

February 26, 2016

Jennifer Serafyn, Esq.
Chief, Civil Rights Unit
United States Attorney's Office
District Of Massachusetts
1 Courthouse Way, Suite 9200
Boston, MA 02210

RE: Boston Civil Rights Community - Request to Investigate Boston Latin School

Dear AUSA Serafyn:

The undersigned civil rights organizations and community members are requesting the Civil Rights Division of the United States Attorney's Office for the District of Massachusetts to investigate concerns raised about racial harassment, a racially hostile learning environment, and racially disparate discipline at Boston Latin School (BLS) in Boston, Massachusetts. We also ask that you investigate the possible deliberate indifference to these issues by BLS administrators. We make this request pursuant to your authority to investigate racial discrimination under Titles IV and Title VI of the Civil Rights Act of 1964 42 U.S.C. §§ 2000c-d.

This request arises from the complaints of BLS students, parents, alumni, and other concerned Boston residents, many of which have come to light as the result of a high-profile, student-led social media campaign to address racial hostilities at BLS. On January 18, 2016, members of a BLS student group named Black Leaders Aspiring for Change and Knowledge ("BLS B.L.A.C.K.") posted a YouTube video describing racially charged incidents at the school and the school administration's failure to respond thereto. (*#BlackatBLS2016*, at <https://www.youtube.com/watch?v=72akBcSZiOY>.) These incidents included White students directing racial epithets at Black students in BLS hallways, other racially charged statements, and racially offensive conversations on social media by BLS students. Our request highlights

some of the incidents raised in the video and some that were not, all of which warrant deeper and more comprehensive investigation into the school's policies and practices.

Lynching Comment

In November 2014, a non-Black male student threatened a Black female student by calling her the "n-word" and, while holding an electric cord, making a reference to lynching. The incident was brought to the attention of the BLS administration but was not investigated, properly documented or classified as an instance of discrimination, harassment or bullying under BLS's Code of Conduct. Because BLS administrators did not properly classify the conduct, they did not discipline the non-Black student. Nor did they alert his parents or the parents of the Black student he threatened. These failures resulted in the male student's continued harassment of the Black female student the following school year.¹

Student-on-Student Racial Harassment over Social Media

In the aftermath of a grand jury's failure to indict Ferguson, Missouri, police officer Darren Wilson in the shooting death of teenager Michael Brown, White students at BLS made racially insensitive remarks over social media in response to Black students' social media statements. Concerned students delivered the social media posts to the administration in 2014. The administration's response to these incidents was inadequate and not reasonably calculated to prevent future incidents of this nature. In 2015, White BLS students again engaged in racially insensitive conversations on social media and reposted or shared racial slurs posted by others.

¹ This incident is offered to illustrate the ongoing racially hostile school environment at BLS. The victim is not a signed complainant and is thus not precluded from seeking legal redress of any claims resulting from this incident.

Inadequacy of Boston Public Schools' Investigation

In the wake of the #BlackatBLS social media campaign, Boston Public Schools (BPS) investigated only individual claims that certain behaviors violated BPS's non-discrimination policy, not the overall racially hostile learning environment at BLS. This investigation was inadequate and was evidence of deliberate indifference by BLS and BPS administrators to students' concerns about racial discrimination and the racially hostile learning environment. For example, while being interviewed by BPS staff, BLS B.L.A.C.K. students shared information about a classroom incident where a BLS teacher greeted a Black student by using the "n-word." This incident was not investigated. Additionally, there were several students with information pertinent to the investigation of the racial climate who were not interviewed. In fact, less than one percent of the student body was interviewed.

Furthermore, BPS chose not to investigate the additional social media posts from 2015 that the students provided the BLS administration. Despite the fact that there were seven race-related incidents reported in a 14-month period, BPS made no determination about the school's racial climate, nor any indication that it would do so. On February 22, the Superintendent announced the investigation was closed.

BPS's decision not to make further inquiry into the information shared during the investigation gives us reason for concern, and is a significant factor in our decision to make this request. While we welcome the recent reflection by the BLS headmaster of her prior inadequate responses, her stated support of the B.L.A.C.K. student group leaders and her plans to take steps to improve the school climate, we believe that it remains critical for an independent investigation to be conducted by a governmental entity with the authority to document more definitively the

extent of the problem and provide remedies that will result in a safe and supportive school climate for all students at BLS.

Disparate Discipline

Parents of current and former students have also raised concerns about the disparate discipline and suspension of Black students compared to their similarly situated non-Black counterparts. One incident involved the 45-day suspension of a Black male student accused of sexting and rumors that the administration sought to prevent him from returning. We are not aware of similarly lengthy suspensions for White students for sexting or similar offenses. Another incident involved a Black student who was suspended for making remarks that were perceived as racially insensitive to White students. We are also aware of incidents where suspension proceedings were initiated against Black students for off-campus offenses, but not against White students.

BPS's recent and limited investigation appears not to have addressed these concerns. Worse yet, these concerns are presented against a backdrop of disproportionately low numbers of Black students relative to their population in the school district, as well as attrition rates of Black students that raise concerns about the racially hostile learning environment that exists at BLS.

* * *

We are concerned that these incidents are part of a broader history of racial insensitivity, harassment and discrimination that has existed for many years at BLS and possibly through the Boston Public Schools. Indeed, while what we are learning about BLS is shocking, we are fully aware that there are students and parents in other BPS schools that face discrimination in these and other forms. Those families may be watching the situation at BLS to see if their concerns are

AUSA Jennifer Serafyn

February 26, 2016

Page 5

taken seriously if they speak up. Based on all of these concerns we respectfully request you open a civil rights investigation of the Boston Latin School.

Respectfully submitted:

Boston Branch NAACP

Urban League of Eastern Massachusetts

American Civil Liberties Union Foundation of Massachusetts

Lawyers' Committee for Civil Rights and Economic Justice

Massachusetts Advocates for Children

Massachusetts Association of Minority Law Enforcement Officers

Kevin Peterson, Founder, New Democracy Coalition

Reverend Reginald Smalls, Pastor Bethel Pentecostal Church