



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

May 22, 2018

IN RESPONSE, PLEASE REFER TO: 03181060

Mr. Jamie Weddington
Superintendent
Lewis County Schools
Sent via email only
jamie.weddington@lewis.kyschools.us

Dear Mr. Weddington:

This is to advise you of the resolution of the above-referenced complaint filed against Lewis County Schools (the District). XXXXXX (the Complainant) alleged that the District discriminated against XXXXXX (the Student), on the basis of her race (XXXXXX) by permitting a racially hostile environment to exist at XXXXXX (the School), including failing to respond adequately to reports of race discrimination.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, 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. Title VI also prohibits retaliation. As a recipient of Federal financial assistance from the Department, the District is subject to Title VI and its implementing regulation.

This letter summarizes the applicable legal standards, the information gathered during the investigation, and how the investigation was resolved.

Applicable Legal Standards

The Title VI regulation, at 34 C.F.R. § 100.3(a) and (b), provides that a school district may not exclude persons from participation in its programs, deny them any service or the benefits of its programs, or subject them to different treatment on the basis of race, color, or national origin.

OCR's policy guidance provides that the elements of proof necessary for a complainant to establish a *prima facie* case of racial harassment and a hostile environment are:

(1) The complainant was subjected to harassment based on her race; (2) The harassment was so severe, pervasive or persistent that it interfered with or limited the student's ability to participate in or benefit from the services, activities or privileges provided by the

District; (3) The District had actual or constructive notice of the harassment; and (4) The District did not respond in a prompt or effective manner in order to end the harassment and prevent its recurrence.

Investigation To Date

OCR's investigation of this complaint included a review of information gathered through written documentation provided by the Complainant, the Parent and the District, as well as interviews conducted with District personnel, the Complainant, and the Parent.

XX – paragraphs redacted – XX

During our investigation, OCR determined that the District possesses a grievance procedure which serves as an acceptable mechanism for the prompt, equitable resolution of allegations of race discrimination, including harassment.

Prior to the completion of OCR's investigation, the District asked to resolve this complaint. On May 22, 2018, the District submitted the enclosed signed Resolution Agreement (the Agreement) to OCR. When fully implemented, the Agreement will resolve the allegation in the complaint. Specifically, the District will:

- Issue a statement to all Lewis County High School students, parents, and staff that will be posted in prominent locations in the District, and published on the District's website, stating that the District does not tolerate acts of discrimination or harassment based on race, color, or national origin;
- XXXXXX
- XXXXXX,
- Require all teachers, administrators, school aides, and any other personnel at the School who have contact with students to participate in training on the District's policies and procedures pertaining to racial harassment. The District will also hold a student training session on racial harassment.

In light of the commitments the District has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the District's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Title VI with regard to the issue raised.

If the District fails to implement the Agreement, OCR may initiate administrative or judicial proceedings to enforce specific terms and obligations of the Agreement. Before initiating administrative (34 CFR §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the breach.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment. The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

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

If you have any questions or concerns, please contact investigator Cynthia Wesley by telephone at (215) 656-8548, or by email at Cynthia.wesley@ed.gov.

Sincerely,

/s/

Nancy E. Potter
Team Leader