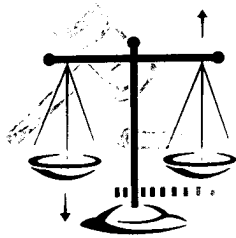


# TITLE VI OF THE 1964 CIVIL RIGHTS ACT



## ***The Law***

Title VI of the 1964 Civil Rights Act requires that "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."

## ***Applicability***

Title VI covers all agencies receiving federal funds. Some examples include: student aid; employee training; grants; loans; property; loans of personnel; tax incentives; and technical assistance.

Title VI applies to discrimination throughout an agency, not just actions involving federally assisted programs.

## ***Filing a complaint***

Title VI complaints involving recipients and beneficiaries may be filed with the Title VI Coordinator by an individual, a class, or by a third party, within 90 days from the date of the alleged discriminatory act. Complaints should be directed to Shirley Sims-Saldana, Title VI Coordinator, 800 2nd Avenue, South, 4<sup>th</sup> Floor, Nashville, TN 37210, phone number **(615) 880-3391**.

**It shall be against the policy of the Metropolitan Government to discriminate against an individual based upon that person's race, color or national origin. This policy applies to applicants for employment and current employees as well as subrecipients and subcontractors of Metropolitan Government Departments that receive Federal Funding.**

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## Title IX - Gender Equity in Education

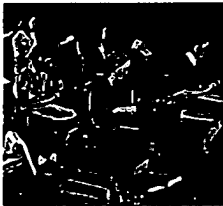
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Title IX, a groundbreaking statute intended to end sex discrimination in education, became the law of the land on June 23, 1972. While most famous for its requirement that schools provide girls with equal athletic opportunities, the law applies to all educational programs that receive federal funding, and to all aspects of a school's educational system. Title IX benefits both boys and girls and is the lynchpin of 40 years of efforts to promote and establish gender equity in schools.

The ACLU Women's Rights Project advocates for educational equality under Title IX in four key areas: sex-segregation and sex stereotypes in education, pregnant and parenting teens' rights, gender-based violence, and athletics.

Established in 1972, the same year Title IX went into effect, the Women's Rights Project has been fighting for women's equality and empowerment ever since. With the help of ACLU affiliates across the country, the ACLU has garnered huge successes in preserving and promoting Title IX's goal of gender equity over the past 40 years.

### Resources



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#### Sex-Segregated Schools

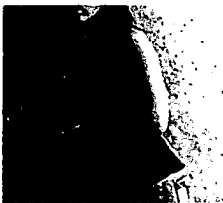
In recent years, the number of public schools separating their students by sex has ballooned, despite mounting evidence that single-sex programs don't improve academic performance and instead perpetuate sex stereotypes. The ACLU Women's Rights Project works to ensure that public schools do not become sex-segregated and that girls and boys receive equal educational opportunities.



Rachael Russell/Stockphoto

#### Title IX and Sexual Violence in Schools

Sexual violence in schools and on campus is a pressing civil rights issue: when students suffer sexual assault and harassment, they are deprived of equal access to an education. Title IX is a powerful tool for students who want to combat sexual harassment and sexual assault, including rape, at school and on college campuses.



Rosemarie Dearhart/Stockphoto

#### Pregnant and Parenting Teens

Pregnant and parenting teens face enormous challenges in accomplishing their educational goals. Approximately 70 percent of teenage girls who give birth leave school, and, evidence suggests that illegal discrimination is a major contributing factor to this high dropout rate.



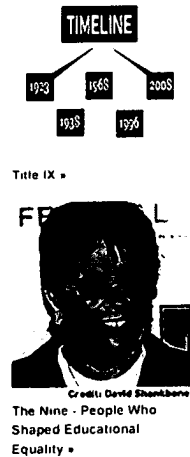
Robert Michael/Corbis

#### Athletics

Nearly 40 years after Title IX was enacted, cases including *Mansourian v. Regents of the University of California* and *Biediger v. Quinnipiac University* continue to be brought to affirm schools' obligations to comply with its mandate for gender equality in athletics.

### More on Title IX

The Nine - People Who Shaped Educational Equality »





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# Texas ADA Regulations

By Kristen Campbell, eHow Contributor

*The function of ADA (Americans with Disabilities Act) is to ensure potential employers, transportation and telecommunication providers, persons with disabilities, as is feasible, the prospect of access to a life of normalcy. Texas is required, as a state (as it receives federal funding ☞), to ensure that all of the ADA is implemented within the state. Exceeding the requirements is permissible provided that doing so does not come into conflict with the federal requirements.*



## Other People Are Reading


[ADA Bathroom Regulations](#)

[ADA Laws in the Workplace](#)

## Title I: Employment

Employers under Title 1 of the ADA are not allowed to discriminate in the hiring of individuals based on their disability. Discrimination includes recruitment, promotion, training and pay and a person cannot be asked any questions regarding their limitations prior to employment. Further, accommodations must be made for the individual with disabilities provided they do not place an undue hardship on the company in question. Adherence to this aspect of the law is enforced by the EEOC, Equal Employment Opportunity Commission ☞ that has a

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## SECTION 504 BASICS

### 1. Section 504 of the Rehabilitation ACT

- Non-discrimination-language prohibits denial of participation or enjoyment of the benefits offered by a public school's programs or activities because of a child's disability
- Recipient is an entity receiving federal funds
- Changes to 504 is a result of Congress fixing a problem in employment litigation

### 2. Referral for a Section 504 Evaluation

- District believes that the student has a physical or mental impairment that substantially limits one or more life activities
- Not dependent on parent for referral but must notify of due process rights
- Examples that may trigger an evaluation
  - ◆ Receipt of psychological assessment
  - ◆ School knowledge of student's need for medication
  - ◆ Student's need for homebound services

### 3. Who conducts Section 504 Evaluation

- Group of persons knowledgeable about child-good practice to include parents
- Gathering of data from a variety of sources so committee can make required determination
- Examples include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior
- Parent consent necessary for initial evaluation according to regulations

### 4. Is Medical Condition Necessary for 504 Eligibility

- Should not be sole means
- District should use other sources and not just one

### 5. Section 504 Timelines

- Should be done in a reasonable period of time
- Good to follow IDEA rules

### 6. Eligibility List Expanded

- Added eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating
- Includes body functions of immune system, normal cell growth, digestion, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions
-

## 7. Definition of Substantial Limitation

- Unable to perform a major life activity that the average person in the general population can perform
- Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which an average person in the general population can perform the same major life activity.

## 8. Must not Consider Effects of Mitigating Measures When determining Whether a Disability Substantially Limits a Major Life Activity(Except eyeglasses or contacts)

- Examples-medication, prosthetics, hearing devices
- Use of assistive technology
- Learned behavioral or adaptive neurological modifications

## 9. Episodic and in Remission

- Must be substantial when active
- Eligibility determined on case-by-case basis

## 10. Grades and Section 504 Eligibility

- Grades are one factor
- Need to consider effort and outside resources
- Section 504 does not require to maximize education, only reasonable accommodations
- Student effort matters

## 11. 504 and Substantially Limiting Learning

- Learning is just one of a number of major life functions
- Visual impairment even with glasses
- Student with colitis

## 12. Disabilities Normally Resulting in 504

- Diabetes(Type I), epilepsy, bipolar disorder
- No list of approved accommodations and services
- Need determines accommodations/services

## 13. Special Education and 504

- Can't be served simultaneously
- If special education, must have an IEP
- If parents reject special education, can't be 504

## 14. Parent Consent

- Refusal means technically eligible
- Can revoke after services begin
-

15. Re-evaluations

- Every 3 years
- Annual reviews are good practice

16. 504 and Extracurricular/nonacademic Services

- Reasonable limitations
- Must not require a fundamental alteration in nature of program

17. Hostile Environment and Disability Harassment

18. Section 504 and Discipline

- Must use manifestation determination
- Mainly involves behavioral controls

19. Section 504 and Illegal Drugs or Alcohol Use

- Manifestation determination does not apply
- Does apply to IDEA-eligible students

20. Consequences of Section 504 Violation

- School changes policies and procedures
- Staff training
- Conduct a re-evaluation
- Provide student with compensatory education

21. Who Gets a 504 Plan

- May not need services
- Technically eligible student
- Parent refusal

22. 504 Evaluation Basics

- Committee must emphasize data-services link
- Evaluation precedes eligibility and delivery of services
- Evaluation means a variety of sources which may include test
- School not medical doctors conduct evaluation which is basis for accommodation decision

23. FAPE

- No cost to parents
- District must not delegate its responsibilities
- No modifications in curriculum for 504 students
- LRE is important