

Ensuring Equal Access to Educational Resources

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Ensuring Students Have Equal Access

- U.S. Dept. of Ed., Office for Civil Rights (“OCR”) Dear Colleague Letter dated October 1, 2014 on ensuring students have equal access to educational resources without regard to race, color, or national origin
- What Federal law requires
- How OCR investigates resource disparities
- What schools can do to meet our obligations to all students

What Federal Law Requires

- Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin
- Schools must not intentionally treat students differently on these bases in providing educational resources
- Schools must not implement policies or practices for providing educational resources that disproportionately affect students of a particular race, color or national origin
 - Unless such policies/practices are educationally necessary and there are no alternatives that can achieve the same goals with less adverse effect

How OCR Investigates

- OCR investigates complaints and initiates compliance reviews to determine whether allocation of educational resources is discriminatory
 - Reviews quantitative and qualitative differences in access to programs, strong teaching, facilities, technology, instructional materials, and other resources
- Considers ongoing efforts to improve resource equity, including improving data transparency, developing new educator support systems and equity plans, and transitioning to new standards and assessments

How OCR Investigates

- Schools working proactively and effectively to identify and address causes and effects of disparities in resource allocation based on race, color, or national origin less likely to be in violation and more likely to find and remedy an issue without OCR involvement
- OCR comparison of resources allocated across schools and districts designed to measure relative allocation of equal educational opportunities for students.

How OCR Investigates

- Provision of equal opportunities may require differences in funding depending on location, condition of facilities, and particular needs of students such as English language learners and students with disabilities
 - Straight funding comparison is not conclusive of whether a violation has occurred
- OCR investigations focus on scope and severity of resource disparities and whether policies and practices are helping or hindering
 - Districts or schools with significant racial disparities in a particular resource, or that display patterns of such disparities across resources, are more likely to be found in violation

Examples

- Examples of Educational Resources and Measures OCR May Consider:
 - Courses, Academic Programs, and Extracurricular Activities
 - Pre-K, Gifted and Talented, College-Prep, A.P., I.B., Arts and Athletics
 - Teachers and Leaders
 - Strong teachers and leaders measured by effectiveness data, turnover, absenteeism, vacancies, licensure, certification, training professional development, inexperience, out-of-field status, and other similar indicators

Examples

- Examples of Educational Resources and Measures OCR May Consider (cont'd):
 - Technology and Instructional Materials
 - Access to educational technology such as laptops, tablets, internet access, and instructional materials such as library resources, textbooks, calculators and digital materials

What Districts and Schools Can Do

- Use data to proactively and periodically assess policies and practices to ensure equal access
- Use data and analysis to ensure the “poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers,” pursuant to the Elementary and Secondary Education Act

What Districts and Schools Can Do

- Designate an employee to coordinate Title VI compliance and resource equity self-assessments and review policies governing how resources are distributed to and within schools
- Evaluate resource access across and within schools and take prompt, effective steps to eliminate any unjustified inequities, and prioritize resources for schools and students most in need
- Notify parents, students, and community members of avenues to raise concerns about resource access, and engage teachers, staff, associations and other stakeholders in addressing inequities

What Districts and Schools Can Do

- Take proactive steps to identify disparities in access to resources across and within schools, and to address those inequities

Dear Colleague Letter

- www.ed.gov/ocr/letters/colleague-resourcecomp-201410.pdf
- Additional sources of technical assistance:
 - www.ed.gov/ocr/resourcecomparability.html

Discussion/Questions
