

Dr. Stephen Zrike
Superintendent
Wakefield Public Schools
Central Office
60 Farm Street
Wakefield, Massachusetts 01880

Re: OCR Complaint No. 01-14-1223

Dear Dr. Zrike:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint that was filed against the Wakefield Public Schools (District). OCR is taking this action because, prior to OCR completing its investigation, the District entered into a voluntary resolution agreement (Agreement) that OCR has determined resolves the complaint allegations. A copy of the Agreement is enclosed.

The Complainant alleged that the District failed to respond adequately to her complaints that a student (Student) was being subjected to a racially hostile environment while at school. Specifically, the Complainant explained that, while the Student was attending the Greenwood Elementary School (School), students told him that he “looked like XXXX.” The Complainant also alleged that students told him that they did not want to sit with him because he is XXXXX. After reporting these instances to School officials, the Principal met with the offending students and discussed sensitivity towards others.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100 (Title VI). Title VI prohibits 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 Title VI.

Based on the information presented, OCR accepted the following legal issue for investigation:

- Whether the Student was subjected to a racially hostile environment and, if so, whether the District did not respond adequately to this concern, in violation of 34 C.F.R. Section 100.3(a) and (b)(1) and (2).

After OCR reviewed the District’s initial data response, and prior to OCR completing its investigation of the allegations presented in this complaint, the District asked to resolve this complaint, as is permitted under Section 302 of OCR’s Complaint Processing Manual. After negotiating with OCR, the District agreed to take a number of steps to resolve the complaint allegations. These steps are set out in the Agreement and include commitments by the District to train District staff on how to conduct investigations of racial discrimination claims and on appropriate remedies when racial discrimination or harassment is found to have occurred.

OCR finds that the resolution offered by the District is aligned with the allegations and with information obtained by OCR. In addition, the resolution offered is consistent with Title VI. Accordingly, we are closing this investigation as of the date of this letter. Consistent with our usual practice, OCR will monitor the District's implementation of the Agreement. OCR will close the monitoring of this matter, and will notify the parties in writing of the monitoring closure, once it determines that the District has satisfied the terms of the Agreement. The District has agreed to provide OCR with an initial monitoring report by November 1, 2015, and a final monitoring report in July 2016.

The matters addressed in this letter are not intended and should not be construed to cover any other issues regarding the District's compliance with the regulations implementing Title VI, or the other laws enforced by OCR, that may exist but are not discussed here. Please note that the Complainant may have the right to file a private law suit regarding the matters raised in this case, whether or not OCR identified compliance concerns. Also, under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect all personal information to the extent provided by law that, if released, could constitute an unwarranted invasion of privacy.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against the Complainant because she filed this complaint or participated in this complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

OCR thanks the District for its assistance in resolving this matter. If you have any questions or concerns about the information contained in this letter, please feel free to contact Carol Kennedy-Merrill, Civil Rights Investigator, at (617) 289-0048, or via email at Carol.Merrill@ed.gov. You may also contact me at (617) 289-0120.

Sincerely,

Allen L. Kropp
Acting Regional Director

Enclosure

cc: Attorney Thomas Nuttall