



IN BRIEF: U.S. DEPARTMENT OF EDUCATION CIVIL RIGHTS REMINDER FOR CHARTER SCHOOLS

In May 2014, the U.S. Department of Education, Office for Civil Rights issued a letter reminding those within the greater charter school community that the Federal civil rights laws, regulations, and guidance apply equally to charter schools as they do to all other public schools. The following is a summary of that letter and the major legal requirements that charter schools must comply with as a result of *Title VI of the Civil Rights Act of 1964* (prohibits discrimination based on race, color, or national origin), *Title IX of the Education Amendments of 1972* (prohibits discrimination based on sex), *Section 504 of the Rehabilitation Act of 1973* and *Title II of the Americans with Disabilities Act of 1990* (prohibits discrimination based on disability).

Admissions

- Charter schools may not discriminate in admissions on the basis of race, color, national origin, or disability.
 - Though Title IX (sex discrimination) does not, generally, apply to admissions, there are many strict parameters regarding the creation and operation of single-sex public schools and other uses of sex-based criteria.

Parents

- Schools must effectively communicate with disabled or disadvantaged parents as they do with other parents. As a result:
 - Schools must ensure that parents with Limited English Proficiency (LEP) receive meaningful access to the same school information provided to English-proficient parents in a manner and form they can understand, such as by providing free interpreter and/or translation services.
 - Appropriate auxiliary aids and services (such as Braille materials or a sign language interpreter) must be made available whenever necessary to effectively communicate with parents with hearing, vision, or speech disabilities.

Free Appropriate Public Education (FAPE)

- Every student must be provided a free appropriate public education – i.e., regular or special education and related aids and services that are designed to meet his/her individual educational needs as adequately as the need of students without disabilities are met.
 - FAPE cannot be waived.
 - Schools must provide nonacademic and extracurricular services and activities in such a manner that students with disabilities are given an equal opportunity to participate in these services and activities.

English Language Learners (ELL)

- Schools must take affirmative steps to help ELLs overcome language barriers so that they can participate meaningfully in their schools' educational programs.
 - Schools must timely identify language-minority students who have limited proficiency in reading, writing, speaking, or understanding English, and must provide those students with an effective language instruction educational program that also affords meaningful access to the school's academic content.

Discipline

- Schools are obligated to avoid and redress discrimination in the administration of school discipline on the basis of race, color, national origin, disability, and sex.
 - o This obligation applies over the entire course of the disciplinary process: from behavior management in the classroom, to referral to an authority outside the classroom because of misconduct, to resolution of the discipline incident.
 - o When addressing discipline for students with disabilities, it is important that charter schools comply with applicable legal requirements governing the discipline of a child for misconduct caused by, or related to, the child's disability.

To read the U.S. Department of Education Office for Civil Right's Letter in full:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf>

The U.S. Department of Education Office for Civil Rights Website:

<http://www2.ed.gov/about/offices/list/ocr/publications.html>

The Office for Civil Rights National Headquarters:

U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481

Fax: 202-453-6012

Email: OCR@ed.gov

The Office for Civil Rights Dallas Office (for Louisiana):

U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810

Telephone: 214-661-9600

Fax: 214-661-9587

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Please note: LAPCS In Briefs are merely reference guides that summarize the law and are *not* legal advice. LAPCS strongly encourages all charter schools to read laws and policies in full and to always check with your school's attorney and authorizer.

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