



Back to School: Supporting Educational Environments Free from Discrimination

A Resource Collection for
Elementary and Secondary Schools

September 2021



U.S. Department of Education
Office for Civil Rights

Back to School: Supporting Educational Environments Free from Discrimination

A Resource Collection for Elementary and Secondary Schools

Message from the Acting Assistant Secretary for Civil Rights

As we look forward to the promise of a new school year, amidst our nation’s ongoing efforts to emerge from the COVID-19 pandemic, the Department of Education’s Office for Civil Rights (OCR) offers this collection of resources to assist elementary and secondary schools in planning for a successful and equitable return to the classroom. Ensuring that these resources are easily accessible to schools is a top priority for OCR, particularly now, as teachers, school staff, and school leaders across the country prepare for the 2021-2022 school year.

In this collection, you will find fact sheets, Q&As, letters to educators and school leaders, and other materials about schools’ responsibilities to provide educational environments free from discrimination under the federal civil rights laws enforced by OCR. These laws guarantee all students equal access to educational opportunities, free from discrimination based on race, color, national origin, disability, sex, and age.¹

OCR recognizes that students and others may experience overlapping forms of discrimination, and we encourage you to consider all of these materials together, even as the materials are organized into the following four sections:

- **Title VI:** Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin;
- **Section 504 and Title II of the ADA:** Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibit discrimination on the basis of disability;
- **Title IX:** Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex; and
- **Civil Rights Data Collection:** The Civil Rights Data Collection is a national collection of data from nearly all public schools in the United States that tracks access, opportunity, and other important civil rights data.

¹ The laws and related regulations enforced by OCR that prohibit discrimination in education by all recipients of federal financial assistance are: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; 34 C.F.R. part 100 (the Department of Education’s regulations implementing Title VI); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; 34 C.F.R. part 104 (the Department of Education’s regulations implementing Section 504); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; 34 C.F.R. part 106 (the Department of Education’s regulations implementing Title IX); and the Age Discrimination Act, 42 U.S.C. § 6101 et seq.; 34.C.F.R. part 110 (the Department of Education’s regulations implementing the Age Discrimination Act). Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and the Department of Justice’s (DOJ) regulations implementing Title II, 28 C.F.R. part 35, also prohibit discrimination in education by state and local governments, regardless of whether they receive federal funds. OCR is responsible for administrative enforcement of Title II with regard to public educational institutions. For more information about Title II, see DOJ’s [ADA.gov](https://www.ada.gov) website. DOJ also enforces laws prohibiting discrimination in educational opportunities. For more information, see DOJ’s website for the [Educational Opportunities Section](#) of DOJ’s Civil Rights Division.

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Here are some highlights of the materials that you will find in the collection:

- 1 – Confronting COVID-19-Related Harassment in Schools: A Resource for Families**
- 2 – Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment**
- 3 – Questions and Answers on the Title IX Regulations on Sexual Harassment (July 2021)**
- 4 – Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families**
- 5 – Dear Colleague Letter on Retaliation**

We also encourage all teachers, staff, and school leaders to review OCR’s recent report: [Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students](#). The report features data snapshots and 11 observations about how the pandemic has widened existing disparities in educational opportunity, particularly for students of color, students with disabilities, and LGBTQI+ students. For additional resources to support the return to in-person learning, please see the Department of Education’s [Return to School Roadmap](#).

OCR provides technical assistance and support to schools, educators, families, and students. You can learn more by visiting us at www.ed.gov/ocr or by contacting OCR at 800-421-3481 (TDD: 800-877-8339) or at ocr@ed.gov. You can also stay up to date on OCR’s latest resources by following [OCR’s blog](#).

As we look forward to the upcoming school year, the Department of Education remains ready and available to support schools in meeting students’ needs during this critically important time.

Suzanne B. Goldberg
Acting Assistant Secretary for Civil Rights
U.S. Department of Education
September 2021

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YOUR GUIDE TO THIS RESOURCE COLLECTION

This resource collection features a selection of OCR guidance and resources that may be useful to elementary and secondary schools throughout the 2021-2022 school year. For each resource, you will find a brief description and a link to full information online.

Here is some additional information about this collection:

- Each topic area includes a combination of specific and general resources. For your convenience, general resources are included in each area where they are relevant. This means that you will find some resources listed in multiple locations.
- This resource collection is also available on OCR's website. We will update the online version of this document periodically as OCR issues additional resources and guidance.
- Some of the resources in the collection are issued jointly by OCR and other federal offices and agencies.
- Additional questions? Please note that this collection includes many OCR resources but is not comprehensive. You can find all OCR guidance resources on OCR's [website](#). We also recognize that you might have additional questions and invite you to send them to us at ocr@ed.gov.
- Please note that OCR guidance and other resources, including the materials in this collection, are designed to provide clarity on existing requirements under the law. These OCR resources do not have the force or effect of law and do not bind schools or others. However, the statutes and regulatory requirements described in the guidance are binding.
- On request, this publication and other publicly available Department of Education resources are available in alternate formats, such as Braille or large print. For more information, please contact the Department of Education's Alternate Format Center at 202-260-0818 or e-mail alternateformatcenter@ed.gov. The Department of Education also offers language assistance services for all publicly available Department of Education information free of charge. For more information about interpretation or translation services, please see this [Notice to Persons with Limited English Proficiency](#).

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GUIDANCE ON TITLE VI:

Key Guidance on Discrimination Based on Race, Color, or National Origin

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities operated by recipients of federal funds, including all public elementary and secondary schools. It says:

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, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

You can find the full text of Title VI at [42 U.S.C. § 2000d](#).

The materials below provide a general overview of Title VI and address schools' obligations under Title VI on the following topics: Bullying and Harassment; COVID-19 response; Discipline; English Learners; Equal Access to Schools, Facilities, and Resources; Race Discrimination in Special Education; Religion and Shared Ancestry; and Retaliation.

General Overview of Title VI

Starting points for learning about Title VI include:

- [OCR's overview](#), including the [Title VI statute](#) and its [implementing regulations](#)
- [Frequently Asked Questions on Race and National Origin Discrimination](#)

Bullying and Harassment

- [Fact Sheet on Harassment and Bullying](#): This fact sheet explains schools' responsibilities under Title VI to respond to student-on-student harassment and bullying. For more detail, see OCR's [Dear Colleague Letter on Bullying and Discriminatory Harassment](#).
- [Confronting COVID-19-Related Harassment in Schools](#): This resource from OCR and the Department of Justice's Civil Rights Division (DOJ) includes examples of harassment and other discrimination against students during the COVID-19 pandemic, particularly Asian American and Pacific Islander students, and outlines the responsibilities of schools to investigate and address discrimination based on race or national origin. For additional information, see OCR's [Dear Educator Letter on Discrimination Against Asian American and Pacific Islander Students](#), which explains the responsibilities of schools to address bullying and harassment of students based on actual or perceived race, color, or national origin and provides links to additional resources.

COVID-19

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 2 of this resource answers key questions about discrimination based on race, color, or national origin in the context of the COVID-19 pandemic, including: harassment; discipline; resource equity; students who have moved, are

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experiencing homelessness, or are undocumented; and English learners. This Q&A also includes links to other resources regarding COVID-19 and school reopening.

- [Confronting COVID-19-Related Harassment in Schools](#): This resource from OCR and DOJ includes examples of harassment and other discrimination against students during the COVID-19 pandemic, particularly Asian American and Pacific Islander students, and outlines the responsibilities of schools to investigate and address discrimination based on race, color, or national origin.

Discipline

- [CRDC Data Summary: School Discipline](#): This data summary provides a national perspective on racial and other disparities in the use of discipline by pre-K, elementary, and secondary public schools.
- [Request for Information Regarding the Nondiscriminatory Administration of School Discipline](#): This document describes current efforts underway in the Department of Education to support schools in creating a positive school climate without the discriminatory use of school discipline, in addition to seeking information from stakeholders concerning the use of school discipline and sharing an analysis of OCR's national discipline data.

English Learners

- [Confronting Discrimination Based on National Origin and Immigration Status](#): This resource from OCR and DOJ provides examples and addresses students' rights to be free from discrimination in school enrollment because of their immigration status or the immigration status of their parents or guardians. It also addresses the rights of students who are learning English, including the right to language assistance services. The resource is available in Spanish [here](#).
- [Fact sheet: Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs](#) and [Fact Sheet: Information for Limited English Proficient \(LEP\) Parents and Guardians and for Schools and School Districts that Communicate with Them](#): These fact sheets provide information on how states, districts, and schools can meet their responsibilities under Title VI and the Equal Educational Opportunities Act (EEOA) to ensure that English learners can participate meaningfully and equally in school, and that parents and guardians with limited English proficiency have meaningful access to district and school information. For more detail, see OCR's and DOJ's [Dear Colleague Letter on English Learners and Limited English Proficient Parents](#).
- [English Learner Toolkit for State and Local Education Agencies](#): This toolkit from the Department of Education's Office of English Language Acquisition provides resources that schools and districts can use to meet the needs of English learners, including on these and other topics: identifying all English learner students, providing English learners with a Language Assistance Program, creating an inclusive environment and avoiding unlawful segregation, supporting English learners with disabilities, and ensuring meaningful communication with parents who have limited English proficiency.

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- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 2 of this resource answers key questions about discrimination based on race, color, or national origin in the context of the COVID-19 pandemic, including the responsibilities of schools to continue providing language services to English learners and to communicate information about the school’s activities, including health and safety measures, to parents and caregivers in a language that families can understand. This Q&A also includes links to other resources regarding COVID-19 and school reopening.

Equal Access to Schools, Facilities, and Resources

- [Confronting Discrimination Based on National Origin and Immigration Status](#): This resource from OCR and DOJ provides examples and addresses students’ rights to be free from discrimination in school enrollment because of their immigration status or the immigration status of their parents or guardians. It also addresses the rights of students who are learning English, including the right to language assistance services. The resource is available in Spanish [here](#).
- [Fact Sheet: Ensuring Students Have Equal Access to Educational Resources Without Regard to Race, Color, or National Origin](#): This fact sheet provides information on how states, districts, and schools can ensure that all students have equitable access to educational resources—from physical facilities to academic and co-curricular programs—regardless of race, color, or national origin. For more detail, see OCR’s [Dear Colleague Letter on Resource Comparability](#).
- [Fact Sheet: Ensuring Equal Access for All Children to Public Schools](#): This fact sheet from OCR and DOJ provides examples of enrollment policies and describes the rights of all children in the U.S. to enroll in public elementary and secondary schools, without regard to their citizenship or immigration status, or that of their parents or guardians.
- [Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents](#): This Q&A answers common questions about school enrollment policies, including those about students experiencing homelessness. For more detail, see OCR’s and DOJ’s [Dear Colleague Letter on Ensuring Equal Access for All Children to Public Schools, Regardless of Immigration Status](#).
- [Dear Colleague Letter on Title VI Access to AP Courses](#): This letter describes the responsibility of schools that offer Advanced Placement (AP) courses to provide equal access to the courses, without discrimination based on race, color, or national origin in their admission processes or in any aspect of AP course administration.

Race Discrimination in Special Education

- [Fact Sheet: Preventing Racial Discrimination in Special Education](#): This fact sheet explains the responsibilities of states, districts, and schools not to discriminate based on race, color, or national origin in the administration of special education or related aids and services, including in referrals for evaluation, evaluations, and the provision of

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special education services. For more detail, see OCR's [Dear Colleague Letter on Preventing Racial Discrimination in Special Education](#).

Religious and Shared Ancestry Discrimination

- [Know Your Rights: Title VI and Religion](#): This resource explains when discrimination against students who are, or are perceived to be, members of a religious group falls within Title VI's prohibition of discrimination based on race, color, or national origin.
- [Fact Sheet: Combating Discrimination Against Asian American, Native Hawaiian, and Pacific Islander \(AANHPI\) and Muslim, Arab, Sikh, and South Asian Students \(MASSA\)](#): This joint resource from OCR, DOJ, and the White House Initiative on Asian Americans and Pacific Islanders provides examples of discrimination against Asian American, Native Hawaiian, Pacific Islander, Muslim, Arab, Sikh, and South Asian students that could violate Title VI.
- [Fact sheet: Combating Discrimination Against Jewish Students](#): This resource provides examples of discrimination against Jewish students that could violate Title VI.

Retaliation

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title VI prohibits retaliating against any person to interfere with their rights under Title VI or because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding.

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GUIDANCE ON SECTION 504 OF THE REHABILITATION ACT AND TITLE II OF THE ADA:

Key Guidance on Discrimination Based on Disability

OCR enforces two federal laws that protect the rights of individuals with disabilities.

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination based on disability in any program or activity operated by recipients of federal funds; this includes all public school districts, including all public charter schools and magnet schools. Section 504 says:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . .

You can find the full text of Section 504 at [29 U.S.C. § 794](#).

Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits discrimination based on disability by public entities, regardless of whether they receive federal financial assistance. Title II says:

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

You can find the full text of Title II at [42 U.S.C. § 12132](#). The U.S. Department of Justice enforces Title II in all contexts, while OCR administratively enforces Title II specifically in the context of public schools and libraries.

The Department of Education’s Office of Special Education and Rehabilitative Services administers the Individuals with Disabilities Education Act (IDEA), a federal law that funds special education programs. For more information about the IDEA, please visit the Department of Education’s [IDEA website](#).

The materials in this section describe Section 504 and Title II, provide a general overview of both laws, and address schools’ obligations under these disability laws on the following topics: Accessibility of Programs and Facilities; Bullying and Harassment; Charter Schools; COVID-19 response; Effective Communication; Equal Access; Free Appropriate Public Education (FAPE); Race Discrimination in Special Education; Restraint and Seclusion; Retaliation; Specific Illnesses and Medical Conditions; and Transition to Postsecondary Education.

General Overview of Section 504 and Title II

Starting points for learning about Section 504 and Title II include:

- [OCR's Overview](#), including the [Section 504 statute](#) and [implementing regulations](#) and the [Title II statute](#) and [implementing regulations](#)
- [Frequently Asked Questions on Disability Discrimination](#)

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- [Frequently Asked Questions About Section 504 and the Education of Children with Disabilities](#): This resource answers common questions about: the interrelationship between Section 504 and the Individuals with Disabilities Education Act (IDEA), who is protected under Section 504, evaluations, placement, procedural safeguards, and terminology.
- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#): This resource provides information on the definition of disability under Section 504, among other topics, including: athletics and extracurricular activities; bullying and harassment; free appropriate public education; physical accessibility; procedural safeguards; retaliation; and the interrelationship between Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA).

Accessibility of Programs and Facilities

- Electronic Book Readers: [Questions and Answers about the Law, the Technology, and the Population Affected](#): This Q&A provides schools with information about their responsibilities to make any electronic book readers accessible to students with disabilities, including students who are blind or have low vision. For more information, see the [Dear Colleague Letter on Electric Book Readers](#) issued by OCR and the Department of Justice's Civil Rights Division (DOJ) and OCR's [Frequently Asked Questions about the Dear Colleague Letter on Electronic Book Readers](#).
- Accessibility and usability of physical facilities: OCR's [Notice of Interpretation of Section 504 of the Rehabilitation Act of 1973](#) explains OCR's interpretation of Section 504 and its implementing regulations concerning the standards OCR allows recipients to use to ensure the accessibility and usability of physical facilities by people with disabilities. DOJ also provides information about the Americans with Disabilities Act and accessibility, including on the 2010 [ADA Standards for Accessible Design](#).
- Web Accessibility: For assistance or questions about web accessibility, you can reach OCR's Web Accessibility Team at ocr@ed.gov. Although not a Department of Education resource, the [National Center on Accessible Educational Materials for Learning at CAST](#) has information and resources you may also find helpful.

Bullying and Harassment

- [Fact Sheet on Harassment and Bullying](#): This fact sheet explains schools' responsibilities under Section 504 and Title II to respond to student-on-student harassment and bullying. For more detail, see OCR's [Dear Colleague Letter on Bullying and Discriminatory Harassment](#).
- [Fact Sheet: What Are Public Schools Required to Do When Students with Disabilities Are Bullied?](#): This fact sheet explains schools' responsibilities to address bullying of students with disabilities and provides additional resources. For more detail, see OCR's [Dear Colleague Letter on Bullying of Students with Disabilities](#), which provides examples and explains: (1) that bullying of a student with a disability, on any basis, may result in a denial of free appropriate public education (FAPE) under Section 504, in addition to

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constituting disability-based harassment; and (2) how OCR analyzes complaints involving bullying of students with disabilities, with hypothetical examples.

Charter Schools

- [Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504](#): This FAQ explains the rights of students with disabilities who attend or seek to attend public charter schools under Section 504 and answers common questions, including questions about admissions and enrollment, free appropriate public education (FAPE), and nonacademic and extracurricular services and activities. For more detail, see the [Dear Colleague Letter on the Rights of Children with Disabilities in Public Charter Schools](#) issued by OCR and the Department of Education's Office of Special Education and Rehabilitative Services.

COVID-19

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 1 of this resource answers key questions about the rights of students with disabilities in the context of the COVID-19 pandemic, including: remote learning and federal civil rights laws; free appropriate public education (FAPE); mask exemptions; physical distancing; accessibility/placement; and the unlawfulness of requiring students to waive their rights under Section 504 before the school will provide services remotely. This resource also includes links to other resources regarding COVID-19 and school reopening. For information about the rights of students with disabilities to individualized assessment and civil rights concerns about statewide bans on universal masking, please see this description of OCR's [directed investigations](#) in this area.
- [Long COVID under Section 504 and IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#): This resource from OCR and the Department of Education's Office of Special Education and Rehabilitative Services explains the rights of young children and students who are experiencing long-term adverse health effects of COVID-19, commonly referred to as long COVID. The resource provides information about long COVID as a disability and about schools and public agencies' responsibilities to address long COVID under Section 504 and Parts B and C of the Individuals with Disabilities Education Act (IDEA).

Effective Communication

- [Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools](#): This FAQ from OCR, the Department of Education's Office of Special Education and Rehabilitative Services (OSERS), and DOJ explains schools' responsibilities to meet the needs of students who have hearing, vision, or speech disabilities, including the duty to provide free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA) and the duty to provide effective communication under Title II and Section 504. OCR, OSERS, and DOJ have also issued an additional [Q&A on Meeting the](#)

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[Communication Needs of Students with Hearing, Vision, or Speech Disabilities](#) summarizing students' rights under these laws and provided more detail in a [Dear Colleague Letter on Effective Communication](#).

- To learn more about using electronic book readers to ensure effective communication, see OCR's and DOJ's [Dear Colleague Letter on Electric Book Readers](#), OCR's [Frequently Asked Questions about the Dear Colleague Letter on Electronic Book Readers](#), and OCR's [Questions and Answers about the Law, the Technology, and the Population Affected](#).

Equal Access

- [Background and Fast Facts on Schools' Obligation to Provide Equal Opportunity to Students with Disabilities to Participate in Extracurricular Athletics](#): This resource explains schools' responsibilities under Section 504 to enable students with disabilities to participate in extracurricular athletics. For more detail, including examples of how OCR analyzes whether a student has received an equal opportunity to participate, see OCR's [Dear Colleague Letter on Students with Disabilities in Extracurricular Athletics](#).
- [Dear Colleague Letter on Access by Students with Disabilities to Accelerated Programs](#): This letter explains that disability-based discrimination is prohibited in access to accelerated programs, such as Advanced Placement and International Baccalaureate programs, and addresses when any denial of access results in a denial of free appropriate public education (FAPE) under Section 504.

Free Appropriate Public Education (FAPE)

- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#): This resource provides an overview of FAPE under Section 504. Please visit the Department of Education's [IDEA website](#) for more information about FAPE under the Individuals with Disabilities Education Act (IDEA).
- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 1 of this resource answers key questions about the provision of FAPE to students with disabilities during the COVID-19 pandemic, including the impact of school closures or remote learning on FAPE.
- [Dear Colleague Letter on Bullying of Students with Disabilities](#): This letter explains that bullying of a student with a disability, on any basis, may result in a denial of FAPE.

Race Discrimination in Special Education

- [Fact Sheet: Preventing Racial Discrimination in Special Education](#): This fact sheet explains the responsibilities of states, districts, and schools not to discriminate based on race, color, or national origin in the administration of special education or related aids and services, including in referrals for evaluation, evaluations, and the provision of special education services. For more detail, see OCR's [Dear Colleague Letter on Preventing Racial Discrimination in Special Education](#).

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Restraint and Seclusion

- [Fact Sheet: Restraint and Seclusion of Students with Disabilities](#): This fact sheet explains how the practice of using restraint and seclusion may result in discrimination against students with disabilities under Section 504 and Title II. For more detail, see OCR's [Dear Colleague Letter on Restraint and Seclusion of Students with Disabilities](#).
- [Students with Disabilities and the Use of Restraint and Seclusion in K-12 Public Schools](#): This resource explains how OCR determines whether the use of restraint and seclusion violates Section 504 and Title II, including when the practice may deny a student a free appropriate public education (FAPE) under Section 504. The resource also provides information from the Department of Education's Office of Special Education and Rehabilitative Services about the Individuals with Disabilities Education Act's (IDEA) requirements.

Retaliation

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title II and Section 504 prohibit retaliating against any person to interfere with their rights under these laws or because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding.
- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#): This resource provides information on prohibited retaliation under Section 504, including an example with analysis.

Specific Illnesses and Medical Conditions:

- [Long COVID under Section 504 and IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#): This resource from OCR and the Department of Education's Office of Special Education and Rehabilitative Services explains the rights of young children and students who are experiencing long-term adverse health effects of COVID-19, commonly referred to as long COVID. The resource provides information about long COVID as a disability and about schools and public agencies' responsibilities to address long COVID under Section 504 and Parts B and C of the Individuals with Disabilities Education Act (IDEA).
- [Know Your Rights: Students with ADHD](#): This resource provides information on how school districts can protect the rights of students with attention-deficit/hyperactivity disorder (ADHD) under Section 504, including with respect to identification, evaluations, placement determinations, and due process protections for students and parents. For more detail and resources, including for students with attention deficit disorder (ADD), see OCR's [Dear Colleague Letter and Resource Guide on Students with ADHD](#).
- [Fact Sheet on Addressing the Risk of Measles in Schools while Protecting the Civil Rights of Students with Disabilities](#): This fact sheet provides information about the rights of students with disabilities with respect to measles, especially those who are medically unable to receive vaccines due to a disability or who may be unable to attend school for extended periods.

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Transition to Postsecondary Education

- [Transition of Students with Disabilities to Postsecondary Education: A Guide for High School Educators](#): This guide answers frequently asked questions about requirements for postsecondary institutions under Title II and Section 504 concerning the transition of students with disabilities to postsecondary education, including the admissions process and the provision of academic adjustments and auxiliary aids and services to students.
- [Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities](#): This resource explains the rights of students with disabilities who are preparing to attend postsecondary institutions, as well as the responsibilities of postsecondary institutions to provide academic adjustments for students with disabilities, including auxiliary aids and services.

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GUIDANCE ON TITLE IX:

Key Guidance on Discrimination Based on Sex

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in all education programs and activities operated by recipients of federal funds, including public school districts. Title IX says, subject to certain exceptions:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...

You can find the full text of Title IX at [20 U.S.C. § 1681](#).

OCR enforces Title IX to ensure that students have equal access to educational opportunity and can go to school free from sex discrimination. This includes protection against discrimination based on sexual orientation or gender identity, which the Department of Education recently explained in a [public notice](#). For more on this, see the resources below.

In 2020, the Department of Education amended Title IX's implementing regulations and added specific requirements for how schools must respond to allegations of sexual harassment, which includes sexual violence. These amended regulations are in effect now. OCR is currently undertaking a comprehensive review of these regulations, which has included holding a weeklong public hearing in June 2021. (The hearing transcript is available [here](#).) Following this review, the Department of Education anticipates making additional changes to the regulations.

The materials here provide a general overview of Title IX and address schools' obligations under Title IX on the following topics: Athletics; COVID-19 response; Pregnant or Parenting Students; Retaliation; Sexual Harassment, including Sexual Violence; Sexual Orientation and Gender Identity; and Single-Sex Education Services, Programs, and Activities.

General Overview of Title IX

Starting points for learning about Title IX include:

- [OCR's Overview](#), including the [Title IX statute](#) and the [2020 amendments](#) to its implementing regulations and OCR's [Notice of Interpretation of Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*](#), which clarifies Title IX's coverage of discrimination based on sexual orientation and gender identity.
- [Sex Discrimination Frequently Asked Questions](#)
- [Exemptions from Title IX](#): This resource explains how, when, and why a school may be exempt from one or more of Title IX's requirements. This includes, for example, exemptions for the membership practices of certain youth organizations (such as Girl Scouts and Boy Scouts), private schools controlled by religious organizations to the extent that application of Title IX would be inconsistent with the organization's religious tenets, and the admissions practices of specific types of schools, such as private undergraduate colleges.

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Athletics

- [Policy Interpretation on Title IX and Intercollegiate Athletics](#): This Policy Interpretation provides comprehensive guidance on Title IX and intercollegiate athletics, which also applies to interscholastic, club, and intramural athletic programs. OCR has additional guidance resources on Title IX and athletics, including: (1) a [Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test](#); (2) a [Dear Colleague Letter on Intercollegiate Athletics Policy: Three-Part Test—Part Three](#); and (3) [Questions and Answers on Accommodating Students’ Athletic Interests and Abilities: Standards for Part Three of the “Three-Part Test.”](#)
- [Dear Colleague Letter on Athletic Activities Counted for Title IX Compliance](#): This letter explains how OCR determines whether an athletic activity of an educational institution is a sport that can be counted as part of the institution’s athletics program for the purpose of determining compliance with Title IX, including whether the institution provides equal opportunity in its athletics programs.

COVID-19

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 3 of this resource answers key questions about investigating and resolving complaints about discrimination based on sex, including sexual and gender-based harassment, in the context of the COVID-19 pandemic. This resource also includes links to other resources regarding COVID-19 and school reopening.

Pregnant or Parenting Students

- [Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School](#): This resource provides information about the Title IX rights of students who are pregnant or parenting, including the right to continue participating in academic and extracurricular programs and students’ rights concerning excused absences and medical leave, harassment, and school policies and procedures. Please note that the 2020 amendments to the Title IX regulations and OCR’s [Questions and Answers on the Title IX Regulations on Sexual Harassment \(July 2021\)](#) provide more recent information about a school’s obligation to respond to discrimination and harassment under Title IX.

Retaliation

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title IX prohibits retaliating against any person to interfere with their rights under Title IX or because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding. Please note that the 2020 amendments to the Title IX regulations include additional details on the types of retaliation prohibited by Title IX—such as charging a person with a code of conduct violation that does not involve sex discrimination or sexual harassment in order to interfere with their rights under Title IX—and the responsibilities of schools regarding confidentiality and complaints alleging retaliation.

Sexual Harassment, including Sexual Violence

- 2020 Amendments to the Title IX regulations: These regulations specify how schools must respond to allegations of sexual harassment. The complete set of amendments is

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available here: [Final Rule on Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#). The regulations are currently under review, as described in a [Letter to Students, Educators, and other Stakeholders](#) regarding President Biden's [Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity](#). The regulations remain in effect and apply to all alleged sexual harassment occurring on or after August 14, 2020, the date the existing regulations took effect.

- [Questions and Answers on the Title IX Regulations on Sexual Harassment \(July 2021\)](#): This Q&A answers common questions about how schools must respond to allegations of sexual harassment under the 2020 Amendments to the Title IX regulations and includes an appendix with examples of policy provisions from various schools.

Sexual Orientation and Gender Identity

- [Resources for LGBTQI+ Students](#): OCR's website provides useful resources for LGBTQI+ students that schools may also find helpful, including resources from OCR, the White House, other federal agencies, and recent federal court decisions on LGBTQI+ rights.
- [Confronting Anti-LGBTQI+ Harassment in Schools](#): A resource from OCR and the Department of Justice's Civil Rights Division concerning harassment against students who are lesbian, gay, bisexual, transgender, queer, intersex, nonbinary, or otherwise gender non-conforming, including the responsibilities of schools to investigate and address discrimination on the basis of sexual orientation and gender identity, which is a form of sex discrimination.
- Title IX's protection against discrimination based on sexual orientation or gender identity: OCR explains that the Department of Education interprets Title IX's prohibition on sex discrimination to include discrimination based on sexual orientation and gender identity in this [Notice of Interpretation of Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*](#).

Single-Sex Education Services, Programs, and Activities

- [Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities](#): This resource answers common questions on how single-sex classes or extracurricular activities may comply with Title IX in certain circumstances.
- [Dear Colleague Letter on Voluntary Youth Service Organizations](#): This letter provides information on when Title IX allows a school district to work with outside organizations that provide single-sex programming to the district's students.

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GUIDANCE ON CRDC DATA:

Key Guidance on OCR's Civil Rights Data Collection

The Civil Rights Data Collection (CRDC) is a survey of nearly all public schools and school districts—including juvenile justice facilities, charter schools, alternative schools, and schools that serve only students with disabilities. OCR works closely with schools, local educational agencies, and state educational institutions in the United States on this important data collection, which has taken place since 1968.

Through the CRDC, the Department of Education collects data that are necessary to ensure compliance with the civil rights laws that OCR enforces. Data collected for the survey includes information on student enrollment, educational programs and services, bullying and harassment, administration of school discipline, and numerous other factors that are disaggregated by race/ethnicity, sex, English learner status, and disability. Due to the COVID-19 pandemic, the CRDC for the 2019–2020 school year was shifted to the 2020–2021 school year.

General Overview of the CRDC

- [CRDC Frequently Asked Questions](#)
- [About the Civil Rights Data Collection](#)
- [2020-21 CRDC Questions and Answers](#)

How to Access and Navigate the Database

- [Take Me to CRDC](#)
 - [School Search](#)
 - [District Search](#)
 - [Detailed Data Tables](#)
 - [Data Analysis Tools](#)
 - [Special Reports](#) for Schools and Districts on English Learners, discipline, and educational equity

Prior CRDC Reports

- [State and National Estimations for 2017-2018](#)
- [Civil Rights Data Collection page \(for 2017-2018\)](#)
- [Civil Rights Data Collection page \(for 2015-2016\)](#)
- [Civil Rights Data Collection page \(for 2013-2014\)](#)

If you have any comments or questions concerning the use of CRDC data or suggestions to improve the user-friendliness of this site, please email OCR at ocrdata@ed.gov or write to:

CRDC Survey Coordinator
Office for Civil Rights
U.S. Department of Education
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