



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

Via Certified Mail

August 31, 2010

Cassandra A. Larsen, Director
Arizona Governor's Office for Children, Youth and Families
1700 W. Washington Street, Suite 101
Phoenix, Arizona 85007

Re: Compliance Review of the Arizona Governor's Office for Children, Youth and Families (09-OCR-0524)

Dear Director Larsen:

On June 18, 2007, the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) initiated a compliance review of all State Administering Agencies, including the Arizona Governor's Office for Children, Youth and Families (GOCYF), in accordance with federal regulation 28 C.F.R. § 42.206. The focus of the review was on the GOCYF's compliance with applicable federal civil rights laws along with the GOCYF's monitoring procedures for ensuring the compliance of subrecipients with these laws. Of particular interest to the OCR was the GOCYF's implementation and monitoring of the DOJ's regulations, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38 [hereinafter Equal Treatment Regulations].

On February 24, 2010, the OCR conducted an onsite visit to the GOCYF's offices in Phoenix, Arizona, to interview GOCYF administrators and to conduct a training program for GOCYF administrators and program staff on the federal civil rights laws that the OCR enforces. The OCR would like to thank GOCYF staff, especially Director Maria Elena Ochoa of the Division for Women, for assisting OCR attorney Shelley Langguth during her onsite visit. On February 23-24, 2010, the OCR also made onsite visits to two faith-based organizations of the GOCYF: Neighborhood Ministries and Catholic Community Services of Southern Arizona, Inc.

Based on the GOCYF's responses to our data request and the information that the OCR gathered during our onsite visit, the OCR sent the GOCYF a draft report on June 8, 2010. Based on your August 30, 2010, email to Ms. Langguth, the OCR understands that the GOCYF does not have any factual corrections to the draft report.

In regard to the limited scope of our review, the OCR concludes that the GOCYF has taken steps to substantially comply with the federal civil rights laws that the OCR enforces. Nonetheless, we have reservations about whether the GOCYF has adequate complaint procedures in place to respond to discrimination complaints from employees of the GOCYF and from beneficiaries and employees of subrecipients, whether it is sufficiently monitoring its subrecipients for compliance with applicable civil rights laws, and whether it is sufficiently training and educating its subrecipients on federal civil rights laws. The following Compliance Review Report includes recommendations for improving the GOCYF's methods for ensuring the civil rights compliance of subrecipients.

Compliance Review Report: Overview and Recommendations

I. Overview

This Compliance Review Report first examines the GOCYF's procedures for monitoring whether subrecipients are meeting their obligations to comply with the federal civil rights laws that are a condition for receiving federal financial assistance. The Report then focuses on the GOCYF's implementation of the DOJ's Equal Treatment Regulations.

A. General Monitoring Procedures to Ensure Subrecipient Compliance with Applicable Federal Civil Rights Laws

Recipients of federal financial assistance from the OJP are responsible for certifying that contractors and subrecipients under DOJ grant programs comply with applicable federal civil rights laws. In reviewing the GOCYF's general efforts to ensure subrecipients' compliance with their civil rights obligations, the OCR examined how the GOCYF used the following four tools: (1) standard assurances, (2) onsite visits and other monitoring methods, (3) training programs and technical assistance, and (4) procedures for receiving, investigating, and resolving complaints alleging discrimination.

1. Standard Assurances

According to our records, the GOCYF currently administers numerous grant awards from the OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the DOJ's Office on Violence Against Women (OVW). During the OCR's onsite monitoring visit, GOCYF staff explained that the GOCYF's Division for Women and Division for Children administer and monitor the DOJ subawards.

Before the GOCYF releases funds, subrecipients must sign the GOCYF's Assurances for Non-Construction Programs (Assurances). These Assurances are attached as an exhibit to the Request

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for Grant Application (RFGA) that the GOCYF issues for each DOJ grant program. Paragraph 6 of the Assurances contains the following language regarding federal civil rights requirements:

Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; . . . (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

Additionally, during the OCR's onsite visit, GOCYF staff explained that the RFGAs also contain sections listing the Program Specific Requirements and Terms and Conditions for the particular grant program. The GOCYF staff provided the OCR with a copy of the recent RFGA for the OJJDP-funded grant program authorized under Title II of the Juvenile Justice and Delinquency Prevention Act (JJDP). Paragraph 11 of the Terms and Conditions of the Title II RFGA is entitled "Non-Discrimination" and includes the following language regarding federal civil rights requirements:

All parties shall comply with 1) the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap; 2) all applicable federal regulations regarding equal employment opportunity and relevant orders issued by the U.S. Secretary of Labor; 3) all applicable provisions and regulations relating to the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213); 4) all applicable provisions and regulations relating to Executive Order No. 13279-Equal Protection of the Laws for Faith-based and Community Organizations.

Subsequent to the OCR's onsite visit, GOCYF staff said that this language is also included in the RFGA's for other competitive DOJ-funded grant programs.

During the OCR's onsite visit, GOCYF staff said that the GOCYF does not have an Equal Employment Opportunity Plan (EEOP) certification form for subrecipients to complete if a subrecipient is claiming an exemption from the requirement to submit an EEOP to the OCR.

2. Onsite Visits and Other Monitoring Methods

During the OCR's onsite visit, GOCYF staff said that they perform onsite visits of DOJ funded subrecipients as needed, and that they try to perform an annual onsite visit of each subrecipient. In the GOCYF's response to the OCR's data request, it attached a section of its "Site Visit Tool" entitled "Section C – Federal Requirements Review" where GOCYF program administrators performing an onsite visit can write in the federal requirements that the program administrator plans to review. During the OCR's onsite visit, GOCYF staff explained that federal requirements that program administrators typically inquire about include whether the subrecipient has developed an EEOP, whether the subrecipient has nondiscrimination policies, and whether the subrecipient's programs are accessible to individuals with disabilities. The GOCYF staff also stated that the GOCYF is in the process of developing a checklist that already lists various federal requirements that subrecipients are required to comply with. The GOCYF staff provided the OCR with a copy of this draft checklist, which includes a section where a program administrator can indicate whether the subrecipient has a nondiscrimination policy, an Americans with Disabilities Act/equal access policy, and a grievance policy and procedure.

The GOCYF staff said that the GOCYF also requires subrecipients to submit periodic progress reports, and that these reports typically do not contain any questions regarding civil rights compliance.

3. Training and Technical Assistance

In its response to the OCR's data request, the GOCYF said that it holds a "Pre-Proposal Conference" to clarify the standard assurances that subrecipients must agree to abide by. During the OCR's onsite visit, GOCYF staff explained that after the GOCYF posts a RFGA for a grant program the GOCYF holds a telephone conference with potential applicants to discuss the conditions and standard assurances of the grant program and to answer any questions that an applicant may have. The GOCYF staff further told the OCR that once funding decisions are made, the GOCYF holds a mandatory orientation training for all subrecipients except for those subrecipients receiving funding under the OVW-funded Rural Grant Program and the Safe

Havens: Supervised Visitation and Safe Exchange Grant Program.¹ In this orientation training, the GOCYF discusses the general grant requirements of the DOJ grant programs, including providing links to the relevant EEOP requirements.

4. Complaint Procedures

During the OCR's onsite visit, GOCYF staff said that the GOCYF does not have any direct clients, beneficiaries or program participants. In regard to discrimination complaints filed by GOCYF employees, subsequent to the OCR's onsite visit GOCYF staff explained that the GOCYF's policy is to follow the procedures set forth in Title II of the Arizona Administrative Code, Chapter 5: Department of Administration Personnel Administration. Based on the OCR's research of these regulations, the OCR understands that Ariz. Admin. Code § R2-5-701 (2010) requires each state agency to adopt a grievance procedure which affords employees the means of resolving discrimination complaints, and that Ariz. Admin. Code § R2-5-702 (2010) sets forth the required elements of each agency's grievance procedure. Based on the information that the GOCYF provided to the OCR, it does not appear that the GOCYF has developed a grievance procedure for addressing discrimination complaints by GOCYF employees. The GOCYF staff also told the OCR that GOCYF employees have the option of filing a grievance with the Governor's Office of Equal Opportunity (GOEO). Based on the OCR's research, it appears that the GOEO accepts discrimination complaints from state employees.

As for discrimination complaints by beneficiaries or employees against DOJ subrecipients, the GOCYF does not have any written procedures in place which set forth the protocols for handling such complaints. During the OCR's onsite visit, GOCYF staff said that they are not aware of any discrimination complaints being filed against a DOJ subrecipient, but that if the GOCYF should receive such a complaint it would probably refer the complaint to the GOEO. According to the GOCYF's data response, the GOEO is "open to receiving complaints from employees and/or beneficiaries of subrecipients." However, according to the information contained on the GOEO's website at www.azgovernor.gov/eop, the GOEO only accepts discrimination complaints from current or former state employees.² Accordingly, it appears that the GOEO only has jurisdiction to investigate discrimination complaints from employees of the GOCYF, and not from employees or beneficiaries of subrecipients.

Based on the OCR's research, it appears that the Civil Rights Division (CRD) of the Arizona Attorney General's Office has jurisdiction over complaints alleging discrimination in employment, voting, public accommodations, and housing on the basis of race, color, national

¹ Subrecipients under these OVW-funded grant programs are required to attend an orientation training provided by the OVW that discusses the particular grant programs and requirements.

² The GOEO's website notes that if the GOEO receives an employment discrimination complaint from an employee of a private organization, the GOEO will provide counseling and a referral for the complaint.

origin, religion, sex, disability, retaliation, or age. Accordingly, it appears that employees of the GOCYF and employees of GOCYF subrecipients may file discrimination complaints with the CRD. It further appears that beneficiaries of subrecipients may be able to file discrimination complaints with the CRD as well, depending on whether the program or activity of the subrecipient qualifies as a place of public accommodation.

B. Monitoring Compliance with Equal Treatment Regulations

The purpose of the Equal Treatment Regulations is to ensure that "[r]eligious organizations are eligible, on the same basis as any other organization, to participate in any [Justice] Department program for which they are otherwise eligible." 28 C.F.R. § 38.1(a). The Regulations prohibit the DOJ and DOJ funding recipients from discriminating either for or against an organization on the basis of the organization's religious character or affiliation. *Id.* In evaluating the GOCYF's equitable treatment of faith-based organizations, the Compliance Review focuses on two issues: (1) the review process for making awards to applicant faith-based organizations, and (2) procedures for ensuring that funded faith-based organizations comply with applicable federal civil rights laws.

1. The Process for Making Awards to Applicant Faith-Based Organizations

As discussed in Section I.A.1 of this Compliance Review Report, the GOCYF currently administers grant programs funded by the OJJDP and the OVW. During the OCR's onsite visit, GOCYF staff told the OCR that to announce upcoming funding opportunities the GOCYF initially posts a notice on its website indicating that it intends to issue a funding solicitation. The GOCYF staff said that the GOCYF also emails this notice to agencies who have registered on the state procurement website to receive such notices, and GOCYF staff also distribute the notice to agencies that they network with. The GOCYF then posts the funding solicitation/RFGA on its website, and applications are reviewed by at least three evaluators who come from external agencies and have relevant subject matter expertise. The GOCYF staff serve as technical advisors to the external evaluators, and the evaluators make funding recommendations to the appropriate division director and the Executor Director of the GOCYF. For grants authorized by Title II and Title V of the Juvenile Justice and Delinquency Prevention Act, the evaluators also take their funding recommendations to the Arizona Juvenile Justice Commission.

According to the information contained in the GOCYF's data response, one faith-based organization applied for and received funding in Fiscal Year 2006: the Jewish Family and Children's Services applied for and received \$69,831.00 in Title II JJDP funding for a detention alternative program. In Fiscal Year 2007, four faith-based organizations applied for a total of five grants, and the following two faith-based organizations received funding: Neighborhood Ministries applied for \$43,200.00 and received \$22,255.00 in Title II JJDP

funding for life skills and academic mentoring programs; and Catholic Charities Community Services applied for and received \$49,758.00 under the OVW's STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program (STOP Program) to fund attorney and victim advocate positions. The GOCYF also received applications from Salvation Army for Title II JJDPA funding, the Freedom Foundation Fellowship for Title II JJDPA funding, and Catholic Charities Community Services for another STOP Program grant award, but the GOCYF did not fund these applications because they did not score well based on the evaluation criteria in the RFGA.

At the time of the OCR's onsite visit in February 2010, the GOCYF was funding two faith-based organizations with DOJ funding. The GOCYF was still funding Neighborhood Ministries' Title II JJDPA grant referenced above, and was funding Catholic Community Services of Southern Arizona under the OVW's Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Assistance Program (Rural Program). Subsequent to the OCR's onsite visit, GOCYF staff said that one other faith-based organization applied for DOJ funding since Fiscal Year 2007 but was not funded: Catholic Charities Community Services applied for a STOP Program grant in Fiscal Year 2009 but its application did not score well based on the evaluation criteria in the RFGA.

According to the GOCYF's data response, other than the programs authorized by the JJDPA, the GOCYF does not require nonprofit applicants to obtain federal tax exempt status under 26 U.S.C. § 501(c)(3). During the OCR's onsite visit, GOCYF staff stated that agencies funded under the JJDPA are required to have tax exempt status under Section 501(c)(3).

2. Procedures for Ensuring that Faith-Based Organizations Comply with Applicable Federal Civil Rights Laws

In the GOCYF's data response, the GOCYF said that it ensures that faith-based organizations comply with federal civil rights laws by listing civil rights laws in the RFGA and the Assurances and by discussing these laws in the pre-proposal telephone conferences and in the new grantee orientation training sessions. While the GOCYF discusses Executive Order No. 13279, Equal Protection of the Laws for Faith-Based and Community Organizations, in the Terms and Conditions of its RFGAs, it does not reference the DOJ's Equal Treatment Regulations at 28 C.F.R. pt. 38 in its subaward documents.

According to the GOCYF's data response, the GOCYF's Division for Community and Faith-Based Initiative conducted outreach and training in 2006 and 2007 for community and faith-based organizations throughout Arizona. This outreach included participating in various trainings and conferences for community and faith-based organizations and providing information on the laws relating to partnering with the federal government and the equal

treatment for faith-based organizations. During the OCR's onsite visit, GOCYF staff told the OCR that this division is no longer in existence.

As part of the OCR's onsite visit to the GOCYF, we conducted onsite visits to two faith-based organizations that the GOCYF was funding with DOJ funds, Neighborhood Ministries and Catholic Community Services of Southern Arizona. Program administrators from Neighborhood Ministries told the OCR that it is a community development organization that operates programs and activities designed to keep children out of poverty such as mentoring, head start, and life skills programs along with college scholarship opportunities. Based on information provided by the GOCYF, at the time of the OCR's onsite visit Neighborhood Ministries was receiving \$17,800.00 in Title II JJDP funds to operate life skills and character building activities for youth and to provide academic mentoring for youth participating in its programs. The Neighborhood Ministries program administrators explained to the OCR that they use JJDP funding to pay for costs associated with Neighborhood Ministries' weekly high school youth program. As part of this program, students in 8th to 12th grades come to Neighborhood Ministries' facilities every Wednesday night to eat dinner and then participate in a variety of offered activities including poetry and creative writing workshops, leadership class, homework labs, a metal workshop, and Bible study. The program administrators told the OCR that the activities take place in separate areas or rooms of Neighborhood Ministries' facilities, and that the youth choose which activities they want to participate in. Other than Bible study, all of the programs are secular in nature. According to program administrators, Neighborhood Ministries uses OJJDP funding to purchase food that is provided to youth participants, and to pay for 50% of the salary of the youth leader who oversees this program. The responsibilities of the youth leader include registering the participants, finding rides for participants, arranging for the various activities, recruiting volunteers for the program, and tracking weekly attendance.

The program administrators told the OCR that neighborhood youth become aware of Neighborhood Ministries and its Wednesday night youth program mainly through word-of-mouth and that Neighborhood Ministries does not take religion into account when providing services. The program administrators further told the OCR that Neighborhood Ministries does not require employees or volunteers to have a particular religious affiliation.

In addition to the Wednesday night youth program, the program administrators said that Neighborhood Ministries also uses the JJDP funding in connection with its academic mentoring program. Specifically, Neighborhood Ministries uses the JJDP funds to pay cash incentives to youth who receive good grades. The program administrators told the OCR that to be eligible for participation in the mentoring program, youth must be participating in other Neighborhood Ministries programming and must demonstrate at least two risk factors such as gang activity, drugs or alcohol use by the youth or a parent, falling behind in school, a history of experiencing abuse or neglect, and having an incarcerated family member. The program

administrators said that Neighborhood Ministries does not take religion into account when deciding who is eligible to receive mentoring, but does inquire about a youth's religion so that it may match the youth with a mentee from the youth's church if one is available.

While Neighborhood Ministries' Wednesday-night youth program does include Bible study as one of the offered activities, which is an inherently religious activity, it is one of several activities that are offered and the youth can choose which activities to participate in. The DOJ funding is only paying for 50% of the salary of the youth leader who coordinates the overall program, with the remaining 50% being subsidized by non-federal funding, and the percentage of the youth leader's overall responsibilities that relate to the Bible study appears to be minimal. Accordingly, it does not appear that Neighborhood Ministries is using DOJ funding to directly subsidize the Bible study class, and it appears that the Bible study class is physically separate from secular activities to the extent possible in the limited space that is available. The OCR did not find any evidence that Neighborhood Ministries was discriminating against beneficiaries on the basis of religion or religious belief in violation of the Equal Treatment Regulations.

During the OCR's onsite visit of Catholic Community Services of Southern Arizona, Inc. (Catholic Community Services), program administrators explained that Catholic Community Services provides services to individuals and families in need, such as operating domestic violence shelters and prevention programs, providing low-cost health care, offering counseling services and adoption services, and providing case management services for the elderly. Based on the information provided to the OCR by the GOCYF, Catholic Community Services receives \$164,220.00 in OVW funding under the Rural Program in connection with the Southern Arizona Battered Immigrant Women Project, of which Catholic Community Services is a partner. Program administrators from Catholic Community Services told the OCR that it uses OVW funding to pay for part of the salary of a case manager who spends her funded time conducting outreach services at hospitals, schools, churches, and rotary clubs to educate immigrant women of the services that are available. The program administrators said that Catholic Community Services does not take religion into account when providing services and does not inquire into a participant's religion, and that it does not conduct any religious activities in connection with any of its programs. The program administrators also told the OCR that Catholic Community Services does not require employees to be a particular religion.

The OCR found no evidence that Catholic Community Services was using DOJ resources for inherently religious activities or was discriminating against beneficiaries on the basis of religion or religious belief in violation of the Equal Treatment Regulations. Program administrators from both Neighborhood Ministries and Catholic Community Services told the OCR that they do not feel like the GOCYF treats their organization differently as a result of being a faith-based organization.

II. Recommendations

The GOCYF has some procedures in place for monitoring the civil rights compliance of its subrecipients, such as referencing many of the laws that the OCR enforces in the Assurances and Terms and Conditions for the DOJ subawards and inquiring about compliance with some civil rights requirements during onsite monitoring visits. To strengthen the GOCYF's monitoring efforts, the OCR offers the following six recommendations: (1) develop a comprehensive policy, including the establishment of written procedures, for addressing discrimination complaints from GOCYF employees and from employees and beneficiaries of subrecipients; (2) add a citation referring to DOJ's Equal Treatment Regulations to the GOCYF's Assurances; (3) add citations to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) and the DOJ's regulations implementing the nondiscrimination statutes that the OCR enforces to the Assurances; (4) require subrecipients claiming a partial or complete exemption from the EEOP requirements to complete a EEOP Certification Form and submit it to the OCR; (5) monitor for compliance with additional federal civil rights laws during onsite monitoring visits; and (6) expand on the training provided to subrecipients on their obligations to comply with federal civil rights laws.

A. Develop Comprehensive Complaint Procedures

Currently, the GOCYF does not appear to have any written procedures in place for resolving discrimination complaints from employees and does not have any procedures in place for addressing discrimination complaints from employees or beneficiaries of DOJ-funded subrecipients. Accordingly, the GOCYF should adopt a policy for addressing discrimination complaints that includes at a minimum the following elements:

- 1) designating a coordinator who is responsible for overseeing the complaint process;
- 2) notifying employees and subrecipients of prohibited discrimination in funded programs and activities and the GOCYF's policy and procedures for handling discrimination complaints;
- 3) establishing written procedures for receiving discrimination complaints from GOCYF employees and from employees and beneficiaries of DOJ-funded subrecipients;
- 4) referring each complaint to the appropriate agency for investigation and resolution, such as the U.S. Equal Employment Opportunity Commission, the GOEO, or the Arizona Attorney General's Office; or referring the complaint to the OCR, which will review the complaint and work with the GOCYF to resolve the complaint; and

- 5) training GOCYF program staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the GOCYF's complaint coordinator for processing as soon as the alleged discrimination comes to their attention.

Information about the applicable laws, complaint forms, and the investigative process is available at the OCR's website at www.ojp.usdoj.gov/ocr/crc. Additionally, the OCR has drafted the enclosed template complaint procedures that the GOCYF may find helpful as it develops procedures for addressing discrimination complaints from GOCYF employees and employees and beneficiaries of subrecipients. Developing a comprehensive policy for addressing discrimination complaints should be a top priority for the GOCYF.

- B. Add a Citation Referring to the Equal Treatment Regulations to the GOCYF's Standard Assurances

The GOCYF should modify the nondiscrimination provision in its standard Assurances, currently paragraph number 6, to include a reference to the DOJ's Equal Treatment Regulations, 28 C.F.R. pt. 38. Subrecipients that receive funding from DOJ components need to be aware of the obligation to comply with these regulations.³

- C. Add a Citation Referring to the Nondiscrimination Provisions of the Safe Streets Act and the DOJ's Regulations Implementing Federal Nondiscrimination Statutes to the GOCYF's Standard Assurances

Additionally, the GOCYF should modify the nondiscrimination provision in its Assurances to include a reference to the nondiscrimination provisions of the Safe Streets Act contained at 42 U.S.C. § 3789d(c)(1), which prohibit discrimination on the basis of race, color, national origin, religion, or sex in an agency's employment practices and delivery of services. The nondiscrimination requirements contained in the Safe Streets Act are binding upon agencies who receive funding authorized by the JJDPA and upon agencies who receive funding under several grant programs administered by the OVW, and thus are binding upon many of the GOCYF's DOJ-funded subrecipients. The GOCYF should also add a citation to the DOJ's regulations implementing the federal civil rights statutes that the OCR enforces, contained at 28 C.F.R. part 42, subparts C, D, G, and I; 28 C.F.R. part 35; and 28 C.F.R. part 54.

³ While the OCR understands that the Assurances document is used for all the GOCYF's funding recipients, including recipients receiving funding originating from agencies other than the DOJ, there is a notation at the top of the Assurances document explaining that certain of these assurances may not be applicable to a subrecipient's project or program.

D. Require Subrecipients Claiming an Exemption from the EEOP Requirements to Submit a Certification to the OCR

While some of the GOCYF's subrecipients that receive funding from the DOJ may be required to prepare and submit an EEOP to the OCR, many others will be partially or completely exempt from the EEOP requirements. In accordance with the EEOP regulations at 28 C.F.R. §§ 42.301-.308, only agencies that receive funding authorized under the Safe Streets Act are subject to the EEOP requirements, and if an agency has less than 50 employees, is receiving an award of less than \$25,000.00, or is a non-profit organization, a medical institution, an Indian tribe, or an educational institution, it is exempt from the EEOP requirements. Also, if a covered agency is receiving an award for \$25,000.00 or more, but less than \$500,000.00, it is required to formulate an EEOP but is not required to submit the EEOP to the OCR. However, agencies who are claiming a partial or complete exemption from the requirement to submit an EEOP to the OCR do need to complete a certification form declaring the basis for the partial or complete exemption.

During the OCR's onsite visit, GOCYF staff told the OCR that the GOCYF does not currently require its subrecipients to complete and submit a certification form to the OCR if the subrecipient is not required to submit an EEOP. Therefore, the GOCYF should develop its own EEOP certification form for its subrecipients to use, or it may wish to use the OCR's certification form which is attached for your review. The GOCYF should ensure that its DOJ-funded subrecipients are submitting this certification form to the OCR if so required, perhaps by requiring subrecipients to submit a copy of the form to the GOCYF.

E. Monitor for Compliance with Federal Civil Rights Laws During Onsite Monitoring Visits

The GOCYF is taking steps to ensure that GOCYF subrecipients are complying with grant requirements by conducting onsite monitoring visits and by asking questions regarding compliance with several civil rights requirements such as the EEOP requirements and the prohibition against discriminating against individuals with a disability. However, the GOCYF does not evaluate a number of additional civil rights requirements that are binding on recipients of federal funding (e.g., whether the subrecipient has posted nondiscrimination notices as required by section 504 of the Rehabilitation Act, whether the subrecipient has a grievance procedure and a designated coordinator as required by section 504 of the Rehabilitation Act and Title IX of the Education Amendments of 1972, or whether the subrecipient is taking steps to ensure meaningful access to its services to individuals with limited English proficiency). Additionally, the GOCYF should ask questions regarding whether subrecipients are complying with DOJ's Equal Treatment Regulations, including the prohibitions against using federal funds to engage in inherently religious activities and discriminating against program beneficiaries on

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the basis of religion. The OCR has developed the attached Federal Civil Rights Compliance Checklist that contains relevant questions regarding civil rights compliance; the GOCYF may wish to utilize this checklist during onsite monitoring visits or incorporate these questions into the checklist that it is currently drafting.

F. Expand on Existing Training on Federal Civil Rights Laws

Currently, the GOCYF includes some discussion of civil rights laws as part of a general overview of grant requirements in its mandatory orientation training for new subrecipients. The GOCYF should expand on this training to include a more detailed explanation of the federal civil rights requirements, including the requirements contained in the Equal Treatment Regulations, the requirements not to discriminate in employment practices and the delivery of services on a variety of protected classes, and the requirement to ensure that services are accessible to individuals with limited English proficiency. The GOCYF may wish to incorporate into its training presentation some of the slides from the OCR's recent training of GOCYF grant administrators.

Conclusion

Except for the concerns we have raised in Section II of this Compliance Review Report, we find that the GOCYF has taken steps to substantially comply with the federal civil rights laws that the OCR enforces. On request, the OCR is available to provide technical assistance to the GOCYF in addressing the concerns raised in this Report. **Immediately upon receipt of this letter, we ask that a responsible GOCYF official contact Attorney Advisor Shelley Langguth to develop a timeline and goals for implementing the OCR's recommendations.**

Thank you for your cooperation and the assistance of your staff throughout the compliance review process. If you have any questions, please contact Ms. Langguth at [REDACTED]

Sincerely,



Michael L. Alston
Director

Enclosures

cc: Director Maria Elena Ochoa
Division for Women