



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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SEATTLE, WA 98174-1009

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November 6, 2024

Via email only: [REDACTED]

Caroline Moore
Parents Defending Education

Re: Portland School District 1J, OCR Reference Number 10241202

Dear Caroline Moore:

The purpose of this letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) has completed its evaluation of the complaint you filed against the Portland School District. In your complaint, you alleged that the District discriminated:

1. Against a group of students, on the basis of race, by considering race when determining student discipline;
2. Against a group of students, on the basis of sex, by considering gender identity, gender presentation, and sexual orientation when determining student discipline;
3. Against a group of employees, on the basis of race, by considering these characteristics when making employee transfer decisions; and
4. Against a group of employees, on the basis of sex, by considering these characteristics when making employee transfer decisions.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., and its implementing regulation, at 34 C.F.R. Part 100, and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (Title IX), and its implementing regulation, at 34 C.F.R. Part 106, which prohibits discrimination on the basis of race, color, or national origin, and sex, respectively, in programs and activities receiving federal financial assistance from the Department. As the District is a recipient of federal financial assistance from this Department and is a public entity, it is required to comply with these federal civil rights laws.

OCR processes complaints in accordance with its [Case Processing Manual \(CPM\) \(July 18, 2022\)](#). Section 108(d) of OCR's CPM states that OCR will dismiss an allegation that lacks sufficient factual detail (i.e., who, what, where, when, or how) for OCR to infer that discrimination or retaliation may have occurred or is occurring.

Regarding your complaint, you provided information to OCR regarding the District's April 5, 2024, Collective Bargaining Agreement (CBA) with the Portland Teachers Association. In the CBA, it states that the District will "take into consideration the impact of issues related to the student's trauma, race, gender identity /presentation, sexual orientation, disability, social emotional

learning, and restorative justice as appropriate” when creating student disciplinary plans. Additionally, the CBA states that the District may consider a school building’s percentage of teachers of a particular race and/or gender identity when considering employee transfers.

After a review of your complaint, OCR found that it needed additional information about each of your allegations. Therefore, on June 18, 2024, OCR requested you provide additional information regarding the allegations in the complaint, specifically any additional information about students, teachers, or District employees who felt discriminated against due to the provisions in the CBA. You responded on July 8, 2024, informing OCR that you did not have any additional information regarding students, teachers, or other District employees who felt discriminated against due to the provisions in the CBA. OCR reviewed the information you provided and determined that it lacks sufficient factual detail for OCR to infer that discrimination or retaliation may have occurred or is occurring. Accordingly, OCR is dismissing the complaint as of the date of this letter.

With respect to your allegations regarding employment, the Equal Employment Opportunity Commission (EEOC) may have authority to investigate them under Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the bases of race, color, and national origin, among other bases, including sex. You can contact EEOC at:

Elizabeth Cannon
Director
U.S. Equal Employment Opportunity Commission
909 First Avenue
Suite 400
Seattle, Washington 98104-1061
Website: www.eeoc.gov

This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have the right to file a private suit in court regardless of OCR’s determination.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions about this letter, you may contact me by telephone at (202) 987-0987 or by e-mail at alexa.polaski@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "Alexa Polaski". The signature is written in a cursive, flowing style.

Alexa Polaski
Senior Attorney