

Cyndy S. Taymore
Superintendent
Melrose Public Schools
360 Lynn Fells Parkway
Melrose, Massachusetts 02176

Re: OCR Complaint No. 01-14-1259
Melrose Public Schools

Dear Superintendent Taymore:

This letter is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed against the Melrose Public Schools (District) alleging discrimination on the basis of race. The XXXX Complainants alleged that during 2013-2014 school year, a teacher at the XXXXXX XXXXXXXX XXXXXXXX School (School) made derogatory remarks to one of her assigned students, directed at the student's race. The Complainants further alleged that the District failed to adequately respond to reports and/or complaints about the remarks, and the District's lack of response continued to subject students to a racially hostile environment. As stated below, OCR's investigation finds that the District violated Title VI of the Civil Rights Act of 1964 (Title VI), which the District has agreed to resolve by implementing the enclosed resolution agreement.

OCR is responsible for enforcing Title VI, as amended, 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 in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The District is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title VI.

OCR investigated the following legal issue:

- Whether the District subjected a student or students to a racially hostile environment and, if so, whether the District failed to appropriately respond, in violation of 34 C.F.R. Sections 100.3(a), (b)(1), and (b)(2).

In its investigation, OCR reviewed information provided by all Complainants regarding the allegation, as well as information provided by the District, including: the District's non-discrimination policies and procedures; complaints related to harassment based on race and/or national origin received by the School during the 2013-2014 school year; detailed information regarding the response to, and outcome of, any investigations into these

complaints; and detailed materials from trainings related to discrimination and harassment based on race provided to District employees. In addition, OCR staff interviewed the Superintendent, Assistant Superintendent, Metropolitan Council for Educational Opportunity (METCO)¹ Director, Assistant Principal, Teacher, and other District staff. OCR also conducted interviews with the Complainants, the Student and his parent, and two community members.

Factual Background

The Student, who is XXXXXXX XXXXXXX, attended the School during the 2013-2014 school year under the METCO program. The District's enrollment is 83% white. The Teacher, who is white, was an employee of the District.

OCR's investigation established that shortly before lunch on XXXXX X, 2014, the Student and his class were working on individual research projects in the XXXXXX XXXXXXX, when students congregated by the XXXXXXX doors in anticipation of the end of the period. The Student and a few of his friends stepped into the hallway and, when the Teacher called for them to return to the XXXXXXX, the Student and his friends complied. The Student informed OCR he was the XXXX XXXXXXX XXXXXXX in the group. According to the Student, when he reentered the XXXXXXX, he was "fooling around" and said in a high-pitched voice, "Coming Ms. [Teacher]." He stated that the Teacher responded, "Do you talk to your mother like that?" The Student stated that when he answered "sometimes," the Teacher told him she did not believe him, and mimicked his remark. The Student reported that the Teacher then stated to him, "[Student], XXX XXX XXXXXXX XXXX XX XXX XXXXXXXXXXXX?" or "XXXX XXXX XX XXX XXXXXXXXXXXX." A XXXXXXX XXXXX XXXXXXX XXXXXXXXXXXX XX XXX XXXXXXX, XXX stated she could not hear the Student, corroborated that the Teacher said to the Student, "XX XXXX XXX XXX XXXXX XX XXXX XXXXXXX?" followed by, "XXXX XX XXX XXXXX XXXX XX XXX XXXXXXXXXXXX?" The Student and XXXXXXXXXXX reported that other students in the room heard the remark, which occurred shortly before the bell rang, and students departed discussing the incident.

The Student and a classmate reported to the Principal and Assistant Principal during lunch that the Teacher had stated to the Student "XXXX XXXX XX XXX XXXXXXXXXXXX," or words to that effect. The Principal and Assistant Principal spoke with a third student who confirmed that the Teacher had used the word "XXXXXXXXXXXX." The Principal and Assistant Principal met with the Teacher in the Principal's office approximately an hour after the Student reported the incident. During this meeting, and subsequent inquiries, the Teacher stated that she could not recall exactly what she had said, but acknowledged she made a statement to the Student to the effect of "XXXX XXXX XX XX XXXX XXXXX XX X XXXXXXXXXXXX." Neither the Principal nor the Assistant Principal documented the students' reports, or the Teacher's account of the incident during the meeting.

¹ The METCO Program is funded through grants from the Commonwealth of Massachusetts. METCO is a program that allows out-of-district students to enroll in participating districts, with the purpose of increasing racial diversity in suburban school districts. See <http://www.doe.mass.edu/metco/faq.html?section=d>.

The Teacher indicated to the Principal and Assistant Principal that she would apologize to the Student, and the District promptly held a meeting with both administrators present, together with the Student and Teacher. The Teacher apologized for any misunderstanding that may have upset the Student, and she also told the Student that he should not feel subservient to her or demean himself, and described the Student’s “coming, [Teacher]” comment as akin to a remark that a “XXXXX” XXXXX XXXX XX X “XXXXXX.” The Student also apologized for being disrespectful. The District did not provide any evidence to suggest that the District documented the meeting. The Student’s parent stated that the Principal called her the day of the incident to inform her that that an incident involving her son had occurred, and that it was resolved. The Student’s parent stated that she did not learn about the details of the XXXXXXX incident or meeting, including the nature of the Teacher’s comments, until the Student came home from school that afternoon.

The Superintendent stated that she became aware of the Teacher’s remark on XXXXX X, 2014, when she was copied on an email to the Principal from another parent, whose child had witnessed the incident, asking what action was being taken to address the Teacher’s comment. OCR found that at least three additional parents sent emails to the District after the incident expressing concerns regarding the Teacher’s conduct, including one parent whose child was in the Teacher’s class. The Superintendent informed the parents that the District was handling the matter appropriately, and was unable to disclose any other information. Other parents contacted or wrote to members of the School Committee and the Melrose Mayor with their concerns about the incident. On XXXXX X, 2014, the Principal issued a XXXXXXXX XXXXXXXXXXXX to the Teacher, which stated the remark was inappropriate and subjected the Student to “public humiliation.”² XXX XXXXXXXXXXX XXXXXXXXXXX XXX XXXXXX XX XXXX XXXXXXXXXXX XXXXXXXXXXX XXXXX XX XXXXXXXXXXX XXX XXXXXXXXXXX.

On XXXXX X, 2014, the Student’s parent filed a written complaint with the Principal alleging that the Teacher’s statements during the incident and the subsequent meeting with the Principal, Assistant Principal, Teacher and Student were “inappropriate” and “racial.” In her complaint, the Student’s parent contested the District’s representation of the Teacher’s remark, as opposed to the wording recalled by the Student, and also requested the Student be moved from the Teacher’s class.

On XXXXX X, 2014, the Superintendent responded to the Student’s parent by email, stating that the District is taking “this incident seriously” and that “all acts of intolerance are unacceptable.” The Superintendent also explained that although she could not discuss personnel matters, the District was concurrently pursuing three courses of action with regard to the incident: (1) the District’s system of discipline for a teacher who “does and/or says something questionable”; (2) the new educator evaluator system; and (3) an internal civil rights investigation. The Superintendent also wrote that she was willing to meet with the Student’s parent. She stated she had already met with city officials to discuss concerns about “deeper underlying issues” that needed to be addressed by the District and community. The Student’s parent responded by email and reiterated her request to move

² The XXXXXXXXXXX identified the Teacher’s statement as “XXXX XXXX XX XX XXXX XXXXX XX X XXXXXXXXXXX,” which comported with the Teacher’s recollection of her remark.

the Student from the Teacher’s class. The Student’s parent stated that she received no response, and OCR found no evidence to suggest that the District responded to her request. The Student’s parent also reported to OCR that while she initially accepted the District’s offer to meet with her, she ultimately decided not to do so.

The District informed OCR that during the 2013-2014 school year, although the middle school handbook contained a grievance procedure applicable to complaints based on race, the District applied a separate, more detailed grievance procedure (Procedure) that also addressed race complaints, contained in the high school handbook.³ The Procedure identified the Assistant Superintendent as the Civil Rights Officer for Title VI. The Procedure encouraged “parents and other adults” to report “any concerns about possible discrimination or harassment of students or employees,” and stated that all reports would be investigated promptly and impartially, to be completed within about 25 school days, with an extension granted if necessary. The Procedure stated that the Civil Rights Officer would provide written notice of the outcome of the investigation to both the complainant and the individual accused of the discriminatory conduct.⁴

On XXXXX X, 2014, in response to the complaint filed by the Student’s parent, the Assistant Superintendent began interviewing witnesses, including the Principal, Assistant Principal, Teacher and Student. During the course of the District’s investigation, the Assistant Principal was asked to provide information concerning whether the Student had any “prior behavioral incidents.” XXXXXXXXXXXX XXX XXX the only XXXXX identified during OCR’s investigation as having witnessed the Teacher’s remark, was not interviewed. OCR found that the Principal was present during the Student’s interview and, while the Student informed the Assistant Superintendent during the interview that other students heard the Teacher’s remarks in the XXXXXXXX, the District took no further action to identify or interview any additional student witnesses to the incident.⁵ OCR also found no evidence that the District took any interim actions to offer the Student support pending the outcome of the investigation, such as changing his class, checking-in with him, or providing any necessary counseling.

³ The District published an anti-discrimination policy, *Right to an Equal Education*, in its 2013-2014 middle school handbook, which stated that the District does not discriminate on the basis of race, color or national origin, and other protected bases. During the course of OCR’s investigation, the District posted a notice of non-discrimination, including the bases of race, color and national origin, on its website.

⁴ The procedure in the middle school handbook, in effect during the 2013-2014 school year, stated that students who felt they had been discriminated against, harassed or subjected to retaliation, could lodge a complaint with “appropriate school staff, the principal of his or her school” or the Superintendent, that, “[a]ll reports of discrimination, harassment, or retaliation will be investigated promptly and in an impartial and as confidential a manner as possible, to ensure prompt and appropriate action,” and that “[t]he Superintendent or his/her designee shall respond in writing within 30 days.” The middle school procedure was replaced by the Procedure starting with the 2014-2015 school year, but the District did not provide OCR any detailed information regarding the extent to which its students, staff, and community have been informed of the policy change.

⁵ The District interviewed XXX XXXXXXXX who was identified XX XXX XXXXXXXX XXX XXXXXXXX as having experienced similar treatment by the Teacher XXXXXXXX XXXXXXXX XXXXXXXX. XXXX XXXXXXXX XXXXXXXX XXX XXXX XXXXXXXXXXXX XXXXX XXX XXXXXXXX XXXXXXXXXXXX XXX XXX, XXX XX informed the District that he did not want the matter pursued, and the District took no further action.

On XXXXX XX, 2014, the Student’s parent instructed the Student to go to the guidance office instead of XXXXXXXX class because it appeared the Teacher was continuing to teach his class. The Student’s parent informed the Principal via email that the Student would not be attending the Teacher’s class. XXXX XXXX XXX XXX XXXXXXXXXXX XXXXXX XXX XXXXXXXX XX XXXX XXXXXXXXXXXXXXXXXXXX XXXXX XXX XXX XXX XXXXXXXXXXX XXXX XXX XXXXX XXX XX XX XXXXXXXX XX XXXXX XXXXX XXX XXX XX XXX XXXXXXXXXXXXXXXXXXXX.

OCR found that the incident was publicized in an online community news article, which included comments by a city official concerning the incident, and was the subject of discussion and commentary in the community. The Student and the Student’s parent informed OCR that as a result, various individuals, including some outside the school community, approached them to inquire about what had occurred.

On XXXXX XX, the Assistant Superintendent issued a decision and an outcome letter to the Student’s parent (“Outcome Letter”), with copies to the Teacher and Principal. The Outcome Letter stated that the District did not establish what the Teacher said, only that there was a “consistent recollection that the word ‘XXXXXXXXXX’ was spoken by the Teacher to the Student.” The Outcome Letter indicated the Teacher responded to the Student’s initial remark because he made it in a “mimicking tone of voice.” The District concluded that because her “use of a racially insensitive term” to XX XXXXXXXX XXXXXXXX student was an “isolated remark,” it was not sufficient to create a hostile environment. The letter stated, however, that the Teacher failed to provide a “safe environment that is conducive to learning” by her conduct.

The Outcome Letter issued to the Student’s parent concluded with several recommendations, one of which addressed the Student, specifically that “the administration check in with [the Student] on a weekly basis to determine whether he continues to feel safe within his learning environment, and does not believe that he has been subjected to any retaliatory action as the result of the incident and the subsequent investigation.” The Outcome Letter recommended addressing the Teacher’s conduct and a perceived need for “cultural proficiency” in the District, by the following: having District administration “consider whether [the Teacher] should be subject to disciplinary action in connection with the use of a racially insensitive term”; conducting training on racial and cultural awareness for the Teacher; and, conducting training on conducting thorough investigations for administrators involved in investigating incidents of harassment, discrimination and bullying.

The District informed OCR that it treated the recommendations as mandatory. The District provided documentation confirming that the Teacher received training during the summer of 2015 as recommended in the Outcome Letter. However, OCR did not find any evidence indicating that the Student received weekly “check ins” with any District staff.⁶ The District

⁶ OCR found that the Counselor met with the Student on several occasions after XXXXX 2015, at the Student’s request, but was not informed of the nature of the incident or investigation, or of the District’s finding that the Teacher failed to provide a safe environment conducive to learning for the Student.

reported that it took additional actions beyond those enumerated in the outcome letter, including that the Teacher was found to be “XXXXXXXXXXXXXXXX XX XXX XXXX XX XXXXXXXXXXXX XXXXXXX” on her evaluation, and that she received mentoring on XXXXXXXXXXXX XX XXXXXXXXXXXX XXXXXXXX XXX XXXXXXXXXXXX XXXX XXXXXXXX. In addition, the District reported that the Teacher was XXXXXXX XX XXXXXXXXXXX XXXXX XXX XXX XXXXXXXX XX XXX XXXX and was XXXXXXXXXXXX XXXXXXXXXXXX XX XXX XXXXXXXXXXXX XXXX XXXXXXX XXX XXX XXXX.

The District informed OCR that it planned to ensure that none of the students who had witnessed the incident, including the Student, would be assigned to the Teacher’s class in XXXX XXXXXXX. Specifically, the Teacher would be assigned XXXXX XXX XXXXXXXXXXX XXXXX classes for the XXXXXXXXXXX school year, and XXXXXXXXXXX XXXXX classes only for the XXXXXXXXXXX school year.⁷ The Student’s parent stated that she did not become aware of this plan until around January 2015, when she made a formal request for records to the District. OCR did not find any evidence to indicate that the District informed any parents of potentially affected students of the plan. XXX XXXXXXXXXXXX XXXXXXX XXXX XXX XXXXXXXX XXXXXXX XXXXX XXX XXXXXXXXXXXX XXXXXXX XXXX.

Legal Analysis

Harassment of students on the basis of race, color, or national origin is a form of discrimination prohibited by Title VI and its implementing regulation. Harassing conduct can include verbal, written, graphic, physical or other conduct by an employee, a student, or a third party, as well as conduct that is physically threatening, harmful or humiliating. Harassment can create a hostile environment if it is sufficiently severe, persistent or pervasive to interfere with or deny a student’s participation in, or receipt of benefits, services or opportunities in, the recipient’s program.

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a racially hostile environment existed; (2) the recipient had actual or constructive notice of the racially hostile environment; and (3) the recipient failed to respond adequately to redress the racially hostile environment. To determine whether a racially hostile environment exists, the racially-based conduct must be severe, pervasive or persistent. Where the conduct is not sufficiently severe to create a hostile environment, the offending conduct must be more than a casual or isolated incident and must be repeated, continuous, and prolonged. If OCR determines that the harassment was so severe, persistent or pervasive that it would have adversely affected the participation in some aspect of the recipient’s educational program by a reasonable person of the same race as the victim and in similar circumstances, OCR will find that a hostile environment existed.

⁷ Parents informed OCR that they believed the Teacher’s XXXXXXXXXXXX was a promotion because she would be teaching XX XXXXXX XXXXX, but the District maintained XXX XXXXXXXXXXX was a significant burden on the Teacher XXXXXXX XX XXXXXXXXXXX XXX XX XXXXX XX XXX XXXX XXXXXXX XXXXXXXXXXXX XXXXX XX XXXXXXXX XXXXXXX XX XXX XXXXXXX XXXXXXX.

Whether conduct creates a racially hostile environment must be determined from the totality of the circumstances, with particular attention to certain factors including the context, nature, scope, frequency, duration, and location of the conduct. In making this determination, OCR takes into account the relevant particularized characteristics and circumstances of the victim. OCR's analysis incorporates the age, intelligence, and experience of a reasonable person under like circumstances and takes into account the developmental differences in maturity and perception due to age. In addition, the identity, number, and relationships of the individuals involved will also be considered by OCR on a case-by-case basis.

OCR found that the Student was subject to a hostile environment based on race. First, the terminology used by the Teacher in the XXXXXXXX to describe the conduct by the Student, XXX XX XXXXXXXX XXXXXXXX—in making reference to the Student and going “XXXX XX XXX XXXXXXXXXX”—involved a clear, racially charged term. OCR determined that the motivation for the Teacher's comment was based on the Student's race. Moreover, the Teacher's comment to the Student occurred during academic programming in the XXXXXX XXXXXXXX, and in the course of her fulfilling her authoritative role as a classroom teacher, who was responsible for providing the students educational services and addressing student behavior. Additionally, the Teacher publicly singled out the Student from a group in which he was the XXXX XXXXXXXX XXXXXXXX XXXXXXXX in front of his peers, who, as XXXXXX graders, are relatively young, less mature and generally more impressionable than older students or adults.

OCR determined that the Teacher's XXXXXXXXXXXX XX XXXXXXXX, in attempting to correct the Student's conduct, was stigmatizing and, as stated in the District's XXXXXXXX XXXXXXXXXX, “humiliating” to the Student. The District acknowledged that the Teacher's conduct was racially “insensitive,” but maintained it was only an isolated remark, and as such, did not create a racially hostile environment. OCR notes that a single, isolated incident, if sufficiently severe, can give rise to a hostile environment. Moreover, in assessing all of the circumstances in this case, OCR found that during the meeting after the incident, the Teacher again used racially-based language when she sought to explain to the Student, without a parent or representative present, the correctness of her comment in the XXXXXXXX by stating that the Student had spoken to her as a “XXXXX” XX X “XXXXXX.” Although the District did not address the comments at the meeting as racially-based, OCR found the Teacher's additional remarks and conduct directed at the Student, who was expected to respect and abide by his Teacher's expectations, constituted an additional incident of harassment that contributed to the racially-charged environment encountered by the Student. Finally, OCR found that the District's failure to appropriately address the matter prolonged media attention and community concern, and therefore, perpetuated the effects of the Teacher's conduct on the Student.

In considering the totality of the above-described circumstances regarding the Teacher's conduct, including her role, the Student's age and maturity, the relationship of the parties, and overall impact that the events had on the Student, OCR determined that the Teacher's conduct was sufficiently severe so as to create a racially hostile environment for the Student.

As stated above, once a recipient under Title VI has notice of a racially hostile environment, the recipient has a legal duty to take reasonable steps to redress it. Thus, if OCR finds that the recipient took responsive action, OCR will evaluate the appropriateness of the responsive action by examining reasonableness, timeliness, and effectiveness. The appropriate response to a racially hostile environment must be tailored to fully redress the specific problems experienced at the institution as a result of the harassment. A recipient must take immediate and appropriate steps to investigate what has occurred and steps reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent the harassment from recurring. The recipient is also responsible for taking steps to remedy the effects of the harassment on any student who was harassed.

OCR determined that while the Student provided the District notice by reporting the incident promptly, the District's response was inadequate in several respects. First, the District failed to conduct an appropriate investigation. During lunch, the District received initial reports concerning the incident from the Student and another student that differed from the Teacher's subsequent account, none of which were documented. The District then responded by holding a meeting between the Student and Teacher, and did not give the Student an opportunity to provide additional information or further respond without the Teacher present. In addition, the District did not interview XXX XXXXXXXXXX XXXXX XXXXXX, or obtain full accounts from the other students, who witnessed the incident. Moreover, at the meeting, the Teacher used racially-based language a second time, in the presence of the two administrators; however, the District also did not document the content of the meeting, nor did it recognize the Teacher's conduct as potentially harassing. OCR also found that the District's inquiries during its investigation of the incident included both the Student's prior behavioral history and his "disrespectful" conduct prior to the Teacher's remark, and did not fully examine the Teacher's conduct and its impact on the Student (or, potentially, other students). OCR further determined that the District did not take any interim measures during its investigation to address the continuing effects of the incident on the Student, or take remedial measures after the District completed its investigation. In fact, the Student was not moved from the Teacher's class until the Student's parent affirmatively removed him, and the District failed to initiate the "weekly check-in" meetings mentioned in the Outcome Letter as the sole individual remedy for the Student.

OCR further found that the District did not inform parents who reported concerns about the Teacher's conduct, in or around XXXXX 2014, of the outcome of the investigation.⁸ OCR found that the parents who contacted the Superintendent about the Teacher's conduct being racially discriminatory, and/or the District's response to the incident, included parents of two students in the Teacher's class, one of whom witnessed the incident. OCR also found that the District did not inform the Student's parent or any other parents of affected students about the District's plan to ensure that students who witnessed the incident would not be assigned to the Teacher during high school.

⁸ The District asserted that the correspondence from these parents were "expressions of outrage" rather than concerns under its Procedure.

In sum, OCR finds that the District did not sufficiently respond to the hostile environment experienced by the Student in terms of investigating the matter, and eliminating and remedying the effects of the hostile environment on the Student and other potentially affected students. Thus, OCR finds that the District had actual notice of racial harassment; the harassment created a racially hostile environment for the Student; and, the District failed to take adequate action to redress that environment.⁹

Conclusion

Based on its investigation, OCR finds that the District did not comply with its obligations under Title VI with regard to the complaint allegation. The District has agreed to take the steps in the enclosed Agreement. OCR will monitor the District's implementation of the Agreement until, when fully implemented, the Agreement addresses all of OCR's Title VI compliance concerns.

With regard to the Agreement, OCR has agreed to modify certain timelines in Items 2 and 19, the completion of which is dependent, in part, on the issuance of this letter. Accordingly, the timeline for completion of Item 2 is March 1, 2016. Additionally, the timeline for completion of the initial needs assessment under Item 19 is May 15, 2016, with the relevant report due to OCR by May 31, 2016.

This letter sets forth OCR's determination in an individual OCR case. The information in this letter is not intended and should not be construed to cover any other issues regarding compliance with Title VI that may exist but are not discussed herein. 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 Complainants may file a private suit in Federal court whether or not OCR finds a violation. Please also 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 Complainants 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. If OCR receives such a request, OCR will

⁹ OCR notes that the District conducted a number of "cultural proficiency" and investigative techniques trainings in summer 2014, and during the course of OCR's investigation. However, the information supplied by the District about its training program did not fully address all of the concerns raised in this investigation under Title VI, including the District's obligations to determine what occurred when one of its students alleges a teacher engaged in harassment; to protect students from further harassment; and, to address the effects of the harassment. In addition, the training did not address the policies and procedures the District uses to address harassment on the basis of race, including allegations that an employee has harassed a student, or information about the change in the middle school policy effective at the beginning of the 2014-2015 school year.

seek to protect all personal information, to the extent provided by law, that, if released, could constitute an unwarranted invasion of privacy.

We wish to thank you, District Counsel and your staff for your cooperation with OCR in this matter. If you have any questions concerning this letter, please contact Senior Civil Rights Attorney LouAnn Pearthree at (617) 289-0138 or by email at LouAnn.Pearthree@ed.gov; or Civil Rights Investigator Diana Otto at (617) 289-0073 or by email at Diana.Otto@ed.gov. You may also contact Team Leader/Civil Rights Attorney Allen Kropp at (617) 289-0120.

Sincerely,

/s/
Diane M. Henson
Regional Director

Enclosures

cc: Michael J. Joyce, Esq.