

Ensuring Equal Access To High-Quality Education

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U.S. Department of Education

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Impact of the Civil Rights Laws

Enforcement of the federal civil rights laws has helped bring about profound changes in American education and improved the educational opportunities of millions of students. Many barriers that once prevented individuals from freely choosing educational opportunities and careers have been removed. Many school systems are now making it possible for students who are not proficient in English to participate effectively in their educational programs. Many more students with disabilities are now able, with the provision of supplementary aids and services, to participate in regular education classes.

The civil rights laws have opened the doors to our schools, classrooms, auditoriums, athletic fields, and arenas. In response, people from the many diverse backgrounds that represent today's America are coming through these doors, on the way to becoming our future leaders in business, government, science, the arts, and education. The civil rights laws ensure that the doors remain open to all.

Responsibilities of the Office for Civil Rights

The Office for Civil Rights (OCR) in the U.S. Department of Education (Department) is a law enforcement agency charged with enforcing federal civil rights laws to ensure that educational institutions receiving federal financial assistance do not engage in discriminatory conduct. OCR enforces the federal civil rights laws that prohibit

discrimination on the bases of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the Department. These laws are:

- Title VI of the *Civil Rights Act of 1964* (prohibits race, color, and national origin discrimination);
- Title IX of the *Education Amendments of 1972* (prohibits sex discrimination in educational programs);
- Section 504 of the *Rehabilitation Act of 1973* (prohibits disability discrimination);
- *Age Discrimination Act of 1975* (prohibits age discrimination); and
- Title II of the *Americans with Disabilities Act of 1990* (prohibits disability discrimination by public entities, including public school districts, public colleges and universities, public vocational schools, and public libraries, whether or not they receive federal financial assistance).

In addition, OCR enforces the *Boy Scouts of America Equal Access Act*, which is part of the *Elementary and Secondary Education Act*. Under this law, no public elementary or secondary school or state or local education agency that provides an opportunity for one or more outside youth groups or community groups to meet on school premises or in school facilities shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society, that wishes to meet at the school.

OCR is composed of a headquarters office, located in Washington, D.C., and 12 enforcement offices representing 12 regions in the United States and its territorial jurisdictions. In Washington, D.C., the Office of the Assistant Secretary for Civil Rights provides overall leadership, policy development, and coordination of enforcement activities. The enforcement offices are responsible for investigating and resolving complaints of discrimination, conducting compliance reviews, monitoring corrective actions agreements, and providing technical assistance. The majority of OCR's staff is assigned to the enforcement offices, which are located in Boston, New York, Philadelphia, Washington, D.C., Atlanta, Dallas, Cleveland, Chicago, Kansas City, Denver, San Francisco, and Seattle.

The Laws Apply to Educational Institutions

The civil rights laws extend to most educational institutions in the nation because most educational institutions receive some type of federal financial assistance. The civil rights laws, therefore, cover:

- more than **14,000** school districts;
- more than **5,000** colleges and universities;
- about **5,000** institutions that confer certificates below the associate degree level, such as training schools for truck drivers and cosmetology schools; and
- thousands of other entities, such as libraries, museums, vocational rehabilitation agencies, and correctional facilities.

The Laws Apply to Students and Employees

The civil rights laws protect students attending, or applying to attend, our educational institutions, as follows:

- about **55.5** million students attending elementary and secondary schools; and
- about **19.1** million students attending colleges and universities.

In certain situations, the laws also protect persons who are employed, or are seeking employment, at educational institutions.

OCR Receives Discrimination Complaints from the General Public

One important way that OCR carries out its responsibilities is by resolving complaints filed by students, parents, and others. The person or organization filing a complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. Generally, OCR will take action only on complaints that have been filed within 180 calendar days after the last act of alleged discrimination, or on complaints that allege a continuing discriminatory policy or practice.

OCR receives more than 6,000 complaints each year. The complaints involve some of the most important issues affecting equal access to high-quality education.

Under Title VI — race, color, and national origin discrimination — complaints include such issues as:

- use of racial or ethnic classifications, including ability grouping;
- access to alternative-language services by English language learners;
- disciplinary practices;
- student assignment policies, including assignment to gifted and talented programs;
- interdistrict student transfers;
- school desegregation;
- racial harassment;
- student housing on college campuses; and
- academic grading.

Under Title IX — sex discrimination — complaints include such issues as:

- sexual harassment;
- equal opportunity in interscholastic and intercollegiate athletics;
- treatment of students who are pregnant; and
- admission to postsecondary institutions.

Under Section 504 and Title II — disability discrimination — complaints include such issues as:

- accessibility of school facilities and programs;
- appropriate special education services;
- evaluation and placement of students who may need special education services;
- teaching students in the least restrictive environment consistent with their educational needs;
- suspension and expulsion of students with disabilities;
- disability harassment;
- academic adjustments and modifications; and
- auxiliary aids for students with impaired sensory, manual, or speaking skills.

Under the Age Discrimination Act complaints include such issues as:

- student treatment;

- program requirements; and
- admissions.

How OCR Resolves Complaints

OCR strives to resolve complainants' allegations of discrimination promptly, fairly, and appropriately. OCR has found that the best way to resolve problems is through a collaborative approach among students, parents, community groups, state and local education agencies, and schools or colleges.

OCR uses a variety of methods to resolve complaints, ranging from early complaint resolution to investigating and negotiating agreements with recipients for voluntary compliance.

If OCR cannot secure voluntary compliance, it may seek compliance through the administrative hearing process or through referral to the U.S. Department of Justice. This flexible approach allows OCR to:

- provide timely and effective intervention at the beginning of the complaint process;
- focus on achieving compliance with anti-discrimination statutes; and
- make students, parents, and school officials central to the resolution of complaints.

OCR Carries Out Compliance Reviews

In addition to resolving individual complaints, OCR often initiates cases, called "compliance reviews," so that it may target resources to compliance problems that are particularly acute, national in scope, or newly emerging.

Targeted compliance reviews maximize the impact of OCR's resources and balance the enforcement program. Compliance reviews ensure the protection of the civil rights of vulnerable groups, such as non-English speaking individuals or the very poor, who may be less aware of the laws. OCR's experience also shows that careful targeting of compliance reviews nearly always results in recipients making policy or program changes that benefit large numbers of students. In contrast, the resolution of an individual complaint often benefits only the complaining party.

OCR selects compliance reviews based in part on various sources of information, including survey data and information provided by complainants, education groups, media, and the general public. OCR has conducted compliance reviews on such issues as:

- minority students in special education and low-track courses;
- English language learners' access to alternative language services to benefit from school districts' educational programs;
- free appropriate public education for students with disabilities;
- minority students' access to gifted and talented and other advanced placement courses;
- racial harassment; and
- sexually hostile environments.

OCR's Technical Assistance Helps People and Institutions

The aim of OCR's technical assistance efforts is to prevent violations of the civil rights laws. We accomplish that aim by helping recipients comply with the laws and helping beneficiaries understand their rights. With the millions of students protected by the civil rights laws, OCR recognizes that its efforts alone are insufficient to stop illegal

discrimination in education. Students, parents, and educators must have the knowledge and skills to prevent illegal discrimination from occurring in the first place.

OCR provides assistance to enable institutions to come into compliance during the complaint resolution process or during a compliance review. In addition, OCR conducts a broad program of proactive technical assistance outreach through a variety of methods, including on-site consultations, training classes, workshops, meetings, and participation in conferences. OCR also responds to inquiries and requests for assistance from other federal agencies, state and local education agencies, community groups, parents, students, and the general public.

Many OCR offices have developed customer service teams to be more responsive to its partners and stakeholders, and to members of the general public. OCR has established a home page, <http://www.ed.gov/ocr> (<http://www.ed.gov/ocr>), which is also linked to the Department's website.

While we recognize the progress brought about by enforcement of the civil rights laws, problems persist in the denial of full educational opportunities to persons with disabilities, racial and language minorities, females, and older Americans. A commitment to the goals of the civil rights compliance program — equal access, educational excellence, and high standards for all students — is an investment that we must make if we are to secure America's future.

Contacting OCR

The Customer Service and Technology Team in OCR's national headquarters answers OCR's hotline. Callers use the hotline to inquire about a wide range of issues that relate to federal civil rights laws and OCR policies and guidelines, and to obtain information on OCR's enforcement program.

If you would like more information about the laws that the Office for Civil Rights enforces, how to file a civil rights complaint, or how to obtain technical assistance, you may contact the enforcement office that serves your state or territory at: <http://www.ed.gov/ocr/contactus.html> (<http://www.ed.gov/ocr/contactus.html>).

For further information:


OCR Hotline: 1-800-421-3481;

TDD: 877-521-2172

E-mail: OCR@ed.gov (<mailto:OCR@ed.gov>);

Web: <http://www.ed.gov/ocr> (<http://www.ed.gov/ocr>)

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