

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

December 16, 2023

VIA U.S.P.S. FIRST CLASS MAIL AND EMAIL

Department of Education
400 Maryland Avenue, SW,
Washington, DC 20202-1100
OCR@ed.gov

RE: CONCERNING INCIDENTS INVOLVING A (b)(6); (b)(7)(A); (b)(7)(C) **AND**
SEEMINGLY (b)(6); (b)(7)(A); (b)(7)(C) **STATEMENTS TO** (b)(6); (b)(7)(A); (b)(7)(C)

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

Dear Sir or Madam:

(b)(6); (b)(7)(A); (b)(7)(C) has been retained by the family of (b)(6); (b)(7)(A); (b)(7)(C) related to an incident that took place on (b)(6); (b)(7)(A); (b)(7)(C) with the (b)(6); (b)(7)(A); (b)(7)(C) at (b)(6); (b)(7)(A); (b)(7)(C) in the Ann Arbor Public School system. (b)(6); (b)(7)(A); (b)(7)(C)

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

On (b)(6); (b)(7)(A); (b)(7)(C) while (b)(6); (b)(7)(A); (b)(7)(C) was (b)(6); (b)(7)(A); (b)(7)(C) awaiting to meet with (b)(6); (b)(7)(A); (b)(7)(C) he had requested permission from (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) At the time of his request he was told that he (b)(6); (b)(7)(A); (b)(7)(C) When he inquired as to why, he was told (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) It is our understanding that (b)(6); (b)(7)(A); (b)(7)(C) immediately made (b)(6); (b)(7)(A); (b)(7)(C) aware that the comment made him uncomfortable as (b)(6); (b)(7)(A); (b)(7)(C) It is also our understanding that (b)(6); (b)(7)(A); (b)(7)(C) upon being made aware by (b)(6); (b)(7)(A); (b)(7)(C) of his discomfort and the idea that he believed the comment to be biased an inappropriate based on his identity, instead of apologizing, (b)(6); (b)(7)(A); (b)(7)(C)

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

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

What no school employee did at that time, or any time since, is address the discriminatory remarks for what they were, addressed the harm that has come to the student, or addressed his discomfort in returning to the school after these remarks were made.

What you may not be aware of is the way in which (b)(6); (b)(7)(A); (b)(7)(C)

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

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

Prior to (b)(6); (b)(7)(A); (b)(7)(C) often enjoyed (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) However, after the incident he is no longer comfortable (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Additionally, he is uncomfortable in the hallways with his teachers, and when passing (b)(6); (b)(7)(A); (b)(7)(C) in the hallway. He has also expressed a concern to us that his own (b)(6); (b)(7)(A); (b)(7)(C) no longer addresses him even when they pass in the hallway and he believes that it is a result of this very incident.

We understand that the school and the board have indicated that they have investigated this matter and followed up with (b)(6); (b)(7)(A); (b)(7)(C) related to her conduct. We are aware that employment-based decisions and/or discipline are private matters between the school and the employee. However, from the perspective of the family and of (b)(6); (b)(7)(A); (b)(7)(C) it is clear to them, that not enough has been done to rectify the situation and the actual harm that it has caused (b)(6); (b)(7)(A); (b)(7)(C) nor to keep this or something like it from happening again in the future.

Indeed, (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Additionally, this same (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) in the building no longer interact with (b)(6); (b)(7)(A); (b)(7)(C) when encountering him in the hallway making him feel further ostracized and alone. It is clear that the concerted efforts of (b)(6); (b)(7)(A); (b)(7)(C) can be categorized only as retaliation for (b)(6); (b)(7)(A); (b)(7)(C) complaints about the initial discriminatory comments as well as his family members attendance and expression of grievances at (b)(6); (b)(7)(A); (b)(7)(C)

In addition, this office sent a letter of concern requesting a meeting to the Ann Arbor Public School board, superintendent and (b)(6); (b)(7)(A); (b)(7)(C) principal. As of the date of drafting this complaint, the Ann Arbor Public School system has acknowledged receipt of that email, indicated that they consider this a personnel matter only, and that they have closed the matter, but have not agreed to meet and discuss the concerns of the family or (b)(6); (b)(7)(A); (b)(7)(C) or the fact that he is currently uneasy attending school with (b)(6); (b)(7)(A); (b)(7)(C) who made the discriminatory remarks.

The Ann Arbor Public School system is aware of this incident, they were told by the family in a formal complaint, as well as (b)(6); (b)(7)(A); (b)(7)(C) As of the date

of filing this instant complaint, the Ann Arbor Public school system, its officers, administrators and/or agents have summarily ignored the request of (b)(6); (b)(7)(A); and his family to take action to protect (b)(6); (b)(7)(A); right to a safe public education as well his right to be free from harassment and intimidation while attending public school.

This incident is just the latest incident involving discriminatory remarks made by Ann Arbor Public School employees related to national origin, religion, and ethnicity. Indeed, Ann Arbor Public Schools has a long history of tolerating discriminatory remarks such as these against (b)(6); (b)(6); (b)(7)(A); in the district. In this instant matter, the school has failed to appropriately respond to the harassing and discriminatory remarks made by (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C). It is also true that in this instant matter, the Ann Arbor Public Schools have created, by their inaction, a hostile and unsafe environment not only for (b)(6); (b)(7)(A); but for all of the (b)(6); (b)(7)(A); (b)(7)(C) students attending (b)(6); (b)(7)(A); (b)(7)(C) in violation of federal and state law.

We respectfully request that should you need any additional information, or have any questions prior to meeting, your calls and emails are warmly received.

Respectfully Submitted,

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

AVD/sa

Cc: Office for Civil Rights,
Cleveland Office
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115
OCR.Cleveland@ed.gov



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

January 23, 2024

Via e-mail only to: parks@a2schools.org

Jazz Parks
Interim Superintendent
Ann Arbor Public Schools
2555 South State Street
Ann Arbor, Michigan 48104

Re: Ann Arbor Public Schools, OCR Docket Number 15-24-1184

Dear Interim Superintendent Parks:

The purpose of this letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR), has received a complaint against Ann Arbor Public Schools (the District). The Complainant alleges that the District discriminated against a student (the Student) and other students on the basis of national origin (b)(6); (b)(7)(A); (b)(7)(C) by failing to respond to harassment of the Student and other students, including (b)(6); (b)(7)(A); telling the Student on (b)(6); (b)(7)(A); (b)(7)(C) that (b)(6); (b)(7)(A); (b)(7)(C). The Complainant also alleges that the District retaliated against the Student when the Student's (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A); at his school stopped interacting with him after the Student and the Student's family complained about the incident of (b)(6); (b)(7)(A); (b)(7)(C).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of federal financial assistance. Persons who seek to enforce their rights under Title VI are also protected from retaliation. As a recipient of federal financial assistance from the Department of Education, the District must comply with Title VI.

OCR is opening the following issues for investigation:

Whether the District failed to respond to alleged harassment of students on the basis of national origin (b)(6); (b)(7)(A); (b)(7)(C) in a manner consistent with the requirements of Title VI.

Whether the District retaliated against the Student, in violation of Title VI.

Please understand that opening an investigation does not mean that OCR has made a decision about the complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the complaint. OCR will ensure that its

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

investigation is legally sufficient and addresses the allegations, in accordance with OCR's *Case Processing Manual*. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about:

- OCR's complaint evaluation and resolution procedures;
- regulatory prohibitions against retaliation, intimidation, and harassment of persons who file complaints with OCR or participate in an OCR investigation; and
- application of the Freedom of Information Act and the Privacy Act to OCR investigations.

Also, when appropriate, the complaint may be resolved before the conclusion of an investigation when the recipient expresses an interest to OCR to resolve the complaint and OCR determines that it is appropriate to resolve the complaint allegations because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In such cases, OCR obtains a resolution agreement signed by the district. This agreement must be supported by the evidence obtained during the investigation, and it will be consistent with applicable statute(s) and regulation(s). Additional information about this voluntary resolution process may be found in the enclosed document and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6, requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

In addition, in accordance with the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, at 34 C.F.R. § 99.31(a)(3)(iii), and the Title VI regulation at 34 C.F.R. § 100.6(c), OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR is requesting that you forward the information below to OCR within **fifteen calendar days** of the date at the top of this letter. OCR asks that you provide the requested information via e-mail or by uploading documents to OCR's external sharing site (SharePoint) whenever possible. At this time, OCR Cleveland Regional Office cannot accept documents via Google services or other file share links/services. When producing the requested data, please provide all files in Adobe .pdf format with Bates-labels, except for spreadsheets. Spreadsheets should be provided in their original, native format (e.g., Microsoft Excel files). Please contact the staff member(s) identified below to receive information on how to upload data to the external sharing site or if you need any other assistance in providing the requested information.

Please do **not** provide any Social Security numbers in your data response. If any responsive documents contain Social Security numbers, please redact the Social Security numbers before producing the responsive documents to OCR.

1. The name(s) and title(s) of District staff responsible for investigating incidents of

discrimination and harassment based on national origin/shared ancestry during the (b)(6); (b)(7)(A) and (b)(6); (b)(7)(A) school years.

2. A copy of the District's notice of nondiscrimination. In addition, provide all existing internet links to any notice or policies of nondiscrimination referenced in response to this item. Please also provide an explanation of where and how such notices and policies are otherwise publicized or disseminated to students, faculty, staff, administrators, and others.
3. A copy of the District's policies and procedures, and/or a description of the District's practices and protocols, governing the investigation of complaints of harassment and/or discrimination on the basis of national origin/shared ancestry. Include a detailed description of the complaint process, including each level of the process, the designated timeframes to complete each stage or level in the process, and the types of records maintained.
4. Copies of all documentation of any formal and informal reports/complaints, including records of all oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin, including shared (b)(6); (b)(7)(A); (b)(7)(C) ancestry, at the District and/or in any District program or activity during the (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A); school years, including, but not limited to, any complaints or reports made by or on behalf of (b)(6); (b)(7)(A); (b)(7)(C) (the Student).
5. For each complaint or report made regarding Item #4 above, please provide:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report;
 - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
 - c. the length of the process;
 - d. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
 - e. all actions the District took in response to the complaint/report;
 - f. the District's final determination regarding the complaint/report;
 - g. any corrective action taken; and
 - h. any notice of the findings provided to the complainant.
6. Copies of all documentation related to any complaints/reports identified in Item #4, including but not limited to correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes, personnel or student file documents, disciplinary documents, remedies provided, and notes generated for each complaint/report, if not provided in response to Item #5.
7. State whether the District conducts trainings and/or holds informational sessions with the student community and/or District staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the District's obligation to respond to Title VI complaints. If so, provide the dates of such events, a description of the attendees, and

any materials presented and/or distributed.

8. A detailed description of any training regarding discrimination, including harassment, based on national origin/shared ancestry provided to District staff. For each such training provide the dates of such training, a description of the training, a list of the names and titles of the individuals who attended the training, and copies of any materials distributed during the training.
9. A list identifying all staff in (b)(6); (b)(7)(A); office at (b)(6); (b)(7)(A); (b)(7)(C) in (b)(6); (b)(7)(A); (b)(7)(C)
10. A transcript or recording of any portion of the (b)(6); (b)(7)(A); (b)(7)(C) related to any complaint by the Student's family and any District response.
11. Any other documentation or narrative explanation the District would like OCR to consider in its investigation, including the identification of relevant witnesses. For each individual identified, please provide a name, title, and current contact information.

OCR also may need to interview individuals at the District with knowledge of the facts of this case. If OCR determines that interviews are necessary, OCR will contact you to schedule a mutually convenient time and method (e.g., telephone call, conference line, Microsoft Teams).

The District is also hereby notified that it must retain all electronically stored information and other records, in their originally created format, containing information related to the subject matter of this complaint, including e-mails, word processing documents, spreadsheets, databases, calendars, telephone logs, internet files, network access information, and other media-based information (such as personal digital assistants and digital voice mail), even after it has provided OCR with copies and whether or not OCR has included the information in this initial data request. Please also retain all non-electronic documents and evidence in whatever form, including personal or desk files, calendars, notes, correspondence, drafts, policies, manuals, or other things relevant to the case.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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

When contacting OCR about this complaint, please include in the subject line of any e-mail correspondence and in any other communication, a reference to OCR Docket #15-24-1184.

Upon receipt of this letter, please notify OCR of the name, address, e-mail address, and telephone number of the person who will serve as the District's contact person during OCR's investigation of this complaint. If you have any questions, please contact Mr. Jacob

Oetama-Paul. He is assigned to investigate this complaint and can be reached by telephone at (202) 987-1845 or by e-mail at Jacob.Oetama-Paul@ed.gov.

Sincerely,

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

Digitally signed by
SACARA MILLER
Date: 2024.01.23
10:30:09 -05'00'

Sacara E. Miller
Team Leader

Enclosure