



KDE Consolidated Compliance Plan for Non-Discrimination Under

**The Age Discrimination Act of 1975 Title II of the
Americans with Disabilities Act (ADA) Title VI and Title
VII of the Civil Rights Act of 1964 Section 504 of the
Rehabilitation Act of 1973 Title IX of the Education
Amendments of 1972**

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I. Glossary of Terms

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

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

Discrimination: Any action or treatment directed toward or against a person based solely on their membership in a specific class or category.

Recipient: An individual or organization designated to receive federal funds.

II. Overview of the Kentucky Department of Education

The Kentucky Department of Education (KDE) is a public service agency of the Commonwealth of Kentucky. KDE provides resources, guidance, and oversight to Kentucky's public schools and districts to support implementation of the state's P–12 education requirements. KDE also serves as the state liaison for federal education requirements and funding programs.

As an agency within the Kentucky Education and Labor Cabinet, KDE is led by a

Commissioner of Education who reports to the 11-member Kentucky Board of Education. KDE operations are structured through offices led by associate commissioners, with divisions managed by division directors.

The Kentucky Board of Education is committed to ensuring equal opportunity and does not discriminate based on race, color, national origin, sex, sexual orientation, religion, age, gender identity, genetic information, political affiliation, veteran status, or disability in employment or in the provision of services.

Purpose or Mission Statement

The mission of the Kentucky Department of Education is to partner with districts, schools, families, students, businesses, industries, and communities to provide leadership and support to ensure success for each and every student.

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

All recipients of federal assistance through KDE are required to certify compliance with the following federal statutes:

- The Age Discrimination Act of 1975.
- Title II of the Americans with Disabilities Act (ADA), which prohibits discrimination by public entities based on disability, regardless of federal funding.
- Title IV of the Civil Rights Act of 1964, prohibiting discrimination in public education based on race, color, sex, or national origin—including limited English proficiency (LEP) discrimination.
- Title VI of the Civil Rights Act of 1964, prohibiting discrimination in federally assisted programs based on race, color, or national origin, including national origin discrimination affecting LEP persons.
- Title VII of the Civil Rights Act of 1964, prohibiting employment discrimination based on race, color, religion, sex (including pregnancy), national origin, age, and disability.
- Section 504 of the Rehabilitation Act, prohibiting disability-based discrimination by recipients of federal financial assistance.

- Title IX of the Education Amendments of 1972, prohibiting sex-based discrimination in public education.

Furthermore, KDE staff certify compliance with all relevant federal and state statutes, including Kentucky Executive Order 2008-473, KRS 18A.138, KRS 156.838, and Presidential Executive Order 11246, as amended.

III. Scope of Applicability to Programs and Activities

The Kentucky Department of Education (KDE) ensures that all individuals have equitable access to the programs it administers.

The *Age Discrimination Act of 1975* and its implementing regulations prohibit discrimination based on age in any program or activity receiving federal financial assistance. While certain age-based distinctions may be permissible, they must meet the law's requirements and not result in unjust treatment.

Title II of the Americans with Disabilities Act prohibits discrimination on the basis of disability in all public services and programs.

Title IV of the Civil Rights Act of 1964 ensures that no individual shall face discrimination in public education on the basis of race, color, sex, or national origin.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance. In alignment with this law, the 1994 Kentucky General Assembly enacted Senate Bill 248, mandating the development of Title VI implementation plans by January 1, 1995. Additionally, *Presidential Executive Order 13166*, issued on August 11, 2000, requires agencies to ensure access to federally funded activities for individuals with limited English proficiency (LEP). Because limited English proficiency can act as a barrier to essential services and legal rights, KDE ensures that all programs and services are accessible to individuals regardless of their language ability.

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin. It has since been expanded to include protection against discrimination based on pregnancy, age, and disability.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability by any entity receiving federal financial assistance.

Title IX of the Education Amendments of 1972 ensures that no person shall be subjected to sex-based discrimination in any education program or activity receiving federal funds.

Recipients of federal funding are prohibited from discriminating based on age, disability, race, color, national origin, sex, sexual orientation, or gender identity. Examples of prohibited actions include:

- Denying a person access to any service, financial aid, or benefit provided under a program.
- Providing services or benefits that differ in kind or quality from those provided to others.
- Subjecting individuals to segregation or disparate treatment based on protected characteristics.
- Limiting access to facilities, benefits, or privileges available to other participants.
- Applying different eligibility criteria or conditions for participation.
- Unequally, affording the opportunity to serve as a recipient, contractor, or program participant.
- Denying participation in advisory or planning bodies that are integral to the program.

The KDE Consolidated Compliance Plan fully adheres to *Presidential Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency*.

IV. Responsible Official (Compliance Coordinator)

The Commissioner of the Kentucky Department of Education holds ultimate responsibility for ensuring compliance with all applicable civil rights statutes, including:

- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act
- Titles IV, VI, and VII of the Civil Rights Act of 1964

- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments of 1972

Day-to-day implementation and oversight of the KDE Consolidated Compliance Plan is managed by the Division of Resource Management.

Inquiries regarding compliance should be directed to:

Compliance Coordinator Kathryn McCrystal, Human Resource Branch Manager, Division of Resource Management Kentucky Department of Education 300 Building, 4thFloor, Sower Boulevard Frankfort, Kentucky 40601 Phone: (502) 564-3716 ext. 4616, Email: Kathryn.McCrystal@education.ky.gov

V. Statement of Assurances

The Kentucky Department of Education (KDE) affirms compliance with the following statutes and directives:

- *The Age Discrimination Act of 1975*
- *Title II of the Americans with Disabilities Act*
- *Title IV of the Civil Rights Act of 1964*
- *Title VI of the Civil Rights Act of 1964*, including KRS 344.015 regarding federal programs and *Executive Order 13166* (August 11, 2000), *Improving Access to Services for Persons with Limited English Proficiency*
- *Title VII of the Civil Rights Act of 1964*, *Kentucky Executive Order 2013-841*, KRS 18A.138, and KRS 156.838
- *Section 504 of the Rehabilitation Act of 1973*
- *Title IX of the Education Amendments of 1972*
- *Presidential Executive Order 11246*, effective April 8, 2015, which prohibits federal contractors and subcontractors from engaging in employment discrimination based on sexual orientation or gender identity.

All recipients of federal funding through KDE must sign a non-discrimination assurance prior to receiving any federal loan, contract, or grant. By signing, recipients certify compliance with all applicable federal non-discrimination statutes, including, but not limited to:

- *Age Discrimination Act of 1975*
- *Title II of the Americans with Disabilities Act*
- *Title IV of the Civil Rights Act of 1964*
- *Title VI of the Civil Rights Act of 1964*
- *Title VII of the Civil Rights Act of 1964* (including protections related to pregnancy, age, and disability)
- *Section 504 of the Rehabilitation Act*
- *Title IX of the Education Amendments of 1972*

A copy of the required assurance for all Kentucky public school districts is available on KDE's website: <http://education.ky.gov/districts/fin/Pages/Comprehensive-District-Improvement-Plan-Funding-and-Finance.aspx>.

VI. Programs or Activities Subject to the Compliance Plan

KDE receives federal funds from the following sources, among others:

- *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended by the *Every Student Succeeds Act of 2015 (ESSA)*
- *Carl D. Perkins Career and Technical Education Act*, as amended by the *Strengthening Career and Technical Education for the 21st Century Act*
- *Individuals with Disabilities Education Act (IDEA)*
- *Child Nutrition Programs*
- *Substance Abuse and Mental Health Services Administration (SAMHSA)*

These programs encompass various subcategories and funding streams designed for targeted purposes. KDE sub-grants federal funds to recipients to operate specific programs consistent with federal objectives.

All recipients must comply with the requirements of the:

- *Age Discrimination Act of 1975*
- *Title II of the Americans with Disabilities Act*
- *Titles IV, VI, and VII of the Civil Rights Act of 1964*

- *Section 504 of the Rehabilitation Act*
- *Title IX of the Education Amendments of 1972*

Where permitted by federal law, private schools are eligible to participate in these programs on an equitable basis.

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

This is one of the largest federal education programs, providing funding to local districts through the state department of education. Its purpose is to ensure that all children have a fair, equal, and meaningful opportunity to receive a high-quality education and attain, at a minimum, proficiency in challenging state academic achievement standards and assessments. Funds may be used for various initiatives, including instructional support for students not meeting state standards, intervention strategies, instructional materials, parent engagement activities, and professional development. All public-school districts in Kentucky are eligible, and the primary beneficiaries are at-risk students within those districts. Under Section 1003 of ESEA, as amended by ESSA, states must reserve a portion of Title I funds for subgrants to eligible LEAs for school improvement activities.

B. ESSA Title I, Part B — Grants for State Assessments

This grant supports the development and enhancement of state academic assessments and standards as required by Section 1111(b) of ESEA, as amended. If a state has already established the required assessments and standards, funds may be used to administer those assessments or support related activities that hold schools and local education agencies (LEAs) accountable for student outcomes.

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

This program supports high-quality, comprehensive educational services for migratory children, helping to reduce educational disruptions and related challenges stemming from frequent moves. It serves children whose families meet the statutory definition of "migrant" and offers supplemental services—such as tutoring and health care—to eliminate barriers to school success.

D. ESSA Title I, Part D — Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

This program aims to enhance educational services for children and youth in local, tribal, and state institutions who are neglected, delinquent, or at risk. The goal is to help these students meet rigorous state academic standards. Funds may support transitions to secondary school, vocational training, further education, and employment. Eligible facilities include detention centers and alternative education placements.

E. ESSA Title II, Part A — Supporting Effective Instruction

KDE supports districts and schools in ensuring that every classroom is staffed by highly skilled, effective educators. Title II, Part A funds are allocated to local districts to:

1. Increase student achievement aligned with challenging state standards.
2. Improve the effectiveness of teachers, principals, and other school leaders.
3. Expand the number of effective educators working to improve academic outcomes.
4. Provide greater access for low-income and minority students to effective educators.

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

The Perkins Act is intended to improve and expand services for students choosing to pursue career and technical education (CTE). It defines CTE programs as structured, sequential learning that integrates academic and technical content and bridges secondary and postsecondary education. Perkins funds are available to all school districts, state-operated technical centers, eligible postsecondary institutions, and other qualifying entities offering at least one program of study, according to statutory funding formulas. The Kentucky Board of Education serves as the sole fiscal agent for Perkins funding.

G. ESSA Title III — Language Instruction for English Learners and Immigrant Students

This program provides formula grants to assist districts and consortia in ensuring that English learners including immigrant children and youth achieve English proficiency, attain high levels of academic performance in English, and meet the same challenging state academic standards as all students. Subgrants are awarded to districts and consortia that meet eligibility requirements.

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

This program provides formula grants to all school districts that received Title I, Part A grant funds the previous year. The grant's purpose is to provide all students with access to a well-rounded education, improve school conditions for student learning (safe and healthy students), and improve the use of technology in order to improve the academic achievement and digital literacy of all students (effective use of technology). (ESEA section 4101)

All eligible school districts receive at least \$10,000 in grant funding to implement an allowable program or activity under this grant. Sufficient funds do not exist to allocate all school districts receive such amount, in which case all grants are proportionately reduced. For school districts receiving an allocation of \$30,000 or more, funds must be distributed among the three content areas according to specific proportions: well-rounded education (at least 20%); safe and healthy students (at least 20%); some of the remainder on effective use of education technology with no more than 15% of that portion, specifically for technology infrastructure. School districts receiving less than \$30,000 are required to provide a plan to use their allocation for at least one of the three content areas.

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

This competitive grant program supports school districts, community-based, faith-based, and other qualified organizations in establishing community learning centers. These centers offer academic, artistic, and cultural enrichment activities, particularly for students attending high-poverty and low-performing schools.

Programs must align with local academic standards in core subjects such as reading, math and science. They must also provide family literacy and engagement services and align academic support with school-day curriculum.

J. ESSA Title V, Part B — Rural Education Initiative

This program addresses the unique needs of rural school districts, which often lack the capacity to compete for federal grants or receive minimal formula allocations. It includes two subparts:

- **Subpart 1: Small, Rural School Achievement Program** Funds are awarded directly by the U.S. Department of Education to eligible public-school districts. Funds may be used for activities under Title I, Part A; Title II, Part A; Title III; and Title IV, Parts A and B.
- **Subpart 2: Rural and Low-Income School Program** These are flow through funds administered by the state to eligible public-school districts. Funds may support activities authorized under the same titles listed above.

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

This program ensures that children and youth, experiencing homelessness, including unaccompanied homeless youth, having equal access to free, appropriate public Education. Competitive grants are issued every three years to help districts address the unique educational needs of students experiencing homelessness.

L. Migrant Education Program — Consortium Incentive Grants

This grant offers financial incentives to State Educational Agencies (SEAs) that join high-quality consortia to improve coordination interstate or intrastate of education services for migratory children experiencing interruptions in their education.

M. IDEA Part B — Special Education: Grants to States

The Individuals with Disabilities Education Act (IDEA), Part B, assists states and local educational agencies in providing special education and related services to students with disabilities.

Funds are used to ensure that free appropriate public education (FAPE) is available to all eligible children. LEAs use the funds to cover the excess costs of special education services. In addition to administration and general supervision of the program, the state uses its portion for oversight, personnel support, alternative programming, assessments, and professional development, all aimed at improving outcomes for students with disabilities.

IDEA, Part B — Special Education: Preschool Grants

This program provides funding to assist state and local education agencies in providing special education to preschool children ages 3 to 5 who are eligible for services under the Individual with Disabilities Education Act (IDEA). These funds support educational components that promote school readiness and build pre-literacy, language, and numeracy skills in young children with disabilities.

N. Child Nutrition Programs

These federally assisted meal programs, administered by the U.S. Department of Agriculture's Food and Nutrition Service, include the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Summer Food Service Program, Fresh Fruit and Vegetable Program, and Special Milk Program. Administered by state agencies, these programs help combat hunger and childhood obesity by reimbursing schools, childcare centers, and after-school programs for providing healthy meals and snacks.

O. Special Education — State Personnel Development

This program supports state efforts to reform and strengthen systems for personnel preparation and professional development. The goal is to improve outcomes for students with disabilities by enhancing the training of those who serve them, including special and general education teachers, school leaders, related services providers, paraprofessionals, and early intervention personnel.

P. SAMHSA — Project AWARE (Advancing Wellness and Resiliency in Education)

Project AWARE funds efforts to establish and expand school-based mental health infrastructure. Grantees collaborate with SEAs, LEAs, TEAs, state mental health agencies, health care providers, school personnel, families, youth, and community partners to increase awareness, build capacity, and support student mental health and resilience.

Q. Kentucky Comprehensive Literacy (KyCL) Federal Grant

This grant promotes a birth-to-12th grade approach to advancing literacy for all children, including English learners and students with disabilities. KDE supports

schools and agencies in developing comprehensive literacy plans and professional learning initiatives focused on reading and writing. The program emphasizes gains in oral language for 4-year-olds, kindergarten readiness, reading proficiency, and disciplinary literacy across grades.

R. Vocational Education National Programs

These programs provide direct or competitive support—including grants, contracts, and cooperative agreements—for research, development, technical assistance, and evaluation activities aimed at enhancing the effectiveness of career and technical education (CTE) under the Perkins Act.

S. Improving Student Health and Academic Achievement Through Nutrition, Physical Activity, and Chronic Condition Management in Schools

Administered by the CDC, this grant supports SEAs with funding and technical assistance to implement evidence-based health strategies. Grantees aim to:

- a. Prevent obesity and related adult chronic diseases.
- b. Manage prevalent student health conditions such as asthma, diabetes, food allergies, seizures, and other chronic illnesses.

T. Special Education — Personnel Development to Improve Services and Results for Children with Disabilities (KY LEADS)

This program provides funding for statewide leadership development initiatives aimed at recruiting, training, and retaining leaders at all levels of the education system. The goal is to build capacity and improve systems serving children with disabilities and their families through improved outcomes and high expectations. Currently, this federally funded program is operating under a no-cost extension that expires on September 20, 2026.

U. Stronger Connections Grant (SCG) Program

The SCG Program supports the implementation of evidence-based school safety and climate strategies that promote safe, healthy, and supportive learning environments. It emphasizes inclusive collaboration among school leaders, students, families, and the community to foster meaningful relationships and responsive school climates.

V. Stronger Connections Technical Assistance and Capacity Building Grant

This program provides technical assistance and capacity-building support to high-need LEAs. It focuses on evidence-based initiatives that promote mental health and well-being through:

- a. Programs to improve student attendance, engagement, and overall well-being.
- b. Strategies to enhance educator and school staff mental health.
- c. School-supported or community-supported peer-to-peer youth mental health programs

W. Disability Innovation Fund

The Disability Innovation Fund (DIF) Pathways to Partnerships program advances state efforts to build and strengthen cross-agency collaboration, creating a cohesive service delivery system that supports successful post-secondary outcomes for children and youth with disabilities and their support systems.

X. Federal Program Chart

Federal Program	ALN#	Type of Assistance	Manner of Delivery	Coverage/Potential Beneficiaries
ESSA Title I, Part A, Improving Basic Programs	84.010	Formula Grant	Reimbursement	Local education agencies
ESSA Title I, Part B, Grants for State Assessments	84.369	Formula Grant	Reimbursement	Local education agencies
ESSA Title I, Part C, Education of Migratory Children	84.011	Formula Grant	Reimbursement	Local education Agencies and migrant regional services centers
ESSA Title I, Part D, Prevention and Intervention for Neglected/Delinquent or At-Risk Youth	84.013	Formula Grant	Reimbursement	Local education Agencies and migrant regional services centers
ESSA Title II, Part A, Supporting Effective Instruction	84.367	Formula Grant	Reimbursement	Local education agencies

Carl Perkins CTE Act (as amended)	84.048	Formula Grant	Reimbursement	LEAs, state technical centers, post-secondary institutions, other eligible entities
ESSA Title III, Language Instruction for ELs and Immigrant Students	84.365	Formula Grant	Reimbursement	Local education agencies
ESSA Title IV, Part A, Student Support & Academic Enrichment	84.424	Formula Grant	Reimbursement	Local education agencies
ESSA Title IV, Part B, 21st Century Community Learning Centers	84.287	Formula/Competitive Grant	Reimbursement	Any public or private organization wishing to provide out-of-school time, including, but not limited to the following: local education agencies, community and faith-based organizations, universities, for profit and non-profit entities, private schools, city or county government agencies or another public or private entity.
ESSA Title V, Part B, Rural Education Initiative	84.358	Formula Grant	Reimbursement	Local education agencies
ESSA Title VII, Part B, McKinney-Vento Homeless Education	84.196	Competitive Grant	Reimbursement	Local education agencies
Migrant Education Consortium Incentive Grants	81.144	Formula Grant	Reimbursement	Local education agencies
IDEA, Part B — Preschool Grants	84.173	Formula Grant	Reimbursement	LEAs and universities
IDEA, Part B — Grants to States	84.027	Formula Grant	Reimbursement	LEAs, educational cooperatives, universities

Child Nutrition Programs	10.553, .555, .559, .560, .579, .582	Formula Grant	Reimbursement	LEAs, childcare centers, adult care centers
IDEA — State Personnel Development Grant (SPDG)	84.323A	Project Grant	Reimbursement	Local education agencies
School-Based HIV/STD Prevention & Surveillance	93.079	Cooperative Agreement	Reimbursement	Local education agencies
SAMHSA Project AWARE	93.243	Project Grant	Reimbursement	LEAs and state agency partners
Kentucky Comprehensive Literacy (KyCL)	84.371C	Project Grant	Reimbursement	Local education agencies

Vocational Education National Programs	84.051	Project Grant	Reimbursement	Local education agencies
Student Health & Chronic Condition Management	93.981	Project Grant	Reimbursement	LEAs and state agency partners
IDEA KY LEADS — Personnel Development (Expires 9/30/2026)	84.325L	Discretionary	Reimbursement	Universities and educational cooperatives
ARP-HCY — Homeless Children & Youth	84.425W	Formula Grant	Reimbursement	Local education agencies
Grants for Enhanced Assessment Instrument	84.368A	Discretionary	Reimbursement	Educational cooperatives and State partners
Stronger Connections Program Grant	84.424F	Formula Grant	Reimbursement	Local education agencies
Stronger Connections Technical Assistance and Capacity Building	84.424H	Formula	Reimbursement	Universities and state partners.
Disability Innovation Fund: Kentucky Transition 360	84.421E	Discretionary	Reimbursement	Educational Cooperatives and state partners.

Disability Innovation Fund	421	Discretionary	Reimbursement	Local education agencies and state partners (e.g., Centers for Independent Living, Office of Vocational Rehabilitation)
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VII. Complaint Procedures

Any individual who believes they have experienced discrimination on the basis of age, disability, race, color, sex, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status by KDE, its staff, students, or third parties has the right to file a complaint with KDE.

While KDE serves as a conduit for federal funding and monitors local school district compliance with federal grant requirements, complaints of discrimination involving local school districts or their staff must be directed to the respective district and handled in accordance with local board policy.

A. Filing of Complaints

Complaints concerning alleged violations of the Age Discrimination Act of 1975; Title II of the Americans with Disabilities Act; Titles IV, VI, or VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act; or Title IX of the Education Amendments of 1972 may be submitted to:

Compliance Coordinator Kathryn McCrystal, Human Resource Branch Manager, Division of Resource Management Kentucky Department of Education 300 Building, 4th Floor, Sower Boulevard Frankfort, KY 40601 Phone: (502) 564-3716 ext. 4316 Email: Kathryn.McCrystal@education.ky.gov

Complaints must be submitted within 180 calendar days of the alleged incident and should include the following information:

- Complainant's name, address, and telephone number
- Name and location of the service provider or entity involved.
- Description of the incident and basis for alleging discrimination
- Type of discrimination (e.g., race, disability, sex)

- Names and contact information of any individuals with knowledge of the event(s)
- Date(s) the alleged discriminatory event(s) occurred.

B. Complaint Process

Upon receiving a complaint or becoming independently aware of potential violations, the Compliance Coordinator shall:

- Acknowledge the complaint in writing.
- Initiate a prompt, adequate, reliable, and impartial investigation.
- Allow both parties to present witnesses and relevant evidence.

For most complaints, a determination and recommended resolution will be issued within 90 calendar days and reported to KDE's Office of General Counsel.

For formal Title IX complaints, investigations will conclude within 40 calendar days following notification. The final Determination of Responsibility will be issued by a designated decision-maker.

All complaints will be logged, including date received, determination, and corrective actions, and maintained for seven (7) years. Parties will receive written notice of the outcome within 30 calendar days of completion. Confidentiality will be maintained as required by law.

C. Withdrawal of Complaint

The complainant may withdraw the complaint at any point by submitting a written request to the Compliance Coordinator.

D. Appeals

In general, a complainant may appeal the resolution within 30 calendar days of receiving written notice by submitting a written appeal to:

Office of General Counsel Kentucky Department of Education 300 Building, 5th Floor 25 Sower Boulevard Frankfort, KY 40601

A final decision will be made within 60 calendar days. This is the final level of appeal within KDE's complaint process.

For Title IX matters, appeals must be submitted within 5 calendar days of receiving the determination. Responses to appeals must be submitted within 5 calendar days of notification by the appellate decision-maker.

VIII. Compliance and Noncompliance Reporting

KDE is committed to monitoring and enforcing compliance with federal program requirements. Upon receipt of a complaint or independent discovery of potential noncompliance, KDE will initiate a thorough and impartial investigation. The review will include:

- Examination of relevant policies and practices
- Consideration of the circumstances and context
- Interviews and collection of relevant evidence

If noncompliance is substantiated, the compliance coordinator will provide written notice of the violation, the corrective actions required, and a timeline for compliance. Corrective action must be completed within 60 calendar days. Employees who fail to comply with applicable laws or required corrective actions may face disciplinary action, including suspension or termination.

Annual Reporting Requirement

The Compliance Coordinator shall annually compile all complaints filed under the Age Discrimination Act of 1975; Title II of the ADA; Titles IV, VI, and VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act; and Title IX of the Education Amendments of 1972. A report summarizing each complaint, the evaluation process, findings, and any corrective actions taken shall be submitted to the KDE Office of Legal Services.

IX. Agency Training Plan

This Compliance Plan and accompanying complaint procedures are distributed to all KDE employees. New employees and contractors are informed of the Department's compliance obligations under all applicable federal and state civil rights laws. As part of their onboarding, all new personnel must certify their commitment to complying with relevant statutes, including:

- The Age Discrimination Act of 1975

- Title II of the Americans with Disabilities Act
- Titles IV, VI, and VII of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act
- Title IX of the Education Amendments of 1972

The Compliance Coordinator remains available to answer questions and ensure proper training and understanding.

To support continuous learning and accountability, KDE mandates diversity and sexual harassment training for all personnel—including full-time, part-time, interim staff, and contractors. Training may be delivered via online courses, in-person sessions, or through certified instructors from the Education and Workforce Development Cabinet or the Office of Diversity, Equality & Training (ODE&T).

X. Goals and Evaluation Procedures

The Kentucky Department of Education is an equal opportunity employer. Employment goals reflect the Kentucky Board of Education’s minority employment objectives and the Commonwealth’s affirmative action policies.

A. Goals

KDE establishes the following equal opportunity goals:

1. No applicant or eligible individual shall be excluded from participation in any covered program or activity on the basis of a protected status.
2. No applicant or eligible individual shall be denied benefits under any covered program or activity due to a protected status.
3. No applicant or eligible individual shall be otherwise subjected to discrimination under any covered program or activity.
4. Substantiated complaints, if any, shall continually decrease and be resolved to the satisfaction of all parties.

The Division of Resource Management monitors this process. The Compliance Coordinator provides annual employment statistics to the Kentucky Board of Education for tracking progress toward these goals.

Employment decisions must be based solely on candidate qualifications and merit. Membership in a protected class shall not serve as a positive or negative factor in hiring decisions.

To reinforce equitable practices, KDE routinely updates staff and contractors on policies that promote inclusive, respectful work environments. Training coordination is overseen by the Division of Resource Management.

B. Evaluation of Plan – Deficiencies, Updates, and Corrective Procedures

KDE will assess and maintain the effectiveness of this plan through the following actions:

- Annual review and update of the Compliance Plan by the Compliance Coordinator, with reports provided to the Auditor of Public Accounts and the Kentucky Human Rights Commission by July 1 each year.
- Submission of annual complaint data reports to KDE's General Counsel
- Quarterly reporting to the Personnel Cabinet's Office of Diversity, Equality & Training
- Ongoing accessibility of the Compliance Plan to all staff
- Inclusion of civil rights compliance information in all new employee orientation sessions

Additionally, KDE utilizes performance indicators defined by its federal grants to evaluate covered programs. Assessment tools such as satisfaction surveys, on-site monitoring, and program reviews support data-driven improvements to ensure compliance with all applicable civil rights laws.

XI. Public Notice and Outreach

Information about KDE programs, services, and employment opportunities is available—free from discrimination based on any protected class, at www.education.ky.gov. The full Compliance Plan is also published on this website.

The Office of Career and Technical Education's Area Technology Centers are required to publish nondiscrimination statements in classified newspaper advertisements or online in the service area. These notices must include the Equal Employment Opportunity Coordinator's contact information, a brief description of program

offerings, and any applicable admission criteria.

XII. Recordkeeping and Reporting

Complaints received by the KDE shall be managed by the Compliance Coordinator. Each complaint shall be documented in a log that includes the date of receipt, determination, and any corrective action taken. The complaint log will be retained for a period of no less than four (4) years.

Any changes to the Compliance Plan will be distributed to all employees, including contractors, and submitted to the State Auditor. The Compliance Coordinator is responsible for ensuring that all staff—including federal grant coordinators—receive updates. Grant coordinators are further responsible for notifying all federal grant recipients of the Compliance Plan and complaint resolution procedures.

Programmatic and statistical records related to this section shall be maintained by the appropriate KDE office or division for the timeframes required by law, or until the conclusion of any pending complaint or audit, in accordance with the recordkeeping provisions of Titles 29 and 34 of the Code of Federal Regulations.

XIII. Representation on Agency Board

The Kentucky Board of Education consists of 15 members. The Governor appoints 11 voting members, seven representing the Kentucky Supreme Court districts and four serving at-large. The remaining members include:

- The President of the Council on Postsecondary Education (CPE)
- The Secretary of the Education and Workforce Development Cabinet
- A high school student
- An active elementary or secondary school teacher

KDE leadership and staff operate in alignment with the Board's policies and strategic vision. Together, they strive to fulfill KDE's mission: *to partner with districts, schools, and education stakeholders to provide service, support, and leadership to ensure success for each and every student.*

The Kentucky Board of Education also serves as the governing body for the Kentucky School for the Blind and the Kentucky School for the Deaf. KDE staff provide direct support and serve as key resources for both institutions.

APPENDIX:

Policy Statement on Diversity

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

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

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

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

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

Policy Statement on Harassment Prevention

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

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

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

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

Any supervisor receiving a complaint of harassment shall report the complaint to the agency human resources office, agency EEO coordinator, or the state EEO coordinator. Failure to do so may be grounds for disciplinary action.

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

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

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

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

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

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



Title VI Notice to the Public: Notifying the Public of Rights Under Title VI the Kentucky Department of Education operates without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964. Any person who believes ~~for~~ he has been aggrieved by any unlawful discriminatory practice under Title VI ~~may~~ file a complaint.

DISCRIMINATION/HARASSMENT COMPLAINT FORM

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

1. Name of person filing this complaint:

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

Address:_____

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

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

E-mail Address:_____

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

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

Address:_____

3. KDE investigates discrimination complaints against KDE staff, students, or third parties, and KDE program areas receiving and/or administering funds from the U.S. Department of Education or that are otherwise subject to the provisions of with the Age Discrimination Act

of 1975, Title II of the Americans with Disabilities Act, Titles IV, VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and Title IX of the Education Amendments of 1972. Please identify the staff member, student, third party, or KDE program area that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Individual:_____

Address:_____

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

Program Area (if known)_____

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

Discrimination/Harassment based on:

Race ☐

Color ☐

National Origin ☐

Sex ☐

Sexual Orientation ☐

Religion ☐

Age ☐

Gender Identity ☐

Genetic Information ☐

Political Affiliation ☐

Veteran Status ☐

Disability Retaliation ☐

Specify:

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

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

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

Agency or Court:_____

Date File:_____

Case Number or Reference:_____

Results of Investigation/Findings by Agency or Court:_____

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

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

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

E-mail Address:_____

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

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

Printed Name

Signature

Date

Printed Name (Individual in Item 2)

Signature

Date

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

Compliance Coordinator
Kathryn McCrystal, Human Resource Branch Manager
Division of Resource Management
Kentucky Department of Education
300 Building, 4th Floor, Sower Boulevard Frankfort, KY
40601
Phone: 502/564-3716 Ext. 4316
Kathryn.McCrystal@education.ky.gov



CONSENT FORM FOR USE OF PERSONAL INFORMATION

Complainant's Name (print or type): _____

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

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

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

Printed Name

Signature

Date

OR

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

Printed Name

Signature

Date

OR

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

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

Printed Name

Signature

Date