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# Office for Civil Rights Discrimination Complaint Form: Submission #739875

## 1. Enter information about yourself

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Best Time to Call You: Evening

Primary Phone Number:

Alternative Phone Number: {Empty}

Your Email Address:

## 2. Who else can we call if we cannot reach you?

Contact's Name:

Daytime Phone Number:

Relationship to you: Soouse

## 3. Who was discriminated against?

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Yourself or Someone else Someone else?

If someone other than yourself please include:

Injured Person's Name: (b)(6); (b)(7)(A); (b)(7)(C)

Daytime Phone Number: {Empty}

Evening Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Relationship to You  
(eg. son or daughter) Daughter

Injured Person's Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A)

State: (b)(6); (b)(7)(A); (b)(7)(C)

Zip Code: (b)(6); (b)(7)(A)

#### 4. What institution discriminated?

Institution Name: (b)(6); (b)(7)(A); (b)(7)(C)

Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A)

State: (b)(6); (b)(7)(A); (b)(7)(C)

Zip Code: (b)(6); (b)(7)(A)

School or department involved: (b)(6); (b)(7)(A); (b)(7)(C)

#### 5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint? No

## 6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? race or color

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: In (b)(6); (b)(7)(A); (b)(7)(C) we applied for an (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(C) for our daughter. The basis of our request was elevated amounts of racial and antisemitic tensions occurring in our daughter's (b)(6); (b)(7)(A); (b)(7)(C) school. On (b)(6); (b)(7)(A); (b)(7)(C) we had an in person interview at (b)(6); (b)(7)(A); (b)(7)(C) to which we were requesting the (b)(6); (b)(7)(A); (b)(7)(C) In attendance was the principal, (b)(6); (b)(7)(A); (b)(7)(C) as well as the principal from the school (b)(6); (b)(7)(A); (b)(7)(C) In the is meeting (b)(6); (b)(7)(A); (b)(7)(C) explained that he was not in favor of (b)(6); (b)(7)(A); (b)(7)(C) because our daughter hadn't experienced enough personal attacks against her, but rather she saw things posted on social media. He didn't find these to be enough of a hardship to warrant (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) He further reported that he didn't want to

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) We expressed the notion that she should not be viewed as someone (b)(6); (b)(7)(A); (b)(7)(C) but to be viewed as an individual who deserved careful consideration. Later in our conversation, (b)(6); (b)(7)(A); (b)(7)(C) from (b)(6); (b)(7)(A); (b)(7)(C) commented that if a request such as ours was in reverse, a (b)(6); (b)(7)(A); (b)(7)(C) student wanting to (b)(6); (b)(7)(A); (b)(7)(C) that such a request wouldn't be allowed. The meeting ended with them asking (b)(6); (b)(7)(A); (b)(7)(C) to (b)(6); (b)(7)(A); (b)(7)(C) to which she complied. We had a conversation after that (b)(6); (b)(7)(A); (b)(7)(C) and expressed her further asking to (b)(6); (b)(7)(A); (b)(7)(C) Ultimately our request was denied, for the above mentioned reasons.

Do you have written information that you think will help us understand your complaint?

yes or no Yes

## 7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged

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discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

## When did the last act of discrimination occur?

Enter the date:  - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

## Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no No

Reason for not filing complaint before 180 days: {Empty}

## 8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? We'd want her to be

## 9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation: No



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

26 FEDERAL PLAZA, SUITE 31 – 100  
NEW YORK, NEW YORK 10278

REGION 2

NEW JERSEY  
NEW YORK  
PUERTO RICO  
U.S. VIRGIN ISLANDS

July 2, 2024

Sent via email only to: ekurtz@lrhsd.org

Carol L. Birnbohm  
Superintendent  
Lenape Regional High School District  
93 Willow Grove Road  
Shamong, New Jersey 08088

Re: Case Number 02-24-1353 – Lenape Regional High School District

Dear Superintendent Birnbohm:

On March 29, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint filed against the Lenape Regional High School District (the District). The Complainant alleged that the District discriminated against his son (Student 1) on the bases of (a) race (Black) and/or (b) national origin (b)(6); (b)(7)(A); (b)(7)(C) by failing to respond effectively to incidents of racial and antisemitic harassment of Student 1 at (b)(6); (b)(7)(A); (b)(7)(C) (School 1) by other District students during school year (b)(6); (b)(7)(A); (b)(7)(C) (Allegation 1). The Complainant also alleged that the District discriminated against his daughter (Student 2) on the bases of (a) race (b)(6); (b)(7)(A); (b)(7)(C) and/or (b) national origin (b)(6); (b)(7)(A); (b)(7)(C) by denying the Complainant’s request that the District allow Student 2 to (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) (School 2) for school year (b)(6); (b)(7)(A); (b)(7)(C) (Allegation 2).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin (including shared ancestry) in programs and activities receiving federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the District is subject to Title VI and its implementing regulations.

OCR will investigate the following issues: (1) whether the District responded in a manner consistent with the requirements of Title VI to alleged harassment of Student 1 by other students based on race and national origin (including (b)(6); (b)(7)(A); (b)(7)(C)); and (2) whether the District subjected Student 2 to disparate treatment based on race and/or national origin (including (b)(6); (b)(7)(A); (b)(7)(C)) in violation of Title VI and its implementing regulations.

Please understand that opening the allegations for investigation under Title VI does not mean that OCR has made a decision about the merits. During the investigation, OCR is neutral; OCR will collect and analyze the relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient as required by OCR’s Case Processing Manual (July 18, 2022) (CPM). You may find additional information in

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

OCR's Complaint Processing Procedures. Individuals may have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR may close this case prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the CPM. For example, under Section 201(b) of OCR's CPM, if both parties are interested and OCR determines that the individual allegations are appropriate for mediation, the parties may voluntarily resolve these complaint allegations through mediation that OCR will facilitate. Note that in such a case, OCR does not monitor or enforce the agreement reached between the parties. Please inform OCR if you are interested in resolving this complaint through mediation.

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint and OCR determines that it is appropriate to resolve it because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations.

To reach an efficient and timely resolution, OCR is providing an opportunity for the District to present its response to the complaint's allegation and to submit supporting documentation. Within 20 days of the date of this letter, please provide to OCR the information listed in the attached data request. The regulations implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), require that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulations implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. OCR will take all proper precautions to protect the identity of any individuals named in the documents.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the District with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Joy Purcell, Senior Compliance Team Attorney, at (646) 428-3766 or joy.purcell@ed.gov; Sonia Hanson, Compliance Team Attorney, at (202) 708-8042 or sonia.hanson@ed.gov; or me, at (646) 428-3806 or felice.bowen@ed.gov.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

Félice A. Bowen  
Compliance Team Leader

Attachment

