



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

July 12, 2019

Sent via email only

XX XXXXX
XXXXXX XXXX XXXXX
XXX XXX XXX
Tulsa, Oklahoma XXXXX

Re: Union Public Schools
OCR Case Number 07-19-1082

Dear XX. XXXXX,

On January 23, 2019, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against your client Union Public Schools (District), Tulsa, Oklahoma, alleging discrimination on the basis of race. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

Specifically, the Complainant alleged the District discriminated against her son (the Student) on the basis of race by not adequately responding to her complaint that the Student was harassed on the bus by other students using racial slurs, and that she had complained about the harassment, but the school did not prevent further harassment.

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 at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department.

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>.

OCR's *Case Processing Manual* (CPM)¹ includes a Rapid Resolution Process (RRP) which provides an expedited resolution opportunity. OCR determined it had jurisdiction over this complaint and that it was appropriate to attempt to resolve this complaint using our RRP. On March 12, 2019, the District expressed an interest in resolving the complaint through RRP. On May 28, 2019, the District requested to resolve any compliance concerns through Section 302 of the CPM.

¹ The CPM is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

The Complainant told OCR that Student 2 has been harassing the Student for at least two years. Complainant said she reported complaints of racial harassment to the District in both 2017, and 2018, but nothing was done to address the harassment or respond to her complaints, so the harassment continued. After the Student was suspended for getting into an altercation with Student 2, Complainant made another complaint to the District. The documentation received from the District shows the District conducted a January 2019 investigation into the Complainant's bullying/harassment complaint. The investigation concluded that there was racial harassment, which resulted in discipline of the offending student (Student 2). The discipline of the Student, (who assaulted Student 2 in response to the ongoing racial taunts) was reduced. The documentation shows the District offered counseling to the Student. However, the Complainant told OCR that she did not remember being offered counseling. She said the Student XXXXX XXXXX XXXXX.

On July 12, 2019, the District returned the attached, signed Agreement. The Agreement requires the District to: 1) conduct a self-evaluation of how the Union Sixth/Seventh Grade Center (Center) handles and processes internal complaints of racial harassment filed by students and/or parents; 2) ensure District personnel responsible for responding to, investigating, or reviewing complaints of racial harassment and/or bullying are effectively and appropriately trained regarding the District's policies and procedures and how to identify possible incidents of unlawful discrimination and harassment; and 3) provide written notice to the Complainant stating that the District will take all steps reasonably necessary to ensure that the Student is not subjected to harassment on any basis, including race-based harassment, or a hostile environment on the basis of race on District grounds and during District-sponsored activities. The notice shall provide a name, title, address, phone number, and email address of the person the Complainant and the Student may contact at Union Public Schools to report complaints or concerns regarding racial harassment or discrimination. Please consult the Agreement for further details.

OCR considers the complaint resolved effective the date of this letter and 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 its investigation.

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, please be advised 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 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.

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.

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

Sincerely,

/S/

Megan Levetzow
Supervisory Attorney

Attachment