

ACLU of Wisconsin: Files brief on behalf of Burlington resident who says her children experienced racial harassment in Burlington schools

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BURLINGTON – The ACLU of Wisconsin filed a brief last week in a case involving racial harassment of students by other students, before the Wisconsin Department of Public Instruction, on behalf of Ms. Garbade. Ms. Garbade is a Burlington resident whose three Black children experienced bullying, racial slurs and harassment while attending Burlington Area School District schools. The District also suppressed information about the racism in its schools, instead of acknowledging and remedying it.

Ms. Garbade said that she told district officials that her children felt unsafe and unwelcome at school and asked for their help to support her children and help them succeed. Instead, Ms. Garbade said that the district ignored and avoided her concerns that the children's bullying was race-related. The brief asserts that the District's negligence contributed to her children's sense of "vulnerability and discomfort at the school by targeting her with harsh, threatening and exclusionary discipline for relatively minor offenses, while extending leniency to the children who bullied and harassed her."

"The District's handling of Ms. Garbade's formal discrimination complaint was deeply flawed," said attorney Elisabeth Lambert, Equal Justice Works Fellow at the ACLU of Wisconsin. "Under both state and federal law, these complaint procedures exist so that school-based discrimination can be brought to light and children can be protected."

“The district continually allowed and participated in an overwhelming amount of individual and systematic racial discrimination,” Ms. Garbade said. “The brief addresses clear violations of the district’s own policies, my children’s civil rights and pupil nondiscrimination statutes, which clearly shows the district’s legal obligation to provide a safe learning environment for students of color. The district’s leaders stood by and essentially did nothing to reverse the hostile learning environment over many years despite my continual efforts to obtain assistance; while they simultaneously subjected my Black children to discipline disparities that were more severe and frequent than their white peers. Additionally, it shows the district’s failure to survey the school’s climate, acknowledge the severe racism and take action to change the narratives.”

Lambert said that the district declined to investigate Ms. Garbade’s hostile environment claims, and its investigation of the disciplinary claims avoided the key question of whether the district’s treatment of Ms. Garbade’s children was harsher than its treatment of similarly situated white children.

“The result was an investigation process that failed to meaningfully address discrimination that the District knew exists — and Wisconsin students deserve better than that,” Lambert said.