

From: OCR
To: OCR New York
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Title VI Violation of the Civil Rights Act of 1964 (b)(6); (b)(7)(A); Teaneck NJ
Date: Tuesday, December 26, 2023 12:01:00 PM

Hello OCR New York,
The email below is being forwarded to your office for review and appropriate handling.
Thank you,
OPEN Center Customer Service Team
Office for Civil Rights
U.S. Department of Education

From: (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Sunday, December 24, 2023 9:02 AM
To: OCR <OCR@ed.gov>
Subject: Title VI Violation of the Civil Rights Act of 1964 Teaneck High School-Teaneck NJ

You don't often get email from (b)(6); (b)(7)(A); (b)(7)(C) [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

As a resident of Teaneck, New Jersey, I am writing to report what I believe to be a serious violation of Title VI of the Civil Rights Act of 1964, in connection with a pro-Palestinian, antisemitic walk-out by students at Teaneck High School on November 29, 2023. This walkout was sanctioned by the Teaneck school superintendent, Dr. Andre Spencer and the Teaneck Board of Education, and took place on school property during school hours. It was billed by the organizers as a rally against genocide, and participants were advised to wear masks. During the walkout, the students chanted, " From the river to the sea, Palestine will be free," on the school football field during the school hours. The rally, the events leading up to it, and its aftermath have engendered fear on the part of the Jewish community in Teaneck, Jewish students and teachers are afraid to go to class, and have been subjected to antisemitic comments and insults. The broader Jewish community in Teaneck is also fearful, and there is a palpable feeling of antisemitism within the community.

Most recently, on December 14 a meeting was held at the Teaneck Board of Education, during which attendees were entitled to up to three minutes to make comments. Numerous Teaneck residents stood on line and participated by Zoom, waiting to have their say. However, at one point (b)(6); (b)(7)(A); (b)(7)(C) Rick Whilby, went to the microphone and began making inciteful blatantly antisemitic remarks laced with profanities (Jews as descendants of Satan, Christ killers, etc.) No real efforts were made to stop him, even though he was transgressing the rules. When he finally left, the board terminated the meeting, leaving dozens of residents who had waited for hours, without an opportunity to speak. When (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) This is all video taped.

It is my understanding that Teaneck High School receives federal funding, and is therefore subject to

Title VI. I know that the Department of Education has recently been vigilant in investigation various colleges, universities and school systems for violation of Title VI, and I thank you for this efforts. I urge you to add the events at Teaneck High School to your investigations.

Thank you.

Sincerely,

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

Father and Teaneck Resident



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
VIRGIN ISLANDS

January 5, 2024

Sent by email only to superintendent@teaneckschools.org

Dr. Andre D. Spencer
Superintendent
Teaneck Public Schools
Teaneck, New Jersey 07666

Re: Case No. 02-24-1162 – Teaneck Public Schools

Dear Superintendent Spencer:

On December 26, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint filed against Teaneck Public Schools (the District). The Complainant alleged that the District discriminated on the basis of national origin (shared Jewish ancestry) by failing to respond to incidents of harassment of students and teachers by students and third parties in the District during November and December 2023.

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

Please note that opening a complaint for investigation does not mean that OCR has made a determination about its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing the evidence it needs to make a decision. OCR will ensure that its investigation is legally sufficient and addresses the complaint 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 complaint. 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 and to submit supporting documentation. Within 20 days of the date of

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

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.

Complaints may be resolved in a variety of ways, including through mediation pursuant to Section 201(b) of OCR's CPM. Under 201(b) mediation, if both parties are interested and if 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. Please inform OCR if you are interested in resolving this complaint through mediation.

OCR may close this complaint 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, 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 (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 Natasha Fitzsimmons, Compliance Team Attorney, at (646) 428-3899 or natasha.fitzsimmons@ed.gov; or Eric Bueide, Senior Attorney, at (646) 428-3851 or eric.bueide@ed.gov.

Sincerely,

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

Erin Emery
Compliance Team Leader

Data Request

OCR Case No. 02-24-1162

Teaneck Public Schools (the District)

OCR requests that this information reach our office within **20 days from the date of the attached letter**. 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 Natasha Fitzsimmons or Eric Bueide to receive online portal information to upload data.

Email: natasha.fitzsimmons@ed.gov or eric.bueide@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.

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 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: January 25, 2024

Please provide the following information for school year 2023-2024, unless otherwise indicated, or indicate in writing if any of the requested items do not exist:

1. 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 which the District becomes aware pertaining to 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 staff responsible for handling complaints of discrimination, including harassment, on the basis of national origin, including shared ancestry, at each level of the process.
2. Explain how the District informs students and employees of the policies and procedures referred to in Item 1 above. Submit a copy of all materials disseminated and websites that contain this information.
3. 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, 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.
4. 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 ancestry, received during school year 2023-2024. 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 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 any corrective action taken, disciplinary sanctions imposed, supportive services and remedies offered and/or provided to individuals (e.g., counseling, safety measures), 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.
5. State whether the District conducts 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. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
6. 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. For each such training provide the dates of such training, 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.
7. The name, job title, address, telephone number, fax number and email address of the District's contact person for this complaint.
8. Any other information the District believes will assist OCR in this investigation.