

February 27, 2012

~~VIA FACSIMILE 904.974.0471~~

AND FEDERAL EXPRESS DELIVERY

U.S. Department of Education
Office for Civil Rights
61 Forsyth Street S.W., Suite 19T10
Atlanta, Georgia 30303-8927

Re: M.C., J.K.S., and A.J.P., on behalf of themselves and all others similarly situated v. Escambia County (FL) School District

To Whom It May Concern:

Please consider this letter a Complaint filed against Escambia County School District (“ECSD” or “the District”) on behalf of African American students who have been or will be subjected to discriminatory disciplinary removal and disproportionate arrests while attending schools within the District.¹ Complainants allege that ECSD has discriminated against them on the basis of race by engaging in practices that have the effect of discrimination in violation of Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations. 42 U.S.C. § 2000d; 34 C.F.R. pt. 100. The Complainants file this Complaint on behalf of themselves and all other similarly situated students.

¹ The contact information for the District is as follows: Escambia County School District, 75
North Bay Blvd., P.O. Box 1, Ft. Escambia, FL 32505 (950) 480-6101

Statement of Jurisdiction

Franklin County School District, et al. v. [REDACTED]

subject to the anti-discrimination prohibitions of Title VI. Complainants allege that the discriminatory acts complained of herein occurred within 180 days of the filing of this

administration which have the effect of subjecting individuals to discrimination because

of their race, color, or national origin . . .”).

7 West Florida High School ("West Florida") is a school choice option and

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

arrest and trespassing. M.C. pleaded no contest to the charges and was ordered to complete community service and write an essay regarding the school incident.

11. Prior to this incident, M.C. had no history of school disciplinary infractions. He hopes to attend the University of West Florida in the fall.

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16. The in-school suspension triggered a series of unfortunate events. On the final day of J.K.S's in-school suspension, the teacher falsely accused him of violating the District's cell phone policy and was directed to see the principal. J.K.S. became upset by the accusation and refused to go to the principal's office. The matter was resolved by [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. A.J.P. currently attends Pensacola State Community College's Collegiate High School where she is in contention for a Bright Futures Scholarship to attend a Florida public college or university.

ECSD - District 11 - B. J. J.

address student misconduct. See Exhibit 1 at 29-30. Not all procedures, described as

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

school official in *any* way,” repeated incidents of “disruptive” behavior, or “embarrassing” school employees during or after school hours. *Id.* at 17-19.

Discretionary Use of “Reassignments”

30. The District has granted school administrators unfettered discretion to remove students from their neighborhood school under the rubric of “involuntary reassignment.” Exhibit 1 at 29(B)(15). (“Depending on the severity of the infraction, the school administration reserves the right to administer the appropriate disciplinary actions to include, but not be limited to, immediate reassignment.”). Exhibit 2 at 4.

31. Involuntary reassignment may be meted out in minor circumstances such as “repeated disruption” without recourse to the school board for review of the decision to

Lack of Definition and Standards

33. The District's disciplinary procedures suffer from a lack of definition that leads to disparate application of ambiguous terms. Members in its published material

does the District define such offenses as "defying authority," "misbehaving in class," or "disrespect" although these terms appear to be interchangeable.⁶ However, the corresponding punishments vary, without any explanation for the distinctions. Per the 2009-2010 Adjudication Guidelines, an incident of "gross disrespect" has a corresponding base punishment of 10 days of out-of-school suspension, while "gross

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In addition, although truancy is not an offense for which out-of-school suspension is allowed, a student may nonetheless be taken into police custody, again showing the unevenness of disciplinary sanctions within the District. See Exhibit 1 at 7.

35 Although the District vests school administrators with broad discretion in

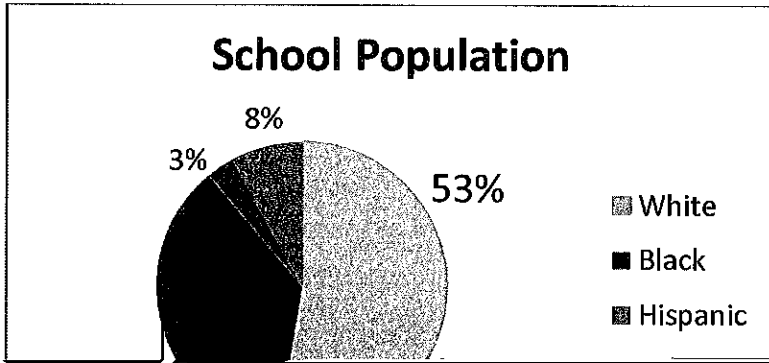
simple assault, simple battery, affray (fighting), theft of less than \$300, trespassing, and vandalism of less than \$1000. Fla. Stat. §1006.13(4)(c).

38. While these offenses may not trigger automatic referral to law enforcement

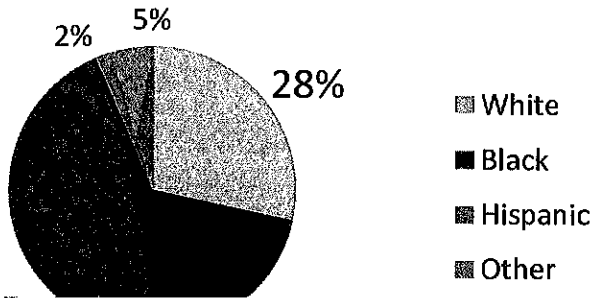
at 1-4.

punishments at the discretion of school administrators. See Exhibit 1 at 15-19; Exhibit 2

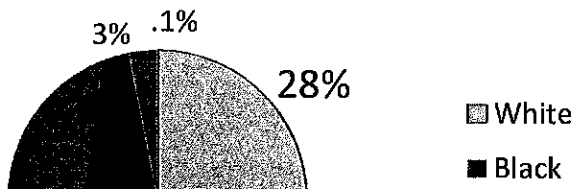
at 1-4.



Out-of-School Suspensions



At-School Arrests



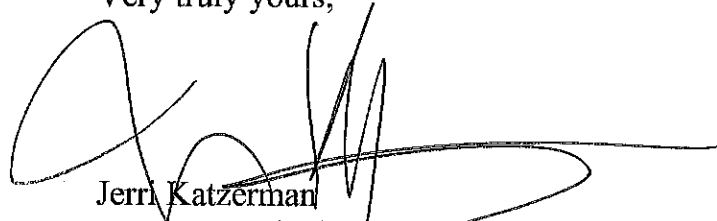
43. This disparity has existed for many years. See Exhibit 7.

46. Tate High School, for instance, imposed 309 out-of-school suspensions during the 2009-2010 school year. Its goal for improvement is a mere 3% reduction of this extraordinarily high number. See Exhibit 8. See www.escambia.k12.fl.us/schscnts/that/aboutus./index.asp (population of Tate High School is approximately 2000 students).

47. There is no evidence that racial disparities in the imposition of school discipline can be explained by differences in student behavior. To the contrary, there is

Thank you for your kind attention.

Very truly yours,



Jerri Katzerman
Deputy Legal Director
**admitted in Arizona and Washington*

Tania Galloni
Municipal Attorney, Director Florida Office

**admitted in Florida*