

Civil Rights

1. Purpose:

ESSB 6052 Sec. 1501(1)(e) provides funding for staffing of OSPI's Equity and Civil Rights Office and implementation of Chapter 28A.642 RCW, which prohibits discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, sexual orientation, gender expression, gender identity, veteran or military status, disability, and the use of a trained dog guide or service animal by a person with a disability.¹

The Equity and Civil Rights Office works to ensure that each student has equal access to public education without discrimination by raising awareness of rights and responsibilities under civil rights laws, developing tools and resources to facilitate equal access to all school programs and activities, and monitoring school district and charter school compliance with state and federal civil rights laws.

Description of services provided:

The Equity and Civil Rights Office carries out the responsibilities required of OSPI under Chapters 28A.640 and 28A.642 RCW and 392-190 WAC to monitor and enforce school district and public charter school compliance with civil rights laws and to eliminate discrimination in Washington public schools. Services include:

1. Developing and implementing rules and guidelines for implementing civil rights protections in schools;
2. Identifying and eliminating discriminatory policies, procedures, and practices within Washington public schools by conducting compliance reviews and investigating and resolving complaints;
3. Providing clear and effective technical assistance, resources, tools, and support for parents, school districts, and other stakeholders regarding civil rights and discrimination;
4. Informing families about their rights and facilitating effective resolutions to complaints; and
5. Training school district staff and other stakeholders regarding rights and responsibilities under civil rights laws, complaint and investigation procedures, and OSPI services.

Common civil rights issues addressed by the Equity and Civil Rights Office include:

- Accommodations and services for students with disabilities
- Discriminatory harassment
- Sexual harassment
- Services for limited-English proficient students and families
- Sex equity in athletics
- Disparities in student discipline
- Equal access to all school courses and programs
- Protections for transgender students
- Dispute resolution and investigation techniques

¹ Chapters 28A.640 and 28A.642 RCW and 392-190 WAC. The Equity and Civil Rights Office also monitors school districts' and charter schools' compliance with federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Boy Scouts of America Equal Access Act.

Criteria for receiving services:

The services provided by the Equity and Civil Rights Office are available to anyone seeking information, technical assistance, or to file a complaint regarding civil rights or discrimination in Washington K-12 public schools, including students, families, school district employees, and others.

OSPI’s discrimination complaint procedure, provided under Chapter 392-190 WAC, is available to anyone alleging that a school district or public charter school has engaged in discrimination based on sex, race, creed, religion, color, national origin, sexual orientation, gender expression, gender identity, veteran or military status, disability, or the use of a trained dog guide or service animal by a person with a disability.

2. Number of staff associated with this program/service (indicate where applicable):

	<u>Fiscal Year 2017</u>
# of OSPI staff associated with this funding (FTEs):	2.3
# of contractors/other staff associated with this funding:	0

FY 17 Funding State Appropriation:

Fiscal Year	Amount
FY17	\$266,000
FY16	\$266,000
FY15	\$266,000
FY14	\$133,000
FY13	\$133,000
FY12	\$133,000
FY11	\$133,000

3. Are federal or other funds contingent on state funding?

No. However, all federal funding to the agency, as well as to individual school districts, is contingent on OSPI’s and school districts’ compliance with civil rights laws. The services provided by the Equity and Civil Rights Office are necessary for OSPI to continue receiving federal funding and avoid costly complaints and litigation.

4. Is continued funding needed in the next biennium? Yes.

5. What is the current status of this program’s implementation?

The legislature passed E2SHB 3026 in 2010, codified as Chapter 28A.642 RCW. To implement this law, the Equity and Civil Rights Office develops rules and guidelines, regularly monitors school districts for compliance, investigates and resolves complaints, and provides ongoing technical assistance, training, and resources for school districts, families, and others.

Rules and Guidelines

During the 2011–12 school year, OSPI adopted rules in Chapter 392-190 WAC and published guidelines to implement Chapters 28A.640 and 28A.642 RCW regarding discrimination in

Washington public schools.² The Equity and Civil Rights Office made substantial revisions to these rules in December 2014 to provide a more efficient and equitable resolution of discrimination complaints for both school districts and families. The revisions also clarified the scope of OSPI monitoring and existing requirements for public schools regarding harassment, staff training, discrimination in course and program enrollment and student discipline, dispute resolution and complaint procedures, and services for limited-English proficient students and families.

Compliance Monitoring

As required under Chapters 28A.640 and 28A.642 RCW, the Equity and Civil Rights Office conducts ongoing monitoring to eliminate discrimination in Washington public schools. The Equity and Civil Rights Office accomplishes this through a variety of methods, including:

1. Investigating and resolving complaints;³
2. Monitoring all school districts and public charter schools through regular compliance reviews and district reports;
3. Conducting additional compliance reviews of school districts and charter schools when potentially discriminatory policies, procedures, or practices are identified or reported; and
4. Monitoring corrective actions when noncompliance is identified.

Guidance and Technical Assistance

The Equity and Civil Rights Office assists families, communities, and schools in providing equal educational opportunities to all students, consistent with civil rights requirements. During FY 2016, this has included:

1. Providing reliable technical assistance to school and district administrators, OSPI staff, educational service districts (ESDs), parents, students, advocates, and state and federal agencies regarding civil rights requirements and discrimination in Washington public schools;
2. Developing tools and resources for schools and families, including informational materials that are translated into the most common languages spoken by Washington families;
3. Coordinating the agency's efforts to help schools and communities use data to identify disparities in student discipline and implement best practices to reduce discipline disparities while maintaining safe and inclusive school environments; and
4. Improving statewide disaggregated discipline data analytics and web-based materials to improve equity in student discipline.⁴

Training

To build district capacity and raise awareness of rights and responsibilities under civil rights laws, the Equity and Civil Rights Office develops trainings and professional development for school districts, ESDs, community organizations, and others regarding civil rights laws, school district responsibilities, and dispute resolution options. The Equity and Civil Rights Office continues to deliver statewide civil rights workshops, trainings for school districts upon request, and sessions at nearly all major education conferences.

6. When will the project be completed?

² See *Prohibiting Discrimination in Washington Public Schools: Guidelines for school districts to implement Chapters 28A.640 and 28A.642 RCW and Chapter 392-190 WAC* (February 2012), at: [Prohibiting Discrimination in Washington Public Schools](#).

³ See WAC 392-190-060 through 392-190-075.

⁴ See OSPI Equity in Student Discipline, at: [Equity in Student Discipline](#).

N/A. Because OSPI's requirements under Chapters 28A.640 and 28A.642 RCW are ongoing, no completion date is anticipated.

7. First year funded? 2010

8. State funding since inception: See number 2, above.

9. Programmatic changes since inception (if any): N/A

10. Major challenges faced by the program:

OSPI continues to face limited staffing to effectively accomplish this work statewide, given the breadth of legal obligations under Chapters 28A.640 and 28A.642 RCW. Since E2SHB 3026 was passed in 2010, the Equity and Civil Rights office has experienced a significant increase in workload, including increasing requests for technical assistance and trainings.

The need for these services continues to grow, which is likely attributable to increasing awareness among families and district staff of civil rights responsibilities and OSPI services, as well as increasing attention on civil rights issues nationally.

School districts and public charter schools could benefit from even more targeted and intensive technical assistance to support their equity and civil rights initiatives, such as improving equity in student discipline, equitable access to courses and programs, safe and supportive school climates, and language access. While this office already monitors compliance and provides professional and assistance to schools, it does not have the capacity to provide all districts the level of support they need to implement effective strategies to eliminate discrimination and opportunity gaps.

11. Future opportunities:

The Equity and Civil Rights Office will continue to improve its guidelines, resources, and monitoring procedures to respond to new and challenging civil rights issues facing students and schools. As the Equity and Civil Rights Office continues this work, we will measure progress toward each of the following:

1. Increasing district compliance with civil rights requirements;
2. Improving resolutions to complaints;
3. Increasing proactive and systemic efforts within school districts for improving equity; and
4. Reducing disparities and opportunity gaps in all OSPI performance indicators, including in the use of suspensions and expulsions.⁵

12. Statutory and/or Budget language:

Budget Proviso: 2ESHB2376 section 501 (5) - \$133,000 of the general fund—state appropriation for fiscal year 2016 and \$266,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Chapter 240, Laws of 2010, including staffing the Equity and Civil Rights Office.

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⁵ See OSPI Performance Indicators, at: [Performance Indicators](#)