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RECORD NUMBER OF COMPLAINTS MADE TO THE OFFICE OF CIVIL RIGHTS IN 2015

The United States Department of Education released its annual Office of Civil Rights (OCR) report for the 2015 Fiscal Year on May 4, 2016. See <http://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2015.pdf>. The number of complaints made to OCR was 10,392 - the most ever in a one-year period. There was an increase in some specific areas, which included complaints in English learners; harassment based on race, color, or national origin; restraint or seclusion of students with disabilities; accessibility of curriculum through technology for students with disabilities; and sexual violence.

Overall, the most complaints received in 2015 by OCR, regarding type of alleged discrimination, was for disability discrimination. With 4,806 complaints made, disability discrimination complaints comprised almost half of the complaints. In comparison, sex discrimination was 28%, race and national origin was 21%, and age discrimination was only 5% of the complaints made to OCR in 2015. The disability issues, which were most raised in OCR complaints were Free Appropriate Public Education (FAPE), retaliation, and exclusion.

In order to track with more detail the English learner statistics as well as the increased restraint and seclusion statistics, OCR has created two new reports. The English learner report is a visual report that displays data about English learner enrollment, discipline, and indicators of college and career readiness. The new discipline report provides detailed tables of the number and percentages of students, with and without disabilities, who received various disciplinary actions, including suspension, expulsion, school related arrests, and referrals to law enforcement. Both of these new reports will be included in the Civil Rights Data Collection reporting in the future.

What this means for our clients and school districts throughout Pennsylvania and New Jersey is that school districts must continue to be vigilant in preventing discrimination in all forms. School districts must guard against both state and federal complaints and have systems in place to promptly respond to any allegations of discrimination. OCR's report does not break down the number of complaints per state; it does, however, list the total number of resolutions in fiscal year 2015 by state, district, and territory. Pennsylvania was ranked 7 out of 55, with Pennsylvania's most reported resolutions in disability discrimination. New Jersey ranked 16 out of 55 with reported resolutions.

While our firm defends school districts against OCR complaints, we also assist administrators develop proactive systems to prevent complaints. As seen by OCR's statistics, discrimination complaints are on the rise throughout the country. School districts must work to ensure that discrimination in any form, whether it be race, national origin, sex, disability, or age, is either prevented or action is quickly taken to end the actions of any school employee or student that is not permissible.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

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