



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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January 3, 2018

Dr. Desmond Blackburn
Superintendent
Brevard Public Schools
2700 Judge Fran Jamieson Way
Viera, FL 32940

Re: OCR Complaint #04-16-1010

Dear Dr. Blackburn:

This is to advise you that the U. S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed against Brevard County School District (District) alleging discrimination on the basis of race. Specifically, the Complainants alleged that between April and June 2015, the District discriminated against their son (Student) by subjecting him to a hostile environment on the basis of race by failing to appropriately respond, investigate, or prevent race-based harassment of the Student by other students at Freedom 7 Elementary School (School).

As a recipient of Federal financial assistance from the Department, the District is subject to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Sections 2000d et seq., and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin by recipients of Federal financial assistance from the Department.

Based on the complaint allegations, OCR investigated the following legal issue:

Whether the Student was subjected to a racially hostile environment by other students during the 2014-2015 school year and, if so, whether the District failed to respond appropriately upon receipt of notice of the hostile environment in noncompliance with Title VI and its implementing regulation at 34 C.F.R. §100.3.

During its investigation, OCR reviewed documents provided by the District and the Complainant and conducted interviews with the Complainant and District staff, including the Principal, Assistant Principal, and Director of Student Services. OCR evaluates evidence obtained during an investigation under a preponderance of the evidence standard to determine whether the greater weight of the evidence is sufficient to support a conclusion that a recipient (such as the District) failed to comply with a law or regulation enforced by OCR or whether the evidence is insufficient to support such a conclusion. After a careful review of the evidence, OCR finds that

the District did not comply with Title VI and its implementing regulations with regard to the complaint allegation. Set forth below is a summary of OCR's findings.

Legal Standard

The regulation implementing Title VI at 34 C.F.R. § 100.3(a) provides that no person shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which Title VI applies. The regulation implementing Title VI at 34 C.F.R. § 100.3(b)(1)(i)-(v) states that a recipient under any program may not, directly or through contractual or other arrangements, on the ground of race, color or national origin: deny an individual any service, financial aid, or other benefit provided under the program; provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; subject an individual to segregation or separate treatment in any matter related to his/her receipt of any service, financial aid, or other benefit under the program; restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program; or treat an individual differently from others in determining whether he/she satisfies any admission, enrollment, quota, eligibility, membership or other requirements or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program.

A recipient has subjected an individual to different treatment on the basis of race if it has effectively caused, accepted, tolerated, encouraged, or failed to correct a hostile environment of which it has actual or constructive notice. A hostile environment based upon race is created when harassing conduct, whether physical, verbal, graphic, or written, is sufficiently severe, pervasive, or persistent to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a recipient. To establish a violation of Title VI under a hostile environment theory, OCR must find that: (1) a hostile environment based upon race existed; (2) the recipient had actual or constructive notice of the hostile environment; and (3) the recipient failed to respond adequately to redress the racially hostile environment.

OCR examines the context, nature, scope, frequency, duration, and location of racial incidents, as well as the identity, number, and relationships of the persons involved. The harassment must in most cases consist of more than casual or isolated incidents to establish a Title VI violation. Generally, the severity of the incidents needed to establish a hostile environment under Title VI varies inversely with their pervasiveness or persistence.

To determine severity, the nature of the incidents must be considered, such as whether the conduct was verbal or physical and the extent of hostility characteristic of the incident. Further, the unique setting and mission of an educational institution must be taken into account. The type of environment that is tolerated or encouraged by or at a school can send a particularly strong signal to, and serve as an influential lesson for, its students. This is especially true for younger, less mature children, who are generally more impressionable than older students or adults. Thus, an incident that might not be considered extremely harmful to an older student might nevertheless be found severe and harmful to a younger student. For example, verbal harassment

of a young child by fellow students that is tolerated or condoned in any way by adult authority figures is likely to have a far greater impact than similar behavior would have on an adult. Particularly for young children in their formative years of development, therefore, the severe, pervasive or persistent standard must be understood in light of the age and impressionability of the students involved and with the special nature and purposes of the educational setting in mind

Once a recipient has notice of a racially hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. Thus, if OCR finds that the recipient took responsive action, OCR will evaluate the appropriateness of the responsive action by examining reasonableness, timeliness, and effectiveness. The appropriate response to a racially hostile environment must be tailored to redress fully the specific problems experienced at the institution as a result of the harassment. In addition, the responsive action must be reasonably calculated to prevent recurrence and ensure that participants are not restricted in their participation or benefits as a result of a racially hostile environment created by students or nonemployees.

In evaluating a recipient's response to a racially hostile environment, OCR examines disciplinary policies, grievance policies, and any applicable anti-harassment policies. OCR also determines whether the responsive action was consistent with any established institutional policies or with responsive action taken with respect to similar incidents.

Examples of possible elements of appropriate responsive action include imposition of disciplinary measures, development and dissemination of a policy prohibiting racial harassment, provision of grievance or complaint procedures, implementation of racial awareness training, and provision of counseling for the victims of racial harassment.

Factual Findings

During the 2014-2015 school year, the Student was ten years old and enrolled in the School where he was the only African-American student out of 65 total 5th graders. The School enrolled 2% (8 of 404) African-American students and 75% (303 of 404) white students during the 2014-2015 school year. From approximately April 1, 2015 through May 18, 2015, students at the School subjected the Student to racially harassing names and comments. The Complainant withdrew the Student from the District prior to the beginning of the 2015-2016 school year.

In mid-May 2015, the Student began exhibiting unusual behaviors. The Complainant asked the Student about his conduct and on May 14, 2015, the Student told the Complainant, with tears in his eyes, that his classmates were making racist comments to him in class. On the morning of May 19, 2015, the Complainant and Student met with the Principal, Assistant Principal, and Guidance Counselor (School Administrators) to report the racial harassment and fill out an official harassment complaint form. The Student reported that Student 2 and Student 3 called him the "N word" during Wellness class, in the classroom, and in the cafeteria. The Student reported that these comments made him feel different about himself. The Student also reported that during basketball, Student 3 said "shut up, you Black nigger, at least I'm not Black" in front of seven other white students. The Student reported that students called him the "N word" anytime he asked for anything black. For example, on one occasion the Student was working with Student 2 and asked Student 2 to pass the black sharpie. Student 2 responded, "you want

the sharpie because you're a black nigger." Other comments he recalled included "all black people are gay" and "your skin is black, why are your teeth so white?" The Student reported to School Administrators that these comments were made approximately ten times daily for six weeks.

On May 19, 2015 the School Administrators began conducting an investigation of the racial harassment. During the investigation, the School Administrators interviewed the following individuals separately: the Student, the Complainant, the offending students, the offenders' parents, six witnesses, and the Student's teacher. During the investigation, both accused students admitted they called the Student black and "nigger" over at least a one month period and provided specific examples of instances when this occurred, including at lunch, in the classroom, and during Wellness class. Witness statements also corroborated the allegations, including Witness 1 who stated that from March through May 2015, Student 2 and Student 3 called the Student the "N word" at lunch and that Student 3 made up a song to sing to the Student repeating "nigger, nigger, nigger." Witness 2 stated that he witnessed Student 2 and Student 3 racially harassing the Student and told them, "Stop, you are hurting his feelings."

On May 20, 2015 at 12:19 am the Complainant sent an e-mail to the Principal with a copy to the Assistant Principal and Guidance Counselor stating that on May 19, 2015 the Student had to discuss a project with another student, who was sitting with Student 2. When the Student approached, Student 2 said "go away [Student]...you've already ruined my life." The Complainant requested safeguarding and counseling for the Student. The Complainant also stated that the Student is very concerned about losing friends and not having anyone who wants to play with him.

On May 20, 2015 Student 2 left on the Student's chair a letter with the following apology: "Dear [Student] and the [Student's] Family, I am sorry for my terrible language. I did not learn this from home. I had only said this in self-defense."

On May 20, 2015 Student 3 wrote the following apology: "Dear [Student], I am very sorry for name calling you. I did not mean to upset you in any way. I will stop name calling you and I hope we can be friends."

The evening of May 20, 2015, the Complainant sent an e-mail to the Principal stating that the School discussed whether or not to move the Student to another classroom. However, it was not discussed whether to move Student 2 and Student 3. The Complainant stated that Student 2 continues to make comments that "brush the wound" and provided an example from lunch that day when other boys were trying to explain to Student 2 that making racial slurs is wrong and Student 2 responded "[Student], I'm just joking around...you need to get over it...it's no big deal."

Between 9 am and noon on May 21, 2015, School Administrators talked with the Student on three different occasions and also met with Student 2 and Student 3. Around 9:15 am, the School Administrators interviewed the Student regarding the report that Student 2 said "go away [Student] you've ruined my life." Around 10 am, the School Administrators interviewed Student 2 who denied telling the Student "go away [Student] you've ruined my life." Student 2 told the

School Administrators that he did not want to write the letter of apology but his parents made him do so. Student 2 also stated that he was mad at the Student for telling on him. School Administrators told Student 2 that he would be removed from the classroom if he could not move on. Around 11:00 am, School Administrators “counseled” the Student and Student 3. Around 11:00 am, the School Administrators met with Student 2, who agreed that he could “move on.” Around 11:25 am, the School Administrators met with both the Student and Student 2 together and both said they could get along. A note was made in Student 2’s file that Student 2 had in-school suspension (ISS) for the whole day on May 21, 2015 in the school office.

On May 21, 2015 the Complainant sent an e-mail to the Principal, Assistant Principal, and Guidance Counselor requesting that the School change Student 2 and Student 3’s classes due to Student 2’s continued comments.

On May 22, 2015 the Complainant sent an e-mail to the Principal stating that she and her husband felt the Principal’s decision to allow Student 2 to remain in the classroom was unjust and they wanted Student 2 removed. The Complainant’s email also expressed concern about School administrators’ interactions with the Student the preceding day. She noted that three administrators had talked with him for about half an hour, sent him to class and then called him back in for about another hour. She described these interactions with three white administrators after having been subjected to racial epithets by white students as intimidating and conveyed that the Student felt that administrators were blaming him for having been called the “N word.”

On May 22, 2015 the Complainant also called the Superintendent’s office expressing concern regarding how the investigation was handled.

On May 22, 2015 the Principal forwarded the Complainant’s May 22, 2015 e-mail to the Area Superintendent stating that the Complainant is not satisfied with the consequences imposed. The e-mail states that one student had ISS the preceding day while the second would serve ISS the next Tuesday, and that the consequence was imposed because there was no “imbalance of power.” The Principal stated that she was sorry the situation was escalating rather than settling, but these were boys who made a mistake and would learn from it. The Area Superintendent responded to the Principal, noting that she interpreted the Complainant’s email to express concern about the discomfort that the Student felt during his interactions with School administrators. The Area Superintendent suggested that the Principal apologize for making the Student feel badly and ask the parents for suggestions for making him feel welcome.

On May 22, 2015 the School investigation concluded and resulted in a finding that the Student’s report of bullying/harassment on the basis of race was “substantiated.” The School took the following remediation actions: a written warning to the parents of Student 2 and Student 3 that continued bullying/harassment or retaliation could result in further disciplinary action, counseling the Student, counseling Student 2 and Student 3, letters of apology from Student 2 and Student 3, counseling for the Student’s entire class, and assigned seats at lunch and in the classroom for Student 2 and Student 3. On May 22, 2015, a notification letter regarding the School’s investigation was mailed to the Complainant. School Administrators also mailed letters to Student 2 and Student 3’s parents notifying them that the students’ behavior was consistent with bullying/harassment and that the students would receive the following consequences: in-school

suspension, assigned seating at lunch, assigned seating in the classroom, and counseling. The letters warned against retaliation and advised parties of appeal rights. Written discipline records show: Student 2 received one day of ISS on May 20, 2015 and Student 3 received one day of ISS on May 27, 2015.

During interviews with OCR, the Principal stated that the decision to impose one day of ISS on Student 2 and 3 was made because the District prefers ISS, an isolated in-school consequence, to out-of-school suspension (OSS), due to concern that students will spend the day at home watching television. The Principal went on to state that another reason Student 2 and Student 3 both received ISS, as opposed to OSS, is because their parents would have had to get a babysitter since they were not old enough to leave at home alone. The Principal added that the School does not have an ISS room, and therefore allowed Student 2 and Student 3 to sit at a countertop in the office near the Secretary to do their work during the day they were suspended.

On May 22, 2015 the Guidance Counselor conducted a whole-class counseling session for the Student's class, discussing the following: tolerance, diversity, prejudice, harassment, bullying, discrimination, ways to make things right, and reporting if you hear or see bullying or harassment.

The Principal declined to move Student 2 or Student 3 to another classroom. She advised OCR that she offered to move the Student as opposed to Student 2 and Student 3 for the following reasons: (1) there were two offending students and only one targeted student, (2) there was only a week and a half left in the school year, (3) the Student, Student 2, and Student 3 were friends, and (4) the other classes were full. Even after the Complainant made numerous requests that the Principal move Student 2 and Student 3 to another classroom on May 19, 2015, the Principal still refused to move the Student because it would be disruptive for the teachers, who would have had to change the attendance and grades in the computer. She added that the School preferred that all parties involved "mend and forgive."

On May 29, 2015, the Complainant sent an e-mail to the Area Superintendent stating that she had "concrete questions regarding the investigation itself, the method, and outcome."

On June 17, 2015, the Complainant sent a letter to the Area Superintendent and Principal. The Complainant included numerous suggestions in the letter: student not be placed in classroom with Student 2 or Student 3; the Student's sister not be placed in a classroom with Student 3's siblings; training for teachers; out-of-school suspension for students who engaged in the harassing conduct; notify 6th grade teachers about the incidents so they can be watchful and notify students to report such misconduct; restore a comfortable learning environment and place the Student in class with an African-American teacher; and have an open reporting mechanism for racial harassment. The letter also suggested some limitations on the accused students' parents' involvement with the School. The Area Superintendent forwarded the letter to Central Office personnel. Thereafter, on June 23, 2015, the Director of the Office of Student Services sent the Area Superintendent recommendations on how to resolve the issue between the School and the Complainant.

On July 6, 2015, the Complainant sent a letter to the Area Superintendent and District Superintendent stating that "the process and end result of the investigation were not

commensurate with the offense.” In the letter, the Complainant also formally requested that all three of her children be placed at another, specific school. The Area Superintendent denied the Complainant’s request citing that the lottery had already been completed for the following school year. However, the Area Superintendent offered a list of other schools for the Complainant’s consideration.

On July 20, 2015, the Area Superintendent sent the Complainant an e-mail stating the following steps would be implemented for the 2015-16 school year: (1) Student would be placed in a class separate from both boys who engaged in harassment and ensure diversity in Complainant’s children’s classrooms; (2) Student’s sister would not be in class with the sister of Student 3; (3) Guidance Counselor would provide weekly character education training and diversity training to 6th graders and provide monthly training to the lower grades; (4) teachers would be made aware of incident and Principal would reinforce how teaching slavery and civil rights units can affect students; (5) 6th grade teachers, including Special Education Teachers, would be made aware of incident; (6) Principal reiterated anti-bullying policy, including placing it on the website and placing a bullying box in area where students frequent so students can make anonymous reports; (7) safety plan would be put in place for Student; (8) Principal advised that if either offender engages in bullying/harassment they would be removed from the School; (9) Students would sign anti-bullying pledge and teachers would review on a weekly basis; and (10) parents who serve on Board or volunteer would watch bullying/harassment PowerPoint and sign a pledge.

Analysis and Conclusion

As noted in the legal standards above, a racially hostile environment is created when harassing conduct on the basis of race is sufficiently severe, pervasive, and/or persistent so as to limit or interfere with a Student’s ability to participate in or benefit from the District’s program. Once a District has notice about a race-based hostile environment, it is required to take responsive action that is tailored to redress fully the specific problems experienced at the school, prevent its recurrence, and ensure that the Student is not restricted in his participation or benefits as a result of a racially hostile environment.

OCR examined whether the Student was subjected to racially-motivated conduct by his peers that was severe, pervasive, and/or persistent enough to limit or interfere with the Student’s ability to participate in or benefit from the District’s program. OCR concludes that the Student was subjected to race-based harassment when he was called racially derogatory names by two white male students for approximately six weeks between April and May 2015. As described above, the Student was subjected by peers to repeated racial names or comments for six weeks in multiple settings and sometimes in front of other students. Student 3, for example, made up a song to sing to the Student repeating “nigger, nigger, nigger”.

The Student reported that the racially derogatory names and comments made him feel different about himself. Witness 2, another student, observed that the racial harassment negatively impacted the Student, reporting that he told Student 2 and Student 3 to stop harassing the Student because they were hurting his feelings. Following the report of the harassment to School administrators, the Student was ostracized by Student 2 during a classroom incident and a cafeteria incident. Moreover, on one day during the investigation the Student was called into the office to meet with three administrators on three occasions, and felt that he was being blamed for

having been subjected to the racial slur. Based upon the foregoing OCR concludes that the Student was subjected to a racially hostile environment.

OCR next examined whether the District had actual notice of the harassment. The Complainant communicated with the School about the instances of harassment multiple times. On May 19, 2015, the Complainant and Student filed a written report of racial harassment with the Principal. On May 20, 2015 the Complainant sent an e-mail to the Principal stating that on May 19, 2015 the Student had to discuss a project with another student who was sitting with Student 2. When the Student approached, Student 2 said “go away [Student]...you’ve already ruined my life.” The Complainant also stated that the Student is very concerned about losing friends and not having anyone who wants to play with him. Later on May 20, 2015, the Complainant sent an e-mail to the Principal stating that Student 2 continues to make comments that “brush the wound” and provided an example from lunch that day when other boys were trying to explain to Student 2 that making racial slurs is wrong and Student 2 responded “[Student], I’m just joking around...you need to get over it...it’s no big deal.” On May 22, 2015, the Complainant sent an e-mail to the Principal expressing that the Student felt that administrators were blaming him for having been called the “N word.” Based upon the foregoing, OCR concludes that the District had notice of the peer harassment that occurred prior to the complaint, Student 2’s conduct subsequent to the complaint and the hostile environment created for the Student due to the administrators’ actions.

Finally, OCR examined whether the District took appropriate, prompt, and effective responsive action to end the harassment, eliminate any hostile environment, prevent its recurrence, and ensure that the Student was not restricted in his participation or benefits because of a hostile environment. On the day that the Student’s parents provided notice of the incidents, the School initiated an investigation and the administration interviewed appropriate witnesses, including the Student, the Student’s parent, the offenders (separately), student witnesses, and a teacher. The School found that the report of bullying/harassment on the basis of race was “substantiated” and took the following remedial actions: issued student warnings, assigned one day of ISS to Student 2 and Student 3, counseled the Student, counseled Student 2 and Student 3, required letters of apology from Student 2 and Student 3, instructed the Guidance Counselor to conduct class counseling, and assigned seats at lunch and in the classroom to separate the Student from Student 2 and Student 3. The School provided written notification of its investigation to the Complainant and the parents of Student 2 and Student 3 of the outcome of the investigation and consequences, warned against retaliation, and advised the parties of appeal rights.

The District implemented the following School-wide changes for the 2015-2016 school year: (1) Guidance Counselor provided weekly character education training and diversity training to 6th graders, (2) Guidance Counselor provided monthly training to the lower grades, (3) teachers were made aware of incident and Principal reinforced how teaching slavery and civil rights units can affect students, (4) the Principal reiterated the anti-bullying/harassment policy, including placing on website and placing a bullying box in area where students frequent so students can make anonymous reports, (5) Students signed anti-bullying pledges and teachers reviewed on a weekly basis, and (6) parents who serve on Board or volunteer were required to watch bullying/harassment PowerPoint and sign a pledge.

However, the District did not engage in an appropriate assessment of the environment that was created for the Student and ensure that his participation or benefits were not restricted. As noted in the legal standards above, verbal harassment of a young child by fellow students that is tolerated or condoned in any way by adult authority figures is likely to have a far greater impact than similar behavior would have on an adult; accordingly age of a student targeted by harassment is a factor in assessing the environment. While School Administrators considered the *accused* students' age and the impact of the *School's response* upon them, the evidence does not establish that School Administrators gave appropriate consideration to the Student's age and the impact of having been subjected to racially harassing conduct over the course of several weeks in a setting in which he was either the only African-American student or one of only a few African-American students. The Student was the only African-American student in his entire grade; however, some of the school's remaining seven African-American students may have been present in the gym or cafeteria. Rather, a School Administrator appeared to minimize the situation, characterizing the accused student's conduct over several weeks as a "mistake" and acted consistent with what the Administrator described to OCR as the School's preference "that all parties involved just mend and forgive."

Further, even after School Administrators were aware of post-complaint harassing conduct toward the Student by Student 2, the Principal refused to move Student 2 or Student 3 from the Student's classroom but offered to move the Student. In reaching her decision she gave more consideration to the impact of a classroom move upon the accused students and teachers than she did to the impact of such a move upon the Student, who was the target of the racial slurs. Also, the imposition of a sanction for the accused students was based upon factors other than a consideration of what would be effective to prevent the recurrence of a hostile environment. While the Student Code specified suspension or expulsion as a sanction, the Principal reportedly imposed a one day ISS¹ on each accused student. The Principal's explanation of her choice of sanction focused on the District's alleged "preference" for ISS so that students do not spend time at home watching television and the needs of the parents of the accused students. Finally, School administrators' treatment of the Student on May 21, 2015 made him feel that he was being blamed for the use of the racial slurs. Thus, School staff engaged in conduct that exacerbated the hostile environment. Based upon the foregoing, OCR concludes that the District failed to respond appropriately upon receipt of notice of the racial harassment of the Student.

In sum, OCR finds that the Student was subjected to harassment based on race, and the harassment was sufficient to create a hostile environment; the District had notice of the racially hostile environment; and, the District failed to respond appropriately to notice of the harassment and a continuing hostile environment for the Student. Therefore, OCR finds that the District violated Title VI and its implementing regulations with regard to the allegation investigated.

¹ OCR notes inconsistencies in the evidence related to Student 2's reported service of one day ISS. One document shows he was assigned ISS on May 20, 2015; however, evidence produced by the District shows that the School's investigation did not conclude until May 22, 2015. Also, handwritten contemporaneous notes state that Student 2 served one day of ISS on May 21, 2015 and the Principal's May 22, 2015 e-mail states that one student had ISS the preceding day, which would have been on May 21, 2015. However, handwritten contemporaneous notes show investigatory interviews and meetings with Student 2 at 10:00 am and 11:07 am on May 21, 2015 – when he was in ISS according to the notes. Lastly, the May 22, 2015 letter to Student 2's parents advised that he *would* receive in-school suspension; it did not reflect that he had already served ISS.

On December 27, 2017, the District agreed to implement the enclosed Resolution Agreement (Agreement). The District has agreed to take the following steps, among others: (1) offer counseling to the Student in order to remedy the effects of the race discrimination that the Student endured during the 2014-2015 school year, (2) meet with the Student and his parents/guardians to identify steps to be taken to remedy the hostile environment created during the 2014-2015 school year if the Student re-enrolls in the District, (3) conduct a climate survey, (4) review all complaints, grievances, or other reports of race-based harassment at the School during the 2016-2017 and 2017-2018 school years and develop a written plan to address areas of concern, and (5) conduct Title VI training for administrators, faculty, and staff.

When fully implemented, the Agreement entered into by the District will resolve the issues of noncompliance. OCR will monitor the implementation of the Agreement until the District is in compliance with the statutes and regulations at issue in the case.

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.

Intimidation or retaliation against complainants by recipients of Federal financial assistance is prohibited. 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 Complainant may file another complaint alleging such treatment.

OCR will proceed with monitoring the Agreement, effective the date of this letter. OCR will monitor the District's implementation of the aforementioned Agreement to ensure that it is fully implemented. If the District fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Title VI.

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.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have any questions regarding this matter, please contact Adrienne Harris at (404) 974-9370.

Sincerely,

Melanie Velez
Regional Director