



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

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May 25, 2018

Dr. Kirk Kelly
Superintendent
Hamilton County School District
3074 Hickory Valley Road
Chattanooga, Tennessee 37421
Sent via email to: drake_marsha@hcde.org

Re: OCR Complaint # 04-17-1267

Dear Dr. Kelly:

On January 31, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of race by the Hamilton County School District (District). Specifically, the Complainant alleged that the District discriminated against three Students on the basis of race when the District: (1) suspended the Students from the bus and from school for an altercation, while a white student, who was involved in the altercation and allegedly used racial epithets, was not punished at all; and (2) removed one of the Students from AP math class and placed her in a basic 8th grade math class after the altercation occurred.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Pursuant to 108(i) of OCR's *Case Processing Manual* (CPM), a complaint will be dismissed when OCR obtains credible information indicating that the allegations raised by the complaint are currently resolved or are no longer appropriate for investigation. As it relates to Allegation #2, the Complainant confirmed that the Student was enrolled in the 8th grade math class during the 2017-2018 school year. Accordingly, there is credible information that this allegation was resolved and therefore, OCR is dismissing Allegation #2 as of the date of this letter.

Prior to the completion of OCR's investigation, the District requested to voluntarily resolve Allegation #1. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved before the conclusion of an investigation when the recipient or public entity expresses an interest in resolving the complaint. The attached Resolution Agreement (Agreement) will require the District to take actions to remedy any compliance concerns regarding compensatory education services.

On May 25, 2018, OCR received the enclosed signed Agreement that, when fully implemented, will resolve Allegation #1. OCR will monitor the District's implementation of this 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. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, 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.

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, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions, please contact Jamila Montaque, Esq. at (404) 682-3342 or by email at jamila.montaque@ed.gov, or April England-Albright at (404) 974-9408.

Sincerely,

Melanie Velez, Esq.
Regional Director