

Office for Civil Rights Discrimination Complaint Form: Submission #728384

1. Enter information about yourself

First Name: (b)(6); (b)(7)(A);
(b)(7)(C)

Last Name: (b)(6); (b)(7)(A); (b)(7)(C)

Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A);
(b)(7)(C)

State: (b)(6); (b)(7)(A);
(b)(7)(C)

Zip Code: (b)(6); (b)(7)(A);
(b)(7)(C)

Best Time to Call You: Day

Primary Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Alternative Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Your Email Address: (b)(6); (b)(7)(A); (b)(7)(C)

2. Who else can we call if we cannot reach you?

Contact's Name: (b)(6); (b)(7)(A); (b)(7)(C)

Daytime Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Relationship to you: (b)(6); (b)(7)(A); (b)(7)(C)

3. Who was discriminated against?

Yourself or Someone else Someone else?

If someone other than yourself please include:

Injured Person's Name: (b)(6); (b)(7)(A); (b)(7)(C)

Daytime Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Evening Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Relationship to You
(eg. son or daughter) Daughter

Injured Person's Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A); (b)(7)(C)

State: (b)(6); (b)(7)(A); (b)(7)(C)

Zip Code: (b)(6); (b)(7)(A); (b)(7)(C)

4. What institution discriminated?

Institution Name: (b)(6); (b)(7)(A); (b)(7)(C)

Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A); (b)(7)(C)

State: (b)(6); (b)(7)(A); (b)(7)(C)

Zip Code: (b)(6); (b)(7)(A); (b)(7)(C)

School or department involved: Principal and Teacher

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint? Yes

Agency Name:

Date Filed
(MM/DD/YYYY): - 00:00

If yes, what is the current status of the complaint? They declined to investigate the matter

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? national origin, retaliation because you filed a complaint or asserted your rights

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information:

Do you have written information that you think will help us understand your complaint?

yes or no Yes

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date:

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no Yes

Reason for not filing complaint before 180 days: I've as to no recourse for my child and

which is why I'm filing here no one is taking accountability nor investigating this matter

8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? Punitive damages as well as disciplinary penalties

9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation: Yes

From: Mitchell, Laura J.
Sent: Wed, 12 Jul 2023 13:33:39 +0000
To: 'suptoffice@atlanta.k12.ga.us'
Subject: OCR Complaint #04-23-1130

Dear Superintendent Herring:

This email is to inform you that on December 1, 2022, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against Atlanta Public Schools (District) alleging discrimination on the basis of shared ancestry and retaliation. (b)(6); (b)(7)(A); (b)(7)(C) filed the complaint on behalf of her daughter, (b)(6); (b)(7)(A); (b)(7)(C) who attended (b)(6); (b)(7)(A); (b)(7)(C) (School) during the (b)(6); (b)(7)(A) school year. This email will refer to (b)(6); (b)(7)(A); (b)(7)(C) as the Complainant and her daughter as the Student.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department of Education. Title VI also prohibits retaliation. As a recipient of Federal financial assistance from the Department of Education, the District is subject to Title VI and to OCR's jurisdiction.

The Complainant told OCR that the Student is (b)(6); (b)(7)(A); (b)(7)(C) teachers humiliated the Student, including by not (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) an administrator said the actions of one of the teachers might be based on cultural differences and the Student being (b)(6); (b)(7)(A); (b)(7)(C) and, after the Complainant and her husband reported incidents to District staff, School staff retaliated against the Complainant by refusing to provide her with copies of her children's transcripts after she requested them in (b)(6); (b)(7)(A); (b)(7)(C).

OCR will investigate the following issues:

1. Whether the District discriminated against the Student by failing to address a hostile environment based on shared ancestry, in violation of Title VI and its implementing regulation at 34 C.F.R. §100.3.
2. OCR will investigate whether the District retaliated against the Complainant, in violation of Title VI and its implementing regulation at 34 C.F.R. § 100.7(e).

Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merit. During the investigation, OCR is a neutral factfinder, collecting and analyzing relevant evidence from the Complainant, the District, and other sources, as appropriate. OCR will conduct its investigation in accordance with its *Case Processing Manual*. A summary of OCR's complaint processing procedures can be found here: <https://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Below are data request items that are needed to investigate this complaint. OCR's authority for obtaining information is provided in the Department's regulation implementing Title VI, at 34 C.F.R. § 100.6(c), which is incorporated by reference in the Section 504 regulation, at 34 C.F.R. § 104.61. Under Title II, at

28 C.F.R. § 35.171(a)(3), OCR uses its Section 504 procedures to investigate Title II complaints. Pursuant to the Title VI regulation at 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii) of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. Please provide the data response by **July 27, 2023**:

1. A copy of each written complaint or report, and notes or a summary of each unwritten complaint or report of discrimination or harassment that School staff or other District staff received on behalf of the Student during the (b)(6); (b)(7)(A); (b)(7)(C) school years. For each complaint or report, please provide the following:
 - a. the date of the complaint or report and a description of the steps that School or District staff took to investigate the complaint or report;
 - b. the determination made by the School or District regarding the complaint or report;
 - c. all supportive measures, disciplinary action, training, counseling, or other actions taken to provide a remedy, or to address or eliminate any harassment;
 - d. all interview or other notes, witness statements, investigation reports, investigation findings, notices, transcripts, recordings, videos, discipline records, correspondence, logs, appeals, decisions on appeal, or other documents related to the complaint or report; and
 - e. the names and titles of all School or District staff involved in the response to the complaint or report.
2. A copy of the Teacher's personnel records.
3. All meeting minutes and other documents pertaining to meetings held by School or District staff regarding the Student during the (b)(6); (b)(7)(A); (b)(7)(C) school years.
4. All emails, correspondence, and other documents reflecting requests by the Complainant for her children's transcripts and any responses from School or District staff.
5. A list of requests for student transcripts made to the School during the (b)(6); (b)(7)(A); (b)(7)(C) school years, including the dates the transcripts were requested and provided. Please state whether each student and/or their parents reported any harassment, filed a complaint, or testified, assisted, or participated in an investigation, proceeding, or hearing related to alleged discrimination and specify the basis of discrimination if applicable.

Please notify OCR of the name, address, and telephone number of the person who will serve as the District's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this email.

Thank you in advance for your cooperation. If you have any questions, please feel free to contact me at (678) 200-6873. I look forward to working with you and your staff in resolving this complaint.

Best regards,

Laura Mitchell

Laura J. Mitchell

Attorney
U.S. Department of Education
Office for Civil Rights
61 Forsyth Street SW
Suite 19T10
Atlanta, GA 30303
(b)(6), (b)(7)(A), (b)(7)(C)
(404) 974-9471 (f)
Laura.Mitchell@ed.gov

