

# OCR Complaint: Legal Basis

- + Under Federal Law—specifically, Title VI of the Civil Rights Act of 1964—“No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program [authorized to receive Federal Financial assistance from the U.S. Department of Education]” (34 CFR §100.3[a]).
- + “[This] law[...] protect[s] students who are or are perceived to be members of a religious group, such as Buddhists, Christians, Hindus, Jews, Muslims, and Sikhs, from discrimination...[on the basis of actual or perceived ‘(1): shared ancestry or ethnic characteristics, or (2): citizenship or residency in a country with a dominant religion or distinct religious identity’]
- + “[To establish discrimination on the part of a school district, the OCR must find that:] (1): harassing conduct on the basis of race, color, or national origin is sufficiently serious as to limit or deny a student’s ability to participate in or benefit from the educational program, i.e., creates a hostile environment; (2): a responsible employee of the school knew, or should have known, about the harassment; and (3): the school failed to take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and, as appropriate, remedy its effects.”
  - + ([Know Your Rights: Title VI and Religion; U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS](#))

# OCR Complaint: Consequences

- + "If OCR determines that a [school district] failed to comply with the civil rights law(s) that OCR enforces, OCR will contact the [district] and will attempt to secure [its] willingness to negotiate a voluntary **resolution agreement**."
- + "If the [school district] agrees to resolve the complaint, OCR and the [district] will negotiate and the [district] will sign a written resolution agreement that describes the specific remedial actions that [it] will undertake to address the area(s) of noncompliance identified by OCR."
- + "OCR will monitor the [school district's] implementation of the terms of the resolution agreement until such time as OCR determines that [it] is in compliance with all of the terms of the resolution agreement and the statute(s) and regulation(s) that were at issue in the case."
- + "If the [school district] does not agree to correct its noncompliance with the statute(s) and regulation(s) at issue in the case by entering into a resolution agreement, or if [it] does not comply with the terms of the resolution agreement and the statute(s) and regulations(s) at issue, OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s)."
  - + [How the Office for Civil Rights Handles Complaints: Resolution of the Complaint Upon a Determination of Noncompliance](#)

## OCR Complaint-Case Study: Kyrene School District OCR Reference No. 08-19-1367 (Aug. 23, 2022)

- + The OCR investigation determined that a student was subjected to discrimination on the basis of her national origin in the form of a hostile environment caused by repeated incidents of anti-Semitism by at least nine students—including several disgusting anti-Semitic remarks, Holocaust references and a social media video sent to the student and others depicting a classmate imitating a Nazi soldier while carrying a rifle.
- + The investigation further found that the school district’s response was not “reasonably calculated to fully redress the problems experienced by the Student at the School as a result of the harassment” in that the school district, among other things:
  - + failed to implement a safety plan for the victimized student,
  - + failed to address a more systemic problem of anti-Semitism in the school by narrowly focusing on punishment of the perpetrators
    - + For example, the principal failed to conduct interviews with the teachers responsible for overseeing the classrooms where some of the harassment occurred and failed to gather information regarding the extent of any additional anti-Semitic behavior in the school.
      - + [\[Redacted\] v. Kyrene School District, OCR No. 08-19-1367, Ltr. of Finding \(U.S. Dep’t of Educ., Aug. 23, 2022\).](#)

# OCR Complaint-Case Study: Kyrene School District OCR Reference No. 08-19-1367 (Aug. 23, 2022)

## + Resolution Agreement:

- + The Department and the District entered into a Resolution Agreement that addressed the student's regression and need to engage in a program of homeschooling because of her fear of the hostile environment at the school. She received reimbursement for tutoring, 10 hours of career counseling and other services tailored to remedy the effects of the harassment she suffered.
- + Among other measures, the District was required to review and overhaul its policies and procedures to conform with the demands of Title VI of the Civil Rights Act including its reporting, complaint and investigation processes.
- + The District was required to retrain its staff pursuant to the changed policies and to conduct annual trainings related to Title VI's prohibitions and with respect to appropriate investigative procedures.
- + All measures adopted by the agreement were made subject to the ongoing monitoring by the OCR until such time as "the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Title VI..."
  - + [RESOLUTION AGREEMENT: Kyrene School District, OCR Case No. 08-19-1367](#)

# OCR Complaint: Initiation of Process

- + While not mandatory, the OCR has issued a fillable pdf and electronic form with fields that allow for input of all information required of a satisfactory OCR complaint.
  - + [OCR Complaint Forms - Electronic and PDF Versions](#)
- + "A complaint must be filed within **180 calendar days** of the date of the alleged discrimination unless the time for filing is extended by OCR for good cause shown under certain circumstances."
- + Complete the electronic form or print the fillable form and:
  - + Mail to: Office for Civil Rights in your state: <https://ocr cas.ed.gov/contact-ocr>; OR
  - + Email to: [ocr@ed.gov](mailto:ocr@ed.gov); or your state OCR email
  - + Select Discrimination based on **national origin** when prompted.
    - + [How to File a Discrimination Complaint With the Office for Civil Rights](#)

# OCR Complaint: Processing

- + OCR will evaluate the complaint to determine (1): whether it alleges a violation of Title VI; and (2): whether the complaint is timely and, if not, whether its lack of timeliness may be excused.
  - + If OCR requires more information to clarify the complaint, the filer must respond within 20 days of OCR's contact.
- + If OCR decides to investigate, it will send "letters of notification" to the complaint's filer and the accused institution.
- + "OCR may use a variety of fact-finding techniques in its investigation of a complaint," including reviewing documentary evidence, conducting interviews and site visits.
- + Alternative dispute resolution processes such as mediation are also available.
- + "The complainant may have the right to file suit in Federal court, regardless of OCR's findings."
  - + [How the Office for Civil Rights Handles Complaints](#)

# OCR Complaints: Resources

- + [Know Your Rights: Title VI and Religion; U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS](#)
  - + Flyer with information on Title VI's protections as applied to ethno-religious identity
  - + <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>
- + [\[Redacted\] v. Kyrene School District, OCR No. 08-19-1367, Ltr. of Finding \(U.S. Dep't of Educ., Aug. 23, 2022\).](#)
  - + OCR Letter of Finding in case involving anti-Semitism
  - + <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/08191367-a.pdf>
- + [RESOLUTION AGREEMENT: Kyrene School District, OCR Case No. 08-19-1367](#)
  - + Resolution Agreement for the above-referenced case
  - + <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/08191367-b.pdf>

# OCR Complaints: Resources

- + [Lhamon, Catherine E., "Dear Colleague Letter on Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics" U.S. DEP'T OF EDUC. \(Nov. 7, 2023\)](#)
  - + letter addressing recent rise in anti-Semitic incidents in schools and reminding schools of their Title VI responsibilities
  - + <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>
- + [OCR Complaint Forms - Electronic and PDF Versions](#)
  - + <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>
- + [How to File a Discrimination Complaint With the Office for Civil Rights](#)
  - + <https://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf>
- + [How the Office for Civil Rights Handles Complaints](#)
  - + <https://www2.ed.gov/about/offices/list/ocr/complaints-how.html#:~:text=If%20OCR%20determines%20that%20a,negotiate%20a%20voluntary%20resolution%20agreement>