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# 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?

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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: (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

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## 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

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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](mailto: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](mailto:jonathon.lebeau@ed.gov); or Yolanda Garcia, Compliance Team Attorney, at (202) 987-1233 or [yolanda.garcia@ed.gov](mailto:yolanda.garcia@ed.gov).

Sincerely,

(b)(6)

Eboné Luciano  
Compliance Team Leader

Attachment

