

116TH CONGRESS
2D SESSION

H. R. 8994

To amend the Department of Education Organization Act to permit appeals of certain determinations made by the Office of Civil Rights of the Department of Education made with respect to complaints filed between March 5, 2018, and November 18, 2018.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2020

Ms. UNDERWOOD (for herself, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Ms. MOORE, Mr. KILDEE, and Ms. JAYAPAL) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Department of Education Organization Act to permit appeals of certain determinations made by the Office of Civil Rights of the Department of Education made with respect to complaints filed between March 5, 2018, and November 18, 2018.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Students’
5 Right to Appeal Act of 2020”.

1 **SEC. 2. RIGHT TO APPEAL CERTAIN DETERMINATIONS**
2 **MADE WITH RESPECT TO CIVIL RIGHTS COM-**
3 **PLAINTS FILED BETWEEN MARCH 5, 2018,**
4 **AND NOVEMBER 18, 2018.**

5 Section 203 of the Department of Education Organi-
6 zation Act (20 U.S.C. 3413) is amended by adding at the
7 end the following:

8 “(d)(1) An individual who filed a complaint with the
9 Office of Civil Rights between March 5, 2018, and Novem-
10 ber, 18, 2018, and who received an investigative deter-
11 mination of insufficient evidence shall have the right to
12 file with such Office an appeal of such determination in
13 accordance with this subsection.

14 “(2) Not later than 60 days after the effective date
15 of this subsection, the Assistant Secretary for Civil Rights
16 shall conduct outreach to inform each individual described
17 in paragraph (1) of the right to file such appeal. Such
18 outreach shall include the following:

19 “(A) The Assistant Secretary shall publish on
20 the website of the Department a notice that each in-
21 dividual described in paragraph (1) has the right to
22 file such appeal.

23 “(B) The Assistant Secretary shall notify in
24 writing each individual described in paragraph (1) of
25 the right to file such appeal during the 60-day pe-

1 riod that begins on the date such individual receives
2 the written notice of such right.

3 “(C) Not later than 180 days after the effective
4 date of this subsection, the Secretary shall submit a
5 report to the Committee on Education and Labor of
6 the House of Representatives and the Committee on
7 Health, Education, Labor, and Pensions of the Sen-
8 ate that includes—

9 “(i) with respect to each complaint de-
10 scribed in paragraph (1), information that
11 specifies—

12 “(I) each Federal civil rights law that
13 such complainant alleged was violated;

14 “(II) the date on which such com-
15 plaint was filed;

16 “(III) the date on which any previous
17 appeal of such determination was filed;
18 and

19 “(IV) the then current status of such
20 complaint; and

21 “(ii) information describing in detail the
22 outreach conducted under this paragraph to in-
23 form individuals described in paragraph (1) of
24 the right to appeal under this subsection.

1 “(D) Data reported under this subsection shall
2 be reported in accordance with applicable privacy
3 laws and regulations.”.

○