



**U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section**

**United States Attorney's Office
Eastern District of Kentucky**

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U.S. Mail: 950 Pennsylvania Ave., NW
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Washington, DC 20530
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Washington, DC 20002

June 12, 2023

By Electronic Mail Only

Jerry Gilbert, Board Counsel
Madison County School District
212 North Second Street
P.O. Box 1178
Richmond, KY 40476-1178

Re: Investigation of Madison County Schools

Dear Mr. Gilbert:

We write regarding the United States Department of Justice's (the "Department's") investigation of the Madison County Schools' (the "District's") response to complaints of race-based harassment in its schools. The Civil Rights Division's Educational Opportunities Section and the U.S. Attorney's Office for the Eastern District of Kentucky jointly conducted the investigation under Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c, *et seq.* ("Title IV"). Title IV authorizes the Department to address complaints that a school board has denied students equal protection of the laws based on race, sex, and other protected classifications. 42 U.S.C. § 2000c-6. We appreciate the District's cooperation throughout our investigation, including the time its staff spent responding to our information requests and participating in meetings.

We also appreciate that, before our full investigation was concluded, the District expressed a desire to make positive changes for its students by revising its policies and practices to appropriately respond to race-based harassment in its schools. Since that time, the parties have worked together in a cooperative fashion to reach a resolution that will assist in attaining these goals and ensure the District provides all of its students with equal protection of the laws. Those efforts culminated in the District and the Department entering into the attached settlement agreement on June 12, 2023.

The Department investigated allegations that the District did not adequately respond to race-based harassment of students who are Black or of two or more races, thus denying those students equal protection of the laws. As described below, our investigation uncovered evidence supporting these complaints, including evidence that the District : (1) had ample notice through various means of incidents of serious race-based harassment; (2) did not reasonably or consistently respond to these incidents; and (3) failed to take appropriate action to address a

racially hostile environment existing in its schools, despite having knowledge of continuing and widespread racial harassment over a period of at least five years.

As part of its investigation, the Department reviewed the District's policies and procedures; student and employment handbooks; lists of trainings and professional development; and a 2012 Resolution Agreement the District entered into with the U.S. Department of Education's Office for Civil Rights to address a prior complaint of race-based harassment. In the 2012 Resolution Agreement, the District agreed to revise its racial harassment policy, provide notice of the policy and training on its contents to all students and staff, and maintain a database to document and track incidents involving racial harassment. However, as described below, the Department concluded that the District's implementation of the policy was inconsistent at best, and that the District was not properly documenting or tracking racial harassment incidents.

The Department reviewed student discipline documents from the District's two high schools from the 2018-19 school year through the 2021-22 school year. We identified numerous incidents of race-based harassment. These included the use of racial slurs and displays of the Confederate flag to threaten, taunt, intimidate, and harass Black students and students of two or more races. Administrators often failed to identify even serious incidents as harassment, instead categorizing them as lesser offenses and issuing consequences that were not consistent with the District's own harassment policies. At times, consequences were ineffective and the harassment escalated after the District's initial, inadequate response. The data also did not reflect a coordinated, graduated response to repeat offenses of race-based harassment. Notably, one of the District's high schools did not input any discipline narratives into its electronic data management system, choosing to only keep paper copies of reporting forms in individual student files. There was no evidence that the school or District took any further steps to track, analyze, and address these incidents of harassment.

The Department also interviewed current and former students, parents, and former District employees who detailed their experiences with and knowledge of racial harassment in the District's schools. Several interviewees described incidents in which District officials minimized or ignored explicitly racist harassment, taking little to no action to address the conduct. Each of the students we interviewed described negative impacts on their learning environment as a result of a racially hostile environment. Their accounts were consistent with our review of the District's documents and data.

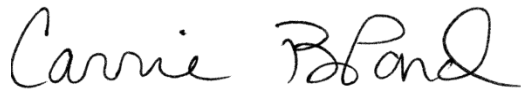
The Department also reviewed the District's climate surveys from 2016 and 2021. Students responding to these surveys indicated the presence of a racially hostile environment in their schools, and several wrote narratives that identified race-based harassment—and the District's lack of response—as problematic. The students we interviewed also described a racially hostile environment that included regular and casual use of racial epithets by white students in the District's schools that often went unaddressed. The District has collected this data since at least 2016, and it has been on notice of perceptions of a racially hostile environment in its schools for at least six years. Its discipline records also reflect continuing and widespread racial harassment over a period of at least four years. Despite this notice, the District did not provide information demonstrating that it has consistently implemented effective, system-wide efforts to address the racial hostility.

We appreciate the District's cooperation in reaching the attached settlement agreement to resolve the issues identified in our investigation. We look forward to continuing to work with the District to implement the agreement and to ensure that its improved practices comply with federal antidiscrimination mandates. If you have any questions about this letter or the attached settlement agreement, please contact Christopher Awad (Christopher.Awad@usdoj.gov), LeighAnn Rosenberg (LeighAnn.Rosenberg@usdoj.gov), or Carrie Pond (Carrie.Pond@usdoj.gov).

Sincerely,

Carlton S. Shier, IV, United States Attorney

Shaheena A. Simons, Chief



Carrie B. Pond, Assistant U.S. Attorney
U.S. Attorney's Office
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