

READ ABOUT THE PENDING OCR INVESTIGATIONS AND WHAT THEY COULD MEAN FOR CISD

The Office of Civil Rights or OCR is part of the U.S. Department of Education. OCR investigates claims of discrimination and hostile environments in school. CREED, along with other claimants, currently has 8 open claims against CISD.

- Three claims involve racial harassment;
- Two claims involve gender or sexual harassment
- Three claims involve disability discrimination

These claims are all pending before OCR, but if OCR finds against CISD in *any* of the investigations, it could implement broad remedial measures. In other cases, OCR has required:

Anti-Harassment Reporting Mechanisms

OCR Case No. 15-15-1212 (2017), OCR found that Lebanon City School District (“LCSD”) was on notice of the hostile environment at its junior high school and high school but failed to take any steps to redress racial harassment, including the use of racial slurs at school, at school events, and on social media. As part of LCSD’s resolution agreement OCR required LCSD revise its policies and complaint procedures to explain the reporting procedures, impose reporting obligations upon staff, provide guidance and examples of the conduct covered by the policy, and designate prompt timeframes for each stage of investigation. To ensure documentation of this system would be maintained, OCR required LCSD to create a searchable electronic database that tracked 15 data fields related to each incident. LCSD Res. Agr. at 1-4.

In OCR Case No. 06-17-1978 (2018), OCR’s investigation revealed at least three incidents in Clear Creek Independent School District (CCISD) in which the complainant reported racial discrimination, including the repeated usage of racial epithets and other racially derogatory language and disparate treatment of Black students by teachers. CCISD became aware of but did not appropriately respond to or address these incidents and failed to track harassment complaints in an accessible manner. CCISD Res. Ltr. at 2. OCR’s resolution agreement with CCISD required the District to develop a reporting system and policies that would ensure “[a]dequate, reliable, and impartial investigation of complaints.” CCISD Res. Agr. at 2.

In OCR Case No. 06-14-1580 (2018), OCR found that Kerens ISD (KISD) failed to appropriately address repeated discriminatory harassment on the basis of disability and race over the course of multiple school years. KISD entered into a resolution agreement requiring the District to include in its harassment policy a statement that “because students often experience the continuing effects of off-campus harassment in the educational setting, the District will consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus.” KISD Res. Agr. at 3.

Teacher, Student and Administrator Training

In OCR Case No. 15-15-1212, LCSD was required to either conduct assemblies, develop curricula, or create an extracurricular group or program to teach students about racial and other forms of harassment and how to address them. LCSD Res. Agr. at 9. LCSD was also required to implement district-wide training for administrators and staff, including but not limited to, principals, teachers, aides, and coaches. *Id.* at 4-5.

In OCR Case No. 06-17-1978, CCISD was required to provide: training for all teachers, administrators, and counselors at its intermediate school and high school; access to counseling and educational resources to students who are harassed and students found to have engaged in harassment; and age-appropriate training for all students on recognizing discrimination, the importance of reporting and methods for reporting incidents anonymously, the prohibition against retaliation, and the availability of counseling. CCISD Res. Agr. at 3-4.

Dedicated DEI Professionals

OCR has required districts to provide access to coordinators or counselors with specific expertise. These remedies were ordered in OCR Case No. 05-11-5901 (2012), where OCR found that multiple students were harassed by peers because they did not conform to binary gender stereotypes. As a result, those students experienced physical and mental distress that caused some to leave the Anoka-Hennepin School District (AHSD). AHSD was required to, among other things, work with an “Equity Consultant,” hire a “Mental Health Consultant,” and hire or appoint a Title IX and Equity Coordinator. AHSD Res. Ltr. at 3.

In OCR Case No. 06-10-5002 (2015), after a compliance review, OCR found that the Arlington Independent School District (AISD) discriminated against African American and Hispanic students by failing to provide equal access to and equal opportunity to certain programs and courses intended to prepare students of all ages for higher-level learning, college, and career opportunities. As part of AISD’s voluntary resolution agreement, AISD had to retain a consultant “with expertise in addressing the underrepresentation of African American and Hispanic students in college and preparatory courses.” AISD Res. Agr. at 1-2.

In OCR Case No. 05-18-1304 (2018), OCR found that the School District of River Falls (RFD) was aware of repeated race-based comments toward a student but failed to respond appropriately. As part of its resolution agreement, RFD was required to conduct training for district personnel and students and implement a recordkeeping system for investigations of race discrimination. RFD Res. Agr. at 1-2.

Carroll ISD could have implemented these measures proactively to protect its students from a hostile environment. Instead, OCR may require these remedies if they find against CISD in any of the open investigations.