



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

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December 5, 2022

VIA E-MAIL ONLY to: [redacted content]

Mr. Mike McGrory
Superintendent
Ottumwa Community School District
1112 North Van Buren
Ottumwa, Iowa 52501

Re: OCR Docket #05-21-1162

Dear Superintendent McGrory:

This letter is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against Ottumwa Community School District (District). OCR investigated whether the District failed to respond appropriately to complaints that a [redacted content] grade student (Student A) was subjected to harassment based on his race (African American) during the 2020-2021 school year.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d– 2000d-7, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title VI and its implementing regulation.

OCR investigated the complaint by reviewing documents provided by the Complainant and the District. In addition, OCR interviewed the Complainant, Student A, and District personnel. Based on the evidence obtained and the applicable legal standards, OCR determined that the student was subjected to harassment that created a hostile environment based on his race and that the District failed to take reasonable responsive action to eliminate the hostile environment and prevent its recurrence, as required by Title VI. To resolve OCR's findings, on [December, 5, 2022], the District entered into the enclosed resolution agreement (Agreement) that OCR will monitor until the District is in compliance with Title VI.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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Legal Standards

The regulation implementing Title VI, at 34 C.F.R. § 100.3, provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which Title VI applies. The existence of a hostile environment based on race that is created, encouraged, accepted, tolerated or left uncorrected by a recipient constitutes discrimination on the basis of race in violation of Title VI.

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a hostile environment based on race existed; (2) the recipient had actual or constructive notice of a hostile environment based on race; and (3) the recipient failed to respond adequately to redress the hostile environment based on race.

Harassment creates a hostile environment when the conduct is sufficiently severe, persistent, or pervasive so as to interfere with or limit an individual's ability to participate in or benefit from a recipient's program. Harassing acts need not be targeted at the complainant in order to create a hostile environment. The acts may be directed at anyone, and the harassment need not be based on the complainant's or victim's race so long as it is motivated by race (e.g., it might be based on the race of a friend or associate of the victim). The harassment must in most cases consist of more than casual or isolated incidents to establish a Title VI violation. Whether harassing conduct creates a hostile environment must be determined from the totality of the circumstances. OCR will examine the context, nature, scope, frequency, duration, and location of the race-based harassment, as well as the identity, number, age, and relationships of the persons involved. If OCR determines that the harassment was sufficiently severe that it would have adversely affected a reasonable person, of the same age and race as the victim, under similar circumstances, from participating in or enjoying some aspect of the recipient's education program or activity, OCR will find that a hostile environment existed.

A school may be found to have violated Title VI if it has failed to correct a hostile environment based on harassment of which it has actual or constructive notice. A recipient is charged with constructive notice of a hostile environment if, upon reasonably diligent inquiry in the exercise of reasonable care, it should have known of the discrimination. In other words, if the recipient could have found out about the harassment had it made a proper inquiry, and if the recipient should have made such an inquiry, knowledge of the harassment will be imputed to the recipient.

Once a recipient has notice of a hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. OCR evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely, and effective. The appropriate response to a hostile environment based on race must be tailored to redress fully the specific problems experienced as a result of the harassment.

Facts

The District operates six elementary schools, the [redacted content] (School), and one high school. During the 2020-2021 academic year, the District enrolled 4,242 students and the School enrolled 1,033 students: 58.4% of the students are White, 26.9% are Hispanic, 6% are African American, and the remaining students are other races or bi-racial. Student A was a [redacted content] grade student at the School during the 2020-2021 school year. Student A earned a grade point average of [redacted content] and was enrolled in [redacted content] offered to [redacted content] grade students.

The District's Anti-Bullying/Anti-Harassment/ Anti-Discrimination Policy

The District has a policy¹ regarding bullying, harassment and discrimination which prohibits bullying and or harassment of or by students, staff, and volunteers in the District. It defines harassment, bullying and discrimination as “any electronic, written, verbal, or physical act or conduct toward a student based on the individual's actual or perceived age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status, and which creates an objectively hostile school environment that meets one or more of the following conditions: 1) Places the student in reasonable fear of harm to the student's person or property; 2) Has a substantial detrimental effect on the student's physical or mental health; 3) Has the effect of substantially interfering with a student's academic performance; 4) Has the effect of substantially interfering with the student's ability to participate in or benefit from services, activities, or privileges provided by a school.”

The policy further defines "Trait or characteristic of the student" as including but not limited to “age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.”

The policy requires the school district to “promptly and reasonably investigate allegations of bullying or harassment.” The policy provides that the Superintendent (or their designee) is responsible for handling all complaints alleging bullying or harassment. The process for handling complaints is described in the District's grievance procedure described below. The policy requires consideration of “the totality of circumstances presented in determining whether conduct objectively constitutes bullying, harassment, or discrimination.”

The District's Grievance Procedure

¹ See [Policy 106: Anti--Bullying/Anti-Harassment/Anti-Discrimination](https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=150110&revid=z6nYYiOWmyAL4p7sSEuH5g==&ptid=nitHL4W3SnXuEh9Nz5QJhQ==&secid=&PG=6&IRP=0) at <https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=150110&revid=z6nYYiOWmyAL4p7sSEuH5g==&ptid=nitHL4W3SnXuEh9Nz5QJhQ==&secid=&PG=6&IRP=0>.

The District has a grievance procedure² that provides students and parents in the district with the right to file a formal complaint alleging discrimination based on race. The procedure consists of four “levels.” Level 1, which is listed as “informal and optional,” consists of discussion of the complaint with the staff member directly involved. Per the District procedures, if a grievance is not resolved at Level 1 and the grievant wishes to pursue the grievance, they may initiate a Level 2 grievance in writing. Under the procedures, the Compliance Officer will investigate the complaint and attempt to resolve it. The Compliance Officer is also required to send a written report regarding action taken within a “reasonable time” after the complaint.

If the complaint is not resolved at Level 2, the grievant can appeal the decision to the District Superintendent (Level 3). If the grievant is not satisfied with the Superintendent’s decision, they can appeal the decision to the District Board (Level 4).

[redacted content] 2020: Incidents reported to the [redacted content] teacher and Principal

On [redacted content] 2020, the Complainant contacted Student A’s [redacted content] teacher (Teacher A) via email to report that Student A’s classmates raised their “fists, mocking black power,” and asked Teacher A to address the behavior. Teacher A replied one hour later, promising to speak individually with Student A’s classmates. The Complainant responded via e-mail the next morning, asserting that since the beginning of the school year, Student A experienced “a lot of N-word usage, Black Lives Teasing at [the School], and it is starting to wear on him quite heavily.” Teacher A replied to the Complainant later that day stating that she had (1) talked to Student A and the alleged bullying students; (2) informed the students of the seriousness of the matter; (3) stated that if this behavior continued “ANYWHERE” there would be severe consequences; and (4) provided a list of the alleged bullying students to the Assistant Principal. Teacher A also offered to meet with Complainant. Shortly thereafter, the Complainant wrote back she was “very satisfied with what you did and we do not need to meet.” The Assistant Principal did not contact the Complainant.

On [redacted content], 2020, the Complainant informed OCR that she called the Principal and informed him that in [redacted content] class white students knelt, raised their fists, and claimed they had an “N-Pass” or “Free-Pass” that permitted them to use the N-word if a student of color gave permission. The Principal told OCR that during the call he informed her that she could file a formal (Level 2) written complaint, but that she declined to do so. The Principal informed OCR that he suggested to the Complainant that he could write a restorative circle script, with Student A’s participation, that could be discussed by students during their homeroom class the following week. The Complainant agreed to the Principal’s suggested restorative script. The Principal

² See Policy 105-R(1): Equal Educational Opportunity - GRIEVANCE PROCEDURE at <https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=150110&revid=PNm84rp1uZplusaSwtoE4tkKA==&ptid=nitHL4W3SnXuEh9Nz5QJhQ==&secid=&PG=6&IRP=0>.

explained to OCR the purpose of the restorative circle script would be to repair harm, educate, build community, and reflect on the topic of race.

The Principal told OCR that he met with Student A, without the Complainant present, on [redacted content], 2020, and that during the meeting Student A informed him that the same students in his [redacted content] class who raised their fists and mocked him were also using the N-word and that he wanted them to stop. The Principal informed OCR that Student A did not identify the students. However, Student A told OCR that he informed the Principal of the identity of three white students (Students B, C, and D) who were using the N-word. Later that day, the Principal sent an email to School staff advising that the use of the “N-Word” and students claiming to have a “Free Pass” to use the N-word were unacceptable. The email informed staff that “if heard it needs to be handled by administration,” although the email did not indicate the individual to whom such language should be reported. The Principal did not issue a communication to students or parents regarding use of the N-word. The Principal further informed OCR that, other than speaking with Student A, he did not investigate the Complainant’s allegations of the N-word usage in [redacted content] class or the “N-Pass”/“Free-Pass” usage by white students, and he did not follow-up with Teacher A regarding the Complainant’s report of racial harassment in [redacted content] class.

The Principal informed OCR that the School presented the restorative circle script in all classes the following week. OCR reviewed the script and noted it included a question of whether race was an issue at the School and how the School could address this issue. The script did not address use of racially offensive language, did not reference the N-word or the N-pass, and did not include a statement that racial harassment was prohibited. The Principal told OCR the purpose of the restorative script was to lead the students to discussion of the “N-word” and its inappropriateness in the school setting.

Student A confirmed with OCR that Teacher A conducted the restorative circle script in his class. Although Student A reported that he did not remember much about the conversation, he told OCR that no one from the school spoke to the students about not using the N-word, the N-pass or other actions such as kneeling or raising fists. The Principal informed OCR that he did not check in with Student A to see if he experienced further harassment after the restorative circle, but that he did tell Student A that if anything else happened he should tell the Principal.

The Principal informed OCR that he did not receive any complaints between [redacted content], 2020 and [redacted content], 2021 regarding “N-pass” or “N-word” usage and that, to his knowledge, no teachers received any complaints.

Student A informed OCR that, as the school year went on, the usage of the N-word at school by other students became more frequent. Student A stated that students would mostly use the word when he was nearby, with only some students using it directly in conversation with him, including Student B. Student A told OCR that he did not report these incidents to the School

because he did not want to be known as a “snitch” or a “rat” by other students and because he did not believe that the school would do anything in response to such a report.

[redacted content], 2021: Incidents Reported to the Superintendent and Principal

The Superintendent informed OCR that on [redacted content], 2021, a representative from the Iowa Department of Education (IDE) called the Superintendent and Principal and advised them that IDE had received complaints from the Complainant alleging two incidents of racial harassment involving Student A. IDE indicated that it would not investigate the incidents but would be available as a resource for the District.

This first alleged incident took place on [redacted content], 2020; the second on [redacted content], 2020. In the complaint about the [redacted content] incident, the Complainant alleged that a [redacted content], white student (Student E) in the presence of Student A knelt on a Gatorade bottle containing dark liquid [redacted content], and said, “It can’t breathe.” In the complaint about the [redacted content] incident, the Complainant alleged that Student B directed racial epithets, including the N-word and “cotton picker,” toward Student A on multiple occasions in the school hallways and in class. She also alleged that Student B used the term “KKK” and said that it meant the “Kool Kids Klub.”

The Principal reported that on [redacted content], 2021, he met with the Complainant and Student A to discuss the incidents of [redacted content] and [redacted content]. At the Complainant’s request, the Principal and the Complainant created a “Pre-Investigation Safety Plan” (Plan A), which went into effect on [redacted content], 2021, and identified the Principal as Student A’s primary point of contact and the Assistant Principal and another employee as secondary points of contact, and included a no-contact order between Student A and the accused students during the school day and in all school-sponsored activities occurring before and after school.

On [redacted content], 2021, the Complainant submitted to the Principal a “Harassment Intake Form,” alleging multiple instances of harassment, some of which had also been filed with the IDE. The alleged instances of harassment included that on multiple dates Student B called Student A “dirty N-word,” “cotton picker,” and made a joke about not seeing Black people at midnight; that Student C told Student A, “I can send you back to the cotton fields” and he thanked Student A for the cotton shirt he was wearing; and that on [redacted content], 2021, during [redacted content] class, Student F told Student A a racially derogatory joke about the killing of a Black man.

On [redacted content], 2021, the Complainant sent the Principal and other District staff an email in which she expressed her displeasure that Student A’s [redacted content] class had watched the movie [redacted content] the previous day. The Complainant wrote, “I learned of this in the early morning of Friday [redacted content] 2021 as my son cried recounting the racial harassment that

he has experienced that week, topped of [sic] by the shame and despair that he felt sitting in class watching [redacted content]. He expressed, with tears rolling down his face how badly he wanted to walk out of class and how much he hated the movie.” In an email later that day to the Principal and other District staff, the Complainant requested “that a multi-cultural or racial trauma-informed therapist be made available for [Student A].” The Principal did not respond to the Complainant’s request concerning a multi-cultural or racial trauma-informed therapist.

The Principal’s Investigation of the Alleged Incidents of Harassment

On [redacted content], 2021, the Principal commenced an investigation of the allegations of harassment filed by the Complainant with the IDE and with the District on [redacted content]. The Principal interviewed Students B, C, E and F as well as seven student witnesses identified by the Complainant and Student A.

Alleged Incident of [redacted content], 2020

The Principal investigated the alleged incident of [redacted content], 2020 by interviewing Student E and three other students who were reported to be in the vicinity of the alleged incident. Student E admitted that he had knelt on the bottle and said, “It can’t breathe.” The Principal concluded, “After investigating the original complaint from [redacted content], 2021 the incident(s) does not meet the state definition of bullying and harassment. Based on interviews and evidence there was an incident that happened but due to no current pattern of behavior this does not meet criteria for bullying and harassment. This situation will be referred to the associate principal[’]s office for next steps.”³ The investigative summary reflects that the Assistant Principal found Student E responsible for “disruption” and issued him an in-school lunch detention for [redacted content] days.

Alleged Incident of [redacted content], 2020

The Principal investigated the alleged incident of [redacted content], 2020 by interviewing Student B and five other students. The Principal also investigated the incidents of alleged racial harassment that the Complainant reported on the “Harassment Intake Form.” Three students confirmed that they heard Student B call Student A the N-word, with one student stating that he heard Student B say it “numerous times.” They did not confirm the other alleged statements. Student B initially denied directing the N-word and making the statements to Student A but later admitted making the statements to Student A, including the use of the N-word. The Principal concluded Student B’s behaviors rose to the level of bullying and harassment because there was a “pattern of behavior of racially insensitive remarks,” and Student B received a [redacted content] out-of-school suspension.

³ The District did not produce any written criteria requiring evidence of a pattern of behavior to support a finding that a student engaged in bullying or harassment.

Alleged Incident of [redacted content], 2021

The Principal investigated the Complainant's allegation that Student F told Student A a racially derogatory offensive joke by interviewing Student F and one student witness. The student witness reported that Student F told a joke about Black people but did not remember what it was. Student F first denied telling the joke, then admitted telling the joke. The Principal concluded this one-time incident did not meet the criteria for bullying and harassment "due to no current pattern of behavior." Student F received [redacted content] of in-school lunch detention. Student F's [redacted content].

The Principal investigated the Complainant's allegation that Student C made racially harassing statements to Student A by interviewing Student C and four witness students. Student A also provided screenshots of Snapchat messages from Student C that purportedly showed that Student C admitted to using racial slurs directed toward Student A. Student C denied making any of these statements. All four student witnesses stated that they heard Student C call Student A the N-word and use the N-word in Student A's presence. One witness stated that Student C says the N-word "a lot" and that it is "directed at a lot of students." None of the witnesses provided testimony supporting the allegations regarding Student C's statements about sending Student A back to the cotton fields and thanking him for the cotton shirt he was wearing. The Principal concluded Student C's behaviors rose to the level of bullying and harassment because "there was a pattern of behavior of racially insensitive remarks." Student C received a [redacted content] out-of-school suspension.

In a letter to Complainant dated [redacted content], 2021, the Principal reported his conclusion that the incidents reported by Complainant on [redacted content], 2021 constituted "bullying and harassment" in violation of District Policy 106, "Anti-Bullying/Anti-Harassment/Anti-Discrimination."

Post-Investigation Safety Plan

On [redacted content], 2021, following the conclusion of the investigations of the alleged incidents of racial harassment of Student A, the Superintendent asked the Director of Secondary Education (Director) to collaborate with the Complainant to develop a "Post-Investigation Safety Plan" (Plan B). The stated purpose of Plan B was to ensure Student A felt "psychologically and physically safe." Plan B became effective on [redacted content], 2021, and remained in effect for the remainder of the school year.

Plan B included a no-contact order that was "structured for non-communicative reasonable separation" of at least 10 feet between Student A and the accused students. The Complainant had requested that Plan B include a no-contact order between Student A and the other students, but the School rejected that request. Under Plan B, Student A's schedule was not altered; classes and lunch were altered for the accused students for the duration of the school year. In addition, the

School [redacted content]. Plan B permitted Student A to leave class early so he would not encounter his harassers. Student A reported to OCR that he typically left class a few minutes early or would remain in class a few minutes after the other students left to avoid the students in the hallways.

Under Plan B, Teacher B was the assigned primary contact for Student A. In addition, the School created a “check-out” process whereby Student A was to speak with Teacher B daily with a breakdown of his day and to share whether there were any issues. Teacher B communicated with the Principal via email as part of the “check-out” process after speaking to Student A. For example, in one email, Teacher B reported “[Student A] walks by my room each day when leaving school. I asked him how he gets home and he said Monday through Thursday [the Complainant] picks him up and he rides the bus on Friday.” In more than one email, Teacher B informed the Principal, “[Student A] said he had a good day and there were no issues.” The Principal also kept the Director updated, noting the daily communications between Student A and Teacher B, that a paraprofessional “is trailing [Student A] in the halls to assure safety plan is being adhered to,” and the adjustment of a passing period.

On [redacted content], 2021, the Complainant sent an email requesting “to appeal the decision on [Student E] based on the intent and offensiveness of the act.” The Complainant’s email asserted that “this act was hurtful enough to [Student A] and serious enough in its intent that it should have been found as harassment. In the research that I did, single acts, if serious enough can be found to be harassment.” In the email the Complainant also asked “what the appeal process is.” The District did not respond to the Complainant’s request for information regarding an appeal (Level 3) nor did it alter its findings as to Student E.

The District also retained the services of a local clinical social worker (Social Worker) who met with Student A on [redacted content], 2021, (the week of [redacted content] was [redacted content]). However, the social worker stopped providing services to Student A in late [redacted content] 2021. The Complainant indicated that she had concerns about the other potential providers suggested by the District because she did not find them to be trauma-informed and was concerned that many of the local providers were related to the students involved in the harassment. On [redacted content], 2021, the Complainant sent the Director an email to advise that she retained the services of an African American male counselor in a neighboring town and instructed “[Student A] is not to see or meet with any school or district provided counselor...I will choose and provide his mental health team.” The Social Worker then ended her sessions with Student A.

Post-[redacted content] 2021 Incidents

On [redacted content], 2022, Student A informed OCR that he continued to hear use of the N-word and other racially offensive language at the school. He stated that other students would use the N-word, would call him their slave, told him to “pick cotton,” and call him “blackie.” He

informed OCR that other students were using the N-word in [redacted content] 2022. Student A did not inform the District of these incidents because he did not believe that the District would take any action and because he did not want to be perceived as “a snitch”.

Student A also informed OCR of an incident in [redacted content] 2022 where a white student made monkey noises and pantomimed peeling a banana in class. Student A stated that he believed the white student was targeting him with these actions, and that the white student’s actions were observed by a teacher at the time. Student A stated that the teacher told the white student to stop or she would report the incident to his parents, at which point the white student stopped. Student A told OCR that he does not believe that the white student’s actions were reported to School administration.

The Principal told OCR that, to his knowledge, the District does not provide training to teachers regarding identification or prevention of racially hostile environments and although the District informed OCR they recently developed an Equity Plan, the plan does not provide for any staff or student training or outreach on racial harassment.

Student A completed middle school and currently attends high school in the District. The Complainant reported to OCR that Student A received two Bs, his first grades below an A, in classes he completed in [redacted content] 2022; she believes that the racial harassment Student A experienced has had a negative impact on his academic performance.

Analysis

OCR finds that Student A was subjected to a hostile environment based on race at his School over the course of [redacted content] and [redacted content] grade, that both the School and the District had notice of the hostile environment, and that the District and the School failed to redress fully the hostile environment Student A experienced at the School and to take steps to prevent its recurrence.

The evidence shows that in [redacted content] 2020 and [redacted content] 2021 students at the School repeatedly used the N-word towards Student A, as well as other racially derogatory words and actions, including kneeling on a Gatorade bottle and referencing a phrase to mimic George Floyd’s death, telling Student A to go pick cotton to belittle him in reference to slavery, and calling the KKK the “Kool Kids Klub” in a readily recognizable reference to the Ku Klux Klan. The evidence also showed that throughout the 2020-2021 and 2021-2022 school years, students continued to use the N-word frequently around Student A, in addition to other racial slurs, such as calling him “blackie” and targeting him by making monkey noises and banana peeling motions in class. In view of the context, nature, scope, frequency, and duration of the race-based harassment, OCR concludes that Student A was subjected to a racially hostile environment.

The evidence also established that both the School and the District had notice of the harassment. In [redacted content] 2020, Complainant informed the Principal that white students would repeatedly use the N-word around and towards Student A. On [redacted content] 2021, the Superintendent and Principal were notified of a complaint by Complainant regarding two interactions regarding Student A: one on [redacted content], 2020 (Student E kneeling on a Gatorade bottle and telling Student A “it can’t breathe” to mimic George Floyd’s death) and on [redacted content], 2020 (Student B directing racial epithets, including the use of the N-word, at Student A). Over the course of the School’s resulting investigation, the Principal determined that other students also used the N-word frequently around Student A.

Finally, the School and the District failed to address the pervasive racial harassment of which it was aware. In particular, OCR concludes that the steps the School and the District took in response to the reports of harassment were not effective to stop the harassment and prevent its recurrence and did not remedy its effects on Student A. The Principal responded to the [redacted content] 2020 report by arranging a restorative circle for all students the week after he received the report. Although the restorative circle script discussed race, it did not reference the N-word or otherwise instruct students regarding steps necessary to stop the specific harassment needing redress. The Principal did not at that time conduct investigations into Student A’s complaint that white students were harassing the Student by using the N-word. Although the Principal sent an email to all staff stating that use of the N-word was unacceptable, the Principal did not send similar information to students or parents and did not direct staff how to respond beyond a vague statement that the word usage “needs to be handled by administration,” without specifying whom in the administration would be responsible or how. Finally, neither the Principal nor any other administrator checked in with Student A to see if the harassment had stopped after the restorative circle. The inadequacy of the District’s response to the [redacted content] 2020 report is evidenced by the fact that the harassment continued after the first report.

Although the evidence shows that after the District received the Complainant’s second complaint, the School instituted a pre-investigation safety plan, instituted a post-investigation safety plan, and disciplined some students, these narrow responsive measures did not address the pervasiveness of the racial harassment. Notably, the School failed to consider the repeated harassment Student A experienced, including evidence the Principal had received that the ongoing harassment had reduced the Student to tears during class, when the Principal concluded “due to no current pattern of behavior” that Student E’s actions (kneeling on a Gatorade bottle to mimic George Floyd’s death) did not rise to the level of racial harassment. In addition, the School did not check in with Student A to confirm its responsive measures were sufficient or expand its investigation to determine whether additional harassment was occurring; the evidence reflects that as of [redacted content] 2022 the Student continued to experience harassment, including repeated use of the N-word.

The District disregarded its obligation to identify other potential incidents impacting Student A, the cumulative effect of the incidents on Student A, and the impact the verified wide-spread

conduct may have had on other students. Finally, the School took no further action to investigate or address the existence of a continued racially hostile environment. Accordingly, the District's response was not reasonably calculated to fully redress the harassment Student A experienced at the School.

Conclusion

For the reasons set out above, OCR finds the District has violated Title VI by failing to respond effectively to a hostile environment on the basis of race.

The attached Resolution Agreement requires the District to, among other requirements:

- reimburse the Complainant for documented expenses incurred related to Student A's [redacted content] services resulting from the racially hostile environment he experienced;
- revise District policies and procedures to ensure the District adequately addresses the Title VI prohibition on discrimination based on race, color, or national origin;
- train District staff on the District's nondiscrimination and harassment policies;
- provide training to students at the School on the District's nondiscrimination and harassment policies;
- track and maintain data concerning incidents of racial harassment and discrimination involving District students sufficient to determine Title VI compliance; and
- conduct a climate survey to inform the District regarding the effectiveness of its steps to ensure racially hostile environments do not operate on its campuses and conduct an annual audit to review the effectiveness of its practices.

The letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

Page 13 – OCR Docket # 05-21-1162

If you have any questions about this letter, please contact me at 312-730-1593 or Dawn.Matthias@ed.gov.

Sincerely,

/s/ Dawn R. Matthias
Dawn R. Matthias
Team Leader

Enclosure

cc: Gayla R. Harrison
District Counsel