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# United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

October 25, 2017

The Honorable Betsy DeVos  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary DeVos:

We write with great alarm about the recent increase in hateful and discriminatory speech and conduct in schools across the country. We are deeply concerned that President Trump's tweets and remarks have normalized bigotry, racism, homophobia, and misogyny and that his behavior has fostered discrimination, enabled bullies, and threatened the safety of students. Schools have a responsibility to ensure that all students—no matter their race, ethnicity, religion, sex, sexual orientation, gender identity, or country of origin—feel safe in their learning environments. To that end, we call on the Department to outline its plan to address the rise of discrimination and harassment in our schools.

Federal law prohibits discrimination on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, and disability.<sup>1</sup> These protections are critical to providing all children with equal access to public education and to providing our country and economy a talented group of leaders and workers in the 21<sup>st</sup> century.

As the Department has clarified, schools can violate federal civil rights statutes when school employees do not adequately address harassment that creates a hostile environment for students.<sup>2</sup> According to the Southern Poverty Law Center, in the 10 days following the election of President Trump, there were nearly 900 reports of harassment and intimidation, including 183 at primary and secondary schools and 140 on college campuses.<sup>3</sup> In a follow-up study, the Southern Poverty Law Center found that ninety percent of 10,000 K-12 educators surveyed "have seen a negative impact on students' mood and behavior following the election."<sup>4</sup> The recent spate of

<sup>1</sup> Title VI of the Civil Rights Act; Title IX of the Education Amendments of 1972; Section 50 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990.

<sup>2</sup> Russlynn Ali, "Dear Colleague," October 26, 2010 <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>; Catherine E. Lhamon, "Dear Colleague," October 21, 2014 <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>; Gerald A. Reynolds, "Dear Colleague," July 28, 2003 <https://www2.ed.gov/about/offices/list/ocr/firstamend.html>.

<sup>3</sup> "Ten Days After: Harassment and Intimidation in the Aftermath of the Election," *Southern Poverty Law Center*, Nov. 29, 2016 <https://www.splcenter.org/20161129/ten-days-after-harassment-and-intimidation-aftermath-election>.

<sup>4</sup> Maureen B. Costello, "The Trump Effect: The Impact of the 2016 Presidential Election on our Nation's Schools," *Southern Poverty Law Center*, <https://www.tolerance.org/sites/default/files/2017-06/After%20the%20Election%20Trump%20Effect%20Report.pdf> [hereinafter "The Trump Effect"].

incidents of racial and ethnic animus, bullying, and harassment have continued at an alarming pace, raising serious questions about whether all our students truly have equal access to education in a safe and supportive environment.

There have been far too many examples of messages of intolerance and hate directed at and often intended to intimidate students on our college campuses. As just a few examples: a swastika was found at Georgetown University in a bathroom on the first day of Rosh Hashanah.<sup>5</sup> At the University of Maryland, a noose was placed in the kitchen of the Phi Kappa Tau fraternity.<sup>6</sup> At Drake University, symbols of hate including a swastika and racial slurs were found written in campus facilities.<sup>7</sup> And flyers saying “Imagine a Muslim-Free America” and “Beware the International Jew” were papered across the University of Houston’s campus.<sup>8</sup> In fact, since March 2016, more than 329 incidents of white nationalist fliers and recruitment materials on 241 different college campuses were reported to the Southern Poverty Law Center.<sup>9</sup> *BuzzFeed News* found 154 total incidents of white supremacist propaganda and other acts of racism on college and university campuses since the election. More than one in three of these incidents directly cited President Trump’s name or one of his slogans.<sup>10</sup>

The increase in distressing incidents directed at students stretches beyond our colleges and universities to touch our younger students. A survey of more than 10,000 K-12 educators across the country found that eighty percent reported “heightened anxiety on the part of marginalized students.”<sup>11</sup> More than 2,500 educators “described specific incidents of bigotry and harassment that can be directly traced to election rhetoric.”<sup>12</sup> In your own home state of Michigan, it was reported that students at a junior high school in Dewitt had built a human wall to block Latino students from entering their classrooms.<sup>13</sup> A viral YouTube video documented students at a Michigan middle school, chanting “Build the Wall” in the cafeteria.<sup>14</sup> And one Michigan middle high school teacher observed, “[a] proud proclamation of racism was made by a student after the

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<sup>5</sup> Sophia Barnes, “Swastika Found at Georgetown as Jewish Holiday Begins,” *NBC 4*, Sept. 21, 2017 <http://www.nbcwashington.com/news/local/Full-Letter--446383543.html>.

<sup>6</sup> Ellie Silverman, “‘Beyond the realm of belief’: Noose found in U-Md. Fraternity house,” *Washington Post*, May 4, 2017 [https://www.washingtonpost.com/news/grade-point/wp/2017/05/04/beyond-the-realm-of-belief-noose-found-at-u-md-fraternity/?utm\\_term=.cd1d69453102](https://www.washingtonpost.com/news/grade-point/wp/2017/05/04/beyond-the-realm-of-belief-noose-found-at-u-md-fraternity/?utm_term=.cd1d69453102).

<sup>7</sup> Kara Taylor, “Swastika, Racial Epithet Found at Drake University Spark Investigation,” *NBC News*, Sept. 19, 2017 <https://www.nbcnews.com/news/us-news/swastika-racial-epithet-found-drake-university-spark-investigation-n802651>.

<sup>8</sup> Abigail Jones, “White Supremacists Blamed for Racist, ‘Muslim-Free America’ Posters Appearing at University of Houston,” *Newsweek*, Sept. 19, 2017 <http://www.newsweek.com/white-supremacists-racist-muslim-free-posters-university-houston-667237>.

<sup>9</sup> Amy Crawford, “White nationalists are targeting college campuses, and these students are fighting back,” *Southern Poverty Law Center*, May 2, 2017 <https://www.splcenter.org/news/2017/05/02/white-nationalists-are-targeting-college-campuses-and-these-students-are-fighting-back>.

<sup>10</sup> Mike Hayes, “Imagine Being Surrounded by People Who Hate you and Want to See you Dead,” *BuzzFeed News*, Sep. 27, 2017 [https://www.buzzfeed.com/mikehayes/we-found-154-incidents-of-college-hate-speech-and-violence?utm\\_term=.sbNdwXmwrp#.ckX7qLDqPQ](https://www.buzzfeed.com/mikehayes/we-found-154-incidents-of-college-hate-speech-and-violence?utm_term=.sbNdwXmwrp#.ckX7qLDqPQ).

<sup>11</sup> The Trump Effect, at 4.

<sup>12</sup> *Id.*

<sup>13</sup> David Gilbert, “Students Confront Hate,” *Vice News*, Nov. 12, 2016, <https://news.vice.com/story/hate-crime-reports-emerge-at-schools-and-universities-in-wake-of-trumps-election>.

<sup>14</sup> *Id.*



election: ‘Bet those black people are really scared now.’”<sup>15</sup> These are just three examples of hundreds across the country involving verbal and physical harassment, derogatory language, including racial slurs, and even swastikas and Nazi salutes.

The Department can help change this deeply disturbing trend. For example, the Obama Administration hosted the first Federal Partners in Bullying Prevention Summit in 2010.<sup>16</sup> Since then, the Department under President Obama took multiple steps to provide guidance that helped address particular concerns of LGBTQ students and students with disabilities. For example, the Department issued four Dear Colleague letters on harassment and bullying, gay-straight alliances, and bullying of students with disabilities.<sup>17</sup> In 2012 the Department released guidance and a two-part training toolkit to help classroom teachers combat bullying as well as training materials specifically for school bus drivers.<sup>18</sup> Because of such federal efforts and because of state and local action to prevent bullying, 2015 data from the Department’s National Center for Education Statistics showed that bullying significantly decreased for the first time since data collection began in 2005.<sup>19</sup> Clear guidelines and follow-through by federal, state, and local agencies can ensure progress.

It is critical that the Department reaffirm its commitment to enforcing civil rights laws and send a clear message to schools about their responsibility to ensure a safe educational environment for all students. The Department must work with school leaders to condemn incidents of hate and discrimination targeted at our students. And the Department must work with schools to make certain they have the resources and assistance they need to prevent bullying and harassment, and to address issues when they do occur.

We request a briefing for our staff about how you intend to address these critical issues. Additionally, please respond to the following questions no later than November 8, 2017:

1. What steps is the Department taking to address the rise in hateful bullying and intimidation in K-12 schools and on college campuses?
2. What resources does the Department provide to schools working to prevent and address harassment and discrimination?
3. Is the Department committed to continuing the “Federal Partners in Bullying Prevention Task Force” created by President Obama in 2010?<sup>20</sup> If it is, what work is the Department

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<sup>15</sup> The Trump Effect, at 7.

<sup>16</sup> “U.S. Education Department Releases Analysis of State Bullying Laws and Policies,” *U.S. Department of Education*, Dec. 6, 2011, <https://www.ed.gov/news/press-releases/us-education-department-releases-analysis-state-bullying-laws-and-policies>.

<sup>17</sup> *Id.*

<sup>18</sup> “U.S. Department of Education Provides Guidance to Help Classroom Teachers Combat Bullying,” *U.S. Department of Education*, Sep. 28, 2012, <https://www.ed.gov/news/press-releases/us-department-education-provides-guidance-help-classroom-teachers-combat-bullying>.

<sup>19</sup> “New Data Show a Decline in School-based Bullying,” *U.S. Department of Education*, May 15, 2015, <https://www.ed.gov/news/press-releases/new-data-show-decline-school-based-bullying>.

<sup>20</sup> “Federal Task Force in Bullying Prevention Invites Public to Submit Ideas on Ways to Combat Bullying,” *U.S. Department of Education*, Dec. 10, 2010, <https://www.ed.gov/news/press-releases/federal-task-force-bullying-prevention-invites-public-submit-ideas-ways-combat-bullying>.

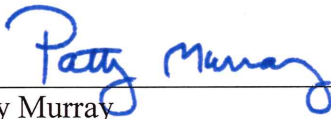
planning to undertake in this capacity? If it is not, what is the rationale for this policy change?

4. Is the Administration committed to nominating an Assistant Secretary for Civil Rights who will consider these issues a priority? If so, what is the timeline for that nomination?
5. For each of the following categories, please provide the number of ongoing investigations, the number of investigations opened and closed since your confirmation, and the number of resolution agreements finalized since January 2017: student-on-student harassment based on race or ethnicity, religion, national origin, disability, and sex, sexual orientation, or gender identity.

As you have said, “[w]e owe all students a commitment to ensure that they have access to a learning environment free of discrimination, bullying, and harassment.”<sup>21</sup> The Department must denounce hate and work to ensure that all students are afforded an equal opportunity to achieve their full potential. No student should have to endure harassment, intimidation and bullying to learn.

Thank you for your attention to this critically important issue. If you have any questions about this request, please contact Laura Aguilar or Carly Rush with Senator Murray’s Health, Education, Labor, and Pensions Committee staff at 202-224-0767.

Sincerely,



Patty Murray  
United States Senator



Bernard Sanders  
United States Senator



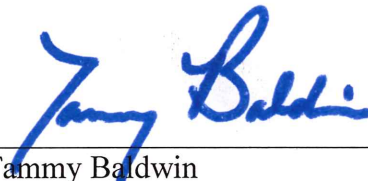
Al Franken  
United States Senator



Michael F. Bennet  
United States Senator

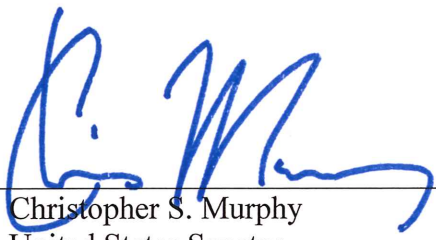


Sheldon Whitehouse  
United States Senator



Tammy Baldwin  
United States Senator

<sup>21</sup> “U.S. Secretary of Education Betsy DeVos Issues Statement on New Title IX Guidance,” *U.S. Department of Education*, Feb. 22, 2017, <https://www.ed.gov/news/press-releases/us-secretary-education-betsy-devos-issues-statement-new-title-ix-guidance>.



Christopher S. Murphy  
United States Senator



Elizabeth Warren  
United States Senator



Margaret Wood Hassan  
United States Senator

cc: The Honorable Jeff Sessions, Attorney General,  
U.S. Department of Justice