

U.S. Department of Education

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Race and National Origin Discrimination

Frequently Asked Questions

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Topic

Discrimination

Frequently Asked Questions About Race and National Origin Discrimination - General

What is Title VI?

Title VI is a federal law that prohibits any entity that receives federal financial assistance (such as grants or student loans) from discriminating on the basis of race, color, or national origin.

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What does “race, color, or national origin” mean within the context of Title VI?

Discrimination on the basis of race, color, or national origin includes discrimination based on a person’s actual or perceived race, color, national origin, ethnicity, or ancestry. This includes discrimination based on the country, world region, or place where a person or his or her ancestors come from; a person’s limited English proficiency or English learner status; or a person’s actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals) (<http://www2.ed.gov/about/offices/list/ocr/religion.html>).

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Are all school districts, colleges, and universities covered by Title VI?

Generally yes. All public school districts are covered by Title VI because they receive some federal financial assistance. All public colleges and universities and virtually all private colleges and universities are covered because they receive such assistance by participating in federal student aid programs. There are some private schools that do not receive any federal assistance, and Title VI does not apply to them.

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Are all programs in a school, college, or university covered by Title VI if any part of it receives federal financial assistance?

Yes. All programs in a school or college are covered if the school district, college, or university receives federal financial assistance. Title VI covers all the operations of a school or college that receives financial assistance including academics, extracurricular activities, athletics, and other programs. Title VI applies to actions of a school or college regardless of where they occur, including those that take place in the facilities of the school, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere off campus.

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Does Title VI protect only students?

No. Title VI protects all persons from discrimination, including parents and guardians, students, and to a limited degree, employees.

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What types of Title VI cases does OCR handle?

OCR handles cases of race, color, and national origin discrimination involving a range of issues, such as discriminatory discipline (</about/offices/list/ocr/frontpage/pro-students/issues/roi-issue02.html>), racial harassment (</about/offices/list/ocr/frontpage/pro-students/issues/roi-issue06.html>), unequal access to educational resources (</about/offices/list/ocr/frontpage/pro-students/issues/roi-issue01.html>), and

denial of language services or equal educational opportunities to English learners (</about/offices/list/ocr/frontpage/pro-students/issues/roi-issue03.html>).

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Frequently Asked Questions About Race and National Origin Discrimination - Racial Harassment

What is racial and national origin harassment?

Racial and national origin harassment is unwelcome conduct based on a student's actual or perceived race or national origin. Harassers can be students, school staff, or even someone visiting the school, such as a student or employee from another school. Racial and national origin harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially-motivated physical threats, attacks, or other hateful conduct. Although none of the laws OCR enforces expressly address religious discrimination, OCR can investigate complaints that students were subjected to ethnic or ancestral slurs; harassed for how they look, dress, or speak in ways linked to ethnicity or ancestry (e.g. skin color, religious attire, language spoken); or stereotyped based on perceived shared ancestral or ethnic characteristics. Hindu, Jewish, Muslim, and Sikh students are examples of individuals who may be harassed for being viewed as part of a group perceived to exhibit both ethnic and religious characteristics.

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What are the responsibilities of school districts, colleges, and universities under Title VI to address racial and national origin harassment?

Title VI requires an educational institution to respond to racial or national origin harassment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities (i.e., creates a hostile environment).

When an educational institution knows or reasonably should know of possible racial or national origin harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the educational institution must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

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How do educational institutions balance their Title VI obligations with individuals' First Amendment rights?

OCR has consistently reaffirmed that the Federal civil rights laws it enforces protect students from prohibited discrimination, and are not intended to restrict expressive activities or speech protected under the U.S. Constitution's First Amendment.

The fact that discriminatory harassment involves speech, however, does not relieve the school of its obligation to respond if the speech contributes to a hostile environment. Schools can protect students from such harassment without running afoul of students' and staff First Amendment rights. For instance, in a situation where the First Amendment prohibits a public university from restricting the right of students to express persistent and pervasive derogatory opinions about a particular ethnic group, the university can instead meet its obligation by, among other steps, communicating a rejection of stereotypical, derogatory opinions and ensuring that competing views are heard. Similarly, educational institutions can establish a campus culture that is welcoming and respectful of the diverse linguistic, cultural, racial, and ethnic backgrounds of all students and institute campus climate checks to assess the effectiveness of the school's efforts to ensure that it is free from harassment. Schools can also encourage students on all sides of an issue to express disagreement over ideas or beliefs in a respectful manner. Schools should be alert to take more targeted responsive action when speech crosses over into direct threats or actionable speech or conduct.

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How does OCR address racial and national origin harassment against students?

OCR investigates and resolves allegations that educational institutions that are recipients of federal funds have failed to protect students from harassment based on race, color or national origin. Where OCR identifies concerns or violations, educational institutions often resolve them with agreements requiring the educational institutions to adopt effective anti-harassment policies and procedures, train staff and students, address the incidents in question, and take other steps to restore a nondiscriminatory environment.

In addition to resolving investigations, OCR takes steps to inform schools of their obligation to provide a nondiscriminatory environment. To see relevant policy guidance relating to race-based harassment, please click here (</about/offices/list/ocr/frontpage/pro-students/issues/roi-issue06.html>).

OCR's field offices also engage in a variety of technical assistance activities in collaboration with state and local education and law enforcement agencies to encourage educational institutions to improve their anti-harassment policies and procedures and to assist students and their parents to work with schools to enhance the schools' anti-harassment capability.

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Frequently Asked Questions About Race and National Origin Discrimination - English Learner Students

What does Title VI require school districts to do for English learner students?

Under Title VI, school districts must take affirmative steps to ensure that English learner (EL) students (also sometimes referred to as English language learners or Limited English Proficient students) can participate

meaningfully and equally in educational programs and services. For example, school districts must:

- identify EL students in a timely, valid, and reliable manner;
- offer all EL students an educationally sound language assistance program; provide qualified staff and sufficient resources to instruct EL students;
- ensure EL students have equitable access to school programs, activities, and services;
- avoid unnecessary segregation of EL students from other students;
- monitor the progress of EL students in learning English and doing grade-level classwork; remedy any academic deficits EL students incur while in a language assistance program;
- move EL students out of language assistance programs when they are proficient in English and monitor them to ensure they were not prematurely exited; and
- evaluate the effectiveness of EL programs.

More information is available on OCR's webpage about a school's civil rights obligations to English Learner students and Limited English Proficient parents. (</about/offices/list/ocr/ellresources.html>)

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Does OCR require school districts to follow a particular educational approach, such as bilingual education?

No. OCR does not require or advocate a particular educational approach to the instruction of EL students. School districts have substantial flexibility when developing programs to meet the needs of EL students.

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What if parents do not want their child to have services to address their English needs?

Parents can opt to not have their children enrolled in a separate EL program. When a parent declines participation, the school district retains a responsibility to ensure that the student has an equal opportunity to have his or her English language and academic needs met. School districts can meet this obligation in a variety of ways (e.g. adequate training to classroom teachers on second language acquisition; monitoring the educational progress of the student).


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How long does a school district have to provide special services to English learner students?

EL students must be provided with language assistance and related services until they are proficient enough in English to participate meaningfully in the regular program. To determine whether a child is ready to exit, a school district must use a valid and reliable assessment of a student's ability to read, write, speak and comprehend English.

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