



How Laws Protect Safe and Inclusive School Environments

Created by:

Midwest & Plains Equity Assistance Center

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About the Centers

The Region III Equity Assistance Center is a project of the Great Lakes Equity Center, an educational research and service center located in Indiana University Indianapolis's School of Education. The Midwest & Plains Equity Assistance Center is funded by the U.S. Department of Education under Title IV of the Civil Rights Act to provide equity-focused technical assistance to states, districts, and public schools focused on systemic improvements to ensure educational access, participation and positive outcomes for students who have been historically marginalized based on race, sex, national origin, or religion, at the request of public schools, districts, state departments of education, and other responsible governmental agencies.



Introduction

Even though school safety is a topic of concern for many people, there are laws that specifically protect students because of race, national origin, sex, religion, sexual orientation, etc. Educational spaces should prioritize the safety and well-being of all students (Ladson-Billings, 2014). Hence, educators are charged with the responsibility of ensuring all students feel safe and secure while attending school.

The purpose of this *Equity Tool* is to support educational practitioners in understanding how laws protect the safety and security of learning environments for students. Concurrently, this resource affirms the various identities of individuals by providing relevant information on how laws provide protection for students who are susceptible to being marginalized because of their race, national origin, sex, religion, sexual orientation, etc. Additionally, we provide a list of relevant laws below as a resource and we organize this tool into the following sections:

- **Key Terms and Concepts**
- **Key Considerations and Quick Review**
- **Additional Resources**



Key Terms and Concepts

Access: All members of the educational community should have entrance into, involvement with, and full participation of resources, conversations, initiatives, and choices which are attentive to heritage and community practices (Paris, 2012).

Civil Rights: Federal legislation, specifically Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal funds from engaging in discrimination based on student race, color, national origin, sex, and religion. See also, the Equal Educational Opportunities Act requiring schools to remove language barriers to equal participation. The rights of individuals to receive equal treatment (and to be free from unfair treatment or "discrimination") (Findlaw, 2014).

Democratic Practices in Schooling: The support of schooling structures, activities, and experiences that provide opportunities for students to participate in school communities, activities and decision-making opportunities democratically, as well as through curriculum with which students are able to interact (Biesta, 2007).

Discriminatory Practices: The unjust or unfair treatment of students or groups based on race, color, or national origins than otherwise similar students; or the implementation of seemingly neutral policies in a manner that results in disparate negative impact of students from a particular group. Differential treatment of people or differential outcomes that are based on a person's race or ethnicity (Lhamon & Samuels, 2014).

Diverse Backgrounds or Student Diversity: Identities, histories, and narratives related to race, national origin, economic communities, dis/ability, gender and gender expressions, sexual orientations, and religion.

Educational Equity: The recognition and implementation of educational policies, practices, interactions, and resources that are representative of, constructed by, and responsive to all people such that each individual has access to, can meaningfully participate, and make progress in high-quality learning experiences that empowers them towards self-determination and reduces disparities in outcomes regardless of individual characteristics and cultural identities (Fraser, 2008).

Key Terms and Concepts (cont.)

Equity-Centered Policies: A set of established expectations and guidelines regarding school governance, that takes into account the impact on marginalized populations, as it is appropriated and operationalized in local context. Equity-centered policies promote equitable functioning of a school's day-to-day practices, and ensure all students benefit from quality, responsive, and inclusive learning environments (Radd & Macey, 2013; Theoharis, 2007; Thompson, 2007).

High Outcomes: Efficacy of solutions that benefit all towards self-determination and the ability to act as contributing citizens in a democratic society and global community.

Inclusive Education: The recognition and valuing of students' differences, and the creation of spaces for families and students to participate in the decisions that affect their learning trajectories (Waitoller & Kozleski, 2013).

Individuals with Disabilities Education Improvement Act: Federal special education legislation requiring states and local education agencies to provide free, appropriate public education (FAPE) to all students with disabilities (Turnbull et al., 2002).

Meaningful Participation: Agency and voice are afforded to all members of a community, by intentionally centering members who have been historically on the margins including, but not limited to people living in under-resourced communities, people with dis/abilities, as well as racially, ethnically, and linguistically diverse individuals. Multiple perspectives are pursued and valued (Fraser, 1998).

Meaningful Representation: Providing and having adequate presence of all when decision and choice making, as to examine the patterns of underlying beliefs, practices, policies, structures and norms that may marginalize specific groups and limit opportunity (Mulligan & Kozleski, 2009; Chen et al., 2014).



Key Considerations

Discriminatory Educational Policies, Practices, and Procedures

Discriminatory educational policies, practices, and procedures are related to the historical disenfranchisement of communities of Color, low-income students, students with disabilities, and LGBTQ+ students (Diem & Walters, 2019).

Zero Tolerance Policies

Zero-Tolerance Policies in schools reinforce the strict implementation of school rules and regulations that disproportionately impact students of color, low-income students, students with disabilities or special needs and LGBTQ+ students. However, zero-tolerance policies do not lead to safe and inclusive learning environments for students, particularly students of Color and students with disabilities, who are impacted the most by zero-tolerance policies that do not consider their unique needs (Ellicot, 2024).

Implicit Bias

The attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. The biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control (Blair, 2002 and Rudman, 2004, as cited in Staats & Patton, 2013).



Quick Review

Title IV of the Civil Rights Act of 1964 (Title IV)

Title IV of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex and national origin by public elementary and secondary schools and public institutions of higher learning. The remedy for discrimination under this title is desegregation. Deliberate segregation on the basis of race, color, and national origin was later prohibited by the Equal Education Opportunities Act of 1964¹.

Example: Racialized harassment in a district is prohibited (e.g., disproportionate school discipline, subpar or restrictive special education services, employment).

¹78 Stat. 241 et seq., enacted July 2, 1964



Quick Review (cont.)

Title VI of the Civil Rights Act of 1964 (Title VI)

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, or national origin in programs and activities operated by recipients of Federal funds. For education, title VI protection applies to all elementary and secondary schools, college and universities, public or private, that receive federal funds.

Example: Schools must ensure fair access to, and equitable practices in, gifted and talented programs.

Title VII of the Civil Rights Act of 1964 (Title VII)

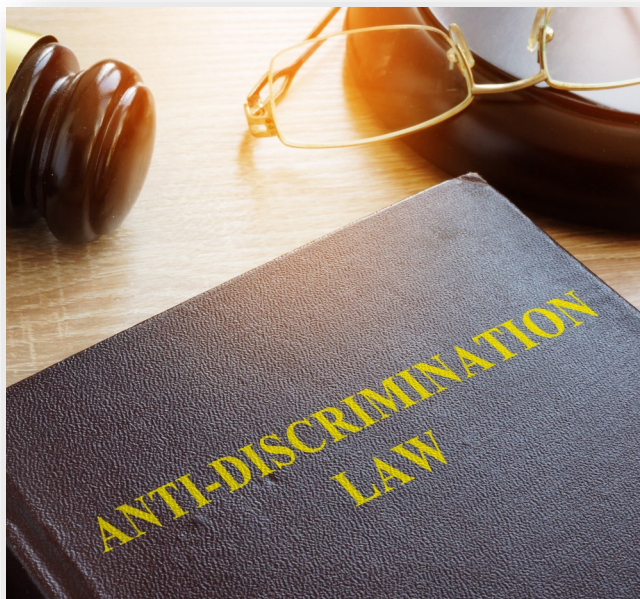
Title VII of the Civil Rights Act of 1964 prohibits employment practices that discriminate because of race, color, religion, sex, and national origin. Schools are covered by employers under this law. This title was later amended to prohibit discrimination on the basis of pregnancy. Additional. Laws prohibit employment discrimination on the basis of age and disability. Courts and federal agencies have made clear that sexual harassment and sex-based stereotyping are prohibited under this title. More recently, federal agencies and some federal courts have that sexual orientation, gender identity and transgender status are protected under this title.

Example: Schools must allow Muslim students time and space for prayer.

Section 504 of the Rehabilitation Act of 1973 (Section 504)

Section 504 of the Rehabilitation Act of 1973² regulation requires a school district to provide a “free appropriate public education” (FAPE) to each qualified person with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the person’s disability. “Appropriate” education means an education that is comparable to the education provided to students without disabilities. This may include regular or special education services.

²29 U.S.C. §§ 701 et seq., enacted September 26, 1973.



[Image description: A book with “Anti-discrimination law” on the cover. A gavel and eyeglasses are in the background.]



Quick Review (cont.)

Example: Students with disabilities are provided with appropriate educational services designed to meet their individual needs to the same extent as the needs of students without disabilities are met.

Americans with Disabilities Act

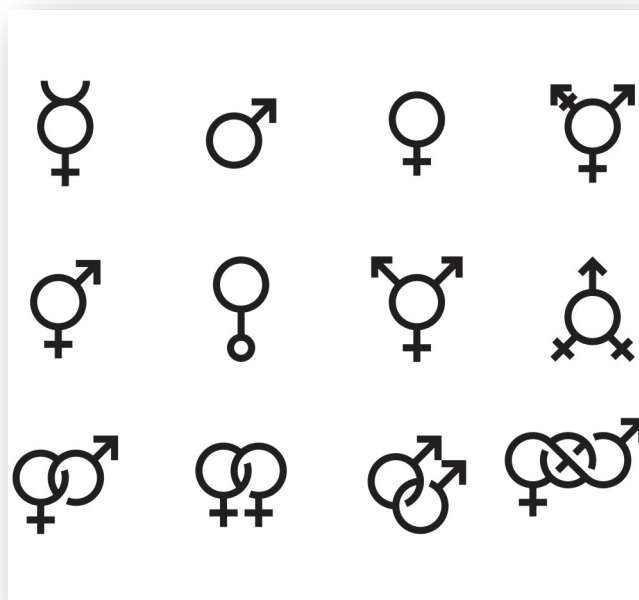
The Americans with Disabilities Act (ADA)³ prohibits discrimination against people with disabilities, including employment, transportation, public accommodations, communications and access to state and local government' programs and services.

Example: Schools must have ramps and/or elevators to accommodate students with physical disabilities.

Title IX of the Education Amendments of 1972 (Title IX)

Title IX of the Education Amendments of 1972⁴ No person in the United States shall, on the basis of gender, 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.

Example: Schools must not discriminate against a female student on the basis of pregnancy.



[Graphic image description: Gender and sexual identity icons.]

³U.S. Department of Labor (n.d.), para 1: <https://www.dol.gov/general/topic/disability/ada>



Additional Resources

In this final section, we have chosen resources we feel would be helpful to establish some foundational knowledge and guidance in how laws protect safe and inclusive school environments. These resources support participants in a shared understanding of concepts related to laws that protect certain classes of students, particularly those susceptible to marginalization because of their race, gender, sexuality, disability, and national origin.

[An Overview of Laws & Policies That Support Safe and Welcoming Schools](#)

January 2020

This document gives an overview of supporting laws and policies that help to create safe and welcoming schools. Appropriate policies, in combination with inclusive programming and professional development, can provide administrators and educators with the tools to provide safe, welcoming, and respectful schools for all students.

[Anti-Bullying Laws and Policies](#)

January 2020

Anti-bullying laws are one prevention strategy that can change social norms. When researchers in the United States began studying bullying in the early 1990s, there were only a few anti-bullying laws and policies. Now, every state and most U.S. commonwealths and territories have a law or policy on bullying. Although no federal policy exists specific to bullying, other federal laws provide certain protections.

[Examining Law & Policy for Undocumented Immigrant Students through the PK-20 Pipeline](#)

September 2017

This *Equity by Design* brief examines current opportunities and constraints of public school students based on their immigration status and discusses their navigation through elementary and secondary education into higher education.



Additional Resources (cont.)

[Fact Sheet: Diversity & Inclusion Activities Under Title VI](#)

February 2023

The Department of Education's Office for Civil Rights (OCR) provides this fact sheet to assist school communities, including students, parents, families, educators, and elementary, secondary, and postsecondary educational institutions, in understanding that diversity, equity, and inclusion training and similar activities in most factual circumstances are consistent with Title VI of the Civil Rights Act of 1964 (Title VI).

Title VI prohibits discrimination based on race, color, or national origin in the programs or activities of all recipients of Federal financial assistance. OCR enforces Title VI with respect to recipients of Federal financial assistance from the DOE, including states, school districts, public schools, and public and private colleges.

[Family Disability and Civil Rights](#)

September 2019

To help families navigate disability rights processes that can intersect in complicated ways with other federal laws, this Equity Tool is intended to introduce students and families to their rights in common scenarios, promote educational equity for students with disabilities, describe potential recourse or remedies for educational discrimination, and provide resources to enhance equity within schools.

[Know Your Rights: Achieving Academic Success for Undocumented Students in the P-20 Pipeline](#)

This fact sheet provides information that is accessible to students, families, and education professionals to understand the legal rights of DACAmented and undocumented students.

[Know Your Rights: Title VI and Religion](#)

April 2019

The U.S. DOE's Office for Civil Rights (OCR) enforces federal civil rights laws that prohibit schools, colleges, and universities from discriminating based on race, color, national origin, sex, disability, or age. These laws protect students who are or are perceived to be members of a religious group, such as Buddhists, Christians, Hindus, Jews, Muslims, and Sikhs, from discrimination on any of the bases described above.



Additional Resources (cont.)

[Using Title IX and Other Policies to Support and Affirm LGBTQIA+ Students](#)

June 2022

The purpose of this *Equity by Design* brief is to aid administrators in protecting sexual and gender minority students from discrimination and harassment. Specifically, this Brief presents Title IX's conceptualizations of sex and harassment to identify who is protected, and from what. Further, it discusses how to navigate backlash administrators might encounter.

Finally, it considers ways administrators can care for themselves since some, particularly administrators of Color, might be afraid for their wellbeing and employment as they do this work.

[Summary of Supportive Federal Laws and Constitutional Rights for Transgender Students](#)

January 2020

Here, find a list and detailed description of federal laws and constitutional rights for transgender students.

[Universal Supports/Prevention Services and Student Rights](#)

October 2019

The purpose of this *Equity by Design* brief is to provide educators and parents with information about universal supports, describe how these supports may prevent discrimination, and provide resources to address discrimination or disparate treatment in universal supports.



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