

De León & Nestor
Attorneys at Law

Bruce D. Nestor*
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3547 Cedar Ave South
Minneapolis, MN 55407
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(b)(6); (b)(7)(A);

*Licensed in Minnesota, North Dakota
and Iowa

December 8, 2023

Office for Civil Rights
United States Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604

Via Fax and Email: (312) 730-1576 – ocr.chicago.ed.gov

Re: Filing of Complaint by (b)(6); against Edina Public Schools

Dear Sir/Madam:

Enclosed please find a completed and signed Discrimination Complaint Form and supporting documents for a Complaint of Discrimination filed by (b)(6); against the Edina Public Schools. (b)(6); is a minor under age 18 years of age and the Complaint and Release of Information are signed by her father, (b)(6); The allegations in this matter are shared with those in a previously filed Complaint by (b)(6); OCR Complaint 05-24-1119.

Please copy me on all correspondence regarding this matter as I will be representing (b)(6); at all stages of this proceeding.

Sincerely,

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

Bruce D. Nestor
Attorney at Law



**United States Department of Education
Office for Civil Rights**

DISCRIMINATION COMPLAINT FORM

You do not have to use this form to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). You may send OCR a letter or email instead of this form, but the letter or email must include the information in items 1-15 of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed. An online, fillable version of this form, which can be submitted electronically, can be found at:
<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Before completing this form, please read all information contained in the enclosed packet including: Information About OCR's Complaint Resolution Procedures, Notice of Uses of Personal Information and the Consent Form.

If you have questions about civil rights or how to file a complaint, you may contact OCR at 800-421-3481, 800-877-8339 (TTY), OCR@ed.gov, or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: <https://ocrcas.ed.gov/contact-ocr>.

If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800- USA-LEARN (1- 800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov. If you are a person with a disability, you may request disability-related assistance by contacting OCR at 800-421-3481, 800-877-8339 (TTY), OCR@ed.gov, or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: <https://ocrcas.ed.gov/contact-ocr>. To request this document in an alternate format such as Braille or large print please contact the Department at 202-260-0852 or om_eeos@ed.gov.

1. Name of person filing this complaint:

Last Name: Nestor First Name: Bruce Address:

3547 Cedar Ave S

City: Minneapolis State: MN Zip Code: 55407

Primary number: 612-659-9019 Alternate number: (b)(6); (b)(7)(A); (b)(7)(C)

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

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent, guardian, or other authorized legal representative is required.

Last Name: (b)(6); First Name: (b)(6); Address:

c/o De Leon & Nestor, LLC, 3547 Cedar Ave S

City: Minneapolis State: MN Zip Code: 55407

Primary Phone: 612-659-9019 Alternative Phone: (b)(6); (b)(7)(A); (b)(7)(C)

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

3. OCR investigates discrimination complaints against schools, colleges and universities, institutions, and agencies which receive funds or other forms of financial assistance from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution: Edina Public Schools

Address: 5701 Normandale Road

City: Edina State: MN Zip Code: 55424

Department/School: Edina High School

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, or age. The regulations also ban retaliation against persons who assert the right to be free from discrimination. Please note the following:

- Discrimination based on race, color, and national origin includes failure to provide meaningful access to English learners and limited English proficient parents and guardians, as well as discrimination based on shared ancestry or ethnic characteristics or based on citizenship in a country with a dominant religion.

Discrimination based on race, color, and national origin also includes discrimination, including harassment, because you and/or another individual are, for example, Jewish, Muslim, Arab, Hindu, or Sikh; or based on other ethnic and religious characteristics. For example, individuals who have been subjected to ethnic slurs (such as antisemitic or anti-Muslim harassment); harassed for how they look, dress, or speak in ways related to their ethnic background (such as skin color, religious attire, or language spoken); or stereotyped based on their perceived ethnic characteristics.

- Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity, as well as rules about parental, family, or marital status that treat people differently based on sex.
- Discrimination based on disability includes discrimination against individuals who have a physical or mental impairment that substantially limits a major life activity, as well as individuals who have a record of or are regarded as having a disability.
- Discrimination based on age does not limit protection against discrimination to a certain age group (e.g., people over 40); however, there are a variety of exceptions to the relevant Federal law that may permit age to be taken into account.
- Retaliation refers to actions taken for the purpose of interfering with any rights under the laws enforced by OCR, or because you made a complaint, testified, or participated in any manner in an OCR proceeding.

Please indicate the basis of your complaint:

Discrimination **based on race (specify)**

Discrimination **based on color (specify)**

Discrimination **based on national origin (specify)**

See attached statement. Complainant alleges that she was discriminated against based on religion and national origin.

Discrimination based on sex (specify)

Discrimination based on disability (specify)

Discrimination based on age (specify)

Retaliation because you filed a complaint or otherwise asserted rights
under laws enforced by OCR (specify)

Violation of the Boy Scouts of America Equal Access Act (specify)

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Please see attached. Complainant alleges that she was discriminated against by Respondent on October 25, 2023, when she was suspended from school as discipline for speech which expressed her religious and national origin identities and was subjected to differential treatment based on her perceived religious and national origin identity.

6. Do you have documents or written information that you think will help us to understand your complaint?
- No
 Yes

If yes, please describe the documents or written information you have.

See attached documents

If OCR investigates your complaint, we may ask you to provide us the items you describe above.

7. What is the most **recent date** you were discriminated against?

Date: 10/25/2023

8. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why did not file your complaint within 180 days.

9. Have you complained about the allegations that you raise in this complaint to your school, institution, or another organization or agency?

YES NO

If yes, have you complained about the allegations that you raise in this complaint by:

- filing an internal complaint or appeal with your school or institution?
 participating in your school or institution's grievance procedures?
 participating in a due process hearing either at your school or institution, or through another organization or government agency?

If you answered **yes to any of the above questions**, please describe the allegations that you raised in an internal complaint or appeal, through your school or institution's grievance procedures, or in a due process hearing, identify the date you complained about the allegations and where you made the complaint, and tell us the status of the complaint, appeal, grievance procedures, or due process hearing. If possible, please provide us with a copy of your complaint or grievance or appeal or due process request and, if completed, the decision in the matter.

On October 30, 2023, and November 6, 2023, Complainants by counsel sent the attached letters to Respondent. The Respondent has not reversed the suspension, removed record of the suspension from the Complainant's school records, nor assured Complainant that she would not face further discrimination in the future.

10. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: N.A.

Date Filed: _____

Case Number or Reference: _____

Results of Investigation/Findings by Agency or Court:

11. You do not need to have a lawyer to file a complaint with OCR; however, if you do have a lawyer, OCR staff are required to communicate directly with your lawyer. If you have a lawyer representing you in this matter, please provide the lawyer's contact information.

Last Name: Nestor First Name: Bruce
Telephone: 6126599019 Email: (b)(6); (b)(7)(A); (b)(7)(C)

12. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information is **not required**, but it will be helpful to us.

Last Name: _____ First Name: _____
Telephone: _____ Email: _____

13. **Option to Participate in OCR's Early Mediation Process**

OCR provides an early mediation process as an opportunity for you and the recipient institution to voluntarily resolve your complaint soon after you file it with OCR.

Mediation is a form of complaint resolution that OCR offers as an alternative to its investigative process. Mediation is an informal process in which a staff member from OCR who is trained in mediation assists the parties to reach a negotiated resolution of the complaint. The mediator does not decide who is right or wrong and does not have the authority to impose a settlement on the parties. Instead, the mediator helps the parties to find a mutually acceptable resolution to your complaint. Mediation is a strictly voluntary process. If either party does not want to participate in mediation, OCR will address the complaint through its regular processes.

If you are interested in participating in the early mediation process, you must check the box below. If you indicate your interest in early mediation by checking the box below **and** OCR determines that your complaint is appropriate for this process, OCR will contact you and the recipient institution and offer this resolution option. If the recipient agrees to participate in early mediation, OCR will work with you and the recipient to achieve a mutually agreeable resolution of your complaint. If the recipient does not wish to participate in early mediation, OCR will proceed with its regular processing of your complaint. ***If you do not indicate your interest in early mediation by checking the box below, early mediation will not be offered to you and OCR will proceed with its regular processing of your complaint.***

I am interested in participating in early mediation (Please check box):

NOTE: You **MUST** submit a signed Consent Form to OCR if you want to participate in early mediation.

14. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Reverse the disciplinary school suspensions, remove any record of the suspension from the Complainants records, and assure Complainants that they would not face further discipline or discrimination in the future based on speech which expresses their associational preferences based on religion and national origin

15. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

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

(Date)

12/8/2023

(Date)

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

(Signature)

(b)(6);

(Signature of person in Item 2)

Please mail or email the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help OCR understand your complaint to the OCR Enforcement Office responsible for the state where the institution or entity about which you are complaining is located. You can locate the mailing information for the correct enforcement office on OCR's website at <https://ocras.ed.gov/contact-ocr>.

Addendum to Discrimination Complaint Form
United States Department of Education

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

Question #5 – Allegations of Discriminatory Act

On October 25, 2023, Edina High School student (b)(6); [redacted] was given a three day school suspension as a result of her participation in a public event expressing her religious and national identity association with the people of Palestine. Based on her religion and national origin, her use of the phrase, “From the River to Sea, Palestine Will Be Free,” was characterized as “anti-semitic” and disruptive. The Edina Public Schools lacked any actual evidence that the targeted expression would cause actual disruption to the school environment as opposed to only political debate on a controversial issue. The use of the phrase by Complainant was an expression of her religious and national origin associational preferences and discipline was imposed by Respondent based on the perceived religious and national origin associations of Complainant. Similar discipline would not have been imposed on a Jewish student using the phrase and expressing solidarity with the Palestinian people. The Respondent has also shown a pattern of favoring speech which is not communicated by persons perceived to be expressing religious and national origin association with the Palestinian people. For example, Respondent allows faculty and staff to wear pins with the flag of the State of Israel and has issued public statements expressing support “for those in our community who are experiencing significant trauma, confusion and stress in regard to the recent attack on Israel.” Respondent has not issued similar statements for those members of the Edina School community experiencing trauma, confusion and stress as a result of the bombing of Gaza by the State of Israel. Respondent has not disciplined students or staff for expressing support for the current State of Israel and its policies which discriminate against persons of Palestinian descent who are Arab and Muslim. The actions of Respondent in imposing discipline upon the Complainant target her for the exercise of her associational rights based on religious and national origin and reflect differential treatment by Respondent based upon the Complainant’s actual or perceived religion and national origin.

Supporting Documents

Complaint filed with Office for Civil Rights,
United States Department of Education

FILE COPY

Dear Edina Public Schools Community,

On behalf of Edina Public Schools' leadership team, we wanted to express support for those in our community who are experiencing significant trauma, confusion, and stress in regard to the recent attack on Israel. Our heart goes out to students, staff, and families among us who are currently experiencing distress and anxiety concerning the safety and well-being of their relatives and loved ones.

We want to be sure our students and staff are supported during this time and on an ongoing basis as needed. We welcome families to reach out to your schools if your child needs additional support. We have counseling services and resources available to support the emotional well-being of our students and staff during this agonizing time. Attached here is a resource to support conversations at home.

We understand and share in the concern that global acts of violence can magnify local discord. We must stress, Edina Public Schools deeply condemns antisemitism and islamophobia. We will not tolerate hateful or inappropriate comments or behaviors of any kind and will work diligently to provide a welcoming and inclusive environment for our students and staff. Let's come together now to support each other and to stand up to hate and violence.

In times like these, it is crucial that we unite as a community, demonstrating the compassion, resilience, and unity that define the Edina Public Schools community. Our thoughts and deepest sympathies go out to all those affected by the tragic loss of life and suffering.

Sincerely Yours,

Dr. Stacie Stanley, Superintendent
Paul Paetzel, Edina High School Principal
Patrick Bass, Valley View Middle Principal
Tricia Pettis, South View Middle Principal
Paul Domer, Concord Elementary School Principal
Lisa Masica, Cornelia Elementary School Principal
Karen Bergman, Countryside Elementary School Principal
Kari Dahlquist, Creek Valley Elementary School Principal
Cara Rieckenberg, Highlands Elementary School Principal
Chris Holden, Normandale Elementary School Principal
Steven Cullison, Edina Virtual Pathway Coordinator

De León & Nestor

Attorneys at Law

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Susana De León

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Minneapolis, MN 55407
(612) 822-6269
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(b)(6); (b)(7)(A);

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and Iowa

October 30, 2023

Dr. Stacie Stanley, Superintendent
Edina Public Schools
5701 Normandale Road
Edina, MN 55424
superintendent@edinaschools.org

FILE COPY

Paul Paetzel, Principal
Edina High School
6754 Valley View Road
Edina, MN 55439
Paul.paetzel@edinaschools.org

Re: Disciplinary Action Against (b)(6); and (b)(6);
Edina High School Walkout for Palestine

Dear Superintendent Stanley and Principal Paetzel:

I represent (b)(6); and (b)(6); two students at Edina High School who were given suspensions from school as a result of their participation in the Edina High School Walkout for Palestine on October 25, 2023. It is my understanding that (b)(6); was suspended and prohibited from attending in-school classes on (b)(6); (b)(7)(A); and that (b)(6); was suspended and prohibited from attending in-school classes on (b)(6); (b)(7)(A);.

It is my position that these disciplinary actions violated my clients' First Amendment rights as the discipline was imposed based upon the content of their speech and speech related conduct. Further, the allegation that (b)(6); and (b)(6); engaged in "anti-semitic" speech as a result of participation in a public assembly at which "From the River to the Sea, Palestine Will be Free," was chanted, is defamatory and false.

On behalf of (b)(6); and (b)(6); and their parents, I am requesting that the Edina School District immediately rescind these suspensions and remove any reference to the suspensions from the school records of my clients. I would also request that the Edina School District issue a public statement affirming the rights of students to engage in speech which supports the legitimate rights of the Palestinian people. Such a statement should also recognize that the bombing campaign and

invasion of the Gaza Strip by the State of Israel since October 8, 2023, has caused students to experience “significant trauma, confusion and stress,” as the District previously did with respect to the October 7, 2023, attacks on Israeli citizens.

If the Edina School District is not prepared to immediately take the above steps, I would request that you respond to this letter and address the following issues:

1. The basis for the suspensions imposed against my clients (b)(6); [redacted] and (b)(6); [redacted]
2. A complete description of all disciplinary action taken against my clients, including action that may be taken in the future, and any requirements that my clients will have to complete to be re-admitted to in-person classes at Edina High School.
3. The basis for statements made by Edina Public School staff to my clients that they engaged in “anti-semitic” speech.
4. Any warnings or admonishments provided prior to October 25, 2023, to (b)(6); [redacted] or (b)(6); [redacted] (or other participants in the walkout), regarding the type of speech that would result in the District imposing disciplinary action and specifically any warnings provided to (b)(6); [redacted] and (b)(6); [redacted] (or others) that use of the phrase, “From the River to the Sea, Palestine Will Be Free,” would result in disciplinary action.

Thank you for your prompt attention to this matter.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)
[redacted]

Bruce D. Nestor
Attorney at Law

De León & Nestor
Attorneys at Law

Bruce D. Nestor*
Susana De León

3547 Cedar Ave South
Minneapolis, MN 55407
(612) 822-6269
Facsimile (612) 436-3664
(b)(6); (b)(7)(A);

*Licensed in Minnesota, North Dakota
and Iowa

November 6, 2023

Trevor S. Helmers
Squires, Waldspurger & Mace, P.A.
333 South Seventh Street, #2800
Minneapolis, MN 55402

FILE COPY

Re: Disciplinary Action Against (b)(6); and (b)(6);
Edina High School Walkout for Palestine

Dear Mr. Helmers:

Enclosed please find a Release of Information signed by the mother of (b)(6); and the father of (b)(6);

I reiterate our demand that the Edina School District rescind the suspension imposed on my clients, delete any reference to the suspension in the school records for my clients, and publicly affirm the free speech rights of students to engage in speech which supports the legitimate rights of the Palestinian people.

My clients wish to participate in a learning community which supports the rights of all students and to avoid heightening any division or tension among students which arises from the strong emotions and positions which different students may have on these issues. A prompt resolution of this matter will facilitate achieving those goals without a divisive public debate over the actions of the Edina School District in punishing my clients for engaging in protected speech.

Sincerely,

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

Bruce D. Nestor
Attorney at Law

De León & Nestor

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November 27, 2023

Office for Civil Rights
United States Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604

Via Fax and email: (312)-730-1576 – ocr.chicago.ed.gov

Re: Filing of Complaint by (b)(6); against Edina Public Schools

Dear Sir/Madam:

Enclosed please find a completed and signed Discrimination Complaint Form and supporting documents for a Complaint of Discrimination filed by (b)(6); against the Edina Public Schools. (b)(6); is a minor under age 18 years of age and the Complaint and Release of Information is signed by her mother (b)(6);

Please copy me on all correspondence regarding this matter as I will be representing (b)(6); at all stages of this proceeding.

Sincerely,

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

Bruce D. Nestor
Attorney at Law



**United States Department of Education
Office for Civil Rights**

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1. Name of person filing this complaint:

Last Name: Nestor First Name: Bruce Address:

c/o De Leon & Nestor, LLC

City: Minneapolis State: MN Zip Code: 55407

Primary number: 612-659-9019

Alternate number: (b)(6); (b)(7)(A); (b)(7)(C)

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

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent, guardian, or other authorized legal representative is required.

Last Name: (b)(6); First Name: (b)(6); (b)(7)(A) Address:

c/o De Leon & Nestor, LLC

City: Minneapolis State: MN Zip Code: 55407

Primary Phone: _____ Alternative Phone: _____

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

3. OCR investigates discrimination complaints against schools, colleges and universities, institutions, and agencies which receive funds or other forms of financial assistance from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution: Edina Public Schools

Address: 5701 Normandale Road

City: Edina State: MN Zip Code: 55424

Department/School: Edina High School

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, or age. The regulations also ban retaliation against persons who assert the right to be free from discrimination. Please note the following:

- Discrimination based on race, color, and national origin includes failure to provide meaningful access to English learners and limited English proficient parents and guardians, as well as discrimination based on shared ancestry or ethnic characteristics or based on citizenship in a country with a dominant religion.

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Complaint Form, Consent Form, and Complaint Processing Procedures

Discrimination based on race, color, and national origin also includes discrimination, including harassment, because you and/or another individual are, for example, Jewish, Muslim, Arab, Hindu, or Sikh; or based on other ethnic and religious characteristics. For example, individuals who have been subjected to ethnic slurs (such as antisemitic or anti-Muslim harassment); harassed for how they look, dress, or speak in ways related to their ethnic background (such as skin color, religious attire, or language spoken); or stereotyped based on their perceived ethnic characteristics.

- Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity, as well as rules about parental, family, or marital status that treat people differently based on sex.
- Discrimination based on disability includes discrimination against individuals who have a physical or mental impairment that substantially limits a major life activity, as well as individuals who have a record of or are regarded as having a disability.
- Discrimination based on age does not limit protection against discrimination to a certain age group (e.g., people over 40); however, there are a variety of exceptions to the relevant Federal law that may permit age to be taken into account.
- Retaliation refers to actions taken for the purpose of interfering with any rights under the laws enforced by OCR, or because you made a complaint, testified, or participated in any manner in an OCR proceeding.

Please indicate the basis of your complaint:

Discrimination **based on race (specify)**

Discrimination **based on color (specify)**

Discrimination **based on national origin (specify)**

See attached statement. Complainant alleges that she was discriminated against based on religion and national origin.

Page 4 of 11 – U.S. Department of Education, Office for Civil Rights Discrimination
Complaint Form, Consent Form, and Complaint Processing Procedures

Discrimination **based on sex (specify)**

Discrimination **based on disability (specify)**

Discrimination **based on age (specify)**

**Retaliation because you filed a complaint or otherwise asserted rights
under laws enforced by OCR (specify)**

Violation of the Boy Scouts of America Equal Access Act (specify)

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Please see attached. Complainant alleges that she was discriminated against by Respondent on October 25, 2023, when she was suspended from school as discipline for speech which expressed her religious and national origin identities and was subjected to differential treatment based on her perceived religious and national origin identity.

6. Do you have documents or written information that you think will help us to understand your complaint?
- No
 Yes

If yes, please describe the documents or written information you have.

1. Notice of Suspension dated 10/25/2023
2. Edina Public Schools, Policy 506, "Student Conduct and Discipline" at <https://resources.finalseite.net/images/v1698251862/edinaschoolsorg/yecvkf8moccbyuwzvlid/506.pdf>

If OCR investigates your complaint, we may ask you to provide us the items you describe above.

7. What is the most **recent date** you were discriminated against?

Date: 10/25/2023

8. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why did not file your complaint within 180 days.

9. Have you complained about the allegations that you raise in this complaint to your school, institution, or another organization or agency?

YES NO

If yes, have you complained about the allegations that you raise in this complaint by:

- filing an internal complaint or appeal with your school or institution?
 participating in your school or institution's grievance procedures?
 participating in a due process hearing either at your school or institution, or through another organization or government agency?

If you answered **yes to any of the above questions**, please describe the allegations that you raised in an internal complaint or appeal, through your school or institution's grievance procedures, or in a due process hearing, identify the date you complained about the allegations and where you made the complaint, and tell us the status of the complaint, appeal, grievance procedures, or due process hearing. If possible, please provide us with a copy of your complaint or grievance or appeal or due process request and, if completed, the decision in the matter.

On October 30, 2023, and November 6, 2023, Complainants by counsel sent the attached letters to Respondent. The Respondent has not reversed the suspension, removed record of the suspension from the Complainant's school records, nor assured Complainant that she would not face further discrimination in the future.

10. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: N.A.

Date Filed: _____

Case Number or Reference: _____

Results of Investigation/Findings by Agency or Court:

11. You do not need to have a lawyer to file a complaint with OCR; however, if you do have a lawyer, OCR staff are required to communicate directly with your lawyer. If you have a lawyer representing you in this matter, please provide the lawyer's contact information.

Last Name: Nestor First Name: Bruce
Telephone: 612-659-9019 Email: (b)(6); (b)(7)(A); (b)(7)(C)

12. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information is **not required**, but it will be helpful to us.

Last Name: _____ First Name: _____
Telephone: _____ Email: _____

13. **Option to Participate in OCR's Early Mediation Process**

OCR provides an early mediation process as an opportunity for you and the recipient institution to voluntarily resolve your complaint soon after you file it with OCR.

Mediation is a form of complaint resolution that OCR offers as an alternative to its investigative process. Mediation is an informal process in which a staff member from OCR who is trained in mediation assists the parties to reach a negotiated resolution of the complaint. The mediator does not decide who is right or wrong and does not have the authority to impose a settlement on the parties. Instead, the mediator helps the parties to find a mutually acceptable resolution to your complaint. Mediation is a strictly voluntary process. If either party does not want to participate in mediation, OCR will address the complaint through its regular processes.

If you are interested in participating in the early mediation process, you must check the box below. If you indicate your interest in early mediation by checking the box below **and** OCR determines that your complaint is appropriate for this process, OCR will contact you and the recipient institution and offer this resolution option. If the recipient agrees to participate in early mediation, OCR will work with you and the recipient to achieve a mutually agreeable resolution of your complaint. If the recipient does not wish to participate in early mediation, OCR will proceed with its regular processing of your complaint. ***If you do not indicate your interest in early mediation by checking the box below, early mediation will not be offered to you and OCR will proceed with its regular processing of your complaint.***

I am interested in participating in early mediation (Please check box):

NOTE: You **MUST** submit a signed Consent Form to OCR if you want to participate in early mediation.

14. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Reverse the disciplinary school suspensions, remove any record of the suspension from the Complainants records, and assure Complainants that they would not face further discipline or discrimination in the future based on speech which expresses their associational preferences based on religion and national origin

15. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

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

(Date)

11/27/2023

(Date)

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

(Signature)

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

(Signature of person in Item 2)

Please mail or email the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help OCR understand your complaint to the OCR Enforcement Office responsible for the state where the institution or entity about which you are complaining is located. You can locate the mailing information for the correct enforcement office on OCR's website at <https://ocrcas.ed.gov/contact-ocr>.

11/27/2023

Addendum to Discrimination Complaint Form
United States Department of Education
Complainant: Hafsa Jama

Question #5 – Allegations of Discriminatory Act

On October 25, 2023, Edina High School student (b)(6); [redacted] was given a three day school suspension as a result of her participation in a public event expressing her religious and national identity association with the people of Palestine. Based on her religion and national origin, her use of the phrase, “From the River to Sea, Palestine Will Be Free,” was characterized as “anti-semitic” and disruptive. The Edina Public Schools lacked any actual evidence that the targeted expression would cause actual disruption to the school environment as opposed to only political debate on a controversial issue. The use of the phrase by Complainant was an expression of her religious and national origin associational preferences and discipline was imposed by Respondent based on the perceived religious and national origin associations of Complainant. Similar discipline would not have been imposed on a Jewish student using the phrase and expressing solidarity with the Palestinian people. The Respondent has also shown a pattern of favoring speech which is not communicated by persons perceived to be expressing religious and national origin association with the Palestinian people. For example, Respondent allows faculty and staff to wear pins with the flag of the State of Israel and has issued public statements expressing support “for those in our community who are experiencing significant trauma, confusion and stress in regard to the recent attack on Israel.” Respondent has not issued similar statements for those members of the Edina School community experiencing trauma, confusion and stress as a result of the bombing of Gaza by the State of Israel. Respondent has not disciplined students or staff for expressing support for the current State of Israel and its policies which discriminate against persons of Palestinian descent who are Arab and Muslim. The actions of Respondent in imposing discipline upon the Complainant target her for the exercise of her associational rights based on religious and national origin and reflect differential treatment by Respondent based upon the Complainant’s actual or perceived religion and national origin.

Supporting Documents

(b)(6); (b)(7)(A);
(b)(7)(C) Edina Public Schools

Complaint filed with Office for Civil Rights,
United States Department of Education

FILE COPY

Dear Edina Public Schools Community,

On behalf of Edina Public Schools' leadership team, we wanted to express support for those in our community who are experiencing significant trauma, confusion, and stress in regard to the recent attack on Israel. Our heart goes out to students, staff, and families among us who are currently experiencing distress and anxiety concerning the safety and well-being of their relatives and loved ones.

We want to be sure our students and staff are supported during this time and on an ongoing basis as needed. We welcome families to reach out to your schools if your child needs additional support. We have counseling services and resources available to support the emotional well-being of our students and staff during this agonizing time. Attached here is a resource to support conversations at home.

We understand and share in the concern that global acts of violence can magnify local discord. We must stress, Edina Public Schools deeply condemns antisemitism and islamophobia. We will not tolerate hateful or inappropriate comments or behaviors of any kind and will work diligently to provide a welcoming and inclusive environment for our students and staff. Let's come together now to support each other and to stand up to hate and violence.

In times like these, it is crucial that we unite as a community, demonstrating the compassion, resilience, and unity that define the Edina Public Schools community. Our thoughts and deepest sympathies go out to all those affected by the tragic loss of life and suffering.

Sincerely Yours,

Dr. Stacie Stanley, Superintendent
Paul Paetzel, Edina High School Principal
Patrick Bass, Valley View Middle Principal
Tricia Pettis, South View Middle Principal
Paul Domer, Concord Elementary School Principal
Lisa Masica, Cornelia Elementary School Principal
Karen Bergman, Countryside Elementary School Principal
Kari Dahlquist, Creek Valley Elementary School Principal
Cara Rieckenberg, Highlands Elementary School Principal
Chris Holden, Normandale Elementary School Principal
Steven Cullison, Edina Virtual Pathway Coordinator

FILE COPY

Edina High School
NOTICE OF SUSPENSION



TO: (b)(6); (b)(7)(C)

PARENT / GUARDIAN

ADDRESS: (b)(6); (b)(7)(C)

City: (b)(6); (b)(7)(C) MN 55

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

[Redacted content area]

Incident # _____

Enclosed: Minnesota Statute 127.26-127.40 (Pupil Fair Dismissal Act of 1974)
3 copies - Administration - Parent - Suspension File

De León & Nestor

Attorneys at Law

Bruce D. Nestor*
Susana De León

3547 Cedar Ave South
Minneapolis, MN 55407
(612) 822-6269
Facsimile (612) 436-3664
(b)(6); (b)(7)(A);

*Licensed in Minnesota, North Dakota
and Iowa

October 30, 2023

Dr. Stacie Stanley, Superintendent
Edina Public Schools
5701 Normandale Road
Edina, MN 55424
superintendent@edinaschools.org

FILE COPY

Paul Paetzel, Principal
Edina High School
6754 Valley View Road
Edina, MN 55439
Paul.paetzel@edinaschools.org

Re: Disciplinary Action Against (b)(6); and (b)(6);
Edina High School Walkout for Palestine

Dear Superintendent Stanley and Principal Paetzel:

I represent (b)(6); and (b)(6); two students at Edina High School who were given suspensions from school as a result of their participation in the Edina High School Walkout for Palestine on October 25, 2023. It is my understanding that (b)(6); was suspended and prohibited from attending in-school classes on (b)(6); (b)(7)(A); and that (b)(6); was suspended and prohibited from attending in-school classes on (b)(6); (b)(7)(A);

It is my position that these disciplinary actions violated my clients' First Amendment rights as the discipline was imposed based upon the content of their speech and speech related conduct. Further, the allegation that (b)(6); and (b)(6); engaged in "anti-semitic" speech as a result of participation in a public assembly at which "From the River to the Sea, Palestine Will be Free," was chanted, is defamatory and false.

On behalf of (b)(6); and (b)(6); and their parents, I am requesting that the Edina School District immediately rescind these suspensions and remove any reference to the suspensions from the school records of my clients. I would also request that the Edina School District issue a public statement affirming the rights of students to engage in speech which supports the legitimate rights of the Palestinian people. Such a statement should also recognize that the bombing campaign and

invasion of the Gaza Strip by the State of Israel since October 8, 2023, has caused students to experience “significant trauma, confusion and stress,” as the District previously did with respect to the October 7, 2023, attacks on Israeli citizens.

If the Edina School District is not prepared to immediately take the above steps, I would request that you respond to this letter and address the following issues:

1. The basis for the suspensions imposed against my clients (b)(6); [redacted] and (b)(6); [redacted]
2. A complete description of all disciplinary action taken against my clients, including action that may be taken in the future, and any requirements that my clients will have to complete to be re-admitted to in-person classes at Edina High School.
3. The basis for statements made by Edina Public School staff to my clients that they engaged in “anti-semitic” speech.
4. Any warnings or admonishments provided prior to October 25, 2023, to (b)(6); [redacted] or (b)(6); [redacted] (or other participants in the walkout), regarding the type of speech that would result in the District imposing disciplinary action and specifically any warnings provided to (b)(6); [redacted] and (b)(6); [redacted] (or others) that use of the phrase, “From the River to the Sea, Palestine Will Be Free,” would result in disciplinary action.

Thank you for your prompt attention to this matter.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)
[redacted]

Bruce D. Nestor
Attorney at Law

De León & Nestor
Attorneys at Law

Bruce D. Nestor*
Susana De León

3547 Cedar Ave South
Minneapolis, MN 55407
(612) 822-6269
Facsimile (612) 436-3664
(b)(6); (b)(7)(A);

*Licensed in Minnesota, North Dakota
and Iowa

November 6, 2023

Trevor S. Helmers
Squires, Waldspurger & Mace, P.A.
333 South Seventh Street, #2800
Minneapolis, MN 55402

FILE COPY

Re: Disciplinary Action Against (b)(6); and (b)(6);
Edina High School Walkout for Palestine

Dear Mr. Helmers:

Enclosed please find a Release of Information signed by the mother of (b)(6); and the father of (b)(6);

I reiterate our demand that the Edina School District rescind the suspension imposed on my clients, delete any reference to the suspension in the school records for my clients, and publicly affirm the free speech rights of students to engage in speech which supports the legitimate rights of the Palestinian people.

My clients wish to participate in a learning community which supports the rights of all students and to avoid heightening any division or tension among students which arises from the strong emotions and positions which different students may have on these issues. A prompt resolution of this matter will facilitate achieving those goals without a divisive public debate over the actions of the Edina School District in punishing my clients for engaging in protected speech.

Sincerely,

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

Bruce D. Nestor
Attorney at Law



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

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

January 30, 2024

Dr. Stacie Stanley
Superintendent
Edina Public Schools
Sent by email only to: superintendent@edinaschools.org

Re: OCR Dockets # 05-24-1119
05-24-1145

Dear Dr. Stanley:

On November 27, 2023 and December 8, 2023, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaints filed against Edina Public Schools (District) alleging that the District discriminated against two (b)(6); (b)(7)(A); (b)(7)(C) students (the Students) on the basis of national origin (b)(6); (b)(7)(A); (b)(7)(C) when, in (b)(6); (b)(7)(A); (b)(7)(C) the District (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-2000d-7, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin, including shared ancestry, in any program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the District is subject to these laws. Additional information about the laws OCR enforces is available on [OCR's website](#).

OCR will investigate the following legal issue:

- Whether the District treated the Students differently than other students based on their national origin (b)(6); (b)(7)(A); (b)(7)(C) 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 offers, when appropriate, a mediation process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation. Some information about the mediation process is in the enclosure to this letter.

When appropriate, a complaint may be resolved before the conclusion of an investigation after a recipient expresses an interest in resolving the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must address all of the allegations that OCR determines are appropriate to resolve before the conclusion of an investigation. Information about this kind of resolution is in the enclosure to this letter.

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

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

- OCR’s complaint processing procedures;
- Regulatory prohibitions against retaliation and intimidation 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.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to a compliance determination. Pursuant to 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.

OCR may request supplemental data and documents that are relevant to the allegation(s) under investigation. To ensure that OCR can assess the recipient’s compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for any timeframe specified in these requests and going forward until OCR closes this case. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

Accordingly, OCR is requesting that you provide the following information to us within twenty-one (21) calendar days. Wherever possible, please provide the requested information in native electronic format. If responsive data are available through the Internet, please provide the link to the data. Please do not provide OCR documentation or electronic information containing social security numbers (SSN); if SSN appear on a document or file that is otherwise responsive to OCR’s request, please redact the SSN before producing to OCR. Further, it would be helpful if the pages in your response are numbered.

1. The name, title, and contact information for District staff responsible for ensuring the District’s compliance with Title VI during the (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A); school years, including staff responsible for responding to complaints or reports alleging actions prohibited by Title VI.
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 prohibiting discrimination and/or harassment based on or national origin (including shared ancestry) in effect for the (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A); school years. State how the District makes these policies available to District students, parents/guardians, staff, and others, including where such policies are published, if applicable.

4. If not included in response to item 3 above, a copy of the District's grievance procedure(s) for handling complaints of discrimination and/or harassment based on national origin (including shared ancestry) in effect for the (b)(6); (b)(7)(A); and the (b)(6); school years. State how the District makes the procedure(s) available to students, parents/guardians, staff, and others, including where such policies are published, if applicable.
5. A list of all training and/or professional development offered to District staff during the (b)(6); (b)(7)(A); and (b)(6); school years regarding the District's policies related to discrimination and/or harassment based on national origin (including shared ancestry), including a description of the topics covered during the training(s) and the date of the training(s).
6. A copy of the District's Discipline Policy (Policy) or Student Code of Conduct at the (b)(6); (b)(7)(A); in effect for the (b)(6); school year, and disciplinary consequences resulting from a violation of the Policy or Student Code of Conduct; the names and titles of the individuals at the (b)(6); (b)(7)(A); responsible for disciplining students; a description how parents/students and employees are informed of the Policy and Student Code of Conduct; copies of all policies, procedures, and criteria used by District staff in determining disciplinary referrals and disciplinary sanctions, including a ranking of the level of Code of Conduct violations and corresponding sanctions that may be administered for such violations.
7. (b)(6); (b)(7)(A); enrollment data by grade level, disaggregated by race and national origin.
8. A copy of the Students' (b)(6); (b)(7)(A); (b)(7)(C) complete, unredacted records for the (b)(6); school year, including academic records, disciplinary records, investigative notes and/or summaries, witness statements, investigative dispositions, internal correspondence between District personnel about the Students, and correspondence of any kind between the Students, the Students' parents/guardians, and the Students' legal representatives and District personnel, including, but not limited to text messages, emails, and records of phone contact.
9. A copy of all written communications issued by the District since October 7, 2023, to students, staff, and/or parents referencing or addressing conflict in the Middle East and/or antisemitism, including but not limited to communications about District policy addressing discrimination based on race, color, national origin, or shared ancestry and any communications the District received in response to such communications.
10. A copy of all documents, including written communications, related to a protest/walkout that occurred at the District's high school in October 2023, including any communications to the student community beforehand, and all documents related to the aftermath of the protest/walkout, including all internal communications exchanged among District personnel and all communications exchanged between the District and students and the District and students' parents/guardians.
11. If not included in response to item 8 above, a copy of all discipline referrals issued to all students in response to or related to the October 2023 protest/walkout.

12. A list of all other District (b)(6); (b)(7)(A); students who, during the (b)(6); and (b)(6); school years, were disciplined for engaging in the same or similar conduct as that for which the Students received discipline in (b)(6); (b)(7)(A); the national origin of each student, and the discipline given for each student's conduct. Please also include disciplinary records pertaining to the discipline given for each student, including copies of the referrals, interview/investigation notes, parental notification letters, and other relevant documents.
13. A list of all other District (b)(6); (b)(7)(A); students who, during the (b)(6); and (b)(6); school years, engaged in the same or similar conduct as that for which the Students received discipline in (b)(6); (b)(7)(A); but who were not disciplined. State the national origin of each student and the reason(s) discipline was not given. Please also include incident reports and/or disciplinary referrals pertaining to each student identified in response to this request, including copies of the referrals, interview/investigation notes, parental notification letters, and other relevant documents.
14. For the (b)(6); (b)(7)(A); and (b)(6); school years, a copy of all written complaints and a detailed description of all verbal complaints or reports of national origin (including shared ancestry) discrimination or harassment the District (b)(6); (b)(7)(A); received on behalf of students. For each complaint/report, provide:
 - a. description of the steps taken by the District to investigate the complaint/report, including any measures the district took during the pendency of the investigation;
 - b. the District's final determination regarding the complaint/report;
 - c. a description of any steps the District took designed to remedy the discrimination or harassment and prevent its recurrence;
 - d. a copy of any written materials relating to the complaint/report, including but not limited to letters, notes, e-mails, logs, witness statements, incident reports, and discipline records;
 - e. the timeline for completion of the investigation; and
 - f. the name(s) and title(s) of District staff involved in the investigation.
15. The District's written response to the issue opened for investigation, and any additional information the District would like OCR to consider.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview relevant personnel. If an on-site visit is necessary, we will work to schedule a mutually convenient time for the visit.

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

OCR is committed to prompt and effective service. If you have questions about this letter, you may contact Roberto Flores at Roberto.Flores@ed.gov.

Sincerely,

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

Melissa Katt
Supervisory Attorney

Enclosure