

Office of Civil Rights Takes a New Approach to Investigations

Last week in Congress Senator Patty Murray (D- Washington) raised objections about proposed [new procedures for handling civil rights complaints](#) that are filed with the Department of Education's (DOE's) Office of Civil Rights (OCR). Her concerns were based on [pro-public reporting](#) regarding a leaked internal DOE memo. Senator Murray raised her objections just a day after a group of 64 lawmakers from three different caucuses representing the interests of minority groups sent a [letter to Secretary DeVos](#) complaining about anticipated cuts to OCR.

Under the current system every civil rights complaint filed with OCR automatically triggers a collection of three years of compliance data to determine if any sort of pattern of discrimination exists in the district. If a pattern is noted the Department of Justice (DOJ) brings a case against the district before a judge, seeking a consent decree. At times districts sign off on consent decrees rather than spend huge sums of money on attorneys to defend themselves against a team of federally funded attorneys. These consent decrees have typically regulated areas of special education services, disciplinary procedures like suspensions, and expulsions, and in the case of higher education how sexual harassment and assault allegations are handled by universities. Consent decrees have been a tool used by the DOJ to force school districts, police departments and other local and state governments to initiate widespread changes in their policies and practices. The Department of Education has also used the practice of unilaterally issuing guidance letters to all school districts, such as the controversial (and now rescinded) guidance letter on transgender restroom usage, which take on the force of law without being approved by elected law makers.

The new investigation procedures from OCR will allow an investigator to pursue further data collection and consent decrees if the facts in the case warrant it, but would not require the automatic data search in every complaint. The new procedures could alleviate a huge backlog of cases that are waiting resolution and could prove less onerous for school districts.

This [interesting article in The Atlantic](#) tracks how the role of OCR has varied significantly from administration to administration over the past fifty years. The article shows that different administrations have used different approaches, and that there have been, "pendulum swings between Republican and Democratic administrations," on the role of OCE. So, no one should be surprised that Secretary DeVos is planning to take things in a different direction than her predecessor.

The struggle to figure out how the nation's investment in education can be used to diminish some of the damaging effects of poverty and the ever-present sin of racism on the lives of children has not been easy. Many believe that if only we can collect enough data and devise just the right regulations we will be successful. Others feel that the real solution to these issues lies in freeing up local entities from a web of regulations that ties their hands, preventing them

from doing the right thing for children. Secretary DeVos and many other conservatives want to see much more money devoted to school choice programs to get kids living in poverty into better schools whether they are private or public.

Christian worldview can help us sort this out. We know that since the fall in Genesis all of creation has been corrupted. If sin had not entered the world we would not see poverty or racial injustice. Those who believe that given enough resources we can devise methods to eliminate poverty and racism fall into the folly of human pride – like those who thought building the tower of Babel would show that they did not need God. However, we also know that the Lord has given government to man as a tool to help restrain evil. So, regulations prohibiting racism in public schools are important, but they will not change anyone’s heart. We are not deceived to think that mankind can be ultimately saved from our sins by government, only the work of Christ can do that.

We should not think that those who promote less prescriptive civil rights investigation guidelines are racists. Secretary DeVos has spent much of her life in Michigan working to ensure that children from poverty could have access to excellent charter and private schools. As Secretary of Education she continues to pursue additional resources for school choice to help children. However, as she has done this she has been [harshly criticized](#) and branded by some as a racist.

As Jesus reminded us when Mary was criticized for anointing him with expensive oil, “Leave her alone, so that she may keep it for the day of my burial. For the poor, you always have with you, but you do not always have me.” (John 12:7-8) Christian teachers are often called to minister to the needs of poor children by teaching them well and living out our faith through a willingness to sacrifice for them. This can be done in public schools, private schools or charter schools. When we are called to work with a child of any faith, in any setting, private or public, we set aside politics and answer the call.

Odds and Ends

A few days before Father’s Day I was blessed to represent CEAI at a US Department of Education meeting promoting the important role fathers play in their children’s academic success. Many great ideas were presented by various groups. **Focus on the Family** and **The Family Research Council (FRC)** both presented and spoke about church based programs that encourage families to support their children at school. I was struck by how refreshing it was to hear faith based organizations present good ideas in the context of a government meeting. I was shocked and saddened to [read later](#) that the Department of Education had received scathing criticism from LGBT groups for inviting Focus on the Family and FRC to present. These organizations have been labeled “anti-LGBT hate groups,” because they take a traditional view of marriage. Clearly the Trump administration is trying to open the federal bureaucracy up to a breath of fresh air from faith based groups, but the secular culture is fighting this every step of the way.

Don't forget to pray for the president and other national leaders. "Prayers for Trump – Petitions for the 45th President," recommends this [prayer for wisdom](#) for the President.

CEAI is interested in your thoughts. Members are encouraged to enter comments below. Personal comments may be addressed to the author at JMitchell@ceai.org.

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