



September 12, 2024

VIA EMAIL

Catherine E. Lhamon
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Re: Discriminatory Treatment of Black Students Ignored In Millbury Public Schools.

Dear Assistant Secretary Lhamon,

Enclosed please find a civil rights complaint filed on behalf of Melody Dabney, Kamora Dabney, and Trusha Vilvar with the U.S. Department of Education (“USED”), Office for Civil Rights (“OCR”) against Millbury Public Schools (“MPS”) and Millbury Memorial Junior / Senior High School (“Millbury Memorial”) for failing to investigate and remedy pervasive racial bullying and harassment against Melody and Kamora Dabney.

The actions of MPS and Millbury Memorial violate Title VI of the Civil Rights Act of 1964. This complaint falls within the jurisdiction of OCR because MPS is a recipient of federal funding as a public school district.

For more information, please contact the attorney listed below

Sincerely,

 /s/ Mirian Albert
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I. INTRODUCTION

During the 2023-2024 school year, sisters Melody and Kamora Dabney, both Black students, have been relentlessly targeted by an alarming and persistent wave of racial bullying and harassment at Millbury Memorial Junior / Senior High School (“Millbury Memorial”). Melody, Kamora, and their mother Trusha Vilvar bring this Complaint against Millbury Memorial and Millbury Public Schools (“MPS”) (collectively, “Respondents”) for their ongoing and persistent failure to prevent and remedy the racial harassment that the sisters have experienced while in the school’s care.

While at Millbury Memorial, Melody and Kamora have been subjected to ongoing racial harassment by their white classmates, including consistent spewing of the N-word¹ and vile insults targeting their racial identity and appearance. Although the girls and their mother brought this racist behavior to Respondents’ attention on numerous occasions, Respondents attempted to sweep it under the rug, diminishing the severity and harm of these traumatic incidents. Instead of taking decisive action to stop the harassment, Millbury Memorial chose to weaponize discipline against Melody and Kamora, issuing lengthy suspensions to keep the sisters out of school and involving law enforcement to criminalize them—all while protecting the white students who threatened the sisters with violence and targeted them for racist attacks. Respondents’ gross mishandling not only failed to address the racial bullying but actively punished the victims, compounding their trauma.

Respondents’ inadequate and inappropriate responses deny Melody and Kamora the equal access to educational opportunity to which they are entitled by law. The repeated incidents of racial bullying have also had a detrimental effect on the girls’ mental health including distrust of authority

¹ This Complaint uses “N-word” or “N***er” in lieu of the epithet because “this word is perhaps the most offensive and inflammatory racial slur in English, ... a word expressive of racial hatred and bigotry.” *Toussaint v. Brigham & Women’s Hospital, Inc.*, 166 F.Supp.3d 110, 116 (D. Mass. 2015) (internal quotations and citation omitted).

figures, increased anxiety, and nightmares related to the bullying. This toxic environment has forced Melody and Kamora to navigate their education in constant fear and isolation—an outcome that is both morally unacceptable and legally indefensible.

Racial harassment among youth, such as that experienced by Melody and Kamora, is a significant and growing problem in Massachusetts and throughout the country.² These types of incidents are devastating to students, as race-based bullying and harassment can have significant long-term social, emotional, and physical impacts on adolescents, including lower grades, low engagement, and greater risk for depression, suicide ideation, and substance abuse.³

Accordingly, Complainants respectfully request that the U.S. Department of Education’s Office for Civil Rights (“OCR”) open an investigation and enforce compliance with civil rights laws at Millbury Memorial and MPS. We urge OCR to mandate Respondents to take immediate and decisive action to address racial bullying and the racially hostile educational environment that Respondents have created and allowed to persist.

² For example, in February 2024, a group of students at Southwick Regional School in Springfield conducted a mock “slave-auction” where they bought and bid on the sale of Black students. *See* Helena Getahun-Hawkins, *After Southwick Students Hold Mock Slave Auction, AG Campbell works to revise District’s Policies on Racism*, Boston Globe (July 24, 2024), <https://www.bostonglobe.com/2024/07/24/metro/southwick-mock-slave-auction-district-policies/>. In Melrose, two Black students were subjected to repeated incidents of racial bullying, including repeated use of racial slurs and a student cutting off a Black girl’s braid without permission. *See* James Vaznis, *METCO Student Frequently Encountered Racial Slurs and Bias, While Melrose School Officials Ignored Them, According to US Civil Rights Complaint*, Boston Globe (June 3, 2024) <https://www.bostonglobe.com/2024/06/03/metro/melrose-racial-discrimination-complaint/>; Beth Treffeisen, *Black Melrose Student Says Classmates Called Her a ‘Monkey’ and Cut Off Her Braid*, Boston.com (June 13, 2024), <https://www.boston.com/news/schools/2024/06/13/melrose-student-says-classmates-called-her-monkey-and-cut-off-braided-hair/>.

³ *See* Maria Xu, Natalia Macrynika et al., *Racial and Ethnic Differences in Bullying: Review and Implications for Intervention*, NATIONAL LIBRARY OF MEDICINE (October 18, 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7453877/>; *see also* Valerie A. Earnshaw, Sari L. Reisner et al., *Stigma-based bullying interventions: A systemic review*, SCIENTIFIEDIRECT (June 2018), <https://www.sciencedirect.com/science/article/abs/pii/S0273229717300138>.

II. JURISDICTIONAL FACTS

A. The Parties

Complainant Melody Dabney is a 13-year-old Black student who first enrolled at Millbury Memorial in the 2023-2024 school year and recently began her 8th grade year there. Complainant Kamora Dabney is a 16-year-old Black student who first enrolled at Millbury Memorial in the 2021-2022 school year and recently began her 10th grade year there. Complainant Trusha Vilvar is the mother of Melody and Kamora.

Respondent Millbury Memorial Junior/Senior High School is a school within the Millbury Public Schools district that serves students in 7th through 12th grades. Only 4.7% of students at Millbury Memorial identify as Black. This mirrors the student population in the MPS district, where only 5.2% of students identify as Black.⁴

B. Timeliness

This Complaint is filed within the applicable 180-day period required by OCR as the racial harassment that Melody and Kamora have experienced has been continuous and ongoing, with the racial harassment extending to the end of the 2023-2024 school year.

C. Jurisdiction

OCR has jurisdiction over this Complaint as Respondents receive significant federal funding subjecting them to compliance with federal civil rights laws. For example, in 2024, MPS received over \$3 million dollars in federal funds.⁵

⁴ Massachusetts Department of Elementary and Secondary Education (“DESE”), *School and District Profiles, Enrollment Data*, <https://profiles.doe.mass.edu/profiles/student.aspx?orgcode=01860505&orgtypecode=6> (last visited September 6, 2024).

⁵ This includes an Early Childhood Special Education (“ECSE”) Program Federal Entitlement Grant; an Individuals with Disabilities Education Act (“IDEA”) Federal Special Education Entitlement Grant; a Strengthening Career and Technical Education for the 21st Century Act (“Perkins V”) Secondary Grant, Title I, Part A; a Title II, Part A: Supporting Effective Instruction grant; a Title III: English Language Acquisition and Academic Achievement Program for English Learners and Immigrant Children and Youth grant; and a Title IV, Part A: Student Support and Academic Enrichment Grant—all separate sources of federal funding. *See* DESE, *State and Federal Entitlement And Allocation*

Under Title VI, public schools that receive federal funding are prohibited from discriminating based on race, color, or national origin. *See* 42 U.S.C. § 2000d (“No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”).

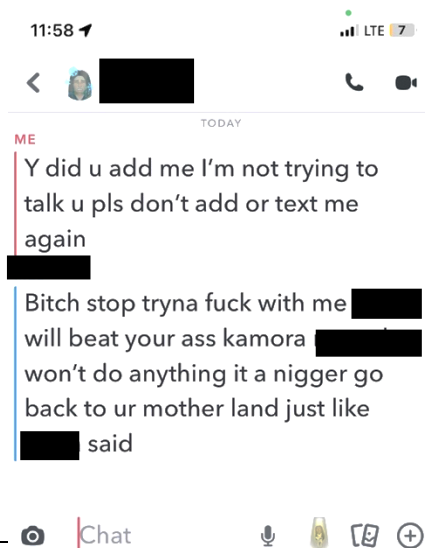
III. FACTUAL BACKGROUND⁶

During the 2023-2024 school year, Melody and Kamora have endured multiple instances of targeted and racialized bullying, which Respondents have failed to prevent and remedy.

A. Racial Epithets and Degradation

i. Melody is Targeted and Humiliated for Being Black

“Black as fuck,” “ugly,” and “too dark”—this was the racist vitriol Melody endured in school. Throughout the school year, white students ridiculed her hair texture, facial features, and



Grants by District: Millbury, <https://www.doe.mass.edu/grants/entitlement-allocation.aspx?view=district&fy=2024&code=0046> (last visited August 1, 2024).

⁶ To preserve student anonymity, this Complaint will refer to the racist offenders as Student A, Student B, and so forth. Refer to Appendix A for a list of offenders. The length of the list underscores the scope and scale of the racial problem that Respondents have created and allowed to persist.

skin color. On social media, she was called the N-word, threatened with violence, and told to “go back” to her “mother land”:

Between October and November 2023, Melody was repeatedly called racial slurs, including the N-word, by several different white students. One white student (“Student A”), who is a year older than Melody, repeatedly directed the N-word at Melody and called her “monkey” multiple times, both screaming it down the hallway and directly to her face. In other instances, Student A described Melody as “Black as fuck,” “ugly,” and “too dark” to other students. This alarming harassment was public and pervasive.

Melody often returned home in tears after being targeted because of her race and skin color. Melody reported each incident to school administrators, including Junior High Assistant Principal Patrick Mara. When she did so, school administrators would make promises to investigate the bullying, but these assurances never materialized into any meaningful concrete action.

On multiple occasions, Student A threatened to physically attack and harm Melody based on her race and skin color. Towards the end of October 2023, Student A conveyed the threats via social media. Melody saw the messages on Snapchat. In the messages, Student A wrote that she “hope[d] karma smacks her [Melody] so hard before i do.” The severity and intensity of the threats escalated.

Worried that Student A would hurt Melody, on October 27, 2023, Mrs. Vilvar emailed Mr. Mara, the Junior High Assistant Principal, asking the school to schedule a meeting to address the racial bullying and intimidation. In her email, she noted that in the past she had brought similar harassment to the attention of the school district, specifically to Kate Ryan, MPS Director of Pupil Services, but was ignored. In her email, Mrs. Vilvar stressed the urgency of the racial problem:

I want to see if I can have a meeting. There’s a girl ...who is picking on Melody...These are threats. I would like this addressed asap....

There [is] a habit in the Millbury school district where kids call [B]lack kids monkey and the N word and Ms. Ryan [MPS Director of Pupil Services] would always have things “unfounded” because it was in the best interest of the school. I'm not going to deal with this year... I don't understand why it's a norm in the school district and that kids think it's funny To say the N word like it's a joke.

In the email, Mrs. Vilvar included the Snapchat message in which Student A threatened to physically harm Melody. On October 30, 2023, Assistant Principal Mara responded via email stating, “[s]ituations like these are very important and we will begin looking into this right away. I will follow up when I know more.” However, Assistant Principal Mara did not schedule a meeting as Mrs. Vilvar had requested.

By November 1, 2023, Mrs. Vilvar had not heard back from Assistant Principal Mara, and the racial harassment of her daughter was escalating. That day, she emailed again, to once again report that Student A continued to make racially derogatory statements toward Melody. Mrs. Vilvar again requested a meeting with the school to address the issue. At the same time, Mrs. Vilvar also emailed Keith Gasco, Millbury Memorial’s School Resource Officer, to inform him of the racial bullying Melody was experiencing and to seek his assistance in ensuring her safety. In the following weeks, Mrs. Vilvar continued to have conversations, in person and via email, with Assistant Principal Mara, Resource Officer Gasco, and the High School Assistant Principal, Abigail Rigney, as Student A relentlessly hurled racially derogatory statements at Melody. Although these school authorities promised to investigate, and to speak to Student A’s parents, no meaningful disciplinary action was taken.

Frustrated by the school’s inaction, Mrs. Vilvar met directly with Student A’s parents outside of school. On November 6, 2023, both families met. During the meeting, Student A’s parents revealed that they had not been contacted by the school regarding their daughter’s

behavior—confirming that the school had failed to take action despite their repeated promises to investigate the racial harassment targeting Melody.

ii. *Kamora Experiences Racism in the Library*

On December 15, 2023, while Kamora and her classmates were studying in the school library, a white student (“Student B”) approached her and handed her a slip of paper with the words “N***er pass.”⁷ Kamora took the paper, ripped it to pieces, and threw the pieces at the student. Moments later, Kamora returned to clean up the pieces and apologized to the school librarian who responded: “I already wrote you up.” Kamora explained the racial nature of the student’s misconduct, but the librarian refused her: “I don’t want to hear it... I already wrote you up for an infraction.” The librarian’s biased report entirely omitted the racial nature of the incident, stating: “Kamora came into the library, threw a bunch of ripped up paper at a student making a big scene in the library. She was standing right in front of me throughout this...” By omitting the critical racial context, the librarian allowed the racial harassment to go unaddressed. Complainants are not aware of any infraction or disciplinary measures against the racist white student.

In light of the N-word, Mrs. Vilvar requested the removal of the incident from Kamora’s disciplinary record. However, despite being the victim of racist conduct, Respondents refused to remove the infraction, arguing that it would not be used against Kamora—but it ultimately was used to suspend her from school for an extraordinary 20 days. *See infra* at 13 & 14. This retaliatory punishment contributed the hostile educational environment.

⁷ The student spelled out the explicit racial slur on the paper.

iii. White Students' Nonchalant Use of the N-word

On April 3, 2024, Kamora was sitting in class when two white male students (Student C and Student D) approached her and another Black student. Student D said they had a question, joking between the two as to who would ask it. Finally, Student D asked: "Can I say N***er if one of my parents is Black?"⁸ Kamora and the other Black student were both extremely disturbed and upset by what these white students saw as a casual joke. Kamora kept her composure and immediately reported it to the teacher. She then reported it to Assistant Principal Rigney, who said the "school would look into it."

Over three weeks later, on April 30, 2024, Mrs. Vilvar received an email from Christine Warren, the school district's Title VI officer, stating, in relevant part:

Interviews revealed that the statement was made by the respondent, "Can I use the n-word if one of my parents is black?". [sic] It was unclear who the statement was made to as the complainant stated it was directed at her and the respondent stated that it was directed to a friend who is also a student in the class. Based on the above facts, I find that there is not sufficient evidence to support that this allegation reflects a Title VI violation by a preponderance of the evidence.

In response to the Title VI Officer's botched investigation and tolerance of the N-word, on May 6, 2024, Mrs. Vilvar appealed the determination noting that the white student had not said "the N-word," but rather the actual slur, and that it is never appropriate for a student to do so. Millbury Memorial disagreed. On May 16, 2024, she was notified that Millbury Memorial upheld its original decision. The school chose to discredit both Kamora and the other Black student, who had also heard the slur, and mischaracterized the use of the N-word as trivial rather than

⁸ The student used the explicit racial slur, but the Title VI Officer failed to address it.

acknowledging it racial harassment targeting the only two Black students in the class. School officials allowed the racial harassment to go unaddressed.

B. Millbury Memorial Protects the Racist White Students.

The racial bullying that Melody and Kamora endured was part of a school-wide problem. During the Fall of 2023, racial bullying had escalated into a widespread issue at the school. In addition to the slurs aimed at the sisters, a growing number of white students began targeting the handful of Black and Brown students with racial slurs and derogatory insults such as:

- “monkey,”
- “go back to your country,” and
- “your mother is a border jumper.”

School administrators failed to take any meaningful action to stem this type of racial abuse. Feeling abandoned by the school and afraid of the growing racial harassment, several Black and Brown students began to confront the aggressors, including Student A. Instead of trying to stop the white students’ conduct, however, the school administration at Millbury Memorial effectively took their side ultimately calling police to escort many of the white aggressors to the bus stop, and having Assistant Principal Mara ride the bus to make sure the white students arrived at their stop.

Assistant Principal Mara used the bus rides to surveil Black students and systematically punish them. On November 6, 2023, Melody visited a friend’s house after school. Both students got off the bus at the appropriate location, which was just one stop after Student A’s drop off. Upon disembarking the bus, Melody and her friend went about their day and did not encounter Student A or any other students. However, Mrs. Vilvar was subsequently called to the school for a meeting because school administrators claimed Melody intended to start a fight with Student A. The school’s only evidence for this preposterous claim was that Melody had put her hair into a

ponytail while getting off the bus. During that meeting, Assistant Principal Mara, who was riding the bus that day, said it was his “professional opinion” that putting one’s hair into a ponytail is an “indicator of fighting.” Despite doing nothing wrong, Melody was unfairly disciplined and given a one-day in-school suspension.

The next day, Mrs. Vilvar emailed Assistant Principal Mara to express her concerns about the school’s decision to take disciplinary action against Melody—the victim of racial bullying—and to voice her frustration over the school’s inaction regarding the racial harassment and epithets.

On November 15, 2023, Assistant Principal Mara responded with vague statements and failed to address any of Mrs. Vilvar’s concerns:

With any situation that presents itself, It is always our goal to receive feedback ... Your input is valuable. We recognize that situations of this magnitude are complicated and difficult for all parties involved.

While I cannot comment on the specifics of other students who have been involved in incidents some of which you have outlined, I can assure you any and all incidents are handled with the utmost concern and seriousness and adhere to the expectations and protocols of our student handbook.

Again, I appreciate you sharing your concerns and perspective I look forward to continuing to work with Melody as she progresses through Junior High School.

Nevertheless, Mrs. Vilvar continued reaching out to school administrators urging them to investigate the racial bullying and widespread racial harassment on campus. To this day, Millbury Memorial has failed to meaningfully respond.

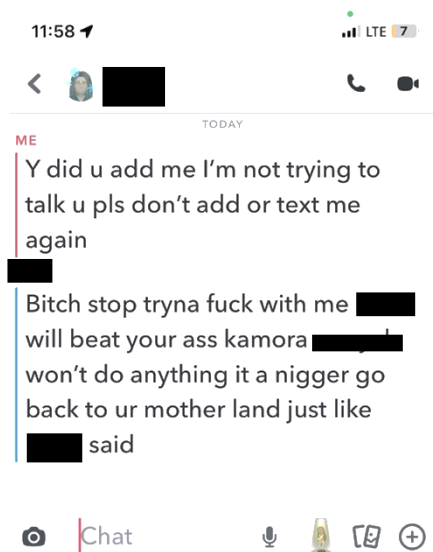
C. Social Media Intimidation Resulting in Unjust Punishment of the Sisters.

i. Racist and Threatening Snapchat Message

On January 11, 2024, Melody received and accepted a friend request from a Snapchat account. Soon after receiving the friend request, Melody realized that it was Student E (appearing

in blue on Snapchat), who is white and Student A’s friend. Melody was routinely racially harassed by both Student A and Student E. As a result, Melody messaged Student E asking her not to communicate with her again. In response, Student E threatened to harm Melody, and warned that neither her sister, Kamora, nor her friends could protect her.

In the Snapchat message, Student E also called her the N-word and told her to “go back” to her “mother land”:



Melody was frightened by this message because Student A and Student E had been verbally threatening violence against Melody for weeks. Melody immediately sent the message to her mother and to her sister. Mrs. Vilvar instructed Melody to report the message to Assistant Principal Rigney, which Melody did.

Kamora was not optimistic her sister would receive help given the school’s willingness to tolerate racial harassment and to protect the racist perpetrators. Aware of the violent threats and afraid of the racist students harming her younger sister, Kamora searched for Student E. While searching for Student E, Kamora showed the Snapchat message to Assistant Principal Mara, who

took a picture of it. Upon spotting the aggressor, Kamora approached her and asked about the message. When Student E dismissed her, Kamora impulsively hit her.

In response to the altercation—despite Kamora’s non-violent history and no injuries to the racist student—school officials called the police to criminalize Kamora. They also placed the school on lockdown. When Mrs. Vilvar arrived, she observed a police officer forcefully gripping Kamora by the hood of her sweatshirt and escorting her out. That night, Mrs. Vilvar received a suspension hearing notice for Kamora, indicating that the school was considering suspension for over ten days.⁹

ii. *Kamora’s Suspension Hearing.*

On January 12, 2024, Kamora and Mrs. Vilvar participated in the botched suspension hearing. During the hearing, Kamora provided numerous examples of racism taking place on campus, including the racial bullying she and her sister had experienced, as well as the nonchalant attitude of white students directing the N-word at Black students. Kamora expressed her safety concerns and frustration regarding the school’s lackluster response. Mrs. Vilvar noted the school’s drastic measures, including calling the police and imposing a lockdown. However, on January 17, 2024, the school punished Kamora with a 20-day out-of-school suspension—despite her record of non-violence and the absence of any harm to the racist student.¹⁰ At the same time, Millbury Memorial did nothing to address Student E’s abhorrent behavior or to curb the toxic racist climate it allowed to fester. Racism went unchecked while the Black students were punished.

⁹ Long-term suspension is defined as “the removal of a student from the school premises and regular classroom activities for more than ten consecutive school days.” 603 CMR 53.02.

¹⁰ Like the police response, this discipline was excessive. Massachusetts school discipline law requires schools to minimize out-of-school suspensions by using other avenues first, such as mediation, conflict resolution, and restorative justice practices. *See* 603 CMR 53.05 (“In *every* case of student misconduct for which suspension may be imposed, a principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing *shall* first consider ways to re-engage the student in learning; and *shall not* use suspension from school as a consequence until alternative remedies have been tried and documented...” (emphasis added)).

Because Kamora has an Individualized Education Program (IEP), the school subsequently held a “manifestation meeting” to determine if Kamora’s behavior was related to her disability.¹¹ Despite the school agreeing not to use prior minor incidents – such as the library infraction, *see supra* at 8 – it did so to justify the unusually lengthy suspension. Mrs. Vilvar raised concerns about Kamora’s IEP needs and requested alternatives to suspension, but the school dismissed these concerns and proceeded with the long-term suspension. Similar to Kamora’s library infraction, Respondents’ description of this incident omitted any mention of the racism, bullying or harassment. Shielding the racists, the school sanitized it: “Kamora received a text message from a family member during the school day. Kamora reported that she wanted to confront the student...”

iii. Millbury Memorial’s Bizarre Conspiracy Theory

During Kamora’s suspension hearing, Assistant Principal Rigney told Mrs. Vilvar that the school believed the Snapchat message was fabricated. Rather than investigating the student who sent the racist and threatening message, the school accused the victim of making up the message.

On January 17, 2024, the school provided Mrs. Vilvar a hearing notice stating that they planned to give Melody an out-of-school suspension for fabricating the Snapchat message. During Melody’s suspension hearing, on February 12, 2024, Assistant Principal Mara and Assistant Principal Rigney insisted that Melody had fabricated the Snapchat message, claiming that Melody had conspired with a friend to send the message. To support their outlandish theory, the school relied on a security camera video where Melody and her friend are sitting next to each other in class. Although not in the video, Assistant Principal Mara theorized that the friend had a phone up her sweater’s sleeve and used that phone to create the message. Melody firmly reiterated that neither she nor her friend had any involvement in creating or sending the Snapchat message.

¹¹ If a student’s conduct is determined not to be related to the student’s disability, a school may discipline her in the same manner and for the same duration as a student with no disabilities. 20 USC 1415(k)(1)(C); 34 CFR 300.530(c).

Earlier that morning, Resource Officer Gasco called Mrs. Vilvar, proposing that if Melody “confessed” to fabricating the Snapchat message with her friend, Student E would not press charges against Kamora for the physical altercation. He also repeatedly requested that Melody report to the police station to discuss the incident. Mrs. Vilvar did not entertain these requests.

On February 15, 2024, Mrs. Vilvar received Melody’s suspension determination letter, stating:

After conducting the hearing, I have determined that your daughter should be suspended out of school for [6 days]. This suspension stems from the following event(s): engaging in inappropriate use of technology while assisting in the impersonation of others. While I considered your daughter’s explanation for the incident, I have nonetheless determined that a suspension is appropriate because of the following factors: this situation directly led to a significant event at our school and is in direct violation of our school code of conduct.

For the following weeks, Melody continued to endure and report racial harassment, including Student A and Student E making fun of her hair texture, facial features, and skin color. This occurred on a daily basis throughout the school day. Melody frequently pulled up her sweatshirt hood to hide her hair and would retreat to the bathroom to cry in response to these insults. The school repeatedly dismissed these incidents, claiming they did not believe her—just as they had dismissed her account of the Snapchat message.

D. Disproportionate Disciplinary Action.

On March 8, 2024, after lunch, Melody and her friend were play-fighting in the bathroom when a school administrator noticed them and brought them to Assistant Principal Mara’s office. Despite both students repeatedly explaining that they were friends and play-fighting, they were punished. Melody received a one-day in-school suspension for engaging in a “physical altercation on school grounds.” In this manner, school officials monitored and surveilled Melody. They

reprimanded Melody more harshly than white students in similar situations and punished her in instances where white students faced no consequences.

E. Physical Restraint and Violence.

On April 3, 2024, while in the lunchroom, Melody's friend handed her a water bottle. As Melody was drinking, a white male student (Student F) suddenly approached her and her friend. Claiming the water was his, he squeezed the bottle, causing it to spill on Melody. He then deliberately poured the remaining water on Melody and her friend. All the students involved were sent to Assistant Principal Mara's office, where the male student was asked to submit a written statement. Melody and her friend asked to write a statement too but were declined. Melody then requested to call her mother, but this request was also denied.

Melody's friend lent her a cell phone to call Mrs. Vilvar, but Elizabeth Gillis, an administrative assistant, violently and forcibly grabbed Melody's arm, squeezed it, and snatched the phone from her hand. Distressed by the administrative assistant's aggression, Melody began to cry. A counselor escorted Melody to the nurse's office to get an ice pack.

On April 5, 2024, Mrs. Vilvar emailed Assistant Principal Rigney to report Melody's interaction with the violent administrative assistant. In the email, Mrs. Vilvar also noted other concerns such as Melody feeling uncomfortable and surveilled by the administrative assistant. Melody had confided in Mrs. Vilvar that the administrative assistant had made comments about watching her through the school cameras and had even followed her to the bathroom on one occasion. Assistant Principal Rigney responded that she had discussed these incidents with Melody. However, the administrative assistant was not reprimanded for physically grabbing Melody, and no action was taken to address any of Melody's other concerns about being surveilled. School officials continued to improperly monitor and surveil Black students.

For the remainder of the school year, Melody and Kamora continued to face racial harassment by white students, including frequent use of racial slurs. The school took no measures to prevent or address the issue.¹² In many cases, Kamora chose not to report these incidents to the school, feeling abandoned and betrayed by the school administrators who had called the police on her and had callously dismissed the racism she experienced.

F. Respondents' Practice of Disproportionately Disciplining Students of Color.

Respondents' failure to protect Melody and Kamora, and instead to target them for punishment, is emblematic of a troubling pattern of over-discipline of students of color. The contrasts are stark. For example, at Millbury Memorial during the 2022-2023 school year:

- Black students were nearly four times more likely to receive an out-of-school suspension compared to white students: 12% rate of out-of-school suspension for Black students compared to 3.6% for white students.¹³
- Latino students were almost twice as likely to receive an out-of-school suspension compared to white students.¹⁴

Similar disproportionate discipline rates are seen district-wide.¹⁵ These disproportionate discipline rates are part and parcel of Respondents' failure to adhere to Title VI, as confirmed by

¹² While this Complaint focuses on the most recent incidents of racial harassment, and neglect by Respondents, Melody and her family experienced troubling incidents in earlier years as well. Prior to attending Millbury Memorial, Melody was a 6th grader at Shaw Elementary School in Millbury. While at Shaw, Melody was also subjected to racial bullying, such as classmates calling her a "monkey" and a teacher making a racially derogatory comment. In December 2022, MPS' Civil Rights Officer found there was racist conduct by the classmates, but not by the teacher. Following this investigation, MPS promised to update their handbook to include a racial bullying policy and increase training. To date, Mrs. Vilvar has not received confirmation or seen documentation that the district followed through on implementing these changes.

¹³ DESE, *School and District Profiles: Millbury Junior/Senior High, 2022-2023 Student Discipline Data Report, All Offenses*, <https://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=01860505&orgtypecode=6&=01860505&> (last visited September 5, 2024) (showing 12% rate of out-of-school suspension for Black students compared to 3.6% for white students).

¹⁴ *Id.* (showing 7.4% rate of out-of-school suspension for Hispanic/Latino students).

¹⁵ DESE, *School and District Profiles: Millbury, 2022-2023 Student Discipline Data Report, All Offenses*, <https://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=01860000&orgtypecode=5&=01860000&> (last visited

the sisters' repeated experiences. Respondents do not take racial harassment seriously, and when it occurs, their response is to discipline the students of color instead. This pattern underscores a fundamental failure to create a safe and equitable environment for all students, particularly those of color.

IV. LEGAL ANALYSIS

A. Violations of Title VI of the Civil Rights Act.

Title VI states that recipients of federal funding may not exclude individuals from participation in their programs or activities on the basis of race, color, or national origin.¹⁶ Public schools, such as Millbury Memorial, and school districts, such as MPS, that receive federal funds are subject to this mandate.¹⁷

Courts have long held that Title VI is violated where schools act with deliberate indifference, failing to take adequate measures to prevent racial bullying and harassment against a student. A hostile environment is created when race-based harassment is so severe, pervasive, and objectively offensive that it denies or limits a student's ability to benefit from a school's programs or activities. *See Zeno v. Pine Plains Cent. School Dist.*, 702 F.3d 655, 665-66 (2d Cir. 2012); *accord Sewell v. Monroe City School Board*, 974 F.3d 577, 584 (5th Cir. 2020). *See also Bryant v. Independent School Dist. No. 1-38*, 334 F.3d 928, 934 (10th Cir. 2003). Depriving a student of a supportive, scholastic environment free from racism and harassment constitutes a deprivation of educational benefits under Title VI. *See Zeno*, 702 F.3d at 667; *see also DiStiso v. Cook*, 691 F.3d

September 5, 2024) (showing district-wide out-of-school suspension rates of 5.1% and 3.9% for Black and Hispanic students, respectively, compared to 2% for white students).

¹⁶ 42 U.S.C. § 2000d.

¹⁷ 34 C.F.R. § 100.13(i) (2000) (defining "recipient" to include any public "agency, institution, or organization, or other entity. . . in any State, to whom Federal financial assistance is extended"); *see also* 34 C.F.R. § 100.13(g)(2)(ii) (defining "program and activity" to include "a local educational agency, system of vocational education, or other school system").

226, 242-43 (2d Cir. 2012). Deliberate indifference is shown when a school’s response to harassment (or lack thereof) is clearly unreasonable in light of the known circumstances, such that it “cause[s] students to undergo harassment or make them liable to or vulnerable to it.” *Davis Next Friend LaShonda D. v. Monroe County Bd. of Educ.*, 526 U.S. 629, 631-645 (1999).¹⁸

Here, Melody and Kamora have been subjected to a racially hostile environment that is severe, pervasive, and objectively offensive. Respondents’ inaction to address the harassment is clearly unreasonable in light of the known circumstances. Melody and Kamora have been called the N-word and other racially derogatory words repeatedly, and each time they reported it, school administrators took no action to address the discriminatory conduct.¹⁹ Worse yet, rather than stopping white students from engaging in racially-charged conduct, Respondents effectively sided with them and treated Melody and Kamora as aggressors, taking extreme measures such as calling police and having administrators monitoring the bus to ensure racist white students—who racially harassed Black students—arrive home safely. *See supra* at 9-14.

When interacting with Melody and Kamora, Respondents relied on racist stereotypes about Black girls—categorizing them as dangerous and liars.²⁰ For example, Assistant Principal Mara

¹⁸ While *Davis* construed the deliberate indifference standard in the context of Title IX, lower courts have used this standard in Title VI cases where student-on-student harassment is alleged, since Congress based Title IX on Title VI. *See, e.g., Bryant*, 334 F.3d at 934.

¹⁹ Respondents’ failure to respond to Melody’s complaints of racial harassment contributed to the hostile educational environment for Kamora, and vice versa. Harassment does not need to be directed at a specific individual to create a hostile environment. Conduct aimed at others can still contribute to the overall hostility of the environment. *See* U.S. Dep’t of Educ., OCR, *Fact Sheet: Harassment based on Race, Color, or National Origin on School Campuses*, at 1 n.5 (2024), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-race-color-national-origin-202407.pdf>; *see also Romero v. McCormick & Schmick Rest. Corp.*, 448 F. Supp. 3d 1, 5 (D. Mass. 2020) (in the employment context, “the proposition that conduct which was not directed at the plaintiff ... may not be evidence of hostile environment sexual harassment is simply wrong as a matter of law and common sense.”) (internal citations omitted) (quoting *Ruffino v. State St. Bank & Tr. Co.*, 908 F. Supp. 1019, 1036 n.28 (D. Mass. 1995)).

²⁰ The caricature of Black women and girls as being “rude, loud, malicious, stubborn, and overbearing” is unfortunately deeply embedded in American culture, often used by those who prefer to see Black women stay in what is deemed to be their place. *See* David Pilgrim, *The Sapphire Caricature*, JIM CROW MUSEUM (August 2008, Edited 2023), <https://jimcrowmuseum.ferris.edu/antiblack/sapphire.htm> (describing such a caricature as a “harsh portrayal of African-American women, but ... more than that; it is a social control mechanism that is employed to punish [B]lack women who violate societal norms that encourage them to be passive, servile, non-threatening and unseen.”).

suspended Melody for adjusting her hair based on the unfounded assumption that she intended to fight Student A, despite Melody’s clean record and lack of any threats towards the racist student. In reality, it was Student A who had relentlessly and reprehensibly threatened Melody. Nonetheless, school officials consistently perceived and regarded Melody, the Black student, as the aggressor. *Supra* at 9-11.

Similarly, Kamora faced unfair punishment and discipline in the library when she was subjected to the N-word. After a white student hurled the vilest racial slur at her, Kamora was punished for tearing up the derogatory message. The librarian did not care about the racial harassment, she simply saw Kamora as disruptive, aggressive, and deserving of punishment – reflecting the school’s bias against Black girls. *Supra* at 8.

Courts have consistently found that repeated slurs and insults create a hostile environment. The use of the N-word alone can rise to the level of “severe” harassment.²¹ The N-word is a highly offensive word that has been described by courts as “the most noxious racial epithet in the contemporary American lexicon....” *Fennell v. Marion Independent School Dist.*, 804 F.3d 398, 409 (5th Cir. 2015) (citing *Monteiro v. Tempe Union High School Dist.*, 158 F.3d 1022, 1034 (9th Cir. 1998)). The racial slur carries a deeply entrenched legacy of oppression and dehumanization, serving as a weapon of white supremacy to degrade and vilify Black people.²² It has been used to paint Black individuals as lazy, unintelligent, and inferior, to institute a racial caste system.²³ The term is not merely offensive; it is steeped in violent anti-Blackness and is a stark embodiment of

²¹ See *DiStiso*, 691 F.3d 226 at 242-43 (“Defendants do not and cannot dispute that such conduct, particularly the use of the reviled epithet “nigger” raises a question of severe harassment going beyond simple teasing and name-calling”); *Zeno*, 702 F. 3d at 666-67 (explaining that being called the N-word, “homey,” and “gangster” went beyond “simple acts of teasing and name-calling among school children”); *Fennell*, 804 F.3d 398 at 409.

²² Phil Middleton & David Pilgrim, *Nigger (the word), a story*, AFRICAN AMERICAN REGISTRY, <https://aaregistry.org/story/nigger-the-word-a-brief-history/> (last visited September 10, 2024).

²³ *Id.*

the systemic racism and brutality that have long been used to subjugate and dehumanize Black communities.²⁴

Respondents not only minimized, but outright dismissed, the sisters' traumatic experiences when the N-word was hurled at them. In the library and other settings, white students targeted Kamora—one of a handful of Black students—with this abhorrent racial slur. Despite Kamora's efforts to report these incidents, her concerns were repeatedly invalidated. School officials have gone to great lengths to protect the racists. They have told Kamora that the racial slurs weren't directed specifically at her or that the racial epithets had not been used at all. *Supra* at 8 & 9. Respondents have also consistently ignored Kamora's explanations, particularly after the library incident,²⁵ refusing to acknowledge the racism that provoked her actions. Melody, too, was subjected to the N-word and endured deeply offensive remarks about her racial appearance. Despite her reports, the school's failure to intervene allowed the harassment by Student A and Student E to escalate from verbal abuse to physical intimidation and threats.

Millbury Memorial has fostered a toxic school culture where white students feel emboldened to casually use dehumanizing language, treating racial abuse as a joke, while Black students are left to bear the emotional toll. *Supra* at 9 & 10. When racial tensions escalated, Respondents prioritized the safety and well-being of the racist white students. The school's responses are part-and-parcel of a pervasive anti-Black culture at the school. As a result, Melody

²⁴ “Indeed, it is beyond question that the use of the word ‘nigger’ is highly offensive and demeaning, evoking a history of racial violence, brutality, and subordination. This word is perhaps the most offensive and inflammatory racial slur in English ... a word expressive of racial hatred and bigotry.” *Chery v. Sears, Roebuck and Co.*, 98 F. Supp. 3d 179, 193 (D. Mass 2015) (internal quotations and punctuation omitted) (citing *McGinest v. GTE Service Corp.*, 360 F.3d 1103, 1116 (9th Cir. 2004)).

²⁵ This is yet another example of the pervasive culture among Millbury Memorial staff and administrators of exacerbating a racially hostile environment by ignoring the experiences of students of color who are consistently targeted. When these students defend themselves against racial attacks, they are ignored. This undoubtedly creates a chilling effect, discouraging them from reporting such incidents.

and Kamora live in constant fear and dread, knowing each day at school could bring new racial attacks—attacks they must silently endure because the school continues to turn a blind eye.

The severity of the racial harassment that the sisters endured can also be seen in the toll that it has taken on their mental health. In April 2024, Melody and Kamora began psychological counseling to address the severe emotional impact of their traumatic experiences. Melody's counselor observed a dramatic shift in her demeanor: once confident and bright, Melody's mental health has significantly declined, marked by depression and low self-esteem due to persistent racial insults targeting her identity and appearance. She frequently returned home in tears, overwhelmed by the relentless abuse she endured at school. Similarly, Kamora has experienced heightened anxiety and distressing nightmares related to the school calling the police to criminalize her along with the trauma of witnessing her sister's suffering. This has produced a profound chilling effect. The fear of further police involvement has led Kamora to remain withdrawn at school, constantly on edge and trying to avoid any actions that might prompt Respondents to call police. At this critical developmental stage, the sisters' social interactions and well-being have been severely impacted by constant racial slurs and attacks on their racial identity, which, in turn, has hindered their ability to learn effectively.

The type of psychological impact that Melody and Kamora have experienced is not uncommon and, in fact, has been well-documented for years in scientific literature: identity-based harassment can impact an individual's sense of self-worth and belonging;²⁶ disrupt a healthy

²⁶ Sidney H. Hankerson et al., *The Intergenerational Impact of Structural Racism and Cumulative Trauma on Depression*, *The American Journal of Psychiatry* (June 2022).

development of racial identity;²⁷ cause long term mental and physical health issues;²⁸ and erode trust in peers and authority figures.²⁹

The U.S. Court of Appeals for the First Circuit has recently underscored this point by highlighting the harmful psychological impact of identity-based derogatory messages on students whose identities are demeaned. *See L.M. v. Town of Middleborough*, 103 F.4th 854 (1st Cir. 2024).³⁰ The court noted that derogatory messages “strike [] a person at the core of [a student’s] being” and “poison the educational atmosphere due to [their] serious negative psychological impact on students with the demeaned characteristic.” *Id.* at 873-74 (internal citations and quotations omitted). Courts have consistently found that such slurs are particularly dangerous when directed at young people, and that psychological harassment in educational settings may cause more permanent trauma and damage than physical harassment.³¹

The severity of the racial harassment aimed at Melody and Kamora was not only alarming in its own right, but was also compounded by Millbury Memorial’s decision to punish and stigmatize the sisters rather than protect them—as the school was legally obligated to do. Instead of addressing the underlying racism, the school’s response focused on disciplining the victims, reinforcing a system of racial bias and unfair treatment. School officials retaliated against the

²⁷ *Id.*

²⁸ Jonel E. Emlaw et al., *Racial Discrimination and Hypothalamic-Pituitary-Adrenal Axis Dysregulation in Adolescents With Overweight and Obesity: Does Context Matter?*, *Psychosomatic Medicine* (October 2023).

²⁹ Karen Chow, *Bullying Prevention: Shaping Empathy and Understanding*, Housman Institute (Feb. 15, 2024), <https://www.housmaninstitute.com/blog/bullying-prevention-shaping-empathy-and-understanding>.

³⁰ The *L.M.* case involved a student who asserted a First Amendment right to wear a shirt to school that said, “There Are Only Two Genders.” 103 F.4th at 860. In ruling against the student, the First Circuit repeatedly noted that statements that “demean [] personal characteristics – like race, sex, religion, or sexual orientation” can have significant deleterious effects on students who identify with these characteristics. *Id.* at 868.

³¹ *See Trachtman v. Anker*, 563 F.2d 512, 520 (2d Cir. 1977) (Gurfein, J., concurring) (observing that in a high school setting “a blow to the psyche may do more permanent damage than a blow to the chin”). *See also Nuxoll ex rel. Nuxoll v. Indian Prairie School District #204671*, 523 F.3d 668, 671 (7th Cir. 2008) (collecting social science literature).

sisters by suspending them for trivial actions that white students routinely engaged in without facing any consequences.

For Kamora, the involvement of law enforcement after the altercation with Student E is particularly troubling. It is an overreaction exemplifying the school's willingness to criminalize her. This reaction is not only unjust but dangerous, especially given the well-documented racial disparities in how Black students are disciplined and the active role schools play in the school-to-prison pipeline.³² Black students are disproportionately subjected to police brutality and have higher rates of involvement with the criminal justice system.³³ By involving law enforcement, Millbury Memorial compounded the harm already inflicted upon Kamora, transforming her response to racial bullying into a criminal act, punishable by incarceration. Administrators attempted to criminalize one of the few Black students in the school.

Further, the disciplinary action against Kamora was an excessive measure by any standard, even according to Millbury Memorial's own code of conduct. According to the school's rules, a fight typically results in a 3–5-day suspension.³⁴ Yet, the school's response to Kamora exceeded

³² This trend is unfortunately not unique to MPS. In the 2020-21 school year, Black girls represented 7% of total K-12 student enrollment, but 8% of students who received one or more in-school suspensions, 9% of students who received one or more out-of-school suspensions, and 8% of students who were expelled. This is not because Black girls misbehave more, but because their actions are scrutinized and judged more harshly. See U.S. Dep't of Educ., *School Discipline and School Climate in U.S. Public Schools* (November 2023) at 6, <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-school-climate-report.pdf>.

See also Erica L. Green et al., *A Battle for the Souls of Black Girls*, NY TIMES (October 20, 2020) <https://www.nytimes.com/2020/10/01/us/politics/black-girls-school-discipline.html#:~:text=A%20New%20York%20Times%20analysis,and%20three%20times%20more%20likely>.

³³ The school-to-prison pipeline is a troubling phenomenon where disciplinary policies in schools disproportionately target students of color, funneling them out of the educational system and into the criminal justice system. See Joshua Rovner, *Black Disparities in Youth Incarceration*, THE SENTENCING PROJECT (December 12, 2023), <https://www.sentencingproject.org/fact-sheet/black-disparities-in-youth-incarceration/> (Black youth are about 5 times more likely than their white counterparts to be placed in a juvenile facility); Nora Leonard, *Racial and Ethnic Disparities in the Youth Justice System*, COALITION FOR JUVENILE JUSTICE (March 2, 2023), <https://www.juvjustice.org/blog/1436> ("School discipline is an important and often overlooked factor that contributes to justice system involvement...Middle and high school students suspended or expelled from school are nearly three times more likely to become involved in the juvenile justice system.").

³⁴ Millbury Memorial, *Revision MPS District Handbook* (Feb.1, 2023), at 135, available here: https://docs.google.com/document/d/1frOhU2VPEtH-OLIJfcCjMwPsr_7H3TtHEc2WfYDbzo8/view. Notably, this was Kamora's first time being involved in a fight at school.

the school's own guidelines, further demonstrating its willingness to severely and disproportionately punish Black students. Rather than taking meaningful steps to address the racial harassment and protect the sisters from further harm, the school perpetuated a cycle of punishment that only served to further stigmatize them.

Similarly, Millbury Memorial has shown a disturbing proclivity to suspend Melody, while failing to investigate her complaints of racial bullying. Millbury Memorial suspended Melody based on:

- Assistant Principal Mara's hunch on the bus while monitoring Melody's hair, *supra* at 10 & 11;
- Unfounded assumptions that Melody fabricated the racist and threatening Snapchat message, *supra* at 14 & 15; and
- Alarming surveillance of Melody's conduct even while she is in the bathroom, *supra* at 15.

This pattern and practice of punishing Melody has been relentless and continuous. Millbury Memorial's lack of investigation into the racial harassment indicates that they do not take identity-based claims seriously, and that Black students cannot trust that their concerns will be addressed. The school's decision to consistently punish Melody—one of the school's few Black students—exemplifies the problem of disproportionate discipline of students of color in the district.

Respondents' misuse of suspension is itself a form of discrimination. As the U.S. Department of Education has recognized, "harsh or unfair exclusionary discipline practices and frequent disparities in the use of exclusionary practices for children of color...can contribute to

students feeling unwelcome, unsafe, and unsupported.”³⁵ Respondents’ repeated and overzealous suspensions of Melody exacerbate the racially hostile educational environment—particularly because the discipline is meted out as Respondents are ignoring the white perpetrators.

Melody’s and Kamora’s racial harassment has been pervasive. *See Fennell*, 804 F.3d at 409 (concerted racial bullying constitutes pervasive harassment). Respondents’ inaction allowed a racially hostile environment to take root and worsen, escalating from racial slurs to a breaking point for Kamora. Frustrated by the school’s repeated failure to intervene, Kamora ultimately made a poor decision as a natural consequence of prolonged neglect. Meanwhile, Kamora and Melody continue to face racial harassment but now feel unsafe and hesitant to report it, knowing no action will be taken. They also know that reporting has retaliatory consequences such as disciplinary action for reporting the N-word in the library or suspension for bringing racist Snapchat messages to the school’s attention.

Moreover, Respondents have been deliberately indifferent to this racial harassment and have failed to take meaningful corrective action to prevent and remedy it. Respondents received actual notice of the incidents and did not act. In all the incidents alleged, Complainants reported the racial harassment, but the aggressors faced no consequences. Each time the family reported racial harassment, the school administrators responded with improper and misguided actions, dismissing their experiences and ultimately siding with the white students responsible for the harassment. The repeated suspensions, particularly for Melody, coupled with the failure to address the racial bullying, demonstrate the school’s deliberate indifference in handling racially motivated attacks against Black students.

³⁵ U.S. Dep’t of Educ., *Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates* (March 2023), <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>.

Courts have long acknowledged that student security encompasses more than just protection from physical harm; it also includes protection from “psychological attacks that cause [the child] to question their self-worth.” *L.M.*, 103 F.4 at 869. That is because speech that attacks “a ‘core characteristic’ of a minority group’s identity has a “detrimental” effect on [students’] psychological health ... [and] educational development.” *Id.* Respondents failed to provide this protection to Melody and Kamora. Millbury Memorial’s failure to recognize the implications of the racial slurs is in direct opposition to the school’s inherent responsibility to keep all children emotionally and physically safe. This oversight perpetuates racial inequality for Black students, denying Melody, her sister, and other Black students’ access to a supportive, discrimination-free school environment. Millbury Memorial has the utmost responsibility to ensure that this behavior is not allowed by any students, and to educate their students on the implications and harm of racial biases and hate speech.

This pervasive harassment has had a concrete, negative effect on Melody and Kamora’s education. *See Davis*, 526 U.S. at 654 (“The harassment must have a concrete, negative effect on the victims’ education...”). Following their suspensions, the sisters struggled significantly to catch up to their classmates. For example, Kamora ultimately had to give up her part-time job to focus all her attention on catching up on her missing schoolwork. This exacerbated her anxiety. Additionally, Melody and Kamora lost trust in the administrators, teachers, and students at Millbury Memorial. The sisters’ reaction to this abuse is consistent with a vast body of social science research, which shows that race-based bullying can have negative physical, mental, and emotional impacts on students and has been linked to suicide, self-harm, depression, and substance

abuse in severe cases.³⁶ The family no longer believe that Millbury Memorial is a safe, supportive environment.

In sum, Melody and Kamora are being deprived of a supportive and safe educational environment. Respondents' actions and inaction have enabled the racially hostile environment to persist and worsen and are an affront to human decency and dignity. Respondents' actions and inactions also violate Title VI of the Civil Rights Act.

V. RELIEF REQUESTED

Accordingly, Complainants respectfully request that OCR:

- 1) Conduct a comprehensive investigation of MPS' policies and practices regarding race-based bullying and harassment in each of its schools;
- 2) Conduct a comprehensive investigation of MPS' policies and practices regarding student discipline and its disproportionate impact on students of color in each of its schools;
- 3) Issue a finding that the Respondents have violated Complainants' rights under Title VI by failing to remedy and prevent a racially hostile educational environment;
- 4) Ensure future compliance with Title VI and its implementing regulations;
- 5) Require Respondents to revise their discipline policies, procedures and practices to eliminate racial disparities;
- 6) Create a corrective action plan to identify and address the root causes of the racial disparities in discipline;
- 7) Require Respondents to create and implement policies that protect vulnerable populations of students against bullying and harassment;
- 8) Require Respondents to create and implement procedures to ensure prompt, thorough investigations of race-based bullying and harassment allegations;

³⁶ Muhammad Waseem & Matteo Angelo Fabris, *Empowering Students Against Ethnic Bullying: Review And Recommendations Of Innovative School Programs*, National Library of Medicine (October 2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10605012/#:~:text=According%20to%20Carter's%20theory%20of,%20trauma%20%5B15%2C16%5D>.

- 9) Require Respondents to create and implement affirmative steps to remedy and prevent hostile environments caused by racial bullying and harassment, including but not limited to, providing age-appropriate information programs for students to address racial harassment;
- 10) Require Respondents to reimburse Complainants for expenses incurred related to past and future therapeutic services resulting from the racially hostile environment;
- 11) Require Respondents to provide mental health, social service, and other support to victims of racial bullying and harassment; and
- 12) Require Respondents to adopt and implement “zero tolerance” policies and procedures that discipline responsible parties for racial bullying and harassment.

Dated: September 12, 2024

Respectfully submitted,

/s/Mirian Albert

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Appendix A

List of Racist Student Aggressors

1. Student A
 - Used racial slurs and physical intimidation towards Melody. Compl. at 5-7, 10-12, 15.
2. Student B
 - Used racial slur against Kamora in the library. Compl. at 8.
3. Student C
 - Used racial slur against Kamora and another Black Student. Compl. at 8 & 9.
4. Student D
 - Used racial slur against Kamora and another Black Student. Compl. at 8 & 9.
5. Student E
 - Sent racist and threatening Snapchat message to Melody. Compl. at 11-15.
6. Student F
 - Attacked Melody with water. Compl. at 15 & 16.