



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

Via Certified Mail

February 9, 2009

Thomas J. Strickrath, Director
Ohio Department of Youth Services
51 North High Street, Third Floor
Columbus, Ohio 43215-3031

Re: Ohio Department of Youth Services (08-OCR-0418)

Dear Director Strickrath:

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 Ohio Department of Youth Services (DYS), in accordance with federal regulation 28 C.F.R. ' 42.206. The focus of the review was on the DYS' compliance with applicable federal civil rights laws along with the DYS' monitoring procedures for ensuring the compliance of subrecipients with these laws. Of particular interest to the OCR was the DYS' 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 September 25, 2008, the OCR conducted an onsite visit to the DYS' offices in Columbus, Ohio, to interview DYS administrators and to conduct a training program for DYS administrators and program staff on the federal civil rights laws that the OCR enforces. The OCR would like to thank DYS staff, especially Juvenile Justice Specialist Kristi Oden, for assisting OCR attorney Shelley Langguth during her onsite visit. On the same day, the OCR made an onsite visit to a faith-based subrecipient of DYS in Columbus: the City of Refuge Point of Impact.

Based on the DYS' responses to our data request and the information that the OCR gathered during our onsite visit, the OCR sent the DYS a draft Compliance Review Report on December 29, 2008. In a letter dated January 22, 2009, the DYS stated that it did not have any factual corrections to the OCR's draft Compliance Review Report.

In regard to the limited scope of our review, the OCR concludes that the DYS appears to be in substantial compliance with the federal civil rights laws that the OCR enforces. Nonetheless, we have reservations about whether the DYS has adequate complaint procedures in place to respond to discrimination complaints from beneficiaries and employees of subrecipients, and whether it is

sufficiently training and educating its subrecipients on applicable federal civil rights laws. The following Compliance Review Report includes recommendations for improving the DYS' methods for monitoring the civil rights compliance of subrecipients.

Compliance Review Report: Overview and Recommendations

I. Overview

This Compliance Review Report first examines the DYS' 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 DYS' 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 DYS' general efforts to ensure subrecipients' compliance with their civil rights obligations, the OCR examined how the DYS 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 in the delivery of services.

1. Standard Assurances

With the exception noted below, the DYS' Bureau of Subsidies and Grants (BSG) is responsible for administering DOJ subawards. For three counties located within the State of Ohio - Cuyahoga, Franklin, and Lucas counties - the DYS utilizes external Regional Planning Units (RPU) to administer DOJ funds. Agencies within these three counties must apply to the applicable RPU for funding, and the RPU is responsible for soliciting and reviewing applications, making subawards, and managing the subawards.

Before the DYS releases DOJ funds, either through the BSG or through a RPU, subrecipients must sign the DYS Standard Subgrant Conditions. Chapter 15 of these Standard Subgrant Conditions, "Certifications and Assurances," states that "[b]y accepting the subgrant award, the recipient assures and certifies that it complies with all applicable state and federal laws." This chapter also contains a paragraph on Equal Employment Opportunity, notifying subrecipients that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination against a subrecipient after a due process hearing on the grounds of race, color, national origin, sex, or disability, the subrecipient must forward a copy of the findings to DYS

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and the OCR. This paragraph also notifies subrecipients that they must provide the OCR with an Equal Opportunity Plan, if required, when the award is \$500,000.00 or more. These are the only provisions within the Standard Subgrant Conditions that reference civil rights requirements.

In addition to the Standard Subgrant Conditions, information on a subrecipient's obligations and requirements may also be contained in the grant solicitation for the particular DOJ funding program. For example, during the onsite visit, DYS staff provided the OCR with the application guidelines for the OJP-funded Disproportionate Minority Contact (DMC) grants for 2008. Page 12 of these guidelines contains a paragraph entitled "Civil Rights Compliance" that notifies applicants that "[a]ll recipients of federal grant funds are required to comply with nondiscrimination requirements contained in various federal laws," and that recipients must forward to the OCR and the OJP any finding of discrimination on the grounds of race, color, religion, or national origin. Page 12 of the application guidelines also contains a paragraph stating that subrecipients must comply with Subtitle A, Title II of the Americans with Disabilities Act, 42 U.S.C. 12131-12134 and DOJ implementing regulations, 28 CFR 35¹.

Additionally, page 12 of the application guidelines, along with page 11 of the grant application for the 2008 DMC grants, provides information on the requirement to prepare an Equal Employment Opportunity Program (EEO). This information states that recipients who have a service population with a minority representation of three percent or more, have 50 or more employees, and who have received a subgrant or subgrants of \$500,000 or more under the Safe Streets Act of 1968 must formulate, implement, and maintain an EEO.² Page 12 of the guidelines state that further explanation of minority persons and service population is found in Section 43.302(e) and (f) and Title 28, Code of Federal Regulations, and page 11 of the grant application states that further explanation of these requirements is found in Section 42.302(e) and (f) of Title 28 of the Code of Federal Regulations.³ Page 11 of the grant application contains a Certification of Compliance with EEO Program Requirements that each applicants must complete, whereby the applicant certifies that it has formulated an EEO in accordance with "28 CFR 42.301, et seq., Subpart E," or that it does not fall within these requirements.⁴

¹ Please note that the correct citation is 28 *C.F.R.* pt. 35.

² Please be advised that unless exempt from the EEO requirements, recipients with 50 or more employees who have received a single award of more than \$25,000 but less than \$500,000 are also required to prepare an EEO; such recipients need to maintain the EEO on file but do not need to submit it to the OCR. If a recipient receives a single award of \$500,000 or more, the agency needs to submit the EEO to the OCR for review. However, recipients that are a non-profit organization, a medical institution, an educational institution, or an Indian tribe are completely exempt from the EEO requirements.

³ Please note that this information is actually contained in Section 42.302(d) and (e) of Title 28, Code of Federal Regulations.

⁴ This certification form is different and less detailed than the OJP Certification Form that OJP requires recipients to complete.

Page 11 of the application guidelines also contains a section on "Funding to Faith-Based and Community Organizations." This paragraph explains that faith-based and community organizations that statutorily qualify as eligible applicants under OJP programs are invited and encouraged to apply for funding, and that DYS will treat these organizations equally in its funding decisions and will not discriminate for or against an eligible applicant on the basis of its religious character or affiliation, name, or composition of its board of directors. This paragraph also states that faith-based groups may not use federal funds for inherently religious activities such as prayer or worship, that any such activities must be separated by time, and that participation by individuals receiving federally-funded services must be voluntary. However, this paragraph does not specifically reference DOJ's Equal Treatment Regulations at 28 C.F.R. pt. 38. Also, page 4 of these guidelines states that "[p]rivate and nonprofit organizations, including faith-based organizations, may act as a subgrantee and implementing agency when the agency provides proof that it has insurance coverage against specified losses that occur from dishonest acts or defalcations of employees."

The DYS did not provide the OCR with any other funding announcements or accompanying guidelines, and the DYS is not currently posting any funding solicitations or guidelines for any other DOJ grant programs on its website at www.dys.ohio.gov.

2. Onsite Visits and Other Monitoring Methods

In the DYS' response to the OCR's data request, the DYS stated that it monitors its subrecipients but does not monitor specifically for compliance with applicable civil rights requirements. During the OCR's onsite visit, a BSG grants administrator told the OCR that BSG staff conducts annual onsite visits of each subrecipient, where the staff reviews and gathers information on the subrecipient's implementation of DOJ funding. The BSG grants administrator said that the RPU's also conduct annual onsite monitoring visits of the subrecipients that they oversee. The grants administrator further explained that DYS and the RPU's monitor subrecipients through the submission of quarterly progress and financial reports.

In the DYS' response to the OCR's data request, it provided a copy of the Subgrant Monitoring Form that BSG staff uses during onsite visits; this form does not contain any specific questions regarding the subrecipient's compliance with civil rights obligations. Following the OCR's onsite visit, a representative from each of the RPU's provided the OCR with the monitoring form that the RPU uses during onsite visits; these forms demonstrate that the RPU's also do not address civil rights requirements during onsite monitoring visits.

As discussed in Section I.A.1 of this Compliance Review Report, the DYS' Standard Subgrant Conditions require subrecipients to forward to the OCR any findings of discrimination against the subrecipient issued by a federal or state court or federal or state administrative agency. Additionally, the Standard Subgrant Conditions require subrecipients to provide the OCR with an

EEOP, if required. However, it does not appear that subrecipients are also required to submit a copy of any findings of discrimination or an EEOP to DYS so that the DYS can monitor its subrecipients' compliance with these civil rights requirements. In the grant application for the OJP-funded 2008 DMC grants, the DYS provides subrecipients with the DYS' Certification Form to submit to the DYS with its grant application, certifying either that the subrecipient has formulated an EEOP in accordance with 28 C.F.R. § 42.301 et seq., or that it is exempt from the requirement to have a written EEOP on file.

3. Training and Technical Assistance

In its data response, the DYS said that it does not provide any training or technical assistance for subrecipients regarding their duties to comply with applicable federal civil rights laws. During the OCR's onsite visit, the BSG grants administrator told the OCR that all new funding recipients must attend a mandatory orientation training, where the DYS discusses the relevant grant requirements. The BSG grants administrator said that the orientation contains a brief overview of civil rights requirements, such as the requirement to prepare an EEOP. As discussed in Section I.A.2 of this Compliance Review Report, BSG and RPU staff do not discuss civil rights requirements with subrecipients during onsite monitoring visits.

4. Complaint Procedures

During the onsite visit, the DYS provided the OCR with several of its written policies or procedures addressing complaints received from DYS employees or beneficiaries. The DYS provided copies of Policy Number 103.35, Employee Anti-Discrimination and Anti-Harassment Policy, and Standard Operating Procedure Number 103.35.01, Employee Anti-Discrimination Harassment Reporting Procedure; these documents contain information for DYS employees, volunteers, contractors, and applicants for employment who wish to file a discrimination complaint against the DYS. According to these documents, employees, contractors, volunteers, and applicants for employment may file an informal complaint with the DYS, or may file a formal discrimination complaint with the State Department of Administrative Services, Equal Opportunity Division (EOD), the Ohio Civil Rights Commission (OCRC), or the federal Equal Employment Opportunity Commission (EEOC). Based on the OCR's research, it appears that the EOD handles discrimination complaints from employees or applicants of employment of state agencies, and that the OCRC has jurisdiction over charges of discrimination in employment, public accommodations, housing, credit, and higher education on the basis of race, color, religion, sex, national origin, disability, age, ancestry, or familial status.

The DYS also provided the OCR with the DYS Policy Number 304.03, Youth Grievance Process. This policy sets forth the procedures for juveniles who are detained in DYS facilities or otherwise served by DYS programs and who wish to grieve any action, incident, living condition, dispute, or the application of any DYS policy or practice which the juvenile believes to be unjust,

detrimental, or a violation of the juvenile's rights. These procedures are also contained in the Youth Grievance Handbook, and allow a juvenile to file his or her grievance up the chain of command at DYS until a final decision is rendered by the Director of DYS. It appears that these procedures may encompass discrimination complaints brought by juveniles against the DYS. The DYS does not have any written procedures in place to address discrimination complaints received by employees or beneficiaries of subrecipients; in its data response, the DYS said that subrecipients can call or write the DYS regarding any issues or concerns relating to discrimination complaints. It appears that employees of DYS subrecipients may file discrimination complaints with the OCRC and perhaps with the EEOC, depending on the size of the subrecipient. It further appears that beneficiaries of subrecipients may be able to file discrimination complaints with the OCRC, depending on whether the program or activity of the subrecipient qualifies as a place of public accommodation.

During the onsite visit, DYS staff told OCR that they are not aware of an employee or beneficiary of a subrecipient ever filing a discrimination complaint against a subrecipient. The DYS staff provided the OCR with information on a discrimination complaint that a DYS employee recently filed against the DYS with the OCRC and the EOD. The OCR understands that the OCRC and the EOD are currently investigating this complaint.

B. Monitoring Compliance with Faith-Based Regulations

The purpose of the Equal Treatment Regulations is to ensure that A[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 DYS' 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

In its data response, the DYS said that as with any applicant, all faith-based agencies are eligible to apply for DOJ subawards and the DYS approves or denies funding based on the merits of the application. During the OCR's onsite visit, a BSG grants administrator explained that the DYS will sometimes post grant solicitations on the DYS' website, and that the RPU's may also post grant solicitations on their websites. The DYS and the RPU's also send out grant solicitations to a variety of social service agencies that are on DYS' and the RPU's mailing lists.

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Once BSG staff receive grant applications under a particular funding solicitation, they review the applications along with one or two outside peer reviewers and members from an external advisory group, the Governor's Council on Juvenile Justice (GCJJ). The GCJJ members are appointed by the Governor and include individuals with special knowledge and experience in the prevention and treatment of juvenile delinquency. The grant reviewers then submit their funding recommendations to the entire GCJJ and the Director of DYS for final approval.

Applicant agencies located within Cuyahoga, Franklin, and Lucas counties apply directly to the relevant RPU for funding. The RPUs utilize local Criminal Justice Planning Boards to assist in reviewing and making funding decisions on grant applications, and DYS staff also provide input.

During the onsite visit, the BSG grants administrator said that DYS reaches out to faith-based organizations to let them know that they are eligible for funding by including faith-based organizations on DYS' mailing list and by including information in the application guidelines explicitly noting that faith-based organizations are eligible to apply. As discussed in Section I.A.1 of this Compliance Review Report, the DYS provided the OCR with the recent application guidelines for the 2008 DMC grants, which contain a section stating that eligible faith-based organizations are encouraged to apply for funding. These guidelines also state that DYS will treat faith-based organizations equally in its funding decisions and will not discriminate for or against an eligible applicant based on its religious character or affiliation, name, or composition of its board of directors.

In responding to the OCR's data request for information on the DYS' funding of faith-based organizations in fiscal years (FY) 2006 and 2007, the DYS reported that one faith-based organization, Catholic Charities Services, applied for and received JAG grant funding in FY 2006, in the amount of \$10,000.00. This grant was for assessment of youth at DYS detention centers. The DYS explained that in FY 2007 the DYS funded second-year continuation projects and did not conduct a competitive round of funding; during the onsite visit, the BSG grants administrator said that Catholic Charities Services received a continuation grant in FY 2007, which expired on September 30, 2007. According to the grants administrator, Catholic Charities Services did not apply for funding in FY 2008.

During OCR's discussions with the BSG grants administrator in preparation for OCR's onsite visit, the OCR learned that since FY 2005⁵ the RPU in Franklin County has been funding the faith-based organization the City of Refuge Point of Impact with DOJ funds authorized by Title II of the Juvenile Justice and Delinquency Prevention Act (JJDP). A grants coordinator from the Franklin County RPU provided the OCR with information demonstrating that the City of Refuge Point of Impact received \$25,000.00 in FYs 2005 and 2006 and \$16,666.67 in FY 2007, and that the grant expires on December 31, 2008. The grants coordinator for the Franklin County

⁵ According to a grants coordinator from the Franklin County RPU, FY 2005 for the JJDP grant program ran from October 1, 2005 to September 30, 2006.

RPU told the OCR that the faith-based organization Central Ohio Youth for Christ also applied for JJDPa funding in FY 2005, but did not receive funding due to ineligibility because the organization had already received three years of funding. The OCR understands that no other faith-based organizations have applied for DOJ funding from the DYS or from a RPU over the past few years.

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

In the DYS' response to the OCR's data request, the DYS stated that if a grant proposal included religious activities, the DYS would exclude that application from funding. As discussed in Section I.A.1 of this Compliance Review Report, while the DYS and the RPUs conduct annual onsite monitoring visits of DOJ subrecipients, it does not appear that the monitoring staff specifically monitor for compliance with applicable civil rights laws, including faith-based organizations' compliance with the Equal Treatment Regulations. In its data response and during the OCR's onsite visit, the DYS said that it does not require any of its nonprofit applicants, including faith-based organizations, to have federal tax exempt status under 26 U.S.C. § 501(c)(3).⁶

The OCR conducted an onsite visit to the faith-based organization funded through the Franklin County RPU: the City of Refuge Point of Impact in Columbus, Ohio. This non-profit organization is founded by the First Church of God, a non-denominational church, and its purpose is to provide health, education, and social services to at-risk and disadvantaged children and families. During the OCR's onsite visit, a program administrator from the City of Refuge Point of Impact said that the organization uses DOJ funds for an after-school program called GINAKANWA, where staff from the City of Refuge Point of Impact provide children with meals, homework assistance, and tutoring, and conduct activities to promote leadership development and physical fitness. The program administrator said that the City of Refuge Point of Impact advertises its services in church bulletins, at local schools, by walking through neighborhoods, and through word of mouth. Additionally, this program has an in-school component as well, where staff from the City of Refuge Point of Impact teach a violence prevention course in several schools. The program administrator told OCR that the City of Refuge Point of Impact targets faith-based and alternative schools for this program, since public schools generally already receive assistance from other sources.

⁶ Please be aware that the JJDPa, Pub.L. 93-415, 42 U.S.C. § 5601 *et seq.*, requires nonprofit organizations funded under that statute to obtain tax exempt status under 26 U.S.C. § 501(c)(3). The OCR understands that many of the DYS' OJP grants are authorized under the JJDPa. The OCR recommends that the DYS contact your relevant grant advisor at OJP to discuss this requirement.

The program administrator told OCR that the City of Refuge Point of Impact does not take religion into account when determining who to serve and does not inquire as to a potential beneficiary's religious background, and that its beneficiaries represent many different religions. The program administrator further told OCR that the City of Refuge Point of Impact does not require its staff to have a particular religious affiliation. The OCR found no evidence that the City of Refuge Point of Impact was using DOJ resources for inherently religious purposes or that it was discriminating against beneficiaries on the basis of religion or religious belief in violation of the Equal Treatment Regulations.

I. Recommendations

The DYS already has some procedures in place for monitoring the civil rights compliance of its subrecipients. To strengthen the DYS' monitoring efforts, the OCR offers the following six recommendations: (1) develop a comprehensive policy, including the establishment of written procedures, for addressing discrimination complaints; (2) add a citation referring to DOJ's Equal Treatment Regulations to its Standard Subgrant Conditions and grant application guidelines; (3) include information on all of the applicable federal civil rights laws in its Standard Subgrant Conditions; (4) monitor for compliance with federal civil rights laws during annual onsite monitoring visits; (5) provide training to subrecipients on their obligations to comply with federal civil rights laws; and (6) provide subrecipients with a more detailed EEOP Certification Form to complete.

A. Develop Comprehensive Policy for Addressing Discrimination Complaints

While the DYS has written procedures in place for receiving and investigating discrimination complaints from employees, the DYS Policy 304.03, Youth Grievance Process, does not explicitly cover complaints of discrimination from DYS beneficiaries, and the DYS does not have any procedures in place for addressing discrimination complaints from employees or beneficiaries of DYS subrecipients. Accordingly, the DYS 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 of the DYS and the RPU's, beneficiaries, and subrecipients of prohibited discrimination in funded programs and activities and the DYS' policy and procedures for handling discrimination complaints;
- 3) establishing written procedures for receiving discrimination complaints from the DYS' beneficiaries, and from subrecipient employees and beneficiaries, including those subrecipients who receive funding administered by the RPU's;

- 4) referring each complaint to the appropriate agency for investigation and resolution, such as the EEOC, the EOD, or the OCRC; or referring the complaint to the OCR, which will review the complaint and work with the DYS to resolve the complaint;
- 5) notifying the OCR in writing when the DYS refers a discrimination complaint to another agency or when the DYS investigates the complaint internally; and
- 6) training DYS program staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the DYS' 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. Developing a comprehensive policy for addressing discrimination complaints should be a top priority for the DYS.

B. Add a Citation Referring to the Faith-Based Regulations to the DYS' Standard Subgrant Conditions and Grant Application Guidelines

The DYS should be sure to include reference to the DOJ's Equal Treatment Regulations, 28 C.F.R. pt. 38, in its Standard Subgrant Conditions and to DOJ grant application documents that reference faith-based organizations. Subrecipients that receive funding from DOJ components need to be aware of the obligation to comply with these regulations.

C. Include Reference to Civil Rights/Nondiscrimination Provisions in the DYS' Standard Subgrant Conditions

The DYS should include reference to all of the federal civil rights laws that the OCR enforces and that subrecipients are required to comply with in its Standard Subgrant Conditions. The DYS may also wish to include these laws in the guidelines for particular grant applications. For your review, we are enclosing a copy of the OJP's Standard Assurances that the OJP requires subrecipients to sign and agree to abide by; paragraph 6 of this document lists the civil rights laws that subrecipients are required to follow. Additionally, the DYS should include reference to the DOJ's Equal Treatment Regulations at 28 C.F.R. pt. 38, as discussed above. The DYS may also wish to add a sentence stating that in accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

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

The DYS and the RPU are taking steps to ensure that DOJ subrecipients are complying with grant requirements by conducting annual onsite monitoring visits. However, these onsite

monitoring visits do not currently address federal civil rights laws. Pursuant to the DYS' responsibility to monitor the compliance of subrecipients with applicable federal civil rights laws, the DYS should incorporate a section on civil rights laws in its Subgrant Monitoring Form. The DYS should also ensure that the RPU's incorporate compliance with federal civil rights laws into their annual onsite monitoring visits. The DYS and the RPU's should evaluate a number of civil rights requirements that are binding on recipients of federal funding (e.g., whether the subrecipient has an EEOP on file or has sent one to the OCR for review, whether the subrecipient has findings of discrimination to report to the OCR, 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 DYS and the RPU's should be sure to ask questions on whether the subrecipient is 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 the basis of religion.

E. Provide Training to Subrecipients on Their Obligations to Comply with Federal Civil Rights Laws

Other than a brief reference to civil rights laws during orientation training, such as the requirement to prepare an EEOP, the DYS does not currently provide any training for its subrecipients about their civil rights obligations. To ensure that subrecipients are aware of their obligations under federal civil rights laws, such as the obligation to comply with the DOJ's Equal Treatment Regulations and to provide services to LEP individuals, the DYS should provide periodic training programs for its subrecipients on the applicable federal civil rights laws. The DYS should provide this mandatory training for every subrecipient at least once during a grant cycle, whether the DYS provides the training in person, during a teleconference, or through other means. The OCR is available to provide the DYS with technical assistance in developing civil rights training programs.

F. Provide Subrecipients with a More Detailed EEOP Certification Form to Complete

As discussed in Section I.A.1 of this Compliance Review Report, the DYS includes an EEOP certification form in its grant applications for applicant subrecipients to complete. However, this certification form does not accurately convey the EEOP requirements under 28 C.F.R. §§ 42.301-308 and does not contain sufficient information for an applicant to determine whether it is required to prepare and/or submit an EEOP to the OCR. The OCR is enclosing a copy of the OCR's EEOP Certification Form that we require funding recipients to complete; this form contains detailed information on which funding recipients are required to prepare and keep on

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file an EEOP, are required to submit an EEOP to the OCR, or are exempt from the EEOP requirement. The DYS should utilize this form or should prepare a similar form containing all of the relevant information that applicant subrecipients must complete and submit to the OCR and the DYS or a RPU if they are not required to submit an EEOP.

Conclusion

Except for the concerns we have raised in Section II of this Compliance Review Report, we find that the DYS is in substantial compliance with the federal civil rights laws that the OCR enforces. On request, the OCR is available to provide technical assistance to the DYS in addressing the concerns raised in this Report. **Immediately upon receipt of this letter, we ask that a responsible DYS 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 (202) 305-2353.

Sincerely,

/s/

Michael L. Alston
Director

Enclosures

cc: Kristi Oden
Juvenile Justice Specialist, Bureau of Subsidies and Grants