



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

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
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TENNESSEE

January 7, 2019

Mr. Richard E. Dennis
Superintendent of Education
Elmore County Public Schools
100 H. H. Robison Dr.
Wetumpka, AL 36092

Re: Complaint #04-17-1441

Dear Mr. Dennis:

On May 15, 2017, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint filed against the Elmore County Public Schools, Alabama (District) alleging discrimination on the basis of race and retaliation. More specifically, the Complainant alleged that during the 2016-2017 school year, the following occurred:

1. An Eleventh Grade English Teacher at Stanhope Elmore High School (Stanhope or School) subjected the Complainant's daughter, who is African-American and a student (Student) at the School, to racial harassment when she (a) asked a student if he was afraid of being deported back to Africa now that President Trump was in office and if he wanted to return to Africa to see his real parents; (b) told the Student that she could not get a perm because it would mess up her weave; (c) asked the class if single Black dads bought their daughters hair weave in place of giving them allowances; and, (d) asked who let the illegal immigrant in, when a Hispanic student walked into the class to give her friend a phone charger.
2. The Teacher retaliated against the Student when (a) she asked the Student if she had provided a statement against her and (b) increased the class workload.

As a recipient of Federal financial assistance from the Department, the District is subject to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d et seq., and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination, including harassment, on the basis of race, color, or national origin in any education program or activity operated by a recipient of Federal financial assistance. The regulations that implement this statute prohibit recipients of financial assistance from this Department or other persons from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by those laws. Because the District receives Federal financial assistance from the Department, the District is subject to Title VI and its implementing regulation. Accordingly, OCR has jurisdiction over this complaint.

OCR initiated an investigation into the following legal issues:

1. Whether the District discriminated against the Student by failing to respond appropriately to incidents of racial harassment by the Teacher during the 2016-2017 school year, in noncompliance with the Title VI implementing regulation at 34 C.F.R. § 100.3.
2. Whether the District retaliated against the Student for her and/or the Complainant's complaints of racial harassment by the Teacher when the Teacher asked the Student if she had provided a statement against her, in noncompliance with the Title VI implementing regulation at 100.7(e).

Prior to the conclusion of OCR's investigation, the District offered and OCR determined it was appropriate to resolve the complaint with a Resolution Agreement (Agreement) pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). On May 31, 2018, the District signed an Agreement agreeing to, among other steps: (1) extend to the Complainant and the parents/guardians of all other students enrolled in the classes in which the Teacher made race-based comments a written offer of counseling for the respective students, to remedy any effects of the harassment experienced in the Teacher's classes or in interactions with her following the District's investigation; (2) provide training to all staff at the School regarding the requirements of Title VI; (3) provide age-appropriate educational training to students designed to increase awareness of race, color, and national origin harassment and of the District's policies, procedures and/or administrative rules related to such harassment, including how to report a complaint of harassment and to whom a report can be made; (4) communicate to the Complainant the results of the District's investigations of the Teacher's racial comments and of the Teacher's questioning of the Student and other students about their participation in the District's investigation of her comments; and (5) conduct a "climate check" with students at the School to assess the presence of and effects of race-based harassment.

The provisions of the Agreement are aligned with the complaint allegations and the information obtained during the investigation and is consistent with applicable regulations. When fully implemented, the Agreement will address all of the complaint allegations. OCR will monitor the implementation of the Agreement.

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.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent possible, any personally identifiable information, the release of which 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. No recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or

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because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

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 letter, please contact XXX, General Attorney, at 404-XXX or XX@ed.gov or XXX, Compliance Team Leader at XXX or XXX@ed.gov.

Sincerely,

Melanie Velez
Regional Director

Enclosure

cc: XXX, Esq. (w/ enclosure) – via email