

Frequently Asked Questions About

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits all recipients of federal funds—including public school districts, public schools, and all private schools receiving federal funds—from discriminating based on race, color, or national origin. Title VI requires important protections from discrimination for students, but K-12 leaders and educators must implement these safeguards in schools and classrooms for students to experience their benefits.

In October 2025, the Education Rights Institute (ERI) hosted a webinar, [From Policy to Practice: Upholding Civil Rights Protections in the Classroom](#), to expand educators' understanding of how to implement Title VI. We received an array of questions after the webinar. We know that district leaders, educators, families, and students often have questions about how these protections work. This FAQ aims to answer some of the most common questions about Title VI and many of the questions we received. Future webinars and FAQs will address such topics as harassment based on race and national origin and the rights of multilingual learners.

Understanding Title VI

Q1: How is Title VI Enforced?

A: Both the U.S. Department of Education's (ED) Office for Civil Rights (OCR) and the U.S. Department of Justice (DOJ) enforce Title VI in the education context. Individuals can sue in federal court if they believe that they have experienced intentional discrimination.

Q2: How broadly does Title VI apply to school district programs?

A: Title VI protects students from discrimination based on race, color, or national origin in all school district programs and activities—not just programs or activities that directly receive federal funding.

Q3: Who does Title VI protect in schools?

A: Title VI protects all persons—including students, parents, and guardians—from discrimination based on race, color, or national origin in schools that receive federal funding. Title VI also provides protection to employees when the primary objective of federal funding to a program is to provide employment.

Q4: Does Title VI protect students who do not have immigration documentation?

A: Title VI prohibits schools that receive federal funds from discriminating against all students—including students who do not have immigration documentation—based on race, color, or national origin. Federal law also requires all public schools to be open to all students, regardless of the immigration status of the student or their family members.

Q5: What does it mean to discriminate based on “race, color, or national origin” under Title VI?

A: Title VI prohibits discrimination based on perceived or actual race, color, or national origin. This includes discrimination based on the country or part of the world that a student comes from as well as discrimination based on limited proficiency in English or status as a multilingual learner. Title VI also bars discrimination based on shared ancestry or ethnic characteristics against any student, including Hindu, Jewish, Muslim, and Sikh students.

Q6: What does discrimination under Title VI look like?

A: Title VI prohibits a number of types of discrimination.

Intentional Discrimination	<p>Title VI bars schools from intentionally treating students differently based on race, color, or national origin.</p> <p>Example: A principal disciplines a Latino student more harshly than a similarly situated Asian student who engaged in the same conflict without a legitimate nondiscriminatory reason.</p>
Disparate Impact	<p>Title VI regulations have historically also reached policies that disproportionately harm students based on race, color, or national origin, if there is no substantial justification for the policy or if a policy that results in a less discriminatory impact could meet the same goal. Note: Please see question 7 below, which discusses the federal government’s recent actions taken to eliminate disparate impact liability under Title VI.</p>
Hostile Environment	<p>OCR will find a hostile environment based on unwelcome conduct that is subjectively and objectively offensive and so severe or pervasive that it limits access to education. A school violates Title VI if it fails to take prompt and effective steps to address a hostile environment about which it knows or should have known. Note: You can learn more in ERI’s report, Recognizing, Preventing, and Remediating Racial Harassment and Hostile Environments in Schools. We will be sharing more information soon about how to register for our March 2026 webinar on the same subject.</p>
Retaliation	<p>Title VI forbids schools from retaliating against anyone because they raised concerns about Title VI violations or participated in a Title VI investigation.</p> <p>Example: A school removes a student from its gifted programming after the student’s parent files a complaint alleging race-based discrimination in discipline.</p>

Q7: What is the effect of DOJ’s December 9, 2025, final rule relating to disparate impact liability under its Title VI regulations?

A: In April 2025, the President issued an [Executive Order](#) directing the Attorney General to repeal or amend Title VI disparate impact regulations and telling federal agencies to deprioritize enforcing disparate impact enforcement. On December 9, 2025, DOJ [announced](#) a [final rule](#) eliminating disparate impact liability from its Title VI regulations. Notably, DOJ did not follow formal rulemaking procedures required by the Administrative Procedure Act in issuing the final rule, denying the public the opportunity to comment on abandonment of regulations that have been in place since 1973. Legal challenges to DOJ’s final rule are likely, but at this time, DOJ Title VI regulations do not provide for disparate impact liability under Title VI. While ED has not yet eliminated disparate impact liability from its Title VI regulations, ED forecast in its [Spring 2025 regulatory agenda](#) that ED also intends to eliminate disparate impact liability under its Title VI regulations. In addition, a 1980 [Executive Order](#) assigns the Attorney General responsibility to “coordinate the implementation and enforcement” by federal agencies of Title VI nondiscrimination provisions, including review of federal agency regulations that are “inadequate, unclear or unnecessarily inconsistent.” It is very likely that ED will soon amend its own Title VI regulations to eliminate disparate impact liability.

Q8: Does Title VI create classroom responsibilities for teachers?

A: Title VI applies to the whole school district, including its schools and individual classrooms, and teachers play a critical role in ensuring compliance with Title VI in classroom environments. Individual teachers can engage in conduct that violates Title VI. One example would be treating a student differently based on race in the context of discipline without a legitimate, nondiscriminatory reason. Another example of educator

conduct that violates Title VI is solely referring students of one race for advanced coursework but not students of other races without a legitimate, nondiscriminatory reason. Teachers need to understand how Title VI protects students and their role in supporting these protections. ERI's quick guide, [Title VI of the Civil Rights Act of 1964 for Educators](#), is a great place to begin.

Q9: Does Title VI bar schools from recognizing student groups with race-related themes, supporting celebrations related to race or national origin, or offering classes that focus on the history or culture of a particular group of people?

A: No, as long as the following three criteria are met: (1) Programming is open to all students, without regard to race, color, or national origin; (2) Programming does not treat students differently based on race, color, or national origin; and (2) Programming does not create a hostile environment based on race, color, or national origin. If these three criteria are met, Title VI does not bar schools from recognizing student groups with race-related themes (e.g. Asian Student Union); supporting or recognizing celebrations related to race or national origin (e.g. Día de los Muertos); or offering classes that focus on the history or culture of a particular group of people (e.g. African American Studies).

Q10: What steps can school districts and schools take to increase the likelihood that they are complying with the requirements of Title VI?

A: School districts and schools can adopt a number of regular practices to increase the likelihood of compliance with Title VI. The practices previewed below are a good place to begin but are by no means a complete list. School districts should consult their legal counsel for a comprehensive approach to implementing Title VI.

- Collect and regularly analyze data disaggregated by race in areas and programs in each school, such as discipline, special education, and enrollment in gifted and/or advanced programming. The presence of disparities based on race does not, by itself, violate Title VI. If such disparities exist, school districts and schools should determine whether discrimination based on race, color, or national origin is contributing to substantial or persistent disparities.
- Review all policies and procedures at least annually to ensure that the district's policies and procedures fully and effectively implement Title VI. Consult with counsel to modify any policies and procedures that are not serving all students well.
- Establish procedures for monitoring any deviations from established policies or practices, including gathering and analyzing data to examine whether district- and school-level personnel are following policies and procedures. If there is a deviation from district policies or procedures that results in similarly situated students of a different race, color, or national origin being treated differently, consider whether there is a legitimate and nondiscriminatory reason for the deviation—and whether that reason is the real reason for the deviation. Promptly address any discriminatory deviations from district policies and procedures.
- Provide regular training and professional development opportunities to ensure that all educators and staff understand the district's obligations under Title VI and their role in protecting students' civil rights.
- Notify both students and families of their rights under Title VI at least annually, including information regarding how to notify the district or school of a complaint. Tailor information to the age and maturity of the student. Provide information in a language that students and families with limited proficiency in English can understand.

Q11: I have read news about major cuts to staffing in OCR. With OCR so understaffed, where should families, teachers, and others report discrimination based on race, color, or national origin?

A: You can still report discrimination based on race, color, or national origin to the U.S. Department of Education's Office for Civil Rights, but unfortunately, you are right to expect significant delays in processing. Families should first attempt to address a Title VI concern directly with their school and then with their school district or school board. Depending on where you are located, bringing your concerns to a state-level agency, like a state department of education, may provide an effective option. State agencies enforce state nondiscrimination laws. You may also be able to find more targeted guidance about avenues

for support through a state or local legal aid or advocacy organization. Finally, an individual can sue in federal court if they believe that they experienced intentional discrimination in violation of Title VI.

Q12: Have executive orders issued by the President and guidance issued by federal agencies since January 20, 2025, changed how Title VI applies in schools?

A: The President has issued numerous executive orders, and federal agencies have issued several guidance documents that are relevant to Title VI in the education context, since January 20, 2025. In general, executive orders can direct federal agencies regarding how to enforce existing laws but cannot change the underlying law itself. When federal agencies issue guidance that has not gone through the formal notice-and-comment rulemaking process, that guidance also cannot change federal law. For example, in August 2025, a federal court [vacated](#) February 2025 guidance issued by OCR in part because that guidance announced large-scale policy changes without engaging in notice-and-comment rulemaking. The executive orders and guidance issued by the administration signal how the administration plans to enforce Title VI. Individuals and organizations are challenging many of these actions in federal courts.

Q13: What happens when a state or local law or policy either differs from or contradicts a federal civil rights law like Title VI?

A: First, determine whether the state or local law or policy conflicts with federal law—such that, for example, a school cannot comply with one while also complying with the other. Alternatively, a state or local law or policy may simply differ from federal law. If a state law simply differs from federal law and schools can comply with both the state law and federal law, then schools must do so. If a state law conflicts with federal law, federal law supersedes state law, regulations, and local policies—which means that the federal law “wins.” If a state or local law, policy, or regulation conflicts with federal law, consider consulting with counsel about whether to report the conflicting state or local law to a state education agency, state attorney general’s office, the U.S. Department of Education, and/or or the U.S. Department of Justice.

Q14: What resources and technical assistance are available to support schools, educators, and district leaders in understanding Title VI and implementing its protections effectively?

A: Visit ERI’s [website](#)! Our one-pagers, reports, and videos outline the law and best practices for preventing and addressing discrimination, harassment, and hostile environments. Our October 2025 webinar, [From Policy to Practice: Upholding Civil Rights Protections in the Classroom](#), and accompanying [slides](#) are also freely available for educators and district leaders interested in professional learning. We will also soon be launching district partnerships to support schools and districts with implementation of evidence-based practices that support compliance with Title VI. Please reach out to us at educationrights@law.virginia.edu if your district would be interested in partnering with us.

Q15: How can educators and district leaders stay informed about changes that affect Title VI enforcement in schools?

A: We provide updates on changes that have the potential to impact Title VI enforcement in schools, including executive orders, court decisions, and guidance issued by federal agencies, on our social media channels and through our newsletter. You can sign up to receive our newsletter [here](#). You can also follow us on [LinkedIn](#), [Instagram](#), [X](#), and [Facebook](#), and subscribe to our [YouTube](#) channel. To stay up-to-date on civil rights developments in the K-12 education space, we also recommend joining professional or advocacy groups that focus on civil rights or public policy, visiting state government websites, and utilizing litigation tracking tools, like this [litigation tracker](#) maintained by Education Week.



The **Education Rights Institute’s (ERI)** multidisciplinary team of legal scholars and social scientists advances equal educational opportunity by engaging policymakers, K-12 educators, and families to support delivery of a high-quality public education in the United States. You can learn more about ERI on our [website](#). ERI encourages you to share this document widely with anyone who is interested in learning more about Title VI.