



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906 Telephone: (781) 338-3000 TTY: 1-800-439-2370

PROBLEM RESOLUTION SYSTEM OFFICE INTAKE INFORMATION FORM

AMENDED COMPLAINT

Please provide the following information.

Questions about this form, Contact (781) 338-3700 or compliance@doe.mass.edu

Information about the School

Name of District/Collaborative/Private School: Mystic Valley Regional Charter School

School Name/Location: 4 Laurel Street, Malden, MA 02148

Type of Student Program: General Ed Special Ed (IEP) 504 Plan Home School

Information about You

Your Name (printed): Sarah Wunsch/Rahsaan Hall Your Signature Required: *Sarah Wunsch / Rahsaan Hall sw*

Your Address: ACLU of Mass. 211 Congress Street City/ Town: Boston State: MA Zip Code: 02110

Contact phone: 617-482-3170 x 323/x 394 E-Mail: swunsch@aclum.org; rhall@aclum.org

Your Role: 6 1=Parent; 2=Advocate; 3=ESE Assigned Education Surrogate-Parent; 4=Student;
5=School Employee; 6=Other (Specify): attorney

Primary Language: English

Accommodations you require in communicating with the Department: none

Information about the Student or Group

Name: Deanna & Mya Cook individually and on behalf of all other female students of color grade: 10 Age: 15

Male/Female/Nonbinary: female

Address: [REDACTED] Primary Language: English

Information about the Parent

Parent/Guardian (if not you): Colleen and Aaron Cook Contact Phone: [REDACTED]

Address: [REDACTED] Primary Language: English

BRIEF STATEMENT OF CURRENT CONCERN(S)

Please describe your concern, stating the specific facts on which the concern is based. Please attach any documents that you believe would be helpful to the Department in understanding your concern.

Mystic Valley Regional Charter School maintains a Hair/Makeup policy that discriminates based on race, gender, national origin, religion, and disability. The Hair policy in particular, while not specifically mentioning these prohibited classifications, advances a standard of appearance that is based on Caucasian, Christian, and Western norms. Likewise, the policy makes no exceptions for ethnic, religious or cultural practices or medical needs. This complaint, accordingly, seeks a new policy and an immediate halt to disciplinary actions based on the existing policy.

Mystic Valley's Hair policy purports to ban "drastic or unnatural hair colors or styles" and a "hairstyle that could be distracting to other students." But, in many respects, it defines those prohibited hairstyles not according to their tendency to distract, but instead according to whether they match certain other norms. For example, it bans "extra-long hair," "hair more than 2 inch in thickness or height," "coloring, dying [sic], lightening," "hair extensions," and all "[f]acial hair."

This policy affects students, especially Black students, whose hair is coarser, thicker or less likely to lie flat – i.e., less than 2 inches high - than the hair of white students. It also affects Rastafarian, Sikh, Muslim, and Jewish students who may wear head coverings or have long hair. It affects students who, for religious or medical reasons, may wear a beard. All of these students may have neat appearances that are ethnically, religiously, and culturally appropriate and not disruptive of the educational mission of the school.

This policy appears to be especially harmful to female students of color and it has been enforced in a disparate manner against them. The victims of this enforcement include Deanna and Mya Cook who have been disciplined and threatened with suspension for having hair extensions in their braids. On information and belief, a Muslim student celebrating the holiday of Eid was instructed to remove Henna coloring from her hands, although it is a tradition in Islam to use Henna in this way as part of the religious holiday; meanwhile, white students with hair coloring have been ignored. We also believe that other students of color have had their hair touched and inspected by school staff, which is both inappropriate and evidence that their hair was not visibly disruptive. Yet, white students with long hair have not been examined in this fashion, although some, on information and belief, have hair extensions.

As a result of the discriminatory Hair policy and its disparate enforcement, the Cook sisters have been removed from participating in after-school sports, banned from their school prom, and given numerous detentions. They have refused to accept detentions based on a discriminatory policy and are, as a consequence, having even more punishment imposed. Deanna has been especially harmed by being prevented from taking part in important track events that are a crucial part of her skill development and advancement in athletics, all of which relates to college scholarships. On information and belief, other students of color have also been disciplined and threatened and are fearful of retaliation if they challenge this policy.

The standards adopted by the school disregard the neat and respectful appearance of girls of color who have braids, including with hair extensions. The school's rules impose white norms about hair appearance. Far from preserving order, such forced "conformity to conventional standards of appearance" undermines equality in education and interferes with students' expression of their racial identities. *See Richards v. Thurston*, 424 F.2d 1281, 1285 (1st Cir. 1970); *see also* Angela Onwuachi-Willig, *Another Hair Piece: Exploring New Strands of Analysis Under Title VII*, 98 Geo.L.J. 1079 (2010).

The school's board of trustees also has an obligation to ensure that the school is complying with all state and

federal laws. On May 8, 2017 the Cooks notified the board via certified mail about the school's discriminatory treatment of their daughters. To date the board has failed to respond or address their concerns. By punishing the Cook sisters in this way, the school and the board are violating their rights - under state statutes guaranteeing equal treatment in public education including: c. 76 sections 5 and 16 (and 603 CMR 26.00 et seq.); and under the Massachusetts Equal Rights Amendment prohibiting sex and race discrimination; the Massachusetts Civil Rights Act which prohibits interference with secured rights by means of threats, intimidation and coercion, and federal civil rights law.

YOUR ATTEMPTS TO RESOLVE CURRENT CONCERN(S)

The Cook parents and other parents have attempted to discuss this matter with school officials and have been met with insistence that the policy will continue to be enforced and the girls punished if they continue to wear extensions in their braids.

ACTIONS BY THE SCHOOL YOU BELIEVE WOULD RESOLVE YOUR CONCERN(S)

~~Agreement~~ to end punishment of all students for wearing extensions in their braids, removal of all records of discipline relating to this policy, an apology to the students, and changing the hair policy to require only an appearance that does not pose health, safety, or cleanliness risks as set forth in G.L. c.71, section 83.

Are any of these concerns currently being addressed by Mediation or a Hearing in the Bureau of Special Education Appeals (BSEA)? NO YES

You must send a copy of this complaint to the school district

X I sent a copy of this amended complaint to: (Name/Title): Alex Dan/ Interim School Director Date: 5/16/2017

Address: Mystic Valley Regional Charter School, 4 Laurel St., Malden, MA 02148
Telephone/Email: 781-388-0222 x4106/adan@mvracs.org

For charter school complaints only: If you have forwarded your concerns to the Board of Trustees, please include your complaint and the Board's response.

The parents sent a certified letter dated May 8, 2017 to the Board (it will be provided to DESE); they have not received any response from the Board.

**Sign and return this Intake Information Form to: PRS Intake Coordinator
75 Pleasant Street, Malden, MA 02148-4906 or by Fax at 781-338-3710**

To send by email: Compliance@doe.mass.edu save the completed form and attach it to your email, with a subject line that reads: LAST NAME PRS Intake Form.

Confidentiality and Third Party Information Sharing

See next page

This page is for persons who file a complaint but are not the student's parent, guardian nor an adult student (18 years of age or above). These types of complaints are known as "third party" complaints.

Third party complaints are typically filed by advocates, attorneys or an agency representative. Due to the requirements of federal and state privacy laws, it is necessary for the Department to obtain explicit consent in order to share any student information with a third party.

If your complaint does not involve a third party, then you do not need to fill out this page or return it to the Department.

Provision of consent for Department sharing of student information with a third party:

I, (print name) ____ (See Attached Page)

give my consent to the Department of Elementary and Secondary Education to share information regarding (student) _____ with:

(Name) _____ regarding this complaint.

Signature of Parent/Guardian/Adult Student:

Date: _____

I sent a copy of this complaint to: (Name/Title): _____ Date: _____

Address _____ Telephone/Email _____

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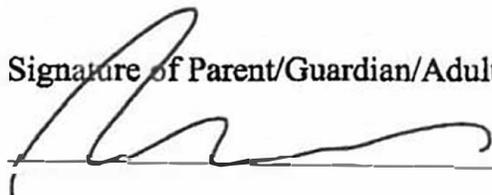
Provision of consent for Department sharing of student information with a third party:

I, (print name) Aaron Cook

give my consent to the Department of Elementary and Secondary Education to share information regarding (student) Mya and Deanna Cook with:

(Name) Sarah Wunsch regarding this complaint.

Signature of Parent/Guardian/Adult Student:



Date: 15-May-2017