



# EQUAL ACCESS TO EDUCATIONAL RESOURCES

OFFICE FOR CIVIL RIGHTS

*PRESENTER: BILL POORTEN, OCR ATTORNEY ADVISOR*

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# Introduction

This presentation provides general information and does not represent a complete recitation of the applicable law and OCR policy in this area. It does not provide specific determinations of compliance, which depend on specific facts and are evaluated on a case-by-case basis. The language used in these slides is approved for purposes of this presentation only and should not be used for other purposes.

# OCR Mission and Activities

- **Mission:** to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.
- **Activities:**
  - Complaint investigations
  - Compliance reviews
  - Policy guidance
  - Technical assistance



# Laws Enforced by OCR

- OCR enforces federal civil rights laws that prohibit discrimination on the basis of:

<b>Race, color, national origin</b>	Title VI of the Civil Rights Act of 1964
<b>Sex</b>	Title IX of the Education Amendments of 1972
<b>Disability</b>	Section 504 of the Rehabilitation Act of 1973 Title II of the Americans with Disabilities Act of 1990
<b>Age</b>	The Age Discrimination Act of 1975
<b>Patriotic youth group status</b>	Boy Scouts of America Equal Access Act



# OCR's Main Activities



- Civil Rights Enforcement
  - Nearly 10,000 Complaints per year
  - Over 30 compliance reviews opened each year
- Technical Assistance
- Civil Rights Data Collection: [ocrdata.ed.gov](https://ocrdata.ed.gov)
- Policy Guidance and Supporting ED's Agenda
  - English Language Learners
  - Bullying and FAPE
  - Sexual Violence
  - Undocumented Immigrants

# The Problem of Unequal Access to Educational Resources

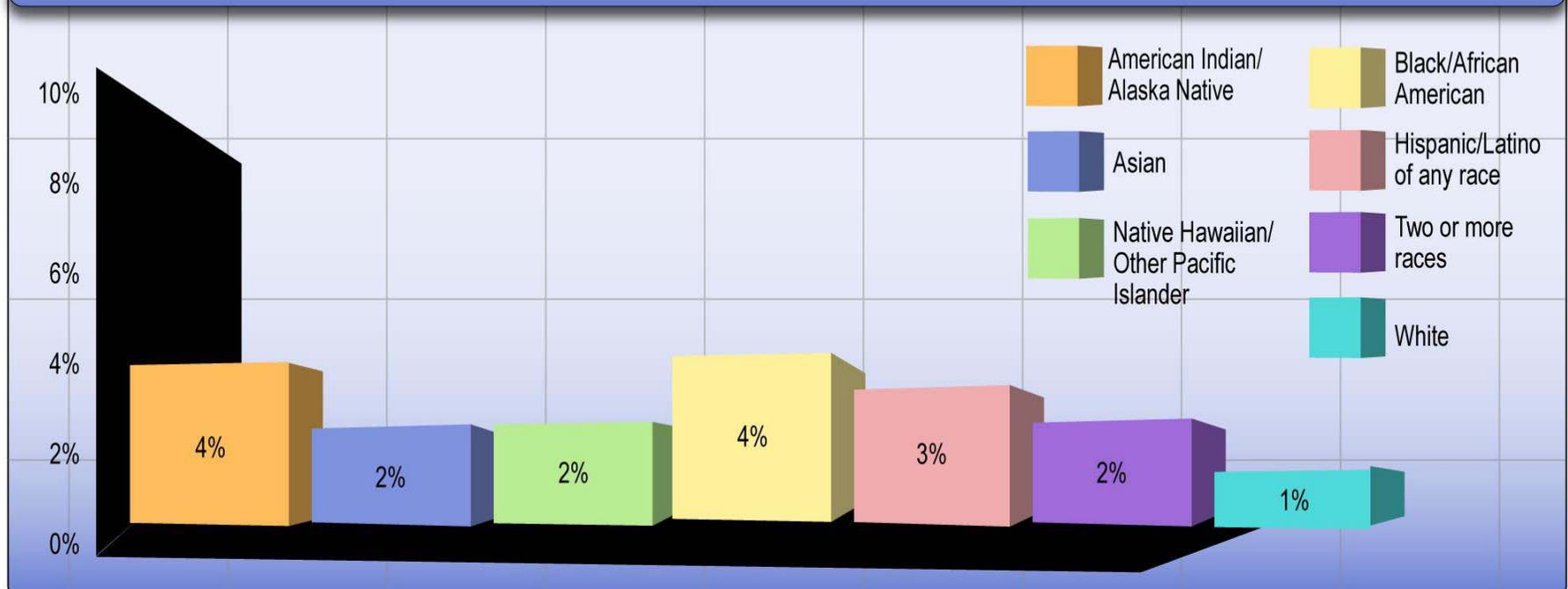
# The Problem of Unequal Access to Educational Resources

- Sixty years ago Brown v. Board Education declared education “a right which must be made available to all on equal terms”
- Yet today racial disparities persist in access to educational resources and hinder student learning
- Far too many students, especially students of color, are denied comparable access to critical resources such as:
  - High-quality courses, academic programs, and extra-curricular opportunities
  - Strong teachers, school leadership, and support staff
  - Safe school facilities conducive to learning
  - Appropriate technology and instructional materials

# The Problem of Unequal Access to Educational Resources

Black, Latino, American Indian, and Native-Alaskan students more likely to have new teachers

Percent of students attending schools where more than 20 percent of teachers are in their first year of teaching





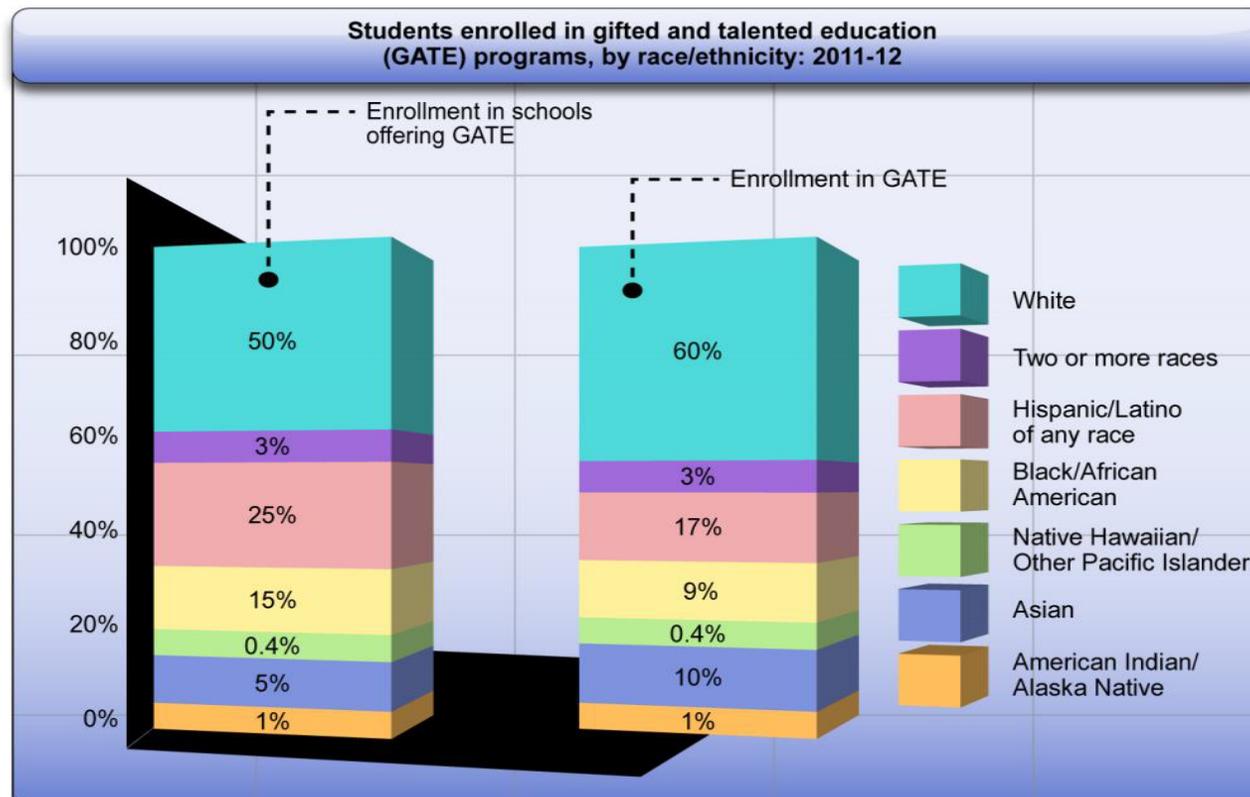
# The Problem of Unequal Access to Educational Resources



- Nationwide, only 50% of high schools offer calculus, and only 63% offer physics, and students of color are under-enrolled where it is offered.
- Between 10-25% of high schools do not offer more than one of the core courses in the typical sequence of high school math and science education — such as Algebra I and II, geometry, biology, and chemistry. Students of color are more likely to attend schools without the full range of these critical courses.
- Latino and black students less likely to complete Algebra I, and often take this critical gateway course later in high school than their peers

# The Problem of Unequal Access to Educational Resources

Latino and black students less likely to be enrolled in Gifted and Talented Education (GATE) programs





# The Problem of Unequal Access to Educational Resources



- Almost 700,000 high school students, more likely to be students of color, have no access to school counselors
- Schools with the most students of color are more likely to have temporary, portable buildings and permanent buildings with poorer building conditions, including poorly maintained exterior features such as lighting and walls.

# OCR “Dear Colleague Letter” on Resource Comparability

# Legal Framework

## Title VI of the Civil Rights Act of 1964

- **Title VI requires that no person in the United States shall on the ground of race, color, or national origin:**
  - Be excluded from participation in
  - Be denied the benefits of
  - Be otherwise subjected to discrimination
  - In any program or activity receiving Federal financial assistance
- **Title VI bars criteria or methods that have the effect of:**
  - Subjecting individuals to discrimination due to race, color or national origin
  - Defeating or substantially impairing accomplishment of program objectives

*Sources: 42 U.S.C. § 2000d (law); 34 C.F.R. Part 100 (implementing regulations)*

# Legal Framework

## Two Legal Approaches Under Title VI

**1**

**Discriminatory  
Intent**

**2**

**Disparate  
Impact**



# OCR Investigations

## Overview



- OCR evaluates complaints and investigates proactively to determine if States, school districts, or schools are discriminating based on race, color, or national origin in their allocation of educational resources.
- OCR looks holistically at quantitative and qualitative differences based on race, color, or national origin in student access to teaching, facilities, technology, instructional materials, programs, and other resources.
- OCR focuses on the scope and severity of resource disparities, and if a school or district's processes for allocating resources are exacerbating or eliminating the disparities.
- OCR recognizes that resources may appropriately be allocated differently to meet schools' differing needs and the particular needs of students, such as English learners and students with disabilities.



# OCR Investigations

## Overview (continued)



- OCR is **more likely** to find Title VI violations in schools or districts with significant racial disparities in access to a particular resource or with patterns of racial inequality across a range of different types of resources.
- OCR is **less likely** to find Title VI violations in schools or districts that are working proactively and effectively to identify and address disparities in resource allocation based on race, color, or national origin.

# OCR Investigations

## Resources OCR May Consider



OCR examines a broad range of information to assess if a school or district discriminates based on race, color, or national origin in providing students with access to:

- Courses, Academic Programs, and Extracurricular Activities
- Teachers and Leaders
- Staff Support
- Facilities
- Technology and Instructional Materials

# OCR Investigations

## Resources OCR May Consider



- Courses, Academic Programs, and Extracurricular Opportunities:
  - Pre-kindergarten, gifted and talented, college-preparatory programs, Advanced Placement/International Baccalaureate, arts, and athletics.
- Strong Teachers and Leaders:
  - Measured by effectiveness data, turnover, absenteeism, vacancies, licensure, certification, training, professional development, inexperience, out-of-field status, and other indicators.
- Other School Personnel:
  - Providers of critical support services including librarians, paraprofessionals, guidance counselors, and psychologists measured by certification, training, and years of experience.

# OCR Investigations

## Resources OCR May Consider



- School Facilities:
  - Comparable physical learning environments measured by overcrowding, cleanliness, maintenance, heating and cooling, ventilation, lighting, and physical accessibility for students with disabilities, as well as the quality and availability of specialized spaces such as laboratories, auditoriums, and athletic facilities.
- Technology and Instructional Materials:
  - Educational technology such as laptops, tablets, internet access, and instructional materials such as library resources, textbooks, calculators, and digital materials.

# OCR Investigations

## Remediating Resource Inequities



- If OCR finds a school or district's allocation of resources to violate Title VI it will aim to resolve the matter cooperatively.
- Remedies must effectively end the discrimination and eliminate its effects.
- Remedies must be implemented in a prompt and appropriate timeframe given the nature and difficulty of the corrective actions at issue.
- OCR encourages schools and districts to work cooperatively with leaders, teachers, and support staff (and their unions).

# OCR Investigations

## Example: Academic Programs

- Four High Schools in a rural district:
  - Three offered a range of AP courses and dual enrollment
  - The predominantly Black school did not offer dual enrollment and had just begun offering only online AP courses
- Principal's justification was that black students needed remedial classes and would not succeed in advanced courses.
- District voluntarily agreed to
  - Offer AP and high-level courses at all high schools
  - Cover transportation costs so students at the predominantly black HS can take dual enrollment classes at local colleges or other schools
  - Reform K-8 pipeline to prepare all students for high-rigor courses

# OCR Investigations

## Example: Facilities

- Two predominantly Black and Latino elementary schools were using several portable classrooms 7 hours a day to teach hundreds of students in core academic subjects because of significant overcrowding
- Three other, mostly white, elementary schools each had only 1 portable used only 1-2 hours a day for music or tutoring.
- The district voluntarily agreed to end the frequent and full-day use of portables at the predominantly black and Latino schools.

# Resource Comparability

## OCR Resources

- OCR website: [www.ed.gov/ocr](http://www.ed.gov/ocr)
- Dear Colleague Letter on Resource Comparability (October 1, 2014)  
[www.ed.gov/ocr/letters/colleague-resourcecomp-201410.pdf](http://www.ed.gov/ocr/letters/colleague-resourcecomp-201410.pdf)
- Resource Comparability Fact Sheet (October 1, 2014)  
[www.ed.gov/ocr/docs/dcl-factsheet-resourcecomp-201410.pdf](http://www.ed.gov/ocr/docs/dcl-factsheet-resourcecomp-201410.pdf)
- Resource Comparability Technical Assistance Website  
<http://www2.ed.gov/about/offices/list/ocr/resourcecomparability.html>
- For questions or technical assistance, contact the OCR regional office in New York at [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov) or 646-428-3800.

# Connections to ED's Equity Agenda



# Excellent Educators for All



- July 7, 2014: ED announces it will ask all states for a plan to ensure that “poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.”
- Plans, due in June 2015, will focus on identifying and eliminating equity gaps by addressing the root causes of disparities
- States are required to engage schools and local communities in creating the plan, implementing the solutions, and in measuring and reporting on the effectiveness of their efforts.



# Excellent Educators for All



## **Title VI vs. Title I Excellent Educators for All**

- Similar goals:
  - All students have equal access to educators who are best able to support students in getting and remaining on track to graduate from high school ready for college or careers.
- But some important differences:
  - Title I requires SEAs to focus on ensuring equitable access for both students from low-income families and students of color.
  - Title VI of the Civil Rights Act prohibits discrimination, including discrimination in access to strong teachers and leaders, based on race, color, or national origin, without regard to income levels.



# My Brother's Keeper



- ED has been a leader in the President's MBK initiative and the MBK Community Challenge.
- MBK Community Challenge for cities, rural municipalities, and tribal nations
  - Encourages communities to implement a cradle-to-college-and-career strategy to improve life outcomes for all youth.
  - Helps ensure that youth can reach their full potential, regardless of who they are, where they come from, or the circumstances into which they are born.



# My Brother's Keeper



- The six goals of the Challenge are to ensure all children and youth:
  - Enter school cognitively, physically, socially, & emotionally ready
  - Read at grade level by 3rd grade
  - Graduate from high school
  - Complete post-secondary education or training
  - Are employed (if out of school)
  - Remain safe from violent crime
- MBK Policy Recommendation 7.1 specifically addresses resource allocation and opportunity gaps.



# ESEA Reauthorization Principles



- A key principle the Secretary laid out is the law must support resource comparability:
  - Ensure that funds are distributed among schools so that all students, regardless of zip code, have access to excellent teaching and resources like technology, instructional materials, fair discipline, and safe facilities.



# Questions and Comments

