

Legal Aid of North Carolina, Inc.

RIGHT TO EDUCATION PROJECT

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919-226-0052 • www.legalaidnc.org/rep

22 March 2022

**Re: Federal Discrimination Complaint on the Basis of Race, Gender, and Disability
Against Davidson County Schools**

Akuaⁱ, the Complainant, is a Black, female, 9th grade student who attended Oak Grove High School (“Oak Grove”) in Davidson County, North Carolina during the fall of 2021. Akua is smart, responsible, respectful, and desires to do well in school. Akua’s first year attending Davidson County Schools (“DCS”) was the 2021-22 school year. Prior to her enrollment in DCS, Akua was diagnosed with major recurrent depressive disorder in October 2020.^{ii, iii, iv} In November 2020, Akua began experiencing panic attacks that would last as long as twenty minutes. Thereafter, she was diagnosed with anxiety disorder in January 2021. During her enrollment at Oak Grove, Akua faced discrimination on the basis of race, sex, and disability. Most pervasively, she experienced repeated instances of racial discrimination and different treatment, and was subjected to a racially hostile learning environment that was both created by students and teachers and tolerated by administration at Oak Grove. Research shows that Black adolescents who experience racial discrimination are at an increased risk of also experiencing mental health challenges by way of: (1) heightened negative psychological stress response, (2) increased physiological stress response, (3) hypervigilance, and (4) increased participation in unhealthy behaviors.^v Not surprisingly, the incidents of harassment and racial discrimination described below exacerbated Akua’s depression and intensified her symptoms of anxiety.

Oak Grove is a highly segregated school. In fact, a study conducted by Duke University concluded that Davidson County Schools are the “second most racially segregated in the state.”^{vi} At Oak Grove, Black students make up just 4% of the student body, and the percentage of Black girls is merely 2%. According to the school’s statistical profile for 2022, Akua was 1 of 17 Black girls in the school’s student body of 895 students.^{vii} Further, all of Akua’s teachers and administrators at Oak Grove were White, which is not surprising in a school district that has only two Black teachers in the entire district at the secondary level, zero Black assistant principals in the entire district, and zero Black principals in the entire district.^{viii}

Prior to transferring to DCS, Akua attended an IB magnet middle school in the neighboring school district, Winston-Salem Forsyth County Schools (“WSFCS”). During her time in WSFCS, Akua was identified as a gifted learner, completed advanced level courses in visual and performing arts, and earned high school credits for Spanish 1, NC Math 1, and Earth and Environmental Science. When Akua enrolled in Oak Grove on August 27, 2021, just nine school days after the first day of school, she desired to meet helpful and caring teachers. Being new to the high school experience while adjusting to living in a new city, she also desired new experiences with peers devoid of isolation, discrimination, and harassment.

Akua’s desires for her new journey did not shield her from harassing behavior from students and discriminatory treatment teachers and administrators at Oak Grove, however. As detailed in the

“The test of the morality of a society is what it does for its children.” -Dietrich Bonhoeffer



A United Way Agency



paragraphs that follow, Akua faced unrelenting discriminatory treatment and was subjected to a racially hostile school environment that was so pervasive that she began having intensified anxiety attacks at school and she was ultimately forced to return to online instruction to escape the hostile school environment.

The Black girl's hair is her crown. For as long as she can remember, the Black girl has tamed, sculpted, molded, and protected her hair—often spending hours—to perfect the perfect curls and hairstyles. Although not the first or only incident of culturally insensitive and racially discriminatory treatment toward Akua, an incident that happened on December 6, 2021 serves as an apt example of the culturally insensitive, discriminatory, and ultimately abusive climate that Akua was forced to endure on a daily basis at Oak Grove. On that day, Akua was in PE when she declined to let a White student touch her hair. The White student then proceeded to pull Akua's hair without permission or justification. Upset that her personal boundaries had been violated, Akua cursed at the student.

In response to hearing Akua's retort to the White student, Teacher-1^x responded by narrowly questioning Akua's choice of words and fully disregarding Akua's communicated boundaries and the conduct of the White student who pulled Akua's hair. He then referred Akua to the office as part of a disciplinary referral. Importantly, Teacher-1 did not refer the White student to the office for pulling Akua's hair or otherwise touching Akua without permission or justification. In Akua's defense, other students who observed the incident asked Teacher-1 why he did not say anything to the White student for touching Akua. He still did not address the White student or the culturally insensitive and hostile way in which Akua was touched by that student. The entire incident – from having her personal boundaries violated in an inappropriate, culturally insensitive manner to being sent to the office in front of her peers simply for standing up for herself– was humiliating and traumatizing for Akua.

The incident was also emblematic of Oak Grove administration's practice of silencing and whitewashing the negative experiences that Black students faced, while continually excusing and explaining away the behavior of the White students who created the harm. Fully disregarding the violating effect that the incident had on Akua, Administrator-1's^x letter to Legal Aid of North Carolina in response to our records request described the incident as, "the other student tugged Akua's hair in a playful manner, with no perception of malice or aggressive intent." Upon information and belief, the White student received no consequences for her harassing actions. This investigation into how and with what intent the other student pulled Akua's hair highlights how Administrator-1 has continuously minimized Akua's experiences as a Black girl at Oak Grove High School and has enabled a discriminatory, hostile environment to persist. As a result of this incident, Akua felt like White students viewed her as a "pet" and were given free range by staff and administration at Oak Grove to ignore her communicated boundaries.

This hostile environment had existed for Akua at Oak Grove since the beginning of the school year and manifested in Akua being subjected to countless microaggressions as well as overt racial discrimination and different treatment. One notable incident occurred on September 24, 2021 after Akua dozed off in class. Akua's teacher, Teacher-2 hit Akua's desk while she was sleeping and told her to go to the ISS room for sleeping in class. When Akua looked around, she saw that other White students were sleeping in class as well. Akua asked her why she had to leave class when other students were also sleeping in class. Akua reports that, although White students were sleeping in class, they were not called out or threatened with punishment of any kind.

Frustrated with the blatant different treatment she was facing, Akua attempted to share her experience about Teacher-2 on www.niche.com, which is a website that provides students, parents, and stakeholders a platform to review schools. In her review, Akua rated Oak Grove as a “1-star” school, which corresponds with a rating of “terrible” on Niche. Along with her rating, Akua wrote, “[t]his predominately white school has racist teachers and staff. They treat me very different from the white kids, being a black student here is challenging. I go through different racial challenges daily. [Teacher-2] is a very racist and entitled person and treats students of color very differently than her [W]hite students. I’m fed up!”

While Akua was typing the comment, Teacher-2 remotely accessed Akua’s laptop using the administrator feature available to teachers. Through this feature, Teacher-2 was able to see Akua’s screen as she was typing and attempted to control Akua’s laptop. Before she could submit her review to Niche, Teacher-2 read what Akua typed and took a screenshot of the post. Then, Teacher-2 clicked Akua’s screen to exit the website. Although Akua did not know it at the time, her experience was still posted on the website.

After reading the comment that Akua posted on Niche, Administrator-1 called Akua to the office. Administrator-1 proceeded to tell Akua that her post was slander and that she could not say untrue things just because she was upset. During Administrator-1’s questioning of Akua, she became anxious, started crying, and could not stop her legs from shaking. Even though Akua clearly reported facing discriminatory treatment and a hostile environment at school, Administrator-1 did not seek to understand her experience of racial discrimination, nor did he take any steps to address the racial discrimination that Akua spoke about in her post. Instead, Administrator-1 undermined Akua’s reality, silenced her speech, and had her post deleted from the website. This experience left Akua feeling invalidated, silenced, and afraid to speak up about things happening to her at Oak Grove. With the forced deletion of Akua’s 1-star rating, Oak Grove appears to the online community to be a school boasting only “excellent” 5-star and “very good” 4-star ratings on Niche.

As the only Black student in her Health/Physical Education class, Akua experienced several instances of different treatment from Teacher-1 and was subjected to a racially hostile environment by her peers and school staff. On September 29, 2021, while Akua was playing basketball in Physical Education, a group of White male students kept throwing Akua’s basketball across the gym. In response, Akua cursed at the students. Thereafter, the students yelled that they would “act like they could not hear Akua since she was acting ghetto.” When Akua reported their actions and comments to Teacher-1, he told Akua that she should not talk to other students that way, but did not address the White students’ verbal microaggressions or their behavior of throwing Akua’s basketball across the court. Once again, Akua was met with different treatment and with a complete disregard for the racially hostile environment that she was being forced to endure at Oak Grove.

On October 20, 2021, Akua was told by a White male student in gym to “run that track n*gger.” Akua reported this incident to Teacher-1 and Administrator-1. Administrator-1 responded that “no one could say the word.” Upon information and belief, no steps were taken to thoroughly investigate the discriminatory and hostile behavior that Akua reported. Upon information and belief, Administrator-1 did not discipline the other student. Moreover, Akua’s experience of being continually subjected to a racially hostile environment at school demonstrates that, even if limited

actions were taken by Administrator-1, they were not calculated to and did not send a clear message to students that such behavior was unacceptable at Oak Grove.

Administrator-1's letter to Legal Aid of North Carolina in response to our records request states that he spoke with Akua, the White male student Akua reported, and additional unnamed students about the incident. The White student who used the racial slur against Akua denied wrongdoing, and the other students likewise shared a version of events that did not align with what actually happened to Akua. This response was in keeping with what Akua regularly experienced at Oak Grove. Namely that when there are disputes about events, the White students and staff all deny wrongdoing or have an account of what took place that differs from the only Black student in the class. Also in keeping with Akua's experiences at Oak Grove, administration accepted the stories of the White students at face value and ignored Akua's reports of harassment and discrimination. In response to the racial harassment reported in this specific situation, Administrator-1 simply "advised [Teacher-1] to monitor the situation to ensure there were no problems moving forward." Administrator-1's letter to Legal Aid does not show that he took any action on Akua's behalf to address the hostile environment created for Akua as a result of her being subjected to the racial slurs. Instead, his letter highlights yet another instance of White students being viewed as more credible and more trustworthy than Akua. As a result of this incident, Akua felt threatened, embarrassed, and unsafe.

In another incident on or around October 28, Akua walked into class in the middle of other students discussing "whether the proper pronunciation of a racial slur was 'n*gga' or 'n*gger'." Akua reports that Teacher-2 was not in the classroom during the conversation, and the students were unsupervised at that time. During class there was a fire drill. Akua shared what she heard during the discussion with her only Black friend. When the students were walking back towards the building after the fire drill, one of the White male students that used the racial slur and his friends were talking loudly about the conversation at a volume that could be heard by Akua and her friend. When asked by Akua's friend about the conversation, one of the White students looked at them, pointed, and said, "you're a n*gger." Akua and her friend reported the incident to Administrator-2^{xi}. Akua's mother also reported the incident to Administrator-1 via email, as she had become increasingly concerned with the increase in Akua's anxiety and Akua's growing concerns about school safety.

Although Administrator-1's letter to Legal Aid does not share his investigation of the incident, he reported to Akua's mother in an email that thirteen students were investigated. Administrator-1 concluded that although Akua was the only Black student in the class, neither the conversation nor the slur were directed toward Akua and no punishment was administered to the White students. Again, nothing in Administrator-1's email to Akua's mother shows that he took any action on Akua's behalf to address the racially hostile environment created for Akua as a result of her being subjected to the racially insensitive conversation and/or being the direct target of a racial slur. As a result of the racial slur directed to her during the fire drill, Akua no longer wanted to attend Oak Grove. During Akua's telemedicine visit the next day, Akua reported feeling stressed about school and being called racial slurs. She also reported feeling unsafe and uncomfortable at school. During a subsequent follow-up appointment on November 2, 2021, Akua reiterated feeling stressed about school after being called racial slurs on two occasions.

On November 19, 2021, Teacher-1 refused to allow Akua to go to the restroom while she was menstruating. Akua explained her situation to Teacher-1 but was told that she would lose

participation points if she went to the restroom. Akua went to the restroom without permission with a White peer after feeling her menstrual pad shift from running laps. When they were returning to the track, some of their peers started yelling that the teachers were coming and Akua ran back to the gym. Although Teacher-1 did not see Akua, the White student who went to the restroom with Akua told Teacher-1 that she and Akua had left the instructional area. Teacher-1 told Akua that she would have ISS the following Monday for skipping class. Upon information and belief, the White student was neither threatened with punishment nor was the White student punished for engaging in the exact same conduct as Akua.

Research shows that “Black youth who experience perceptions of discrimination also experience increased conduct problems and depressive symptoms associated with their perceptions.”^{xii} Therefore, it is predictable that Akua would share her frustration about the blatant act of racial discrimination with a peer. While they were in the locker room, Akua cursed in a comment she made to a peer about the teacher’s reaction. Another teacher overheard her comment and referred Akua to the office for allegedly violating standards of expected student behavior, “114 UB: Inappropriate Behavior and 061 UB: Disrespect of faculty/staff.” Although Akua did not make the comment directly to a teacher, she was sent to ISS until Administrator-1 could investigate the incident. This time, the intense mental and emotional weight of constantly being treated differently from her peers and never being listened to or believed was too much for Akua to bear. While waiting in the ISS room, Akua began crying and displaying symptoms of an anxiety attack. As reported during a November 27, 2021 telephone conversation with her therapist’s office, Akua reported that she cried for two hours. During these two hours, Oak Grove’s staff smirked at her, did not offer any assistance to her, and refused to allow Akua to call her mother. Akua became visibly upset and cried herself to sleep while waiting for the investigation to begin. At the end of the investigation, Akua was punished with three days of out-of-school suspension.

On November 23, 2021, Akua’s mother had a conversation with Oak Grove’s guidance counselor. During that conversation, Ms. Smith shared information regarding Akua’s worsening anxiety symptoms due to the impacts of racial discrimination at Oak Grove, her prescribed medications, and Akua’s access to community-based counseling. She also inquired about virtual school options for Akua at that time. During that conversation, Ms. Smith also inquired about a 504 Plan for Akua. The guidance counselor followed up by emailing Davidson County’s required 504 Plan referral documents and a blank copy of the “Panic/Anxiety Attacks or Disorder Individualized Health Plan/Emergency Action Plan.” At that point, Oak Grove had clear knowledge of Akua’s need for individualized support to address situations that were likely to induce her anxiety, as established through the guidance counselor’s express knowledge, Administrator-1’s observations on September 24, 2021, and Ms. Smith’s conversations and emails with Administrator-1.

Akua described one incident, occurring between September 14, 2021 and the date of the filing of this Complaint, with an unknown date. In this incident, Teacher-3^{xiii}, pulled Akua’s hood off her head and yanked her braids. Akua was standing with a group of friends who were talking to Teacher-3. Akua reports that Teacher-3 was standing with his front side pressed against the Black female student’s backside. Akua pulled her friend away from Teacher-3. As soon as Akua pulled her friend away from Teacher-3, he then turned to her and pulled her hood off her head. Akua started to run away from Teacher-3. At that time, Teacher-3 grabbed her braids and began chasing after Akua. Akua asked him to stop, but he did not stop until Akua was able to run fast enough to release her braids

from his grasp. As a result of this incident, Akua tried to convince a group of students to report the incident to administrators, but they were afraid to do so. Accordingly, Akua felt that female students were not safe at Oak Grove High School and could not speak out about the inappropriate conduct of their teachers.

In addition to facing different treatment as it related to school discipline, Akua likewise experienced a pattern of retaliation and harassment in response to her and her mother's attempts to advocate for her to be treated with respect. One example relates to how Akua was graded on the Progressive Aerobic Cardiovascular Endurance Run ("PACER") on December 6, 2021. According to the PACER Manual, the PACER is a "multistage shuttle run designed to measure aerobic capacity, which is characterized by endurance, performance, and fitness." The objective is to run as long as possible back and forth across a 20-meter space at a pace that gets faster each minute. One point is scored for each 20-meter distance covered, and according to the Manual, the "test is easier in the beginning but progressively gets more difficult." The Manual also states that PACER is a "more effective, fun, and easy way to measure aerobic capacity that encourages participation from all youth and is relatively easy to score and administer."

As a new student to Davidson County Schools, this was Akua's first time performing the PACER. As such, she had many questions for Teacher-1 about the guidelines and expectations for the test; however, instead of answering the questions or explaining the PACER, Teacher-1 told her, "just do your best." As a student who has long struggled with breathing issues, Akua experienced disability-related hurdles in completing the test. Unfortunately, Akua's best, a score of 25, was not enough to pass the pass/fail PACER test, as she needed 27 points to pass. Akua's grade reflected a 60 for the assignment and Akua's grade in and Health/Physical Education for the first quarter reflected a "D" average. Had she received the accommodations needed as a result of her breathing issues and had she been given the opportunity to ask and have her questions answered about the PACER test, she would not have failed the test.

Another contributing factor to Akua's "D" for the first quarter was her lack of access to Everfi. Although Teacher-1 knew that Akua was new to the district and did not have access to her Everfi account until September 9, 2021, he still counted some of her assignments "late" despite his knowledge that Akua was not an enrolled student at the time of some of the assignments and his knowledge that she did not have access to Everfi until nine school days after her enrollment. On December 7, 2021, Akua's mother emailed Administrator-1 pleading for Akua to be placed in another Physical Education class for the remainder of the semester due to the hostile learning environment that had been created. Administrator-1 immediately responded by denying Ms. Smith's request and instead offered an option for her to get PE credit through the completion of alternative research assignments. Essentially, Administrator-1 removed Akua from her peers without taking steps to sufficiently address the underlying hostile environment.

The proposed alternative created more stress for Akua and felt retaliatory. On December 7, 2021, Akua's mother responded that she had concerns about the assignments posted by Teacher-1. Specifically, for every class that Akua was not physically present, Teacher-1 assigned Akua a two-page, double spaced, typed research paper. The assignment required Akua to complete research, formulate a response, and type her response before the end of the class period. Akua's mother reported to Administrator-1 that the assignments were tedious and the topics were too broad. The research topics

ranged from teenage obesity, cardiovascular fitness and flexibility, badminton, Title IX's impact on sports for high school and college women, inventing a sport to teach to the class, and researching questions on www.heart.org. Akua's mother also told Administrator-1 that she felt like the assignments and the timeline to submit the assignments were a form of retaliation against Akua for speaking up and speaking out about her experiences in Teacher-1's class. She felt this was especially true since Akua reported that the students usually were required to run or walk only a few laps before they were allowed to sit down for the rest of the gym class. Given the amount of stress and anxiety placed on Akua to complete the two-page research paper in a single class period, her mother asked Administrator-1 if Akua could have extended time, as they had previously discussed Akua's potential need for a 504 Plan. Administrator-1 did not respond to the request for extended time.

Without necessary accommodations or a health plan in place, Akua failed her second attempt of the PACER test on December 15, 2021. Akua pushed herself so hard that she felt like she was having an asthma attack. Afterward, she sat on the bathroom floor for fifteen minutes crying and trying to catch her breath. No one aided Akua during this time despite the school's knowledge of Akua's past anxiety attacks.

Akua's experiences at Oak Grove High School reduced her desire to attend school. The pervasive pattern of negative treatment from her peers, school leaders, and other adults caused Akua to feel intense anxiety every day she attended school, caused her self-confidence to decrease, caused her to experience physical pain in her stomach, and resulted in Akua consciously avoiding interactions with her teachers. As a result of the incidents described below, Akua developed symptoms of school avoidance and switched from in-person instruction to virtual learning.

Ms. Smith was 36 weeks pregnant when the racial harassment and discrimination that Akua was facing at school began to intensify. The incidents of different disciplinary consequences for Akua compared to White students for the same or similar conduct, the school's administrator's detaining of Akua without allowing her to call home during an intense anxiety attack, incidents of teachers and students physically touching Akua and pulling her hair without permission or justification, and unfair grading practices against Akua weighed heavy on her mother's heart. Ms. Smith reports that the actions of Oak Grove High School's administrators caused her to experience a great amount of stress throughout her pregnancy. The final weeks and days of Ms. Smith's pregnancy consisted of several calls from Oak Grove's administrators sharing their one-sided versions of the incidents described above before Akua returned home to share the reality of the negative treatment she endured during the incidents in the preceding paragraphs.

As an immediate response to the incidents of discrimination and harassment Akua experienced, Akua's mother emailed Akua's teachers and Akua's principal. She also spoke with Davidson County Schools' superintendent's assistant. Akua's mother also had multiple in-person conversations with Akua's principal. During those conversations, he repeatedly minimized and dismissed Akua's negative experiences at Oak Grove High School.

Based on the incidents described above, Davidson County Schools, through its agents and employees at Oak Grove High School, has violated Akua's rights under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1974. At all times since Akua entered DCS, she has been treated differently on the basis of race, has been subjected to a racially hostile school environment, has faced harassment and discrimination

based on sex, and has not been provided unequal access to the school environment as a result of her disabilities. Further, she has faced repeated instances of retaliation in response to attempting to assert her rights under these important federal protections.

Of the myriad discrimination that Akua faced while in DCS, the racial discrimination was the most pervasive and caused the most significant harm. Title VI of the Civil Rights Act of 1964, which prohibits the exclusion from participation in, being denied the benefits of, or otherwise be subjected to discrimination on the ground of race, color or national origin under any program or activity that receives Federal funds. Akua was subjected to discrimination on the basis of her race, in violation of Title VI. Based on the facts presented, Akua's teachers and administrators have treated her differently in a way that interfered with her ability to participate in or benefit from a program of the recipient. This different treatment occurred in the course of authorized or assigned duties or responsibilities of a recipient of Federal funds. There is strong evidence to support a finding that the different treatment was based on race or color and there are no legitimate, non-discriminatory, non-pretextual basis for the different treatment.

The incidents described above indicate that Akua has been subjected to a harmful pattern of unaddressed harassment, in violation of Title VI. The pattern of racial slurs and other negative treatment she has been forced to endure without intervention from adults has created a hostile environment for her at school, resulting in harm to her academic performance and harm to her mental well-being. A similarly situated Black female student in Akua's position would feel harassed and would be impacted in the ways described by Akua. The incidents above also make clear the District's violation of Title VI, which states, "A violation of Title VI may also be found if a recipient has created or is responsible for a racially hostile environment i.e., harassing conduct (e.g., physical, verbal, graphic, or written) that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient. A recipient has subjected an individual to different treatment on the basis of race if it has effectively caused, encouraged accepted, tolerated or failed to correct a racially hostile environment of which it has actual or constructive notice. . . . An alleged harasser need not be an agent or employee of the recipient, because this theory of liability under Title VI is premised on a recipient's general duty to provide a nondiscriminatory educational environment."

Here, the incidents described in this Complaint support a finding that Akua was subjected to discrimination on the basis of her race, in violation of Title VI, as the conduct detailed in the incidents above highlight the existence of racially hostile environment. From the facts presented above that Akua's school had actual notice of the racially hostile environment through the many reports from Akua and her mother to Administrator-1, their reports to Teacher-1, and Akua's Niche post. As a result of their notice of the racially hostile environment, Oak Grove's leadership had a legal duty to take reasonable steps to eliminate it. Yet, the reactive responses taken by Davidson County's agents or employees, as the recipient of Federal funds, demonstrate its failure to adequately redress the racially hostile environment.

Importantly, the pattern of pervasive discrimination and the tolerance of a racially hostile environment described above is endemic to Davidson County Schools. In a 2019 article published by the Washington Post, a local community member stated: "Davidson County has the reputation of being one of the most racist counties in North Carolina."^{xiv}

Davidson County Schools is no stranger to local, state-wide, or national attention on matters of racial conflict. In 2018, a brawl broke out during a high school football game when a White player from the predominately White, South Davidson High School was tackled by a Black player from a neighboring predominately Black high school. The brawl started after the tackle when the White student called the Black student the “n-word.” In the incident report, the coaches and athletic directors detailed the brawl and stated that both players were ejected from the game, but the incident report omitted the allegation of the usage of the “n-word.” When speaking about the brawl, Davidson County’s Board chairman claimed that “the fight had nothing to do with race, and the ‘n-word’ comment was just being brought up for some other reason.” Administrator-1’s letter to Legal Aid of North Carolina and his communications with Ms. Smith illustrate a similar pattern of consistently minimizing the conduct of White students who use racial slurs and White teachers who resort to different treatment of Black and White students. This pattern of minimizing such behavior comes at the expense of ignoring and silencing Akua’s negative experiences as a Black female student being continuously subjected to these slurs on multiple occasions at Oak Grove High School.

In 2019, South Davidson High School, made national news when a White student painted “Kill Niggers!” on the school’s “spirit rock” and a group of students recorded a video of themselves with the phrase clearly visible to its viewers. According to the October 2019 Washington Post article about the incident, the local sheriff refused to investigate the incident as a hate crime. The incident also resulted in a neighboring, predominately Black football team from another district cancelling its upcoming football games against South Davidson Middle School, citing “fear for the safety” of its players. The incident with the rock highlighted the “culture within the county that is too tolerant of racism.”

Though not on a football field, this culture of tolerating and enabling racism also exists behind the walls of Oak Grove High School, where Black students like Akua are constantly subjected to subliminal microaggressions and explicit racism and are then made to feel as if their experiences are mere figments of their imagination.^{xv} As described above, every time Akua reported discriminatory treatment – she was reminded that her voice and her stories were inferior and less credible than the voices of her White peers. She was repeatedly viewed by administrators as less credible than her White peers. She was censored and silenced. Through this constant discrediting and silencing of Akua’s narrative, Oak Grove High School’s teachers and administrators tolerated and contributed to the toxic and hostile school environment for Akua.

Accordingly, Akua’s victimizers and their families felt secure in their abuse and their reporting of Akua, knowing that it was Akua that would be punished for their abuse and harassment. The general steps taken by her teachers and administrators to investigate Akua’s reports of racial discrimination did not fully address the allegations of racial discrimination. The concerns raised by Akua warranted additional follow-up steps to directly address the misconduct of her teachers and her peers; however, the leadership of Oak Grove High School emboldened and empowered White students and staff at Oak Grove to repeatedly victimize Akua without regard to the short-term and long-term consequences their misconduct would have on Akua.

The following remedies are sought on behalf of the student:

- A comprehensive investigation by the Office for Civil Rights of all the incidents documented in the complaint;

- Appropriate and timely discipline of all DCS administrators, faculty and staff members who violated the student's rights, DCS policies and expectations of employee conduct;
- Training of school administrators, personnel and students on racial and national origin discrimination, and serving students with mental health disorders;
- Payment of costs associated with therapeutic counseling, the student's transfer to another school system, and a program to address the trauma and social harms she experienced due to the discrimination; and
- Recalculation of certain grades.

ⁱ Pseudonym used to protect the student's privacy.

ⁱⁱ According to Focus: The Journal of Lifelong Learning in Psychiatry, major depressive disorder is a “pervasive, toxic, high prevalent, early-onset illness. The disorder ranks as the leading cause of disability among those listed with the World Health Organization. Link – properly cite Major Depression. Bethesda, MD, National Institute of Mental Health, 2019. www.nimh.nih.gov/health/statistics/major-depression.shtml. Accessed Mar 15, 2022.

ⁱⁱⁱ Mayo Clinic, Major Recurrent Depressive Disorder affects how one thinks, feels, and behaves, which can lead to a variety of emotional and physical problems. Some common symptoms in teens may include “sadness, irritability, feeling negative and worthless, anger, poor performance or poor attendance at school, using recreational drugs or alcohol, eating or sleeping too much, self-harm, loss of interest in normal activities, and avoidance of social interaction.” Mayo Clinic: Depression (Major depressive disorder), <https://www.mayoclinic.org/diseases-conditions/depression/symptoms-causes/syc-20356007>. Accessed March 15, 2022.

^{iv} Experiences of racial discrimination have been related to an increased likelihood of major depressive disorder among African Americans. Anglin DM, Lighty Q, Yang LH, Greenspoon M, Miles RJ, Slonim T, Isaac K, Brown MJ. *Discrimination, arrest history, and major depressive disorder in the U.S. Black population. Psychiatry Research*, Volume 219, Issue 1, (Sept. 30 2014), <https://doi.org/10.1016/j.psychres.2014.05.020>

^v Robert M. Sellers, Nikeea Copeland-Linder, Pamela P. Martin, R. L'Heureux Lewis, *Racial Identity Matters: The Relationship between Racial Discrimination and Psychological Functioning in African American Adolescents*, (Apr 25 2006), <https://doi.org/10.1111/j.1532-7795.2006.00128.x>.

^{vi} Wesley Lowery, *How a Can of Spray Paint, a Rock and a Facebook Video Exposed a Racial Divide in North Carolina*, The Washington Post, (Oct. 21, 2019), https://www.washingtonpost.com/national/how-a-can-of-spray-paint-a-rock-and-a-facebook-video-exposed-a-racial-divide-in-north-carolina/2019/10/21/b5ac313e-d180-11e9-8c1c-7c8ee785b855_story.html.

^{vii} Public Schools of North Carolina, State Board of Education, Department of Public Education, Statistical Profile, Davidson County Schools, Table 10.1 – Pupils in Membership by Race and Sex (at School Level), http://apps.schools.nc.gov/ords/f?p=145:220:876437774162::NO::P220_SELECTLEA:290.

^{viii} Public Schools of North Carolina, State Board of Education, Department of Public Instruction, Statistical Profile, Table A6 – Public School Personnel Summary, Davidson County Schools, School Year 2021-22, <http://apps.schools.nc.gov/ords/f?p=145:109::NO::>

^{ix} Selected pseudonym

^x Selected pseudonym

^{xi} Selected pseudonym

^{xii} Gene H. Brody, Yi-Fu Chen, Velma McBride Murry, Xiaojia Ge, Ronald L. Simons, Frederick X. Gibbons, Meg Gerrard, Carolyn E. Cutrona, *Perceived Discrimination and the Adjustment of African American Youths: A Five-Year Longitudinal Analysis With Contextual Moderation Effects*, Society for Research in Child Development, (Sept. 25 2006), <https://doi.org/10.1111/j.1467-8624.2006.00927.x>

^{xiii} Selected pseudonym

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