

115TH CONGRESS
2D SESSION

H. R. 6537

To require the Secretary of Education to annually report on the Federal civil rights violations of educational institutions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2018

Ms. MAXINE WATERS of California (for herself, Mr. CARSON of Indiana, Mr. COHEN, Ms. LEE, Mr. RUSH, Ms. NORTON, Ms. WILSON of Florida, Mr. JOHNSON of Georgia, Mr. GOMEZ, Mr. ELLISON, Ms. ROYBAL-ALLARD, Ms. BARRAGÁN, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE, Mr. RYAN of Ohio, Ms. CLARKE of New York, Mr. SERRANO, Mr. CAPUANO, Ms. SCHAKOWSKY, Mr. BROWN of Maryland, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To require the Secretary of Education to annually report on the Federal civil rights violations of educational institutions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Education Department
5 Civil Rights Transparency Act”.

1 **SEC. 2. REPORT BY THE SECRETARY OF EDUCATION.**

2 Section 203(b) of the Department of Education Or-
3 ganization Act (20 U.S.C. 3413(b)) is amended by adding
4 at the end the following:

5 “(3) In addition to the requirements under
6 paragraph (1), the report required under such para-
7 graph shall include the following:

8 “(A) A list of each of the following:

9 “(i) Each educational institution
10 against which the Department has re-
11 ceived, in the preceding year, 1 complaint
12 alleging that the institution has violated a
13 Federal civil rights law.

14 “(ii) Each educational institution
15 against which the Department has re-
16 ceived, in the preceding year, more than 1
17 such complaint.

18 “(iii) Each educational institution
19 against which the Department has re-
20 ceived, in the preceding 5 years, more than
21 3 such complaints.

22 “(iv) Each educational institution
23 that, during the preceding year, was under
24 investigation by the Department for such a
25 complaint.

1 “(v) Each educational institution
2 against which the Department has re-
3 ceived, in the preceding year, such a com-
4 plaint for which the Department has not
5 commenced an investigation, and which the
6 Department has not dismissed.

7 “(vi) Each educational institution
8 against which the Department has re-
9 ceived, in the preceding year, such a com-
10 plaint for which the Department has dis-
11 missed without commencing an investiga-
12 tion.

13 “(B) The list of educational institutions
14 described in subparagraph (A) shall be
15 disaggregated by—

16 “(i) each Federal civil rights law that
17 the complaint alleges has been violated by
18 each such institution;

19 “(ii) type of educational institution;
20 and

21 “(iii) whether the complaint filed
22 against each such institution was processed
23 by the Department as a systemic or as a
24 class-action complaint.

1 “(C) The list of educational institutions
2 under subparagraph (A) shall include—

3 “(i) the date on which the complaint
4 was filed against each such institution; and

5 “(ii) the status of the complaint.

6 “(D) In addition to the requirements of
7 subparagraphs (B) and (C), the list of institu-
8 tions described in subparagraph (A)(vi) shall in-
9 clude—

10 “(i) the procedural or administrative
11 reason for which the complaint was dis-
12 missed, including—

13 “(I) whether the complaint failed
14 to allege—

15 “(aa) a violation of Federal
16 law for which the Department
17 has administrative responsibility
18 or subject matter jurisdiction; or

19 “(bb) a violation against an
20 educational institution for which
21 the Department has administra-
22 tive responsibility or personal ju-
23 risdiction; and

24 “(II) whether the complainant
25 failed to submit a consent form; and

1 “(III) whether the Department
2 offered the complainant an oppor-
3 tunity to correct the procedural or ad-
4 ministrative error prior to dismissing
5 the complaint.

6 “(E) Any resolution agreement or letter
7 between the Department and an educational in-
8 stitution against which a complaint described in
9 paragraph (1) has been filed, which settled the
10 Department’s investigation of such complaint.

11 “(F) Any corrective action levied or rem-
12 edy obtained for the preceding year against an
13 educational institution for a violation of Federal
14 civil rights law pursuant to a resolution agree-
15 ment or letter, or other findings document, the
16 status of such corrective actions, and whether
17 the Department is considering extending such
18 corrective actions.

19 “(G) With respect to each complaint de-
20 scribed in subparagraph (A)(vi) which the De-
21 partment dismissed because the Department
22 lacks the administrative responsibility, or sub-
23 ject matter or personal jurisdiction, for the
24 Federal law that the complaint alleges to have

1 been violated or the educational institution
2 against which the complaint was filed—

3 “(i) a list of each such educational in-
4 stitution and each such Federal law; and

5 “(ii) recommendations on whether
6 Federal legislation is necessary for the De-
7 partment to address the complaints de-
8 scribed in this paragraph.

9 “(H) With respect to each educational in-
10 stitution against which a complaint described in
11 subparagraph (A) has been filed that the De-
12 partment investigated and found insufficient
13 evidence to support a finding of a Federal civil
14 rights law violation, a report explaining the
15 basis for such decision.

16 “(I) With respect to each educational insti-
17 tution that has had a resolution agreement or
18 corrective action that the Department has de-
19 termined does not need to be extended, a report
20 on the basis for the decision and how such in-
21 stitution improved with respect to compliance
22 with Federal civil rights laws.

23 “(J) In a case in which a decision by the
24 Department to not pursue a complaint or inves-
25 tigation relating to an alleged violation of a

1 Federal civil rights law was due to the resource
2 constraints of the Department for the preceding
3 year, a description of which resources the De-
4 partment needs to fully and expeditiously inves-
5 tigate each such complaint received by the De-
6 partment.

7 “(K) Any changes made, in the preceding
8 year, to the case processing manual of the Of-
9 fice for Civil Rights of the Department.

10 “(4) In paragraph (4):

11 “(A) COMPLAINT.—

12 “(i) IN GENERAL.—The term ‘com-
13 plaint’ means a written statement to the
14 Department alleging that the rights of one
15 or more persons have been violated and re-
16 questing that the Department take action.

17 “(ii) EXCLUSIONS.—The term ‘com-
18 plaint’ does not include oral allegations
19 that are not reduced to writing, anony-
20 mous correspondence, courtesy copies of
21 correspondence or a complaint filed with or
22 otherwise submitted to another person or
23 other entity, or inquiries that seek advice
24 or information but do not seek action or
25 intervention from the Department.

1 “(B) EDUCATIONAL INSTITUTION.—The
2 term ‘educational institution’ has the meaning
3 given the term in section 901(c) of the Edu-
4 cation Amendments of 1972 (20 U.S.C.
5 1681(c)).

6 “(C) FEDERAL CIVIL RIGHTS LAW.—The
7 term ‘Federal civil rights law’ includes—

8 “(i) title IX of the Education Amend-
9 ments of 1972 (20 U.S.C. 1681 et seq.);

10 “(ii) the Civil Rights Act of 1964 (42
11 U.S.C. 2000a et seq.);

12 “(iii) the Age Discrimination Act of
13 1975 (42 U.S.C. 6101 et seq.);

14 “(iv) the Americans with Disabilities
15 Act of 1990 (42 U.S.C. 12101 et seq.);

16 “(v) the Boy Scouts of America Equal
17 Access Act (20 U.S.C. 7905);

18 “(vi) the Rehabilitation Act of 1973
19 (29 U.S.C. 701 et seq.); and

20 “(vii) any other law for which the Of-
21 fice for Civil Rights of the Department of
22 Education has administrative responsi-
23 bility.”.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that the Secretary of Edu-
3 cation should protect any personally identifying informa-
4 tion of an individual named in a complaint or other docu-
5 ment, which may be subject to public release under para-
6 graph (3) of section 203(b) of the Department of Edu-
7 cation Organization Act (20 U.S.C. 3413(b)), as added by
8 this Act.

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