



U.S. Department of Justice

United States Attorney's Office
Eastern District of Michigan

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SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

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Re: Investigation of Hartland Consolidated School District

Dear Travis,

This letter is in reference to the investigation initiated by United States Attorney's Office for the Eastern District of Michigan ("the USAO") into allegations of race discrimination against students of color in the Hartland Consolidated School District ("District"). As you know, we received a complaint, filed by a then-student in the district ("Complainant") and her guardian, alleging that the District failed to address pervasive race-based harassment of Complainant and other Black students. On the basis of this complaint, the USAO initiated an investigation under Title IV of the Civil Rights Act of 1964 ("Title IV"), 42 U.S.C. § 2000c, *et seq.* Title IV authorizes the Department of Justice, of which the USAO is a component, to address complaints that a school is depriving students of equal protection based on race, color, religion, sex, or national origin and to bring civil actions in federal court under certain circumstances. *See* 42 U.S.C. §§ 2000c-6. As described below, the USAO is offering the District the opportunity to resolve this investigation voluntarily.

A. Investigation

On March 24, 2021, the USAO notified the District that we had opened a Title IV investigation into allegations of racial harassment against Black students. In our opening letter and subsequent correspondence, we requested that the District provide information and documents, principally focusing on the period from the 2017-2018 school year to the 2020-2021 school year. In response to this, as well as subsequent requests for information issued by the

USAO, the District produced and the USAO reviewed district-reported incidents alleging harassment, bullying, discrimination, or misconduct based on race. The USAO also reviewed relevant District policies and procedures, handbooks, codes of conduct, and trainings. During a site visit to the District, the USAO interviewed 10 District employees, including the assistant superintendent, and high school principal, assistant principals, guidance counselors, and teachers. During a meeting held on October 26, 2021, the USAO also heard from the Superintendent, and other District- and school-level administrators. The USAO additionally located and interviewed other students of color in the District, their parents, and community members.

B. District Demographics

The District is overwhelmingly white. For example, based on information provided by the District, at the high school during the 2020-2021 school year, there were only 19 Black students, out of a total student population of 1,743 (less than .05%). In addition, the District employs zero Black people in any administration, teaching, or professional positions. Hartland teachers who had previous experience being in other districts told us that there is a distinct lack of cultural awareness in the District, as compared to their experiences in prior districts.

C. Complainant

At the time of her complaint, Complainant was a Senior at Hartland High School. In February 2021, she posted a message on Facebook alleging a number of incidents occurring over the prior three months wherein white students repeatedly called her racist names, including the n-word, and made fun of her hair and appearance. She further alleged that teachers at her school heard or were aware of these incidents but took no action. Following the Facebook post, Complainant alleges that she was told that a student had threatened to lynch her, so she left campus. Complainant also indicated that the prior school year she had also experienced racist comments from a white student and complained generally about the lack of racial diversity in the District. The Livingston County Sheriff's office subsequently investigated the allegations made by Complainant and criminal charges were filed against four students. At the time of this letter, at least two of those students have pleaded guilty.

D. Other Students of Color

During our interviews, other current and former students of color similarly reported regularly experiencing racist comments from white students throughout their time in the District: white students regularly used the n-word during conversations among themselves but within earshot of students of color; white students made monkey noises when passing a Black student in the hallway of the middle school; an Asian American student was told to "go back to your own country" when she was in middle school; harassment related to slavery increased when schools taught the subject, which some Black students felt was not taught in a respectful or considerate manner. White students frequently wore Confederate-flag clothing and face masks to school, as well as flying Confederate-flags from their vehicles. Even one of the teachers interviewed indicated that she experienced an incident where a student wrote a racial comment about Puerto Ricans on a desk in her classroom which she felt was directed at her due to her Puerto Rican

heritage. Although the incident had occurred several years prior, the teacher cried while recounting the story and indicated that she felt that the school administration did not adequately address the issue with her.

Some students said that they told teachers or other staff when they experienced harassment initially, usually years before their interview, but when there was no substantive response, the students became discouraged and stopped reporting. However, the majority of the students (and parents) indicated that they did not tell District staff for fear of being singled out or possible retaliation. Many of the students of color and their parents were happy when the District switched to a virtual school format during the COVID-19 pandemic so they did not have to attend in person.

E. District Practices

The District fully cooperated with our investigation, responding to multiple rounds of document requests and providing answers and information to specific questions throughout the investigation, as well as making its staff available for interviews and meetings.

According to the District staff interviewed, all denied being aware of any of the incidents described in Complainant's Facebook post at the time they occurred. They also indicated, and the records provided reflected this, that any incidents of district-reported racial harassment resulted in, often significant, disciplinary action against the harassing student. However, disciplinary action appeared to only occur when an accused student admitted the conduct, or there was third-party corroboration of the accused conduct; no discipline, nor any other district action, appeared to occur in the absence of this, regardless of substance of the complaint. Multiple students complained that when they would alert a teacher to an incident, the response was that if the teacher didn't witness it themselves, they couldn't do anything about it.

Moreover, the District did not track incidents of harassment from the perspective of the victim, which meant that District staff was unaware of situations where the same student would be victimized by different students. For example, even the Complainant's assigned counselor was unaware that Complainant had been a victim of racial harassment by an unrelated student in the previous school year. The District's failure to track victims also resulted in a complete lack of follow-up or support being provided to the victim.

District staff interviewed indicated that they were aware of racist language used generally by students, and if they were able to identify the student, would report the incident for discipline. This was reflected in the district-reported incident materials provided. However, each racially-related incident seemed to be viewed as isolated incidents; there did not appear to be any broader response by the District to address harm to the school climate and learning environment caused by the prevalence of racially-harassing comments and common presence of Confederate flag items among the student body.

On a systemic level, the District confirmed that it did not have any programming or training on racial harassment or other race discrimination, for students or staff. There was a

robust process for Title IX issues relating to sex harassment and discrimination, but nothing related to race or other protected characteristics. In addition, the staff interviewed often were not familiar with Board or District-level policies, and the building-level procedures that they followed often did not match the higher level policies. And finally, there appeared to be a lack of counseling staff, who were often the personnel relied upon to deal with student concerns.

F. District's Response

Many of the above-noted issues were shared with the District during the course of our investigation. In response, the District voluntarily took a number of steps to specifically address them. Among other things, the District: created a Board-level Diversity Equity and Inclusion (DEI) Committee; instituted professional development training focused on DEI issues; had District employees re-engage with the Livingston County Diversity Council and other related organizations; started development of student training on harassment and bullying and how it differs when it involves individuals within a protected class; started development of a process to follow-up with students who are identified as victims or perpetrators of harassment, including restorative justice practices; committed to reviewing and revising internal policies, practices, and procedures regarding the investigative process for allegation of harassment, including improving its tracking process; added a full-time counselor at the 5th-6th grade intermediate school, a part-time counselor at the middle school, and employed a full-time social worker or psychologist in every building; and increased its efforts to recruit racially diverse professional staff.

Based on the actions taken by the District to date, the USAO is offering to close our investigation of Hartland Consolidated School District if the District agrees to complete the following actions **by the end of the 2022-2023 school year**:

1. Conduct a district-wide climate survey, sent to all employees, parents, and students, to assess the presence and effect of harassment based on race, the inclusiveness and safety of the educational environments, and the effectiveness of the measures taken by the District described above.
2. Develop a plan to address concerns identified by the survey responses, including developing a strategy to monitor the effectiveness of the District's anti-harassment efforts using specific tools and benchmarks that can be tracked and analyzed.
3. Invite students to meet with designated District officials to share information about their experience with racial harassment in the District and respond promptly and effectively to student complaints and concerns.
4. Continue efforts to better investigate, track, and respond to complaints of racial harassment with a focus on victims, and providing them with support following incidents.
5. Provide annual mandatory training and programming for staff and students on racial harassment and ensure staff understand their obligation to address racial harassment.

6. Provide the USAO with copies of complaints alleging racial discrimination in the District and documentation of the Districts response on November 1, 2022, March 1, 2023, and June 1, 2023 and provide additional information when requested as needed to evaluate compliance with these terms and federal law.

The United States will review compliance with the terms of this letter agreement once during the 2022-23 school year, and again at the end of the school year. If the United States finds the terms have been satisfied, the United States will close the investigation. Please note that this letter addresses only the allegations presented in the complaint filed with us. Nothing in this letter limits the United States' authority to investigate any additional complaints regarding race discrimination in the District.

Also note that our actions do not affect the rights of private individuals, including the Complainant in this matter, to enforce their individual rights under any federal law.

If the District is willing to accept the terms of this information resolution and undertake the aforementioned actions, please provide written confirmation by signing this letter in the space provided below and return it to me **within 14 days** of the date of this letter. Should you have any questions or would like to discuss this offer, please feel free to contact me.

Very truly yours,

DAWN N. ISON
United States Attorney



SUSAN K. DeCLERCQ
Assistant U.S. Attorney

cc: Whitney Pellegrino, DOJ (via email)

In re: USAO Investigation of Hartland Consolidated School District

The individual signing this offer of resolution warrants and represents that s/he has reviewed and understands this offer of resolution, and that s/he is fully authorized to enter into the terms and conditions of this offer and bind Hartland Consolidated School District thereby.



Signature

Charles Hughes, Superintendent

NAME/TITLE

On behalf of Hartland Consolidated School district



Travis Comstock

Giarmarco, Mullins & Horton, P.C

Attorney for Hartland Consolidated School District