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Guiding Every Student Higher



2026 Federal Programs Institute

Climbing Together: Navigating Federal Civil Rights and State Law Obligations

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August 2026



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- Overview of Federal Civil Rights Statutes and Definitions
- State Obligations under Federal Statutes



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Overview of Federal Anti-Discrimination Laws

Federal Statutes

- **Title VI of the Civil Rights Act of 1964 (Title VI)**
 - Race, Color, National Origin
- **Title IX of the Education Amendments of 1972 (Title IX)**
 - Sex
- **Section 504 of the Rehabilitation Act of 1973 (Section 504)**
 - Disability



Definitions

- **Discrimination:** Conduct that deprives a student of the benefit of an educational opportunity on the basis of a protected class (race, color, national origin, sex, or disability).
- **Harassment:** Behavior directed at a student based on a protected characteristic that interferes with their academic performance or participation in a school's programs or activities and creates a learning environment that a reasonable person would find threatening, intimidating, or hostile.
 - Note: There is a separate definition of sexual harassment.
- **Retaliation:** Adverse action against an individual for filing a complaint or participating in an investigation.

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Federal Definition of Harassment

- Harassment that:
 - Is sufficiently severe, persistent, **or** pervasive that it creates a hostile environment or interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school; **AND**
 - Involves one or more of the following protected classes:
 - Race, color, national origin (Title VI);
 - Disability (Section 504); or
 - Sex (Title IX) (note separate definition of sexual harassment).
- Students are protected from harassment from other students, school/district employees, and third parties.

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What is severe, persistent, or pervasive?

- Severe - extreme acts, actions that may include physical assault or severe threat of bodily harm
- Persistent - behavior that happens repeatedly
- Pervasive - the unwelcome behavior is found throughout the school environment (school climate/culture)



Title IX Sexual Harassment

- Sexual harassment under Title IX:
 - A school employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or
 - Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
 - Sexual assault, dating violence, domestic violence, or stalking as defined under federal law.
- To be actionable, the school must exercise substantial control over both the respondent and the context in which the sexual harassment occurred.

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Types of Harassment

- Harassing conduct may take many forms:
 - Verbal acts, name-calling
 - Graphic written statements
 - Conduct that may be physically threatening, harmful, or humiliating
- Harassment does **not** have to:
 - Include intent to harm,
 - Include imbalance of power,
 - Be directed at a specific target, or
 - Involve repeated incidents.



Scope

- Programs or activities that receive federal funds from the TDOE
- All program areas (academics, extracurricular, and athletics)
- Applies to all activities of a school, even those that occur off campus
- Title IX sexual harassment rules apply to all school education programs and activities. This includes all locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the sexual harassment occurred.



Obligation to Investigate

- A school is responsible for addressing harassment incidents of which it **knows or reasonably should have known**.
- Different standard for sexual harassment:
 - A school is required to respond when it has **actual knowledge** of sexual harassment.
 - Actual knowledge: Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX coordinator, any official of the recipient with authority to institute corrective measures on behalf of the recipient, or any employee of an elementary or secondary school.



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Federal Civil Rights Laws and Tennessee Laws and Rules

U.S. Department of Education Office for Civil Rights (OCR)

- OCR enforces federal civil rights laws in schools and other recipients of Department of Education funding throughout the nation, managing and sustaining an expert staff across 5 regional offices.
- OCR receives complaints from parents / guardians and conducts compliance review investigations.
- OCR has sole jurisdiction over Section 504 complaints.



Tennessee Department of Education Office for Civil Rights

- The Tennessee Department of Education's Office for Civil Rights (TOCR) is responsible for investigating and ensuring compliance with civil rights laws (Title VI of the Civil Rights Act of 1964 (Title VI) and Title IX of the Education Amendments of 1972 (Title IX))—both within the department and in programs that receive federal funding as subrecipients from the department including public school districts and public charter schools.



Responsibilities of TOCR

- Tennessee State Board Rule 0520-01-21 outlines TOCR's responsibilities to ensure compliance with Title VI and Title IX.
- TOCR does not bring lawsuits on behalf of parents or school districts and does not provide monetary compensation.



Overview of Investigative Process

1

An individual files a Complaint with TOCR. The Complaint informs TOCR of the alleged discriminatory action, provides contact information, and serves as the basis for TOCR's investigation

2

TOCR will determine whether or not it has the authority to investigate the Complaint. If TOCR lacks jurisdiction, TOCR will dismiss the Complaint. If TOCR possesses jurisdiction, TOCR will send letters informing the involved parties of the investigation.

3

The Recipient who allegedly acted in a discriminatory way will respond to the allegations.

4

If necessary, TOCR will request additional information from both parties and interview individuals to investigate the alleged discrimination.

5

TOCR will issue an Investigative Summary and Findings report and send copies of this report to both parties.



Local Grievance Options

- Each LEA has Title IX, Title VI, and Section 504 grievance options at the district level
- Title IX, Title VI, and Section 504 Coordinators serve as LEA points of contact and subject matter experts



Title IX

- Prohibits discrimination on the basis of sex.
 - e.g., sexual harassment and gender-based harassment
- Both males and females are prohibited from engaging in harassment.
- Both males and females are protected from harassment.
- Does not need to involve members of the opposite sex.

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LGBT Students

- ALL students—including LGBT students—are protected from harassment based on their sex. This includes sexual harassment and gender-based harassment.
- Harassment that is not prohibited by Title IX may still be prohibited by the Tennessee harassment, intimidation, bullying, and cyberbullying law—always act!

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Additional Issues Involving Title IX

- Pregnant or Parenting Students
- Athletic Opportunities and Benefits

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Bullying & Harassment Reporting – Tenn. Code Ann. § 49-6-4503(c)(2)-(3)

- Districts/schools must report to the Tennessee Department of Education (TDOE):
 - Number of complaints brought to their attention;
 - Findings; and
 - Number of complaints resulting in **disciplinary action**.
- Districts/schools must use the TDOE reporting form.
- Statewide data is compiled, posted on the TDOE website, and provided to the General Assembly.

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Title IX Implementation Plan

- T.C.A. § 4- 4-123 requires all state entities subject to Title IX to develop a Title IX compliance report and implementation plan by October 1 of each year.
- The plan is submitted to the Department of Audit and distributed to the governor and to each member of the General Assembly.



Title VI

- Prohibits discrimination and harassment based on race, color, or national origin.
- **Race**
 - A group of persons related by common descent or heredity
 - Includes physical and non-physical traits of that group
- **Color**
 - Skin tone (light vs. dark)
- **National origin**
 - Refers to the country a person is from or where that person's ancestors were from
 - Legal obligation to serve English Learners

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Title VI and Religion

- Prohibits discrimination and harassment based on race, color, or national origin.
- Does not cover discrimination solely based on religion, but prohibits harassment involving:
 - racial, ethnic, or ancestral epithets, or slurs
 - how a person or group looks, dresses, or speaks if linked to ethnicity or ancestry
 - inherited traits
 - stereotypes about people who share certain ancestral or ethnic characteristics



Additional Title VI Issues

- Discriminatory practices in discipline
- Equal opportunities for English Learners
- Discriminatory practices based on actual or perceived shared ancestry
- Racial discrimination in special education
- Equal access to educational opportunities

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Antisemitism Reporting – Tenn. Code Ann. §49-50-1801

- Requires LEAs and public charter schools integrate the definition of antisemitism referenced in Tenn. Code Ann. § 49-50-1801 into codes of conduct or antidiscrimination policies.
 - Antisemitism is defined “as a certain perception of Jews, which may be expressed as hatred toward Jews including, but not limited to, rhetorical and physical manifestations of antisemitism directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”
- LEAs and public charter schools must formally report incidents and complaints of antisemitic discrimination and harassment to the department’s Title VI Coordinator.
 - All incidents and complaints of antisemitism reported to the LEA or public charter school must be investigated by the Title VI coordinator, in accordance with Title 49, Chapter 6, Part 45 and local school board policies, before reports are formally reported to the department’s Title VI Coordinator. [T.C.A. § 49-50-1803(b)(2)]

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Title VI Implementation Plan

- T.C.A. § 4-3-1704 requires all state governmental entities subject to the requirements of Title VI to develop a Title VI implementation plan.
- Each entity submits this annual Title VI compliance report and implementation plan to the Tennessee Department of Human Resources.



Section 504

- Prohibits disability-based harassment (bullying a student ***because of*** their disability).
- Abusive jokes, crude name-calling, threats, physical assault, etc.
- Applies to visible and non-visible disabilities.
- When a child who receives special education or related services is harassed on any basis, a school's failure to remedy may constitute a denial of a free and appropriate public education (FAPE).

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Additional Section 504 Issues

- Providing FAPE
- Discriminatory Discipline
- Equal Access to Education Programs & Activities
- Accessibility

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Section 504 Service Plans in Tennessee

- TN PULSE
 - Individual Learning Plans (ILP)
 - Individual Learning Plans – Dyslexia (ILP - D)
 - Individualized Education Program (IEP)
 - Section 504 Plans



Local Grievance Options

- Section 504 Coordinator serves as a district's point of contact
- General Complaints:
 - Grievance procedure should include reasonable timeframes, an opportunity to present evidence, notification of findings, and an appeals process.
 - Grievance procedures must ensure that complaints are resolved in a prompt and equitable manner.
- Due Process Hearings



Bullying & Harassment Reporting – Tenn. Code Ann. § 49-6-4503(c)(2)-(3)

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State and Federal Grievance Options

- OCR has sole jurisdiction to investigate Section 504 complaints filed by individuals, or their representatives, who allege that they have experienced disability-based discrimination.



Tennessee's Harassment, Intimidation, Bullying and Cyberbullying Law

- T.C.A. § 49-6-4502 outlines the definition of Harassment, Intimidation, Bullying and Cyberbullying
- Conduct that falls outside of the scope of federal civil rights laws may still require action by LEAs under Tennessee's harassment, intimidation, bullying, and cyberbullying law!

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In review

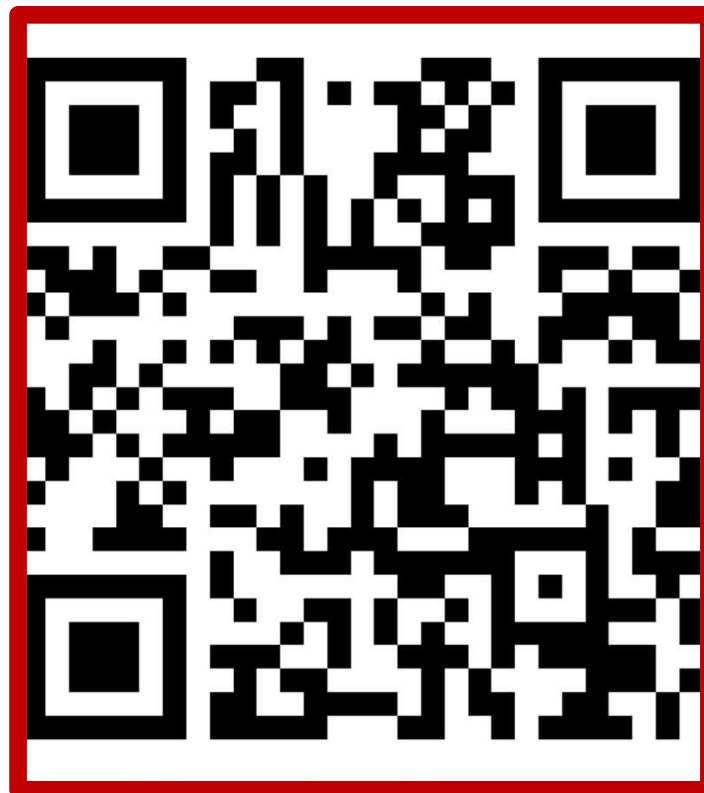
- In addition to the federal requirements under Title IX, Title VI, and Section 504 the State of Tennessee provides state-specific grievance options and compliance monitoring methods.
- TOCR ensures compliance with Title IX and Title VI through reporting and compliance investigations.
- TOCR creates and submits the required implementation plans as an added level of monitoring.
- OCR has sole jurisdiction to investigate Section 504 complaints.



**Please share your
feedback from this
session.**

You may also find complete the
feedback survey at this link.

[2026 Federal Programs Institute Session
Feedback Form](#)



What's Next | 1:00 – 2:10 p.m.

- Strengthening Neglected & Delinquent Programs (Room 3)
- Building Digital Workflows for Compliance (Room 4)
- ESL Rule in Real-World Contexts (Room 5)
- From Policy to Practice (Room 6)
- Serving Students Experiencing Homelessness (Room 9/10)



Questions?

TDOE.CivilRights@tn.gov

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