



Summary

Complaint of Racial Discrimination Against Slaton Independent School District, Slaton High School and Slaton Disciplinary Alternative Education Program, December 12, 2022

Slaton High School has approximately 22 Black students. On the first day of school, a Black girl was referred to disciplinary alternative educational program (“DAEP”) for 30 days after the nurse scanned her face with a blacklight, finding her responsible for marijuana use because the scan revealed “glow[ing]” “specks” on her cheek and chin. A Black, Jewish boy was referred to DAEP for 30 days before classes even started because the principal found him “guilty by association” for an offense he had nothing to do with. And his sister, a Black Jewish girl with a disability—on track to be valedictorian of her senior class—was later sent to DAEP for 45 days after being forced to defend herself against a white boy who repeatedly called her the “N word,” despite her and other students’ pleas for him to stop. Besides sharing the same racial identity, these children all had something else in common: their families had repeatedly reported complaints of racial bullying and harassment to Slaton High School educators, school administrators, the superintendent, and to the Slaton ISD Board of Trustees.

The harmful short- and long-term educational, health, economic, and social impacts of placement in a DAEP are well-documented, including loss of instructional time; school avoidance and diminished educational engagement; decreased academic achievement, exacerbation of mental health concerns; and increased risk of substance abuse, dropping out, and involvement with juvenile justice systems.

As if these harmful impacts were not enough, upon arriving at DAEP, students were required to change into an “orange jumpsuit” daily. Adding insult to injury, Black students were then forced to endure other students in DAEP hurling racial slurs on a daily basis—calling the Black students the “N word” and “porch monkeys”; telling a Black girl “you aren’t worth anything”; and making “monkey sounds” at them. The racial slurs and harassment were so pervasive that a teacher slipped a Black student a note apologizing for the hostile environment.

The Black students remaining at Slaton High School fare no better. Black students at Slaton High School are daily subjected to their non-Black peers using the “N word” and other racial slurs, bullying, and harassment. One Black student was told to “shut up, because you’re Black” after asking another student to stop using the “N word.” Another Black student, out of breath while working out during football practice, was taunted by other students jeering, “He can’t breathe like George Floyd.” His sister received racially charged threats, including a student saying “don’t forget, I run your block, n****r” after inquiring about where the family lived. The same student recruited another boy to begin singing tauntingly to the Black girl, with one student singing “NIG” and the other student singing back “GER.” This horrific chorus continued for days, culminating in an incident where—in the middle of class—the two boys again sang “NIG-GER,” and then: “I’m gonna hurt you.” The Black girl recorded the incident and shared it with the

school, but the principal still concluded there was insufficient evidence to substantiate the claim and failed to take any protective measures.

Indeed, a few weeks after this incident, a Slaton school counselor pulled the Black girl aside as she was working on college financial aid applications. Incredibly, the counselor asked the girl whether she would “help” another Black girl, who had reported experiencing similar forms of racial harassment. Further, school employees responded to student complaints by suggesting they should ignore the harassment, because “it’s just a word.” These are just a handful of many examples of Slaton ISD and Slaton High School’s failure to train its staff on how to effectively and appropriately prevent, identify, and respond to racial bullying and harassment.

Despite being happy and excited to be in school, and despite being high-achieving students, after just a few days in Slaton High School all of these Black children came home discouraged and outraged. Predictably, their mental health and academics also suffered. The families of these children repeatedly reported the racial harassment and bullying that was causing their children emotional distress to Slaton administrators during the first week of school and virtually every week thereafter. But the administrators failed to take prompt, effective action in response to these complaints, instead leaving Black children to defend and support themselves against a daily onslaught of racialized taunts, threats, and jeers.

One of the students, a Black Jewish girl with a mental health disability, became so distressed by the repeated instances of harassment and the school’s failure to take appropriate remedial action that she “snapped,” defending herself against a boy who repeatedly called her the “N word” and used the “N word” and other anti-Black racial slurs daily in proximity to her. Her parents had previously warned administrators that their daughter was on the brink of a mental health breakdown, making clear their concern that if school leaders did not take steps to effectively address the harassment, it could lead to serious manifestations of her disability.

Instead of recognizing that the severe, persistent, and pervasive racial harassment triggered her mental health disability and created a hostile and unsafe environment, the principal gave her a 45-day sentence to DAEP, where the girl knew she would continue to be subjected to racial harassment, just like her brother. Refusing to go to “that place,” she ran away. The next night, she told a family member that she was “ready to give up” and “didn’t see a reason to keep fighting.” Because of the school’s failure to prevent and respond appropriately to racial bullying and harassment, and because of its racially discriminatory use of exclusionary discipline practices on Black children, a Black child went from being a top contender for valedictorian of Slaton High School to being placed in a mental health facility far away from her family and friends.

The undersigned students, parents, and civil rights organizations (collectively, the “Complainants”) respectfully submit this complaint of racial discrimination under Title VI of the Civil Rights Act of 1964 because Slaton ISD, Slaton High School, and Slaton’s DAEP have engaged in unlawful discrimination on the basis of race by (1) failing to prevent and respond appropriately to complaints of racial harassment, (2) failing to train its educators and administrators on preventing, identifying, investigating, and remediating racial harassment, and (3) engaging in discriminatory discipline practices. The Complainants seek accountability for the students and families whose lives have been irrevocably altered because of Slaton’s discriminatory practices, in addition to appropriate remedial measures to ensure that no child is forced to endure a racist learning environment in Slaton again.

Complainants request OCR to consider the following as part of any resolution of the complaint:

- Revise, as necessary, Slaton ISD’s anti-harassment, anti-discrimination, and anti-bullying policies to ensure they are reasonably designed to prevent, address, and respond to incidents of harassment.
- Ensure that Slaton High School’s code of conduct includes a clarifying statement that the prohibition on bullying and harassment specifically includes bullying on the basis of a student’s protected characteristics, including a student’s race, color, and/or national origin.
- Provide training to the district and high school’s staff on Title VI and the district’s revised harassment policies and procedures.
- Designate at least one high school and/or district employee with responsibility to coordinate supportive measures for students who report incidents of racial harassment.
- Provide an effective and age-appropriate orientation program for the High School’s students regarding the school’s anti-bullying/anti-harassment policies.
- Establish a student committee at the high school to provide a forum for students to discuss matters concerning harassment and suggest measures for improving the effectiveness of the school’s anti-harassment program.
- Establish a working group of district personnel, community representatives, parents and students to make recommendations regarding the district’s anti-harassment program.
- Appoint an external evaluator to conduct an annual assessment of the educational climate at the high school to assess the effectiveness of its anti-harassment program and to identify any additional measures necessary to ensure an educational environment free of racial discrimination, including harassment.
- Effectively implement alternatives to exclusionary discipline placement, such as restorative practices, to eliminate harmful placements in DAEP that target Black students.
- Train educators and administrators on appropriate school discipline practices, including training relating to investigating disciplinary complaints, combatting bias and discrimination in disciplinary determinations, identifying and relying on credible evidence, and ensuring disciplinary decisions are implemented consistent with the district’s progressive discipline policies and Positive Behavior Intervention Support (PBIS) programs.
- Establish a process for reviewing claims of erroneous discipline unlawfully imposed on Black students, including expungement of findings from school and District records.
- Publish annually on the district’s website a written report summarizing the reports of racial bullying and harassment (with student identifying information redacted) and their disposition, in order to ensure transparency and accountability for the community.
- Monitor the school’s compliance with any Resolution Agreement.

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For more **information** about these complaints, contact Paige Duggins-Clay, J.D., at IDRA (paige.duggins-clay@idra.org)

If you are seeking **legal representation** in a discrimination matter, contact David Henderson at Ellwanger Law (dhenderson@equalrights.law)

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