

From: OCR New York
Sent: Wed, 13 Mar 2024 14:24:41 +0000
To: Zhang, Jungie
Cc: OCR New York
Subject: FW: Subject: Urgent Need for OCR Investigation Regarding Recent Hate Graffiti Incident at Commack High School

From: (b)(6); (b)(7)(A); (b)(7)(C) <(b)(6); (b)(7)(A); (b)(7)(C)>
Sent: Tuesday, March 12, 2024 10:10 PM
To: OCR <OCR@ed.gov>; OCR New York <OCR.NewYork@ed.gov>
Subject: Subject: Urgent Need for OCR Investigation Regarding Recent Hate Graffiti Incident at Commack High School

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Subject: Urgent Need for OCR Investigation Regarding Recent Hate Graffiti Incident at Commack High School

Dear OCR:

I hope this email finds you well. I am writing to bring to your attention a deeply concerning incident that occurred recently at Commack High School. It has come to my attention that anti-Semitic and anti-Black graffiti were discovered in one of the school's bathrooms. This reprehensible act of hate speech and discrimination has understandably caused significant distress and concern among students, parents, and staff members. This a Title VI violation, based on shared ancestry.

While I appreciate that a police investigation is underway to identify the perpetrators, I am concerned by the lack of proactive measures being taken by the school administration to address the underlying issues and ensure that appropriate actions are taken moving forward. Specifically, there has been no mention of conducting educational sessions or dialogues with students to emphasize the importance of respect, tolerance, and inclusivity, nor has there been clarity on what steps will be taken to prevent similar incidents from occurring in the future.

Given the seriousness of this matter and the potential impact on the school community, I respectfully urge the Office for Civil Rights (OCR) to initiate an investigation into the incident at Commack High School. Such an investigation is crucial to ensure that the

school administration is taking all necessary steps to address and prevent acts of discrimination, harassment, and hate speech within the school environment.

Furthermore, I believe that OCR involvement will provide an opportunity to assess the school's response to this incident and to ensure that appropriate measures are implemented to create a safe and inclusive learning environment for all students, free from discrimination and intimidation.

Thank you for your attention to this matter. I trust that OCR will give careful consideration to my request and take appropriate action to address this serious issue at Commack High School.

Sincerely,

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

“

COMMACK, NY — Antisemitic and anti-Black graffiti was found at Commack High School on Tuesday, Suffolk police said.”

<https://patch.com/new-york/commack/antisemitic-anti-black-graffiti-found-commack-high-school-police>



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

June 17, 2024

Sent by email only to jcox@commack.k12.ny.us

Dr. Jordan Cox
Superintendent of Schools
Commack Union Free School District
P.O. Box 150
Commack, New York 11725

Re: Case Number 02-24-1326 – Commack Union Free School District

Dear Dr. Cox:

On March 13, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received a complaint filed against the Commack Union Free School District (the District). The complaint alleged that the District discriminated on the bases of race and national origin (shared Jewish ancestry) by failing to respond effectively to the discovery of anti-Black and antisemitic graffiti in a boys' bathroom at Commack High School (the School), in November 2023.

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 based on race and national origin (included shared Jewish ancestry).

Please understand that opening the issue for 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 (July 18, 2022) (CPM). You may find additional information in OCR's Complaint Processing Procedures. Individuals 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 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

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

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 and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement. 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, OCR is providing an opportunity for the District to present its response to the complaint'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 regulations implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), require 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 regulations 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 Amy Young, Compliance Team Attorney, at (202) 987-1289 or amy.young@ed.gov; Lauren Numeroff, Senior Compliance Team Attorney, at (646) 428-3895 or lauren.numeroff@ed.gov; or me, at (646) 428-3901 or alexander.artz@ed.gov.

Sincerely,

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

Alexander H. Artz
Compliance Team Leader

Attachment

Data Request

OCR Case Number 02-24-1326
Commack Union Free School District (the District)
Commack High School (the School)

OCR requests that this information reach our office within **20 calendar days from the date of the attached letter, which is July 8, 2024**. If any of the required items are available to the public on the Internet, you may provide the website address. 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 Amy Young or Lauren Numeroff to receive online portal information to upload data.

Email: amy.young@ed.gov or lauren.numeroff@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 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 regulations implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), require that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

Response Due: July 8, 2024

Please provide the following information for academic year 2023-2024 and to the present, 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 School's policies and procedures, and/or a description of the District's and/or School's practices, governing the investigation of complaints or incidents of harassment or other discrimination on the bases of race and 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 the District staff responsible for handling complaints of discrimination, including harassment, on the bases of race and national origin, including shared ancestry, at each level of the process.
4. Explain how the District informs students and employees of the policies and procedures referred to in Item 3. Submit copies of all materials disseminated and websites that contain this information.
5. 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 and/or discrimination against students, employees, and other individuals on the bases of race and/or 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 bases of race and/or national origin, including shared ancestry.
6. Copies and/or descriptions of all formal and informal reports and complaints, including records of oral reports and complaints of alleged harassment based on race and national origin, including shared ancestry, at the District, during academic 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, staff member, parent/guardian, counsel, member of the public, etc.);

- 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, race, national origin, shared 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 the District interviewed;
 - i. the name(s) and job title(s) of the individual(s) involved in the District's 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, and supportive services and remedies offered and/or provided to individuals (e.g., counseling, safety measures), and/or other 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 appeals;
 - l. 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;
 - m. 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; 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 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.
 8. A detailed description of any training regarding discrimination, including harassment, based on race, national origin, and/or shared ancestry, that the District provided to District staff responsible for responding to such complaints. 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 conducted 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.