

ID: 305952-CFF **OPEN**

RECEIVED: 9:43 p.m. June 14, 2023 

LAST UPDATED: 11:38 p.m. June 19, 2023

Correspondent information

Name

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

Email

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

Phone

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

Address

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

Reported Complaint

What is your primary reason for contacting the Civil Rights Division?

Discrimination at a school, educational program or service, or related to receiving education

None

Did this happen at a public or a private school, educational program or activity?

School type: Public

Organization name

Newark Board of Education, (b)(6); (b)(7)(A); (b)(7)(C)

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

Where did this happen?

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

Do you believe any of these personal characteristics influenced why you were treated this way?

Race/color

Are you now or have ever been an active duty service member?

No

When did this happen?

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

Personal description

-I was employed by the Newark Board of Education as an (b)(6); (b)(7)(A); (b)(7)(C) teacher in (b)(6); (b)(7)(A); (b)(7)(C) to work at the (b)(6); (b)(7)(A); (b)(7)(C). Additionally, in (b)(6); (b)(7)(A); (b)(7)(C) an (b)(6); (b)(7)(A); (b)(7)(C) asked me to be the (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) because there had been previous incidents of racial discrimination and Islamophobia that were reported but were not resolved.

-In Oct (b)(6); (b)(7)(A); (b)(7)(C) an (b)(6); (b)(7)(A); (b)(7)(C) grade student was called a (b)(6); (b)(7)(A); (b)(7)(C) in my colleague's, (b)(6); (b)(7)(A); (b)(7)(C) class. It was reported to the leadership team, and they refused to address the issue initially. (b)(6); (b)(7)(A); (b)(7)(C) and I had to inform the parent, (b)(6); (b)(7)(A); (b)(7)(C) what happened. After the leadership team agreed to meet with us, the principal refused to rectify the situation, so the parent contacted Superintendent Leon.

-On (b)(6); (b)(7)(A); (b)(7)(C) the (b)(6); (b)(7)(A); (b)(7)(C) parents, my colleagues and I went to a board meeting. The students who have been impacted by incidents spoke out about the racial discrimination and Islamophobia at (b)(6); (b)(7)(A); (b)(7)(C). Superintendent ran out into the hallway and told us that he would fix the problem. Chief of Staff, Havier Nazario mentioned that I should've handled the problem in house. He is friends with (b)(6); (b)(7)(A); (b)(7)(C) and the superintendent. The superintendent did nothing but come to the school and ask the students if they wanted a basketball team.

-In (b)(6); (b)(7)(A); (b)(7)(C) the (b)(6); (b)(7)(A); (b)(7)(C) had a meeting with members from the Board. They told us they were going to give the Principal 30 days to make a change regarding the racial tension/discrimination, etc. Mayor Ras Baraka met with us for a second meeting. He said it was up to us to make the changes. He did not help us.

-From (b)(6); (b)(7)(A); (b)(7)(C) I felt targeted. My direct supervisor, (b)(6); (b)(7)(A); (b)(7)(C) started to observe me and evaluate me unfairly by submitting (b)(6); (b)(7)(A); (b)(7)(C). She did not extend any professional development. I was asked to be the (b)(6); (b)(7)(A); (b)(7)(C)



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

26 FEDERAL PLAZA, Suite 31-100
NEW YORK, NEW YORK 10278

RACHEL POMERANTZ
DIRECTOR
NEW YORK OFFICE

December 21, 2023

Sent by email only to: RLeon@NPS.K12.NJ.US

Roger León
Superintendent
Newark Public Schools
765 Broad Street
Newark, New Jersey 07102

Re: Case No. 02-24-1148 – Newark Public Schools

Dear Superintendent León:

On June 20, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint filed against the Newark Public Schools (the District). The Complainant alleged that the District discriminated against students at the [REDACTED] (the School) on the bases of (a) race/color [REDACTED] and (b) national origin (shared [REDACTED] ancestry) by failing to take prompt and effective steps to respond to incidents in which students harassed other students at the School based on their race/color and/or national origin (shared [REDACTED] ancestry) in school year [REDACTED] (Allegations 1(a) and 1(b)). In addition, the Complainant alleged that the District retaliated against her and other employees for complaining to the District and its Board of Education (the Board) about the alleged student-on-student harassment at the School based on race/color and national origin (shared [REDACTED] ancestry) by engaging in adverse employment actions intended to deter a reasonable person from engaging in such advocacy and that tended to deny equality of opportunity to students in the School on the basis of race/color, and/or national origin (Allegation 2).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin (including shared ancestry) in programs and activities receiving federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the District is subject to Title VI and its implementing regulations.

OCR will investigate the following issues: (1) whether the District responded to alleged harassment of students based on race/color and/or national origin (including [REDACTED] shared

ancestry) in a manner consistent with the requirements of Title VI; and (2) whether the District retaliated against the Complainant and other employees in violation of Title VI.

Please understand that opening the allegations for investigation does not mean that OCR has made a decision about the allegations. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs to make a decision about the allegations. OCR will ensure that its investigation is legally sufficient and addresses the allegations as required by OCR's Case Processing Manual (CPM) (July 18, 2022).

Please open this link for additional information about OCR's Complaint Processing Procedures. Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR intends to conduct a prompt investigation of this allegation. To reach an efficient and timely resolution of this matter, OCR is providing an opportunity for the District to present its response to the Complainant's allegations and to submit supporting documentation. Within 20 days of the date of this letter, please provide to OCR the information listed in the attached data request. 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 necessary for it to determine whether a recipient is in compliance with the regulations it enforces. 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 will take all proper precautions to protect the identity of any individuals named in the documents.

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations, or the information obtained during the investigation, and it must be consistent with applicable regulations.

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 against the District 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.

If you have any questions, please contact Joy M. Purcell, Senior Compliance Team Attorney, at (646) 428-3766 or joy.purcell@ed.gov; Erin M. Greene, Compliance Team Attorney, at (646) 428-3870 or erin.greene@ed.gov; Leanne Tyler at (202) 987-0804 or leanne.tyler@ed.gov; or me, at (646) 428-3806 or felice.bowen@ed.gov.

Sincerely,

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

Félice A. Bowen
Compliance Team Leader

Attachment

cc: Brenda Liss, Esq. (via email)

Data Request

Case No. 02-24-1148

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

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

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

SharePoint: OCR may create an external sharing site through a browser-based portal in which the requested documents and information may be uploaded. Please contact Joy Purcell, Erin Greene, and Leanne Tyler to receive online portal information to upload data.

Email: joy.purcell@ed.gov; erin.greene@ed.gov; leanne.tyler@ed.gov

Fax: (646) 428-3843

Please do not provide the information via an electronic cloud format such as Google Docs.

Because email is not reliably secure, please do not email any document that contains personally identifiable or private information without first encrypting this information. You may upload this information using the SharePoint option described above.

Preservation of requested and relevant data and documents: 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 the time frame 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. 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 reach a compliance determination.

RESPONSE DUE: January 10, 2024

Please provide the following items for school years (b)(6); and (b)(6); unless otherwise noted, or state in writing if any of the requested information does not exist. If the District has previously provided the requested information to OCR in connection with its response to another complaint, identify the OCR case number, the date of the District’s data response and exhibit designation, as applicable:

1. Copies of the District’s/School’s policies and procedures, and/or a description of the District’s/School’s practices, governing the investigation of reports, complaints, or incidents of bullying of, harassment of, and other discrimination against students on the bases of (a) race/color and/or (b) national origin, including shared ancestry. Provide a detailed description of the complaint process, including each level of the process, the length of the process, and the types of records maintained. Also, provide the name(s) and title(s) of District/School staff responsible for handling complaints of bullying, harassment, and other discrimination, on the bases of race/color and/or national origin, including shared ancestry, at each level of the process.
2. Explain how the District informs students, parents, employees, and third parties, of the policies and procedures referred to in Item 1, above. All references to “parents” in this data request include legal guardians. Provide copies of all materials disseminated or the website address that contains this information.
3. Copies of the District’s/School’s policies and procedures, and/or a description of the District’s/School’s practices, governing: (a) disciplinary or corrective actions that may be taken to address bullying of, harassment of, and other discrimination against students on the bases of race/color, and/or national origin, including shared Muslim ancestry, by students, staff, and third parties, including the range of measures taken and sanctions imposed; (b) how the District/School notifies students, employees, and parents of infractions and sanctions involving bullying, harassment, and other discrimination based on race/color and/or national origin, including shared ancestry; and (c) the offer and provision of supports and remedies to students whom the District has reason to believe, or has found, were subjected to bullying, harassment, and discrimination based on race/color and/or national origin, including shared ancestry.
4. Copies of all formal and informal reports and complaints, including records of oral reports and complaints (including Harassment, Intimidation, and Bullying complaints), alleging, bullying of, harassment of, and other discrimination against students at the School based on race/color and/or national origin, including shared (b)(6); ancestry. For each report/complaint, provide:
 - a. the name(s) and job title(s) of the person(s) to whom the report/complaint was made and the date(s) the report/complaint was made;
 - b. the name and relation to the District/School of the person making the report/complaint (e.g., student, employee, parent/guardian, counsel, member of the public);
 - c. the race/color, and national origin, including shared ancestry, of the student who

- made the report and/or complaint or on whose behalf the report and/or complaint was made;
- d. a detailed description of the report/complaint, including the name(s) of the alleged target(s) of discrimination/harassment and the alleged discriminators/harassers, if not evident from the copy of the report/complaint;
 - e. a detailed description of the grievance procedures or other complaint processing procedures employed to resolve the report/complaint;
 - f. the length of the District's/School's grievance process to resolve the report/complaint;
 - g. the name, race/color and national origin, including shared ancestry, of each individual involved in the alleged incident(s) bullying, harassment, and/or other discrimination;
 - h. the name(s) and relation to the District/School of any individual(s) who witnessed the alleged incident(s), including any District/School students, employees, or others;
 - i. the name(s) and relationship to the District/School of any witnesses interviewed by the District/School;
 - j. the name(s) and job title(s) of the District/School staff who had knowledge of the report/complaint/incident;
 - k. the name(s) and job title(s), if applicable, of any individuals who witnessed the incident;
 - l. the name(s) and job title(s) of the individual(s) involved in the response to, investigation of, and resolution of the report/complaint;
 - m. all actions the District/School has taken in response to the report/complaint/concerns raised, including any supportive measures offered and/or provided (e.g., counseling, tutoring, safety measures, compensatory education), any individual, School-wide, or District-wide remedies, and any corrective actions or disciplinary sanctions imposed;
 - n. the final outcome(s) of any investigation of the report/complaint, including copies of any incident/investigative reports, final determination, and any appeal;
 - o. if the District/School did not investigate any particular report/complaint, the reason(s) for not investigating, and the name(s) of the individual(s) who made the decision;
 - p. copies of the records of any disciplinary actions taken against any individual(s) for their involvement in the incident(s); if no disciplinary action was taken, explain the reason(s) and provide the name(s) and job title(s) of the individual(s) who made the decision to impose/not impose discipline;
 - q. the notice(s) of District's/School's investigative findings provided to the individual(s) making the complaint, anyone acting on the student's behalf, and/or the student's parent/guardian, including outcomes on appeal; and
 - r. the complete case file for the report/complaint identified and all other documentation relating to the report/complaint, including other complaints filed (e.g., about the same student that were taken into account when assessing credibility); emails between the person making the complaint and District staff, and/or among District staff; other correspondence; internal and external memoranda; investigative reports; witness statements; interview notes; notes regarding remedies provided; reports of the findings and disciplinary sanctions imposed; parent contacts; logs; forms; letters;

hearing transcripts; meeting minutes and/or other notes generated

5. State whether the District/School conducts focus groups, other meetings, or trainings and/or holds informational sessions with students and/or staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the District's/School'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.
6. A copy of any memoranda, investigative report, and/or summary of findings generated by CREED Strategies and/or any other third-party entities hired by the District to investigate allegations of discrimination on the bases of race/color and/or national origin, including shared ancestry, at the School during school year (b)(6); (b)(7)(A);
7. A copy of the District's/School's policies, procedures, or a description of its practices, governing classroom observations for teachers in the School, including the District's/School's policies for scheduling classroom observations, whether School supervisors may conduct unannounced observations, a description of each criterion used by School administrators to assign ratings for each observation, and the purpose and relative weight of each criterion.
8. Provide the name(s) and title(s) of the individual(s) responsible for conducting classroom observations of Teachers A and B at the School.
9. Provide copies of the records related to all classroom observations completed for Teachers A and B during school years (b)(6); (b)(7)(A); For each classroom observation, provide:
 - a. an explanation for the ratings assigned to Teachers A and B for the classroom observation, including a rationale for each rating assigned, and reference to any applicable policy, procedure, or practice;
 - b. the name(s) and title(s) of the individual(s) involved in completing the classroom observations of Teachers A and B and making the decision to assign each rating to Teachers A and B, if different; and,
 - c. copies of all related documentation, including correspondence; audio and video recordings; records and minutes of any formal or informal meetings; notes; internal memoranda; personnel records, including employee disciplinary records; incident reports; summary of investigations; witness statements; hearing transcripts; and emails between Teachers A and B and District/School staff and/or among District/School staff.
10. For each teacher at the School, provide the following information regarding each of their classroom observations:
 - a. the date the teacher's classroom observation was completed;
 - b. an explanation for the teacher's rating(s), including reference to any applicable policy, procedure, practice, or criteria;
 - c. the name(s) and title(s) of the individual(s) involved in completing the classroom observation and/or making the decision to assign the rating(s) to the teacher;

- d. the race and national origin, including shared ancestry, of the teacher and the individual(s) involved in completing the classroom observation and/or making the decision to assign the rating(s) to the teacher;
- e. whether the teacher had previously engaged in protected activity, i.e., conduct which involves making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding or hearing under the regulations enforced by OCR or similar activities, such as advocating for rights guaranteed by OCR's regulations. OCR enforces federal laws and regulations that prohibit discrimination on the bases of race, color, national origin, disability, sex, and age. OCR is also responsible for enforcing the Boy Scouts of America Equal Access Act; and
- f. copies of all related documentation, including, copies of the employee's classroom observation; audio and video recordings; correspondence between the employee and District/School staff member and/or among District/School staff, all relevant policies or procedures, emails, memoranda, reports, notes, logs, forms, and/or meeting minutes.

11. A narrative description regarding the role of the Professional Learning Committee (PLC) Chair at the School, including a description of the criteria used to select staff for the role of the PLC Chair, the responsibilities of the PLC Chair, and the name/title of the individuals to whom the PLC Chair reports.

12. State whether Teacher A served as the (b)(6); (b)(7)(C); (b)(7)(A); for the (b)(6); (b)(7)(A); Department for school year (b)(6); (b)(7)(A);. If so, provide the following information:

- a. the name and title(s) of the individual(s) who selected Teacher A to serve as the (b)(6); (b)(7)(A);
- b. the date(s) Teacher A served as the (b)(6); (b)(7)(A); (b)(7)(C);
- c. a description of Teacher A's responsibilities as the (b)(6); (b)(7)(A); (b)(7)(C);
- d. whether Teacher A was (b)(6); (b)(7)(A); (b)(7)(C); during school year (b)(6); (b)(7)(A); (b)(7)(C); or Teacher A's responsibilities were otherwise limited. If so, the date(s) Teacher A was (b)(6); (b)(7)(A); (b)(7)(C); or her responsibilities were otherwise limited; and why Teacher A was (b)(6); (b)(7)(A); (b)(7)(C); and/or her responsibilities were otherwise limited, including reference to any applicable policy and/or procedure; and
- e. copies of all related documentation, including correspondence between Teacher A and District/School staff and/or among District/School staff, any relevant policies or procedures, emails, memoranda, reports, notes, logs, forms, and/or meeting minutes.

13. A list of all teachers at the School who served as the (b)(6); (b)(7)(A); (b)(7)(C); during school year (b)(6); (b)(7)(A);. For each teacher provide the following information:

- a. the name and title of the individual who selected the teacher to serve as the (b)(6); (b)(7)(A); (b)(7)(C);
- b. the date(s) the teacher served as the (b)(6); (b)(7)(A); (b)(7)(C);
- c. a description of the teacher's responsibilities as the (b)(6); (b)(7)(A); (b)(7)(C);
- d. whether the teacher (b)(6); (b)(7)(A); (b)(7)(C); of (b)(6); (b)(7)(A); (b)(7)(C); during school year (b)(6); (b)(7)(A); (b)(7)(C); or their responsibilities were otherwise limited. If so, the date(s) the

teacher was (b)(6); (b)(7)(A); (b)(7)(C) of (b)(6); (b)(7)(A); (b)(7)(C) and/or their responsibilities were otherwise limited; and why the teacher was (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); or their responsibilities were otherwise limited, including reference to any applicable policy and/or procedure; and

- e. copies of all related documentation, including correspondence between the teacher and District/School staff and/or among District/School staff, any relevant policies or procedures, emails, memoranda, reports, notes, logs, forms, and/or meeting minutes.
- f. the race and national origin, including shared ancestry, of the teacher and the individual(s) involved in the decision to have the teacher serve in the role of (b)(6); (b)(7)(A);
- g. whether the employee had previously engaged in protected activity; and
- h. copies of all related documentation, including, correspondence between the employee and District/School staff members and/or among District/School staff, any relevant policies or procedures, emails, memoranda, reports, notes, logs, forms, and/or meeting minutes.

14. A copy of the District's/School's policies, procedures, or a description of its practices, governing mid-year performance evaluations completed by teachers in the School, including any guidance provided to teachers regarding how to complete their mid-year performance evaluations, and the initial deadlines for completing such evaluations.

15. State whether Teachers A and/or B requested assistance from School administrators in completing the mid-year performance evaluation. If so, provide the following:

- a. a description of the request(s) and/or a copy of any written request(s);
- b. the name(s) and title(s) of the individuals who received the request(s);
- c. the date of the request(s);
- d. the names(s) and title(s) of the individuals who responded to the request(s);
- e. if no School staff responded to the request, explain why, including reference to any applicable policy and/or procedure; and
- f. copies of all related documentation, including, correspondence between Teachers A and B and District/School staff members and/or among District/School staff, any relevant policies or procedures, emails, memoranda, reports, notes, logs, forms, and/or meeting minutes.

16. State whether School administrators revised the deadlines for teachers to complete their mid-year performance evaluations. If so, provide the following information:

- a. the name(s) and title(s) of the individual(s) who made the decision to revise the deadlines;
- b. the date(s) the deadlines were revised;
- c. how the School administrators communicated the revised deadlines to the teachers;
- d. why the deadlines were revised; and
- e. copies of all related documentation, including, correspondence between District/School staff and the teachers and/or among District/School staff, any relevant policies or procedures, emails, memoranda, reports, notes, logs, forms, and/or meeting minutes.

17. The name, title, telephone number and email address for the District's designated contact person for this complaint.
18. Any other information the District believes might assist OCR in its investigation of this complaint.