



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

September 3, 2021

Sent via email only to [REDACTED]

President Nicole Neily
Parents Defending Education
[REDACTED]

Re: Webster Groves School District
OCR Case Number: 07211112

Dear President Neily:

On April 5, 2021, the U.S. Department of Education, Office for Civil Rights (OCR), received the complaint you filed, on behalf of Parents Defending Education, against Webster Groves School District, located in Webster Groves, Missouri. In your complaint, you alleged the District discriminates against students on the basis of race. Specifically, you alleged that the Superintendent encouraged members of the District community to explore the issue of racial discrimination and the “dismantling of the inequitable systems and structures within our district” in a June 3, 2020 blog post. As explained below, OCR is dismissing your complaint.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin by recipients of federal financial assistance from the Department of Education and prohibit retaliation for engaging in a protected activity. As a recipient of federal financial assistance from the Department of Education, Webster Groves School District is subject to Title VI and OCR’s jurisdiction. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

As part of your complaint, you provided OCR the Webster Groves School District’s Superintendent blog post addressing the death of George Floyd. The blog post discussed the events in Minnesota and concluded with the following paragraph:

As your superintendent and as a white man, I must hold myself and our school system to a greater level of accountability in how we see and support our Black children, staff and parents and how our work is leading to the dismantling of the inequitable systems and structures within our district. The success and well-being of our Black children can be the only barometer of our progress, not efforts. Clearly, we have much work to do and we will.

You allege that this statement is an admission of non-compliance with Title VI.

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

OCR conducted a telephone interview with you and your attorney on June 16, 2021. OCR asked whether you have any information to support your assertion that race-based discrimination is taking place in Webster Groves School District or that race-based hostile environments exist in District schools. OCR also asked whether you have any information to indicate that the District maintains any policies, practices, or procedures that discriminate against students based on race. To each of these questions you responded that you did not have any information beyond the statement from the Superintendent. During the interview you told OCR that you believed the Superintendent made another statement in an April 20, 2021, email to the District community discussing “ongoing systemic racism.” You informed OCR that you would provide a copy of this email. To this date OCR has not received a copy of the email or any additional information in support of your allegation.

Under section 108(c) of OCR’s *Case Processing Manual*, OCR will dismiss a complaint when based on all of the facts and information provided by the complainant or publicly available information, OCR cannot reasonably conclude that the recipient has violated a law OCR enforces. You informed OCR that you were unaware of any specific actions occurring within the Webster Groves School District that constituted racial discrimination. The information you have provided is not sufficient for OCR to reasonably conclude the recipient has violated a law enforced by OCR. Accordingly, OCR is dismissing your complaint pursuant to Section 108(c).

You have a right to appeal OCR’s determination pertaining to your allegation. An appeal must be submitted within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or fax. If you wish to appeal this decision, then you must submit a completed appeal form or a written statement of no more than ten (10) pages (double-spaced, if typed): if submitted by mail, please send to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. If submitted via e-mail, send to OCR@ed.gov; if submitted via fax, please send to 202-453-6012. You can submit an appeal online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>. The filing date on an appeal is the date the appeal is postmarked, submitted electronically, or submitted via fax. In the appeal, you must explain why you believe the factual information described here was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would result in the case being opened for investigation; failure to do so may result in dismissal of the appeal. You can find appeals forms at <https://www2.ed.gov/about/offices/list/ocr/docs/appeals-form.pdf>.

OCR has not notified Webster Groves School District of your complaint. Nevertheless, the Webster Groves School 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, or participates in an OCR proceeding. Complaints alleging such retaliation may be filed with OCR.

This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. OCR would like to make you aware that individuals, such as yourself, who file

complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

If you have any questions, please contact Jared Roderick, Attorney, at (816) 268-0533 or (877) 521-2172 (telecommunications device for the deaf), or by e-mail at jared.roderick@ed.gov.

Sincerely,



Digitally signed by
Timothy Mattson
Date: 2021.09.03
11:52:54 -05'00'

Timothy Mattson,
Chief Attorney, Region VII