



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

June 12, 2018

Ms. Lisa E. Pizza, Esq.
Spengler Nathanson P.L.L.
Four SeaGate, Suite 400
Toledo, Ohio 43604

Re: OCR Docket No. 15-16-1427

Dear Ms. Pizza:

This letter is to notify you of the disposition of the above-referenced complaint filed on June 6, 2016, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Washington Local School District (the District) alleging that the District discriminated against a student (the Student) based on color and national origin. Specifically, the complaint alleged that, in XXXXX, staff at the District's XXXXX School suspended the Student for XXXXX XXXXX XXXXX, but did not discipline the white male student who had XXXXX XXXXX XXXXX.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of federal financial assistance. As a recipient of federal financial assistance from the Department, the District is subject to this law.

Based on the complaint allegations, OCR opened an investigation of the following legal issue: whether the District, on the basis of race, color, or national origin, denied a student any service or benefit provided under the program, provided services or benefits that are different from or provided in a different manner from services or benefits provided to other students, restricted a student in the enjoyment of any privilege or advantage enjoyed by others, and/or treated a student differently from others in determining whether the student satisfied any requirement or condition which individuals must meet in order to be provided any service or benefit under the program, in violation of the Title VI implementing regulation at 34 C.F.R. § 100.3(b)(1)(i), (ii), (iv), and (v).

During its investigation to date, OCR reviewed documentation provided by the Complainant, the Student's family, and the District, and interviewed two members of the Student's family. The family described the Student as XXXXX XXXXX XXXXX. To date, OCR obtained information confirming the Student received an out-of-school suspension for three school days. The "Notice of Suspension" summarized the Student's violation as follows: "XXXXX XXXXX XXXXX. 3 days suspension." OCR obtained discipline information for other District students during the relevant timeframe and identified one or more students outside the protected class who were potentially similarly situated to the Student and were given less harsh penalties. To complete its investigation, among other things, OCR would need additional evidence to

determine whether those student[s] were similarly situated. According to the District, the Student XXXXX XXXXX XXXXX.

Under Section 302 of OCR's *Case Processing Manual*, allegations under investigation may be resolved at any time when, prior to the issuance of a final investigative determination, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them with an agreement. In this case, the District expressed an interest in resolving the allegation prior to the conclusion of OCR's investigation and OCR determined resolution was appropriate. On June 5, 2018, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address all of the allegations in the complaint. OCR will monitor the implementation of the Resolution Agreement.

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 addressed 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.

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 individual 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, OCR 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.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

OCR looks forward to receiving the District's first monitoring report by June 30, 2018. For questions about implementation of the Agreement, please contact Ms. Erin Barker-Brown by telephone at (216) 522-4978 or by e-mail at Erin.Barker-Brown@ed.gov. If you have questions about this letter, please contact me by telephone at (216) 522-7640.

Sincerely,

Sacara M. Martin
Supervisory Attorney/Team Leader

Enclosure