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OFFICERS AND DIRECTORS  
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PRESIDENT

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EXECUTIVE DIRECTOR

**Re: Complaint and Request for Investigation Pursuant to Title VI**

Dear Enforcement Officer:

The American Civil Liberties Union and the ACLU of Louisiana believe that every student, regardless of race, ancestry, ethnicity, or religion, should feel safe and welcome in our public schools. We know that the U.S. Department of Education's Office for Civil Rights is committed to this same vision. Unfortunately, it appears that the Sabine Parish School District in Sabine Parish, Louisiana, is not. We believe that the School District is in violation of Title VI's anti-discrimination provisions, and we submit this letter of complaint to request that you investigate the School District's compliance with the statute and its implementing regulations and guidelines.

Today, the ACLU filed a federal lawsuit in the U.S. District Court for the Western District of Louisiana on behalf of Scott and Sharon Lane and three of their children, who attend Sabine Parish schools. The lawsuit alleges that the School District has violated the Establishment Clause of the First Amendment to the U.S. Constitution by promoting and inculcating Christianity and denigrating the Buddhist faith of Sharon Lane and her son, identified as C.C. in the Complaint (attached to this letter for your review).

The facts underlying the lawsuit also implicate Title VI, however. C.C., a sixth-grade student in the School District, has faced overt discrimination and harassment in school because of his Buddhist faith and Thai heritage. C.C. was adopted by Sharon Lane with the understanding that he would be raised as a Buddhist in accordance with his Thai birth father's cultural, ethnic, and religious heritage. For C.C., ancestry, ethnicity, and faith are inextricably intertwined, and school officials' treatment of C.C. reflects this fact.

In August 2013, C.C. enrolled in the sixth grade at Negreet High School, which serves students in kindergarten through twelfth grade. He quickly became the target of harassment and Christian proselytizing by his teacher, Rita Roark (who is named as a Defendant in the lawsuit). Roark ridiculed him in science class because he was a non-Christian who did not know the answers to improper religious questions she included on exams. When a student proclaimed that "anyone who doesn't believe in God is stupid," Roark announced her agreement. She has also told her class that Buddhism is "stupid."

Roark's harassment caused C.C. to become physically ill. He dreaded attending school and began to vomit in the mornings on the way there. On one occasion, beset with anxiety from the harassment, C.C. told another teacher at lunchtime that his stomach was hurting him. In front of other students, the teacher castigated him for being a "crybaby."

When Scott and Sharon Lane discovered the full extent of the harassment, they complained to Sabine Parish Superintendent Sara Ebarb (also a Defendant in the lawsuit). Ebarb refused to put a stop to Roark's conduct or Negreet's other pervasive and widespread practices promoting Christianity, including the incorporation of official Christian prayer into school events and the display of Christian iconography, Bible verses, and other religious messages throughout the school.

Rather, Ebarb added to the harassment and discrimination. She informed the Lanes that they were "in the Bible belt," and that they would just have to accept the school's Christian proselytizing and degradation of Buddhism. Invoking C.C.'s ethnicity and race, she then advised them that C.C. should transfer to another district school (Many Junior High School) more than 25 miles away where, in her words, "there are more Asians."

Alluding to C.C.'s foreign heritage, Ebarb also defended Roark and told the Lanes that, "if they were in a different country," they would see "that country's religion everywhere," and thus "shouldn't be offended" to "see God here." She added that, because she did not find it offensive that "the lady who cuts [her] toenails has a statue of Buddha," the Lanes and their children should not be bothered by Roark's in-class proselytization and

derogatory comments. Dismissing the wishes of C.C.'s birth parents that he be brought up in accordance with his birth father's cultural, ethnic, and religious heritage, Ebarb then asked whether C.C. really "has to be raised Buddhist" and whether he could "change" his faith.

In the end, provided no other options by Ebarb and deeply concerned about the hostile environment that the School District had created for C.C. at Negreet, the Lanes did transfer him to Many Junior High School. But even there, he continued to suffer harassment because of his Buddhist faith and Thai heritage and continues to be subjected to official Christian religious exercises.

We believe that these facts provide an adequate basis for your office to investigate the Sabine Parish School District and determine whether it is in compliance with Title VI. As explained in a "Dear Colleague" letter dated October 26, 2010, "[w]hile Title VI does not cover discrimination based solely on religion, groups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith." Letter from Russlynn Ali, Assistant Sec'y for Civil Rights, U.S. Dep't of Ed., to Colleagues at 5 (Oct. 26, 2010), *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> [hereinafter Oct. 10 Dear Colleague Ltr.].

Like the Jewish students in the letter's example, the harassment and discrimination directed at C.C. and his parents "was still based on [C.C.'s] perceived ancestry or ethnic characteristics," which are, for him, closely tied to his faith. *See id.* at 5. Moreover, like the Jewish students in the letter's example, "the harassment negatively affected the ability and willingness of [C.C.] to participate fully in the school's education program and activities." *See id.* at 5-6. Indeed, C.C. became distraught, physically ill, and dreaded attending school, which greatly limited his ability to benefit from the school's curricular and extracurricular offerings.

This hostile environment, created and sanctioned by school officials, likely runs afoul of Title VI and its implementing regulations. Under 34 C.F.R. § 100.3(b)(iv) (2014), educational recipients of federal funds may not "[r]estrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program."

Although school officials could have taken myriad steps to restore C.C.'s enjoyment of Negreet's programs and end the harassment and discrimination caused by their own employees, they chose instead to commit additional breaches of these regulations by separating C.C. from Negreet and his siblings. *See* 34 C.F.R. § 100.3(b)(iii) (2014) (stating that funding



recipients may not “[s]ubject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program”). In short, by refusing to put an end to the unlawful practices at Negreet, and effectively compelling C.C. to transfer schools, the School District has denied C.C. “an opportunity to participate” in any of Negreet’s offerings. *See* 34 C.F.R. § 100.3(b)(vi) (2014) (providing that schools may not “deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program . . .”).

To be sure, separating the target from the harasser may, in some instances, be appropriate under Title VI, but not where, as here, it “penalize[s] the student who was harassed.” Oct. 10 Dear Colleague Ltr. at 3. For instance, “any separation of the target from an alleged harasser should be designed to minimize the burden on the target’s educational program (*e.g.*, not requiring the target to change his or her class schedule).” *Id.* Requiring C.C. to travel every day to a school that is 25 miles away, where he is isolated from his siblings, is plainly punitive and a transparent attempt to avoid fixing the problems at Negreet High.

Accordingly, pursuant to 34 C.F.R. § 100.7 (2014) (conduct of investigations) and 34 C.F.R. § 100.8 (2014) (procedure for effecting compliance), we request that your office investigate the Sabine Parish School District for failure to comply with Title VI. We ask that you take all actions required to effectuate compliance and restore Title VI’s protections to Sabine Parish students of minority ethnicities, races, and faiths.

Sincerely,



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ACLU Program on Freedom of Religion and Belief



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