



## Fact Sheet: Ensuring Students Have Equal Access to Educational Resources Without Regard to Race, Color, or National Origin

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Sixty years after the Supreme Court declared in *Brown v. Board of Education* that public education “is a right which must be made available to all on equal terms,” the U.S. Department of Education continues to partner with educators to ensure equity in education so that all students can succeed in school, careers, and in life.

Because every student is entitled to equal educational opportunities regardless of race, color, or national origin, the Office for Civil Rights (OCR) has issued a [Dear Colleague Letter](#) that highlights and explains what Federal law requires regarding the provision of educational resources, how OCR investigates resource disparities, and what States, school districts, and schools can do to meet their obligations to all students. Further, this guidance document complements the Administration’s equity agenda, including the Department’s recently announced educator equity initiatives.

### **What Federal Law Requires of States, School Districts, and Public Schools**

- Title VI of the Civil Rights Act of 1964 (Title VI) is a Federal civil rights law enforced by OCR that prohibits discrimination based on race, color, or national origin. Title VI applies to all the operations of every recipient of Federal funds, including every State, school district, and public school in the country.
- Under Title VI, States, school districts, and schools must not intentionally treat students differently based on race, color, or national origin in providing educational resources.
- Under Title VI, States, school districts, and schools must not implement policies or practices for providing educational resources that disproportionately affect students of a particular race, color, or national origin, unless the policies and practices are educationally necessary and there are no comparably effective alternatives that can achieve the same goals with less adverse effect.



### **How OCR Investigates Access to Educational Resources**

- OCR investigates complaints and initiates proactive reviews of schools, school districts, and States, to determine whether they are discriminating based on race, color, or national origin in their allocation of educational resources. OCR looks holistically at quantitative and qualitative differences in student access to programs, strong teaching, facilities, technology, instructional materials, and other resources.
- OCR's investigations take into account the ongoing efforts in States, school districts, and schools to improve resource equity, including improving data transparency, developing new educator support systems and equity plans, and transitioning to new standards and assessments.
- States, school districts, and schools that are working proactively and effectively to identify and address the causes and effects of disparities in resource allocation based on race, color, or national origin are less likely to be violating Title VI. Such proactive efforts may also help States, school districts, or schools identify and remedy a violation on their own.
- The comparison of resources allocated across schools and school districts is ultimately designed to measure the relative allocation of equal educational *opportunities* for students. The provision of equal opportunities may require more or less funding depending on the location of the school or school district, the condition of existing facilities, and the particular needs of students such as English language learners and students with disabilities. Therefore, simply comparing the amount of funding given each school or school district will not be conclusive evidence of Title VI compliance or non-compliance.
- OCR's investigations focus on the scope and severity of resource disparities, and whether a State's, school district's, or school's policies and practices are making the disparities better or worse. States, school districts, or schools with significant racial disparities in access to a particular resource or that display patterns of racial inequality across a range of resources are more likely to violate Title VI.
- The information in the Dear Colleague Letter reflects OCR's longstanding approach to conducting resource equity investigations and serves as a self-assessment tool for States, school districts, and schools to ensure that they are in compliance with Federal law. The letter builds upon [resource equity guidance](#) issued by the Department in 2001.



**Examples of Educational Resources and Measures OCR May Consider**

- **Courses, Academic Programs, and Extracurricular Opportunities:** Equal access to academic, co-curricular, and extracurricular programs (such as pre-kindergarten, gifted and talented, college-preparatory programs, Advanced Placement/International Baccalaureate, arts, and athletics).
- **Teachers and Leaders:** Equal access to 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.
- **Other School Personnel:** Equal access to strong personnel providing critical support services measured by certification, training, and years of experience of school staff, including, for example, librarians, paraprofessionals, guidance counselors, and psychologists.
- **School Facilities:** Equal access to 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:** Equal access to educational technology such as laptops, tablets, internet access, and instructional materials such as library resources, textbooks, calculators, and digital materials.

**Steps States, School Districts, and Schools May Take to Ensure Compliance with the Law**

- States, school districts, and schools should use data, including the data reported in OCR's Civil Rights Data Collection, to proactively and periodically assess their policies and practices to ensure that students have equal access to educational resources without regard to race, color, or national origin.
- States, school districts, and schools may also be informed by any data and analysis considered, or strategies undertaken, by a State or school district in connection with its statutory obligations under the Elementary and Secondary Education Act to ensure that "poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers."



- Critical steps that States and school districts can take to ensure equal access to educational resources include:
  - ✓ Designating an employee to coordinate Title VI compliance and resource equity self-assessments and to review policies governing how resources are distributed to and within schools.
  - ✓ Evaluating resource access across and within schools and taking prompt and effective steps to eliminate any unjustified inequities, and prioritizing resources for schools and students most in need.
  - ✓ Notifying parents, students, and community members of avenues to raise concerns about resource access and engaging teachers, staff, unions, and other stakeholders in addressing resource inequities.
  - ✓ Taking proactive steps to identify disparities in access to resources across and within schools, and to address those inequities.

Additional strategies to ensure that students have equal access to educational resources without regard to race, color, or national origin are identified in OCR's October 1, 2014 Title VI Resource Comparability Dear Colleague Letter, which is available on OCR's website at [www.ed.gov/ocr/letters/colleague-resourcecomp-201410.pdf](http://www.ed.gov/ocr/letters/colleague-resourcecomp-201410.pdf), and a list of additional sources of technical assistance is available at [www.ed.gov/ocr/resourcecomparability.html](http://www.ed.gov/ocr/resourcecomparability.html).

If you have questions, want additional information or technical assistance, or believe that a school is violating federal law, you may visit OCR's website at [www.ed.gov/ocr](http://www.ed.gov/ocr) or contact OCR at (800) 421-3481 or at [ocr@ed.gov](mailto:ocr@ed.gov). You may also fill out a complaint form online at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).