ANNENBERG
BROWN UNIVERSITY

EdWorkingPaper No. 21-413

A Promise Unfulfilled? How Modern Federal Civil Rights Enforcement is Used to Address Racial Discrimination in School Discipline

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Using newly available data on all civil rights complaints submitted to the U.S. Department of Education's Office for Civil Rights related to racial discrimination in discipline between 1999 and 2018, I provide the first systematic evidence on how modern federal civil rights enforcement is used to address racial discrimination in discipline. I find that less than 50 percent of complaints received each year result in a federal investigation. I also find that 70 to 80 percent of investigations are closed due to insufficient evidence of a civil rights violation. Results also suggest that districts with higher shares of minoritized students, higher levels of segregation, and districts with larger racial educational gaps are more likely to receive a civil rights complaint after controlling for other district factors.

VERSION: May 2021

Suggested citation: Perera, Rachel M.. (2021). A Promise Unfulfilled? How Modern Federal Civil Rights Enforcement is Used to Address Racial Discrimination in School Discipline. (EdWorkingPaper: 21-413). Retrieved from Annenberg Institute at Brown University: https://doi.org/10.26300/d5hr-vx63

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Acknowledgements

I thank Andrew McEachin, Sarah Reber, Thurston Domina, Mariesa Herrman, Tasminda Dhaliwal, and seminar participants at APPAM, AEFP, and Mathematica for valuable feedback on this paper. The research reported here was supported by a joint AERA Minority Dissertation Fellowship and AERA/NSF Dissertation Grant.

Abstract

Using newly available data on all civil rights complaints submitted to the U.S. Department of Education's Office for Civil Rights related to racial discrimination in discipline between 1999 and 2018, I provide the first systematic evidence on how modern federal civil rights enforcement is used to address racial discrimination in discipline. I find that less than 50 percent of complaints received each year result in a federal investigation. I also find that 70 to 80 percent of investigations are closed due to insufficient evidence of a civil rights violation. Results also suggest that districts with higher shares of minoritized students, higher levels of segregation, and districts with larger racial educational gaps are more likely to receive a civil rights complaint after controlling for other district factors.

Keywords: racial disparities; school discipline; civil rights; law/legal; policy analysis

Introduction

Racial disparities in the use of exclusionary discipline have been extensively documented in a variety of contexts for decades (e.g., Welsh & Little, 2018). A flurry of recent policy initiatives and programs aimed at reducing the use of exclusionary discipline and narrowing disparities have emerged over the last two decades. While some rigorous studies suggest programs such as Positive Behavioral Interventions & Supports and Restorative Justice initiatives have positive effects on student outcomes, recent reviews find limited evidence that existing efforts reduce racial disparities (Cruz et al., 2021; Welsh & Little, 2018). Researchers hypothesize that prior approaches have been ineffective in narrowing disparities because of an inattention to the role of discrimination in the discipline process (Carter et al., 2017). One understudied policy tool that targets racial disparities and centers concerns of racial discrimination in school discipline is the use of federal enforcement of anti-discrimination laws through the U.S. Department of Education's (ED) Office for Civil Rights (OCR).

OCR is responsible for enforcing several federal civil rights laws including Title VI of the 1964 Civil Rights Act which prohibits any institution receiving federal aid, including all public schools, from discriminating on the basis of race, color, or national origin. Title VI gives OCR the authority to develop and enforce regulations aimed at preventing racial discrimination. OCR's primary method of enforcement is through federal investigations of civil rights complaints. Prior research has not systematically examined how OCR has used Title VI to address racial discrimination in school discipline. Existing work is either dated (e.g., Losen & Edley, 2001) or takes only a broad look into OCR's activities over a short time span (e.g., U.S. Commission on Civil Rights, 2019). As a result, large gaps in the literature remain. For one, whether OCR's enforcement activity in this area has varied across presidential administrations is largely unknown.

This is an important area for research given that OCR's policy guidance on Title VI enforcement changed substantively between the Bush and Obama administrations and again between the Obama and Trump administrations. Basic descriptive information on OCR's complaint and investigation process (e.g., the probability that a compliant is investigated, the duration of investigations, and average case outcomes) is also sparse given the lack of publicly accessible data. Moreover, to my knowledge, no prior studies have explored whether district contextual factors explain variation in Title VI enforcement related to discipline.

In this article, I address these gaps in the literature by providing an extensive description of how federal civil rights oversight is used to address racial discrimination complaints related to school discipline. To do so, I use a dataset obtained via a Freedom of Information Act (FOIA) request to ED with information on all OCR complaints and investigations related to racial discrimination in school discipline between 1999 and 2018. A unique feature of this study is that I observe the full complaint and investigation process with these data over a twenty year time period. I combine these newly available data with existing public sources on school discipline outcomes and a variety of school district characteristics to answer the following research questions*: 1) What are trends in the incidence of OCR complaints and investigations, the average length of case processing, and case outcomes between 1999 and 2018?* And *2) what observable district characteristics predict receipt of an OCR complaint, an investigation being opened, and investigation outcomes?*

Background

Institutional Context

Any individual or group can file a civil rights complaint with OCR. A complaint must specify the type of discrimination the complainant(s) have experienced and provide details on the

discriminatory act. OCR categorizes the discriminatory acts alleged in complaints into broad categories including school discipline, racial harassment, denial of benefits, etc. The data used in the present study includes *only* complaints of racial discrimination (the type of discrimination) that pertain in part or fully to school discipline (how the discriminatory act was categorized by OCR) filed against public school districts in the US.[1] Figure 1 illustrates the process OCR follows once a civil rights complaint is filed. After OCR receives a complaint, they conduct an initial assessment to determine if a complaint meets certain baseline criteria for further investigation (e.g., whether the complaint alleges a form of discrimination enforced by OCR, whether it was filed in a timely fashion, etc.) (U.S. Department of Education Office for Civil Rights, 2018). If an investigation is initiated, OCR's goal is to determine whether a school district is out of compliance with existing federal civil rights laws. There are two ways a district can resolve a case prior to the investigation's conclusion: (1) entering into mediation with the complainant and (2) entering into negotiations with OCR to resolve the case through a resolution (or remedial) agreement.[2] If OCR concludes an investigation with a finding of non-compliance, investigators will again attempt to negotiate a resolution agreement with the district. If the school district does not agree to negotiate with OCR or the parties cannot reach an agreement, ED can terminate all federal assistance to the school district or refer the case to the U.S. Department of Justice for further judicial action.

[1] Complaints may allege multiple types of discrimination (e.g., discrimination based on race and disability status) and multiple types of discriminatory acts (e.g., discipline and racial harassment). The complaints included in this study pertain to racial discrimination in discipline, but may also allege other types of discrimination and/or discriminatory acts. The data available to me does not include information as to whether other forms of discrimination and/or discriminatory acts were alleged, and if so how they were categorized by OCR. Publicly available letters of findings provide additional details on the original complaints of closed investigations. A cursory review of letters of findings related to cases I can observe in my data indicates that at least some of the racial discrimination complaints alleged other forms of discrimination and discriminatory acts besides racial discrimination in school discipline.

[2] In the former instance, OCR serves as a mediator, but is not a party to and does not approve or monitor the terms of the agreement between the complainant and the school district. In the latter case, a remedial agreement typically outlines a set of corrective actions the district agrees to take and a monitoring phase during which OCR will monitor the implementation of those actions.

Under OCR's Title VI regulations, racial discrimination is defined in terms of two legal concepts: disparate treatment and disparate impact. Disparate treatment defines discrimination as intentional—i.e., some form of racist intent to mistreat a person(s) or group(s) because of their race is necessary to establish illegal discrimination. Whereas disparate impact defines any action, decision, or policy as discriminatory if it is disproportionately harmful to a protected racial/ethnic group, regardless of intent (Cole, 2019; Losen & Edley, 2001). As such, disparate treatment claims have a higher bar for sufficient evidence relative to disparate impact claims. Importantly, disparate impact discrimination claims can *only* be pursued through federal agencies enforcing Title VI regulations—OCR, in the education context—given legal precedent stemming from a 2001 Supreme Court case *Alexander v. Sandoval*.[3]

Policy Context

Policy guidance informing OCR's enforcement of Title VI and other federal civil rights laws changed significantly across the presidential administrations observed during the study time period. The first significant shifts in OCR's work were introduced by the Obama administration in 2014 with the release of a Dear Colleague Letter (DCL) which provided school districts with practical guidance on how to avoid discriminating against students and defined discrimination in terms of both disparate treatment and disparate impact. (U.S. Department of Justice & U.S. Department of Education, 2014). Discussions with civil rights attorneys with experience filing Title VI complaints suggest that this marked an important shift for OCR as prior to the 2014 DCL, OCR had deprioritized investigating purely disparate impact discrimination claims. The Obama administration also introduced new rules in 2014 requiring investigators to broaden the scope of

[3] In comparison, individual(s) can also pursue disparate treatment claims against school districts by filing a law suit in federal court under the Equal Protect Clause of the Fourteenth Amendment of the U.S. Constitution which also bans intentional discrimination.

investigations into certain types of individual complaints (including complaints alleging racial discrimination in school discipline) to also assess whether systematic abuses were taking place (Blad, 2017). The Trump administration reversed much of the Obama-era policy guidance between 2017 and 2018. ED rolled back requirements for systematic investigations for certain types of individual complaints in 2017 and rescinded the 2014 DCL in 2018 (U.S. Department of Justice & U.S. Department of Education, 2018). The Trump administration also made a number of additional changes to the OCR complaint review and investigation processes including expanding the set of reasons complaints can be dismissed and delegating more autonomy to regional field offices (Huseman & Waldman, 2017; Waldman, 2018).

Review of the Relevant Literature

To my knowledge, only a few reports have examined how Title VI has been used to address racial disparities in school discipline, in particular, and how civil rights enforcement across the federal agencies is operating, more broadly. Findings from a 2000 report by The Civil Rights Project at Harvard University & The Advancement Project suggest that OCR more often evaluates discipline complaints under the narrow standards of disparate treatment making the likelihood a district is found out of compliance low. In addition, Losen and Edley (2001) report that the quality of investigations can vary signficantly across presidential administrations and political pressures can influence investigation outcomes. More recently, a report released by the U.S. Commission on Civil Rights (2019) also notes significant variation in how all civil rights complaints are processed across presidential administrations indicating that unwritten rules or policies may exist across different administrations in deciding how to process civil rights complaints. Results from this report also indicate that during the first two years of the Trump administration, ED's OCR

processed case resolutions quicker; although fewer resolutions resulted in corrective actions for school districts.

Data and Methods

Data

This study relies on a number of combined data sources to understand how OCR's civil rights complaint resolution process is used to address racial discrimination claims. A key data source was obtained through a FOIA request to OCR; this newly available data includes information on all complaints of racial discrimination related to school discipline filed against school districts with OCR between January 1, 1999 and July 24, 2019. I merge the OCR complaint data to a number of public sources including data from the National Center for Education Statistics (NCES) Common Core of Data (CCD), the Civil Rights Data Collection (CRDC), and the Stanford Education Data Archive (Reardon et al., 2021) for available years that overlap with the OCR complaint data. In Appendix A, I provide additional detail on these public datasets, the covariates I use, and how they were derived.

OCR Complaint and Investigation Activity. The OCR data contains information on the universe of civil rights complaints related to racial discrimination in school discipline received by OCR between 1999 and 2019. These data also report outcomes for all discrimination complaints filed during this time period including whether an investigation was opened, investigation outcomes, and dates associated with key steps in the complaint review and investigation process. A key contribution of this research is that I observe the full complaint review and investigation process with these data as only truncated, incomplete versions of this information is available publicly.[4] I use these data to derive four indicators of OCR activity that serve as my primary

[4] OCR makes available on their website a list of pending investigations (which are updated periodically) and information related to investigations closed as a result of a remedial agreement (U.S. Department of Education

outcome measures for Research Question 2: (1) whether a district had an OCR complaint filed against it, (2) whether a district had multiple complaints filed against it, (3) whether OCR initiated an investigation in a district, and (4) whether a district was subject to some corrective action by OCR as a result of an investigation. I refer to investigations ending in mediation, a remedial agreement, or enforcement efforts as investigations with outcomes requiring the district to take corrective action as all three outcomes require some degree of proactive effort by the district to address issues raised in the complaint.

Predictor Variables. To understand how a district's social context is related to the likelihood it experiences some degree of OCR activity (Research Question 2), I explore whether any associations exist between a number of district characteristics and the OCR outcome measures described above.

The first set of measures describe the sociodemographic makeup of school districts. Prior research finds that districts with higher shares of racially minoritized students, students from low-income backgrounds, and districts in urban and suburban areas have more punitive disciplinary environments and outcomes (Curran, 2019; Mendez et al., 2002; Payne & Welch, 2010; Rocque & Paternoster, 2011; Welch & Payne, 2010, 2012). As such, I include measures describing the racial/ethnic make-up of a district, the share of students eligible for free- or reduced- price lunch (FRL; a common proxy for student poverty), share of students designated as English learners, and indicators for district urbanicity. In addition, because student demographics are often unequally distributed within school districts (Reardon & Owens, 2014) and given evidence highlighting an association between racial segregation and discipline disparities (Eitle & Eitle, 2004), I include

Office for Civil Rights, n.d.-b, 2021). Information on complaints filed, but not investigated and investigations closed with outcomes other than a remedial agreement has been unavailable publicly to date (with the exception of data on all complaints filed with OCR between January 2015 and May 2018 made publicly available by ProPublica; see Groeger and Waldman, 2018)

variables describing levels of White/Black segregation and Free lunch/not-Free lunch segregation, both measured using Theil's Information Theory Index (Reardon & Firebaugh, 2002), the percent of schools eligible for school-wide (SW) Title I, and the White/Black difference in exposure to percent Free lunch. Given evidence that identification for special education is often a racialized process (e.g., Fish, 2017) and that racially minoritized students with disabilities experience higher likelihoods of discipline (e.g., Achilles et al., 2007; Sullivan et al., 2014), I include a measure for the percentage of students with disabilities. Finally, a few studies suggest a link between school and district size and resourcing and school discipline practices and disparities (e.g., Eitle & Eitle, 2004; Milner, 2015). As such, I also account for school district size and include a set of variables describing district resources and capacity—including student teacher/ratio, number of administrators per 100 students, and number of guidance counselors per 100 students.

I also include quadratic terms for percent Black, Latinx, and Asian American/Pacific-Islander (AAPI) given prior evidence and theory suggesting a concave relationship between social control and minority population shares (e.g., Blalock, 1967; Rocque & Paternoster, 2011). According to racial threat theory, perceptions of racial threat by dominant groups increase as minoritized population shares increase and as perceptions of racial threat rise, so do efforts to exert social control (e.g., school discipline in the context of education). However, both racial threat and social control increase in minoritized population shares only up until some tipping point after which threat and social control decline. I hypothesize that a similar concave relationship will follow between a district's minoritized enrollment shares and measures of OCR activity given that civil rights concerns over racist behaviors and policies and resulting enforcement efforts may be positively associated with levels of racial threat and social control in a district.

The second set of predictor variables describe the state of racial educational inequality in a school district. I start by examining the association between racial discipline gaps and degrees of OCR activity. Specifically, I include two measures of racial discipline gaps—the Black/White risk difference in out-of-school suspension (OSS) and in-school-suspension (ISS) where the risk difference is defined as the discipline rate for Black students minus the discipline rate for White students. Given prior evidence of a positive association between discipline and test score disparities within districts (Pearman et al., 2019), I also examine whether a relationship exists between a district's Black/White test score gap and indicators of OCR activity. [5]

For these analyses, I focus on the relationships between a district's level of Black/White categorical inequality (segregation and discipline and test score gaps) and OCR activity given historically larger discipline and test score gaps between Black and White students (relative to Latinx and White students) (e.g., Reardon et al., 2019; Welsh & Little, 2018).

Sample characteristics. Table 1 reports the average characteristics of school districts in 2000 for all districts included in the analysis sample for Research Question 2—including all traditional public school districts operating between 2000 and 2018, broken down by the level of OCR activity a district experienced between 2001 and 2018. For reference, average district characteristics by levels of OCR activity and the means of the dependent variables for each time period are reported in Appendix Table 1. Districts that received at least one OCR complaint between 2001 and 2018 differed significantly on a number of dimensions relative to all public school districts. Districts that received at least one OCR complaint had considerably larger total enrollments, higher percentages of Black, Latinx, and AAPI students, were more likely to be located in urban or suburban areas, and had slightly higher student/teacher ratios. In addition, OCR

[5] For additional details on the construction of these variables, see Appendix A.

complaint districts had higher levels of segregation on all dimensions and larger Black/White discipline gaps and test score differences. Interestingly, districts that received an OCR complaint appear observably similar to both districts that were investigated by OCR and districts subject to a corrective action investigation outcome. Altogether, the descriptive analyses presented here suggest that there are large differences between districts that never receive an OCR complaint and those that received at least one and only small differences among districts that experience different intensities of OCR activity (i.e., investigations and corrective action outcomes).

Methods

To examine the associations between district contextual variables and OCR activity (Research Question 2), I estimate a series of regressions with OCR complaint and investigation outcomes as dependent variables and district characteristics and state fixed effects as independent variables. I first collapse the analytic file down to five time periods per school district where the right hand side (RHS) variables are measured in the academic year corresponding to a U.S. presidential election (2000, 2004, 2008, 2012, and 2016) and the left hand side variables (LHS) indicate whether an OCR outcome took place during the following four year presidential term.[6][7] I structure the analytic file this way as policy guidance informing the OCR investigation process changed significantly between the Bush and Obama administrations and again between the Obama and Trump administrations. This suggests that the effects of certain predictor variables might vary across presidential administrations. RHS variables are measured in the year prior to avoid

[6] The OCR FOIA data includes all complaints and outcomes through July 24, 2019. As such, time period 5 measures OCR activity across only two years (RHS = 2016, and LHS = 2017-2019) of the Trump administration rather than the full four year term. The implication of this is that lower overall shares of districts in time period 5 experienced various types of OCR activities and outcomes (see Appendix Table A1 for means of the dependent variables across time periods).

[7] For RHS (or independent) variables, if a variable is missing in a given year (e.g., 2000), I use the most recent prior year available (e.g., 1999).

simultaneity bias resulting from the possibility of a complaint or investigation in that time period (the dependent variables) affecting the independent variables in the same time period.

The baseline model for this analysis is a linear probability model given by Eq. 1 where d indexes district and s indexes state:

$$OUTCOME_d = \delta + X'_{d,pre}\gamma + \alpha_s + \epsilon_{ds} \quad (1)$$

$OUTCOME$ is one of four indicators of OCR activity in district d in each time period.[8] $X'_{d,pre}$ corresponds to vectors of district level predictor variables, including student demographic characteristics, district capacity characteristics, and segregation measures where the subscript pre indicates that independent variables are measured in the year prior to the beginning of a new presidential term. α_s represents a vector of state fixed effects that capture unobserved, state-level determinants of the outcomes. I first estimate these models one time period at a time. To empirically test my hypothesis that the effect of the independent variables may be changing across these time periods, I stack the data and fully interact all predictor variables with time period indicators. I do not separately report the results from these fully interacted models given that they produce the same coefficient estimates as the time period-by-time period results.

To examine the associations between levels of racial educational inequality and OCR activity, I expand on my baseline specification in Eq. 1 to include district-level measures of racial discipline and test score gaps. Discipline gaps—measured as risk differences—are standardized within year to a *SD* of 1 and a mean of 0 and SEDA test score gaps are measured in terms of standard deviation units.[9] For these analyses, I estimate models with one measure of racial inequality at a time given high correlations among these measures.

[8] Time periods refer to presidential terms (e.g., time period 1 refers to the 2001-2004).

[9] As a robustness check, I re-estimate all models with the discipline gaps measured in terms of risk ratios rather than risk differences. The risk ratio is equal to the Black discipline rate divided by the White discipline rate; values greater than 1 indicate that Black students are at a higher risk of being disciplined relative to White students

Results

Research Question 1: Trends in OCR activity and outcomes

Between July 1999 and June 2019, students, parents, and civil rights advocates filed 4,869 racial discrimination complaints related in part or fully to school discipline against 2,203 school districts.[10] Figure 2 reports the total number of civil rights complaints and the total number of districts receiving at least one civil rights complaint for each school year between 1999 and 2018 (all years refer to the fall of the academic year). The number of complaints received and districts involved in the process is relatively steady across the twenty year time period. On average, OCR receives 243.4 complaints each year (*SD* = 38.4) against 206.6 districts (*SD* = 29), with a spike of 351 complaints made against 291 districts in 2002. I have not uncovered an explanation for the spike in 2002. Figure 2 also highlights that some districts have more than one complaint filed against them annually—on average, OCR receives 1.2 complaints per district each year. Of note, only a small share of districts (13.6 percent) receive more than one complaint each year.

Figure 3 reports the percent of OCR complaints that were investigated between 1999 and 2018 (where the horizontal x-lines denote changes in presidential terms). In most years, OCR investigates less than a half of the racial discrimination complaints related to school discipline they receive (on average, across years 41.9 percent of complaints are investigated). I find significant variation in the share of complaints investigated from year to year and a general decline in the share investigated after a peak of 58.6 percent in 2008. Interestingly, I do not observe any clear

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and values less than 1 indicate lower risks for Black students relative to White students. Findings are qualitatively similar with some key distinctions that are noted in footnotes throughout. Results from robustness checks with models estimated with this alternative measure of the discipline gap are available upon request.

[10] For these analyses, I include only complaints received by OCR that correspond to the academic years 1999-2000 through 2018-2019 (i.e., July 1999 – June 2019).

patterns in the likelihood a complaint will be investigated across presidential administrations or terms.

Between 1999 and 2018, OCR initiated 2,057 investigations of racial discrimination related to school discipline against 1,303 unique school districts. Figure 4 reports the total number of investigations opened by OCR each year between 1999 and 2018 and the current status of those investigations as of July 2019. On average, OCR initiates 102.9 investigations against 95.8 school districts each year. I find that the number of new investigations initiated is largely steady across years up until 2008 and generally declining thereafter (corresponding to patterns observed in Figure 3). The majority of investigations are closed after a finding of no violation or insufficient evidence. Between 1999 and 2011 (the years in which more than 95 percent of investigations have been closed), on average 82 percent of closed investigations were closed after a finding of no violation or insufficient evidence, and between 2012 and 2018 (the years in which 10 percent or more of investigations remain ongoing), on average 73.9 percent of closed investigations were closed with no violation or insufficient evidence. What is more, Figure 4 highlights that almost all corrective action outcomes are voluntary—either after a mediation or remedial agreement— as having an investigation closed as a result of enforcement efforts is an exceedingly rare outcome occurring only once in 2002. This result is consistent with OCR's stated approach of seeking to negotiate a resolution agreement with a district upon a non-compliance determination before triggering enforcement efforts (Cole, 2019; U.S. Department of Education Office for Civil Rights, 2018). Finally, among investigations started in 2017 and 2018, a higher share of cases were closed after a finding of no violation or insufficient evidence relative to the final two years of the Obama administration.

Figure 4 also highlights that investigations can last several years. More than 50 percent of investigations initiated between 2014 through 2018 were ongoing as of July 2019. Figure 5 reports the percent of complaint reviews lasting longer than 3 months for each year between 1999 and 2018 (based on the year the complaint was received) and the percent of investigations lasting longer than 6 months for each year between 1999 and 2018 (based on the year the investigation was initiated).[11] I find that the percent of long complaint review times significantly increases between 2012 when 21.7 percent of complaint review times were categorized as long and 2015 when 61.4 percent of complaint review times were long. These timelines also correspond to an increase in the percent of investigations lasting longer than 6 months—with 45.5 percent of investigations categorized as long in 2012 rising up to 93.7 percent by 2015. The percent of long complaint review and investigation times dramatically declines starting in 2017 at the beginning of the Trump administration. These findings suggests that both complaint review times and investigations increased in length around the same time as the Obama administration's 2014 policy guidance requiring systemic investigations of individual complaints for Title VI violations related to discipline. The observed declines starting in 2017 also correspond to the Trump administration's rescinding of the Obama 2014 policy guidance.

Research Question 2: District contextual factors associated with OCR activity

In my next set of analyses, I use the model presented in Eq. 1 to understand the association between a district's social context and the likelihood a district will experience different degrees of OCR activity across five presidential terms. I find substantial changes in the effects of certain

[11] To address right-censoring issues present with these data (e.g., 13.4 percent of all investigations were still ongoing as of July 2019), I created dichotomous variables indicating if a complaint or investigation lasted longer than 3 or 6 months respectively (an empirically driven cutoff to indicate a long complaint review time or investigation), with complaints received and investigations initiated within the cutoff window excluded from this analyses.

predictors across time periods indicating that different types of districts were more or less likely to experience certain types of OCR activity in different time periods.[12] I highlight statistically significant changes in coefficient estimates across time periods for key predictors below.

District characteristics associated with the likelihood of receiving an OCR complaint. Overall, I find that district size, non-White enrollment share (particularly Black enrollment), and levels of racial segregation and educational inequality are significant predictors of whether a district receives an OCR complaint. These predictors sometimes vary across presidential administrations—notably the importance of district size declines during the Trump administration and measures of racial educational gaps become stronger predictors during the Obama and Trump administrations.

Table 2 reports the estimated coefficients from a set of linear regressions predicting whether a district will receive at least one OCR complaint in each of the five time periods. These results indicate that larger districts are significantly more likely to receive at least one complaint across all five time periods with a statistically significant decline in the likelihood of a large district receiving an OCR complaint in time period 5 (or the first two years of the Trump administration). To get a sense of the magnitude of these coefficients, I calculate the predicted probability that a district will receive an OCR complaint for districts in each enrollment category, setting the other covariates to their sample averages for time period 3. Districts serving less than 5,000 students have less than a 4 percent probability of receiving a civil rights complaint compared to large districts serving 10,000 or more students, with a 25.8 percent probability of receiving a complaint. An important question arises from these findings—are larger districts more likely to receive at

[12] I can reject the null hypothesis at the $p<0.001$ level that all time indicators and time-by-covariate interactions are jointly equal to zero for all models estimated for each of the four dependent variables. This suggests that the correlates of OCR activity are varying over time.

least one complaint as a function of their size or are larger districts receiving more OCR complaints than we would expect given their size? I examine this question by re-estimating the models in Eq. 1 with two dependent variables: total number of complaints a district received and the total number of complaints per 1,000 students. Results presented in Appendix Table 2A indicate that while district size is positively associated with the total number of complaints a district receives, district size is either negatively associated with the total number of complaints per 1,000 students or there is no relationship between district size and total complaints per 1,000 students. In other words, these results suggest that in some time periods larger school districts are receiving *fewer* complaints than would be expected given their size (time period 1 and 4) and in other time periods larger districts are receiving as many complaints as would be expected.

These results also indicate that a district's racial/ethnic makeup is strongly associated with the likelihood it receives an OCR complaint—specifically the proportion of Black students in a district. Models reported in Table 2 indicate that the probability a district will receive an OCR complaint (conditional on other characteristics) is the highest for districts with moderate proportions of Black enrollment and lowest for districts with very low or very high shares of Black students with the strength of the relationship between percent Black and the likelihood of receiving an OCR complaint declining steadily across the time periods (the decline is statistically significant). These results, particularly in earlier time periods, are consistent with predictions from racial threat theory and suggest that civil rights concerns may be positively associated with levels of racial threat and social control. Figure 6 reports the predicted probabilities (estimated from the models reported in Table 2) of a district receiving an OCR complaint by various levels of percent Black for each time period. In time period 1, a district with a Black enrollment of 10 percent has a 9.4 percent probability of receiving an OCR complaint relative to a district with a Black enrollment

share of 50 percent that has a 21.5 percent probability of receiving a complaint. By time period 5, the strength of the relationship between percent Black and the likelihood of receiving an OCR complaint declines significantly with the respective predicted probabilities dropping to 3.4 percent and 5.7 percent. I also find statistically significant relationships between percent Latinx, AAPI, and other race, and the likelihood of receiving an OCR complaint across most time periods, with similar concave relationships present between percent Latinx, percent AAPI and the likelihood of receiving a complaint; although, the magnitude of the coefficients are smaller. The strength of the relationship between percent AAPI and the likelihood of receiving a complaint increases between time periods 1 and 3 and declines thereafter; while the strength of the relationships between percent Latinx, percent other race and the likelihood of receiving a complaint both decline across the time periods.

Levels of racial segregation within a district are also positively associated with the likelihood a district receives a civil rights complaint. Across most time periods, a 1 standard deviation increase in the level of Black/White segregation is associated with a small change in the probability of receiving an OCR complaint (ranging from a 0.7 percentage point increase in time period 2 to a 0.8 percentage point increase in time period 5). The White/Black difference in FRL exposure is negatively associated with the likelihood of receiving an OCR complaint across all five time periods indicating that districts where White students have higher exposures to FRL eligible students (relative to Black students in the same district) have lower likelihoods of receiving OCR complaints across all five time periods with magnitudes ranging from a 0.6 percentage point decline in time periods 2 and 5 to a 0.9 percentage point decline in time period 3.

Results presented in Figure 7 and Appendix Table 3 Panel A indicate a small, positive association between the size of a district's Black/White discipline and test score gaps and the

likelihood a district received at least one OCR complaint in some time periods. To get a sense of the magnitude of this effect, Figure 8 presents the predicted probability of receiving an OCR complaint for districts with different magnitudes of OSS Black/White discipline gaps in time period 2. Holding all else constant, a district with no OSS Black/White discipline gap has a 9.3 percent chance of receiving a complaint compared to a district with a 6 percentage point OSS discipline gap that has 15.1 percent chance of receiving a civil rights complaint during the same time period. Overall, I find that a district's discipline gap is positively associated with the likelihood of receiving an OCR complaint during the second term of the Bush administration (time period 2) for OSS gaps and the first two years of the Trump administration (time period 5) for both OSS and ISS gaps; although the differences in the coefficients between time periods are not statistically significant.[13] I also observe a positive association between Black/White test score gaps in Math (bottom panel of Figure 7) and the likelihood of receiving an OCR complaint in one time period indicating that districts with larger Black/White test score gaps in Math were more likely to receive at least one OCR complaint during Obama's second term (time period 4), with a statistically significant decline in the magnitude of the coefficient between Obama's second term and Trump's term in office.

District characteristics associated with the likelihood of receiving multiple complaints. My next set of analyses examine how districts receiving multiple complaints differ from districts receiving only one complaint across each time period. For time periods 1 through 4, approximately a quarter of districts received multiple complaints among the sample of districts receiving at least one complaint. A lower share of districts (17.1 percent) received multiple complaints between 2017

[13] Note these findings are sensitive to my chosen measurement of the discipline gap. When I re-estimate models with the discipline gap measured in terms of risk ratios rather than risk differences, the associations are generally smaller in magnitude and not statistically significant.

and 2018; although, this finding may be due to the fact that time period 5 includes only two years of outcome data. I find that only a district's racial/ethnic demographics (again, specifically Black enrollment share) consistently distinguishes districts that receive multiple complaints from districts that receive only one and few differences between presidential administrations—with differences observed being between the Obama and Trump administrations.

Table 3 presents results from a set of linear regressions predicting whether a district will receive more than one OCR complaint conditional on receiving at least one complaint for each of the five time periods. I find that a district's racial/ethnic makeup—again, specifically a district's Black enrollment share— and measures of racial segregation are significant predictors of whether a district will receive multiple complaints; although measures of racial segregation are less consistently associated with the likelihood of receiving multiple civil rights complaints across the time periods. Similar to previous results, I find a concave relationship between Black enrollment share in a district and the likelihood of receiving multiple civil rights complaints where the probability of receiving multiple complaints is maximized for districts with moderate Black enrollment share.

Measures of racial educational inequality are associated with the likelihood a district receives multiple complaints only in time period 5 (or the first two years of the Trump administration). Results from Appendix Table 3 Panel B suggest a negative association between a district's OSS gap and the likelihood of receiving multiple OCR complaints during time 5.[14] The changes in the coefficient estimates for the OSS gap between earlier time periods and time period 5 are statistically significant.

[14] This finding is also sensitive to the specification of the discipline gap. Alternative models where the discipline gap is measured in terms of risk ratios suggest an association of similar magnitude, but one that is not statistically significant.

District characteristics associated with the likelihood of being investigated by OCR. Table 4 presents linear regression estimates of the associations between district characteristics and the likelihood of being investigated, conditional on having received a complaint. In columns 1, 3, 5, 7, and 9 of Table 4, I present results from models including only district characteristics as independent variables. Interestingly, few district characteristics stand out as predictive of OCR opening an investigation with only one notable difference between administrations (again, between the Obama and Trump administrations). In some time periods, a district's racial/ethnic makeup is associated with the likelihood of investigation; although the patterns are inconsistent and do not indicate significant variation across presidential administrations. Findings reported in Appendix Table 3 Panel C indicate that measures of racial educational inequality are not meaningfully associated with the likelihood that OCR will initiate an investigation with the exception of test score gaps during Obama's first term in office. Results suggest that relative to districts that received complaints are were not investigated, districts that were investigated during Obama's first term (time period 3) had larger test score gaps in Math and ELA. I find that these effects diminish during Obama's second term (near zero and imprecisely estimated) and become negative during the first two years of the Trump administration (although, these effects are not statistically significant and are also imprecisely estimated). The difference in the coefficient estimates for both test score gaps between Obama's first term and the first two years of the Trump administration are statistically significant.

In columns 2, 4, 6, 8, and 10 of Table 4, I include an indicator variable for whether a district received multiple complaints during the time period. Across all time periods, I consistently find that among districts receiving any complaints, districts that received multiple complaints have a significantly higher likelihood of being investigated relative to districts that received only one

complaint—ranging from a 21.5 percentage point increase to a 28 percentage point increase in the likelihood of being investigated.

District characteristics associated with the likelihood of being subject to a corrective action investigation outcome. Finally, Table 5 presents linear regression estimates of the associations between district characteristics and the likelihood of being subject to a corrective action investigation outcome, conditional on being investigated. Again, I find few associations between district demographic and structural characteristics and the likelihood of being subject to a corrective action outcome across the five time periods. Measures of racial educational inequality are also not associated with the likelihood of being subject to a corrective action outcome with one exception. Results in Appendix Table 3 Panel D indicate that districts with larger test score gaps in ELA are *less* likely to be subject to a corrective action outcome conditional on being investigated during Trump's first two years in office (time period 5).

Discussion and Conclusion

This analysis explored how OCR's complaint and investigation process—ED's primary method of civil rights enforcement—has been used to address racial discrimination complaints related to school discipline. This descriptive evidence is a starting point towards understanding whether modern civil rights enforcement can be an effective tool to reduce racial disparities in discipline. I found that OCR received a steady number of racial discrimination complaints related to school discipline each year between 1999 and 2018 (ranging from 200 to 300) with the number of districts receiving at least one complaint annually also relatively steady (ranging from 170 to 230). In most years, OCR investigates less than half of these types of discrimination complaints and only 20 to 30 percent of investigations ultimately resulting in a corrective action outcome—almost always in the form of a mediation or a resolution agreement. Given the pervasiveness of

racial discipline disparities in U.S. school districts, these findings suggests that civil rights enforcement alone may be insufficient to address long-standing disparities. I also find few differences in OCR activity across presidential administrations—with the exception of two important changes observed during the Obama and Trump administrations. First, I document clear spikes in the lengths of complaint review times and investigations during Obama's second term—consistent with the Obama-era investigative rules requiring investigators to evaluate all individual complaints for systemic discrimination concerns. Complaint review times and investigation lengths then declined significantly starting in the first year of the Trump administration. I also observe an increase in the share of investigations beginning in 2017 and 2018 that were closed after a finding of no violation or insufficient evidence. Together, these findings lend some credence to concerns raised by civil rights groups that the Trump administration was unlawfully dismissing cases and too narrowly carrying out investigations as a result of procedural changes made to the OCR complaint and investigation process (Huseman & Waldman, 2017; Waldman, 2018). These results are also consistent with prior literature and government reports highlighting variation in investigation outcomes across presidential administrations (Losen & Edley, 2001; U.S. Commission on Civil Rights, 2019).

I also found evidence of a complex relationship between a district's size, racial/ethnic makeup, and levels of racial inequality and the likelihood a district will receive a racial discrimination complaint. Results suggest that districts with larger enrollments were significantly more likely to receive an OCR complaint; although this is likely due to the fact that districts with larger enrollments are more likely to have more than one individual with civil rights concerns relative to districts serving fewer students. A district's racial/ethnic makeup—and specifically it's Black enrollment share—was also a significant predictor of whether a district received a civil rights

complaint. I found a concave relationship between Black enrollment share and the likelihood of receiving a civil rights complaint—i.e., the probability of receiving a complaint reaches a maximum for districts with moderate shares of Black enrollment. This finding is consistent with racial threat theory and suggests that the tipping point relationship I observe may be representative of the tipping point where racial threat and social control (in the form of school discipline) are maximized and as a result civil rights concerns may be maximized. I also find small, positive associations between levels of racial inequality—segregation and discipline and test score disparities— in a district and the likelihood of receiving a civil rights complaint. These predictors sometimes vary across presidential administrations—most notably between the Obama and Trump administrations—suggesting that the types of districts receiving OCR complaints changed between each administration.

Interestingly, few district characteristics stand out as predictive of whether OCR opens an investigation (conditional on receipt of a complaint) and whether an investigation results in a district having to take any corrective action (conditional on being investigated). Altogether, these findings imply that OCR's selection criteria for investigating districts and for determining investigation outcomes is not correlated with observable district characteristics. Moreover, results indicate that OCR is not investigating different types of districts across presidential administrations, nor is OCR subjecting different types of districts to corrective action investigation outcomes (again, at least based on observable characteristics) with two important exceptions. During the Obama administration's first term, OCR was more likely to investigate districts with larger test score gaps and during the first two years of the Trump administration, OCR was less likely to subject districts with larger test score gaps to corrective action outcomes.

This study highlights important areas for future research. First, an important element that was not addressed by this article on how Title VI civil rights enforcement is operating through OCR is an understanding of how students, parents, and advocates come to learn about the OCR complaint and investigation process, why they decide to submit a complaint, and what constraints and/or facilitators exist in the process leading up to a complaint being filed. Future research that leverages qualitative research methods will likely be necessary to address this understudied, but important question. Second, while the low share of investigations resulting in any corrective action certainly suggests that the direct effects of enforcement efforts alone are unlikely to narrow racial gaps at scale, whether the initiation of an investigation and/or a corrective action outcome has any causal effect on racial gaps remains unknown. This is an important area for future work that will speak more directly to whether the OCR investigation process is an effective tool in narrowing racial disparities in discipline.

My findings support several policy recommendations put forth by in recent reports from the National Education Policy Center (Scott et al., 2020) and the U.S. Commission on Civil Rights (U.S. Commission on Civil Rights, 2019). First, my findings suggest that OCR's Title VI enforcement through the investigation process—particularly for disparate impact discrimination claims—may be underutilized given the that many districts with sizeable racial disparities in discipline do not receive any civil rights complaint over a twenty year time period. For example, about 42 percent of districts with Black/White discipline gaps larger than the 1999 average of 5.3 percentage points never receive a civil rights complaint between 1999 and 2018. One explanation for this finding is that parents and advocates may not know they can file a complaint using this process. As a potential solution, the Biden-Harris administration could re-adopt the Obama-era guidance (e.g., U.S. Department of Justice & U.S. Department of Education, 2014) which provided

practical and accessible guidelines to school districts and the public as to what constitutes illegal discrimination. Second, results from this study also indicate important variability in case processing across presidential administrations—most notably between the Obama and Trump administrations. As the 2019 CCR report argued, the United States Congress should consider increasing OCR's staff capacity since CCR hypothesizes that the variability in the types of cases OCR investigates and case outcomes is driven in part by a lack of resources which allow presidential administration specific rules to arise to help investigators prioritize large caseloads (U.S. Commission on Civil Rights, 2019). Additionally, Congress could consider restoring an individual's private right to sue under the Title VI regulations (a right stripped by the 2001 *Sandoval* ruling) given that individuals and groups can only pursue disparate impact discrimination claims through the federal administrative agencies and evidence that the agencies are influenced by changing political appointees. Providing individuals with another avenue to pursue disparate impact claims will prevent the variability of OCR's enforcement of Title VI from adversely impacting students and parents of color seeking some remedy for this more common form of racial discrimination.

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Tables

Table 1. District characteristics, 2000 or the earliest year available, by OCR activity status

	All districts	Districts that received an OCR complaint	Districts investigated by OCR	Districts subject to a corrective action
District characteristics, measured in 2000				
Fall enrollment	3,195.53	18,270.21	20,987.49	19,294.18
Percent White	0.804	0.613	0.624	0.623
Percent Black	0.069	0.223	0.226	0.207
Percent Latinx	0.083	0.111	0.103	0.106
Percent AAPI	0.015	0.030	0.025	0.030
Percent other race	0.029	0.022	0.021	0.035
Percent FRPL	0.337	0.407	0.405	0.402
Percent SWD	0.144	0.131	0.133	0.139
Percent EL students	0.044	0.058	0.053	0.050
Percent of schools School-Wide Title I eligible	0.213	0.296	0.286	0.301
City	0.053	0.194	0.186	0.218
Suburban/Urban Fringe	0.252	0.382	0.375	0.345
Town	0.165	0.211	0.220	0.218
Rural	0.530	0.213	0.220	0.218
Student/teacher ratio	14.270	15.924	15.656	16.160
Administrators per 100 students	0.374	0.326	0.332	0.320
Guidance counselors per 100 students	0.233	0.228	0.240	0.226
White/Black segregation	0.055	0.080	0.081	0.107
FRL/not FRL segregation	0.043	0.076	0.076	0.093
White/Black difference in FRL exposure	-0.016	-0.050	-0.049	-0.069
Black/White inequality, measured in the first time period available				
Black-White RD: OSS, 1999	0.016	0.067	0.067	0.072
Black-White RD: ISS, 2011	0.065	0.083	0.076	0.062
White-Black Math Test Score Gap (standardized), 2012	0.510	0.604	0.630	0.636
White-Black ELA Test Score Gap (standardized, 2012	0.456	0.558	0.587	0.580
N	15,163	2,073	1,196	236

Note. The sample includes all districts included in the analysis sample for RQ2. The RQ2 analysis sample includes all traditional public school districts operating between 2000 and 2018 (column 1), broken down by the level of OCR activity a district experienced between 2001 and 2018. OCR activity identifies districts that received at least one civil rights complaint (column 2), districts investigated by OCR (column 3), and districts subjected to a corrective action investigation outcome (column 4). AAPI = Asian American and Pacific Islander. Other race includes Native American and Multi-Ethnic students. FRPL = Eligible for free and reduced price lunch. SWD = Students with disabilities. EL = English learners. White/Black segregation

= between school, within district White/Black segregation (measured by the Theil Information Theory Index, which equals 0 when the White/Black composition of all schools in a district mirror the district's White/Black composition and 1 when no White/Black students attend the same school). FRL/not FRL segregation = between school, within district Free Lunch/not Free Lunch segregation. White-Black difference in FRL exposure = the White-Black difference percent Free Lunch. OOS: Black-White RD = Out-of-school suspension risk difference (measured as the difference between the Black OSS suspension rate and the White OSS suspension rate). ISS = In-school-suspension.

Table 2. LPM estimates of the associations between district characteristics and the likelihood of receiving at least one OCR complaint

	Time 1 (2001-2004)	Time 2 (2005-2008)	Time 3 (2009-2012)	Time 4 (2013-2016)	Time 5 (2017-2018)
Mean of dependent variable:	0.053	0.051	0.049	0.043	0.024
s.d. of dependent variable:	0.224	0.220	0.216	0.202	0.154
Mid-small: 1,000- 4,999 students	0.0222***	0.0191***	0.0149***	0.0086*	0.0086***
	(0.0043)	(0.0039)	(0.0037)	(0.0033)	(0.0025)
Mid-large: 5,000- 9,999 students	0.0777***	0.0779***	0.0695***	0.0403***	0.0302***
	(0.0114)	(0.0110)	(0.0109)	(0.0101)	(0.0080)
Large: 10,000+ students	0.2528***	0.2775***	0.2348***	0.2407***	0.1253***
	(0.0177)	(0.0177)	(0.0174)	(0.0171)	(0.0132)
Percent Black	0.7814***	0.5819***	0.4828***	0.4132***	0.1921***
	(0.0588)	(0.0525)	(0.0543)	(0.0505)	(0.0394)
Percent Black squared	-0.7990***	-0.6075***	-0.5028***	-0.4320***	-0.2242***
	(0.0685)	(0.0612)	(0.0618)	(0.0565)	(0.0448)
Percent Latinx	0.0171	0.0475	0.0419	0.0366	0.0189
	(0.0406)	(0.0379)	(0.0363)	(0.0323)	(0.0258)
Percent Latinx squared	-0.0602	-0.1145**	-0.0937*	-0.1003**	-0.0692*
	(0.0462)	(0.0442)	(0.0405)	(0.0359)	(0.0284)
Percent AAPI	0.0548	0.2850*	0.3658**	0.2825**	0.1040
	(0.1331)	(0.1389)	(0.1172)	(0.1090)	(0.0728)
Percent AAPI squared	-0.0440	-0.6967~	-0.8756***	-0.5405*	-0.2945*
	(0.3720)	(0.4036)	(0.2395)	(0.2543)	(0.1488)
Percent other race	0.0714***	0.0203	0.0212~	0.0184~	-0.0085
	(0.0193)	(0.0145)	(0.0118)	(0.0104)	(0.0072)
Percent FRPL	-0.0244*	0.0043	-0.0103	-0.0025	-0.0117
	(0.0104)	(0.0089)	(0.0105)	(0.0097)	(0.0075)
Percent SWD	-0.0653***	-0.0236~	-0.0613***	-0.0532***	-0.0297**
	(0.0118)	(0.0126)	(0.0109)	(0.0104)	(0.0107)
Percent EL students	0.0243	0.0195	0.0321	0.0431~	0.0574*
	(0.0273)	(0.0200)	(0.0262)	(0.0238)	(0.0249)
Percent of schools SW Title I eligible	0.0021	-0.0116*	0.0060	0.0008	0.0019
	(0.0079)	(0.0057)	(0.0049)	(0.0044)	(0.0037)
City	-0.0196	-0.0267~	0.0195	-0.0014	0.0223*
	(0.0143)	(0.0140)	(0.0155)	(0.0133)	(0.0110)
Suburban/Urban Fringe	0.0007	0.0106~	0.0046	0.0147*	0.0129**
	(0.0051)	(0.0054)	(0.0066)	(0.0060)	(0.0048)
Town	0.0126*	0.0046	-0.0011	0.0079~	0.0040

Table 2. LPM estimates of the associations between district characteristics and the likelihood of receiving at least one OCR complaint

	Time 1 (2001-2004)	Time 2 (2005-2008)	Time 3 (2009-2012)	Time 4 (2013-2016)	Time 5 (2017-2018)
	(0.0052)	(0.0055)	(0.0044)	(0.0040)	(0.0031)
Student/teacher ratio	0.0002	0.0006~	0.0003	0.0010**	-0.0000**
	(0.0003)	(0.0003)	(0.0003)	(0.0004)	(0.0000)
Administrators per 100 students	-0.0038	-0.0007	0.0000	-0.0000	-0.0013~
	(0.0023)	(0.0007)	(0.0001)	(0.0001)	(0.0008)
Guidance counselors per 100 students	-0.0018	0.0006~	-0.0006	0.0000	-0.0001
	(0.0022)	(0.0004)	(0.0004)	(0.0001)	(0.0004)
White/Black segregation (standardized)	0.0032	0.0070**	0.0068*	0.0040~	0.0082***
	(0.0025)	(0.0025)	(0.0027)	(0.0022)	(0.0020)
FRL/not FRL segregation (standardized)	0.0058*	-0.0038*	-0.0003	0.0045*	0.0010
	(0.0025)	(0.0016)	(0.0019)	(0.0021)	(0.0017)
White-Black difference in FRL exposure (standardized)	-0.0081**	-0.0058*	-0.0092***	-0.0085***	-0.0059*
	(0.0026)	(0.0025)	(0.0024)	(0.0024)	(0.0025)
Constant	0.0105	-0.0046	0.0010	-0.0119	0.0042
	(0.0075)	(0.0096)	(0.0070)	(0.0082)	(0.0051)
N	14,584	14,368	13,907	13,812	13,710
R-squared	0.182	0.174	0.167	0.168	0.100

Note. All models include state fixed effects. I impute values of zero for districts with missing covariate data and include indicators for missingness. Robust standard errors are in parentheses.

~ p<0.10 * p<0.05 ** p<0.01 *** p<0.001

Table 3. LPM estimates of the associations between district characteristics and the likelihood of receiving multiple OCR complaints, conditional on receiving at least one complaint

	Time 1 (2001-2004)	Time 2 (2005-2008)	Time 3 (2009-2012)	Time 4 (2013-2016)	Time 5 (2017-2018)
Mean of dependent variable:	0.251	0.273	0.275	0.249	0.171
s.d. of dependent variable:	0.434	0.446	0.447	0.433	0.377
Mid-small: 1,000- 4,999 students	-0.0247	0.1258	-0.0448	0.0637	-0.1507
	(0.0566)	(0.0767)	(0.0796)	(0.0756)	(0.1108)
Mid-large: 5,000- 9,999 students	-0.0919	0.2082*	-0.0858	0.0412	-0.1111
	(0.0700)	(0.0915)	(0.0906)	(0.0835)	(0.1267)
Large: 10,000+ students	0.0983	0.2853**	0.0378	0.1030	0.0224
	(0.0761)	(0.0968)	(0.0997)	(0.0945)	(0.1247)
Percent Black	1.2443***	0.6913*	1.3941***	1.0187**	0.3440
	(0.2495)	(0.2702)	(0.3192)	(0.3168)	(0.4517)
Percent Black squared	-1.3729***	-0.7905*	-1.5208***	-1.2582**	-0.2190
	(0.2924)	(0.3133)	(0.3911)	(0.3874)	(0.6333)
Percent Latinx	0.2360	0.1299	0.3160	0.2883	-0.1609
	(0.3713)	(0.3342)	(0.4143)	(0.3503)	(0.3848)
Percent Latinx squared	-0.4047	0.0521	-0.1287	-0.0127	0.1441
	(0.4472)	(0.3853)	(0.4510)	(0.4032)	(0.4124)
Percent AAPI	1.4652*	1.4392*	0.1426	0.2009	0.8253
	(0.7194)	(0.7207)	(0.8067)	(0.7563)	(0.9174)
Percent AAPI squared	-3.0647*	-2.3052	0.9526	-0.2121	-1.4953
	(1.4087)	(1.4098)	(2.1556)	(1.4170)	(1.6978)
Percent other race	0.5923**	1.1129**	0.0546	1.0526**	0.2348
	(0.2206)	(0.3490)	(0.2978)	(0.3875)	(0.5983)
Percent FRPL	-0.0215	-0.3197~	-0.1589	-0.0286	-0.2612
	(0.1462)	(0.1632)	(0.1607)	(0.1721)	(0.1710)
Percent SWD	0.6404	0.2984	-0.5192	0.3804	0.1426
	(0.5679)	(0.3388)	(0.6413)	(0.7340)	(0.9573)
Percent EL students	0.2511	0.0797	0.1118	-0.3958	0.3588
	(0.2926)	(0.3282)	(0.3930)	(0.4529)	(0.3415)
Percent of schools SW Title I eligible	-0.0258	0.1084	-0.0742	-0.1541~	0.0557
	(0.0743)	(0.0782)	(0.0792)	(0.0887)	(0.1046)
City	0.0794	-0.0976	0.0359	0.0858	-0.0238
	(0.0647)	(0.0706)	(0.0733)	(0.0799)	(0.0856)
Suburban/Urban Fringe	0.0772	-0.0953~	0.0356	0.0703	-0.0023
	(0.0494)	(0.0523)	(0.0608)	(0.0700)	(0.0766)
Town	0.0455	-0.0852	-0.1447**	0.0664	0.0263

Table 3. LPM estimates of the associations between district characteristics and the likelihood of receiving multiple OCR complaints, conditional on receiving at least one complaint

	Time 1 (2001-2004)	Time 2 (2005-2008)	Time 3 (2009-2012)	Time 4 (2013-2016)	Time 5 (2017-2018)
	(0.0486)	(0.0593)	(0.0533)	(0.0651)	(0.0712)
Student/teacher ratio	0.0132~	-0.0043	-0.0026	-0.0092	0.0013
	(0.0078)	(0.0115)	(0.0130)	(0.0114)	(0.0169)
Administrators per 100 students	-0.0241	0.0174	-0.1423	-0.1677	-0.4534*
	(0.2008)	(0.1686)	(0.1852)	(0.1824)	(0.2179)
Guidance counselors per 100 students	0.0311	-0.2970	0.0177	0.1303	-0.0596
	(0.2060)	(0.2190)	(0.1957)	(0.2423)	(0.2817)
White/Black segregation (standardized)	0.0314	-0.0231	0.0199	0.0633*	0.0285
	(0.0195)	(0.0183)	(0.0240)	(0.0268)	(0.0286)
FRL/not FRL segregation (standardized)	-0.0041	-0.0174	0.0331	0.0163	-0.0119
	(0.0176)	(0.0408)	(0.0268)	(0.0195)	(0.0383)
White-Black difference in FRL exposure (standardized)	0.0008	-0.0742**	0.0113	-0.0043	-0.0135
	(0.0218)	(0.0278)	(0.0263)	(0.0229)	(0.0309)
Constant	-0.2934	0.0622	0.3332	0.0862	0.3952
	(0.2132)	(0.2387)	(0.2600)	(0.2574)	(0.3253)
N	774	730	680	590	334
R-squared	0.219	0.196	0.230	0.226	0.239

Note. All models are estimated on the sample of districts receiving at least one OCR complaint during the time period and include state fixed effects. I impute values of zero for districts with missing covariate data and include indicators for missingness. Robust standard errors are in parentheses.

~ $p<0.10$ * $p<0.05$ ** $p<0.01$ *** $p<0.001$

Table 4. LPM estimates of the associations between district characteristics and the likelihood of being investigated by OCR, conditional on receiving an OCR complaint

	Time 1 (2001-2004)		Time 2 (2005-2008)		Time 3 (2009-2012)		Time 4 (2013-2016)		Time 5 (2017-2018)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Mean of dependent variable:	0.541		0.537		0.513		0.485		0.308	
s.d. of dependent variable:	0.499		0.499		0.500		0.500		0.463	
Received multiple complaints		0.2800***		0.2618***		0.2790***		0.2151***		0.2294**
		(0.0438)		(0.0440)		(0.0451)		(0.0508)		(0.0743)
Mid-small: 1,000-4,999 students	-0.0176	-0.0107	0.0176	-0.0153	0.0790	0.0915	-0.0835	-0.0971	-0.0855	-0.0510
	(0.0749)	(0.0738)	(0.1000)	(0.0998)	(0.1032)	(0.1033)	(0.1246)	(0.1263)	(0.1318)	(0.1242)
Mid-large: 5,000-9,999 students	0.0138	0.0396	0.0785	0.0240	0.0469	0.0709	-0.0929	-0.1018	-0.0571	-0.0316
	(0.0905)	(0.0887)	(0.1127)	(0.1139)	(0.1144)	(0.1137)	(0.1342)	(0.1363)	(0.1493)	(0.1421)
Large: 10,000+ students	0.0553	0.0278	0.1620	0.0873	0.1533	0.1428	-0.0792	-0.1014	-0.0841	-0.0893
	(0.0970)	(0.0950)	(0.1200)	(0.1214)	(0.1218)	(0.1213)	(0.1379)	(0.1394)	(0.1600)	(0.1537)
Percent Black	0.4080	0.0595	0.3361	0.1551	0.6967~	0.3077	0.5215	0.3024	-0.0370	-0.1159
	(0.2840)	(0.2786)	(0.3606)	(0.3606)	(0.3741)	(0.3665)	(0.4182)	(0.4145)	(0.5431)	(0.5406)
Percent Black squared	-0.6584~	-0.2739	-0.2498	-0.0428	-1.1890**	-0.7647~	-0.6488	-0.3781	-0.2195	-0.1692
	(0.3508)	(0.3435)	(0.4475)	(0.4473)	(0.4269)	(0.4189)	(0.5301)	(0.5255)	(0.6978)	(0.7114)
Percent Latinx	-0.1160	-0.1821	-0.0070	-0.0410	-0.3614	-0.4495	0.4927	0.4307	0.6390	0.6759
	(0.4601)	(0.4431)	(0.4292)	(0.4135)	(0.4620)	(0.4543)	(0.4494)	(0.4489)	(0.5251)	(0.5226)
Percent Latinx squared	0.0000	0.1134	0.3543	0.3407	0.5558	0.5917	-0.3610	-0.3582	-0.9052~	-0.9383~
	(0.5637)	(0.5407)	(0.5033)	(0.4928)	(0.5101)	(0.4807)	(0.4864)	(0.4913)	(0.5438)	(0.5400)
Percent AAPI	-0.7659	-1.1762	-0.4872	-0.8639	-0.8393	-0.8791	-0.8428	-0.8860	-3.5041**	-3.6934**

Table 4. LPM estimates of the associations between district characteristics and the likelihood of being investigated by OCR, conditional on receiving an OCR complaint

	Time 1 (2001-2004)		Time 2 (2005-2008)		Time 3 (2009-2012)		Time 4 (2013-2016)		Time 5 (2017-2018)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	(0.8712)	(0.8659)	(0.8465)	(0.8395)	(0.8719)	(0.8416)	(0.8809)	(0.8791)	(1.1650)	(1.1584)
Percent AAPI squared	-0.3724	0.4858	-0.3042	0.2993	2.2317	1.9660	0.2915	0.3371	7.0130*	7.3560**
	(1.5525)	(1.5175)	(1.4232)	(1.4490)	(1.9178)	(1.7155)	(1.7782)	(1.7921)	(2.7823)	(2.7745)
Percent other race	-0.2609	-0.4268	1.0325**	0.7412*	-0.1500	-0.1653	0.5227	0.2963	-1.0591	-1.1130
	(0.2893)	(0.2719)	(0.3466)	(0.3670)	(0.4497)	(0.4689)	(0.6132)	(0.6103)	(0.9724)	(0.9726)
Percent FRPL	-0.0782	-0.0722	-0.5140*	-0.4303*	-0.0793	-0.0350	-0.1581	-0.1520	-0.0905	-0.0306
	(0.1732)	(0.1689)	(0.2015)	(0.1968)	(0.2076)	(0.1952)	(0.1913)	(0.1852)	(0.2200)	(0.2241)
Percent SWD	1.1669~	0.9876	0.5640	0.4859	-0.3973	-0.2524	-0.3039	-0.3858	0.5647	0.5320
	(0.6800)	(0.6433)	(0.4132)	(0.4092)	(0.8001)	(0.7644)	(0.8723)	(0.8555)	(1.3522)	(1.3340)
Percent EL students	0.1824	0.1121	-0.0031	-0.0240	-0.2224	-0.2536	0.0011	0.0862	-0.0454	-0.1277
	(0.3769)	(0.3591)	(0.4026)	(0.3862)	(0.4574)	(0.4390)	(0.5471)	(0.5440)	(0.4049)	(0.4104)
Percent of schools SW Title I eligible	-0.0368	-0.0296	-0.0178	-0.0462	0.0265	0.0471	-0.0506	-0.0175	-0.0518	-0.0646
	(0.0791)	(0.0765)	(0.0966)	(0.0937)	(0.1009)	(0.0982)	(0.1103)	(0.1089)	(0.1476)	(0.1458)
City	-0.0014	-0.0237	-0.0788	-0.0533	-0.0667	-0.0767	0.0711	0.0527	0.1546	0.1600
	(0.0768)	(0.0733)	(0.0779)	(0.0750)	(0.0768)	(0.0736)	(0.0918)	(0.0907)	(0.1144)	(0.1129)
Suburban/Urban Fringe	0.0597	0.0381	-0.0814	-0.0565	-0.0399	-0.0499	0.0333	0.0182	0.1638~	0.1644~
	(0.0622)	(0.0612)	(0.0622)	(0.0612)	(0.0693)	(0.0656)	(0.0814)	(0.0797)	(0.0950)	(0.0934)
Town	-0.0186	-0.0313	0.0201	0.0424	-0.0735	-0.0331	0.1017	0.0874	0.0808	0.0747
	(0.0596)	(0.0591)	(0.0743)	(0.0724)	(0.0703)	(0.0683)	(0.0861)	(0.0858)	(0.1071)	(0.1063)
Student/teacher ratio	0.0013	-0.0024	-0.0042	-0.0031	0.0133	0.0140	-0.0049	-0.0029	0.0126	0.0123
	(0.0098)	(0.0100)	(0.0145)	(0.0141)	(0.0152)	(0.0152)	(0.0157)	(0.0157)	(0.0177)	(0.0175)
Administrators per 100 students	-0.0076	-0.0009	0.0604	0.0558	0.0774	0.1171	-0.1170	-0.0810	-0.0999	0.0041
	(0.2220)	(0.2200)	(0.2396)	(0.2372)	(0.2343)	(0.2211)	(0.2597)	(0.2613)	(0.2684)	(0.2694)

Table 4. LPM estimates of the associations between district characteristics and the likelihood of being investigated by OCR, conditional on receiving an OCR complaint

	Time 1 (2001-2004)		Time 2 (2005-2008)		Time 3 (2009-2012)		Time 4 (2013-2016)		Time 5 (2017-2018)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Guidance counselors per 100 students	0.0307	0.0220	0.3941	0.4718~	0.4462~	0.4413~	0.3357	0.3077	-0.1993	-0.1856
	(0.2351)	(0.2263)	(0.2577)	(0.2512)	(0.2347)	(0.2319)	(0.3201)	(0.3156)	(0.3147)	(0.3196)
White/Black segregation (standardized)	0.0312	0.0224	-0.0409~	-0.0348~	0.0016	-0.0040	0.0210	0.0074	0.0455	0.0390
	(0.0206)	(0.0204)	(0.0213)	(0.0199)	(0.0251)	(0.0242)	(0.0296)	(0.0304)	(0.0354)	(0.0378)
FRL/not FRL segregation (standardized)	0.0322	0.0333	0.0515	0.0560	0.0554*	0.0461~	-0.0019	-0.0054	0.0214	0.0241
	(0.0287)	(0.0278)	(0.0452)	(0.0469)	(0.0275)	(0.0267)	(0.0270)	(0.0270)	(0.0467)	(0.0460)
White-Black difference in FRL exposure (standardized)	0.0302	0.0300	-0.0393	-0.0198	-0.0077	-0.0108	-0.0008	0.0001	0.0126	0.0157
	(0.0264)	(0.0250)	(0.0304)	(0.0309)	(0.0281)	(0.0266)	(0.0282)	(0.0285)	(0.0409)	(0.0426)
Constant	0.3807	0.4628~	0.3585	0.3422	0.2588	0.1658	0.5657~	0.5472	0.2660	0.1753
	(0.2685)	(0.2637)	(0.2885)	(0.2826)	(0.3009)	(0.2983)	(0.3319)	(0.3373)	(0.3746)	(0.3677)
N	774	774	730	730	680	680	590	590	334	334
R-squared	0.194	0.240	0.115	0.158	0.155	0.203	0.176	0.203	0.254	0.281

Note. All models are estimated on the sample of districts receiving at least one OCR complaint during the time period and include state fixed effects. I impute values of zero for districts with missing covariate data and include indicators for missingness. Robust standard errors are in parentheses.

~ p<0.10 * p<0.05 ** p<0.01 *** p<0.001

Table 5. LPM estimates of the associations between district characteristics and the likelihood of being subject to a corrective action, conditional on being investigated

	Time 1 (2001-2004)	Time 2 (2005-2008)	Time 3 (2009-2012)	Time 4 (2013-2016)	Time 5 (2017-2018)
Mean of dependent variable:	0.135	0.157	0.268	0.120	0.094
s.d. of dependent variable:	0.342	0.365	0.444	0.325	0.294
Mid-small: 1000- 4999 students	-0.0437	0.0207	-0.0555	-0.2148	
	(0.0787)	(0.1010)	(0.1524)	(0.1469)	
Mid-large: 5000- 9999 students	-0.0779	0.0436	-0.0854	-0.1980	-0.0627
	(0.0944)	(0.1148)	(0.1639)	(0.1585)	(0.0931)
Large: 10000+ students	-0.0255	-0.0079	0.0217	-0.2388	-0.0617
	(0.1097)	(0.1233)	(0.1758)	(0.1602)	(0.1716)
Percent Black	0.2616	-0.1705	-0.2881	0.7415	0.1921
	(0.2840)	(0.3477)	(0.5030)	(0.4940)	(0.6614)
Percent Black squared	-0.3082	0.0858	0.3956	-0.8800	-0.1176
	(0.3399)	(0.3673)	(0.6198)	(0.6169)	(0.8261)
Percent Latinx	0.0018	-0.7159~	0.1992	0.0307	0.4152
	(0.5190)	(0.3908)	(0.6025)	(0.5166)	(0.8053)
Percent Latinx squared	0.1263	0.9670~	0.0864	0.4768	0.1498
	(0.6583)	(0.5405)	(0.6555)	(0.5671)	(0.7160)
Percent AAPI	-0.2493	-0.7574	1.0590	0.1359	1.9815
	(1.5345)	(0.9649)	(1.0550)	(1.2551)	(1.5373)
Percent AAPI squared	5.4816	0.7023	-2.2450	1.7189	-2.8009
	(6.7976)	(2.4760)	(1.8350)	(3.1628)	(2.6336)
Percent other race	0.1000	0.2277	-1.0804	0.1769	-0.6286
	(0.3948)	(0.3448)	(0.8040)	(0.5610)	(1.9171)
Percent FRPL	0.1658	0.2983	0.2449	-0.3012	0.1206
	(0.1952)	(0.1970)	(0.3121)	(0.2287)	(0.4435)
Percent SWD	1.2886~	0.0613	-0.5258	-0.8532	1.2877
	(0.7056)	(0.4220)	(1.0721)	(1.1505)	(1.9158)
Percent EL students	-0.4628	0.2391	-1.0411~	-0.3319	-1.1209
	(0.4359)	(0.4453)	(0.6062)	(0.5145)	(1.0219)
Percent of schools SW Title I eligible	-0.0377	-0.1782~	-0.1007	0.2102	-0.0173
	(0.0805)	(0.1037)	(0.1679)	(0.1295)	(0.1778)
City	-0.0432	-0.1059	0.0512	-0.0635	0.3095~
	(0.0750)	(0.0704)	(0.0967)	(0.1151)	(0.1651)
Suburban/Urban Fringe	-0.0499	-0.0946	0.0107	-0.0657	0.2406
	(0.0651)	(0.0637)	(0.0844)	(0.0901)	(0.1975)
Town	-0.0053	-0.0695	-0.0175	-0.0677	0.1759
	(0.0657)	(0.0868)	(0.0947)	(0.0996)	(0.1678)
Student/teacher ratio	0.0126	0.0065	-0.0221	-0.0139	0.0034
	(0.0103)	(0.0160)	(0.0212)	(0.0195)	(0.0403)
Administrators per 100 students	0.1197	0.1082	0.3298	0.1574	-0.1557
	(0.2362)	(0.1859)	(0.3599)	(0.3468)	(0.5365)
Guidance counselors per 100 students	-0.1749	-0.0265	0.2803	-0.5308	0.5627

Table 5. LPM estimates of the associations between district characteristics and the likelihood of being subject to a corrective action, conditional on being investigated

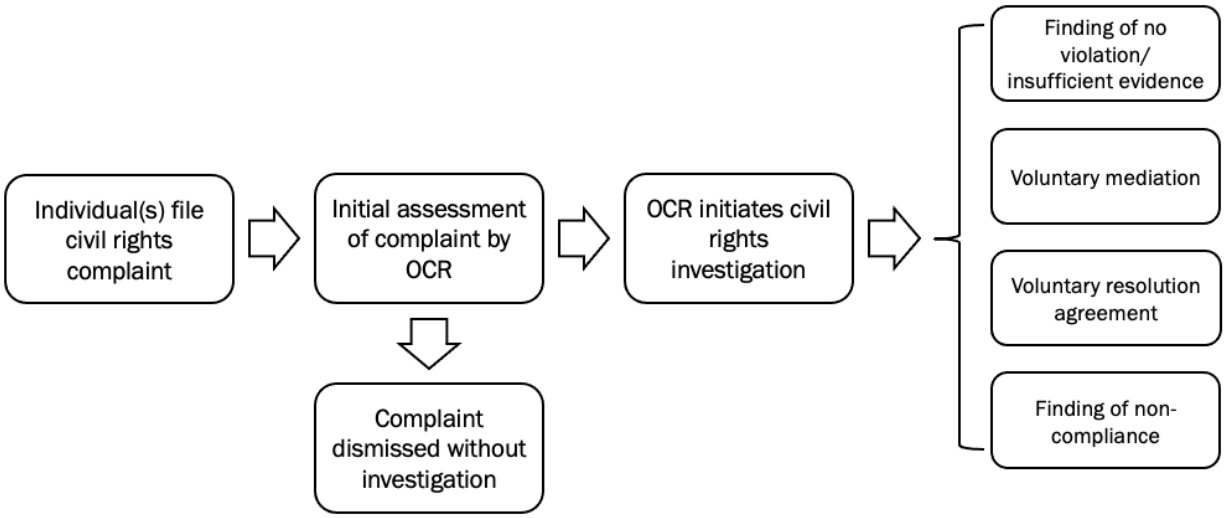
	Time 1 (2001-2004)	Time 2 (2005-2008)	Time 3 (2009-2012)	Time 4 (2013-2016)	Time 5 (2017-2018)
	(0.2405)	(0.2586)	(0.3423)	(0.3399)	(0.6852)
White/Black segregation (standardized)	0.0019	0.0274	0.0317	-0.0281	-0.0219
	(0.0210)	(0.0219)	(0.0316)	(0.0251)	(0.0333)
FRL/not FRL segregation (standardized)	0.0366	0.0071	-0.0732*	0.0044	0.0354
	(0.0312)	(0.0486)	(0.0327)	(0.0271)	(0.0588)
White-Black difference in FRL exposure (standardized)	0.0037	0.0260	0.0252	-0.0547*	0.0126
	(0.0319)	(0.0313)	(0.0331)	(0.0255)	(0.0390)
Constant	-0.2088	-0.0326	0.5406	0.6984	-0.4894
	(0.2847)	(0.2716)	(0.3940)	(0.4416)	(0.7111)
N	423	394	358	267	127
R-squared	0.199	0.266	0.206	0.270	0.422

Note. All models are estimated on the sample of districts that were investigated during the time period and include state fixed effects. I impute values of zero for districts with missing covariate data and include indicators for missingness. Robust standard errors are in parentheses.

~ p<0.10 * p<0.05 ** p<0.01 *** p<0.001

Figures

Figure 1. OCR complaint resolution process diagram



Note. Author's description based on OCR's most recently published Case Processing Manual (U.S. Department of Education Office for Civil Rights, 2018).

Figure 2. Number of civil rights complaints of racial discrimination related to school discipline received by OCR and number of unique districts receiving at least one complaint from 1999 to 2018

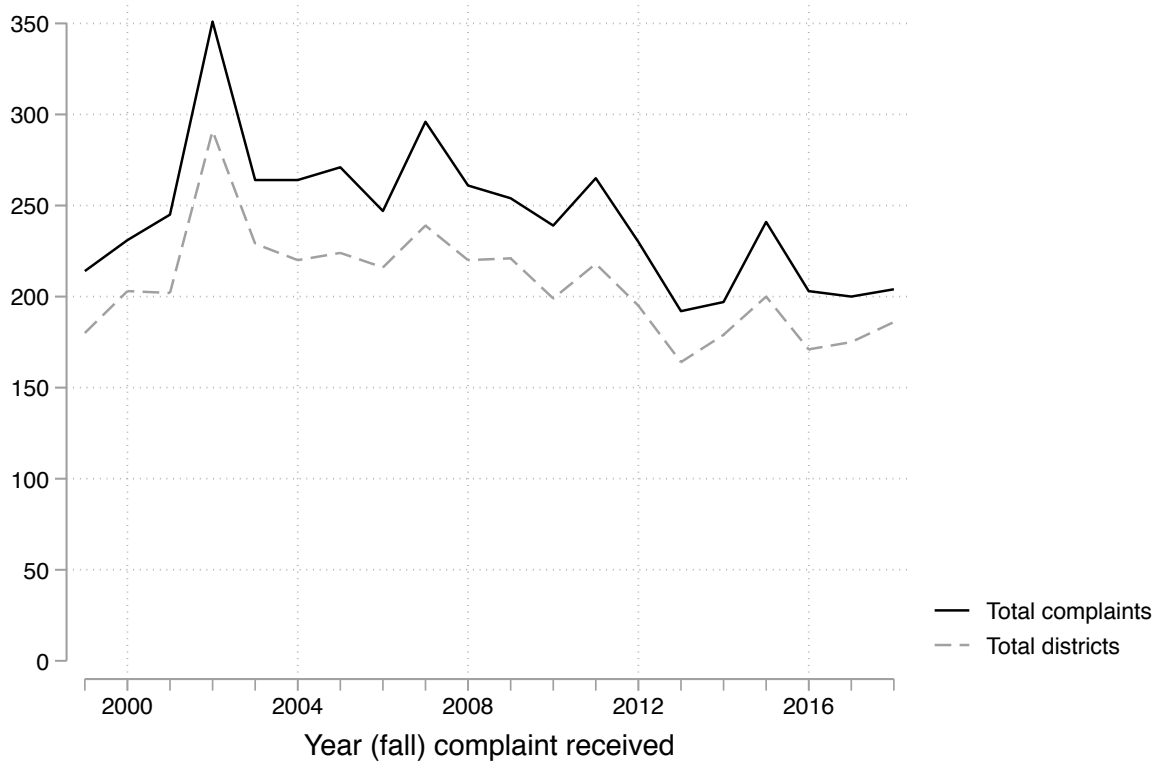
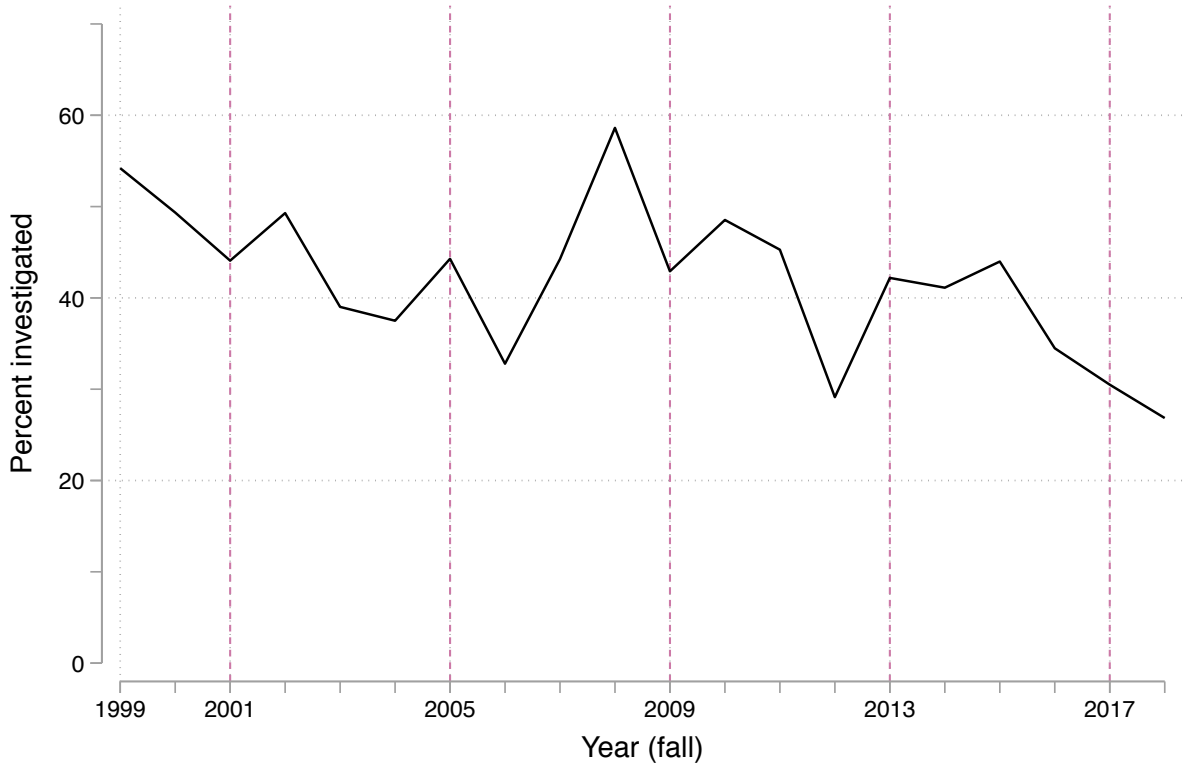
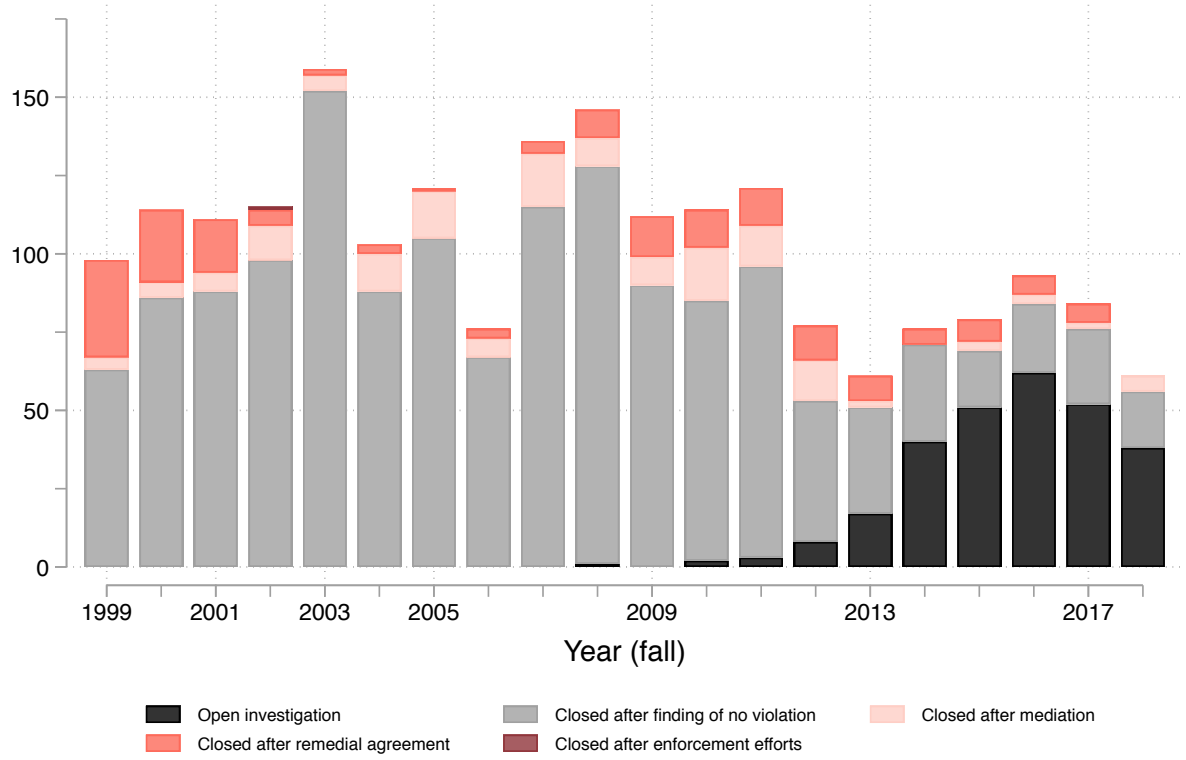


Figure 3. Percent of OCR complaints investigated from 1999 to 2018



Note. Horizontal x-lines denote changes in presidential terms.

Figure 4. Total investigations initiated and investigation outcomes from 1999 to 2018



Note. Stacked bars sum to the total number of investigations initiated each year and display the current status of investigations initiated each year (as of July 2019).

Figure 5. Percent of complaint review times lasting longer than 3 months and percent of investigation lengths lasting longer than 6 months, 1999 to 2018

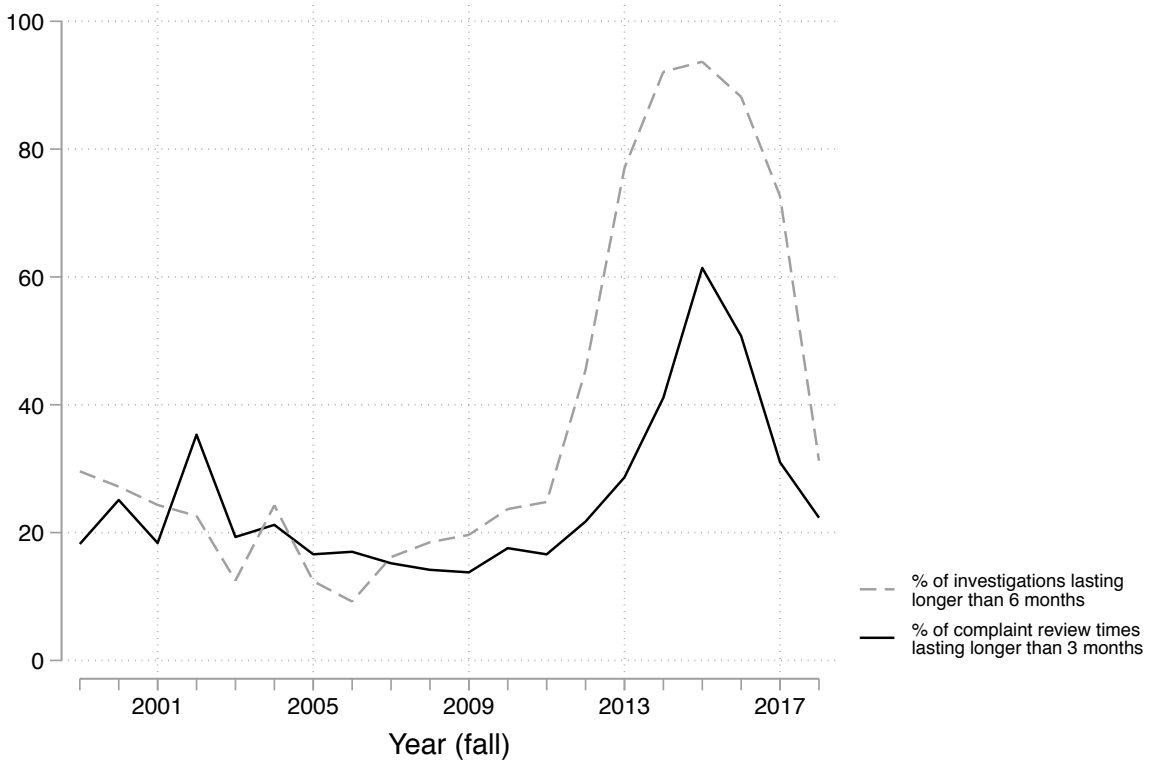


Figure 6. Predicted probability of receiving an OCR complaint, by Percent Black, estimated separated by time period

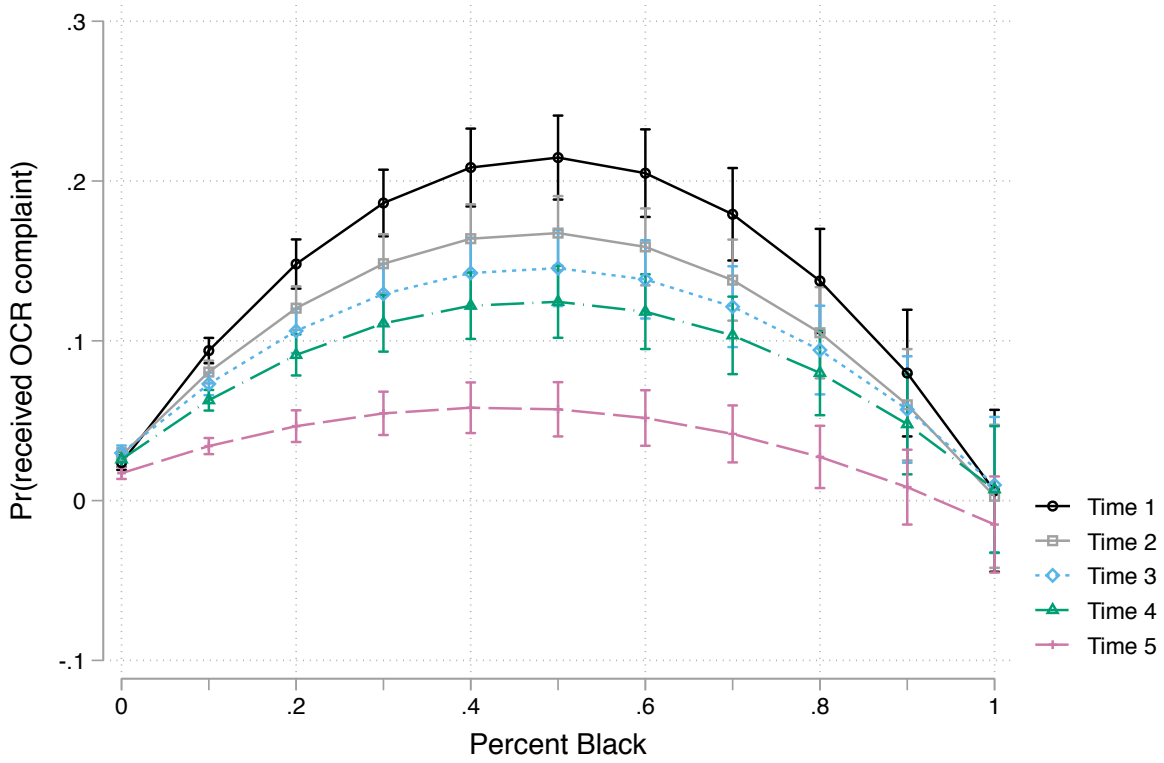
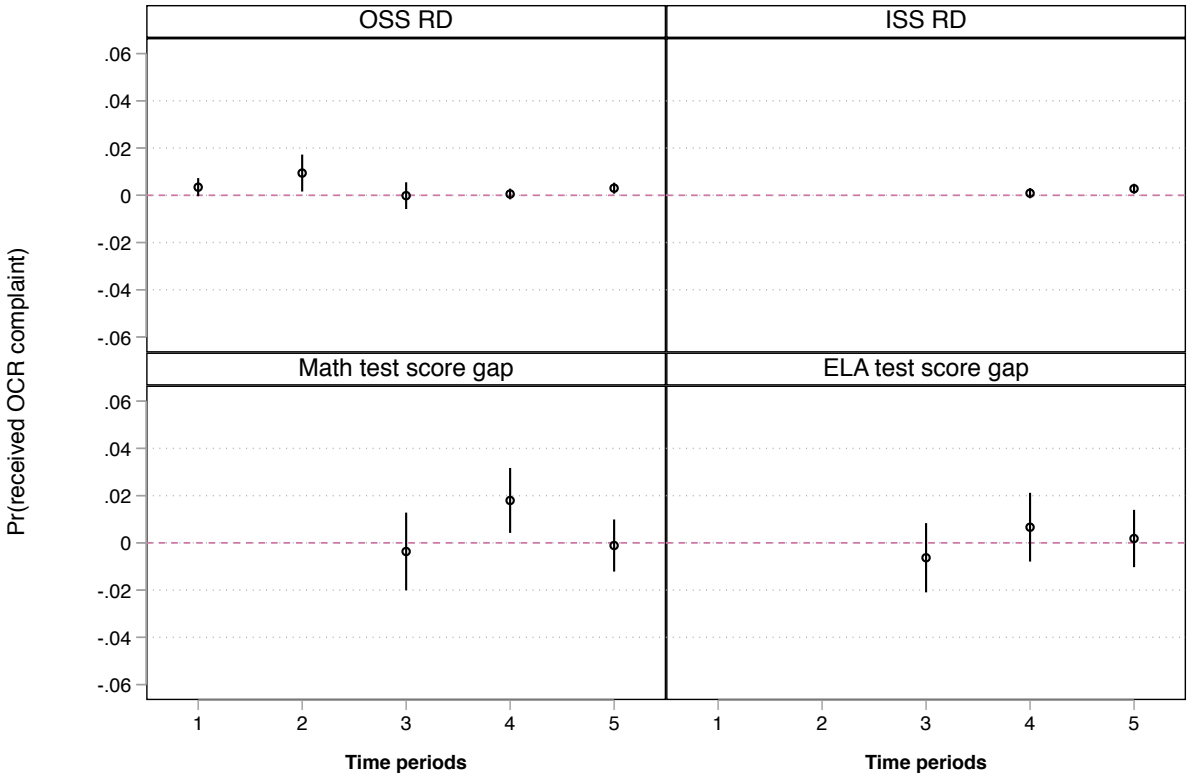
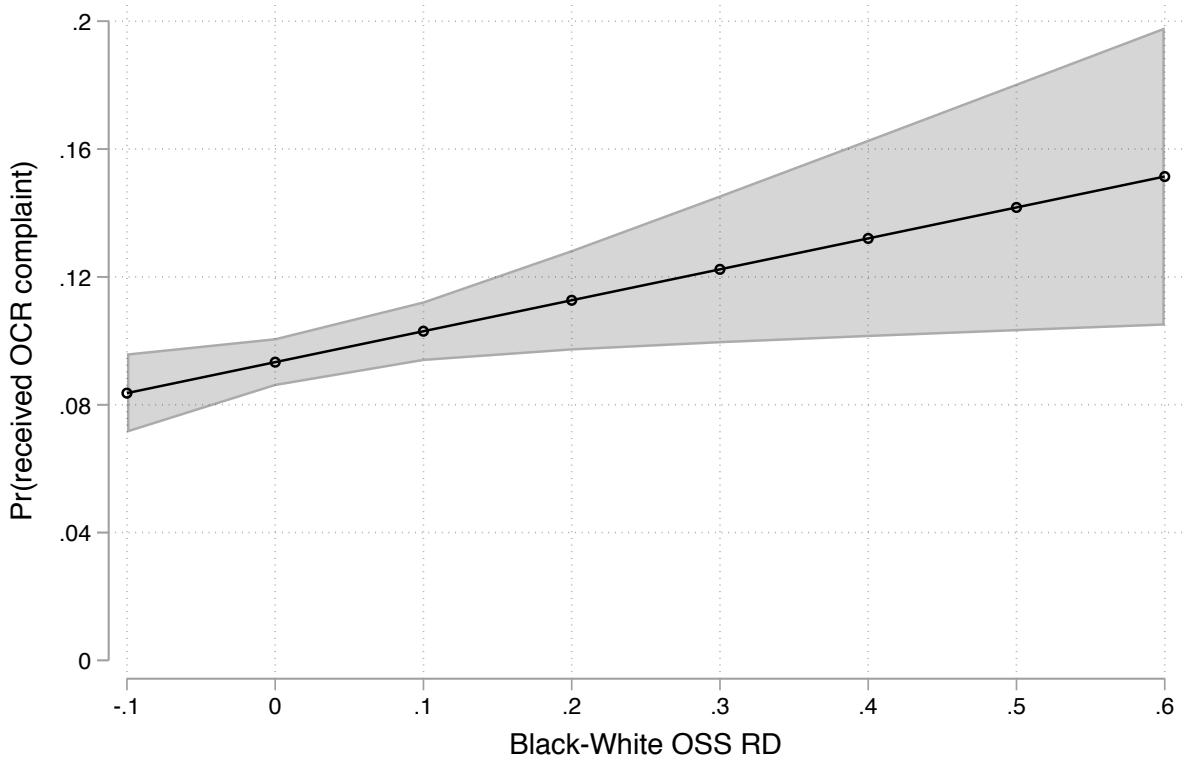


Figure 7. Estimated associations between Black/White inequality and the probability a district receives an OCR complaint, estimated separately for each time period and measure



Note. Corresponding coefficient estimates presented in Appendix Table 3.

Figure 8. Predicted probability of receiving an OCR complaint by size of Black-White discipline gap (measured by the risk difference) for out-of-school suspensions, Time 2



Appendix Tables

Appendix Table 1A. District characteristics, by OCR activity status and time period

	Time 1			Time 2			Time 3		
	All districts	Districts receiving at least one complaint	Districts investigated at least once	All districts	Districts receiving at least one complaint	Districts investigated at least once	All districts	Districts receiving at least one complaint	Districts investigated at least once
Dependent variables									
Received OCR complaint	0.053			0.051			0.049		
Received multiple OCR complaint	0.013	0.251		0.014	0.273		0.013	0.275	
Investigated by OCR	0.029	0.541		0.027	0.537		0.025	0.513	
Subject to corrective action by OCR	0.004	0.071	0.131	0.004	0.082	0.153	0.007	0.137	0.266
Lagged district characteristics									
Fall enrollment	3,195.53	18,270.21	20,987.49	3,316.14	19,659.36	24,285.07	3,422.71	20,714.19	24,824.86
Percent White	0.804	0.613	0.624	0.779	0.606	0.613	0.752	0.567	0.574
Percent Black	0.069	0.223	0.226	0.072	0.203	0.197	0.074	0.202	0.198
Percent Latinx	0.083	0.111	0.103	0.097	0.138	0.135	0.113	0.165	0.163
Percent AAPI	0.015	0.030	0.025	0.017	0.035	0.033	0.020	0.040	0.041
Percent other race	0.029	0.022	0.021	0.032	0.014	0.017	0.037	0.019	0.018
Percent FRPL	0.337	0.407	0.405	0.359	0.397	0.379	0.408	0.444	0.432
Percent SWD	0.144	0.131	0.133	0.152	0.140	0.141	0.151	0.131	0.131
Percent EL students	0.044	0.058	0.053	0.049	0.068	0.066	0.047	0.069	0.067
Percent of schools SW Title I eligible	0.213	0.296	0.286	0.238	0.289	0.270	0.340	0.419	0.397
City	0.053	0.194	0.186	0.056	0.196	0.196	0.058	0.256	0.258
Suburban/Urban Fringe	0.252	0.382	0.375	0.263	0.460	0.454	0.203	0.357	0.375
Town	0.165	0.211	0.220	0.124	0.122	0.115	0.183	0.140	0.115
Rural	0.530	0.213	0.220	0.557	0.222	0.235	0.556	0.247	0.252

Appendix Table 1A. District characteristics, by OCR activity status and time period

	Time 1			Time 2			Time 3		
	All districts	Districts receiving at least one complaint	Districts investigated at least once	All districts	Districts receiving at least one complaint	Districts investigated at least once	All districts	Districts receiving at least one complaint	Districts investigated at least once
Student/teacher ratio	14.270	15.924	15.656	14.235	16.071	15.924	13.930	15.479	15.461
Administrators per 100 students	0.374	0.326	0.332	0.453	0.359	0.361	0.520	0.341	0.341
Guidance counselors per 100 students	0.233	0.228	0.240	0.240	0.209	0.219	0.270	0.247	0.245
White/Black segregation	0.055	0.080	0.081	0.051	0.082	0.085	0.049	0.087	0.096
FRL/not FRL segregation	0.043	0.076	0.076	0.044	0.072	0.078	0.038	0.070	0.076
White/Black difference in FRL exposure	-0.016	-0.050	-0.049	-0.016	-0.050	-0.055	-0.014	-0.054	-0.060
Lagged Black/White inequality									
Black-White RD: OOS	0.016	0.067	0.067	0.035	0.090	0.086	0.041	0.090	0.097
Black-White RD: ISS									
White-Black Math Test Score Gap (standardized)							0.510	0.604	0.630
White-Black ELA Test Score Gap (standardized							0.456	0.558	0.587
N	14,584	774	419	14,368	730	392	13,907	680	349

Note. The sample includes all districts included in the analysis sample for RQ2. The dependent variables (DV) are indicator variables signifying where that level of OCR activity took place over a four year presidential term, while district characteristics and Black/White inequality variables are measured in the year prior. For example, in time period 1, DV variables indicate whether OCR activity took place between 2001 and 2004, while district characteristics are measured in 2000 or the most recent prior year available.

Appendix Table 1B. District characteristics, by OCR activity status and time period

	Time 4			Time 5		
	All districts	Districts receiving at least one complaint	Districts investigated at least once	All districts	Districts receiving at least one complaint	Districts investigated at least once
Dependent variables						
Received OCR complaint	0.043			0.024		
Received multiple OCR complaint	0.011	0.249		0.004	0.171	
Investigated by OCR	0.021	0.485		0.008	0.308	
Subject to corrective action by OCR	0.002	0.056	0.115	0.001	0.033	0.107
Lagged district characteristics						
Fall enrollment	3,417.00	22,345.26	26,356.85	3,444.58	26,697.52	35,154.44
Percent White	0.720	0.529	0.527	0.699	0.514	0.539
Percent Black	0.073	0.183	0.179	0.071	0.170	0.175
Percent Latinx	0.133	0.196	0.198	0.147	0.222	0.200
Percent AAPI	0.021	0.048	0.046	0.022	0.047	0.042
Percent other race	0.053	0.044	0.050	0.060	0.047	0.045
Percent FRPL	0.467	0.505	0.499	0.471	0.492	0.482
Percent SWD	0.144	0.129	0.131	0.149	0.134	0.139
Percent EL students	0.044	0.078	0.080	0.062	0.083	0.066
Percent of schools SW Title I eligible	0.465	0.513	0.497	0.523	0.550	0.532
City	0.062	0.254	0.273	0.063	0.287	0.291
Suburban/Urban Fringe	0.232	0.471	0.472	0.233	0.452	0.485
Town	0.186	0.136	0.143	0.181	0.114	0.087
Rural	0.520	0.139	0.112	0.523	0.147	0.136
Student/teacher ratio	14.362	16.536	16.528	14.791	15.972	15.862

Appendix Table 1B. District characteristics, by OCR activity status and time period

	Time 4			Time 5		
	All districts	Districts receiving at least one complaint	Districts investigated at least once	All districts	Districts receiving at least one complaint	Districts investigated at least once
Administrators per 100 students	0.469	0.339	0.334	0.454	0.369	0.353
Guidance counselors per 100 students	0.268	0.210	0.212	0.247	0.228	0.230
White/Black segregation	0.052	0.088	0.094	0.051	0.100	0.118
FRL/not FRL segregation	0.038	0.080	0.082	0.034	0.079	0.090
White/Black difference in FRL exposure	-0.012	-0.060	-0.063	-0.012	-0.060	-0.072
Lagged Black/White inequality						
Black-White RD: OOS	0.068	0.091	0.096	0.056	0.090	0.091
Black-White RD: ISS	0.065	0.083	0.076	0.055	0.083	0.083
White-Black Math Test Score Gap (standardized)	0.478	0.643	0.655	0.478	0.673	0.635
White-Black ELA Test Score Gap (standardized	0.430	0.594	0.608	0.422	0.611	0.607
N	13,812	590	286	13,710	334	103

Note. The sample includes all districts included in the analysis sample for RQ2. The dependent variables (DV) are indicator variables signfying where that level of OCR activity took place over a four year presidential term, while district characteristics and Black/White inequality variables are measured in the year prior. For example, in time period 1, DV variables indicate whether OCR activity took place between 2001 and 2004, while district characteristics are measured in 2000 or the most recent prior year available.

Appendix Table 2. OLS estimates of association between district size and total complaints received per 1,000 students

	Time 1		Time 2		Time 3		Time 4		Time 5	
	Total complaints	Total compl-aints per 1,000 students	Total complaints	Total compl-aints per 1,000 students	Total complaints	Total compl-aints per 1,000 students	Total complaints	Total compl-aints per 1,000 students	Total complaints	Total compl-aints per 1,000 students
Mid-small: 1000-4999 students	0.0227**	-0.0078	0.0167*	-0.0038	0.0088	-0.0067	0.0022	-0.0079~	0.0064*	0.0008
	(0.0071)	(0.0061)	(0.0067)	(0.0049)	(0.0058)	(0.0051)	(0.0051)	(0.0041)	(0.0030)	(0.0022)
Mid-large: 5000-9999 students	0.0614***	-0.0212**	0.0838***	-0.0071	0.0511**	-0.0208~	0.0161	-0.0121**	0.0299**	-0.0008
	(0.0171)	(0.0070)	(0.0178)	(0.0056)	(0.0166)	(0.0113)	(0.0145)	(0.0042)	(0.0105)	(0.0026)
Large: 10000+ students	0.4330***	-0.0184*	0.4731***	-0.0059	0.3905***	-0.0339	0.3662***	-0.0057	0.1622***	-0.0027
	(0.0335)	(0.0074)	(0.0347)	(0.0064)	(0.0323)	(0.0220)	(0.0279)	(0.0047)	(0.0177)	(0.0025)
Constant	0.0045	0.0130~	-0.0167	0.0240*	0.0054	0.0353	-0.0370~	0.0125	0.0099	0.0053*
	(0.0148)	(0.0076)	(0.0234)	(0.0099)	(0.0136)	(0.0217)	(0.0195)	(0.0191)	(0.0068)	(0.0023)
General covariates	X	X	X	X	X	X	X	X	X	X
N	14,584	14,584	14,368	14,368	13,907	13,907	13,812	13,812	13,710	13710
R-squared	0.174	0.047	0.175	0.014	0.180	0.016	0.181	0.007	0.106	0.008

Note. All models include state fixed effects. General covariates include: indicators for district size categories, racial demographic categories and quadratic terms for percent Black, Latinx, and AAPI, percent FRPL, percent SWD, percent EL, percent of schools SW Title I eligible, indicators for urbanicity, student/teacher ratio, administrators per 100 students, guidance counselors per 100 students, White/Black segregation (standardized), FRL/not FRL segregation (standardized), and White-Black difference in FRL exposure (standardized). For general covariates, I impute values of zero for districts with missing data and include indicators for missingness. Robust standard errors are in parentheses.

~ $p<0.10$ * $p<0.05$ ** $p<0.01$ *** $p<0.001$

Appendix Table 3. LPM estimates of the association between Black-White inequality measures and OCR activity, estimated separately for each measure of inequality

	Time 1 (2001-2004)	Time 2 (2005-2008)	Time 3 (2009-2012)	Time 4 (2013-2016)	Time 5 (2017-2018)
Panel A: Dependent Variable = Received at least 1 OCR complaint					
OSS RD	0.0034~	0.0094*	-0.0001	0.0005	0.0030*
	(0.0020)	(0.0040)	(0.0029)	(0.0012)	(0.0012)
N	10895	5078	5293	11799	11903
R squared	0.186	0.213	0.215	0.167	0.098
ISS RD				0.0009	0.0028**
				(0.0011)	(0.0011)
N				11804	11911
R squared				0.166	0.098
Math test score gap			-0.0037	0.0180*	-0.0011
			(0.0084)	(0.0070)	(0.0056)
N			6765	7042	6216
R squared			0.167	0.167	0.112
ELA test score gap			-0.0063	0.0066	0.0018
			(0.0075)	(0.0074)	(0.0062)
N			6912	7153	6291
R squared			0.166	0.168	0.110
Panel B: Dependent Variable = Received multiple OCR complaints					
OSS RD	-0.0013	-0.0299	0.0170	0.0335	-0.0529*
	(0.0213)	(0.0269)	(0.0370)	(0.0332)	(0.0253)
N	727	491	475	581	333
R squared	0.226	0.214	0.263	0.224	0.247
ISS RD				0.0070	-0.0027
				(0.0300)	(0.0288)
N				579	333
R squared				0.223	0.241
Math test score gap			0.0598	-0.1601	-0.0728
			(0.0939)	(0.0997)	(0.1257)
N			552	531	279
R squared			0.247	0.238	0.250
ELA test score gap			0.0634	-0.1141	-0.0300
			(0.1009)	(0.0884)	(0.1249)
N			572	534	281
R squared			0.246	0.231	0.252
Panel C: Dependent Variable = Investigated by OCR					
OSS RD	-0.0052	-0.0420	0.0708~	0.0476	-0.0189
	(0.0226)	(0.0273)	(0.0379)	(0.0475)	(0.0468)
N	727	491	475	581	333
R squared	0.207	0.168	0.219	0.176	0.254
ISS RD				0.0043	0.0183
				(0.0380)	(0.0421)

Appendix Table 3. LPM estimates of the association between Black-White inequality measures and OCR activity, estimated separately for each measure of inequality

	Time 1 (2001-2004)	Time 2 (2005-2008)	Time 3 (2009-2012)	Time 4 (2013-2016)	Time 5 (2017-2018)
N				579	333
R squared				0.174	0.254
Math test score gap			0.2721*	-0.0231	-0.2548~
			(0.1199)	(0.1282)	(0.1313)
N			552	531	279
R squared			0.164	0.188	0.283
ELA test score gap			0.2323*	0.0036	-0.1158
			(0.1158)	(0.1003)	(0.1315)
N			572	534	281
R squared			0.166	0.183	0.268
Panel D: Dependent Variable = Subject to corrective action					
OSS RD	0.0093	0.0441	0.0767	0.0696	0.0678
	(0.0220)	(0.0305)	(0.0541)	(0.0500)	(0.0618)
N	400	263	252	264	125
R squared	0.208	0.375	0.353	0.298	0.431
ISS RD				0.0248	0.0034
				(0.0491)	(0.0965)
N				264	125
R-squared				0.292	0.421
Math test score gap			0.1428	0.0186	-0.2145
			(0.1446)	(0.1235)	(0.2130)
N			287	242	105
R-squared			0.232	0.275	0.478
ELA test score gap			-0.1514	-0.0779	-0.4161*
			(0.1489)	(0.0970)	(0.1856)
N			294	242	104
R-squared			0.241	0.282	0.494

Note. Models are estimated separately for each time period and each measure of Black/White inequality given strong correlations among these measures. All models include a vector of general covariates (described below) and state fixed effects. Models in Panels B and C are estimated on the sample of districts receiving at least one OCR complaint. Models in Panel D are estimated on the sample of investigated districts. OSS and ISS RD are standardized to a *SD* of 1 and mean of 0. Test score gap variables are measured in terms of standard deviation units. General covariates include: indicators for district size categories, racial demographic categories and quadratic terms for percent Black, Latinx, and AAPI, percent FRPL, percent SWD, percent EL, percent of schools SW Title I eligible, indicators for urbanicity, student/teacher ratio, administrators per 100 students, guidance counselors per 100 students, White/Black segregation (standardized), FRL/not FRL segregation (standardized), and White-Black difference in FRL exposure (standardized). For general covariates, I impute values of zero for districts with missing data and include indicators for missingness. Robust standard errors are in parentheses.

~ p<0.10 * p<0.05 ** p<0.01 *** p<0.001

Appendix A. Details on Data and Covariates

National Center for Education Statistics Common Core of Data

I merge the OCR complaint data with data from the NCES CCD including the Public Elementary/Secondary School Universe Survey and the Local Education Agency Universe Survey. These files include contextual information on all public schools and districts across the United States (e.g., total enrollment, the racial/ethnic composition, urbanicity, etc.). In addition, I use the school- level CCD data to create racial and socioeconomic segregation measures including: White/Black segregation, Free Lunch/not Free Lunch segregation, and White/Black difference in FRL exposure. White/Black segregation is defined as between school, within district White/Black segregation and is measured using Theil's Information Theory Index or the *H* index, which equals 0 when the White/Black composition of all schools in a district mirror the district's White/Black composition and 1 when no White/Black students attend the same school. FRL/not FRL segregation is defined as between school, within district Free Lunch/not Free Lunch segregation also measured using the *H* index. White-Black difference in FRL exposure is defined the White-Black difference in percent Free Lunch in the average student's school. All school-level information is aggregated to the district level. I drop independent charter schools before aggregating school level information to the district level and include only traditional public school districts in my analysis sample.

Civil Rights Data Collection

I also merge OCR complaint data to data from the U.S. Department of Education's CRDC. The CRDC collects school-level information on a number of civil rights topics including enrollment counts by student race/ethnicity, counts of students receiving at least one out-of-school (OOS) suspension by race/ethnicity (available for all years), and counts of students

receiving at least one in-school-suspension(ISS) by race/ethnicity (available since 2009-10). The CRDC is a biennial survey of public schools and includes nearly all public schools starting with the 2011-2012 data collection. I use data from the CRDC available from all administrations between 1999-2000 and 2017-2018 school years.[15] I aggregate enrollment and discipline counts to the district level and calculate Black/White OOS and ISS discipline gaps for each district-year observation. I measure racial discipline gaps in terms of risk differences, which are equal to the school-year difference in discipline rates (either OOS or ISS) between Black students and their White peers (ranging from -100 indicating all White students are suspended and no Black students are to 100 indicating that all Black students are suspended and no White students are). As a robustness check for any analyses, I examine whether any findings related to this measure of the discipline gap are sensitive to my chosen measure. Specifically, I also estimate models where I measure the discipline gap in terms of risk ratios between Black and White students where the Black/White risk ratio is defined as the Black discipline rate divided by the White discipline rate with values greater than 1 indicating that Black students are at a higher risk of being disciplined relative to White students and values less than 1 indicating lower risks for Black students relative to White students.

Stanford Education Data Archive

SEDA test score data includes average standardized test scores in mathematics and English Language Arts (ELA) for school districts serving grades 3 through 8 across the 2008-2009 and 2017-2018 school years. For each year, SEDA researchers estimated district-level test

[15] Prior to the 2011-2012 CRDC collection, CRDC surveyed a sample of schools and school districts across the country ranging from nearly all school districts surveyed in 1999-2000, to approximately 6,000 school districts surveyed in 2003-2004 and 2005-2006, to 7,000 school districts surveyed in 2009-2010. Of note, CRDC oversampled large school districts to ensure findings from the survey generalized to a high share of the student population (e.g., in 2009-2010, all school districts serving more than 3,000 students were surveyed and survey data ultimately generalized to 85 percent of students; U.S. Department of Education Office for Civil Rights, n.d.-b, 2012a).

score means and standard deviations using the U.S. Department of Education's ED*Facts* data system, which includes counts of students scoring at various proficiency levels on state-wide standardized exams disaggregated by student race/ethnicity combined with information from the National Assessment of Educational Progress assessment. The resulting test score estimates provided at the subgroup-subject-grade-district-year level are comparable across all states, grades, and years. For additional details on how the SEDA test score dataset was constructed, see Fahle et al., (2021). For this study, I use estimated White-Black test score gaps reported in the SEDA data for each year between 2008 and 2017 at the subject-grade-district level, which are defined as the difference in the standardized estimated means between racial groups. To generate subject-district-year level estimated test score gaps, I take the weighted average of the test score gap estimates across grades (weighted by the sample size for each test score gap estimate).