

Board member Dana Tom's comments on the OCR resolution, as provided to the Weekly:

- Important to be clear about the context for our discussion tonight because given the fundamental importance of the OCR's mission, it's easy to incorrectly paint our discussion here as a fight against that mission.
- Like many organizations, our district strives to learn from past results and strengthen our efforts in the future. Each year, through our prioritization of annual focus goals, we choose areas we can and should improve.
- Ensuring a safe and positive school environment for students is one initiative among many in our strategic plan. We're dedicated to improving that aspect of our district. Our Resolution Agreement with the OCR is one piece of that improvement and we have gone beyond that with our Developmental Assets work and with efforts recommended by our Safe and Welcoming Schools Climate Committee.
- We absolutely share the same goals as the OCR. The issue we're talking about tonight is over OCR's practices and ensuring they are efficient, effective, and fair. Like any organization, OCR has areas where it can and should improve.
- This resolution summarizes the concerns we expressed in letters to and discussions with OCR. They chose not to respond to those letters in writing. That is why there is no comment from OCR in this report. The only written responses we have received from them have been denials of our Freedom of Information Act requests.
- In two meetings that Barb Mitchell, district staff, and counsel had with representatives from OCR, I learned more about OCR processes and that we could request reconsideration of the letter of findings based on our concerns over that investigation's process and factual errors in the findings. I am disappointed that OCR has not responded to our letters.
- Here are a few of my higher priority concerns about OCR practices:
 - OCR should require written consent from parents for interviews of their children rather than simply an opt-out notice that may or may not reach the parents
 - Student interviews require great care
 - Group interviews can't protect confidentiality among the participants
 - By not recording interviews, not allowing staff observers, and not providing written documentation of the interviews, how can we be assured that the interviewing was age-appropriate and protected against suggestibility or speculation?
 - OCR should not sign voluntary resolution agreements with districts and then later, unilaterally release a letter of findings about the investigation that surprises the recipient. Tufts University had this same experience.
- We've tried to work collaboratively with OCR, yet the burden to our district has been continually increasing.
- Our staff has spent hundreds of hours providing thousands of pages of documentation to satisfy OCR's data requests and participated in dozens of OCR interviews.
- Media accounts based on incomplete, misleading, and inaccurate information have unfairly created negative public impressions of our district. We can't clear up the facts in public because we cannot comment about individual student matters. There is a great asymmetry in what our district may communicate vs. what others may communicate.
- 14 months was a long time to wait for OCR to complete one of their investigations of our district. Unfortunately, we are not alone in being unable to move forward in a timely fashion. Princeton is still waiting for a conclusion to an investigation that started in 2010. University of Massachusetts, Amherst, and the University of Virginia have open investigations that started in 2011.

- I support the proposed resolution.
- My best hope is that we will be able to work collaboratively with OCR towards our common goals in an effective and timely fashion.
- My concerns about student interviews are particularly acute when we're talking about a wide range of potential ages with different risks of incorrect results from those interviews. Easy to imagine that the conduct of those interviews should be quite different between elementary, middle, and high school students.
- So essential for all of us to separate confidence in the OCR's mission from confidence in how they pursue that mission.
- We have no illusions that our district is at a pinnacle. If we didn't fundamentally believe that we can do more for our students, we wouldn't need to have a strategic plan nor annual goals.
- No one should pretend that how OCR conducts their work is always perfect and has no room for improvement.
- I hope we're able to increase our collaboration with OCR in a positive manner.