

ID: 305952-CFF **OPEN**

RECEIVED: 9:43 p.m. June 14, 2023 

LAST UPDATED: 11:38 p.m. June 19, 2023

Correspondent information

Name

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

Email

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

Phone

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

Address

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

Reported Complaint

What is your primary reason for contacting the Civil Rights Division?

Discrimination at a school, educational program or service, or related to receiving education

None

Did this happen at a public or a private school, educational program or activity?

School type: Public

Organization name

Newark Board of Education, (b)(6); (b)(7)(A); (b)(7)(C)

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

Where did this happen?

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

Do you believe any of these personal characteristics influenced why you were treated this way?

Race/color

Are you now or have ever been an active duty service member?

No

When did this happen?

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

Personal description

-I was employed by the Newark Board of Education as an (b)(6); (b)(7)(A); (b)(7)(C) teacher in (b)(6); (b)(7)(A); (b)(7)(C) to work at the (b)(6); (b)(7)(A); (b)(7)(C). Additionally, in (b)(6); (b)(7)(A); (b)(7)(C) an (b)(6); (b)(7)(A); (b)(7)(C) asked me to be the (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) because there had been previous incidents of racial discrimination and Islamophobia that were reported but were not resolved.

-In Oct (b)(6); (b)(7)(A); (b)(7)(C) an (b)(6); (b)(7)(A); (b)(7)(C) grade student was called a (b)(6); (b)(7)(A); (b)(7)(C) in my colleague's, (b)(6); (b)(7)(A); (b)(7)(C) class. It was reported to the leadership team, and they refused to address the issue initially. (b)(6); (b)(7)(A); (b)(7)(C) and I had to inform the parent, (b)(6); (b)(7)(A); (b)(7)(C) what happened. After the leadership team agreed to meet with us, the principal refused to rectify the situation, so the parent contacted Superintendent Leon.

-On (b)(6); (b)(7)(A); (b)(7)(C) the (b)(6); (b)(7)(A); (b)(7)(C) parents, my colleagues and I went to a board meeting. The students who have been impacted by incidents spoke out about the racial discrimination and Islamophobia at (b)(6); (b)(7)(A); (b)(7)(C). Superintendent ran out into the hallway and told us that he would fix the problem. Chief of Staff, Havier Nazario mentioned that I should've handled the problem in house. He is friends with (b)(6); (b)(7)(A); (b)(7)(C) and the superintendent. The superintendent did nothing but come to the school and ask the students if they wanted a basketball team.

-In (b)(6); (b)(7)(A); (b)(7)(C) the (b)(6); (b)(7)(A); (b)(7)(C) had a meeting with members from the Board. They told us they were going to give the Principal 30 days to make a change regarding the racial tension/discrimination, etc. Mayor Ras Baraka met with us for a second meeting. He said it was up to us to make the changes. He did not help us.

-From (b)(6); (b)(7)(A); (b)(7)(C) I felt targeted. My direct supervisor, (b)(6); (b)(7)(A); (b)(7)(C) started to observe me and evaluate me unfairly by submitting (b)(6); (b)(7)(A); (b)(7)(C). She did not extend any professional development. I was asked to be the (b)(6); (b)(7)(A); (b)(7)(C)



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

26 FEDERAL PLAZA, Suite 31-100
NEW YORK, NEW YORK 10278

RACHEL POMERANTZ
DIRECTOR
NEW YORK OFFICE

December 21, 2023

Sent by email only to: RLeon@NPS.K12.NJ.US

Roger León
Superintendent
Newark Public Schools
765 Broad Street
Newark, New Jersey 07102

Re: Case No. 02-24-1148 – Newark Public Schools

Dear Superintendent León:

On June 20, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint filed against the Newark Public Schools (the District). The Complainant alleged that the District discriminated against students at the [REDACTED] (the School) on the bases of (a) race/color [REDACTED] and (b) national origin (shared [REDACTED] ancestry) by failing to take prompt and effective steps to respond to incidents in which students harassed other students at the School based on their race/color and/or national origin (shared [REDACTED] ancestry) in school year [REDACTED] (Allegations 1(a) and 1(b)). In addition, the Complainant alleged that the District retaliated against her and other employees for complaining to the District and its Board of Education (the Board) about the alleged student-on-student harassment at the School based on race/color and national origin (shared [REDACTED] ancestry) by engaging in adverse employment actions intended to deter a reasonable person from engaging in such advocacy and that tended to deny equality of opportunity to students in the School on the basis of race/color, and/or national origin (Allegation 2).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, 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 to alleged harassment of students based on race/color and/or national origin (including [REDACTED] shared

ancestry) in a manner consistent with the requirements of Title VI; and (2) whether the District retaliated against the Complainant and other employees in violation of Title VI.

Please understand that opening the allegations for investigation does not mean that OCR has made a decision about the allegations. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs to make a decision about the allegations. OCR will ensure that its investigation is legally sufficient and addresses the allegations as required by OCR's Case Processing Manual (CPM) (July 18, 2022).

Please open this link for additional information about 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 intends to conduct a prompt investigation of this allegation. 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. 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.

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.

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, 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 M. Purcell, Senior Compliance Team Attorney, at (646) 428-3766 or joy.purcell@ed.gov; Erin M. Greene, Compliance Team Attorney, at (646) 428-3870 or erin.greene@ed.gov; Leanne Tyler at (202) 987-0804 or leanne.tyler@ed.gov; or me, at (646) 428-3806 or felice.bowen@ed.gov.

Sincerely,

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

Félice A. Bowen
Compliance Team Leader

Attachment

cc: Brenda Liss, Esq. (via email)

