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OFFICE FOR CIVIL RIGHTS

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May 9, 2018

Mr. Mark Jeffery
Superintendent
Warrenton-Hammond School District 30
820 SW Cedar Street
Warrenton, Oregon 97146

Re: Warrenton-Hammond School District 30
OCR Reference No. 10181051

Dear Superintendent Jeffery:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Warrenton- Hammond School District 30 (the district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that a student in the district (hereinafter, “the student”) was discriminated against on the basis of race when the district failed to take prompt and effective action to address a pattern of racial harassment of the student by another student through Fall 2017.

As explained below, prior to 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.

OCR investigated this case under the authority of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation. These statutes prohibit discrimination on the bases of race, color, and national origin in programs and activities that receive federal financial assistance. Because the district is a recipient of federal financial assistance from this Department, it is subject to Title VI.

The regulation implementing Title VI at 34 C.F.R § 100.3(a) states that no individual shall, 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 operated by a recipient of federal financial assistance from the Department. Title VI regulations at 34 C.F.R § 104.3(b)(1)(ii) and (iv) also prohibit a recipient of federal financial assistance, on the ground of race, color, or national origin, from providing any service or other benefit to an individual which is different, or is provided in a different manner from that provided to others under the program, or restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or other benefit under the program.

Additionally, under Title VI, a violation may be found if a recipient has created or fails to appropriately address a racially hostile environment where harassment based on race, color, and/or national origin is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of a student to

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participate in or benefit from the recipient's education program. A student is subjected to a racially hostile environment where a recipient has effectively caused, accepted, tolerated, encouraged, or failed to correct such an environment when a recipient receives actual or constructive notice of racial harassment.

The investigation to date indicated that the student was racially harassed by two of her classmates three times and that the two offending students received different punishments for their harassment of the student. One student did not receive consequences during the first two harassment incidents, and for the third incident of harassment he received a lesser punishment than the other offending student received for the second harassment incident.

In accordance with Section 302 of the OCR *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 allegation and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the district's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

The actions the district will take under the agreement include that the district will review and revise its policies and procedures for responding to allegations of harassment on the basis of race, color or national origin. The revised procedures will ensure that the district provides reasonable, timely, and effective action tailored to fully redress any specific problems identified by the district as a result of the harassment, and that the action is reasonably calculated to end the harassment, prevent recurrence and eliminate any hostile environment. The district will also ensure that a designated staff member document all reports of harassment, and create a protocol for school and district-level recordkeeping of each of the reports submitted by the designated staff members. The district will also train teachers and staff on its racial harassment policies and procedures. Finally, the district will request a meeting with the student who was the subject of this complaint and the student's parent to discuss steps the district has agreed to take to ensure that all students and staff at the school understand their right to be protected from discrimination, including harassment, on the basis of race, color and national origin. The meeting will also inform the student and parent of the steps taken by the district in response to the incidents of alleged racial harassment.

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.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

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.

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 **June 30, 2018**.

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 Claudette Rushing, Attorney, by telephone at (206) 607-1606 or by e-mail at claudette.rushing@ed.gov.

Sincerely,

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Honorable Colt Gill, Interim Deputy Superintendent of Public Instruction