

Title VI of the Civil Rights Act of 1964

Anti-Discrimination Law Webinar Series



No person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.



Overview

- **What it does:** prohibits discrimination based on race, color, or national origin
- **Applies** to recipients of Federal financial assistance
- **Protects** – everyone. Students, parents, the public.
- **Enforcement** – Office of Civil Rights (OCR)



OCR Statistics

- **2013-2014:** OCR received 4,600 Title VI-related complaints
 - OCR launched 32 proactive investigations
- **Highest complaint category** – different treatment/exclusion/denial of benefits
 - Retaliation
 - Racial harassment



Protections

- **Race** – Discrimination because of someone’s actual race or characteristics associated with race (hair, facial features)
- **Color:** Discrimination because of someone’s skin color complexion
- **National Origin:** Discrimination because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not)



Administrative Requirements



Notice

- Requires schools to notify students and others of the Title VI provisions in a manner that a responsible education department official would find necessary to tell students of their protections against discrimination under the statute and regulations
- Statute does not specify a method, but a combined notification similar to Title IX and other provisions is acceptable.

Sample Notice of Non-Discrimination Policy



•The (Name of School) does not discriminate on the basis of disability, age, race, creed, color, sex, sexual orientation (including gender identity), national origin, religion, ancestry, marital status, or need for special education services or any other class protected by state or federal law. The following person(s) has been designated to handle inquiries regarding the non-discrimination policies:

Title IX Coordinator

- Name and/or Title
- Address
- Telephone No.
- Email

Age Discrimination Act Coordinator

- Name
- Address
- Telephone No.
- Email

Section 504 Coordinator

- Name
- Address
- Telephone No.
- Email

McKinney-Vento Liaison

- Name and/or Title
- Address
- Telephone No.
- Email

SPED Coordinator

- Name and/or Title
- Address
- Telephone No.
- Email

Any other concerns may be brought to [Name and contact information].



No Title VI Coordinator Required

However your designated coordinator(s) and HR personnel should be aware and knowledgeable about Title VI provisions and how to direct individuals with complaints to the proper grievance procedure.



Grievance Procedure

- Statute and regulation does not mandate a grievance procedure
- However, it would be in the school's best interest to have a grievance procedure that could handle a Title VI complaint in a similar fashion to Title IX or ADA complaint.
- Nothing in statute that prevents you from having one – if you do not have a grievance procedure that is well known, the alternative is to go to OCR.



Recordkeeping

- Accurate and complete recordkeeping is an obligation for each school
- Records must be kept in such a manner that a Department personnel could review and analyze those records in the context of an investigation
- Failure to maintain such records is itself a violation of Title VI's implementing regulation
- *This should be done for all types complaints



Areas of Concern



Discriminatory Discipline

- **Discriminatory Discipline** = students of color are disciplined more harshly and more frequently than other students

- **Example**
 - Black students were disproportionately overrepresented in referrals for disciplinary action, including in-school suspensions, out-of-school suspensions, and referrals to school resource officers
 - Majority of the violations listed in the district's disciplinary code were undefined, giving administrators broad discretion in assigning sanctions and failed to give students and parents adequate notice of the consequences for particular violations.
 - Many complaints state that a school adopted a racially neutral discipline policy with the intent to target students of a particular race OR have the effect of targeting students of a particular race



Discriminatory Discipline

- **Example**
 - Hispanic students were disciplined more harshly than white students for similar behaviors
 - Applications of consequences were not consistent

- **Solutions**
 - Ensure fair disciplinary practices and that consequences are applied equitably
 - Ensure discipline codes are adequately and correctly being used, not just in an “other” category
 - Routinely review and revise as needed discipline policies and procedures
 - Train teachers and administrators on these procedures
 - Train teachers and administrators on how to track violations/disciplinary incidents

Equal Opportunities for English Language Learners



- Must take affirmative steps to address language barriers to EL students so that they may participate meaningfully in their schools' educational programs
- Adequately communicate with limited English proficient parents about important school-related information in languages they can understand

- **Example**
 - OCR found that a charter school who had multiple students who did not speak English at home, yet who were never assessed to determine whether they were EL students
 - Failure to allocate adequate staff and resources to EL programs.

- **Example**
 - Allegations of discrimination against Spanish-speaking and Vietnamese- speaking families
 - Not providing adequate assistance in regards to school information materials

Equal Opportunities for English Language Learners



- Solutions
 - Utilize CSI staff and resources!
 - Review and revise if necessary your procedures for home-language surveys
 - Instruct parents on the importance of these surveys
 - Ask for assistance on translating policies



Immigration Status

- *Phyller v. Doe* affirmed that citizenship or immigration status of students, parents, or guardians cannot be used to bar students from public schools.
- **Registration/Enrollment forms**
 - Schools may not require information from students or their parents – such as birth certificates and Social Security numbers – that have the purpose or result of denying the students access to public schools on the basis of their or their parents' immigration or citizenship status.



Religion

- Title VI protects students who are or are perceived to be members of a religious groups, such as Buddhists, Christians, Hindus, Jews, Muslims, and Sikhs, from discrimination based on any basis of race, color, national origin.

- Title VI prohibitions on discrimination include based on a student's actual or perceived
 - Shared ancestry or ethnic characteristics, or
 - Citizenship or residency in a country with a dominant religion or distinct religious identity.



Religion

- Title VI does not protect students from religious discrimination but prohibits discrimination against students of any religion when the discrimination involves
 - Racial, ethnic, or ancestral epithets or slurs;
 - Potentially or allegedly inherent traits;
 - How a person or group looks, dresses, or speaks if linked to ethnicity or ancestry (skin color, attire, accent); or
 - Stereotypes about people who share certain ancestral or ethnic characteristics.



Resources



Resources

- [Know Your Rights: Title VI and Religion](#)
- [Q & A on Racial Discrimination and School Discipline \(New\)](#)
- [Dear Colleague Letter: Preventing Racial Discrimination in Special Education](#)



Schedule

- **Title VII** – February 20th at 9am
- **All School Leaders Meeting**
 - Title IX Presentation
 - February 27th