



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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July 30, 2018

Dr. Jennifer Schiele
Interim Superintendent
Lake Oswego School District 7J
P.O. Box 70
Lake Oswego, Oregon 97034-0070

Re: Lake Oswego School District 7J
OCR Reference Nos. 10171054 and 10181090

Dear Superintendent Schiele:

This letter is to inform you of the disposition of the above-referenced complaints filed against the Lake Oswego School District 7J (district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). OCR initiated investigations into the following:

Whether the district:

1. permitted a hostile environment based on race and national origin (including perceived shared ancestry or ethnic characteristics) to exist at Lake Oswego High School by failing to respond appropriately to reports of harassment; and
2. discriminated against an 8th grade student at Lake Oswego Junior High School and other African American students based on race, when it did not respond appropriately to complaints of race-based harassment during the 2017-2018 school year.

As explained below, prior to OCR completing a full investigation of the complaints and making final determinations, the district expressed an interest in voluntarily resolving the complaints and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaints' allegations.

OCR enforces Title VI of the Civil Rights Act of 1964 ("Title VI") and its implementing regulations. These federal civil rights laws prohibit discrimination on the bases of race, color, and national origin in programs and activities receiving federal financial assistance. The district receives federal financial assistance from this Department and is, therefore, subject to Title VI.

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

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The Title VI regulations at 34 CFR 104.3(b)(1)(ii) and (iv) also prohibit a recipient of federal financial assistance, on the ground of race, color, or national origin, including actual or perceived shared ancestry or ethnic characteristics, 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 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. When a district knew or should have known about harassment based on race, color, and/or national origin, it has an obligation to immediately investigate or otherwise determine what occurred, take steps to end the harassing conduct and prevent its recurrence.

Prior to the district entering into the agreement to resolve these complaints, OCR had interviewed the complainants and reviewed documents provided by the district. The information thus far raises a concern that the district was aware of possible harassment based on both race and shared ancestry, including the display of graphic images, Facebook posts, hand-written notes and comments made by students. The information further suggests that the district may not have met its obligation under Title VI to respond to these incidents in order to end the harassment, prevent its recurrence, and address any hostile environment that may exist as a result of the harassment. OCR acknowledges that, prior to entering into the agreement, the district began to take proactive steps to generally address the issue of race and national origin harassment in its schools.

Prior to OCR making a final determination regarding the issues investigated in these complaints, the district expressed an interest in voluntarily resolving these complaints, and in accordance with Section 302 of the OCR *Case Processing Manual*, OCR determined that it was appropriate to enter into a voluntary resolution agreement to resolve the issues under investigation. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

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 complaints. The complainants may have the right to file private suits 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 complaints when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by October 31, 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 Shirley Oliver, Senior Equal Opportunity Specialist, by telephone at (206) 607-1633, or by e-mail at shirley.oliver@ed.gov. If Ms. Oliver is unavailable, you may wish to contact Alexander Choi, Attorney, by telephone at (206) 607-1625, or by e-mail at alexander.choi@ed.gov.

Sincerely,

Barbara Wery
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: Colt Gill, Deputy Superintendent of Public Instruction
Assistant Superintendent of Business Services, Lake Oswego School District