

Archived Information

Magnet Schools Assistance Program (MSAP)

**U.S. Department of Education
Office for Civil Rights (OCR)
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Introduction

- OCR's role in MSAP
- OCR's review of MSAP applicants' non-discrimination assurances
- Process for OCR's 2010 Civil Rights Reviews
- Availability of Technical Assistance

Types of Magnets: MSAP Applicants

- Required Plans
 - Court Ordered
 - State Agency Ordered
 - OCR Required
- Voluntary Plans

OCR's Role

- OCR determines whether each district “will meet” its MSAP assurances of non-discrimination. The MSAP statute specifies that this determination must be made by the Assistant Secretary for Civil Rights.
- In reviewing "voluntary" plans, OCR, on behalf of the Secretary, determines whether a district's voluntary MSAP plan -- and the district's implementation of that plan -- is "adequate under" Title VI.
- OCR conducts annual reviews during the three-year MSAP cycle -- each year making the two determinations noted above.

For All Districts

Relevant Regulations:

LEAs will provide assurances that they will not engage in discrimination based upon race, religion, color, national origin, sex or disability in employment, assignment of students to schools and courses of instruction, and designing or operating extracurricular activities.

34 CFR 280.20(b)(3), (4), and (5)

OCR can ask LEAs for “any information that is necessary for the Assistant Secretary for Civil Rights to determine whether the assurances . . . will be met.”

34 CFR 280.20(d)

LEAs Implementing “Required” Plans

Relevant Regulation

One way an LEA satisfies the eligibility requirements is if it is “implementing a plan undertaken pursuant to a final order of the court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and the order requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of that agency or those agencies.”

34 CFR 280.2 (a)(1)

LEAs Implementing “Required” Plans (con’t)

- If you believe that your LEA is under a desegregation requirement, please provide OCR with all relevant documents (court order, copy of relevant State statute, State agency order, etc.).
- If the magnet schools component proposed in the project is not specified in the required plan, the LEA is required to obtain approval of the modifications from the court or other agency requiring the plan and submit such approval to OII by June 2, 2010.

LEAs Implementing “Required” Plans (con’t)

- If it is anticipated that the LEA will be released from its desegregation obligations (e.g., a court granting unitary status) in the near future, please provide a description of the status of the court proceedings, and the approximate date at which a unitary status decree might be expected.
- A grant of unitary status, standing alone, does not make an LEA ineligible.

LEAs Implementing “Voluntary” Plans

Relevant Regulations:

The other way an LEA becomes eligible is if it provides a voluntary plan demonstrating that the plan “ will reduce, eliminate or prevent minority group isolation...either in the magnet school or in a feeder school.”

34 CFR 280.2(b)(1)

Voluntary plans must be “adequate under” Title VI.

34 CFR 280.2(a)(2)

Common Problems OCR Encounters In MSAP Reviews

- The contact person listed on the application is not available during the Summer, which is when OCR will be calling – if necessary – to discuss the application or to request additional information.
- The contact person does not return OCR's calls or emails, forcing OCR to contact the Superintendent to discuss the application or request additional information.

Common Problems OCR Encounters In MSAP Reviews (con't)

- The application does not include the student selection plan.
- The student selection plan does not clearly explain the student selection process.
- The application includes references to documents that are not included in the application.
- Required plans do not include supporting documentation (court order, copy of relevant State statute, State agency order, etc.).

Further Technical Assistance

- OII and OCR staff are available to assist individual school districts.
- If you have questions about the OCR-related MSAP requirements or about unique situations in your district which may raise questions about the MSAP non-discrimination assurances, you may contact OCR staff attorney Christine Bischoff at christine.bischoff@ed.gov.