



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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BOSTON, MA 02109-3921

REGION I

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RHODE ISLAND
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August 21, 2024

Mirian Albert, Esq.

By email: malbert@lawyersforcivilrights.org

Re: Complaint No. 01-24-1503
Public Schools of Brookline

Dear Mirian Albert:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) has opened for investigation the above-referenced complaint you filed against the Public Schools of Brookline (District). You allege that the District discriminated against your client, MC Henry (Student), on the basis of race. The complaint alleges that the Student, who is African American, has been harassed on the basis of race between December 2023 and April 2024, and the District has failed to respond appropriately. Specifically, the complaint alleges that in December 2023, after the Student reported that a White classmate called them a “cotton-picker” during class, the District failed to take any remedial action against the classmate, and a school counselor referred to the racial slur as “just a joke.” The complaint further alleges that in April 2024, a White classmate placed his knee on the Student’s neck after the Student had tripped and fallen to the floor, exclaiming “George Floyd, George Floyd!” in a mocking manner. The complaint alleges that while the District provided some supports to the Student and appeared initially to acknowledge the seriousness of the incident, the District failed to investigate appropriately and communicate the results of their investigation, including the District’s plan to remedy the recurrent racial harassment faced by the Student.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the District receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Title VI.

OCR is opening the following issue for investigation:

Whether the District failed to respond in a reasonable, timely, and effective manner to racial harassment of the Student during the 2023-2024 school year, in violation of 34 C.F.R. Sections 100.3(a) and (b).

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the District, and other

sources, as appropriate. OCR will ensure that its investigation is conducted in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. Please also note that complainants may have the right to file a private suit in federal court whether or not OCR finds a violation. Our goal is the prompt resolution of the complaint. Information on OCR's complaint processing procedures, including mediation, is available at <http://www.ed.gov/ocr/complaints-how.html>.

Please also note the section on resolution of a complaint prior to the conclusion of an investigation. If the District expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the District pursuant to Section 302 of the *Case Processing Manual*.

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 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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Benita Brahmhatt at (617) 289-0055 or by email at Benita.Brahmbhatt@ed.gov.

Sincerely,

OCR Boston Office