

Civil Rights Responsibilities in Early Childhood Education Programs

Winston Cornwall, Civil Rights Specialist, ODE

Kate Hildebrandt, Civil Rights Specialist, ODE



Oregon Prohibits Discrimination in Schools

Under Oregon's anti-discrimination statute,

A person may not be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.



ODE K-12 Civil Rights Complaints Process

ODE accepts complaints of discrimination on appeal. ODE's enforcement power and standards for discrimination come from state and federal law.

- Federal Law:
 - Title VI (race, color, national origin)
 - Section 504 and Title II of the ADA (disability)
 - Age Discrimination Act (age)
 - Title IX (sex)

Discrimination Prohibited in Oregon

“Discrimination’ means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex or sexual orientation.” Schools cannot:

- (a) Treat one person differently from another in determining whether such person satisfies any requirement of condition for the provision of such aid, benefit, or service;
- (b) Provide different aid, benefits, or services; or provide aids, benefits, or services in a different manner;
- (c) Deny any person such aid, benefit, or service;
- (d) Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- (e) Aid or perpetuate discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employees;
- (f) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

How do students and parents learn about education civil rights?

- When schools receive Federal funding, they sign an assurance that they will comply with civil rights laws.
- Some Federal civil rights laws and Oregon laws require notification and/or proactive assessment.
 - e.g., Title IX - yearly notification, information on website
 - notice of nondiscrimination in published materials
- Schools are required to recognize and respond to discrimination, regardless of how the parent/student reports it.

ODE Civil Rights Complaint Process, cont.

- Oregon law gives the district the first opportunity to respond to discrimination. The complainant must have exhausted the local district complaint process.
 - The district has issued a final decision (including all levels of appeal); or
 - The district fails to issue a decision at any step within 30 days; or
 - The district fails to respond to the initial report within 90 days
- ODE offers technical assistance throughout the process.

ODE Complaint Numbers

	Submitted	Accepted*	Discrimination Accepted	% of Accepted Alleging Discrimination
2017	N/A	9	5	56%
2018	N/A	23	18	78%
2019	85	28	20	71%
2020**	136	18	13	72%

*ODE may not accept an appeal because: (1) the complaint does not allege actions ODE has authority to respond to, (2) timeliness, (3) the petitioner does not respond to ODE follow-up after submitting information online

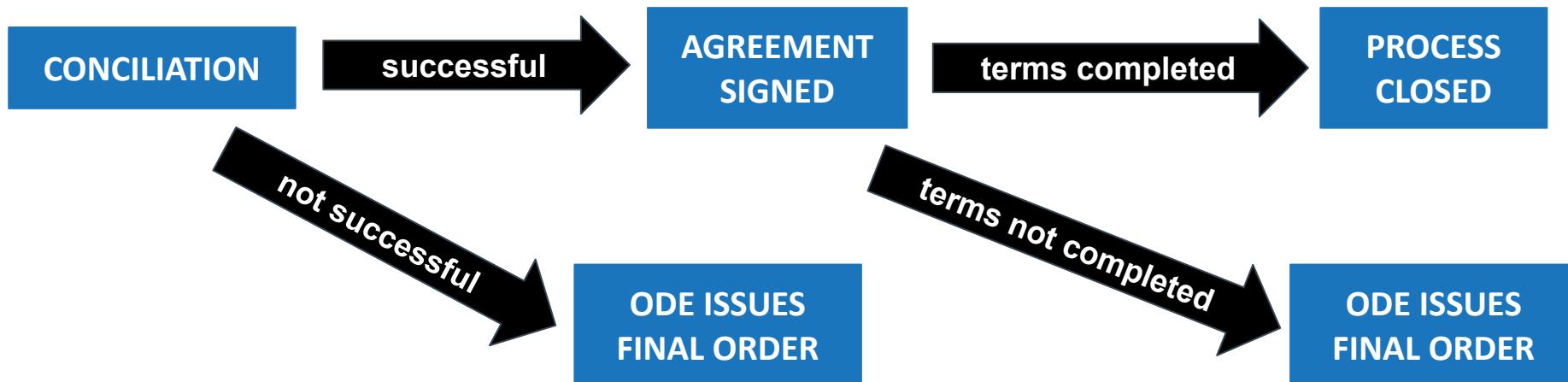
**During 2020, COVID-19 shifted the appeals landscape. Many appeals filed pertained to COVID-19 requirements.

Complaint Numbers, cont.

- Percent of discrimination complaints accepted by type:
 - ~40% report sex and/or sexual orientation discrimination
 - ~40% report disability discrimination
 - ~20% report racial discrimination
- Deficiency findings:
 - Overall, we have found districts deficient in ~50% of all accepted complaints
 - In discrimination, we have found districts deficient in ~55% of accepted complaints

ODE Enforcement

- If a school district is found deficient with regards to discrimination, ODE rules order the district and the complainant to attempt to conciliate.



- If a school district fails to comply with the final order, ODE may withhold funds from the State School Fund.

Possible Corrective Action

- Policy and/or procedure revision
- Training
 - Administrators, educators, and/or students
- Student-focused corrections for harmed parties
 - Counseling, academic support, access accommodations
- School climate analysis and planning



Contact Information:

Winston Cornwall, Civil Rights Specialist, ODE
winston.cornwall@ode.state.or.us

Kate Hildebrandt, Civil Rights Specialist, ODE
katherine.hildebrandt@ode.state.or.us