

From: (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Mon, 8 Jan 2024 10:51:34 +0000
To: OCR; OCR New York
Subject: Subject: Request for Investigation into Discrimination Incident - Title VI Violation at Roosevelt High School

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Dear Office for Civil Rights,

I am writing to bring to your attention a disturbing incident of discrimination that recently occurred during a girls' basketball game between Roosevelt High School and Leffell High School. The incident involves actions that appear to be based on shared ancestry, specifically targeting Leffell High School, which is a Jewish high school.

As a concerned member of the community, I firmly believe that all students, regardless of their background, should be treated with respect and dignity. It has come to my attention that members of the Roosevelt High School girls' basketball team engaged in inappropriate behavior, resulting in both injury and insults directed towards their opponents from Leffell High School.

Such actions not only violate the principles of fair play but, more importantly, they constitute a clear violation of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

The discriminatory behavior exhibited during this basketball game is particularly alarming as it targets students based on shared ancestry, which falls under the protected categories outlined by Title VI. It is crucial that the Office for Civil Rights thoroughly investigates this incident to ensure that appropriate corrective measures are taken and that such behavior is unequivocally condemned.

I kindly request that the Office for Civil Rights:

Conduct a comprehensive investigation into the alleged discriminatory incident involving the girls' basketball teams from Roosevelt High School and Leffell High School.

Ensure that all parties involved are interviewed to gather a complete understanding of the events that transpired.

Assess the steps taken by both schools to address and prevent future instances of discrimination within their athletic programs.

Implement corrective actions, including education and training initiatives, to foster a culture of inclusivity and tolerance in both schools.

Provide a timely and transparent report outlining the findings and actions taken as a result of the investigation.

I believe that by promptly addressing this matter, the Office for Civil Rights will reinforce the commitment to maintaining an educational environment that upholds the principles of equality and nondiscrimination.

Thank you for your attention to this urgent matter. I trust that the Office for Civil Rights will act swiftly to ensure justice and fairness for all students involved.

Sincerely,

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

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The girl's varsity teams from The Leffell School, a private Jewish school in Hartsdale, and Roosevelt High School, a public school in Yonkers, faced off in the non-league game Thursday evening.

“I support Hamas, you f—king Jew,” a Roosevelt player snarled at a Leffell opponent, according to The New York City Public Schools Alliance, a group of parents and teachers fighting antisemitism.

From the outset, there was hostility and aggression with “substantially more jabs and comments thrown at the players on our team than what I have experienced in the past,” senior player Robin Bosworth wrote in an op-ed for Leffell's student-run newspaper, The Lion's Roar.”



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

March 11, 2024

Sent by email only to: Irodriguez2@yonkerspublicschools.org

Dr. Luis Rodriguez
Interim Superintendent of Schools
Yonkers Public Schools
One Larkin Center
Yonkers, New York 10701

Re: Case No. 02-24-1187 - Yonkers Public Schools

Dear Dr. Rodriguez:

On January 9, 2024, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint filed against the Yonkers Public Schools (the District). The complaint alleged that the District discriminated against students, members of a visiting sports team, and spectators on the basis of their national origin (shared Jewish ancestry) by failing to respond to incidents of harassment during a girls' basketball game held at Roosevelt High School (the School) on January 4, 2024.

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 and third-parties based on national origin (including shared Jewish ancestry).

Please understand that opening an investigation under Title VI does not mean that OCR has made a determination with regard to the merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing 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 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.

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 resolution of this case, 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 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 David Krieger, Senior Compliance Team Attorney, at (646) 428-3893 or david.krieger@ed.gov; or Yolanda Garcia, Compliance Team Attorney, at (202) 987-1233 or yolanda.garcia@ed.gov.

Sincerely,

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

Eboné Luciano
Compliance Team Leader

Attachment

Data Request

Case No. 02-24-1187

Yonkers Public School (the District)

Roosevelt High School (the School)

OCR requests that this information reach our office within **20 days from the date of the attached letter, which is March 31, 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 David Krieger or Yolanda Garcia to receive online portal information to upload data.

Email: David.Krieger@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 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: March 31, 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. 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. 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 of and other discrimination against students and third parties 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.
3. Explain how the District and/or the School informs students, employees and third parties of the policies and procedures referred to in Item 2 above. Submit copies of all materials disseminated and websites that contain this information.
4. 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.
5. 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.
6. 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.
 7. 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.
 8. The name, job title, address, telephone number, fax number and email address of the District's contact person for this complaint.
 9. Any other information the District believes will assist OCR in this investigation.