
Office for Civil Rights Discrimination Complaint Form: Submission #741448

1. Enter information about yourself

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Best Time to Call You: Day

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: SElf

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);

Daytime Phone Number: (b)(6); (b)(7)(A);

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

Relationship to You
(eg. son or daughter) son

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

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

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

Zip Code: (b)(6);

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: New Jersey

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? national origin

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: My child has Multiple disabilities-IEP

Child bullied based on Religion (b)(6); (b)(7)(A); (b)(7)(C)

District didn't discipline child

Found to be HIB incident (b)(6); (b)(7)(A); (b)(7)(C) is the HIB district Coordinator

(b)(6); (b)(7)(A); (b)(7)(C) student never disciplined based on after HIB incident

Child continued to bully my son thereafter

I have (b)(6); (b)(7)(A); (b)(7)(C) the bully

District won't approve

I believe this is part of a pattern of discrimination against (b)(6); (b)(7)(A); (b)(7)(C) Children in Montclair

I am desperate to have my son (b)(6); (b)(7)(A); (b)(7)(C) his bully so that way he no longer has to face a hostile environment in school

On (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) and then in (b)(6); (b)(7)(A); (b)(7)(C) a teacher told my son that we are celebrating AAPI month, and my son came home to tell me that I was wrong that we don't celebrate (b)(6); (b)(7)(A); (b)(7)(C) my son was bullied against his religion for being (b)(6); (b)(7)(A); (b)(7)(C) by another little boy. My son is a (b)(6); (b)(7)(A); (b)(7)(C) at (b)(6); (b)(7)(A); (b)(7)(C) on (b)(6); (b)(7)(A); (b)(7)(C) the other little boy told my son " (b)(6); (b)(7)(A); (b)(7)(C) my son reported it to the (b)(6); (b)(7)(A); (b)(7)(C) in turn reported it to teachers, the teacher told my son to tell the little boy to never do it again, I think that was highly inappropriate and unacceptable. There were (b)(6); (b)(7)(A); (b)(7)(C) teachers in the classroom and they couldn't tell the other boy not to do it again. The next day the boy did it again" Said to my son " (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) " No one did anything, not the principal, not the (b)(6); (b)(7)(A); (b)(7)(C) or the teachers. My son came home telling me he hated his religion and then the next week it was done again speaking about the (b)(6); (b)(7)(A); (b)(7)(C) My son was (b)(6); (b)(7)(A); (b)(7)(C) No one at this school has his back or supported him. They think restorative justice is the answer. 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: Wed, (b)(6); (b)(7)(A); - 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? Investigate the school. (b)(6); (b)(7)(A); (b)(7)(C) and the Montclair district.

Restorative Justice is not the answer. My son was bullied (b)(6); and there was no disciplinary action taken

I would like my son to be (b)(6); (b)(7)(A); (b)(7)(C) as I have stated above

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

I am interested in participating in early mediation: Yes



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 ISLAND

November 7, 2024

Sent by email only to (b)(6); (b)(7)(A); (b)(7)(C)

Damen Cooper
Interim Superintendent
22 Valley Road
Montclair, New Jersey 07042

Re: Case Number 02-25-1086 – Montclair Public Schools

Dear Interim Superintendent Cooper:

On May 28, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint filed against Montclair Public Schools (the District). The complaint alleged that the District discriminated against the Complainant's son (the Student) on the basis of national origin (b)(6); (b)(7)(A); (b)(7)(C) by failing to respond effectively to (b)(6); reports in (b)(6); (b)(7)(A); about another student making derogatory comments about (b)(6); at the District's (b)(6); (b)(7)(A); (b)(7)(C) (the School) on (b)(6); (b)(7)(A); and (b); (b)(6); (Allegation 1). The complaint also alleged that the District discriminated against the Student on the basis of disability by failing to reconvene the individualized education plan (IEP) team following the Complainant's requests on (b)(6); and (b)(6); (b)(7)(A); (Allegation 2). OCR assigned this complaint Case Number 02-24-1441, which is now closed because the parties' attempt to mediate the allegations under Section 201(a) of OCR's Case Processing Manual (CPM) (July 18, 2022) did not resolve the complaint. Consistent with Section 201(a) of OCR's CPM, OCR is opening Allegations 1 and 2 for investigation under the new Case Number 02-25-1086. Please refer to this new number in all correspondence with OCR regarding this investigation.

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 bases of race, color, and national origin (including shared ancestry) in programs and activities receiving federal financial assistance from the Department. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities receiving federal financial assistance. In addition, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. As public entity that receives federal financial assistance from the Department, the District must comply with Title VI, Section 504 and Title II and its implementing regulations.

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

www.ed.gov

OCR is opening for investigation the following issue: (1) whether the District responded in a manner consistent with the requirements of Title VI to alleged harassment of the Student by other School students based on national origin (including (b)(6); (b)(7)(A); (b)(7)(C)); and (2) whether the District's actions with respect to the Complainant's requests for IEP team meetings were consistent with the requirements of Section 504, Title II, and their implementing regulations.

Please understand that opening these issues for investigation under Title VI, Section 504, and Title II 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 CPM. You may find additional information in OCR's Complaint Processing Procedures. Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

To reach an efficient and timely resolution of this matter, 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.

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.

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. 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 of this matter, OCR is providing an opportunity for the District to present its response to the Complainant's allegations 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 regulation implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), requires 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. This requirement is incorporated by reference in the regulations implementing Section 504, at 34 C.F.R. § 104.61. Under Title II, at 28 C.F.R. § 35.171(a)(3), OCR uses its Section 504 procedures to investigate Title II complaints. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation 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 Yolanda Garcia, Compliance Team Attorney, at (202) 987-1233 or yolanda.garcia@ed.gov; or David Krieger, Senior Compliance Team Attorney at (646) 428-3893 or david.krieger@ed.gov.

Sincerely,

(b)(6)

Eboné Luciano
Compliance Team Leader

Attachment

cc: Ameenah Douglas-Collins (via email only (b)(6); (b)(7)(A); (b)(7)(C))

Data Request

Case Number 02-25-1086

Montclair Public Schools (the District)

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

(b)(6); (b)(7)(A); (the Complainant)

(b)(6); (b)(7)(A); (the Student)

OCR requests that this information reach our office within **20 days from the date of the attached letter, which is November 27, 2024**. If any of the required items are available to the public on the Internet, you may provide the website address. 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 Yolanda Garcia and David Krieger to receive online portal information to upload data.

Email: Yolanda.Garcia@ed.gov; and David.Krieger@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 District 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. This requirement is incorporated by reference in the regulations implementing Section 504, at 34 C.F.R. § 104.61. Under Title II, at 28 C.F.R. § 35.171(a)(3), OCR uses its Section 504 procedures to investigate Title II complaints.

Response Due: November 27, 2024

Please provide the following information for school year (b)(6);, unless otherwise indicated, or indicate in writing if any of the requested items do not exist. If the District has already provided any of the information in response to a request made in another OCR investigation, please state what information has been provided, the relevant OCR case number, and the date of submission:

1. Provide a narrative response to the issues 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. Indicate if the issues raised in Case Number 02-25-1086 are pending elsewhere. If so, please provide a copy of the complaint filed and indicate its status. If it is not possible to provide a copy of the complaint, please state the allegations raised in the other complaint and the forum in which the complaint was filed (e.g., another federal, state, or local civil rights enforcement agency, through the School's internal grievance procedures, or in state or federal court).
3. Copies of the District's policies and procedures, and/or a description of the District's practices, governing the investigation of complaints or incidents of harassment of and other discrimination against students on the basis of national origin/ethnicity, 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 District staff responsible for handling complaints of discrimination, including harassment, on the basis of national origin/ethnicity, including shared ancestry, at each level of the process.
4. Explain how the District informs students and employees of the policies and procedures set forth in Item 3 above. Submit copies of all materials disseminated or links to the School's website. Also provide the name(s) and job title(s) of the individuals responsible for implementing the policies and procedures.
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 of and other discrimination against students on the basis of national origin/ethnicity, 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 basis of national origin/ethnicity, 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 shared (b)(6); (b)(7)(A); received during school years (b)(6); (b)(7)(A); and (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, faculty members, parent/guardian, counsel, member of the public);
 - 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, national origin, 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 interviewed by the District;
 - i. the name(s) and job title(s) of the individual(s) involved in the 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, supportive services and remedies offered and/or provided to individuals (e.g., counseling, safety measures), and/or individual and/or District -wide remedies;
 - k. the final outcome of any investigation of the report/complaint, including copies of any incident/investigative reports, final determination, and any appeals;
 - l. 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;
 - m. 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; 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 has conducted 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 since school year (b)(6); (b)(7)(A). 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 national origin, including shared ancestry, that the District provided to District staff responsible for responding to such complaints since school year (b)(6); (b)(7)(A). 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. State whether the District and/or School received any requests from the Complainant to conduct any evaluation of the Student during school year (b)(6); (b)(7)(A); If so, indicate the date of the request, identify the individual to whom each request was made by name(s) and title(s), and state whether the District conducted the requested evaluation(s). If not, explain why. Provide copies of all related documentation, including the Complainant's request(s), correspondence between the Complainant and District and within the District about the Complainant's request, and the evaluation(s) conducted.

10. If the District and/or School did not receive any requests from the Complainant to conduct any evaluations of the Student during school year (b)(6); (b)(7)(A); and the School nevertheless conducted any evaluation(s) of the Student, identify the evaluation conducted, the date the evaluation was conducted, and explain why the evaluation was conducted. Provide copies of all related documentation including correspondence with between the Complainant and District and within the District about the evaluation(s), and the evaluation(s).

11. The name, job title, address, telephone number, fax number and email address of the District's designated contact person for this complaint and indicate whether that person is handling any other complaints with OCR pertaining to Title VI harassment.

12. Any other information the District believes will assist OCR in this investigation.