



U.S. Department of Education Announces Actions to Address Religious Discrimination

In July, the U.S. Department of Education (ED) announced several actions intended to address religious discrimination and promote inclusive school environments. Announcing the new steps, Assistant Secretary for Civil Rights Catherine Lhamon said, "Students of all religions should feel safe, welcome and valued in our nation's schools. We will continue to work with schools and communities to stop discrimination and harassment so that all students have an equal opportunity to participate in school no matter who they are, where they come from or which faith, if any, they subscribe to."

The Department of Education Office for Civil Rights (OCR) enforces Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin, which has been interpreted to include a person's actual or perceived shared ancestry or ethnic characteristics or citizenship or residency in a country with a dominant religion or distinct religious identity. For example, Title VI prohibits discrimination based on membership in a religion that may be perceived to exhibit ethnic characteristics, such as has sometimes been directed at Hindu, Jewish, Muslim, and Sikh students.

The new Department of Education actions include:

- **Religious discrimination website:** OCR introduced a new webpage that includes information about federal laws that prohibit discrimination on the basis of religion. From the webpage, visitors can learn about OCR policy guidance, case resolutions, and resources from other federal agencies.
- **Updated online complaint form:** OCR updated its online complaint form. The updated form clarifies that OCR may investigate complaints about religious, ethnic, or national origin discrimination that involve religion. The form also states that OCR will accept such complaints that involve religion even though the laws OCR enforces do not expressly address religious discrimination in the context of education. In a press release announcing the updated form, OCR explained that it has "used enforcement as a key tool to protect students of many religious backgrounds from unlawful discrimination, including Jewish students

subjected to anti-Semitic epithets and Muslim students targeted for wearing a hijab and called terrorists." In the context of enforcement actions, where OCR finds that schools have failed to address a hostile environment, OCR seeks to secure commitments from the schools to improve their policies and procedures, conduct training for staff and students, and administer school climate surveys.

These actions are among the latest efforts by ED to address discrimination involving religion. Recently, ED has also:

- Revised the Civil Rights Data Collection to seek information on the number of religious-based bully or harassment incidents in the 2015-2016 school year;
- Issued a fact sheet about combating discrimination against Asian American, Native American, Pacific Islander, Muslim, Arab, Sikh, and South Asian students;
- Adopted new regulations for its Equity Assistance Centers that will enable them to provide technical assistance to public school districts, parents, students, and community organizations about religious discrimination and harassment.

In addition, other federal government agencies are taking steps to address unlawful religious discrimination. The U.S. Department of Justice launched a webpage related to hate violence, including its enforcement of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. The U.S. Equal Employment Opportunity Commission released a fact sheet about religious discrimination in employment directed at young workers.