
Office for Civil Rights Discrimination Complaint Form: Submission #736461

1. Enter information about yourself

First Name: (b)(6); (b)(7)(A)

Last Name: (b)(6); (b)(7)(A)

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); (b)(7)(A)

Best Time to Call You: (b)(6); (b)(7)(A)

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

Alternative Phone Number: {Empty}

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

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

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

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

Relationship to you: (b)(6); (b)(7)(A); (b)(7)(C)

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: {Empty}

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);

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

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);
(b)(7)(C)

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

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

School or department involved: Butler 53 school District

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, national origin, age

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information:

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

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

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:

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?

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
230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

February 5, 2024

Dr. Paul O'Malley
Superintendent
Butler School District 53

Sent via email only to: superintendent@butler53.com

Re: OCR Docket #05-24-1151

Dear Dr. O'Malley:

On November 20, 2023, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against Butler School District 53 (District), alleging that the District discriminated against a student at (b)(6); (b)(7)(A); (b)(7)(C) on the basis of race and national origin (b)(6); (b)(7)(A); (b)(7)(C) when it disciplined him during the (b)(6); (b)(7)(A); (b)(7)(C) school year.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d – 2000d-7, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin, including shared ancestry, by recipients of federal financial assistance from the Department. As a recipient of federal financial assistance, the District is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR will investigate the following legal issue:

- Whether the District treated the student differently with respect to discipline than other students based on his race or national origin (b)(6); (b)(7)(A); (b)(7)(C) in violation of Title VI.

Please understand that opening an investigation does not mean that OCR has made a decision about the complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the complaint.

OCR offers, when appropriate, a mediation process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the mediation process is in the enclosure to this letter.

When appropriate, a complaint may be resolved before the conclusion of an investigation after a recipient expresses an interest in resolving the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must address all of the allegations that OCR determines are appropriate to resolve before the conclusion of an investigation. Information about this kind of resolution is in the enclosure to this letter.

Please read the enclosed document entitled “OCR Complaint Processing Procedures,” which includes information about:

- OCR’s complaint processing procedures;
- Regulatory prohibitions against retaliation and intimidation of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI of the Civil Rights Act of 1964, 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 pertinent to a compliance determination. 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 may request supplemental data and documents that are relevant to the allegation(s) under investigation. To ensure that OCR can assess the recipient’s compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for any timeframe specified in these requests and going forward until OCR closes this case. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

Accordingly, OCR is requesting that you provide the following information to us within twenty-one (21) calendar days. Wherever possible, please provide the requested information in native electronic format. If responsive data are available through the internet, please provide the link to the data. Please do not provide OCR documentation or electronic information containing social security numbers (SSN); if SSN appear on a document or file that is otherwise responsive to OCR’s request, please redact the SSN before producing to OCR. Further, it would be helpful if the pages in your response are numbered.

1. The name, title, and contact information for District staff responsible for ensuring the District’s compliance with Title VI during the (b)(6); (b)(7)(A) and (b)(6); (b)(7)(A) school years, including staff responsible for responding to complaints or reports alleging actions prohibited by Title VI.

2. A copy of the District's notice of nondiscrimination. In addition, provide all existing internet links to any notice or policies of nondiscrimination referenced in response to this item. Please also provide an explanation of where and how such notices and policies are otherwise publicized or disseminated to students, faculty, staff, administrators, and others.
3. A copy of the District's policies prohibiting discrimination and/or harassment based on race or national origin (including shared ancestry) in effect for the (b)(6); (b)(7)(A); and (b)(6); (b)(6); school years. State how the District makes these policies available to District students, parents/guardians, staff, and others, including where such policies are published, if applicable.
4. If not included in response to item 3 above, a copy of the District's grievance procedure(s) for handling complaints of discrimination and/or harassment based on race or national origin (including shared ancestry) in effect for the (b)(6); (b)(7)(A); and the (b)(6); (b)(6); school years. State how the District makes the procedure(s) available to students, parents/guardians, staff, and others, including where such policies are published, if applicable.
5. A list of all training and/or professional development offered to District staff during the (b)(6); (b)(7)(A); and (b)(6); school years regarding the District's policies related to discrimination and/or harassment based on race or national origin (including shared ancestry), including a description of the topics covered during the training(s) and the date of the training(s).
6. A copy of the District's Discipline Policy (Policy) or Student Code of Conduct at the School in effect for the (b)(6); (b)(7)(A); school year, and disciplinary consequences resulting from a violation of the Policy or Student Code of Conduct; the names and titles of the staff at the School responsible for disciplining students; a description of how parents/students and staff are informed of the Policy and Student Code of Conduct; copies of all policies, procedures, and criteria used by District staff in determining disciplinary referrals and disciplinary sanctions, including a ranking of the level of Code of Conduct violations and corresponding sanctions that may be administered for such violations.
7. (b)(6); (b)(7)(A); (b)(7)(C) enrollment data by grade level, disaggregated by race and national origin.
8. A copy of the student's (b)(6); (b)(7)(A); (b)(7)(C) complete, unredacted records for the (b)(6); (b)(6); school year, including academic records, disciplinary records, investigative notes and/or summaries, witness statements, investigative dispositions, internal correspondence between District staff about the student, and correspondence of any kind between the student, the student's parents/guardians/representatives and District staff, including, but not limited to text messages, emails, and records of phone contact.

9. A list of all other District students who, during the (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A); school years, were disciplined for engaging in the same or similar conduct as that for which the student was disciplined during the (b)(6); school year, the race and national origin of each student, and the discipline given for each student's conduct. Please also include disciplinary records pertaining to the discipline given for each student, such as copies of the referrals, interview/investigation notes, parental notification letters, and other relevant documents.
10. A list of all other District students who, during the (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A); school years, engaged in the same or similar conduct as that for which the student was disciplined during the (b)(6); (b)(7)(A); school year, but who were not disciplined. State the race and national origin of each student and the reason(s) discipline was not given. Please also include incident reports and/or disciplinary referrals pertaining to each student identified in response to this request, including copies of the referrals, interview/investigation notes, parental notification letters, and other relevant documents.
11. For the (b)(6); (b)(7)(A); and (b)(6); (b)(7)(A); school years, a copy of all written complaints and a detailed description of all verbal complaints or reports of race or national origin (including shared ancestry) discrimination or harassment the District received on behalf of students. For each complaint/report, provide:
 - a. description of the steps taken by the District to investigate the complaint/report, including any measures the District took during the pendency of the investigation;
 - b. the District's final determination regarding the complaint/report;
 - c. a description of any steps the District took designed to remedy the discrimination or harassment and prevent its recurrence;
 - d. a copy of any written materials relating to the complaint/report, including but not limited to letters, notes, e-mails, logs, witness statements, incident reports, and discipline records;
 - e. the timeline for completion of the investigation; and
 - f. the name(s) and title(s) of District staff involved in the investigation.
12. The District's written response to the issue opened for investigation, and any additional information the District would like OCR to consider.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview relevant personnel. If an on-site visit is necessary, we will work to schedule a mutually convenient time for the visit.

Please notify OCR of the name, email address, and telephone number of the person who will serve as the District's contact person during the processing of this complaint. We would like to talk with this person as soon as possible to discuss the processing of this complaint.

OCR is committed to prompt and effective service. If you have questions about this letter, you may contact Lara Vaive, OCR Attorney, at 312-730-1612 or by email at Lara.Vaive@ed.gov.

Sincerely,

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

for Melissa Howard
Supervisory Attorney

Enclosure