

ACLU Wisconsin: Department of Public Instruction rules that Burlington School District has not addressed racism

Posted on Monday, Apr 12, 2021

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BURLINGTON — The Wisconsin Department of Public Instruction ruled Friday that the Burlington Area School District has not done enough to address the ongoing racial harassment and discrimination against students of color in its schools. DPI ordered the district to submit a written plan within 30 days detailing the steps it will take to prevent further discrimination in discipline and address the racially hostile environment that is present in its schools.

DPI's decision comes after an appeal filed by the ACLU of Wisconsin on behalf of Darnisha Garbade, a mother whose two Black children both experienced frequent racial harassment from other students, including routinely being subjected to racial slurs, and one of whom was disciplined more harshly than white students.

“My family and I are so blessed to know that we’re finally being seen and heard. It’s been a long journey full of racism, bigotry, threats, violence, assaults and hatred against my Black children and family for almost five years within the Burlington Area School District & Community,” said Darnisha Garbade, who is president of Burlington Coalition For Dismantling Racism. “We lost our home, church, schools, friends, jobs and so much more in the pursuit of justice. But, God heard our prayers and cries and had mercy on us. He sent Elisabeth Lambert, the ACLU, Burlington Coalition For Dismantling Racism, Racine Interfaith Coalition, SURJ, CERN and many

others to stand with us, speak out against racism and challenge the environment that DPI has now deemed to be racially hostile, not only for Black and brown children. We've been vindicated from all of the lies, slander, disbelief, defensiveness, false accusations, minimization, justifications and allegations, made by BASD Board members and others, regarding me, the Burlington Coalition For Dismantling Racism and other families of color. Your retaliation in response to our discrimination complaints is illegal, unethical and the exact same type of bullying and racism that my children endured under your leadership. Let DPI's ruling be the catalyst to put you and all Wisconsin schools on notice that it's time to truly seek out equity and provide a safe learning environment for all children, not just white ones. If you don't, you will be held accountable."

The District has faced mounting scrutiny [over a growing number of racist incidents that have occurred at its schools in recent years](#). Black and brown students have been the targets of repeated verbal abuse and xenophobia, teachers have been berated for covering Black Lives Matter and racial justice issues, and — in an especially gruesome case — “die N-word die” and “down with BLM” were spelled out with wood chips at an elementary school playground.

Friday's ruling found that:

- A racially hostile environment existed in the Burlington Area School District.
- Nineteen incidents documented by the district, and many other incidents that the district failed to document, showed that the harassment was severe, pervasive and persistent.
- The district was aware of these incidents, but failed to take adequate action to address that harassment and prevent it from recurring.
- On at least one occasion, the district treated Darnisha's Black child more harshly than a white child accused of a similar violation of school rules.

- The District wrongly put the burden on the harassed student survivor, rather than on the perpetrator or district itself, to respond to the harassment.
- Even if the District addressed individual instances as they arose, “there was a significant absence of any district-wide and systematic consideration of how to address underlying causes of the harassment and ensure such racial harassment would not continue.”

“The sheer number of incidents of racial harassment across Burlington schools is deeply disturbing and shows that there is a pervasive, district-wide problem with racism going unaddressed, something that the DPI concluded in its ruling today as well,” said Attorney Elisabeth Lambert, Equal Justice Works Fellow with the ACLU of Wisconsin. “Although the Burlington Area School District has taken small steps to promote equity and inclusion, they must do more to ensure that they address the systemic racism that is running rampant in its schools, and ensure that the school environment is not only safe, but welcoming to students of color.”

“Despite reluctance from the district, Ms. Garbade filed a complaint using the nondiscrimination complaint procedures that are available in all Wisconsin school districts to ensure that the Burlington Area School District would address the racial discrimination occurring in the district,” said Lambert. “These complaint procedures exist for a reason. Ms. Garbade’s persistence has paid off in a big way, and will help change take place for future students of color.”

“Families, hang in there and seek the help of social justice organizations. If there aren’t any, create one like I did and stand your ground,” Ms. Garbade said. “The truth will prevail and you are not alone. We hear you, we see you and we are fighting with you and for you.”

The Burlington Coalition For Dismantling Racism will hold a press conference at 1

p.m. Monday, April 12, at Echo Lake Park in Burlington, to discuss the ruling. Speakers will include Darnisha Garbade, Elisabeth Lambert, and other coalition members.