
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?

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

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) (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

Data Request

OCR Case Number 02-24-1353

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

Student 1: (b)(6); (b)(7)(A);

Student 2: (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) (School 1)

OCR requests that this information reach our office within **20 days from the date of the attached letter, which is July 22, 2024**. If any of the required items are available to the public on the Internet, you may provide the website address. While OCR prefers electronic submissions, you may send documents by any of the following means:

SharePoint: OCR may create an external sharing site through a browser-based portal in which the requested documents and information may be uploaded. Please contact Joy Purcell or Sonia Hanson, to receive online portal information to upload data.

Email: joy.purcell@ed.gov; sonia.hanson@ed.gov

Fax: (646) 428-3843

Please do **not** provide the information via an electronic cloud format such as Google Docs.

Because email is not reliably secure, please do not email any document that contains personally identifiable or private information without first encrypting this information. You may upload this information using the SharePoint option described above.

Please do not include Social Security numbers in your responses. If any responsive documents or data contain Social Security numbers, please redact them before sending OCR the information.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the allegation under investigation. To ensure that OCR can assess the District's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that District employees preserve the data and documents requested below for the time frame specified in these requests and going forward until OCR closes this case. Please also ensure that the District's employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case. 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 pertinent to reach a compliance determination.

Response Due: July 22, 2024

Please provide the following information for school year (b)(6); (b)(7)(A); unless otherwise indicated, or indicate in writing if any of the requested items do not exist:

1. Provide a narrative response to the issue(s) OCR is investigating and a copy of any documents or data relied upon in the narrative or supporting the facts stated in the narrative.
2. State whether the issues have been or are currently under investigation by the District, or with another agency or court. If so, please provide the status of any investigation, any related complaint, and any determinations made by the District, the agency, or the court, including interim determinations.
3. Copies of the District's and/or School's policies and procedures, and/or a description of the District's and/or School's practices, governing the investigation of complaints or incidents of harassment or other discrimination on the bases of race and national origin, including shared ancestry. Provide a detailed description of the complaint process, including each level of the process, the length of the process, and the types of records maintained. Also provide the name(s) and job title(s) of the District staff responsible for handling complaints of discrimination, including harassment, on the bases of race and national origin, including shared ancestry, at each level of the process.
4. Explain how the District informs students and employees of the policies and procedures referred to in Item 3 above. Submit copies of all materials disseminated and websites that contain this information.
5. Copies of the District's policies and procedures, and/or a description of the District's practices, governing:
 - a. disciplinary or corrective actions that may be taken to address harassment and/or discrimination against students, employees, and other individuals on the bases of race and/or national origin, including shared ancestry; and
 - b. the provision of supports and remedies to students, employees, and other individuals found to have been discriminated against/harassed on the bases of race and/or national origin, including shared ancestry.
6. Copies and/or descriptions of all formal and informal reports and complaints, including records of oral reports and complaints of alleged discrimination, including harassment, based on race, color, and national origin, including shared ancestry, filed by or on behalf of students at the School 1, during school year (b)(6); (b)(7)(A); For each report/complaint/incident, please provide:
 - a. the name(s) and job title(s) of the person(s) to whom the report/complaint was made, and the date the report/complaint was made;
 - b. the name and relation to the District of the person making the report/complaint (e.g., student, staff member, parent/guardian, counsel, member of the public, etc.);

- c. a detailed description of the report/complaint, including the name(s) of the alleged target(s) of discrimination/harassment and the alleged discriminators/harassers if not evident from the copy of the report/complaint;
 - d. a detailed description of the grievance procedures or other complaint processing procedures employed to resolve the report/complaint;
 - e. the length of the investigation and complaint resolution process;
 - f. the name, race, national origin, shared ancestry, and/or ethnicity of each student, employee, or other individual involved in the alleged incident(s) of discrimination/harassment;
 - g. the name(s) and relation to the District of any individual(s) who witnessed the alleged incident(s), including any District students, employees, or others;
 - h. the name(s) and relationship to the District of any witnesses the District interviewed;
 - i. the name(s) and job title(s) of the individual(s) involved in the District's response to, investigation of, and resolution of the report/complaint;
 - j. all actions the District has taken in response to the report/complaint/concerns raised, including corrective action taken, disciplinary sanctions imposed, and supportive services and remedies offered and/or provided to individuals (e.g., counseling, safety measures), and/or other individual and/or District-wide/school-wide remedies;
 - k. the final outcome of any investigation of the report/complaint, including copies of any incident/investigative reports, final determination, and appeals;
 - l. any notice of the investigative findings provided to the complainant and/or other notice regarding the report/complaint, including notice of any outcomes on appeal;
 - m. if the District did not investigate any particular report/complaint, the reason(s) for not investigating, and the name(s) and job title(s) of the person(s) who made the decision; and
 - n. the complete case file for the report/complaint identified, including internal emails or other correspondence, internal and external memoranda, incident/investigative reports, video and audio recordings, witness statements, logs, forms, interview notes, notes regarding remedies provided, hearing transcripts, meeting minutes, and notes generated.
7. State whether the District conducts focus groups, other meetings, or trainings, and/or holds informational sessions with students and/or staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the District's obligation to respond to Title VI complaints. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
 8. A detailed description of any training regarding discrimination, including harassment based on race, color, and/or national origin—including shared ancestry—that the District provided to staff responsible for responding to such complaints. For each such training, provide the date(s) it was delivered, a description of the training, a list of the names and job titles of the individuals who attended the training, and copies of any materials distributed during the training.
 9. A copy of the District's policies and procedures, or a description of its practice regarding students' (b)(6); (b)(7)(A); (b)(7)(C)
(b)(6); (b)(7)(A); (b)(7)(C) Include a detailed description of the process, including a statement

of all criteria the District considers, and copies of all forms used in the process. Also, identify the name(s) and job title(s) of District staff responsible for responding to requests for (b)(6); (b)(7)(A); (b)(7)(C)

10. A list of students, including Student 2 (if applicable), for whom a parent, guardian, and/or other individual requested that the District approve (b)(6); (b)(7)(A); (b)(7)(C) for school years (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C). For each student, state:
 - a. the student's name;
 - b. the date(s) of the request(s);
 - c. a copy(ies) of the request(s), or a description(s) of the request(s);
 - d. the name(s) and job title(s) of the individual(s) who received the request(s);
 - e. (b)(6); (b)(7)(A); (b)(7)(C)
 - f.
 - g. whether the District granted the request;
 - h. the reason(s) for the determination, including reference(s) to any applicable policy(ies), procedure(s), and/or practice(s);
 - i. the name(s) and job title(s) of the individual(s) responsible for making the determination regarding the request(s);
 - j. student's race/color and national origin/ethnicity; and
 - k. copies of all documents related to the request(s), including reports or complaints submitted to the District on the student's behalf; email correspondence between the requestor and District staff and among District staff; internal and external memoranda; and decisions, reports, logs, forms, and any meeting minutes related to the requestor's request(s).

11. The name, job title, address, telephone number, fax number and email address of the District's contact person for this complaint.

12. Any other information the District believes will assist OCR.