

# EDUCATION EQUITY

**You have the right to an EDUCATION free from illegal discrimination.**

## Laws/Regulations/Statutes

### Federal

- **Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d et seq.**, - prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
- **Title IX of the Education Amendments of 1972** – prohibits sex including pregnancy, sexual orientation, and gender identity discrimination in any education program or activity receiving federal financial assistance.
- **Individuals with Disabilities Education Act (IDEA) 2004** – makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.
- **Rehabilitation Act of 1973, Section 504** – protects the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.
- **Title II of the Americans with Disabilities Act (ADA) 1990**- prohibits discrimination against qualified individuals with disabilities in all programs, services, and activities of public entities.
- **Title III of the ADA**- prohibits private places of public accommodation (including privately-owned, leased or operated facilities like private schools and day care centers) from discriminating against individuals with disabilities.

### State

- **Pennsylvania Human Relations Act (PHRA)**- covers discrimination in employment, housing, commercial property, education, and public accommodations.
- **Pennsylvania Fair Education Opportunities Act (PFEOA)**- is specific to postsecondary education and secondary vocational and trade schools.
- **PA Code of Ethics, Teaching and Diversity - 22 Pa. Code §235.4(b)(4)**- requires the consistent and equitable treatment of students, fellow educators, and parents. Prohibits discrimination on the basis of race, national or ethnic origin, culture, religion, sex or sexual orientation, marital status, age, political beliefs, socioeconomic status, disabling condition or vocational interest.

## Additional Resources

### State Resources

- PA Department of Education
- Safe to Say

### Federal Resources

- Office of the Civil Rights (OCR)

## Discrimination Theories in Education

### Disparate Treatment/Impact

- Policies or practices that disproportionately negatively affects a student or group of students because of race, religion, sex, age, disability, religion or other protected class status.

### Failure to provide reasonable accommodations for disability or religion

### Retaliation

- It is also illegal to discriminate against someone because they:
  - Opposed illegal discrimination.
  - Filed a complaint.
  - Assisted in a complaint investigation.
- This is called retaliation, and the law protects those who oppose illegal behavior.

### Sex

- Discrimination of individuals on the basis of gender with respect to educational activities and programs (including sports) is prohibited in federal law, referred to as Title IX of the Education Amendments of 1972. Title IX also protects parents, teachers, and other staff from discriminatory acts.

### Harassment/Bullying

- “Hostile Environment” is the legal framework under which peer harassment (bullying) is analyzed. Harassment creates a hostile educational environment when the conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities or opportunities offered by a school.

## What does the PHRC do?

### PHRC conducts:

- Investigations
- Public Hearings
- Mediation
- Commission Hearings
- Trainings
- Townhall Meetings
- Roundtables
- Community Summits
- Educational/Outreach Programs

Learn more about PHRC by visiting [www.phrc.pa.gov](http://www.phrc.pa.gov)

**To file a complaint, call (717) 787-4410 | (717) 787-7279 or contact the regional office nearest you:**

### Harrisburg

333 Market Street, 8th Floor  
Harrisburg, PA 17101  
717-787-9780 | 717-787-7279 (TTY)

### Philadelphia

110 N. 8th Street, Suite 501  
Philadelphia, Pa 19107  
215-560-2496 | 215-560-3599 (TTY)

### Pittsburgh

301 5th Avenue, Suite 390, Piatt Place  
Pittsburgh, PA 15222  
412-545-5395 | 412-565-5711 (TTY)