



Analyzing Harm, Power, and the Possibilities for Redress for Harassment: An Intersectional Analysis of Civil Rights Complaints

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Abstract: Although education is often framed as a neutral system in which students are granted equitable access and opportunities, schools are situated within charged sociopolitical contexts, replicating many macrolevel inequities within their structures. Positioned externally to school districts, the U.S. Department of Education's Office for Civil Rights (OCR) has historically served as a policy lever, occupying a critical role for potentially identifying, investigating, and addressing individual and system level harms through its oversight responsibilities. Conceptualized by Black Feminists/Womanists of Color, intersectionality is a phenomenon which may be experienced by students, fueled by multiple confluent ideologies such as racism, ableism, and gender discrimination. Under the Biden administration, OCR's gestures toward addressing intersectionality invited a retrospective analysis of complaints involving multiple forms of discrimination. This article presents an in-depth review of publicly accessible civil

rights complaint and resolution documents spanning 2013-2025, with a specific focus on racial and disability harassment and discrimination. Our qualitative inquiry examined how these phenomena were enacted through systems, district personnel, and peer interactions, and acknowledged by OCR. Our themes reflect the varied degrees of responsiveness to these concerns, with few remedies reflecting robust individual and systems level remedies. This review underscores the need for explicit, intersectionality-informed guidance from the macro policy level to the micro district and community level. Implications for policy, research, and practice emphasize incorporating a proactive intersectional framework for OCR and school districts, enhancing and sustaining protections for disabled Students of Color.

Keywords: intersectionality; DisCrit, Office for Civil Rights; Section 504; systemic racism; ableism; power

Analizando el daño, el poder y las posibilidades de reparación frente al acoso: Un análisis interseccional de las denuncias por derechos civiles

Resumen: Aunque la educación suele presentarse como un sistema neutral en el que el estudiantado tiene acceso equitativo a oportunidades, las escuelas están insertas en contextos sociopolíticos complejos y reproducen en sus estructuras muchas de las desigualdades presentes a nivel macro. Situada fuera de los distritos escolares, la Oficina para los Derechos Civiles (*Office for Civil Rights*, OCR en inglés) del Departamento de Educación de los Estados Unidos ha funcionado históricamente como una herramienta de política pública, desempeñando un papel fundamental en la identificación, investigación y posible reparación de daños tanto individuales como sistémicos a través de sus responsabilidades de supervisión. Conceptualizada por feministas negras y womanists de color, la interseccionalidad es un fenómeno que puede ser experimentado por el estudiantado y que se ve impulsado por múltiples ideologías convergentes, como el racismo, el capacitismo y la discriminación de género. Bajo la administración Biden, los esfuerzos de la OCR por abordar la interseccionalidad propiciaron un análisis retrospectivo de denuncias relacionadas con múltiples formas de discriminación. Este artículo presenta una revisión exhaustiva de documentos públicos de denuncias y resoluciones en materia de derechos civiles correspondientes al período 2013–2025, con especial atención al acoso y la discriminación por motivos raciales y de discapacidad. Nuestra investigación cualitativa examinó cómo estos fenómenos se manifestaban a través de los sistemas educativos, del personal de los distritos escolares y de las interacciones entre pares, así como la manera en que fueron reconocidos por la OCR. Los temas identificados reflejan distintos grados de respuesta frente a estas problemáticas, siendo escasas las medidas correctivas que contemplan soluciones sólidas tanto a nivel individual como sistémico. Esta revisión subraya la necesidad de orientaciones explícitas fundamentadas en la interseccionalidad, desde el nivel macropolítico hasta el nivel micro de los distritos escolares y las comunidades. Las implicaciones para las políticas, la investigación y la práctica destacan la importancia de incorporar un marco interseccional proactivo para la OCR y los distritos escolares, fortaleciendo y sosteniendo las protecciones para estudiantes racializados con discapacidad.

Palabras-clave: interseccionalidad; DisCrit; Oficina para los Derechos Civiles; Sección 504; racismo sistémico; capacitismo; poder

Analizando danos, poder e possibilidades de reparacão diante do assédio: Uma análise interseccional de denúncias de direitos civis

Resumo: Embora a educação seja frequentemente apresentada como um sistema neutro no qual os estudantes têm acesso equitativo a oportunidades, as escolas estão inseridas em contextos

sociopolíticos complexos e reproduzem, em suas estruturas, muitas das desigualdades presentes em nível macro. Situado externamente aos distritos escolares, o Escritório de Direitos Civis (*Office for Civil Rights*, OCR em inglês) do Departamento de Educação dos Estados Unidos tem historicamente atuado como um instrumento de política pública, desempenhando um papel fundamental na identificação, investigação e possível reparação de danos individuais e sistêmicos por meio de suas responsabilidades de supervisão. Conceituada por feministas negras e *womanists* de cor, a interseccionalidade é um fenômeno que pode ser vivenciado pelos estudantes e é alimentado por múltiplas ideologias convergentes, como o racismo, o capacitismo e a discriminação de gênero. Durante a administração Biden, as iniciativas da OCR voltadas ao enfrentamento da interseccionalidade motivaram uma análise retrospectiva de denúncias envolvendo múltiplas formas de discriminação. Este artigo apresenta uma revisão aprofundada de documentos públicos de denúncias e resoluções de direitos civis referentes ao período de 2013 a 2025, com foco específico em assédio e discriminação racial e relacionados à deficiência. Nossa investigação qualitativa examinou como esses fenômenos se manifestaram por meio dos sistemas educacionais, dos profissionais dos distritos escolares e das interações entre pares, bem como a forma como foram reconhecidos pela OCR. Os temas identificados refletem diferentes graus de resposta a essas questões, sendo raras as medidas corretivas que contemplam soluções robustas tanto em nível individual quanto sistêmico. Esta revisão destaca a necessidade de orientações explícitas informadas pela interseccionalidade, desde o nível macropolítico até os níveis micro dos distritos escolares e das comunidades. As implicações para políticas, pesquisa e prática enfatizam a incorporação de uma estrutura interseccional proativa pela OCR e pelos distritos escolares, fortalecendo e sustentando as proteções para estudantes negros e de outras minorias raciais com deficiência.

Palavras-chave: interseccionalidade; DisCrit; Escritório de Direitos Civis; Seção 504; racismo sistêmico; capacitismo; poder

Analyzing Harm, Power, and the Possibilities for Redress for Harassment: An Intersectional Analysis of Civil Rights Complaints

Despite historical progress and efforts to promote equity in education, far-reaching inequities persist, with profound impacts on students' lives (Lewis & Diamond, 2015). The systemic nature of these challenges calls for implementing strategies at the federal, state, and local levels, including civil rights enforcement through the U.S. Department of Education's (ED) Office for Civil Rights (OCR; Lewis & Muñiz, 2023). Spanning multiple civil rights statutes (e.g., Title VI of the Civil Rights Act of 1964, The Americans with Disabilities Act, 1990, Section 504 of the Rehabilitation Act of 1973), OCR's enforcement activities have served as a mechanism to help mitigate inequities across all areas of public education and student needs. As of June 2026, however, some aspects of OCR's civil rights enforcement activities have shifted to the Department of Justice (DOJ) through a partnership between ED and the DOJ¹. Although this initiative is proposed to "create a more effective enforcement operations," it is unknown how these changes will impact school districts and student protections (U.S. Department of Education, 2026).

¹ All implications and recommendations presented in this article extend to the DOJ insofar as the DOJ will be engaging in work previously conducted by OCR. Moreover, our analysis remains relevant and applicable should a future administration return to the previous model for civil rights enforcement.

Upholding key legal mandates, OCR has historically operated under the Department of Education (ED), addressing discrimination, harassment, and ensuring access to a free and appropriate public education (FAPE). Notably, OCR's intervention, particularly its complaint investigation process, has served as an avenue for redress for harms experienced by students who have been historically marginalized (U.S. Department of Education, 2022c). Reflecting the complexities of systemic oppression and discrimination, students may experience magnified and compounded inequities in a phenomenon known as *intersectionality* (Crenshaw, 1991). Coined by Kimberlé Crenshaw (1991) and conceptualized by Black Feminists/Womanists of Color for centuries, intersectionality is both theory and phenomenon, as it recognizes the confluences of racism, gender discrimination, ableism, and other oppressive ideologies imposed upon people in magnified ways. Annamma et al. (2013) explained how racism and ableism operate in concurrent and interdependent ways to constrain the rights of disabled and non-labelled Students of Color.

Since harassment is one material way in which discrimination can manifest, an intersectional lens can provide illuminating insights into the ways that discrimination profoundly impacts students. During the 2017-18 school year, for example, 34,910 students reported racial or disability-based harassment. Among students reporting harassment, 9,897 students alleged discrimination based on disability, 4,052 (41%) of whom were Students of Color. Additionally, among the 25,013 students who reported racial harassment, 4,157 (17%) were disabled students (U.S. Department of Education, 2025). Although a report does not necessarily equate to a finding of harassment, these statistics underscore the insidious and pervasive nature of harassment, while also illustrating the linkage between racial discrimination and ableism.² Harassment can significantly impact a student's sense of belonging, access to educational opportunities, and physical, emotional, and psychological well-being (U.S. Department of Education, 2010). As such, in this study, we are particularly interested in examining OCR's enforcement activities, with a specific focus on harassment complaints under Section 504 (disability) of the Rehabilitation Act and Title VI of the Civil Rights Act of 1964 (race, color, national origin), and how, if at all, the realities of intersectionality are documented and addressed. Given the large number of inequities related to harassment, this complaint type is a natural entry point to examine OCR's work through an intersectional lens.

We foreground this article with the acknowledgement that we are situated within a critical sociopolitical juncture, reinforcing the urgent need to protect marginalized students (Muñiz, 2024). While the ED and OCR are currently under threat of dissolution or incapacity, this by no means devalues the essential role OCR has served for students learning within an inequitable system. Furthermore, despite OCR's significant role and responsibilities related to equity and accountability in K-12 schools, few empirical studies have explicitly examined the role and function of OCR (Lewis et al., 2019), particularly with a specific focus on the complaint investigation process as a policy mechanism to address inequities (e.g., Gopalan & Lewis, 2022).

While the complaint system is a primary mechanism through which OCR carries out its enforcement activities to ensure equitable access and opportunities for students, the degree to which OCR can effectively address inequities through this system is largely influenced by three critical considerations, which are structural, personal, and intersectional. First, OCR's activities do not occur in isolation, but are subjected to political, structural, and institutional stressors (Gopalan & Lewis, 2022; Lewis et al., 2019; Lewis et al., 2025b; Ray, 2019). The Trump 2.0 administration,³ for example, has prioritized dismantling the ED, resulting in abrupt structural and policy shifts for OCR. The removal of civil rights protections, reduced staffing and funding, rescinded guidance documents, and executive orders that deem any focus on student protections as "wasteful" or "ideology" driven are

² Discrimination based on disability or presumed disability.

³ Refers to Trump's second U.S. presidency, which began in 2026.

just some of the direct impediments to OCR's ability to carry out its work (Connor & Ocasio-Stoutenburg, 2025; Kahn & Hernandez-Saca, 2025; Lewis et al., 2019).

Second, at an individual level, while the use of OCR's complaint process is justice and remedy-seeking, it can impose significant personal burdens upon the complainant. Although there is no financial cost, the complainant must initiate, seek guidance for, and subsequently navigate an adversarial process that may be ambiguous or unfamiliar, at best. Scholars have described how U.S. legal processes may introduce cultural, linguistic, time, logistical, and value concerns for many families of students with disabilities, for example, who are often navigating concurrent systems (e.g., healthcare, immigration; Kalyanpur et al., 2000). Additionally, the investigation and review process by OCR may require complainants to provide "proof" of harm caused, a reality of the process that invites interrogation of how harm is defined and by whom. While federal civil rights laws prohibit retaliation, a fear of retaliation is also justified, given the power differentials between school district personnel and complainant. These burdens may be further compounded by the varying levels of accountability in the remediation process, which may not redress the personal harm inflicted (Lewis et al., 2025b).

Finally, the complaint process follows the discrete ways that the very laws informing OCR's work are inscribed. This is starkly disconnected from the compounded, intersectional discrimination that pervades students' schooling experiences (Gopalan & Lewis, 2019; Lewis et al., 2025b). It bears repeating that many students' lives and lived experiences do not exist solely along a singular axis of identity, nor are they subject to isolated acts of discrimination and harassment (Cho et al., 2013). Taken together, while the personal, structural, and intersectionality-evasive barriers within the complaint processes further constrain OCR's efforts to provide protections and service provisions for students in public schools, our empirical review underscores how indispensable both OCR and an intersectionality-informed stance is and will continue to be, regardless of sociopolitical climate (Lewis et al., 2025b).

Accounting for these concerns, the aims of this study are to: (1) review harassment complaint records to provide descriptive data on students' experiences of intersectionality, (2) apply an intersectional lens to examine the historical effectiveness of OCR's efforts to address profound inequities that students experience related to harassment, and (3) to utilize these findings as an opportunity to identify, reconfigure, and potentially fill some of the critical gaps in OCR's operations, holding optimism that OCR's mission will be restored in the future. Contextualizing this study, we explored OCR's publicly accessible documents from 2013-2025, which spanned multiple states and OCR regional offices.

Intersectionality and DisCrit Frameworks

A theoretical and conceptual foundation is important for illustrating the relationships among complex phenomena, while also guiding interpretative analysis. Despite their socially constructed nature, disability and racialization have a long, inextricably linked history (Frederick & Shifrer, 2019). Civil rights activists contested the exclusion and segregation of Students of Color in public schools through several court cases, eventually leading to the Supreme Court decision in *Brown v. Board of Education* in 1954. Parents and disability rights advocates emulated these strategies to successfully challenge the legality of disabled children's exclusion from public schools through litigation, as well as the establishment of the Rehabilitation Act of 1973 or Section 504, and the Education for All Handicapped Children Act of 1975. However, just as segregation and discriminatory practices remained entrenched in the structures of schooling post-*Brown*, the laws designed to serve disabled students failed to consider the intertwined, compounding effects of racism, ableism, classism,

sexism, and other forms of oppressions embedded into institutions (Blanchett, 2010). These practices have been profoundly consequential for disabled Students of Color, evidenced in the disproportionate referrals, limited opportunities and tracking, overrepresentation in special education, and the realities of punitive disciplinary measures (Annamma, 2014; Artiles et al., 2004; Cruz et al., 2021; Harry & Klingner, 2022; Skiba et al., 2006; Losen & Martinez, 2020).

Unfortunately, the race-neutral, disability-evasive framing of the law has failed to address intersectionality, a tool of analysis in this study (Bonilla-Silva, 2006; May, 2015). Specifically, we employ a lens of intersectionality coined by critical legal scholar Kimberlé Crenshaw and conceptualized by other Black Feminist scholars and thinkers (e.g., Patricia Hill Collins, Audre Lorde, bell hooks, Angela Davis), who theorized an understanding of the multiple, compounding inequities based on racism, ableism, gender discrimination, and other harmful ideologies that manifest in the Black women's multiply marginalized lived experiences. Particularly aligned with this work, Crenshaw (1989) asserted that most feminist and anti-racist politics had a narrow understanding of coexisting multiple and magnified oppressions, despite their clear positions on racism and gender discrimination separately. Finally, often co-opted out of its original conceptualization, intersectionality is often conflated with multiple identities, which places the issue on the individual rather than the underlying white-ability supremacy, and systemic oppressions imposed upon them (Collins, 2017).

Our inquiry is also guided by disability critical theory (DisCrit), developed by Annamma and colleagues (2013). DisCrit draws from intersectionality theory, critical race theory, and disability studies to highlight the concurrent and mutually reinforcing phenomena of racism, ableism, and other oppressions that impact disabled People of Color. DisCrit has been used to examine inequities across contexts, underscoring how policies and practices uphold white, able bodied, middle-class, heterosexual and cisgendered norms as the status quo. We are particularly attentive to DisCrit's emphasis on "the ways that the forces of racism and ableism circulate interdependently, often in neutralized and invisible ways, to uphold notions of normality...and the legal and historical aspects of dis/ability and race and how both have been used separately and together to deny the rights of some citizens" (Annamma et al., 2013, p. 11).

Historically, OCR has approached concerns impacting multiply marginalized students through data disaggregation and issuing guidance that addresses more than one social identity (e.g., racial discrimination in special education, U.S. Department of Education, 2016b). Extending this work, under the Biden administration, OCR issued guidance documents that signaled a more explicit and contemporary interpretation of civil rights enforcement, accounting for the confluent ways that multiple forms of oppression operate (Lewis et al., 2025b). To describe this approach, OCR used different terms such as terms such as "multiple bases of discrimination," "overlapping forms of discrimination," "the combination of protected characteristics," "intersectional discrimination," (U.S. Department of Education, 2021a, 2021b, 2022a). In sharp contrast, "intersectionality" is a term that the Trump administration has removed or flagged on government websites (Connelly, 2025).

Gopalan and Lewis (2022) conducted a nationwide systematic review of K-12 civil rights complaints, which uncovered notable trends in intersectional discrimination. This moment, even in the context of surmounting political, administrative, and structural burdens, presents a critical opportunity to historically examine OCR's enforcement activities through an intersectional lens (Gopalan & Lewis, 2022; Lewis et al., 2019; Lewis et al., 2025b). As noted by Overstreet et al. (2020), "we can exist in both an oppressive and liberatory ecosystem at the same time, while still holding fast to radical imaginations of social justice that transform our world. The both/and logics of intersectionality are essential to engaging the paradigm as critical inquiry and critical praxis" (p. 781). Even as its future hangs in the balance, we are particularly interested in how, if at all, the civil

rights complaint process has historically promoted sustainable, systemic, intersectional change related to harassment and discrimination. As such, our analysis is deeply connected to policy on both macro (federal) and micro (school district) levels.

Harassment Policy Context

While our analysis focuses primarily on OCR's complaint investigation process, policy guidance provides context for understanding: the magnitude of race and disability-based harassment in schools, the legal framework that OCR applies when assessing claims of harassment, and remedial actions approved by OCR. Notably, recognizing the significance of harassment, OCR has issued multiple guidance documents addressing disability harassment, sexual harassment, racial harassment, and harassment across civil rights laws (e.g., U.S. Department of Education, 2000, 2010b, 2014). For example, in 2000, OCR released disability harassment guidance in response to a "steady pace" of complaints, an increase in related court cases, and a sense of urgency communicated by parents, students with disabilities, and advocates (U.S. Department of Education, 2000).

Fulfilling its responsibilities across federal civil rights laws, policy guidance indicates that OCR is particularly concerned with conduct that is "severe" and "pervasive," such that it "creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program" (U.S. Department of Education, 2000; see also U.S. Department of Education, 1994, para 7). The Office notes that "harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating" (U.S. Department of Education, 2000; n.d.-b, para 1; see also U.S. Department of Education, 1994). Moreover, a 2014 guidance document clarified that harassment of a student with a disability on *any* basis may result in a denial of FAPE if a student is receiving services or supports under Section 504 or IDEA (U.S. Department of Education, 2014).

Guidance from OCR also provides some insight into approved strategies to prevent and eliminate disability-based harassment. Specifically, OCR mentions raising awareness and promoting an inclusive environment through the curriculum, staff training, policy accessibility, encouraging reporting, and providing counseling for targets of harassment (U.S. Department of Education, 1994, 2000). These remedies and proactive strategies reflect the significance and systemic nature of the issue of harassment, further establishing the need for individual and system level remedies.

Overall, OCR's guidance demonstrates the Office's interest in addressing harassment based on both race and disability. The complaint investigation process serves as an applied policy space for OCR to implement the legal frameworks presented in guidance.

The OCR Complaint Investigation Process

OCR's complaint investigation process provides a rich context for understanding strengths and limitations of the law in addressing intersectional oppression. Unlike filing a lawsuit, an individual filing a complaint with OCR does not need to be the subject of discrimination or harassment, or be directly involved. Instead, any interested individual or group can file a complaint, and at no cost to them, a critical feature of a democratic process.

With some exceptions, civil rights complaints can be filed against any educational institution that receives federal funding. Several procedures follow the initial submission of the complaint. Once the complaint is received by OCR, the Office determines whether it has the authority to investigate the complaint. Secondly, OCR screens the complaint to ensure that it meets several procedural checks (e.g., filed within 180 days of the alleged incident or a reason for the delay was

provided or waiver of time period should be granted). The content of the complaint is also evaluated to determine if sufficient information is included in order to proceed with an investigation, or if additional information is needed. After passing through these checkpoints and if OCR determines that the complaint meets the criteria for an investigation, it will then send a notification letter to the educational institution (U.S. Department of Education, 2022b).

The subsequent step initiates the formal investigation process. It is within this phase that parties may reach a voluntary resolution agreement (VRA), formalized in a document that OCR then approves and monitors. A VRA brings OCR's formal inquiry to a halt. In the absence of a VRA, however, OCR continues with the investigation and issues a determination, finding either insufficient evidence of noncompliance with the law or a preponderance of the evidence of noncompliance. Following a finding of noncompliance, OCR contacts the educational institution to gauge their interest in negotiating a resolution agreement. If they are unwilling, OCR may take additional measures to enforce compliance, such as through the involvement of the DOJ. Finally, OCR explicitly prohibits retaliation against complainants or students exercising their rights under federal civil rights laws.

Literature Review

A few areas of literature lay the groundwork for understanding OCR's work and impact through an intersectional lens. Our study is situated at the intersection of three areas of inquiry, research examining: (1) OCR broadly and its handling of complaints more specifically, (2) the prevalence and impact of race and disability-based bullying and harassment, and (3) intersectional inequities in special education. Despite OCR's significant role and responsibilities related to equity and accountability in K-12 schools, empirical research explicitly focused on the role and function of the Office is limited, although more research utilizes data gathered through OCR's Civil Rights Data Collection (Gopalan & Lewis, 2022; Losen et al., 2014; Welsh, 2025). Existing literature, nonetheless, offers some valuable insight into the OCR's work.

Limited Research on OCR

OCR has long served to protect civil rights, working as one force in ensuring southern desegregation occurred in the 1960s (Lewis et al., 2019). The Office holds a similar responsibility now—advancing educational equity and encouraging integration policies—but finds itself pushed and pulled by politics (Lewis et al., 2019; Siegel-Hawley et al., 2023). When a presidential change in administration shifts the political climate, so too does the interpretation of civil rights obligations (Lewis et al., 2025b). Under the Obama administration, OCR adopted a “comprehensive and practical approach” to civil rights guidance that led to stronger system level enforcement of federal civil rights laws (Lewis et al., 2019, p. 52). During the Obama era, OCR made this practice efficient through the accessibility and detail of their guidance documents, functional interpretations of new case law, and attention to and utilization of research, setting a strong precedent for how OCR can be utilized to actively dismantle systemic discrimination in education through reasonable and feasible strategies.

Alongside a change in the language surrounding civil rights—e.g., an increase in the term “colorblind”—both Trump administrations have actively worked to suppress the impact of civil rights legislation (Perera, 2026). For example, the administration promotes an interpretation of Title VI that eliminates protection for discrimination that has a disparate impact on minoritized groups (Benner & Green, 2021; Siegel-Hawley et al., 2023). Furthermore, according to recent research, “the Trump administration has narrowed the focus of the Office for Civil Rights to three primary issues:

transgender student policies, reverse racial discrimination, and antisemitism,” concluding that “the U.S. Department of Education has turned civil rights enforcement into a discriminatory tool” (Perera, 2026). Consequently, students who needed OCR's protection most have found a less cooperative system under both Trump administrations.

One of OCR's more prominent methods of enforcing civil rights in educational institutions occurs through the complaint system. Research relying on data gathered from this arm of OCR's work is less common than other aspects of their work (e.g., Civil Rights Data Collection; Gopalan & Lewis, 2022; Pollock, 2005; Worthington, 2017). From 1999 to 2019, around 41% of school districts were the subject of harassment complaints under federal civil rights laws (Gopalan & Lewis, 2022). The majority of harassment complaints tend to focus on students with disabilities, with racial harassment complaints close behind. Additionally, although complaints are filed in a multitude of districts, schools where Black students are overrepresented are more likely to have discrimination complaints filed against them and exhibit other systemic inequities, exemplifying interlocking forms of discrimination, similar to the assumptions underlying our analysis. Qualitative analysis of complaints is limited, although a few studies examine documents associated with complaints (Frye, 2020).

Many disability advocates have long understood that it would be challenging for students with disabilities to receive the services to which they are entitled *without* bringing complaints to OCR (Pollock, 2005). It is evident from relevant research that some enforcement strategies are more effective in preventing and addressing civil rights violations (e.g., the Obama administration's “comprehensive and practical approach”). As such, it is important to examine whether enforcement activities within the complaint investigation process work to root out the systemic oppression of minoritized students (Scott et al., 2020), while also acknowledging the administrative burdens placed upon those who provide testimony of these violations (Ray et al., 2023).

Racial and Disability-Related Bullying and Harassment

Data demonstrates that racial and disability-based bullying and harassment is quite prevalent in K-12 schools. Although bullying and harassment are sometimes used interchangeably, the ED issued specific guidance in their *Dear Colleague Letter on Harassment and Bullying*, issued in 2010 to make these distinctions clear. Importantly, this guidance served as a reminder that harassment is the “school's responsibility even if the misconduct also is covered by an anti-bullying policy and regardless of whether the student makes a complaint, asks the school to take action, or identifies the harassment as a form of discrimination” (U.S. Department of Education, 2010a, p. 2). Although this guidance has since been archived due to inconsistency with the current ED regulations and executive orders, this resource provided clear and explicit guidance that multiple violations of students' rights can and do co-occur, and can have profound impacts on students' lives.

A Government Accountability Office report in 2021 on the nature of bullying and harassment in schools clarified that a student's minoritized status can act as a predictor for being bullied. Of the one in five 12–18-year-old students who were bullied in the 2018-19 school year, one in four were bullied explicitly due to their “race, national origin, religion, disability, gender, or sexual orientation” (GAO, 2021, p. 16). Of the 1.6 million students subject to hate speech in those years, racial discrimination was the most common factor that led to those students being harassed (GAO, 2021). Reported hate speech in 2019-2020 targeted Asian Americans because of political COVID-19 rhetoric and Latinx students about documentation statuses, whereas Black students reported being threatened with lynchings. Even further than verbal harassment, it is estimated that during the 2015-16 and 2017-18 school years, 1,276 hate crimes were committed based on racial discrimination. For students with disabilities, bullying and harassment results in large part from the stigmatization of

disability, with harassment becoming more common if a disability is more stigmatized (Holzbauer, 2008). Facing harassment can also make transitioning from school to work challenging for students with disabilities if they are averse to coming to school or fearful that the same harassment will occur to them at work.

Furthermore, considering the short- and long-term effects of bullying and harassment, minoritized students who are bullied experience an amplification of the troubles they already face due to systemic oppression. K-12 aged victims of bullying are placed at risk for poor academic performance and absenteeism – and consequently lower academic achievement and generally poorer employment outcomes, somatic problems, and substance abuse (Wolke & Lereya, 2015). The ED's 2010 guidance documents provided explicit potential manifestations of harassment and bullying on student performance and well-being, including “general deterioration in physical health,” “lowered academic achievement and aspirations,” and “feelings of alienation in the school environment, such as fear of other children” (U.S. Department of Education, 2010a, p. 1). For students with disabilities, bullying and harassment can also “impede [their] access to an equal education,” resulting in those students being denied the free and appropriate public education guaranteed to them by Section 504 (GAO, 2021, p. 1).

For students with disabilities who are part of racially minoritized groups, the negative experiences and outcomes of bullying and harassment are compounded (e.g., Mulvaney et al., 2018). The bullying and harassment literature provides some important grounding for a focus on intersectional discrimination (Garnett et al., 2014; Peguero, 2012; Peguero & Hong, 2020). Importantly, bullying and harassment are not restricted to students' behaviors, nor are they likely to be a single or “one-off” action. The ED's prior guidance covers any retaliation by district employees, which include direct actions (failures of schools to address ongoing bullying and harassment) or indirect actions (failures to implement policy or school climate changes to protect students) (U.S. Department of Education, 2013). Furthermore, the literature highlights a relationship between bullying and systemic inequities and climate more broadly (Fu et al., 2023), suggesting a need to focus not only on individual remedies but also systemic remedies in the complaint investigation process.

Intersectional/DisCrit Analysis in Special Education

Within the special education context, there is a robust literature base empirically examining intersectional inequities experienced by students with disabilities (Annamma & Handy, 2021; Cruz et al., 2021; Erevelles, 2014). As such, our study is an extension of this critical scholarship, with a specific focus on the complaint process as a mechanism to address intersectional inequities. Intersectional inequities in special education research cut across different dimensions of special education policy and practice. For example, extant research work notes the disproportionate identification, placement, and discipline of Students of Color in special education (Artiles, 2019; Harry & Klingner, 2022; Skiba et al., 2002, 2006; Tefera & Fischman, 2020; Tefera et al., 2023). Relevant literature underscores that Black and Brown students are both overrepresented in special education programs compared to white students and underrepresented among students who receive their appropriate Section 504 accommodations in school (Lewis & Muñiz, 2023). Further compounding these issues are the realities of overdisciplining and tracking, profoundly experienced among disabled Students of Color that have been documented for decades (Bal et al., 2019; Coutinho & Oswald, 2000; Cruz et al., 2021; Tefera & Siegel-Hawley, 2017). Research also notes the ways that dominant policies, and practices also reinforce systemic barriers and obstacles to accessing equitable opportunities for Families of Color (Fenton et al., 2017; Harry & Ocasio-Stoutenburg, 2020).

Similarities across the special education literature illuminate the systemic nature of the discrimination. Relatedly, it is reasonable to assume that the systemic inequities that are present in special education are also present in ensuring civil rights protections in the context of harassment, since many of the same actors are involved in the district response. Consequently, it is critical for the complaint process to address issues at the systemic level and to account for the ways that multiply marginalized individuals experience compounded inequities.

Research Design and Methods

Foregrounding the methodology is a) a description of our positionality as investigators, b) the research design and data retrieval process, and c) the analytical tools. We put forth our positionality as cross-disciplinary researchers with individual expertise and orientations to this study. Lydia identifies as a Black nondisabled woman with Puerto Rican ethnicity and a critical, intersectional qualitative researcher in special education whose work centers the voices of families advocating for disabled Youth of Color. Maria identifies as a queer white woman and interdisciplinary scholar of law and education who applies critical frames to expose and dismantle systemic injustice in education policy and practice. Gabriella identifies as a Black woman JD candidate, with a background in racial justice and equity initiatives in education.

Research Design and Data Retrieval

To retrieve our dataset, we reviewed publicly accessible data through the U.S. Department of Education Office of Civil Rights Recent Resolution Search website. According to OCR, this resource provides “access to resolution documents reached on or after October 1, 2013.” Visitors to the website “have access to all currently uploaded documents that meet OCR’s document upload criteria” (U.S. Department of Education, n.d.-c). We note, however, that the specifics of the criteria for upload are not explicit.

Acknowledging the often nuanced and subtler features of racism, we sought to examine complaints that included allegations of disability-based harassment and featured any form of racial discrimination. To create our dataset, we filtered OCR’s Recent Resolutions by complaints that met the following criteria: 1) Type of Institution- Elementary and Secondary, 2) Statute-Disability Discrimination, Race and National Origin Discrimination, and 3) Type of Discrimination: Disability Harassment. The results from this initial search included 43 complaints, with dates ranging from 2013-2025. We note that this dataset includes only complaints that OCR investigated, meaning that the sample does not include complaints which were determined to have insufficient evidence to undergo further investigation by OCR, or cases that were closed prior to the completion of OCR’s investigation. Documents containing far too many redactions to analyze facts and make interpretations were excluded as well. The final yield after applying these inclusion/exclusion criteria was 24 complaints. While this dataset comprises a small percentage of the full universe of complaints that OCR receives, research finds that a small percentage of OCR complaints result in an agreement, either through VRA or after a finding of noncompliance (Gopalan & Lewis, 2022).

For each complaint, we examined the two types of accessible documents involved during OCR’s investigative process: 1) OCR’s decision letters sent to complaint recipients following a voluntary agreement to resolve the complaint or after a full investigation when OCR has reached a decision and 2) resulting resolution agreements. With two documents for each complaint, the full dataset included 48 artifacts. Whether through an early VRA or following a full investigation, these documents outline the nature of the complaint and remedies agreed to by the district following OCR’s involvement.

Notably, many complaints preceded OCR's explicit signaling toward intersectionality under the Biden administration. However, our study is less focused on how OCR has implemented this specific commitment under the Biden administration and more on how the Office has historically addressed intersectional discrimination. This historical analysis provides a foundation for understanding the limitations of prior practices and the possibilities for the future.

Analytical Tools

We examined the information contained within decision letters and resolution documents based on sequence of events and related discourse among actors with differing roles (e.g., OCR, school districts, administrators, parents, and students). We employed both 1) critical discourse analysis (CDA) and 2) qualitative analysis through abductive methods to generate content-rich themes. Additionally, we examined the historical context of the documents to illuminate any political or logistical patterns. Taken together, these approaches, whose recursive processes support methodological triangulation, enhance the credibility of the study and contribute important insights to policy research (Dumas & Anderson, 2014; Stahl & King, 2020).

Critical Discourse Analysis

CDA was selected as an analytical tool for its ability to uncover complex manifestations of systemic inequities situated within hierarchical structures of schools and districts. As noted by vanDijk (1993), CDA often seeks to interrogate, "structures, strategies or other properties of text, talk, verbal interaction or communicative events play a role in these modes of reproduction" (p. 298). As a preliminary step, we engaged in multiple rounds of review as a team, examining decision letters and resolution agreements. Specific to our study and informed by our conceptual frameworks, we interrogated dynamics of power in the languaging and content, given the inequities entrenched within systems and institutions (Ray et al., 2023). Power is central to understanding the existing dynamics among all of these entities, which, at times, forcefully urges compliance at both district and school level (Kramarczuk Voulgarides et al., 2021), often at the expense of justice or equity. We captured our summaries from CDA into our team documents, generating further questions through independent and collective reviews.

Qualitative Analysis through Abductive Methods

Given our framework of DisCrit, which "focuses on ways that the forces of racism and ableism circulate interdependently, often in neutralized and invisible ways," an examination of the discourse required a close engagement of the data (Annamma et al. 2013, p. 11). Our first step began with close independent reviews of the documents. Subsequent to the document review, the team used a constant comparison method to develop a series of team generated deductive codes substantive to the recurrent patterns and concepts uncovered through our independent and collective review to establish a coding frame (Miles & Huberman, 1994). Some examples of codes in our frame included alleged facts supporting assertions regarding a hostile environment, district response to harassment, OCR findings, and resolution/remedies (e.g., individual or systemic steps the district must take). We then mapped the specific content from the two sets of documents onto this frame. Inductive analysis, which included close open coding of the texts, allowed us to explore any additional codes not captured to refine the coding frame, and to generate substantive themes. The inductive analysis followed a constructivist grounded theory methodological approach (CGTM; Charmaz, 2014). We elected this approach for its ability to incorporate close engagement with the data and researcher construction of themes, which can be used outside of theory generation (Fram, 2013).

Importantly, this combination of robust reviews with continual refinement allowed us to incorporate our critical and intersectional frameworks (Esposito & Evans-Winters, 2021). We triangulated data from our qualitative analysis of the 48 artifacts, CDA documentation, and team memos, as well as debriefings among the team members. These processes led to the development of thematic categories. While these data were retrieved from an open source, we kept our analysis anonymized, descriptive of content rather than individual district or institution. Importantly, we note that this sample represents only a fraction of the civil rights complaints across U.S. states and districts.

Findings

Following this analytical process, and aligned with our explicit focus on intersectionality, we present findings from our abductive analysis of the documents' content, as well as our analysis of the context. Three cross-cutting themes were constructed through qualitative analysis which include: 1) Evidencing Harm, 2) Exercising Power, and 3) (Dis)Connections between Harms and Resolutions.

Evidencing Harm

In this theme, we describe the processes by which harm occurred, categorized as interpersonal, structural, and remedial in nature. The latter describes the actions of district personnel after either reports were made at the school district level or complaints were formally filed with OCR.

Interpersonal Harm

Allegations included disability-based harassment in tandem with racial harassment or harassment based on national origin. Other reported types of discrimination included gender-based harassment, presumed sexual orientation, stereotyping, and/or identity-based harassment. Notably, the perpetrators of interpersonal harms included peers as well as district personnel (teachers, staff members, administrators). Reports included acts of violence, which were verbal (e.g., name-calling and slurs), psychological (e.g., acts of humiliation and cyberbullying) or physical (e.g., assault or theft of a student's property). Disability discrimination and harassment, for example, ranged from perpetuating disability stigma for known or suspected eligibility for school-based supports (e.g., medication, therapies) to mockeries of peers' presentations. Compounding these acts of discrimination and harassment were racially, ethnically, and disability-related derogatory insults and slurs, at times heightened for an additional historically marginalized identity or identification. Said another way, complaints included disabled Students of Color experiencing further discrimination because of their gender identity or presumed LGBTQ identification.

Noteworthy in analyzing the layers of interpersonal harms was that some of peers' behaviors were the result of repeated acknowledgement or suspicion of a students' disability status, further compounded by racist and discriminatory views that were committed, sanctioned, or ignored by school personnel. One such example included the reports of a student with multiple disabilities who had been consistently ridiculed by peers, called "idiot," and "dumb-dumb," which a vice-principal dismissed as "merely 'banter between [two] cognitively impaired students.'"

School and district personnel also served as direct agents of harassment, discrimination, and violence. Documents included reports of teachers and staff partaking in the harassment of students by using racist and ableist slurs, while also providing evidence of physical violence toward students. One striking example of denigrating language was committed by a district staff member who told a student, "move it, monkey," also referring to that student as "The Nutty Professor." Other cases

involved teachers' denial or minimization of the students' disability support needs, reflected in their refusals to provide accommodations.

Structural Harms

Structural harms were reflected in the policies, procedures, the overall school climate, as well as the lack of explicit directives to ensure student protections. Complaint documents and OCR findings included dismissals of caregiver requests for evaluations, poorly implemented Individualized Education Programs (IEPs), and failures to institute or follow protocols to ensure students' safety. Harms at the structural level led to material consequences for students, which included the denial of their disability-related, and health-oriented needs (e.g., students' free and appropriate public education [FAPE], necessary medication, related services and accommodations) but even basic functional needs, such as use of school restrooms. Additionally, at the structural level, resolution agreements noted missing guidelines for reporting incidents of discrimination and harassment or a point of contact. Resolutions also implied that schools that were the subject of complaints failed to provide information that outlined types of discrimination and define bullying within schools or to the wider school community. Moreover, some of the resolution agreements revealed how information about students' protected rights were not present or clear in their documentation. Taken together, these documents illustrated the ways in which school climates were conducive to or maintained structural harms, with profound impacts upon multiply marginalized students.

It should be noted that although several cases provided evidence of intersectional discrimination (e.g., harms experienced by disabled Students of Color), none of OCR's complaint decisions or resolution documents explicitly identified or addressed intersectionality. Where civil rights violations were found, OCR referenced the laws discretely (e.g., violation of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973).

Remedial Harms

Our CDA revealed instances where administrators and school personnel engaged in racial and disability-directed aggressions and microaggressions in response to reports of violence, discrimination, and harassment, and complaints with OCR, also known as retaliation. These retaliatory actions included both direct and indirect actions, from intimidating students and families, to contributing to a hostile environment. One of the reviewed documents provided a clear example of intersectionality in both the incident and response of school personnel. The initial complaint reported how "Student 1 was harassed on the bases of disability and race when her teacher pulled her by the ear." In retaliation, however, "the Assistant Principal threatened to expel the Students⁴ after their mother reported the incident," impacting Student 1 as well as their sibling. Another case involved the principal's response to a family's complaint about peer-to-peer harassment. The principal proceeded to intimidate them and minimize their concerns, describing the family of the peer as a "nice family."

One case included a complainant who described intersectional discrimination in the retaliatory acts of school personnel, whereas following their report, staff members were "disciplining her [child] more harshly than Hispanic, non-disabled students involved in the same altercations." Another illustrative example in the sample described a request for the district to investigate the complaints of a student repeatedly harassed and subjected to racist and ableist slurs by peers, who used referred to the student using terms such as "[B]lack b****" and "stupid." In response, the district appointed an unqualified investigator who failed to address the intersectionality experienced by the student even after being provided with targeted points for inquiry. Specifically, the document

⁴ Refers to the targeted student and their sibling.

noted, “[the investigator] did not inquire about the harassment and bullying allegation based on race, disability, and sex, even though the Complainant had checked off these three categories.”

Exercising Power

The account of harm described in the previous section revealed how each of the individuals and entities involved (peers, complainants, school and district personnel, OCR) had varying degrees of agency and power, evidenced through their navigation and use of structures and procedures. Although the identities of the complainants were not explicitly stated in the documentation, it can be inferred that caregivers are typically filing on behalf of the students. Many of these incidents were not single, one-time events, but instead reflected a failure to remedy or address situations over time, and through several channels, including the IEP process, discussions with teachers, or contact with administrators. Reports also included complainants being told that the situation would be addressed without the provision of details (e.g., timeline, remedies). In one particular case, the student’s family had been involved in due process, met with several district personnel, and had even involved a local chapter of the NAACP in meetings with district personnel, all without meaningful resolution.

When initial efforts were unsuccessful at the school level, this prompted the complainants’ contact with OCR to initiate an investigation. According to the documents, many districts were eager to enter VRAs prior to the completion of the investigation by OCR, another means by which districts exercised power. Though seemingly innocuous, the legal framing of the language on these documents underscored a great deal of ambiguity over accountability, such as, “District X entered into agreement, without admitting to any violation of the law.” Resolution agreements varied in their inclusion of student and parent concerns in the remedies, or whether further inquiry would take place. In several cases, the onus was placed upon the complainant to provide further documentation for incidents that occurred and to partake in individual interviews with OCR, while other remedies noted districts would inform the complainants of the outcomes. Still, some resolutions failed to mention individual remedies at all.

District personnel also engaged in displays of power through their active and passive use of structural processes. One illustrative example involved a complainant’s claim that the school imposed barriers to thwart an investigation. In requesting a student’s school records, the complainant alleged they were told by school personnel that they needed to pay a fee, suggesting a failure to comply with FERPA requests in the same way it did for “similarly situated white parents.” Although OCR determined that further inquiry was needed even after the school’s district entered into VRA, OCR did not find enough evidence to substantiate the racial discrimination claims. This underscores one troubling phenomenon in the complaint and investigation process—that the burden of proof in alleging racial discrimination may be a challenging hurdle for complainants to overcome. Nonetheless, given the subtle ways in which discrimination operates, the outcomes do not necessarily mean the complaints are devoid of any element of truth or harm.

(Dis)Connections between Harm and Resolutions

An important query emerged from the discursive processing— what might a robust remedy for addressing these inequities look like? To that end, we analyzed the connections between the documented harm and the resolutions to 1) assess how the remedies matched the allegations raised in the initial complaint, 2) assess their quality from a least robust to most robust response, and 3) theorize about what a sustainable remedy would look like (recommendations). These recommendations are outlined in Table 1. As noted in the title of this theme, we uncovered a disconnect between the harms and remedies outlined. There appeared to be no consistent trend over time. However, more robust resolutions seemed to follow a full investigation, as opposed to following a VRA.

Table 1*Levels of Remediation and Recommended Remedies*

Level of Remediation	Means	Channels from Findings	Recommended Remedies
SYSTEM	Policies and Procedures	• Policy revisions • Distributed and accessible non-discrimination statements • Explicit complaint procedures	• Revisions to policies and statements, with explicit definitions of intersectionality, including clear examples • Explicit complaint procedures in accessible formats and language, with multiple points of contact
	Data	• Self-monitoring and reporting • Climate survey	• Periodic and continued self-monitoring to OCR • Regularly administer climate survey, distributing climate survey and results throughout school community
	Training	• Training on discrimination, bullying, and harassment • Education about racism and disability, provisions under IDEA and Section 504	• District and school-wide training (all students, staff, administrators, etc.) on discrimination, bullying and harassment with specific training on intersectionality • Education about racism, disability, and intersectionality; impacts on assessment and provisions of student accommodations • Training on how ideology translates into practice, impacts on peers • Train-the-trainer: reflective practices for all personnel • Videos, media, accessible content for students to make connections • Curricular and classroom integration at all grade levels

Level of Remediation	Means	Channels from Findings	Recommended Remedies
INDIVIDUAL	Organizational Structures	• Creation of task forces • Identification of reporting personnel • Ad hoc counseling and support for impacted students	• Interdisciplinary and equitable efforts among task members (school personnel, families, community members, students) • Multiple reporting personnel to address potential retaliation • Cultivating awareness, acceptance, inclusive environments and behaviors throughout school and classroom • Providing ongoing counseling support for all students
	IEP and/or 504	• Evaluation and reevaluation establishment of eligibility	• Adding student protections to IEP/504 plan • Intermittent reviews to ensure implementation
	Compensatory Services	• Establishment or continuance of services, supports, and interventions	• Communication and monitoring to ensure implementation of compensatory services and provision of FAPE
	Student Protection Plans	• Ad hoc student protection plans (reactive)	• Proactive protection plans for multiply marginalized students • Ongoing protections against future retaliation
	Restorative and Ongoing Measures	• Counseling to redress student harm • Removal of disciplinary items from student's records	• Ongoing counseling to remedy lasting impacts • Scheduled and ongoing reporting to OCR that extends beyond investigation
	Transparency in Communications	• Responsiveness about outcomes of investigation • Information about complaint process and contacts	• Ongoing communications with school team • Restoration of rapport with families

Contextual Findings

The artifacts of cases that met our selection criteria spanned 14 U.S. states. The structures and the coverage areas among OCR's regional offices throughout the US are not uniformly distributed. For example, some OCR regional offices provide oversight for multiple states. Notably, while the years included within this study are included within four distinct U.S. administrations, there were no consistent patterns in acknowledgements of intersectionality occurring at the school level across or within administrations, nor was there explicit language on intersectionality across OCR's resolution documents. Furthermore, none of the proposed training opportunities addressed harassment as co-occurring and magnified toward multiply marginalized students but instead addressed violations or allegations separately. In sum, very few districts included a litany of robust responses; most districts, however, had only a few of these elements, missing the opportunity to respond critically and comprehensively to intersectional harm.

Discussion

We situate our findings within a sociopolitical climate that has impacted the structure and function of OCR, as well as the ED, more broadly. Without a doubt, both the pursuit of civil rights for students and accountability among those who uphold educational justice are vulnerable in the current context. Within this environment, we acknowledge that the law is an imperfect institution, animated by those responsible for its enforcement and implementation (Lewis et al., 2025a). As noted by Lewis and colleagues (2025b), "gray areas in the law leave room to 'play in the joints' and zealously reinforce, passively retreat from, or co-opt the intent behind federal civil rights laws" (p. 2). Adopting a stance of "zealous advocacy," as opposed to "passive retreat" or succumbing to efforts to "co-opt the intent behind federal civil rights laws," we utilize this moment to 1) examine the limitations within OCR's accountability system while also supporting efforts to keep it from being dismantled, and 2) apply an intersectional lens to reimagine that system to ensure just school climates.

Our findings revealed that the complaint process drives school districts to implement a range of remedies. However, our analysis illuminates the limitations of resolution agreements in addressing both system and individual level issues, whether agreements occur prior to a complete investigation or following a full investigation. These limitations were particularly significant when viewed through an intersectional lens. While we noted some promising elements of resolution agreements, depth and sustainability was dependent upon filling in details. In particular, some resolution agreements lacked critical details regarding implementation and instead focused more on broad policies or practices. This higher level of focus leaves school districts with substantial discretion, which has the potential to impact the effectiveness of remedies, depending on a district's approach. These findings also implicate micro and macro level politics at issue in both OCR's approach to the complaint investigation process and an individual school district's response to a complaint filed against it. In this section, we will expand upon these considerations in greater detail.

A Lack of Intersectional Analysis and Remedies

Within the sample of complaints, racial and disability-based harassment were often viewed and addressed in isolation. While a student may have experienced intersectionality (e.g., both racial and disability-based discrimination), the complaint documents did not reflect an intersectional analysis addressing how these phenomena are intricately linked and magnify one another, either explicitly, or by implication. This finding aligns with the assertions of critical and intersectionality scholars, who have called out the shortcomings of the law in acknowledging the co-occurrence of

forms of oppression (May, 2015). While this is likely due to the fact that civil rights laws exist as parallel statutory frameworks, the reality is that discrimination manifests in much more complex ways than the law is designed to acknowledge (Carbado & Crenshaw, 2019). This is no less consequential; the documents reflected failures to protect disabled Students of Color, failing to provide them with FAPE, and failing to ensure access to appropriate supports to which they are entitled under the law. Furthermore, interpersonally and structurally, district personnel should be the upholders of student protections, especially for students who are most vulnerable in the system, mediating concerns at the school level. Importantly, results of this review underscore how deep structural and systemic fractures trickle down into macrolevel experiences for students and families. This review presents empirical evidence of how the interpersonal behaviors of peers, school and district personnel, as well as deficient policies, play a role in perpetuating harm. To truly address discrimination, we need to re-envision approaches to compliance (Lewis et al., 2025b).

OCR's statements under the Biden administration indicate a willingness to break away from the historical ways of viewing discrimination discretely, to instead consider "overlapping" or "multiple bases of discrimination." To accomplish this, it is critical to not only examine explicit discriminatory practices, but to interrogate more implicit and nuanced forms of discrimination, which disproportionately impact minoritized students (Lewis et al., 2025b). For example, a complaint involving disability-based bullying and harassment may include language used by employees with racist undertones. This should not be ignored to prioritize one form or discrimination over the other, as they occur in tandem. OCR should engage in an explicit awareness of the more subtle but no less violent forms of discrimination (Bonilla-Silva, 2006). A diluted version of intersectionality weakens possibilities for just resolutions (Lewis et al., 2025). While the Trump administration is unlikely to adopt a robust commitment to addressing intersectional discrimination, future administrations will have the opportunity to re-ignite OCR's commitment to "vigorous enforcement of civil rights" (U.S. Department of Education, n.d.-a). Historical analyses such as this study can help inform these future approaches.

Redressing System and Individual Level Harm: Limitations and Promises

Through the complaint resolution process, school districts were required to engage in system-level changes such as policy review, revision, and training. At the individual level, school districts were required to take a range of actions, which include conducting investigations. These elements were common throughout the complaint dataset and were reflective of some of the remedies noted in guidance documents (e.g., U.S. Department of Education, 2010b; 2014). However, the details within these elements differed across the complaints, such as who was required to attend trainings, what trainings entailed, who was qualified to offer trainings, and how frequent trainings were required. In some instances, only administrators were required to attend trainings, while in others, training attendance was required of all district employees. Additionally, mandated student and schoolwide trainings were evidenced within the sample, albeit inconsistently.

Acknowledging the deep entrenchment of systemic inequities within school culture, it is critical for all members of the school community (administrators, personnel and staff, students) to attend trainings. Secondly, these trainings should not be anomalous, but should be offered at least annually, led by an external training provider with relevant expertise. Furthermore, the substance of the training should address not only the legal requirements of individual civil rights laws but explain how they interact with one another. Attendees should be provided with the knowledge on ways to identify, address, and prevent compounded inequities that multiply marginalized individuals experience (e.g., a complaint of disability harassment and differential treatment based on racialized identity). Critical scholars and the ED's Equity Assistance Centers could provide meaningful support for this professional development.

We recognize that our findings are intertwined with understandings of the role of OCR, both statutorily and as a practical matter (Lewis et al., 2025b). As an agency responsible for enforcement and compliance, OCR may perceive “best practices” as outside of its purview. In this way, while the law can sometimes provide protections, it could also limit meaningful change. Nonetheless, there have been instances where OCR has issued policy guidance addressing compliance in tandem with a “best practices” document released by another arm of the U.S. Department of Education (see e.g., U.S. Department of Education, 2016a). Within the complaint investigation process, OCR could similarly provide school districts with resources describing a range of robust remedies that extend beyond more generic practices such as training, clear and accessible statements of policies, etc. Instead, the process could draw from OCR’s experience in prior investigations and peer reviewed research to extend beyond compliance to promote sustainable systemic change.

Promising elements for redressing harm such as conducting a climate survey, creating a task force, providing counseling, and determining whether a student or employee’s actions resulted in a denial of FAPE appeared less often in the sample. Nonetheless, these remedies are particularly noteworthy since some of these elements move beyond traditional language of compliance (with the exception of FAPE denial). At the individual level, determining whether a denial of FAPE occurred and providing counseling to victims of harassment are critical because they can be restorative. At the system level, a climate survey and a task force speak to issues with climate and culture, addressing root causes and recognizing that issues raised in a complaint may not be isolated. Particularly striking to us was the creation of local monitoring infrastructures as an accountability measure, featuring members of the school community. This is essential, as noted by Ocasio-Stoutenburg and colleagues (2023), “[c]entralizing the voices of community members at multiple levels helped to explore the systemic and everyday challenges of intersectionality” (p. 124).

Political Dimensions of the Complaint Process

Micro level and macro level politics facing districts and OCR appear to be consistently at play. At the district level, in many instances, districts engaged in voluntary resolution before the complaint investigation was complete. In other instances, it appeared that the terms of the resolution agreements were more focused on making the complaint “go away,” rather than addressing the issue raised in the complaint or creating an environment that minimizes the possibility of a similar complaint in the future. A more proactive, systemic approach preserves the intent behind civil rights laws, promotes the dignity and humanity of racially minoritized students, and can serve as a risk assessment tool for school districts. Lewis and colleagues (2025b) for example, recommended that OCR employ intersectionality as critical praxis, involving all members of the school community as an ongoing accountability measure.

Our analysis also relates to the political forces influencing OCR’s approach to complaint investigations. Changes in administrations have shifted the way that OCR approaches the complaint investigation over time (Gopalan & Lewis, 2022; Lewis et al., 2018, Perera, 2026). For example, according to Perera (2026), “nearly all investigations initiated by OCR prior to 2025 came in response to complaints filed by families and/or advocates. In 2025, OCR has prioritized more proactive, administration-directed investigations, as well as investigations into complaints filed by right-wing advocacy groups.” While nothing prevents a school district from exceeding the obligations set forth in the law, determining if school districts have met the minimum threshold to be in compliance with the law is within the purview of OCR and this determination may differ by the political leanings of a given presidential administration (Lewis et al., 2025b). Nonetheless, a commitment to educational justice must remain steadfast.

Limitations

There are several bounds to this review. One is the fact that we are reviewing a sample of publicly accessible data, limited in both scope and context. Available information is restricted to what is presented in publicly available documentation. As such, there are a number of documents with heavily redacted information. Moreover, because of the variability in facts and local contexts, the written language and remedies are not generalizable. However, there is danger in viewing these cases as “one-off” situations. Rather, our analysis underscores one of the key tenets of special education, which is to be *responsive to* and *responsible for* each individual student, rather than protecting the entities that are designed to serve them.

Finally, and perhaps most important of all is the limitation of the legal discourse, in both the complaints and the resolution agreements. While these may capture some incidents of explicit racism, disability-based harassment, assaults, and microaggressions, we are aware of the limitations of the language in these written documents, as they may not always capture the nuances of intersectionality that impact students, their families, and the school ecosystem. On a related note, the sample does not include complaints that have been dismissed, including for procedural reasons that have no bearing on the substance of the claim (e.g., lack of consent).

Implications for Policy, Practice, and Future Research

We can draw several implications from this review, informing directions for the development of policy, practice, as well as future research. Each of these elements incorporates a multilevel, comprehensive focus on intersectionality which informs documentation and action steps. Because all entities play a critical role in shaping the future of civil rights protections, we offer recommendations at all levels, from structural to interpersonal.

Intersectionality in Policy and Commitment to Redressing Harm

This review supports the critical need to revise and reinforce policies to protect multiply marginalized students, linking the administrative support to OCR, within OCR’s structures and operations, as well as the school district level policies. A first point is to remain resolute in the commitment to civil rights protections for students, the laws upon which OCR hinges its work. We cannot ignore the disruptions to protections and staffing being currently operationalized. In fact, a coalition of civil rights leaders have demanded that the federal government restore the promise of federal civil rights laws (Leadership Conference on Civil and Human Rights, 2025). Indeed, despite the number and degree of areas of growth for OCR, its function and operations to protect student civil rights should be sustained, not dismantled. Second, these policies should explicitly acknowledge and address the realities of co-occurring racism, ableism, and other forms of oppression based on students’ identities and labels. Acknowledging the waxes and wanes of sociopolitical climates, shifts toward seemingly neutralized language only circumvents the steps toward addressing intersectionality. Regarding its own practices, OCR should incorporate an explicitly intersectional lens throughout their processes, including investigation, review, decision-making, and remediation (Lewis et al., 2025b). Modeled at the top, and consistent through OCR’s guidance, intersectionality-informed policies should also trickle down to school and district documentation (e.g., handbooks, complaint procedures, procedural safeguards), while also emphasizing school and district level’s commitment to preventing, identifying, and redressing harms.

Considering that our study offers insight into a limited sample of the experiences of intersectionality in schools across the nation, there is even greater urgency for policies to reflect an understanding of the magnified, disproportionate impacts of system, interpersonal, and remedial

harms for disabled Students of Color, as well as other students with historically marginalized social identities. Policies should also reflect explicit assurances for the provisions of students' educational needs and related supports, as well as a safe and hostile-free environment. OCR is uniquely positioned to support this capacity building at the district level through its technical assistance and complaint investigation processes.

Incorporating Understanding and Realities of Intersectionality

Building upon the resolution agreements' emphasis on training, care should be taken to incorporate deeper understandings of the historical entrenchments of racism, ableism, sexism, and other ideologies, including their concurrent operations, examining how they are embedded into the systems as well as the behaviors among staff and administrators. Robust training should ensure that district personnel are prepared to analyze how these ideologies and behaviors translate into material, social, opportunity, and psychological consequences for students. Continuous and intermittent reflective practices as well as shared understandings and commitments to shared values should be instituted as measures to address intersectional harm (Lewis et al., 2025b).

Promoting a safe and inclusive school culture entails explicit teaching about the history and active, pervasive interdependence of racism, ableism and discriminatory ideologies, rather than teaching about them discretely, passively, or as a historical artifact. Given the realities of imposed federal and state policies that suppress and create revisionist versions of historical realities that impact multiply marginalized people, multimedia resources (e.g., artifacts, video testimonials) can help students make critical connections about the real and lived implications that impact their peers. Additionally, this review underscores the fact that these matters will not resolve on their own. In fact, recent reports from the GAO have indicated that disability-based complaints have gone largely unreviewed or dismissed prior to complete investigation (Dilworth, 2026). An overreliance on good faith measures of district personnel, one-time professional development opportunities, or singular awareness and anti-bullying days for students are inadequate for addressing the pervasive nature of intersectionality. Instead, these should be embedded into practices (Lewis et al., 2025b).

Identification and Responsiveness to Intersectionality at All Levels

In addition to OCR employees, all members of the school community hold a responsibility in promoting an inclusive and safe school climate, which should be articulated from policy to practice. Institutions are not neutral, but are both subjected to and reinforcing of racial inequities (Ray et al., 2019). Although individual complainants may file with OCR at no financial cost to them, there are additional costs incurred by engaging in these procedures to pursue justice. Ray and colleagues (2023) described this phenomenon as "administrative burden" on the individuals, whereas institutions and entities replicate hierarchies which place the onus on the individual who is already disproportionately impacted by these inequities. The identification and responsiveness to intersectionality should be placed at all levels, while also recognizing the role of power dynamics and the aforementioned administrative and racialized burdens imposed upon the complainants (Ray et al., 2023). Responsiveness in this regard includes OCR considering how families are positioned when making the initial complaint and during the investigative process, as well as proactive measures which weigh the potential for retaliation at the school level. A lens of intersectionality acknowledges that students and families with multiply marginalized historical identities are vulnerable within the educational system and continue to be subjected to harm. Indeed, a robust accountability role for OCR ensures that multiple individuals within the school and district community are involved in remodeling school structures. Critical involvement of diverse perspectives that extend beyond the school walls to the wider community are essential, with transparency in communications.

Furthermore, proactive measures, rather than reactive measures should be undertaken, to promote equitable praxis (Lewis et al., 2025b).

An Impetus for Future Research

A lens of intersectionality foregrounds future explorations of OCR's work. This includes an exploration of ways to improve civil rights data collection and complaint investigations, as well as policy guidance. Additionally, this review left us with several critical questions. Given the imposed limitations by procedures and outcomes, how many everyday experiences of intersectionality do not make it to the OCR complaint process? How many more fail to make it through a full investigation because of power dynamics and retaliation, changes in political administrations, or remain unaddressed among students and their families who may be either intimidated by the system or frustrated with its procedures? These and other points of inquiry provide a sound rationale for future studies.

Conclusion

Despite its “serve all” and meritocratic framing, education is far from a neutral domain. Situated within a broader historical and sociopolitical context, educational systems have replicated macrolevel inequities at the microlevel, with material and disproportionate impacts on Students of Color, students who carry disability labels, and most profoundly upon disabled Students of Color. Disabled Students of Color and students who carry other multiply marginalized social identities are often subjected to harm at both the individual and systemic level, through direct and indirect actions, and in both overt and insidious ways.

OCR has served as an entity to provide assessment, response, remediation, and oversight to address both individual and system level harms. Although this does not presume sovereignty over districts and their agents, nor can it provide a catch-all for all harms—many of which fall through the cracks of a highly bureaucratic process, OCR's attention toward intersectionality has the potential to provide multi-level responses. While our review and analysis revealed instances of intersectionality, much more work remains to be done in order to substantively address intersectionality in civil rights. Considering the magnified harms, a proactive policy enforcement mechanism and robust implementation plan is needed at both the federal and district level. Similarly, both the complaint and remediation processes should consider power differentials at the systemic and individual levels.

Undoubtedly, we are at a juncture where the current presidential administration has reviewed, sunset, and archived notable progress achieved by OCR under previous administrations. However, OCR has endured sociopolitical waxes and wanes throughout history, becoming more or less explicit in acknowledging and redressing harm as it manifests in the lives of students. These fluctuations should not take our focus away from ensuring that students' civil rights are protected, or our visions for OCR in doing so. Overall, our review calls for an attentiveness toward and in response to intersectionality to protect disabled and multiply marginalized Youth of Color, who are most vulnerable in our education system.

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somehow intimidated or dismissed by school districts and the litigious processes involved in protecting their rights. It is our hope that they receive the educational justice they are owed.

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