



August 16, 2022

Keith Bryant
Superintendent – Lubbock-Cooper ISD
13807 Indiana Ave
Lubbock, Texas 79423

VIA FEDERAL EXPRESS

Re: Discrimination, Harassment, and Unequal Treatment Claims

Dear Mr. Bryant,

We have been retained by a group of parents whose children were or are enrolled within Lubbock-Cooper ISD to address issues related to race discrimination, harassment, and unequal treatment that their children have experienced as students, including Black students who attended Laura Bush Middle School during the 2021-2022 school year. Throughout the year, the Black students were subjected to continuous, consistent, and severe instances of race discrimination and harassment that deprived them of their Fourteenth Amendment constitutional right to equal protection, and was in violation of Title VI of the Civil Rights Act of 1964 and other equal protection laws.¹

The students were specifically subjected to an environment where white students consistently used derogatory language and racial slurs against the Black students, including but not limited to, “monkey,” “retard,” and/or “nigger.” Other times white students played whipping sounds on their phones anytime Black students walked by. White students also subjected Black students to physical threats solely on the basis of their race. Such threats manifested into acts of violence against the Black students including situations where white students held a Black student upside down by their legs; punched and/or hit Black students; and threw objects at Black students while creating monkey sounds. On some occasions, school employees even visibly observed the white students racially harassing the Black students.

On almost every occasion of discrimination and harassment, the Black students and their parents reported the actions of the white students to employees at Laura Bush Middle School; including Principal Kyle Hendrix, Assistant Principal Lance Lewis, and several teachers. The parents reports to Laura Bush Middle School employees placed the school on notice that there were significant issues of racism against Black students during the 2021-2022 school year.

Following almost every report to school employees, school officials promised that there would be an investigation into the racist acts by the white students. Lance Lewis specifically indicated that some investigation would occur but did not provide further details. At this time, our clients have not been made aware of any action by administrators at Laura Bush Middle School to

¹ Please note, the claims set forth in this letter are not all encompassing or conclusive and nothing in this correspondence should be considered a waiver of the Group’s procedural or substantive rights to bring additional or different claims and defenses all of which are expressly reserved.



address the harms experienced by their children or any corrective measures to ensure that these incidents do not continue to occur. Conversely, Black students are the only students who have faced discipline through receiving detention, suspension, and/or expulsion for defending themselves from racist abuse and violence.

The failure of Lubbock-Cooper ISD administrators to intervene or respond to the culture of racism at Laura Bush Middle School led to an extremely vile and offensive campaign of racist bullying over social media near the end of the 2021-2022 school year. The campaign consisted of a social media page on Instagram called the “LBMS_m0nkeys” which stood for “Laura Bush Middle School Monkeys.” In addition, Lubbock-Cooper ISD’s logo was used for the Instagram page. The purpose of the page stated to “send pics of monkeys,” meaning for the students at Laura Bush Middle School to send pictures of Black students to be posted on the page. The page accumulated numerous pictures of the Black students before our clients insisted that school administrators take action.

The experiences of race discrimination, harassment, and unequal treatment that Black children at Laura Bush Middle School have experienced caused a tremendous and lasting impact. Given the gravity of the financial and emotional harm that the children suffered as a result of Lubbock-Cooper’s unlawful failure to appropriately respond to racist abuse, we have been retained to preserve all of our clients’ legal rights. Before we undertake litigation, we conduct a thorough and careful investigation of the underlying factual and legal claims. We also only initiate those cases that we are convinced have merit and a high likelihood of success. After concluding our initial investigation, we are confident in the strength of the claims referred to in this letter.

Nonetheless, we have been authorized to contact you to explore the possibility of a resolution of this matter prior to pursuing any resultant litigation. We would appreciate the opportunity to discuss these claims with you or your representative, and to discuss the institution of policies to ensure that these incidents do not occur again. If we do not hear from you within fourteen (14) days, we will take that to mean that Lubbock-Cooper ISD does not desire to work with us towards an amicable outcome and will advise our clients accordingly.

While the nature of this letter is in the spirit of resolution, it is also to remind you of your ongoing obligations with respect to record retention. Therefore, any and all records, in any form, electronic or paper, should be preserved at once and a litigation hold should be put in place immediately. The type of material to be preserved includes all paper documents and electronically stored information including, but not limited to, surveillance video, e-mail, voicemail, text messages, instant messages, image or video files, and word processing files that are in your possession, custody or control, whether stored on computers or other storage media (e.g. hard disks, backup tapes, zip cartridges, CD’s, DVD’s, etc.). We ask that you take the necessary steps to ensure that all potentially relevant material concerning our client’s claims and employment be preserved. This letter is written without prejudice and without waiver of, and with full reservation of, all of our clients’ rights and remedies.



ELLWANGER LAW

EQUAL RIGHTS ATTORNEYS

Please tender this letter to all pertinent and relevant carriers, including your EPL and/or D&O insurance carrier and any others as may be applicable. We look forward to hearing from you soon.

Sincerely,

ELLWANGER LAW
a limited liability limited partnership

By: _____