



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

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March 27, 2015

Mr. Scott Harres
Superintendent
Wolf Branch School District 113
410 Huntwood Road
Swansea, IL 62226

Re: OCR # 05-14-1021

Dear Mr. Harres:

This is to notify you of the disposition of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), against Wolf Branch School District 113 (District) alleging discrimination on the basis of race. Specifically, the complaint alleged that during the 2012-2013 and 2013-2014 school years, the District subjected the Complainant's son, Student A, to a hostile environment on the basis of race (black) when students at the District's Wolf Branch Middle School (School) harassed him on the basis of race and the District failed to stop the harassment.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d – 2000d-7, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin by recipients of Federal financial assistance. As the District receives Federal financial assistance from the Department, it is subject to the requirements of Title VI. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

During OCR's investigation, OCR interviewed the Complainant, Student A, Student A's father, and District staff. OCR also reviewed data and other information provided by the Complainant and the District.

In accordance with Section 302 of OCR's *Case Processing Manual* a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR's investigation, the District requested to resolve the complaint. Subsequent discussions with the District resulted in the District signing a resolution agreement (Agreement) which, when fully implemented, will resolve the issue raised in the complaint.

Factual Summary

District Policies and Procedures

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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The District's policies and procedures are widely publicized and are readily available on the District's website.

Pursuant to the District's Equal Education Opportunities Policy:

Equal educational and extracurricular opportunities shall be available for all students without regard to race... Any student may file a discrimination grievance by using the Uniform Grievance Procedures.

Pursuant to the District's Bullying, Intimidation and Harassment Policy (BIH Policy)¹:

No person shall harass, intimidate or bully another based upon a perceived race, color, nationality.... The school and district will not tolerate harassing intimidating conduct, or bullying whether verbal, physical, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that created an intimidating, hostile, or offensive educational environment.

Bullying means any severe or pervasive physical or verbal conduct, including communications made in writing or electronically, directed toward a student that has or can be reasonably predicated to have the effect of: (1) placing the student in reasonable fear of harm to the student's person or property; (2) causing a substantially detrimental effect on the student's physical or mental health; (3) substantially interferes with the student's academic performance; or (4) substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school.

The BIH Policy further states:

Any student who is determined, after an investigation, to have engaged in bullying intimidation or harassment will be subject to disciplinary consequences as provided in this handbook, including but not limited to, suspension and expulsion consistent with the school district's discipline policy. Parents of students who have engaged in the above behavior will be notified.

Pursuant to the District's Uniform Grievance Procedures (Grievance Procedures), a student, parent/guardian, employee, or community member may file a complaint with a District

¹ The BIH Policy was in effect during the time period at issue in the OCR complaint. Since the filing of this OCR complaint, the School District has since implemented a new bullying policy, entitled "Prevention of and Response to Bullying, Intimidation, and Harassment Policy", which can be found at: <https://sites.google.com/a/wbsd113.org/wolf-branch-district-113/home/district-office/bullying-policy>

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Student A told OCR was not subjected to any mistreatment at the School after the December 2 incident. Student A graduated from the District in June 2014.

The District reported to OCR that it did not receive any additional complaints of racial harassment during the 2013-14 school year or the 2014-15 school year to date.

On March 24, 2015, the District agreed to resolve the issues identified by OCR's investigation by entering into the enclosed resolution agreement prior to the conclusion of the investigation. The resolution agreement is aligned with the complaint allegation and the information obtained during the investigation, and is consistent with applicable regulations. When fully implemented, the resolution agreement will address all of OCR's compliance concerns, and OCR will monitor the implementation of the agreement until the District is in compliance with Title VI and its implementing regulations at issue in this case.

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.

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 received 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.

The complainant may file a private suit in federal court whether or not OCR finds a violation.

We appreciate the cooperation you and your staff extended to OCR during the course of the processing of this complaint. We particularly appreciate the cooperation of the District's counsel, Mr. Shawn McLain and Mr. Barney Mundorf. If you have any questions, please contact Jason Frazer or me by telephone at (312) 730-1560.

Sincerely,

Ann Cook-Graver
Supervisory Attorney

Enclosure