# Chapter 12: What to do When You Experience Discrimination

## Introduction:

Discrimination can happen when you or your child is treated differently for an illegal reason. Being treated differently isn’t always illegal discrimination. For example, it is legal to pay people a different salary depending on their skill and education level. Illegal discrimination can occur when people are treated differently because of their disability, age, race, gender, or other characteristic protected by law. Discrimination prevents a person from enjoying their human and legal rights on an equal basis with others because of an illegal distinction made in policy, law, or treatment and should not be tolerated. If you feel you have experienced discrimination, there are things you can do.

## Definitions:

* **Discrimination** means to treat a person differently, or less favorably. Discrimination can occur to people at school, at work, where they live, or in a public place, such as a store or movie theater. You can be discriminated against by many different sources including school administrators, teachers, coaches, employers, co-workers, managers, healthcare providers, or business owners.

## What Families Should Expect:

* There are many different laws that protect against discrimination because of disability. There are laws that protect against discrimination for students with disabilities, employees with disabilities, people with disabilities looking for housing, people with disabilities using community businesses, people with disabilities going to the doctor, and more. It is important to understand which law applies to your situation. It is also important to document carefully when you think discrimination has happened to you or your child. This includes taking detailed notes of what happened during the incident, and the time and place the incident occurred. Also, make a note of all the individuals who were present when you experienced discrimination. Having written notes, emails, and witnesses can help you pursue a solution. Reaching out to a civil rights attorney or agency can help you understand your rights and remedies.

## What Families Want Their Team Members to Know:

Discrimination and unfair treatment lead to poorer outcomes for children and families. Children who are treated unfairly or who have experienced discrimination in the places they live, learn, or play are more likely to have negative attitudes about the people, or places they have experienced. When parents experience a high level of discrimination (especially cultural and ethnic), their children have more behavioral problems and poorer academic performance by age 5.

There may be an easy way to provide an accommodation or modification to my child that will give them equal access to the program you provide. Too often, you will not discuss a change in your policies or procedures that would allow my child to participate. I want to trust that you have educated yourselves about the laws that require you to make an individualized determination about how to accommodate my child.

Failing to provide services that are culturally competent and allow me to participate fully by giving me language access is treating me unfairly. It also prevents me from being the best advocate for my child. Please ensure that my language and culture is accommodated in all services you provide.

## What Team Members Want Families to Know:

You can help us understand your need for accommodations and your child’s need for accommodations or modifications by actively participating in decisions that are made about your eligibility for our program and the services and support we provide. Actively participating in discussions will help us understand the need for accommodations and find solutions that work for everyone.

There are many different ways to provide accommodations and modifications. The laws that prevent discrimination do not require a specific accommodation or modification in every case. The accommodation or modification provided must be effective. We might suggest an accommodation that is different from what you request. As long as our proposal is effective for you or your child, we will be supporting you as required by the law. We can come up with the best solution if we work together.

## Family Checklist:

* Have I educated myself on anti-discrimination laws?
* Do I know where to find information about discrimination?
* Do I keep good records of any discrimination that occurs?
* Do I participate actively in decisions about accommodations?
* Have I effectively communicated our support needs?
* Have I learned how to be a good advocate?
* Have I worked with my team to make sure we are on the same page in identifying any need for accommodations or modifications?

## Team Member Checklist:

* Do we understand our obligations to make our program accessible?
* Are we open to discussing changes to our policies or procedures?
* Do we ensure all families are treated equally?
* Do we know how to operate in a way that is culturally competent?
* Do we ensure that families have language and cultural access to our program?
* Do we understand how to counter the negative consequences of discrimination?

## Resources:

[Disability Rights Ohio](https://www.disabilityrightsohio.org/)

[National PTA Children with Special Needs](https://www.pta.org/home/run-your-pta/Diversity-Equity-Inclusion/supporting-multicultural-membership-growth/Children-With-Special-Needs)

[Office for Civil Rights](https://www2.ed.gov/about/offices/list/ocr/index.html)

## Selected laws that protect against discrimination and where to file a complaint

### The Individuals with Disabilities Education Act (IDEA)

The IDEA protects students with disabilities from unfair treatment by requiring school districts to provide an individualized program of services and supports that allows students with disabilities to access a free appropriate public education (FAPE). If you think your school has failed to provide a FAPE, you can file a complaint with the Ohio Department of Education. Visit <https://education.ohio.gov/Topics/Special-Education/Dispute-Resolution>

### The Americans with Disabilities Act (ADA) (disability discrimination)

The ADA protects people with disabilities from discrimination in many areas of life. If you think you have experienced discrimination by state or local government (such as a public hospital or public school) or a public place (such as a restaurant, doctor office, hotel), you can file an ADA complaint. You can file a complaint. For more information on how and where to file a complaint visit [www.ADA.gov](http://www.ADA.gov)

* For complaints involving housing disability discrimination, you can file with the Department of Housing and Urban Development (HUD). Visit [www.HUD.gov](http://www.HUD.gov)
* For complaints involving employment disability discrimination, you can file with the Equal Employment Opportunity Commission (EEOC). Visit [www.EEOC.gov](http://www.EEOC.gov)
* For complaints involving air travel you can file with the Department of Transportation (DOT). Visit [www.Transportation.gov](http://www.Transportation.gov)
* For all other complaints of disability discrimination, you can file with the Department of Justice, Civil Rights Division. Visit [www.civilrights.justice.gov](http://www.civilrights.justice.gov)

### The Rehabilitation Act of 1973 (disability discrimination)

The Rehabilitation Act is a civil rights law that prevents discrimination because of disability in programs that receive federal money. Disability discrimination in public schools and private schools that receive federal money is covered by this Act.

### Title VI of the Civil Rights Act of 1964 (race, color, and national origin discrimination)

Title VI prohibits discrimination on the basis of race, color, and national origin. This includes discrimination based on a person’s limited English proficiency or English learner status (such as failure to provide interpreters and translations); and actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals).

### Title IX of the Education Amendments of 1972 (discrimination based on sex)

Title IX prohibits discrimination based on pregnancy, parental status, and sex stereotypes (such as treating persons differently because they do not conform to sex-role expectations or because they are attracted to or are in relationships with persons of the same sex). Allegations of sexual harassment and assault in schools are covered by Title IX.

These civil rights laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries and museums that receive federal financial assistance from ED. These include all public schools and most public and private colleges and universities.

* For complaint involving the above three laws, you can file with the United States Department of Education, Office for Civil Rights. <https://www2.ed.gov/about/offices/list/ocr/index.html>