

Title VI of the Civil Rights Act of 1964 for District Leaders

This guide to Title VI of the Civil Rights Act of 1964 (Title VI) is designed specifically for use by **school district leadership**, including school board members and central office administrators. You can find more detailed information in the Education Rights Institute's (ERI) [primer](#) on Title VI of the Civil Rights Act of 1964. Short accompanying videos are also available on the [research page](#) on our [website](#). The page numbers in this summary point you to where you can find more detailed information in our primer. ERI's Title VI guide for educators is available [here](#).

Understanding Title VI

What Is Title VI?

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on **race, color, or national origin** by all recipients of federal funding. This includes discrimination against **all students**. (pp. 5-6, 15)

- Title VI's ban on national origin discrimination also prohibits discrimination against students who are **English learners**.
- Title VI protects all students, including Arab, Hindu, Jewish, Muslim, and Sikh students, from discrimination based on **shared ancestry or ethnic characteristics**.

Who Must Comply with Title VI?



All recipients of federal funds, including state education agencies; school districts; all public schools, including public charter schools; and any private schools that receive federal funding must comply with Title VI.

What Programs or Activities Does Title VI Apply to?

Title VI protects students from discrimination based on race, color, or national origin in all school district programs and activities—even those that do not directly receive federal funding. This includes, but is not limited to:

Technology Programs



Gifted & Talented Programming



Discipline



Extracurricular Activities



Career & Technical Education



Identifying and Remediating Discrimination

What Does Discrimination Under Title VI Look Like?

Disparate Treatment (pp. 11-13)	Disparate Impact* (pp. 14-16)	Hostile Environment** (see this report)	Retaliation (p. 6)
occurs when...			
someone working for or contracted by the school intentionally treats someone differently based on their race, color, or national origin.	a neutral district or school policy or practice has an unjustified disproportionate negative effect on individuals of a certain race, color, or national origin. *The current administration has signaled that federal use of disparate impact is unlikely.	unwelcome conduct based on race, color, or national origin is subjectively and objectively offensive and so severe or pervasive that it limits a student's ability to benefit from school programs. **Hostile environments violate Title VI when a school fails to take prompt and effective steps to eliminate the harassment and prevent its future occurrence, as well as remedy the effects of the harassment on the victim(s).	someone working for or contracted by the school intimidates, threatens, or coerces an individual who raises Title VI concerns to a school or participates in any way in a Title VI investigation.
For example...			
a principal disciplines a Hispanic/Latinx student more severely than a White student who was involved in the same fight without a legitimate reason.	a school dress code banning afros and locs has a disproportionate negative effect on Black students. The school cannot articulate why the policy is necessary to meet an important educational goal.	a teacher notices that a Jewish student is bullied with racial slurs in class and has stopped attending the class in which she is bullied, but the teacher takes no action.	after a parent complains to a principal about her Pakistani child experiencing racial harassment in a school's gifted and talented programming, the principal threatens to remove the student from that program.

How Can District Leaders Prevent, Identify, and Address Discrimination?

- Spread the word: All students benefit from a discrimination-free learning environment. Safe and supportive schools in which students of all races, colors, and national origins receive equal access to educational opportunities are essential to student achievement and well-being (pp. 21-22).
- Ensure that all district and school staff receive regular training regarding the district's and school's obligation to not discriminate based on race, color, or national origin and what that means for staff.
- Collect and periodically review data, including but not limited to data related to school climate, special education, and enrollment in gifted or advanced programming, to determine whether discrimination may be serving as a barrier to equal access to educational opportunities.
- Notify all students, families, and staff of their rights pursuant to Title VI and how and to whom they can report any concerns about discrimination, providing information in non-English languages to families as needed.

How Can Individuals File a Title VI Complaint?

- Individuals can sue in federal court to allege that a school engaged in disparate treatment or retaliation, or failed to adequately address a hostile environment, in violation of Title VI.
- An individual cannot sue to enforce the Title VI disparate impact theory in court.
- The U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice (DOJ) share authority to enforce Title VI in the education context. A Title VI complaint against a district can be filed with either agency.
- The penalty for failing to comply with Title VI is the potential loss of federal funding for a district. Before that happens, Title VI requires OCR or DOJ to take multiple steps, including notifying the school of the compliance concern and working with the school to resolve the issue through voluntary steps.



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 guide widely with other district leaders.