



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE  
1010 WALNUT STREET, SUITE 320  
KANSAS CITY, MO 64106

REGION VII  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

February 10, 2017

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Re: Docket # 07161208

Dear Mr. XXXXXX:

On May 19, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Sayre Public Schools (District), Sayre, Oklahoma, alleging discrimination on the basis of race. This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the Complainant alleged that the District subjected his son (Student) to different treatment on the basis of race when the principal said “how would you like it if someone called you the N word” to reprimand the Student, who is African American, but did not use racial epithets or otherwise allude to the race of other non-African American students who were being reprimanded for the same offense.

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 (FFA).

As a recipient of FFA from the Department, the District is subject to Title VI. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On August 12, 2016, OCR issued notification letters to the parties and a request for information to the District. The District submitted a partial response to OCR’s data request on August 26, 2016, and a supplemental response on September 6, 2016. OCR interviewed the Complainant, the Student, and a student witness (Student 2). On October 31, 2016, the District expressed to OCR an interest in engaging in resolution negotiations pursuant to Section 302 of OCR’s *Case Processing Manual*.<sup>1</sup>

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<sup>1</sup> The *Case Processing Manual* is available on OCR’s website at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

The Student and Student 2 told OCR that the middle school principal (principal) reprimanded the Student and Student 2 along with two other boys for calling a female classmate “a whore”, “a slut” and similar derogatory words. Student 2 told OCR that the principal asked him how he would like it if someone called him “fatty”. He said that principal asked that of one of the other boys being reprimanded as well. Student 2 told OCR the principal asked the Student how he would like it if someone called him the “N word.” The Student also told OCR that the principal asked him how he would like it if someone called him the “N word” or an “oreo.” The Student told OCR that that he did not have any negative feelings about returning to school after the incident with the principal. He said that he did not feel as though his classmates would treat or view him differently.

During the investigation, OCR obtained and reviewed District policies. The District’s policies state that the District is committed to a policy of non-discrimination in relation to race, color, religion, sex, age, national origin, alienage, handicap or veteran status. The policies state that racial discrimination shall include racial slurs or other demeaning remarks concerning another person’s race, ancestry or country or origin and directed toward an employee, a student or a visitor.

The conduct of the Student, Student 2 and the other two boys who were reprimanded by the principal is covered by the District’s gender harassment policy. The student records of all the students involved in the incident established that several other student behavioral incidents that met the District’s definition of gender harassment. The District defines gender harassment as:

- a. Verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes;*
- b. Demeaning comments about a girl's ability to excel in a class historically considered a "boy's" subject, privately talking to a student about sexual matters, hugging or touching a student inappropriately may constitute sexual harassment;*
- c. Writing graffiti that names a student or otherwise identifies a student is potentially slanderous and constitutes sexual harassment. Graffiti of any kind will not be tolerated on school property. The superintendent is directed to cause any graffiti or unauthorized writings to be removed immediately;*
- d. Any of the aforementioned conduct that effectively deprives a student of access to educational opportunities or benefits provided by the school.*

OCR reviewed the District’s records reflecting the enforcement of the gender harassment policy and concluded that the principal’s discussion with the Student, Student 2 and the other two boys was consistent with the District’s response in other incidents of gender-based “name calling.” Generally, in such incidents, a District administrator counseled the offending student to refrain from such activity in the future.

Prior to the completion of OCR's investigation, on February 10, 2017, the District submitted a signed Agreement (copy enclosed) that, when fully implemented, will address the complaint allegation. OCR considers this complaint resolved effective the date of this letter. OCR will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume the investigation or take other action.

This concludes OCR's investigation of the 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 referred to 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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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, that individual may file another complaint with OCR 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.

If you have any questions, please contact XXXXXX XXXXXXXXXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXX.XXXXXXXXXX@ed.gov.

Sincerely,

/s/ J. Earlene Gordon

J. Earlene Gordon,  
Supervisory Attorney

Enclosure