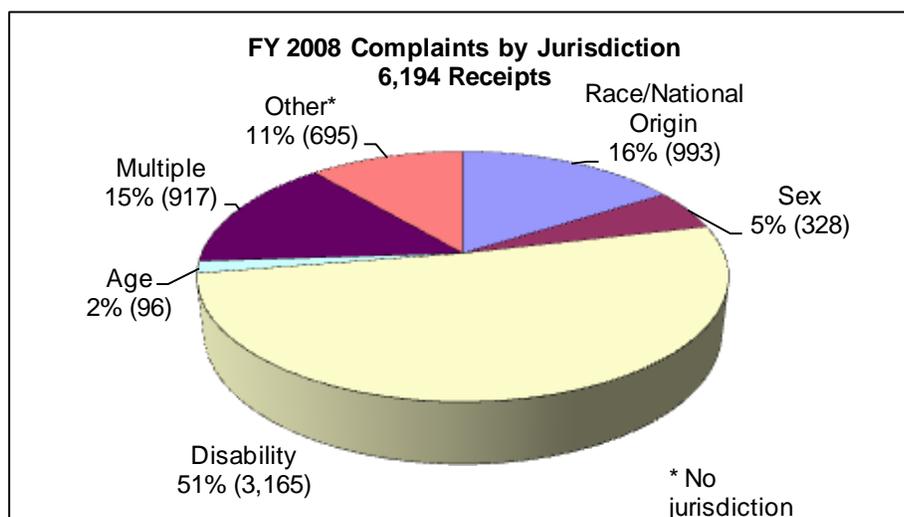


## Civil Rights Enforcement

The enforcement of civil rights laws drives student outcomes by ensuring that discrimination does not deny or limit student access to education programs and activities at any educational level. The Department of Education enforces five civil rights laws that protect students against discrimination on the basis of race, color, national origin, sex, disability and age primarily in educational institutions that receive federal funds from the Department. In addition, the Department enforces laws intended to ensure that the Boy Scouts of America and other designated youth groups have equal access to meet in elementary and secondary schools that receive funds through the Department.<sup>4</sup> These anti-discrimination laws protect more than 49.8 million students attending elementary and secondary schools<sup>5</sup> and more than 18.2 million students attending colleges and universities.<sup>6</sup>

The Office for Civil Rights (OCR), a law enforcement agency within the Department, performs the Department's civil rights enforcement responsibilities in a variety of ways, including: investigating complaints alleging discrimination, conducting compliance reviews in educational institutions to determine if they are in compliance with the laws and providing technical assistance to educational institutions on how to comply with the law and to parents and students on their rights under the law. The Department also issues regulations on civil rights laws, develops policy guidance interpreting the laws and distributes the information broadly.

In FY 2008, the Department received 6,194 complaints of discrimination and resolved 5,943.<sup>7</sup> The goal of each investigation is to address the alleged discrimination promptly and to determine if civil rights laws and regulations have been violated. As shown in the chart, the majority of complaints received by the Department allege discrimination due to disability.



<sup>4</sup> The Department enforces Title VI of the *Civil Rights Act of 1964* (prohibiting discrimination based on race, color and national origin); Title IX of the *Education Amendments of 1972* (prohibiting sex discrimination in education programs); Section 504 of the *Rehabilitation Act of 1973* (prohibiting disability discrimination); the *Age Discrimination Act of 1975* (prohibiting age discrimination); and Title II of the *Americans with Disabilities Act of 1990* (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance). The Department also enforces the *Boy Scouts of America Equal Access Act*, enacted in 2002. This law addresses equal access for the Boy Scouts of America and other designated youth groups to meet in public schools receiving funds from the Department.

<sup>5</sup> U.S. Department of Education, National Center for Education Statistics (2007). *Projections of Education Statistics to 2015* (NCES-2008-060), Washington, D.C.: Table 1.

<sup>6</sup> *Ibid*, Table 10.

<sup>7</sup> Data source is the Office for Civil Rights' Case Management System.

In addition to complaint investigations, the Department conducts compliance reviews that address specific civil rights issues of national concern. Forty-two compliance reviews initiated in FY 2008 ensured:

- physical access of students with disabilities to colleges and universities;
- access to educational services for limited English proficient students and effective communication with parents of limited English proficient students;
- national origin minority students are not inappropriately included in or excluded from special education services;
- nondiscrimination in athletics programs and activities on the basis of sex;
- schools have established and are implementing procedural safeguards required by laws prohibiting discrimination on the bases of sex, disability and age; and
- nondiscriminatory access to Advanced Placement and other high-level programs.

The Department's provision of technical assistance takes many forms from responding to *ad hoc* phone calls to delivering formal presentations. Through the Office for Civil Rights' Internet site, <http://www.ed.gov/about/offices/list/ocr/index.html?src=oc>, the Department provides a wealth of civil rights information, including publications and policy guidance that can be used by educational institutions to assess their own compliance and by students and parents to understand their rights. In FY 2008, the Assistant Secretary for Civil Rights issued and posted to the Internet six *Dear Colleague Letters* addressing significant issues such as nondiscriminatory access by students with disabilities to high-level programs, e.g. Advanced Placement programs and how OCR determines which athletic activities can be counted under Title IX to ensure that male and female students are provided equal opportunities to participate in intercollegiate and interscholastic athletics programs. Another letter announced the "Wounded Warrior Initiative," which is intended to provide support to veterans with disabilities who may wish to begin or continue their postsecondary education following military service. The letters can be found at <http://www.ed.gov/about/offices/list/ocr/whatsnew.html>. The Office's site also offers an online complaint form, <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>, through which the Department now receives approximately 68 percent of its discrimination complaints.