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ABSTRACT

Title VI of the Civil Rights Act of 1964 assures that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program of activity receiving Federal financial assistance. These requirements, which apply to all school districts receiving federal funding, prohibit discrimination in the assignment of students to schools or classes and discrimination in ability grouping or tracking students. The law does not require that each school within a district have a racially balanced population, but schools must be able to demonstrate valid and nondiscriminatory reasons for assignments to classes with a substantially disproportionate number of minority or nonminority students. School districts are responsible for ensuring that students are not misclassified as being disabled and that misclassification does not result in students being inappropriately placed in special education classes. School districts are also responsible for providing equal educational opportunity to students of minority national origin with limited English proficiency. Schools must ensure that all students are given nondiscriminatory counseling information, and that they have equal access to elective courses. School districts have a further responsibility to ensure that they do not use ability grouping or tracking practices that result in discrimination on the basis of race, color, or national origin. At all times, schools and districts must be careful to use appropriate criteria and evaluation and testing methods before assigning students to specialized classes or courses of study. Screening procedures must be nondiscriminatory, and periodic testing and re-evaluation of students may be necessary. (SLD)

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STUDENT ASSIGNMENT IN ELEMENTARY AND SECONDARY SCHOOLS & TITLE VI

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STUDENT ASSIGNMENT IN ELEMENTARY AND SECONDARY SCHOOLS and TITLE VI

Title VI of the Civil Rights Act of 1964

Prohibits Discrimination in Assigning Students to Schools, Classes, or Courses of Study in Programs or Activities That Receive Federal Financial Assistance

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Revised September 1998

STUDENT ASSIGNMENT AND TITLE VI IN ELEMENTARY AND SECONDARY SCHOOLS

The United States Congress has enacted civil rights laws that protect individuals from discrimination. An important civil rights law is Title VI of the Civil Rights Act of 1964. Title VI provides:

> 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.

The requirements of Title VI apply to all school districts in the United States that receive funding from Federal programs. Title VI prohibits discrimination on the basis of race, color, or national origin in the assignment of students to schools or classes. It also prohibits discrimination in ability grouping or tracking students.

Assignment to School

School districts may not segregate students on the basis of race, color, or national origin in

assigning students to schools. In some areas, the population distribution of a school district enrolling large numbers of minority and nonminority students may result in schools with substantially disproportionate enrollments of students of one race. Although school districts must ensure that students are not assigned on the basis of race, color, or national origin, the law does not require that each school within a district have a racially balanced student population.

Assignment to Classes

Schools may not segregate students on the basis of race, color, or national origin in making classroom assignments. Some schools offer courses of study that result in the assignment of students to classes with a substantially disproportionate number of minority or nonminority students. Schools must be able to demonstrate valid and nondiscriminatory reasons for such assignments. For example, valid educational reasons may exist when a class provides specially designed instruction to enable limited-English proficient students to acquire English language skills. Students may be assigned to such courses only when appropriate and non-discriminatory evaluation, placement, and exiting criteria and procedures are followed.

Special Education Classes for Students with Disabilities

School districts are responsible for ensuring that students are not misclassified as being disabled and that misclassification does not result in students being inappropriately placed in special education programs. School districts are required to educate students with disabilities with nondisabled students to the maximum extent appropriate. This is an important part of making sure that special education placements are not used to segregate minority students in separate classes.

Classes Designed for National Origin Minority Students with Limited-English Proficiency

School districts are responsible for providing equal educational opportunity to national origin minority students with limited English proficiency (LEP). School districts have failed to comply with the requirements of Title VI if:

- students are excluded from effective participation in school because of the inability to speak and understand English;

- national origin minority students are

misassigned to special education classes because of their lack of English language skills; and

- programs for limited-English proficient students are not designed to teach them English in a timely manner, or operate as a dead-end track.

Many schools have developed courses of instruction that are especially designed for the needs of LEP students. No particular program of instruction is required, as long as the students' needs are effectively met. Courses for LEP students may include disproportionate enrollments of national origin minority students, but they must be designed to allow students to move into regular classes within a reasonable period of time.

Assignment of Students to Elective Courses

School systems often allow voluntary course selection by students. Assignment of students to elective courses sometimes results in disproportionate enrollments of minority or nonminority students in certain classes. These disproportionate enrollments may be caused by school policies or practices that limit choices of

minority students to certain classes. School officials must ensure that all students are provided nondiscriminatory counseling information and have equal access to elective courses.

Assignment to Ability Grouping and Tracking

School districts have a responsibility to ensure that they do not use ability grouping or tracking practices that result in discrimination on the basis of race, color, or national origin. Ability grouping is the assignment of students to classes or instructional groups based upon the students' level of ability or achievement. Tracking is the assignment to different courses of instruction. Ability grouping and tracking sometimes result in courses with substantially disproportionate enrollments of minority or nonminority students. When that happens, the ability grouping or tracking may violate Title VI.

To ensure that the ability grouping or tracking practices comply with Title VI, the criteria used by schools to assign students to ability groups or tracks must be nondiscriminatory. Students must be given the opportunity to move from one ability group to another, or in and out of assigned tracks according to their progress.

If ability grouping or tracking results in classes with substantially disproportionate enrollments of students of one race or minority group, school districts must be able to demonstrate that there is a valid educational justification for their ability grouping or tracking practices.

Testing, Evaluations, and Criteria for Student Assignment

At all times, school districts should be careful to use appropriate criteria and evaluation and testing methods before assigning students to specialized classes or courses of study. Tests must be educationally sound indicators of a student's particular needs and achievement, in order to avoid student assignment to inappropriate courses.

For example, a minority student who has not been properly tested for possible learning disabilities may be assigned to remedial courses that do not provide the type of instruction needed. As another example, national origin minority students with limited-English proficiency may be tested in English, receive scores that are not valid indicators of their proficiency in the tested areas, and be assigned to a class that does not meet their needs. Such student assignments would be discriminatory.

School districts must ensure that all screening procedures are nondiscriminatory. Periodic testing and reevaluation of students in specialized courses of study may be required.

For more information about avoiding discrimination in student assignment, contact the Office for Civil Rights, or call 1-800-421-3481.