



# OCR, OCR, Where Art Thou?:

The Gutting of the Office of Civil Rights and the Implications It Has for School Districts

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## Learning Objectives

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- Understand the roles and functions of the Office of Civil Rights
- Identify the Impact on Educators and Public School Districts
- Explore proactive steps for supporting civil rights in a changing policy landscape

# The Office of Civil Rights

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EST. 1979

(TRANSFER OF FUNCTIONS FROM DEPT OF HEALTH, EDUCATION  
AND WELFARE)

## What does the Office of Civil Rights do?

“OCR enforces Federal civil rights laws that protect discrimination in programs or activities receiving federal funds from the Department of Education.”

- Investigations
- Compliance Reviews
- Penalty Enforcement for Non-Compliance
- Civil Rights Data Collection Survey
- Provide Technical Assistance to Districts
- Educate the Public



## Pathways to OCR

Individual files a complaint with OCR

- \*Parent
- \*Employee
- \*Organization

District requests a Compliance Review



# Who does OCR protect?

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## K-12 INSTITUTIONS

To Ensure Equal Access for All Students and Employees Under:

- Title VI of the Civil Rights Act of 1964
  - Race
  - Color
  - National Origin

## POST-SECONDARY INSTITUTIONS

- Title IX of Educational Amendments of 1972
  - Sex
- Section 504 of Rehabilitation Act of 1973
  - Disability
- Age Discrimination Act of 1975
  - Age



## WHAT CONDUCT DOES OCR INVESTIGATE?

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**Discrimination:** Negative conduct directed at a person on the basis of race, color, religion, sex, national origin, age, disability, or any other basis prohibited by law that adversely affects the student or employee.

**Harassment:** Physical, verbal, or nonverbal conduct that is severe, persistent, or pervasive enough that the conduct limits one's participation in an educational program or activity.

**Retaliation:** Negative conduct against anyone in response to a complaint of discrimination or harassment, or against a person in response to involvement in the complaint process.

## Examples of Discrimination

- Refusal of services
- Denial of equal opportunities to participate in a program or activity
- Disparate treatment based on a protected class
  - Disproportionate punishment
  - Disproportionate representation in special education, gifted & talented programs, advance placement classes
- Disparate impact of policies
  - Tracking
- Wage discrimination
- Hiring discrimination

## Examples of Harassment

- Bullying
- Offensive or derogatory language directed at another's religious beliefs/practices, accent, skin color, or need for accommodation
- Threatening, intimidating, or humiliating conduct
- Offensive jokes
- Name calling
- Racial slurs
- Rumors
- Unwanted, offensive, or harmful comments on one's physical appearance, personal behavior, or body (body shaming)
- Physical aggression or assault
- Display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes
- Sexual Harassment
  - Quid Pro Quo Harassment
  - Unwelcome conduct that is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District's education program or activity
  - Sexual assault, abuse, dating violence or stalking

### Examples of Retaliation

- Threats
- Rumor spreading
- Ostracism
- Assault
- Non-consensual pictures, videos, or audiotape of sexual activity
- Threats to distribute pictures, video, or audiotape of sexual activity
- Destruction of property
- Negative employment actions (termination, refusal to hire, demotion, denial of promotion, unjustified negative evaluations, unjustified negative references, increased surveillance)

If OCR finds discrimination, harassment or retaliation:

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- Voluntary Compliance Agreements
- Corrective Action Plans
- Enforcement Actions
  - Loss of federal financial assistance
- Negative publicity

## Impact on Students

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- Reduced discrimination
- Access to resources
- Policy changes
- Accountability
- Increased compliance

## OCR Offices

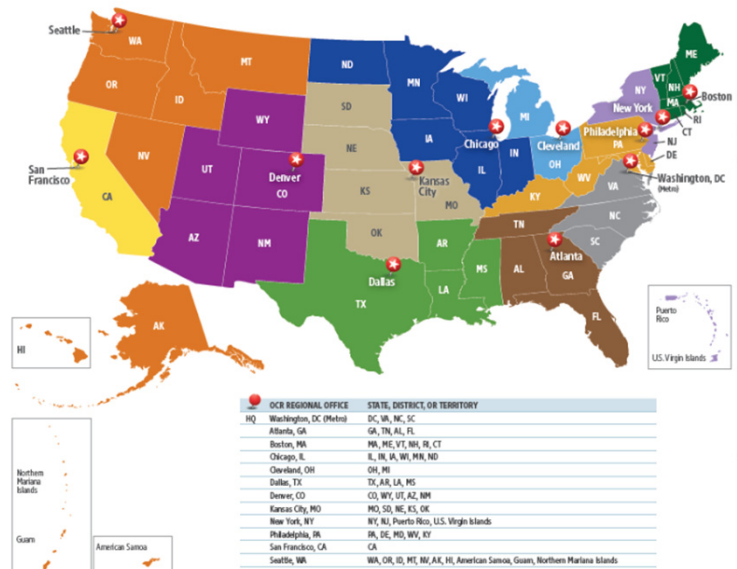
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THEN AND NOW

## Regional OCR Offices

Prior to March 12, 2025

Over 12,000 pending cases on March 12, 2025



## PENDING CASES

### REGIONS CLOSED

Chicago  
Philadelphia  
New York  
Dallas  
San Francisco  
Boston  
Cleveland

### REMAINING REGIONAL OFFICES

Kansas City  
Atlanta  
Denver  
Seattle  
HEADQUARTERS:  
Washington, D.C.

• Over 50% states  
• 60,000 public schools and  
• >30M students (55%)  
• 6000\* Cases from the Closed Regional Offices Now in Limbo?





## Timeline for Complaints

- "Aims to resolve complaints within six months, with the goal of resolving 80% of cases within that timeframe"

### ESE Discrimination Complaints

Pending on May 22, 2025:

- 2632 Cases - Race & National Origin
- 4776 Cases - Disability
- 231 Cases - Sex
- 36 Cases - Age
- 1 Cases – Boy Scouts

**7766 Pending Cases in ESE**

### Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools

As a public service, the Office for Civil Rights (OCR) publishes this list of elementary-secondary and post-secondary institutions that are currently under investigation. OCR updates the list weekly.

An institution named on this list means that OCR has initiated an investigation of a case concerning that institution. Inclusion on the list does not mean that OCR has made a decision about the case. For more information about OCR's case processes, please refer to [OCR's Case Processing Manual](#).

Last Updated: January 14, 2025  
Updated every Tuesday

**7766 ESE Cases + 3074 PSE Cases =  
10,840 Pending Cases as of 1/14/25**

## Congressional Response

“The legacy of Ruby Bridges demands that we have a successful and robustly staffed OCR.”

Source: Letter from Congress, April 23, 205  
[https://casten.house.gov/imo/media/doc/congressional\\_letter\\_on\\_the\\_office\\_for\\_civil\\_rights.pdf](https://casten.house.gov/imo/media/doc/congressional_letter_on_the_office_for_civil_rights.pdf)



## OCR Offices Now

### REGIONAL OFFICE FOR TEXAS: NOW IN KANSAS CITY

To locate the enforcement office serving your area select the state or territory where you live.

The OCR office for Texas is located at:

Kansas City Office  
Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, 3rd floor, Suite 320  
Kansas City, MO 64106

<https://ocrcas.ed.gov/contact-ocr>

Telephone: 816-268-0550  
FAX: 816-268-0599; TDD: 800-877-8339  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)



## IMMEDIATE IMPACT OF CLOSING OF OCR OFFICES

- Reduced  
Investigations

- Reduced  
Resolution of  
Complaints

Topics:

To further refine your results please select the following criteria below:

State:  Clear All

Displaying 774 results

UNIVERSITY OF CALIFORNIA-LOS ANGELES (CA) (09192070) 01/13/2025

Type of Institution:  Clear All

Letter

Topics:

To further refine your results please select the following criteria below:

State:  Clear All

Displaying 494 results

Baylor University (TX) (06162331) 12/12/2024

Type of Institution:  Clear All

Letter Agreement

Topics:

To further refine your results please select the following criteria below:

State:  Clear All

Displaying 328 results

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY (NY) (02244633) 08/22/2024

Type of Institution:  Clear All

Letter Agreement



## Impacts of the Closings

■ Weakened Federal Oversight:  
Reduced Guidance and  
Support

■ Changes in Enforcement  
Practices

Office for Civil Rights | Policy Publications Under Review

Below is a list of former policy guidance that is currently under review by the Office for Civil Rights.

Status:

Topic:

Type:

[Reset Filters](#)

10 entries per page

Date	Page	Status	Topic	Type
11-Dec	<a href="#">Dear Colleague Letter: Guidance on the Voluntary Use of State to Achieve Diversity at Accredited Institutions</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
11-Dec	<a href="#">Guidance on the Voluntary Use of State to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
11-Dec	<a href="#">Guidance on the Voluntary Use of State to Achieve Diversity in Postsecondary Education</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
Feb-14	<a href="#">Notice of final policy guidance: Nondiscrimination in Federally Assisted Programs, Title VI of the Civil Rights Act of 1964</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
10-Sep	<a href="#">Questions and Answers: Fisher v. University of Texas at Austin, Fisher II? This resource is also available in Spanish</a>	Under review	Title VI of the Civil Rights Act of 1964	Fact Sheet
14-May	<a href="#">Dear Colleague Letter on Supreme Court Ruling in Schuette's Coalition to Defend Alternative Admitt.</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
11-Dec	<a href="#">Dear Colleague Letter: Voluntary Use of State to Achieve Diversity in Higher Education after Fisher v. University of Texas at Austin?</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
10-Sep	<a href="#">Questions and Answers: Fisher v. University of Texas at Austin?</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter



## Disparate-Impact Investigations

“A bedrock principle of the United States is that all citizens are treated equally under the law. This principle guarantees equality of opportunity, not equal outcomes.

It is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and basic American ideals.”

**Review of Current Matters and Future Agency Action:**  
Directs agencies to take appropriate action with respect to such matters consistent with the policy of this order

Restoring Equality of Opportunity and Meritocracy  
Executive Order – April 23, 2025



## Policy Review

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11-Dec	<a href="#">Dear Colleague Letter: Guidance on Voluntary Use of Race to Achieve Diversity or Avoid Racial Isolation</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
11-Dec	<a href="#">Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
11-Dec	<a href="#">Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
Feb-94	<a href="#">Notice of final policy guidance: Nondiscrimination in Federally Assisted Programs: Title VI of the Civil Rights Act of 1964?</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
16-Sep	<a href="#">Questions and Answers: Fisher v. University of Texas at Austin (Fisher II)? This resource is also available in Spanish</a>	Under review	Title VI of the Civil Rights Act of 1964	Fact Sheet
14-May	<a href="#">Dear Colleague Letter on Supreme Court Ruling in Schuette v. Coalition to Defend Affirmative Action?</a>	Under review	Title VI of the Civil Rights Act of 1964	Dear Colleague Letter
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## Impacts of the Closings

- Uncertainty for Students and Institutions
- Disproportionate Impact on Students with Disabilities
- Disproportionate Impact on Students in Other Protected Groups



## Impacts of the Closings

- Impact on Civil Rights in General
- Potential for Future Litigation (Federal Lawsuits under § 1983)
- Impact on Research and Development
  - Civil Rights Data Collection



## Injunction to bar the DOE from cutting federal funding to K-12 Districts that don't comply with the Trump administration's anti-DEI policies

20 States Refuse to Return the Compliance Certification

As of April 25, 2025

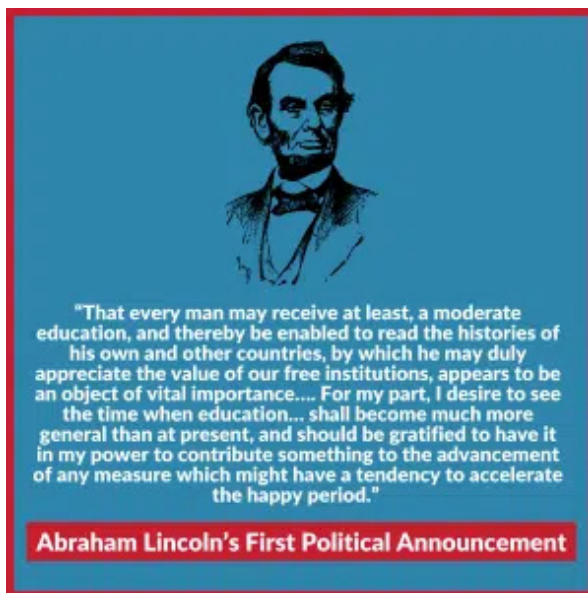
Without an  
Effective OCR

- Longer timelines to resolution
- Fewer investigators: linger for years!
- Less guidance for Districts
- Less enforceability of anti-discrimination laws
  - Not using "disparate impact" analysis

What avenue for relief do aggrieved students have?

# Role of Schools

WITH A LIMITED OFFICE OF CIVIL RIGHTS



## Role of Schools

A Bill for the More General Diffusion of Knowledge  
-Thomas Jefferson & James Madison, 1779

"Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education....To prepare each citizen to choose wisely and to enable him to choose freely are paramount functions of the schools in democracy."

Franklin D. Roosevelt, [Message for American Education Week](#), 1938.



# Educator Ethics

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Source: 19 Tex. Admin. Code § 247.2.

# National Code of Ethics for Educators

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of the democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator strives to help each student realize his or her potential as a worthy and effective member of society.

The educator...shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly –

- a. Exclude any student from participation in any program
- b. Deny benefits to any student
- c. Grant any advantage to any student

Source: National Education Association, <https://www.nea.org/resource-library/code-ethics-educators>



# Board Policy

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## NON-DISCRIMINATION STATEMENT

District ISD does not discriminate on the basis of race, color, religion, sex, national origin, disability, age, or any other basis prohibited by law.

- May include ethnicity, sexual orientation, gender identity, gender expression

20 U.S.C. § 7844(a)(3)(c)

\* Posted on District's Website

## COMPLAINT PROCESS

Board Policy DIA

Board Policy FB

Board Policy FFH

*But not Board Policy DGBA or FNG*



# District Procedures

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- Reporting
- Investigating
- District Action/Response
- Appeal



## Who's Who? District Officials

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- Title IX Coordinator
- ADA/Section 504 Coordinator
- Superintendent
- Teachers, Counselors, Nurses, Paraprofessionals, Administrators, Custodians, Librarians, etc.

## Reporting Procedures

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- Anonymous Reporting
- Formal Complaints
- Informal Complaints

# Investigating Procedures

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- Discrimination Investigations
- Title IX Investigations
  - Supportive Measures
  - No disciplinary action!
- Special Education and/or Section 504
  - Procedural Safeguards

# Investigating Procedures

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## District Action/Response Procedures

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- Prompt and effective!
- Not “deliberately indifferent”
- Any employee who receives a report or observed prohibited conduct shall notify...

## Impact of Executive Orders

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## Executive Orders Impacting K-12



January 20, 2025 Rescissions of “Harmful Executive Orders and Actions”

Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government

January 21, 2025 Ending Illegal Discrimination and Restoring Merit-Based Opportunity

January 27, 2025 Restoring America’s Fighting Force

January 28, 2025 Protecting Children from Chemical and Surgical Mutilation

January 29, 2025 Ending Racial Indoctrination in K-12 Schooling

Expanding Educational Freedom and Opportunity for Families

February 5, 2025 Keeping Men Out of Women’s Sports

March 20, 2025 Improving Education Outcomes by Empowering Parents, States and Communities

## Executive Orders Impacting K-12



April 23, 2025 Advancing Artificial Intelligence Education for American Youth

Reinstating Common Sense School Discipline Policies

Restoring Equality of Opportunity and Meritocracy

Preparing Americans for High-Paying Skilled Trade Jobs of the Future

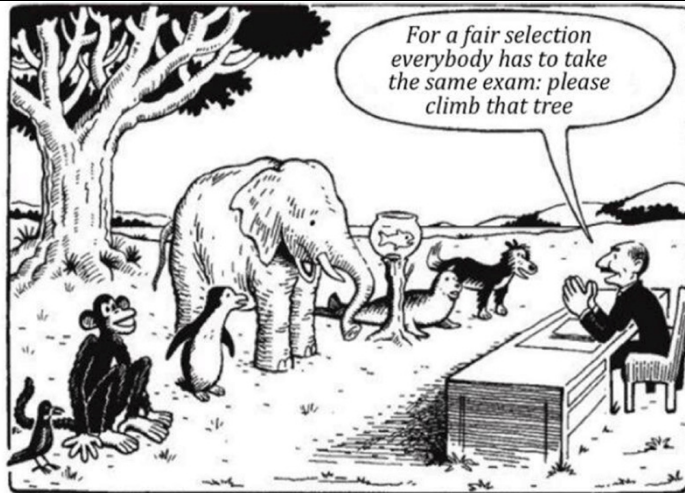
Every man and woman should have the opportunity to go as far as their hard work, individual initiative, and competence can take them. In America, excellence, grit, and determination is our strength.

Source: <https://www.whitehouse.gov/issues/social-causes/dei/>



## EO – Restoring Equality of Opportunity and Meritocracy

Section 1. Purpose. A bedrock principle of the United States is that all citizens are treated equally under the law. This principle guarantees equality of opportunity, not equal outcomes. It promises that people are treated as individuals, not components of a particular race or group. It encourages meritocracy and a colorblind society, not race- or sex-based favoritism. Adherence to this principle is essential to creating opportunity, encouraging achievement, and sustaining the American Dream.



## Our Education System

*"Everybody is a genius. But if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid."*

*- Albert Einstein*

## Is there a place in public schools for diversity, inclusion and equity?

### PROS

- Enhanced educational experience
- Sense of belonging
- Academic achievement
- Preparation for a Diverse World
- Broader Talent Pool

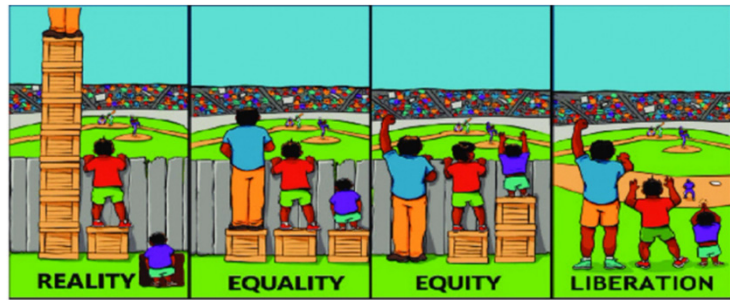
### CONS

- Focus on identity over merit
- Potential for divisiveness
- Unintended consequences (perpetuate stereotypes or sense of victimhood)
- Lack of actionable strategies (awareness without addressing underlying issues)
- Potential for reverse discrimination (majority groups are negatively impacted)

These arguments are made by the proponents and opponents of DEI in public schools. They do not reflect the opinions, views, policies, or position of the presenter, Powell Law Group, or NELI.



What do schools do if DEI is prohibited or tied to funding opportunities?



Under Section 504, students with disabilities have an equal opportunity to participate in their education to the same extent as their peers without disabilities.



## OCR and § 504 Complaints

OCR reviews the procedures by which the School District identifies and evaluates students with disabilities and the procedural safeguards provided to those students.

OCR also examines incidents in which students with disabilities are allegedly subjected to treatment that is different from the treatment to which students without disabilities are subjected.\*

\*BUT, remember the Executive Orders!



## § 504 Complaints – What OCR Does Not Do:

OCR does not review the results of individual placement or other educational decisions so long as the District complies with the procedural safeguards of Section 504 relating to:

- Identification
- Evaluation
- Placement
- Provision of Services Under § 504 Plan

Do you have § 504 Operating Procedures?

Do you share § 504 Procedural Safeguards? (What do you share? When?)

## Be Proactive!

Provide regular training!

- Administrators
- Teachers and Staff
- Students



## Areas of Focus:

- Brain-based teaching strategies
- Welcoming learning environments
- Social-Emotional Learning (Whole Child)
- Trauma Informed Practices
- Student belonging
- Sense of community
- Positive Behavior Interventions
- Family engagement
- Implementation of § 504 Plans
- Classroom Management (Discipline) of Students with Disabilities
- Title IX Investigation Process



## Hold the § 504 Meeting!

If a parent expresses a concern related to their student's 504 plan, consider this:

- Hold a § 504 Meeting and document the parent concerns. Listen proactively and address concerns collaboratively. Document the discussions in the deliberations!

## Common “Grievances” about § 504 Plans

- Denial of FAPE
  - Accommodations are not being implemented.
    - Use an Accommodations Log.
  - One size-fits-all accommodations
    - Individualize the accommodations!
    - Inadequate support

## Common “Grievances” about § 504 Plans

- Extra-curricular participation
  - Field Trips
  - After-school activities (including Clubs)
  - Athletics
- Discipline
  - Hold the Manifestation Determination Review!
- Service Animals

## When to hold § 504 Meetings?

- Annually (best practice)
- 3-Year Re-evaluation and Meeting
- Include meaningful parent participation
  - Prior written notice

## Train your staff!

### DON'T SAY THIS!

- These are the accommodations for students with \_\_\_\_\_.
- We don't provide that here.
- Student doesn't need that! (individual teacher response)
- I didn't even know s/he/they had a 504 plan!
- Student, come up here to my desk so I can give you your accommodations [said in front of the whole class].

### DO SAY THIS:

Let's schedule a 504 meeting to discuss the evaluation and other data. The 504 Committee will determine if Student needs \_\_\_\_\_ added to his 504 Plan.

# Proactive Steps

Provide equal access to policies

Update website, handbooks

- Behavior expectations for students

- Instructional expectations for teachers

- Leadership expectations for administrators

Draft and use § 504 Operating Guidelines!

Focus on the school culture!

Seek legal advice!



## QUESTIONS?

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SCAN ME

# OCR, OCR, Where Art Thou?:

## The Gutting of the Office of Civil Rights and the Implications It Has for School District

Presenters: Tisha P. Brown, M.Ed., J.D.

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### Learning Objectives

### Office of Civil Rights (OCR) - Role and Responsibilities:

OCR enforces \_\_\_\_\_ laws that protect against discrimination in programs or activities receiving \_\_\_\_\_ from the Department of Education.

- \_\_\_\_\_
- \_\_\_\_\_ Reviews
- Penalty Enforcement for Non-Compliance
- Civil Rights Data Collection Survey
- Provide \_\_\_\_\_ to Districts
- Educate the Public

### Who Does OCR Protect?

Students in \_\_\_\_\_ and \_\_\_\_\_ institutions.

Ensures equal access for all students and employees due to protected classes of:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

### Conduct that OCR Investigates:

1. Discrimination:

2. Harassment:

3. Retaliation:

If OCR Finds Discrimination, Harassment, or Retaliation:

OCR Offices - Then and Now

**Impact of Closing OCR Regional Offices**

1. Reduced Investigations
2. Reduced Resolution of Complaints
3. Weakened Federal Oversight: Reduced Guidance and Support
4. Changes in Enforcement Practices
5. Uncertainty for Students and Institutions
6. Disproportionate Impact on Students with Disabilities
7. Disproportionate Impact on Students in Other Protected Groups
8. Impact on Civil Rights in General
9. Potential for Future Litigation (Federal Lawsuits under § 1983)
10. Impact on Research and Development

What do you think the most significant impact of closing the regional offices will be on K-12 schools?

**Role of Schools with a Limited Office of Civil Rights**

In your own words, what is the role of public education?

What role do Educator Ethics play in addressing allegations of civil rights violations?

What role do District policies play in addressing allegations of civil rights violations?

Impact of Executive Orders on Public K-12 Education

Common § 504 Complaints and Responses

To prevent claims of discrimination, public schools can take the following proactive steps:



SCAN ME

Please provide feedback.

Also available at: <https://forms.gle/duojYcfqz5jLJANm7>