



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

August 12, 2014

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Ms. Carole Smith  
Superintendent  
Portland School District 1J  
P.O. Box 3107  
Portland, Oregon 97208-3107

Re: Portland School District 1J  
OCR Reference No. 10121140

Dear Superintendent Smith:

This is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced discrimination complaint against Portland School District 1J. As explained below, prior to the completion of OCR's investigation, the district expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

The complaint alleged that the district discriminated against students of color attending XXXXXX XXXXXX School by subjecting them to different treatment on the bases of their race, color, and national origin. Specifically, the complaint alleged that in March 2012, students of color were invited to attend a meeting to elect students to newly-created positions on the student council that were open only to students of color.

OCR accepted this complaint for resolution under the authority of title VI of the Civil Rights Act of 1964 and its implementing regulations. This statute prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance from the U.S. Department of Education. The district is a recipient of federal financial assistance from this Department and is subject to these regulations.

The regulation implementing Title VI at 34 CFR 100.3 (a) requires that no person on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies. Title VI at 100.3 (b) (ii) requires that a recipient shall not provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others.

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 institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint

must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

The actions that the district will take under the agreement include: (1) provide training to all staff at XXXXXX XXXXXXXX School to increase recognition of race, color, and national origin discrimination; (2) increase awareness of the impact that race, color, and national origin discrimination can have on other students; (3) communicate the school's obligation to address incidents and allegations of discrimination and the responsibility of the administrators, faculty, and staff in meeting that obligation; (4) provide information on appropriate methods for encouraging all students, including students of color, at XXXXXX XXXXXXXX School to pursue equal educational opportunities, including running for student council; and (5) provide information about the district's nondiscrimination policy and the obligations of district staff with respect to Title VI.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by January 30, 2015.

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 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.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Zelda Simmons Foxall, senior equal opportunity specialist, by telephone at (206) 607-1611, or by e-mail at [zelda.foxall@ed.gov](mailto:zelda.foxall@ed.gov).

Sincerely,

/ s /

Sukien Luu  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Rob Saxton, Deputy Superintendent of Public Instruction