



New OCR Case Processing Manual Is More Favorable to Schools

Recent changes in procedures at the Department of Education's Office for Civil Rights ("OCR") generally reflect greater flexibility in resolving and dismissing complaints, a shift that likely favors schools.

Effective March 5, 2018, OCR issued a new Case Processing Manual ("CPM"), which outlines OCR's procedures for handling complaints of discrimination on the basis of race, disability, sex, and other protected categories. The new CPM can be found [here](#). There are several changes that were designed to facilitate more effective and timely review of cases, but there are three significant highlights:

Eliminated References to Systemic Violations

Unlike the prior CPM, the updated CPM contains no reference to investigations of potential "systemic" violations, and no longer requires resolution agreements to include a statement that action steps, when implemented, "will remedy both the individual discrimination at issue as well as any systemic discrimination." While this does not mean that OCR is precluded from investigating allegations of systemic violations, it suggests that **OCR may be less likely to expand a complaint alleging individual discrimination into a fishing expedition for related or unrelated, system-wide violations.**

Expanded Reasons for Dismissal

Under the new CPM, the permissible bases for dismissing a complaint are expanded from three to twenty-one, including where: "[a] complaint is a continuation of a pattern of complaints by an individual or group against multiple recipients or a complaint is filed for the first time against multiple recipients that, viewed as a whole, places an unreasonable burden on OCR's resources." **The changes make it more likely that complaints will be resolved by dismissal** and provide guidance on the types of arguments schools may make to seek a quick resolution of baseless or defective complaints.

Eliminated Right to Internal Appeal

Education Law

For questions regarding these recent changes in procedures, please contact:



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Whether it is reviewing your discrimination and Title IX policies, handling an OCR complaint, providing training for teachers and staff, or providing legal advice as issues arise during the school day, Osborn Maledon's Education Law team is here to help. For more information, please contact:



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The new CPM also **eliminates a previously-available procedure whereby disappointed complainants could appeal an OCR decision.**



The updated CPM raises strategic considerations for any schools faced with responding to an OCR complaint.

Should you have questions about these or other CPM updates, or other considerations in dealing with OCR complaints, the Education Law Team at Osborn Maledon stands ready to help.

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