



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

December 21, 2018

Honorable Patty Murray
United States Senate
Washington, DC 20510

Dear Senator Murray:

Thank you for your October 25, 2017, letter regarding student safety and harassment in our nation's schools. Your letter highlighted concerns related to alleged incidents based on race, color, religion, and national origin in schools, colleges, and universities. I welcome the opportunity to address this important topic and apologize for the significant delay in this response.

The U.S. Department of Education (Department) takes seriously its responsibility to ensure that every student is safe and supported in school. The Department has been a leader in addressing harassment in elementary and secondary schools, colleges, and universities through civil rights enforcement and a variety of other efforts aimed at assisting educators, parents, and students in preventing and addressing these behaviors. As Secretary, I remain committed to these efforts.

Your letter specifically raised several questions to which I respond below. Because the first three questions are interrelated, I am providing a combined response.

1. What steps is the Department taking to address the rise in hateful bullying and intimidation in K-12 schools and on college campuses?
2. What resources does the Department provide to schools working to prevent and address harassment and discrimination?
3. Is the Department committed to continuing the "Federal Partners in Bullying Prevention Task Force" created by President Obama in 2010? If it is, what work is the Department planning to undertake in this capacity? If it is not, what is the rationale for this policy change?

The Department has taken several steps to help address harassment in educational settings. These include interagency partnerships, directly providing or funding technical assistance, and investigating and resolving civil rights complaints regarding harassment. I have taken a personal interest in addressing this issue, as demonstrated in my leadership of the Federal Commission on School Safety, as well as during my visits to schools, such as my visit with First Lady Melania Trump to Orchard Lake Middle School in West Bloomfield Township, Michigan. There, we met with students as part of National Bullying Prevention Month, listened to their stories, encouraged them to be kind, and highlighted the "No One Eats Alone" initiative aimed at helping children learn inclusion skills. One of the three focus areas of the First Lady's "Be Best" campaign is promoting positive uses of social media, particularly for younger children, in an effort to prevent bullying and harassment in school.

The Department—specifically the Office of Safe and Healthy Students (OSHS) in the Department's Office of Elementary and Secondary Education—leads the Federal Partners in

Bullying Prevention (Federal Partners) in collaboration with the U.S. Department of Health and Human Services. Several other offices within the Department, including the Office for Civil Rights (OCR), the Office of Special Education and Rehabilitative Services (OSERS), the National Center for Education Statistics (NCES), and the White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI), are active participants in this interagency working group, which has held strategic planning meetings in 2017 and 2018 to identify and advance priorities for its work in this Administration. The Federal Partners also plan national summits on bullying prevention that are typically held every other year. The last summit occurred in August 2018 and focused on the issue of cyberbullying, which the First Lady addressed in her remarks at the summit. Through the Federal Partners, the Federal government's repository of resources, found at stopbullying.gov, has recently been revised and updated to support students, parents, educators, advocates, and other members of the public.

In addition, with Congress's continued support, OSHS has invested in, and continues to invest in, programs and technical assistance centers that help s and school districts support students in developing social-emotional skills. One example is the School Climate Transformation Grant Program (<https://www2.ed.gov/about/offices/list/oese/oshs/oshsprogram.html>), which provides funding and technical assistance to States and districts to implement multi-tiered systems of behavioral support such as Positive Behavioral Interventions and Supports (PBIS). A second example is the National Center on Safe Supportive Learning Environments (<https://safesupportivelearning.ed.gov>), which offers tools and resources addressing harassment based addressing race, color, national origin, sex, and disability.

The Department's Office of Special Education Programs (OSEP) and OSHS jointly fund the PBIS technical assistance center (<https://www.pbis.org>), which supports schools, districts, and States in building systems capacity for implementing a multi-tiered approach to social, emotional, and behavior support. The PBIS framework takes research-validated practices that effectively impact student behavior and creates a more positive learning environment for all students. When PBIS is implemented with fidelity, schools see significant decreases in discipline referrals and increases in positive, pro-social behavior, as well as increases in instructional time. This was validated in a recent study reported in U.S. News and World Report that found fewer incidents of bullying when the PBIS framework was implemented.¹ It was also evident in the Federal Commission on School Safety's field visit to Hebron-Harmon Elementary School in Maryland to see PBIS in practice; that school's PBIS program helps educators to develop trusting relationships with their students, who in turn experience schools as a safe and responsive environment supporting their diverse needs, strengths, and learning.

The National Center for Education Statistics (NCES) collects data for the School Survey of Crime and Safety (SSOCS) and the School Crime Supplement to the National Crime Victimization Survey conducted by the Department of Justice's Bureau of Justice Statistics. Both surveys are conducted on a biennial basis. These surveys include data on student-level incidences of bullying and school-level prevalence of hate crimes by frequency, type, and perceived cause to include race/ethnicity, religion, disability, gender, sexual orientation, and appearance. Funding for these two surveys is provided jointly by NCES and OSHS. NCES

¹ Boser, Ulrich, "How to Stop Bullying in Schools," (February 27, 2018) <https://www.usnews.com/opinion/knowledge-bank/articles/2018-02-27/how-to-stop-bullying-in-schools>.

summarizes data from these studies and other sources in its annual Indicators of School Crime and Safety report.

The Office of Elementary and Secondary Education funds Equity Assistance Centers (EACs) to provide technical assistance and training, upon request, in the areas of race, sex, national origin, and religion to public school districts and other responsible governmental agencies to promote equitable education opportunities. The EACs work with schools in the areas of harassment, bullying, and prejudice reduction. EACs also develop materials, strategies, and professional development activities to assist schools and communities in preventing and countering harassment based on ethnicity, gender, or religious background.

OCR continues to evaluate and, where appropriate, investigates and resolves complaints of discriminatory harassment in schools, colleges, and universities. OCR also regularly provides technical assistance to schools, colleges, and universities to help them understand their civil rights obligations, including how to address and remedy the effects of discriminatory harassment without violating students' other rights.

4. Is the Administration committed to nominating an Assistant Secretary for Civil Rights who will consider these issues a priority? If so, what is the timeline for that nomination?

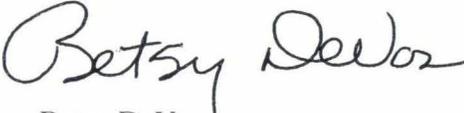
The Administration is pleased that the Senate confirmed the President's nomination of Kenneth L. Marcus for Assistant Secretary for Civil Rights. He brings to the Department experience and expertise garnered through his distinguished career as a strong civil rights advocate for students at all levels of education.

5. For each of the following categories, please provide the number of ongoing investigations, the number of investigations opened and closed since your confirmation, and the number of resolution agreements finalized since January 2017: student-on-student harassment based on race or ethnicity, religion, national origin, disability, and sex, sexual orientation, or gender identity.

OCR has jurisdiction to investigate discrimination, including discriminatory harassment, based on race, color, national origin, disability, and sex. Enclosed is a chart summarizing the requested data, to the extent available, related to harassment as of December 1, 2018. OCR's case management system does not disaggregate student-on-student harassment from other types of harassment; thus, the data below includes all forms of harassment. The chart specifically highlights some issue areas that may be of interest to you.

Thank you again for your letter. I share your commitment to ensuring that all students have access to safe and supportive educational environments that are free of harassment. If you have additional questions or concerns, please contact Peter Oppenheim, Assistant Secretary for Legislation and Congressional Affairs, at 202-401-0020.

Sincerely,



Betsy DeVos

Enclosure

Office for Civil Rights -- Harassment Case Management System Data

| | Total* | Title VI (race, color, national origin) | Title VI (sub-set involving religion) | Title IX (sex) | Title IX (sub-set involving gender-based and gender stereotypes) | Section 504 and/or Title II (disability) |
|--|---|--|--|--|---|---|
| Cases under investigation (as of Dec. 1, 2018) | 1,213 total 1,200 cp 10 cr 3 di | 301 total 300 cp 1 cr | 7 total 7 cp | 695 total 684 cp 8 cr 3 di | 52 total 51 cp 1 cr | 323 total 322 cp 1 cr |
| Investigations opened since January 1, 2017 (as of Dec. 1, 2018) | 1,234 total 1,231 cp 3 di | 347 | 6 | 541 538 cp 3 di | 36 | 448 |
| Investigations closed since January 1, 2017 (as of Dec. 1, 2018) | 1,019 total 1,007 cp 10 cr 2 di | 293 total 290 cp 3 cr | 4 total 3 cp 1 cr | 444 total 434 cp 8 cr 2 di | 31 total 31 cp | 368 total 366 cp 2 cr |
| Resolution agreements entered into since January 1, 2017 (as of Dec. 1, 2018) | 372 total 360 cp 10 cr 2 di | 86 total 83 cp 3 cr | 1 total 1 cr | 198 total 188 cp 8 cr 2 di | 16 total 16 cp | 110 total 108 cp 2 cr |

*cp = complaint; cr = compliance review; di = directed investigation; some cases involve multiple issues, therefore appearing in multiple cells