

Addressing Discrimination in School Matters

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Equity Matters: In Learning, for Life.
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WHAT IS DISCRIMINATION?

Every student has the right to an education free from discrimination that provides high-quality, equitable opportunities to learn. Unfortunately, sometimes individuals or systems may act in ways that violate this right. Discrimination occurs when people are treated unequally or less favorably than others because of some real or perceived characteristic. In

every community and every school, discrimination exists in both intended and unintended ways. It may take the form of direct, overt discrimination, such as barring all members of a specific group from being admitted to an organization. Discrimination may also be indirect or less obvious, such as seemingly neutral admission policies that actually favor one

group over another. All kinds of discrimination are wrong and can be harmful to those involved. In schools, discrimination can make it difficult for students to learn because they don't feel safe or accepted. As such, finding ways to fight discrimination is essential to ensuring students' educational opportunity.

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ADDRESSING DISCRIMINATION IN SCHOOLS

Confronting discrimination can be challenging and intimidating, but it is critical to safeguarding students' rights to learn. Here are some things you can do to fight discrimination in schools.

Know your rights

Laws exist to protect students from discrimination. Federal civil rights laws prohibit discrimination on the basis of race, color, national origin, sex, disability, or age in any programs or activities receiving federal financial assistance, including state education agencies, school districts, and elementary and secondary schools. Schools may be in violation of civil rights law when they knowingly tolerate, allow, or condone such acts or when school employees treat students differently on the basis of race, sex, or national origin. As difficult as it may be, it is necessary to acknowledge that there are situations where students' difficulties are not explained by their individual characteristics or behavior, but by the effects of prejudices or discriminatory practices or policies that directly or indirectly create unfair circumstances. Despite the best of intentions, everyone has prejudices and biases, and seemingly harmless actions can actually be detrimental to students even if no harm was intended.

Keep a record of what occurred

It is important that you are clear about the details about the discrimination that occurred, including who, what, where, and when the incident occurred. It is a good idea to write down the details as soon as possible after they occur to ensure accuracy.

Identify allies

It is often helpful to identify sympathetic individuals within the school community with whom you feel comfortable sharing your concerns. These people may be other parents, teachers, counselors, or administrators who will serve as allies in your efforts to call attention to the things that need to change and who can provide advice on how to do this effectively.

Talk to school leaders

If you think you or your child have faced discrimination in schools, or if you have observed discrimination toward others, it is important to speak up. Families and educators generally share the common goal of ensuring that all students have access to high-quality educational opportunities in schools where they feel valued and secure. The problem may be resolved informally by calling a school leader's attention to potential discrimination. Establishing an open dialogue with school leadership is an important step in creating more equitable schools.

Encourage nondiscriminatory policies and practices

All schools should have a designated person in charge of nondiscrimination efforts who is supposed to provide more information about school policy and civil rights at your request. Families can form partnerships with schools to develop more effective solutions for improving equal opportunities for all students. Consider developing a Parent Action Committee to work with state, district, or school staff to raise awareness about discrimination and what everyone in the school community can do to prevent it.

Learn about the school's formal grievance process

If you feel your concerns are not being taken seriously when you suspect that discrimination has taken place, find out what the school, district, or state agency's process is for filing a complaint, which is often called a grievance. Such a process generally outlines the steps to be taken by families who think that the school or district has done something wrong. This may provide an effective option for resolving the matter at hand.

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WHAT TO DO WHEN YOU ENCOUNTER CONTINUED RESISTANCE

There are many potential responses you might get from your child's school or school district when you bring a concern about discrimination. The best possible response might be that they hear and address your concern effectively, quickly, and apologetically.

It is important that families understand what may constitute discrimination in schools. This includes:

- Unequal access to educational facilities and programs (e.g., honors classes, gifted/talented programs, special education, etc.), classroom assignment, or extracurricular activities (e.g., athletics, recreation, tutoring).
- Bias in student treatment, grouping, discipline, or grading.
- Bias in recruitment, admissions, or financial aid.
- Unlawful harassment (verbal, physical, or written) and hate crimes.
- Failure to provide children identified as limited English proficient with instruction based on sound theory, adequate support via effective staff and appropriate resources to allow for a reasonable chance at success, and periodic evaluation.
- Failure to provide free appropriate education to student with disabilities.
- Unfair treatment of students who are pregnant.



However, there is always the possibility that your concern will not be heard and addressed with the level of attention that you hope for. If you still feel that more needs to be done to adequately address the discrimination, the Office of Civil Rights (OCR) enforces civil rights laws. Anyone who suspects that discrimination has taken place in their school can file a complaint with OCR. Important things to remember:

- The complaint must be filed within 180 days of the alleged discrimination.
- The complaint must be filed within 60 days of the last act of the institutional grievance process if it was used.
- A complaint can be filed by the person who was the target of the alleged discrimination or by another person on his/her behalf.
- Schools are prohibited from retaliating against anyone who files a civil rights complaint. This also means they cannot intimidate, threaten, or coerce the complainant.



Formal OCR complaints can be filed in a number of ways, including email, online, mail, or fax. To learn more, visit the [OCR website](#). If you require any support in navigating this website, consider contacting PERC.

After a complaint is filed, OCR will review the complaint to determine whether an investigation is warranted. When filing a complaint, it is important to be thorough and clear in describing the problem and to make sure the complaint is filed on time. OCR will dismiss the complaint if it is late, incomplete, or has been investigated by another civil rights agency or the school's internal grievance process. If OCR decides to conduct an investigation, they will gather facts about the incident, collecting information from the family and school in order to determine if the school failed to comply with civil rights law.

If this is the case, OCR will work with the school to negotiate a voluntary resolution agreement describing specific actions to remediate the areas of noncompliance. Such agreements typically involve developing effective non-discrimination, anti-harassment policies, training members of the school community, and generally making efforts to create a nondiscriminatory environment.

If a voluntary agreement cannot be reached, a Letter of Finding describing the facts of the complaint may be issued, and a Letter of Impending Enforcement Action may follow, and the school's federal funding may be in jeopardy for failure to comply with civil rights law. Most cases are resolved through voluntary agreements, or earlier. In fact, schools and the complainant can establish Early Complaint Resolutions prior to investigations or before the investigations are complete.

The complainant can also file a Request for Consideration to the Office Director within 60 days of the dismissal or closure of a complaint if he/she disagrees with OCR's decision. Regardless of the outcomes of the investigation, the complainant has the right to file separate court action in federal court.

OCR provides technical assistance to schools to help them achieve compliance with civil rights laws. Districts and schools can also seek assistance from the network of [Equity Assistance Centers](#) which provide technical assistance to support equity in education.

SUMMARY

Fighting discrimination takes courage and commitment. Prejudices are deeply ingrained in our society, and discrimination has a long, sad legacy in our schools, but when individuals speak up, students stand to benefit. If we do nothing, such injustices will surely continue.

RESOURCES

www.teachingtolerance.org

www.tolerance.org

www.dosomething.org

www.ed.gov/about/offices/list/ocr/index.html

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