 1972 (P.L. 92-261).
- The Vocational Act of 1963 as amended by the Education Amendments of 1976 (Title II of P.L. 94-482).

²⁷ U.S. Department of Health, Education, and Welfare; Education Division. National Center for Education Statistics. *Announcements*. Statistical Products Services, No. 6, June 4, 1975.

Rules and Regulations

- *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs).
- *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap).
- *Federal Register*, Volume 43, No. 166, August 25, 1978, Part IV (Adoption by Four Agencies of Uniform Guidelines on Employee Selection Procedures).
- *Federal Register*, Volume 44, No. 14, January 19, 1979 (Affirmative Action Guidelines. Technical Amendments to the Procedural Regulations).

This legislation provides guidelines for practitioners in vocational education programs in conducting (a) personnel management and staff development, (b) student services, and (c) school/community relations.

Administrative Function

Personnel Management and Staff Development

The *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) assists vocational practitioners by providing directives for management of personnel in vocational programs. This legislation offers guidelines for performing the following administrative tasks when managing personnel: (a) personnel policies; (b) job descriptions; (c) staff selection and recruitment procedures; (d) recruiting and interviewing potential staff. Additionally, *Federal Register*, Volume 43, No. 166, August 25, 1978, Part IV (Adoption by Four Agencies of Uniform Guidelines on Employee Selection Procedures); and *Federal Register*, Volume 44, No. 14, January 19, 1979 (Affirmative Action Guidelines. Technical Amendments to the Procedural Regulations) prohibit discrimination in employment on the basis of race, color, religion, national origin, or sex. Institutions or agencies with fifteen or more employees (including state and local governments) and labor unions are bound by these regulations.

Prepare and recommend personnel policies

Local administrators of vocational programs that receive federal assistance may not become involved in employment practices that cause segregation, exclusion, or other forms of discrimination due to race, color, or national origin.

FR March 21, 1979
part 80, VIII, A

Prepare and recommend personnel policies (continued)

Local administrators are required to maintain records of the impact that tests and other selection procedures have upon the employment opportunities of persons who can be identified by race, sex, or ethnic group.

FR August 25, 1978
sections 4, A, B, D

Local vocational education administrators should initiate an affirmative action plan when there is reason to believe that their institution or agency has used employee selection procedures that have excluded persons of a particular race, sex, or ethnic group. The plan may include such changes as recruitment programs designed to attract specific target populations, revamping of selection instruments or procedures, and increased provisions for career advancement.

FR August 25, 1978
section 17
FR January 19, 1979
sections 1608.3, 1608.4

*Job descriptions; Staff selection; and Recruitment procedures;
Recruiting and interviewing potential staff*

Local administrators of federally funded vocational education programs may not limit recruitment activities for employees to schools, communities, or companies comprising a disproportionate percentage of persons of a specific race, color, national origin, sex, or handicap.

FR March 21, 1979
part 80, VIII, B

Administrators are provided with information on standards for the validity of tests that are acceptable for use in employee selection procedures.

FR August 25, 1978
section 5, A-K

Local administrators are prohibited

FR August 25, 1978
section 6, A, B

Local administrators are prohibited from using employee selection procedures with members of a race, sex, or ethnic group if the procedures were not also used with other employees or applicants. An opportunity should be provided for retesting of applicants who are unsuccessful in their attempt to meet selection criteria.

FR August 25, 1978
section 11
FR August 25, 1978
section 12

Student Services

Federal Register, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) provides mandatory and suggested guidelines for administering nondiscriminatory student services in federally assisted programs. These rules and regulations address the following administrative tasks in the student services area: (a) recruitment activities, (b) admission practices, (c) work-study and financial support provisions; (d) student rights, and financial aid.

Oversee student recruitment activities

Local vocational administrators that are recipients of any federal financial assistance must ensure that their recruitment efforts, including the presentation of vocational or career opportunities and program descriptions, do not discriminate on the basis of race, color, or national origin. These activities should also cover a broad range of occupational opportunities.

FR March 21, 1979
part 80, V, A, C

Oversee school admission services

Local vocational administrators that are recipients of any federal financial assistance may not use criteria for admission to a vocational program that discriminate on the basis of race, color, or national origin.

FR March 21, 1979
part 80, IV, A; C, F, H, K, O

Arrange for work-study and job placement programs

Local vocational administrators receiving federal financial assistance must make certain that students are not discriminated against in cooperative education, work-study, and job placement programs on the basis of race, color, or national origin. The administrator must also make certain that prospective employers do not discriminate against students participating in those programs on the basis of race, color, or national origin.

FR March 21, 1979
part 80, VIII, A

Oversee student guidance and testing services

Local vocational administrators must ensure that the counseling program does not direct or urge any student to enroll in, or predict a student's success in, any career or vocational program based upon the student's race, color, or national origin.

FR March 21, 1979
part 80, V, A, B

Interpret and apply student rights; and financial aid

Local vocational administrators may not award financial assistance to vocational education students on the basis of race, color, or national origin. Brochures used to notify students of opportunities for financial assistance may not contain language or examples that would lead applicants to believe the assistance is provided on a discriminatory basis.

FR March 21, 1979
part 80, VI, B

School/Community Relations

Federal Register, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs) addresses the area of school/community relations with the establishment of vocational advisory councils.

Organize and work with a general vocational advisory council

Local education agencies, postsecondary educational institutions, and other recipients of federal assistance for vocational education must form local advisory councils comprised of an appropriate representation of racial/ethnic minorities located within the vocational program areas, schools, communities, or regions served by the local advisory council.

FR October 3, 1977
section 104.111

Summary

Federal Register, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs); and *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap) provide directives to vocational education administrators in the areas of personnel management and staff development, student services, and school/community relations. Specific practices are described to ensure equity in the areas of student admission into vocational programs, placement in work-study and cooperative education programs, establishing personnel policies, and recruiting and interviewing personnel.

Federal Register, Volume 43, No. 166, August 25, 1978, Part IV (Adoption by Four Agencies of Uniform Guidelines on Employee Selection Procedures), relates to nondiscrimination in vocational education programs on the basis of race, color, or national origin. *Federal Register*, Volume 44, No. 14, January 19, 1979 (Affirmative Action Guidelines. Technical Amendments to the Procedural Regulations), however, prohibits discrimination against employees on the basis of race, color, religion, sex, or national origin.

DISCRIMINATION ON THE BASIS OF SEX

Definition

Sex equity in vocational education exists when any of the following attitudes or behaviors occur: (1) sex bias or assuming that one sex is superior to the other; (2) sex stereotyping or attributing behaviors, abilities, interests, values, and roles to a person or persons on the basis of sex; (3) sex discrimination or limiting or denying a person or persons opportunities, privileges, roles, or rewards on the basis of sex.²⁸

Relevant Legislation

The following laws relate to sex fairness:

Laws

- The Civil Rights Act of 1964 (Title VII of P.L. 88-352) as amended by the Equal Employment Opportunity Act of 1972 (P.L. 92-261).
- The Equal Pay Act of 1963 (P.L. 88-38) as amended.
- The Education Amendments of 1972 (P.L. 92-318) Title IX.
- The Vocational Education Act of 1963 as amended by the Education Amendments of 1976 (P.L. 94-482).

²⁸ *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs), Section 104.73.

Rules and Regulations

- *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs).
- *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap).
- *Federal Register*, Volume 40, No. 108, June 4, 1975, Part II (Nondiscrimination on Basis of Sex-Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance).
- *Federal Register*, Volume 43, No. 166, August 25, 1978, Part IV (Adoption by Four Agencies of Uniform Guidelines on Employee Selection Procedures).
- *Federal Register*, Volume 44, No. 14, January 19, 1979 (Affirmative Action Guidelines. Technical Amendments to the Procedural Regulations).

Administrative Function

Program Planning, Development, and Evaluation

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs); the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap); and the *Federal Register*, Volume 40, No. 108, June 4, 1975, Part II (Nondiscrimination on Basis of Sex-Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance) provide regulations and guidelines in program planning, development, and evaluation for the following tasks: (a) involve community representatives in program planning and development; (b) obtain state and federal services and resources for program development; (c) approve courses of study; (d) establish school admission and graduation requirements; (e) interpret and apply state and federal vocational education legislation; and (f) evaluate the effectiveness of the instructional program.

Involve community representatives in program planning and development

The local administrator must involve members of the local community in providing assistance in program planning and development.

FR October 3, 1977
section 104.111 (d)

Obtain state and federal services and resources for program development

The local administrator may apply for federal and state funds to be used in the development of new programs for displaced homemakers and other special groups.

FR October 3, 1977
sections 104.621, 104.622 (a)

Approve courses of study

The local administrator may not offer any course that segregates students on the basis of sex.

FR June 4, 1975
section 86.34

Establish school admission and graduation requirements

The local administrator may not establish any admission criteria that gives preference to one person over another on the basis of sex, except for purposes of remedial or affirmative action pursuant to section 86.3.

FR June 4, 1975
sections 86.15 (c), 86.22,
86.23, 86.35

FR March 21, 1979
part 80, IV, K, N

Interpret and apply state and federal vocational education legislation

The local administrator must establish procedures to ensure compliance with state and federal regulations regarding equal access to programs on the basis of sex.

FR October 3, 1977
section 104.187

Evaluate the effectiveness of the instructional program

The local administrator may request state assistance in order to evaluate the effectiveness of educational programs in eliminating sex inequity.

FR October 3, 1977
section 104.72

Personnel Management and Staff Development

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs and Commissioner's Discretionary Programs); the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap); the *Federal Register*, Volume 40, No. 108, June 4, 1975, Part II (Nondiscrimination on Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance) provide regulations for the vocational administrator in the following areas of personnel management and staff development: (a) prepare and recommend personnel policies; (b) recommend staff promotions and dismissals; (c) interpret and apply labor laws and regulations; (d) establish employee salary schedules; and (e) conduct workshops and other inservice programs for professional and support personnel. Additionally, the *Federal Register*, Volume 43, No. 166, August 25, 1978, Part IV (Adoption by Four Agencies of Uniform Guidelines on Employee

Selection Procedures); and the *Federal Register*, Volume 44, No. 14, January 19, 1979 (Affirmative Action Guidelines. Technical Amendments to the Procedural Regulations) prohibit discrimination in employment on the basis of race, color, religion, national origin, or sex. Institutions or agencies with fifteen or more employees (including state and local governments) and labor unions are bound by these regulations.

Prepare and recommend personnel policies

The local administrator shall develop personnel policies related to hiring, rates of pay, job assignments, and recruitment that do not discriminate on the basis of sex.

FR June 4, 1975
sections 86.51-86.61

FR March 21, 1979
part 80, VIII, A, D

FR August 25, 1978
sections 4, A, B, D; 12

Prepare job descriptions

The local administrator may not use sex as a criterion for the establishment of job classification systems or job descriptions. This regulation also applies to discrimination on the basis of sex in the area of lines of progression and seniority lists.

FR June 4, 1975
sections 86.51 (b)(4), 86.55

FR August 25, 1978
sections 5, A-K; 6, A-B

Establish staff selection and recruitment procedures

The local administrator must develop staff selection and recruitment policies that do not discriminate on the basis of sex. The local administrator may not use any test that eliminates employees on the basis of sex.

FR June 4, 1975
sections 86.52-86.59

FR March 21, 1979
part 80, VIII, B

Recruit and interview potential staff

The local administrator may not recruit employees in a manner which would favor one group over another on the basis of sex.

FR June 4, 1975
section 86.53

FR March 21, 1979
part 80, VIII, B

FR August 25, 1978
section II

Interpret the staff benefits program

If a benefits program is established, it must provide services in a nondiscriminatory manner.

FR June 4, 1975
sections 86.39, 86.51,
86.54, 86.56

Schedule staff leaves and sabbaticals

The local administrator shall not exclude any person on the basis of sex from participation in benefit programs including leaves of absence.

FR June 4, 1975
section 86.51

Recommend staff promotions and dismissals

The local administrator may not favor one person over another on the basis of sex in the areas of hiring, upgrading, promotion, consideration for tenure, demotion, transfer, layoff, and rehiring.

FR June 4, 1975
section 86.51

Interpret and apply labor laws and regulations

The local administrator may not avoid sex equity in employment practices because of state or local laws that limit employment by members of one sex over another.

FR June 4, 1975
section 86.58

Interpret and apply affirmative action laws and regulations

The local administrator must develop recruitment plans to overcome past discrimination based upon sex.

FR August 25, 1978
section 17

FR January 19, 1979
sections 1608.3, 1608.4

Establish employee salary schedules

The administrator may not discriminate on the basis of sex in the payment of wages.

FR March 21, 1979
part 80, VIII, D

FR June 4, 1975
section 86.54

Conduct workshops and other inservice programs for professional and support personnel

The local administrator may use state funds to provide training or retraining for personnel engaged in vocational education programs.

FR October 3, 1977
sections 104.771-104.776

Instructional Management

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs and Commissioner's Discretionary Programs); the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the

Basis of Race, Color, National Origin, Sex, and Handicap); and the *Federal Register*, Volume 40, No. 108, June 4, 1975, Part II (Nondiscrimination on Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance) refer to the following tasks in instructional management: (a) establishing instructional program entry and completion requirements; (b) establishing student rules and policies; and (c) preparing master schedule of course offerings and establishing and implementing a curriculum design.

Establish instructional program entry and completion requirements

The vocational administrator may not establish admission requirements to any program that would favor a group of one sex over another.

FR March 21, 1979
part 80, IV, K

FR June 4, 1975
section 86.21 (b) (2)

*Establish student rules and policies and enforce these rules and policies
(such as attendance and discipline)*

The local administrator shall not establish any policies that would discriminate on the basis of a person's parental, family, or marital status, pregnancy, and related conditions.

FR June 4, 1975
section 86.40

Prepare a master schedule of course offerings, and establish and implement a curriculum design that will achieve the school's instructional goal

The local administrator shall develop a schedule of course offerings that will not exclude students on the basis of sex. This regulation covers such courses as health, industrial, business, vocational, technical, home economics, and adult education courses.

FR June 4, 1975
section 86.34

Student Services

The *Federal Register*, Volume 42, No. 191, October 3, 1977, Part VI (Rules and Regulations for the Education Amendments of 1976, Title II of P.L. 94-482, Vocational Education, State Programs, and Commissioner's Discretionary Programs); the *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap); and the *Federal Register*, Volume 40, No. 108, June 4, 1975, Part II (Nondiscrimination on Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance) provide regulations for the vocational administrator in the following task areas of student services: (a) oversee student recruitment activities and admission services; (b) arrange for work-study programs; (c) oversee student guidance and testing services; (d) oversee student job placement and follow-up services.

Oversee student recruitment activities and admission services

The local administrator shall develop recruitment and admissions policies that do not exclude any group of persons on the basis of sex. This regulation prohibits preferential programs, limits on enrollment or recruitment at single sex institutions if such programs or recruitment have a discriminatory effect.

FR June 4, 1975
sections 86.21-86.23, 86.35

FR March 21, 1979
part 80, IV, F, H, K; V, C, E

FR October 3, 1977
section 104.187

Arrange for work-study programs

The administrator shall not create or participate in any cooperative or work-study program that favors one group of persons over another on the basis of sex. The local administrator may not engage in any relationship with any employer who requests students from one sex.

FR June 4, 1975
section 86.38

FR March 21, 1979
part 80, VII, A

Oversee student guidance and testing services

The local administrator must provide counseling services that do not discriminate on the basis of sex. Counseling services may be provided to women entering nontraditional academic programs or employment settings.

FR June 4, 1975
section 86.36

FR March 21, 1979
part 80, V, A, B

FR October 3, 1977
section 104.602

Oversee student job placement and follow-up services

The local administrator should develop programs for job placement which are free of discrimination based on sex.

FR June 4, 1975
section 86.38

FR October 3, 1977
section 104.187

FR March 21, 1979
part 80, VII, A

School and Community Relations

The *Federal Register*, Volume 44, No. 56, March 21, 1979 (Vocational Education Programs—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap); and the *Federal Register*, Volume 40, No. 108, June 4, 1975, Part II (Nondiscrimination on Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance) provide regulations for the vocational administrator in the following task areas of school and community relations:

- (a) organize and work with a general advisory council;
- (b) develop working relationships with employers and agencies and prepare and recommend cooperative agreements with other agencies;
- (c) conduct conferences with individuals relative to vocational programs; and
- (d) write news releases for school and area media.

Organize and work with a general vocational advisory council

The local education agency or other recipient is required to establish a local advisory council composed of various community representatives.

FR October 3, 1977
sections 104.111-104.112

Develop working relationships with employers and agencies and prepare and recommend cooperative agreements with other agencies

In developing cooperative relationships with employers, the local administrator must ensure that no contracts or agreements are entered into that would discriminate against individuals on the basis of sex.

FR June 4, 1975
section 86.38

FR March 21, 1979
part 80, VII, A, B

Conduct conferences with individuals relative to vocational programs

The local administrator, in conducting programs to promote vocational offerings, may not present information that would demonstrate preference toward one special need group over another. As much as possible, programs must present a balanced picture of individuals in special need areas avoiding sex stereotyping.

FR March 21, 1979
part 80, V, E

Write news releases for school and area media

The local administrator must advise the general public of nondiscriminatory policies regarding vocational programs. The announcements should also include program offerings and must include the name of the Title IX coordinator.

FR March 21, 1979
part 80, IV, O, V, E

Summary

Sex fairness laws relate to the following administrative functions: (a) program planning, development, and evaluation; (b) personnel management and staff development; (c) instructional management; (d) student services; and (e) school and community relations.

Vocational educators must be especially aware of the pervasive problem of sex stereotyping in access to vocational programs. National surveys indicate that students select educational programs on the basis of rigid preferences and, therefore, there is little movement into nontraditional programs for men and women. Although some success has been made to place students into nontraditional vocational areas, administrators must be sensitive to the need for additional effort.

Sex fairness legislation relates to every aspect of the administrative functions and administrators must take active, concrete steps in order to ensure compliance.

SUMMARY

Federal legislation that affects the vocational administrator has been discussed in the previous sections of this guide. This legislation pertains to six conditions of discrimination that categorize people into groups with special needs. The strengths and weaknesses of the legislation as it affects each special needs group is outlined in this summary and followed by recommendations for equity in future legislation.

<i>Conditions of Discrimination</i>	<i>Strengths of the Law</i>	<i>Weaknesses of the Law</i>
HANDICAP	<ol style="list-style-type: none"> 1. Access is defined, but is not explicit. 2. The various clients that constitute the handicapped category are well-defined and therefore easily identifiable. 3. Funding of programs and services for the handicapped is provided for, but level of funding is not sustained. 4. Staff development for professionals working with the handicapped is provided for. 5. The handicapped are guaranteed access to vocational programs. 	<ol style="list-style-type: none"> 1. The sheer volume of legislation on the handicapped may be overwhelming to the vocational administrator. 2. Many of the laws and rules and regulations are either redundant or overlap. This may be a source of confusion.

Conditions of Discrimination

Strengths of the Law

Weaknesses of the Law

**ACADEMIC AND ECONOMIC
DISADVANTAGE**

1. Set-aside funding is provided for by law, which makes it easier for the vocational administrator to design targeted programs.
For example, the Vocational Education Amendments of 1976 set-aside funds for disadvantaged.
2. Funding is allocated for special and remedial programs.
3. The state interpretation of federal law is broad enough not to constrain access by the disadvantaged.

1. More specific direction and funding are needed to provide for adjusting present facilities, equipment, and programs for use by this group.

**LIMITED-ENGLISH
PROFICIENCY**

1. Access to vocational programs for both the limited-English proficient and the bilingual is guaranteed.
2. There is funding for bilingual vocational education.
3. Special programs in basic education and English as a second language may be funded.

1. The laws, rules, and regulations are often redundant or overlap because most laws are written independently of others. This may create confusion for the vocational administrator.

**RACE AND
ETHNICITY**

1. Discrimination in admission, testing, or recruitment of students or staff on the basis of race or national origin is prohibited.

<i>Conditions of Discrimination</i>	<i>Strengths of the Law</i>	<i>Weaknesses of the Law</i>
AGING	<ol style="list-style-type: none"> 1. Funds are available for program development. 2. Funds are available to conduct a needs assessment of new facilities. 3. Funds are available for staff development. 4. Discrimination in training or hiring on the basis of age is prohibited. 	<ol style="list-style-type: none"> 1. The vast number of laws and rules and regulations may be overwhelming. 2. Many laws and rules and regulations are redundant or overlap, which may create confusion for the vocational education administrator. 3. Many laws on the aging are not specific to vocational education.
SEX	<ol style="list-style-type: none"> 1. Sex-fairness selection and recruitment policies must be established. 2. Recruitment and admissions policies may not discriminate on the basis of sex. 3. No course may be offered that segregates students on the basis of gender. 	<ol style="list-style-type: none"> 1. There are no funds available for implementing those U.S. Office for Civil Rights regulations targeted to implementing equitable educational programs.

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RECOMMENDATIONS FOR FUTURE DIRECTIONS

The following recommendations are presented to assist administrators in providing equitable vocational education services to students who may be discriminated against on the basis of handicap, academic or economic disadvantage, limited-English proficiency, age, race or ethnic origin, and sex.

- Legislation has been passed at varying times that often reflects differing primary objectives that have a great effect on vocational education for special populations facing discrimination in these areas. Classifying and organizing laws and rules and regulations would greatly assist the local vocational education administrator in understanding and meeting the intent of Congress.
- The funding level of vocational education programs for these and all special groups should more closely approximate the actual cost of designing and operating programs. The financial burden of implementing these programs cannot fall to local schools. Both the state and federal government must bear percentages of the cost of social programs.
- New legislation that specifically addresses the programmatic needs of persons discriminated against due to their race and ethnicity is necessary. Funds should be allocated for developing programs that serve the unique needs of special groups. Such needs should be met by programs that include special guidance and counseling services, teaching, coping skills, and transition skills while actually in a job setting. This requires highly trained and specialized staff from both schools and industry. Supportive services such as baby-sitting, transportation, medical, dental, and legal assistance are needed. Classes and work experience given at more convenient times of the day and night are essential.

Conclusion

The concept of equitable opportunity in education is perplexing and, at best, difficult to analyze in concrete terms for anyone. In the introduction to the guide, you encountered a variety of ways to approach the development of your own philosophy of equity. In the legislative section, you were introduced to the major federal laws that affect your day-to-day responsibilities as an administrator serving special students. Remember that vocational education administrators are not alone in confronting the problem of defining and applying equity or equitable opportunity concepts to programs, special students, or job responsibilities. Employers, parents, teachers, the community—special students themselves—are probing for answers. Even if the issue, which is at least two thousand years old, is never *finally* resolved, the debate over what constitutes equity is worthwhile if it continues to provide an impetus for positive change in education, government, and law. The polemic represents progress, not problems.

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