

Arya Marwaha, 6/14/19, UPDATED 9/2/21

Education Rights: Discrimination in Our Education System

Legislation:

Title IV: Civil Rights Act of 1964 authorizes the Attorney General to address certain equal protection violations based on sex, among other bases, in public schools and institutions of higher education

- The Educational Opportunities Section is involved in numerous desegregation lawsuits against public elementary and secondary school districts (as well as one state higher education system) where they seek to ensure that state-sponsored segregation is eradicated.

H.Con.Res.39–117th Congress —CONCURRENT RESOLUTION

- Expressing the sense of Congress that title IX of the Education Amendments of 1972 applies to the National Collegiate Athletics Association (NCAA), and the National Collegiate Athletics Association (NCAA) should work to prevent discrimination on the basis of sex in its programs and activities.

H.Res.397—117th Congress—Resolution

- Expressing sense of the HOR that Critical Race Theory serves as a prejudicial ideological tool, rather than an educational tool, and should not be taught in K-12 classrooms as a way to teach students to judge individuals based on sex, race, ethnicity, and national origin.

117th Congress H.R.4751—Bill

- Exposing Discrimination in Higher Education Act
 - Requires Department of Education's Office for Civil Rights to publish prominently on its website the names of the institutions of higher education (IHEs) that request, and the names of the IHEs that receive, religious exemptions from the prohibition on sex discrimination in federally funded education programs and activities

H.R.730 — 117th Congress —Bill

- Equity and Inclusion Enforcement Act of 2021
 - This bill authorizes private civil causes of action for disparate impact violations (to the same extent as intentional violations) of federal regulations of general applicability that prohibit discrimination on the ground of race, color, or national origin in programs or activities

H.R.3836 — 117th Congress —Bill

- Protecting our Students in Schools Act of 2021
 - To prohibit the use of corporal punishment in schools, and for other purposes

Arguments:

Pro-Discrimination Policies in Education	Anti-Discrimination Policies in Education
<ul style="list-style-type: none"> ● seven states with so-called "no promo homo" laws, education laws that explicitly prohibit the positive portrayal of homosexuality in schools. ● The laws, which are currently in effect in Alabama, Texas, Arizona, South Carolina, Oklahoma, Louisiana and Mississippi (Utah repealed its law last year), affect millions of public school students annually and can have various negative effects on LGBTQ youth, according to a recent report by GLSEN, an LGBTQ 	<ul style="list-style-type: none"> ● OCR enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive Federal funds from the Department of Education. ● These laws prohibit discrimination on the basis of race, color, and national origin, sex, disability, and on the basis of age. ● These laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools,

education advocacy group	state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds.
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Current State of the Issue:

- Several federal civil rights laws prohibit discrimination in programs or activities that receive federal financial assistance from the U.S. Department of Education:
 - A. Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the bases of race, color, and national origin
 - B. Title IX of the Education Amendments of 1972 - prohibits sex discrimination
 - C. Section 504 of the Rehabilitation Act of 1973 - prohibits disability discrimination
 - D. Title II of the Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination on the basis of disability. (Title II prohibits discrimination on the basis of disability by public entities, whether or not they receive federal financial assistance)
 - E. Age Discrimination Act of 1975 - prohibits age discrimination
- However, further legislation is needed to solve several discriminations still present in our education system:
 - A. Exposing Discrimination in Higher Education Act
 - B. Equity and Inclusion Enforcement Act of 2021
 - C. Protecting our Students in Schools Act of 2021

Relevant Education Reform for 8th District of Illinois:

- The Illinois public school system (prekindergarten through grade 12) operates within districts governed by locally elected school boards and superintendents. In 2013 Illinois had 2,072,880 students enrolled in a total of 4,266 schools in 1,070 school districts.

Improving Krishnamoorthi’s main policy—**Strengthening Education At Every Level**

4-point plan for affordable college

- a new Opportunity Tax Credit that allows families with up to \$200,000 in annual income to claim a total of \$15,000 in tax credits per student.
- Increasing the maximum Pell Grant by 75%--increasing investment in Pell Grants would enable more low income families to afford sending students to college.
- Creating a 401k-style plan whereby employers match employee payments on student debt, with contributions exempted from income and payroll taxes.
- Streamlining the Free Application for Student Aid (FAFSA) form through the use of prior-year data already available to the IRS.

Opposes states adopting federal education standards

- Krishnamoorthi opposes the PVS survey question on education standards

Voted YES on private lawsuits for school race discrimination.

- This bill authorizes private civil causes of action for discrimination on the ground of race, color, or national origin, including anti-Semitism) in programs receiving federal financial assistance.

Recent Cosponsored legislation by Congressman Krishnamoorthi:

H.R.4332 — 117th Congress (2021-2022)

Safe Schools Improvement Act of 2021

H.R.2283 — 117th Congress (2021-2022)

Teaching Asian Pacific American History Act

[H.R.2232](#) — 117th Congress (2021-2022)
Help Students Vote Act

[H.R.604](#) — 117th Congress (2021-2022)
Reopen and Rebuild America's Schools Act of 2021

[H.R.5374](#) — 115th Congress (2017-2018)
Student Non-Discrimination Act of 2018

[H.R.7124](#) — 115th Congress (2017-2018)
Keeping All Students Safe Act

What Congress Can Do:

Problems:

Classroom Size, Poverty, Family Factors, Technology, Bullying, Student Attitudes and Behaviors, No Child Left Behind, Parent Involvement, Student Health, Funding

Solutions:

- Legislature and bills that continue to support these 10 goals listed above (see Legislation, cosponsored, etc. for more info)

Bibliography

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<https://www.causes.com/bills/hr4751-117-exposing-discrimination-in-higher-education-act>

<https://krishnamoorthi.house.gov/issues/education#:~:text=In%20June%2C%20this%20bill%20passed,build%20a%20middle%2Dclass%20life.>

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