



**Officers**  
**Chair**  
Judith L. Lichtman  
National Partnership for  
Women and Families  
**Vice Chairs**  
Derrick Johnson  
NAACP  
Thomas A. Saenz  
Mexican American Legal  
Defense and Educational Fund  
**Secretary**  
Fatima Goss Graves  
National Women's Law Center  
**Treasurer**  
Lee A. Saunders  
American Federation of State,  
County and Municipal Employees  
**Board of Directors**  
Gloria L. Blackwell  
AAUW  
Ray Curry  
International Union, UAW  
Jocelyn Frye  
National Partnership for  
Women and Families  
Jonathan Greenblatt  
Anti-Defamation League  
Mary Kay Henry  
Service Employees International Union  
Damon Hewitt  
Lawyers' Committee for  
Civil Rights Under Law  
Janai Nelson  
NAACP Legal Defense and  
Educational Fund, Inc.  
David H. Inoue  
Japanese American Citizens League  
Benjamin Jealous  
People for the American Way  
Virginia Kase Solomon  
League of Women Voters of the  
United States  
Samer E. Khalaf  
American-Arab  
Anti-Discrimination Committee  
Joni Madison  
Human Rights Campaign  
Marc Morial  
National Urban League  
Janet Murguía  
UnidosUS  
Christian F. Nunes  
National Organization for Women  
Rabbi Jonah Pesner  
Religious Action Center  
of Reform Judaism  
Rebecca Pringle  
National Education Association  
Lisa Rice  
National Fair Housing Alliance  
Anthony Romero  
American Civil Liberties Union  
Liz Shuler  
AFL-CIO  
Fawn Sharp  
National Congress of American Indians  
Maria Town  
American Association of  
People with Disabilities  
Randi Weingarten  
American Federation of Teachers  
John C. Yang  
Asian Americans Advancing Justice |  
AAJC

November 7, 2022

**Update and publish school discipline guidance under Title VI of the Civil Rights  
Act of 1964 to clarify all students' right to be free from racial discrimination**

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

The Honorable Miguel Cardona  
Secretary of Education  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

Dear Attorney General Garland and Secretary Cardona:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 39 undersigned organizations, we strongly urge you to update and publish school discipline guidance under Title VI of the Civil Rights Act of 1964 to clarify all students' right to be free from racial discrimination. While we are truly grateful for the release earlier this year of guidance clarifying schools' obligations not to discriminate in school discipline on the basis of disability consistent with Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA), for students of color with and without disabilities, the Title VI guidance is a critical missing piece of their civil rights protections.<sup>1</sup> Leadership and action from the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) can — and must — enforce civil rights laws, meaningfully respond to racial discrimination in school discipline, and advance policies that create real safety for communities. Every child deserves a safe, welcoming, and inclusive learning environment where they have the chance to learn, grow, and thrive.

After years of advocacy, the Obama administration released a guidance package on January 8, 2014, including a Joint Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline to assist states, districts, and schools in developing practices and policies to enhance school climate and comply with federal civil rights laws. Unfortunately, that guidance was rescinded by the Trump administration on December 21, 2018. While this rescission did not change the way in which civil rights laws are enforced, it did undermine the protections the guidance describes. The civil rights community came together to develop

**President and CEO**  
Maya Wiley

---

<sup>1</sup> The Leadership Conference on Civil and Human Rights. "Department of Education Enforces Vital Nondiscrimination Rights for Students with Disabilities in School Discipline." July 19, 2022. <https://civilrights.org/2022/07/19/department-of-education-enforces-vital-nondiscrimination-rights-for-students-with-disabilities-in-school-discipline/#>

and release the following recommendations to strengthen and issue new guidance to ensure nondiscrimination of students in the context of school discipline.<sup>2</sup>

Ensuring that all our children are safe and welcomed in schools is incredibly important to our organizations, our partners, and the communities we represent. Students, parents, educators, and civil rights advocates asked ED and DOJ for years to get involved and address the overuse and discriminatory use of suspension and expulsion. The 2014 dear colleague letter clarified that ED and DOJ expected schools and districts to treat all children fairly and provided practical tools and guidelines for educators to create safe, healthy, and inclusive environments for all students. The guidance documents were created to help schools serve students more effectively by explaining the harms of pushing children out of school; reminding them that racial discrimination is illegal, including discrimination in school discipline; and providing recommendations and resources to reduce disparities in exclusionary school discipline and improve school climate. Rescinding the guidance sent the opposite message: that the departments did not care that schools were discriminating against children of color by disproportionately excluding them from school and that the departments would not fulfill their role in helping educators create and maintain safe schools that afford all students equal educational opportunities. Because of this message, a show of commitment from both departments to their duty to uphold the law is urgently needed.

The historic release of joint school discipline guidance in July 2022 from the U.S. Department of Education's Office for Civil Rights and Office of Special Education and Rehabilitative Services was a needed step towards ensuring safe and inclusive school environments for all students. By clarifying the protections students with disabilities are entitled to under Section 504 and the IDEA, Secretary Cardona made clear that ED will fulfill its responsibility as a civil rights agency and ensure equal access to educational opportunity. We applaud this effort and urge both agencies to uphold their commitment to enforce civil rights laws and meaningfully respond to racial discrimination in school discipline by updating and publishing the Title VI school discipline guidance.

With the passage and signing of the Bipartisan Safer Communities Act, which includes funds that should be used to implement only evidence-based, preventative, and proactive measures that build positive school cultures and alternatives to exclusionary discipline and criminalization,<sup>3</sup> school districts will be considering various options for actions they can take with respect to school safety. Clarity from ED and DOJ about schools' ongoing obligation to administer these and all programs in accordance with the Civil Rights Act will enable decisionmaking that supports meaningful safety and child wellbeing. Updated Title VI school discipline guidance will allow states, districts, and schools to implement the law in a way that ensures evidence-based investments in positive school climates are used to prevent further disenfranchisement of marginalized young people, including children of color, Native children, children with disabilities, LGBTQI+ young people, immigrant children, other marginalized children, and youth living at the intersections of these identities. In your leadership of ED and DOJ, we urge you to ensure

---

<sup>2</sup> The Leadership Conference on Civil and Human Rights. Comments in Response to Request for Information Regarding the Nondiscriminatory Administration of School Discipline. July 22, 2021. <https://civilrights.org/resource/re-docket-id-ed-2021-ocr-0068-comments-in-response-to-request-for-information-regarding-the-nondiscriminatory-administration-of-school-discipline/>

<sup>3</sup> The Leadership Conference on Civil and Human Rights. Advance Safe, Healthy, and Inclusive School Climates: Invest in Evidence-Based Programs through the Bipartisan Safer Communities Act. August 3, 2022. <https://civilrights.org/resource/invest-in-evidence-based-programs-through-the-bipartisan-safer-communities-act/>



that school districts have the necessary guidance on how to develop practices and policies that provide meaningful safe, healthy, and inclusive school climates and comply with federal civil rights laws while they are implementing the Bipartisan Safer Communities Act.

As organizations committed to the fair and appropriate treatment of all children in all settings, we continue to press for changes to policy and practice — and for solutions and strategies to create positive school climates where there are meaningful improvements to school safety, including a positive learning environment, improved student engagement, and healthy interpersonal relationships. We urge you to join in the call for safe, inclusive, and healthy schools by updating and publishing school discipline guidance under Title VI of the Civil Rights Act of 1964 to clarify all students' right to be free from racial discrimination. We are grateful for your leadership and look forward to hearing your plans to ensure your agency is doing everything possible to advance safe, healthy, and inclusive school climates without compounding harm or increasing discrimination against marginalized students. If you have any questions, please contact Steven Almazán, k12 education senior program manager at The Leadership Conference on Civil and Human Rights, at [almazan@civilrights.org](mailto:almazan@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
The Leadership Conference Education Fund  
Advancement Project  
American Association of Colleges for Teacher Education  
American Association of University Women  
American Atheists  
American Federation of Teachers  
American Humanist Association  
Asian Americans Advancing Justice | AAJC  
Autistic Self Advocacy Network  
Bazelon Center for Mental Health Law  
Center for Learner Equity  
Committee for Children  
Council of Parent Attorneys and Advocates  
Disability Rights Education & Defense Fund  
Girls Inc.  
GLSEN  
Hispanic Federation  
Human Rights Campaign  
IDRA  
Japanese American Citizens League  
NAACP  
National Action Network  
National Alliance for Partnerships in Equity  
National Association of Councils on Developmental Disabilities  
National Center for Learning Disabilities  
National Center for Parent Leadership, Advocacy and Community Empowerment (National PLACE)  
National Center for Transgender Equality



National Council of Jewish Women  
National Disability Rights Network (NDRN)  
National Education Association  
National Urban League  
National Women's Law Center  
Poverty & Race Research Action Council  
Public Justice  
Teach For America  
The Arc of the United States  
The Education Trust  
The Trevor Project  
YWCA USA