



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 19, 2019

Dr. Janice Jackson
Chief Executive Officer
Chicago Public Schools, District #299
42 West Madison Street
Chicago, Illinois 60602

Sent via electronic transmission only to: CEDO-Jackson@cps.edu

Re: OCR Docket 05-19-1192
Martin Luther King Jr. College Preparatory

Dear Dr. Jackson:

This is to advise you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) against the Chicago Public Schools District 299 (District), Martin Luther King Jr. College Preparatory High School (School), alleging retaliation. Specifically, the complaint alleged that from August to December 2018, the School's Principal retaliated against several students at the School for complaining about sex discrimination by threatening the students with sanctions and by excluding them from certain activities.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department. Title IX also prohibits retaliation. As a recipient of Federal financial assistance from the Department, the District is subject to the requirements of Title IX.

As part of its investigation, OCR reviewed documentation provided by the Complainant and the District. Prior to the completion of OCR's investigation, the District requested to resolve the allegation that the School's Principal retaliated against several students at the School for complaining about sex discrimination. The provisions of the resolution agreement are aligned with this allegation and consistent with applicable regulations.

The Title IX regulation, at 34 C.F.R. § 106.71, incorporates by reference the regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.7(e), which prohibits a recipient or other person from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the regulation or because the individual has made a complaint, testified, assisted or participated in any manner in an investigation, hearing or proceeding under the regulation or opposed any act or policy that is unlawful under the regulation.

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

Facts

The Complainant, XX, asserts that the School's former Principal instituted a dress code before the beginning of the 2018-2019 school year that prohibited female students from dressing "provocatively." XX also referred to statements the Principal made during an LSC meeting in August 2018 defending the dress code as necessary to prevent sexual abuse. According to the Complainant, from the summer of 2018 until about December 2018, students sent emails to the Principal and organized a walk-out to complain about sex discrimination, specifically that the dress code and other school policies were discriminatory. The Complainant further alleged that in response to the students' complaints the Principal threatened the students with sanctions and exclusion from certain activities. Specifically, the Complainant asserts that the Principal threatened XXXXXXXXXX students who XXX the protests with expulsion, loss of membership in the National Honor Society, loss of scholarship opportunities and the opportunity to attend prom, banned some of those students from attending the school morale field trip, and prohibited the students from serving as student representatives on the local school council. Parents and students complained to the School about the alleged retaliation throughout the fall 2018 term.

After the Network Chief received complaints about the dress code¹, the District's Chief of School Strategy and Planning directed the Principal to issue an apology letter to the School community (students, parents, LSC members, etc.) by August 29, 2018. The Principal issued the apology letter to all School families and community members on September 1, 2018. The information provided by the District shows that it disciplined the former Principal on October 12, 2018, by suspending her for five days without pay.

In March 2019, the District reassigned the Principal to another school at her request. The Complainant objected to how long it took the District to reassign the Principal following parent and student complaints of retaliation. The Complainant also expressed concern that the District reassigned the Principal to a different District school instead of terminating her, which XX believes may result in the Principal subjecting other students to discriminatory policies and retaliatory practices.

According to the District the Principal denied engaging in retaliatory practices and specifically denied ever threatening students during the fall term of the 2018-2019 school year with expulsion, loss of membership in the National Honors Society and loss of scholarship opportunities or prohibiting students from attending field trips. The Network Chief stated he was not aware of any complaints from members of the School community asserting that the Principal threatened them with such actions. He reported that he had addressed one complaint that a school advisor had informed a student that there could be disciplinary repercussions if something inappropriate happened during a student-led walk-out to protest the Principal and her policies. According to the Network Chief, he spoke with the student and the student's mother and ascertained that the student did not experience any threats or disciplinary repercussions related to the walk-out. In addition, the Network Chief stated that he was not aware of any student whom

¹ The District advised OCR that it also reviewed the dress code to ensure it was gender neutral; it did not identify language in the dress code that distinguished between students on the basis of sex or gender.

the Principal or other School staff disciplined, excluded from membership in the National Honors Society, caused to lose any scholarship opportunity, and/or prohibited from attending field trips during the 2018-2019 school year as a result, at least in part, of the student's complaints that the student dress code was discriminatory.

Regarding the assertion that the Principal prohibited some students from serving on the local school council (LSC), the District provided documentation that on March 2, 2019, a member of the LSC complained to the Network Chief that the Principal established criteria after the student protests of her policies in order to disqualify certain students from serving as LSC student representatives. Specifically, the LSC member asserted that the Principal directed unnamed School staff to develop and distribute at the School a flyer that limited participation on the LSC to students who met a higher set of requirements than the requirements imposed by the District for student participation on the LSC. The criteria that she created limited participation to students who had a 3.5 or higher grade point average (GPA), were members of student government, had good school attendance (which was not defined) and minimal tardies, would show dedication if nominated, and were in their freshman, sophomore or junior year of high school.

In response to the LSC member's email, the Network Chief contacted the District's Office of Local School Council Relations to ask what criteria the District set for students to serve as an LSC representative. On March 4, 2019, the Senior Compliance Facilitator of the Office of Local School Council Relations informed the Network Chief that the only requirement for a student to serve on the LSC was that the student remain enrolled in the school in which he/she serves on the LSC. After obtaining this information, the Network Chief directed the Principal to remove the flyer from the School, revise it to conform to the limited requirements for LSC participation, and redistribute the flyer to students and the LSC. The Principal informed the Network Chief that she had understood that principals were permitted to set LSC membership criteria for students. When he informed her that this was not accurate, the Principal corrected and distributed an updated flyer seeking student applicants to serve as LSC representatives. The Complainant did not identify any students who did not apply to serve as LSC representatives because of the incorrect flyer.

Resolution

Prior to the conclusion of OCR's investigation, the District expressed an interest in resolving this complaint. OCR determined that it was appropriate to resolve the complaint with an agreement because OCR's investigation had not proceeded to a point where it was ready to issue a final determination. The District signed the enclosed Agreement, which, when fully implemented, will fully resolve the complaint. The provisions of the Agreement are aligned with the allegation and the information obtained during OCR's investigation and are consistent with the applicable regulations. Pursuant to the Agreement, the District agreed to train the former Principal on its policy against retaliation as well as Title IX's prohibition against retaliation. The District also agreed to send a letter to all students XXXXXXXXXXXXXXXX during the 2018-2019 school year notifying each student that if the Student believed they experienced retaliation because of his/her participation in Title IX protected activities, that the student may submit a complaint to the Office of Student Protections and Title IX (OSP) by no later than October 31, 2019.

The District further agreed that OSP will investigate all complaints submitted pursuant to the Agreement. For each student whom OSP determines the Principal and/or School staff retaliated against, the District will determine what, if any, compensatory benefits or remedies the student needs and offer to provide those benefits or remedies to the student. Additionally, if the District determines that a School staff member other than the Principal retaliated against the student, it will provide training to the School staff member on the District's policy against retaliation and the Title IX prohibition against retaliation.

OCR will monitor the District's implementation of the Agreement until the District is in compliance with all of its terms. We look forward to receiving the District's next monitoring report, which is due by September 30, 2019.

This concludes OCR's investigation of this 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.

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.

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.

OCR thanks the District, especially XXXXXXXX and XXXXXXXX, for their responsiveness and cooperation throughout the investigation of this complaint and during the negotiations of the Agreement. If you have any questions regarding this matter, please do not hesitate to contact Alonzo Rivas at 312-730-1684 or by email at Alonzo.Rivas@ed.gov.

Sincerely,

Aleeza Strubel
Supervisory Attorney

Enclosure

cc: XXXXXXXX, General Counsel
 XXXXXXXX, Deputy General Counsel
 XXXXXXXX, Senior Associate General Counsel
 XXXXXXXX, EOCO Administrator