
Office for Civil Rights Discrimination Complaint Form: Submission #738732

1. Enter information about yourself

First Name: (b)(6);

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

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

City: (b)(6);

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

Zip Code: (b)(6);

Best Time to Call You: Day

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: spouse

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

Evening Phone Number: {Empty}

Relationship to You

(eg. son or daughter) daughter

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

City: (b)(6); ...

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

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

4. What institution discriminated?

Institution Name: Montclair Public Schools

Address: 36 Cedar Ave.

City: Montclair

State: New Jersey

Zip Code: 07042

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? Yes

Agency Name: Montclair Public Schools

Date Filed

(MM/DD/YYYY): (b)(6); (b)(7)(A); (b)(7)(C) 00:00

If yes, what is the current status of the complaint? HIB 338 form filed. No update was provided to the parent on the status of this process since filing.

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

Individuals who discriminated: (b)(6); (b)(7)(A); students"

What happened: (b)(6); report to Mom and Dad at home: (At (b)(6); (b)(7)(A); I was playing "(b)(6);", which is a game from Bluey. There was a group of (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); and they did it (b)(6); (b)(7)(A); I walked back and played with my friends. The grown-ups were far away. The (b)(6); teacher, the (b)(6); (b)(7)(A); teacher, and (b)(6); were all at (b)(6); (b)(7)(A); Parent has a (b)(6); (b)(7)(A); of (b)(6); describing her initial report.

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

I received email confirmation that the (b)(6); administration was in receipt of the (b)(6); (b)(7)(A); I submitted on this matter.

Week of (b)(6); (b)(7)(A);

(b)(6); reports to Mom and Dad that she met with (b)(6); and (b)(6); (b)(7)(A);. Since this meeting, (b)(6); has changed her story. She now reports that the people chanting were at a house adjacent to the school, and were not on school property. If this is so, shouldn't a (b)(6); (b)(7)(A); (b)(7)(C) right away? I was not present when (b)(6); was interviewed by school staff, nor have I seen notes from the meeting. Parents believe there is an effort on the part of the school to bury this report and absolve themselves of any obligations.

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: Mon, 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? Educational content on antisemitism and "the normalization of Jewish culture" needs to be provided to administration, staff, parents, and students. Request a public apology from administrators for creating a pervasive culture of antisemitism that led to this unfortunate incident.

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

April 22, 2024

Sent by email only to: jponds@montclair.k12.nj.us

Dr. Jonathan C. Ponds
Superintendent
Montclair Public Schools
22 Valley Road
Montclair, New Jersey 07042

Re: Case Number 02-24-1284 - Montclair Public Schools

Dear Dr. Ponds:

On February 22, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint filed against the Montclair Public Schools (the District). The complaint alleged that the District discriminated against her daughter (the Student) and other students on the basis of national origin (shared Jewish ancestry) by failing to respond to an incident of harassment at the (b)(6); (b)(7)(A); (the School) on (b)(6); (b)(7)(A);

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 issue: whether the District responded in a manner consistent with the requirements of Title VI to alleged harassment of students based on national origin (shared Jewish ancestry).

Please understand that opening an 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 \(CPM\) \(July 18, 2022\)](#). 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.

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

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

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 University to present its response to the Complainant'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 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. 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 Jonathon LeBeau, Compliance Team Investigator, at (646) 428-3790 or jonathon.lebeau@ed.gov; or Yolanda Garcia, Compliance Team Attorney, at (202) 987-1233 or yolanda.garcia@ed.gov.

Sincerely,

(b)(6)

Eboné Luciano
Compliance Team Leader

Attachment

Data Request

Case Number 02-24-1284

Montclair Public Schools (the District)

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

OCR requests that this information reach our office within **20 days from the date of the attached letter, which is May 13, 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 Jonathon LeBeau or Yolanda Garcia to receive online portal information to upload data.

Email: Jonathon.Lebeau@ed.gov or Yolanda.Garcia@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 timeframe 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 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 pertinent to reach a compliance determination.

RESPONSE DUE: May 13, 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 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 issue has been or is 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 the School's policies and procedures, and/or a description of the District's and/or the School's practices, governing the investigation of complaints or incidents of harassment of and other discrimination against students on the basis of 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 District and/or School staff responsible for handling complaints of discrimination, including harassment, on the basis of national origin, including shared ancestry, at each level of the process.
4. Explain how the University 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 University'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 and/or the School's policies and procedures, and/or a description of the District's and/or the School'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, 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, including shared ancestry.
6. Copies and/or descriptions of all formal and informal oral and written reports and complaints of harassment and other discrimination based on national origin, including shared ancestry, at the School. 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/School 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/School-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 and/or School 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 School conducts focus groups, other meetings, or trainings, and/or holds informational sessions with School 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 national origin, including shared ancestry, that the District provided to District staff responsible for responding to such complaints at the School. 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. The name, job title, address, telephone number, fax number and email address of the District's contact person for this complaint.
 10. Any other information the District believes will assist OCR in this investigation.