

UNDER REVIEW. This document and the underlying issues are under review by the U.S. Department of Education and the U.S. Department of Justice (as of July 30, 2021). Please note that this notation does not have the effect of rescinding this document or reinstating prior guidance.



UNITED STATES DEPARTMENT OF EDUCATION THE ASSISTANT SECRETARY
OFFICE FOR CIVIL RIGHTS

U.S. Department of Education
Office for Civil Rights

Notice of Language Assistance

Notice of Language Assistance: If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov.

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o envíe un mensaje de correo electrónico a: Ed.Language.Assistance@ed.gov.

給英語能力有限人士的通知: 如果您不懂英語，或者使用英語有困難，您可以要求獲得向大眾提供的語言協助服務，幫助您理解教育部資訊。這些語言協助服務均可免費提供。如果您需要有關口譯或筆譯服務的詳細資訊，請致電 1-800-USA-LEARN (1-800-872-5327) (聽語障人士專線：1-800-877-8339)，或電郵：Ed.Language.Assistance@ed.gov。

Thông báo dành cho những người có khả năng Anh ngữ hạn chế: Nếu quý vị gặp khó khăn trong việc hiểu Anh ngữ thì quý vị có thể yêu cầu các dịch vụ hỗ trợ ngôn ngữ cho các tin tức của Bộ dành cho công chúng. Các dịch vụ hỗ trợ ngôn ngữ này đều miễn phí. Nếu quý vị muốn biết thêm chi tiết về các dịch vụ phiên dịch hay thông dịch, xin vui lòng gọi số 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), hoặc email: Ed.Language.Assistance@ed.gov.

영어 미숙자를 위한 공고: 영어를 이해하는 데 어려움이 있으신 경우, 교육부 정보 센터에 일반인 대상 언어 지원 서비스를 요청하실 수 있습니다. 이러한 언어 지원 서비스는 무료로 제공됩니다. 통역이나 번역 서비스에 대해 자세한 정보가 필요하신 경우, 전화번호 1-800-USA-LEARN (1-800-872-5327) 또는 청각 장애인용 전화번호 1-800-877-8339 또는 이메일 주소 Ed.Language.Assistance@ed.gov 으로 연락하시기 바랍니다.

Paunawa sa mga Taong Limitado ang Kaalaman sa English: Kung nahihirapan kayong makaintindi ng English, maaari kayong humingi ng tulong ukol dito sa inpormasyon ng Kagawaran mula sa nagbibigay ng serbisyo na pagtulong kaugnay ng wika. Ang serbisyo na pagtulong kaugnay ng wika ay libre. Kung kailangan ninyo ng dagdag na impormasyon tungkol sa mga serbisyo kaugnay ng pagpapaliwanag o pagsasalin, mangyari lamang tumawag sa 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o mag-email sa: Ed.Language.Assistance@ed.gov.

Уведомление для лиц с ограниченным знанием английского языка: Если вы испытываете трудности в понимании английского языка, вы можете попросить, чтобы вам предоставили перевод информации, которую Министерство Образования доводит до всеобщего сведения. Этот перевод предоставляется бесплатно. Если вы хотите получить более подробную информацию об услугах устного и письменного перевода, звоните по телефону 1-800-USA-LEARN (1-800-872-5327) (служба для слабослышащих: 1-800-877-8339), или отправьте сообщение по адресу: Ed.Language.Assistance@ed.gov.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

December 21, 2018

Dear Colleague:

The purpose of this letter is to inform you that the Department of Justice and the Department of Education are withdrawing the statements of policy and guidance reflected in the following documents:

- Dear Colleague Letter on Nondiscriminatory Administration of School Discipline dated January 8, 2014; and
- Overview of the Supportive School Discipline Initiative dated January 8, 2014.

Additionally, the Department of Education is withdrawing the following related documents:

- *Guiding Principles: A Resource Guide for Improving School Climate and Discipline*, dated January 8, 2014;
- Appendix 1: *U.S. Department of Education* Directory of Federal School Climate and Discipline Resources, dated January 8, 2014;
- Appendix 2: Compendium of School Discipline Laws and Regulations for the 50 States, Washington D.C., and Puerto Rico, dated January 8, 2014; and
- School Discipline Guidance Package FAQs, dated January 8, 2014.

The Dear Colleague Letter on Nondiscriminatory Administration of Discipline (“Guidance”) discussed the legal framework that the Departments employ to analyze complaints of discrimination under Title IV of the Civil Rights Act of 1964 (Title IV), 42 U.S.C. §§ 2000c *et seq.*, and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations, 34 C.F.R. Part 100. Title IV authorizes the Attorney General in certain circumstances to institute a lawsuit against public school boards, colleges, and universities upon receiving a complaint

of discrimination. Title VI prohibits discrimination based on race, color, or national origin by recipients of Federal financial assistance. The Guidance presented and analyzed, under Titles IV and VI, a number of factual scenarios involving the application of school discipline, and indicated what conclusions the Departments might reach in each scenario.

On March 12, 2018, President Trump announced the formation of a Federal Commission on School Safety. President Trump directed the Commission to study and make recommendations regarding several issues, including whether the Guidance and associated documents should be rescinded. On December 18, 2018, the Commission recommended that the Departments rescind the Guidance and associated documents.

States and local school districts play the primary role in establishing educational policy, including how to handle specific instances of student misconduct and discipline, and in ensuring that classroom teachers have the support they need to implement appropriate discipline policies. States and local school districts must also comply with the antidiscrimination protections contained in federal law, including Title VI. The Departments have concluded that the Guidance and associated documents advance policy preferences and positions not required or contemplated by Title IV or Title VI.

Accordingly, the Department of Education and the Department of Justice have decided to withdraw and rescind the Guidance and associated documents. The Departments are firmly committed to vigorously enforcing civil rights protections on behalf of all students. The robust protections against race, color, and national origin discrimination guaranteed by the Constitution, Title IV, and Title VI remain unchanged, and continue to be vital for educational institutions in the United States.

This letter does not add requirements to applicable law and is not intended to, and does not, create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. If you have questions or are interested in commenting on this letter, please contact the Department of Education at ocr@ed.gov or 800-421-3481 (TDD: 800-877-8339); or the Department of Justice at education@usdoj.gov or 877-292-3804 (TTY: 800-514-0383).

Sincerely,

/s/
Kenneth L. Marcus
Assistant Secretary for Civil Rights
U.S. Department of Education

/s/
Eric S. Dreiband
Assistant Attorney General
U.S. Department of Justice