

# Sutter Middle School



*Learning For All, Whatever It Takes*

715 Riley Street  
Folsom, CA 95630  
(916) 294-9035

Keri Phillips, Principal  
Andy Evans, Vice Principal (A-K)  
Kevin Garmston, Vice Principal (L-Z)

Mr. and Mrs. Ty McIntyre

November 15, 2016

[REDACTED]  
Folsom, California  
95630

RE: Uniform Complaint – Site/Program Level 1 (Formal)

This letter is in response to your Uniform Complaint (Formal) Level 1, regarding a statement made in your son's history class by his teacher, [REDACTED].

A Uniform Complaint alleges a violation of federal or state laws governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying, and failure to comply with laws relating to pupil fees. All concerns should first be brought to the attention of the direct parties and the appropriate supervisor following the General Complaint procedure. In this case, you filed an informal General Complaint, followed by a Formal, Level 1 Uniform Complaint. Within 10 working days of receipt of a Level 1 Complaint, the Site/Program Administrator will:

- Obtain written statements from witness(es) regarding the concern;
- Issue a written statement to the complainant(s) and the employee(s) of investigation, conclusion, and actions taken to resolve; and
- Advise complainant of the appeal process.

Your informal complaint, filed by email on November 7, 2016, with Kelly Goldsmith, Executive Assistant to Superintendent Debbie Bettencourt, provides the following information:

- Your son, [REDACTED] is an eighth grade student at Sutter Middle School;
- On Wednesday, November 2, 2015, [REDACTED] was in his American History class and they were grading a test on the constitution; and
- One of the questions on the test was to define "equality".

Further, your complaint alleges the following

- The teacher stated that equality is treating everyone equally;
- He (the teacher) then stated that when you hang one black person you have to hang them all [as] that is equality;
- These statements were made during class, in the presence of students; and
- Your wife spoke to the Assistant Principal who informed her that he has known the teacher for many years and his comments came as no surprise.

Your email indicates that you contacted both the Superintendent and me, Keri Phillips, Principal. I spoke with you by phone on November 3. In that conversation, I informed you that I had spoken with [REDACTED] and received the following information:

- [REDACTED] acknowledged that the statement he made was, "we treat them all equally, we hang them", and
- The context of this statement was in an example such that if people went to the south to promote equal rights for African-Americans the Southerners would respond, "we treat them all equally, we hang them".

On Monday, November 7, 2016, I was informed by Assistant Superintendent of Secondary Education for FCUSD, Kathryn Allaman, of your intention to file a Formal Uniform Complaint, Level 1.

By phone, on Tuesday, November 8, 2016, I requested that you complete the appropriate district level 1 Formal Uniform Complaint form, and requested permission to speak with your son, [REDACTED] to get a statement. I informed you during that conversation that you or your wife could be present at that time. As [REDACTED] was home ill, we agreed that you would pick up both the UCP Level 1 form and the witness statement form.

On November 10, 2016, you submitted a Formal Level 1 Uniform Complaint. That complaint alleges that:

- [REDACTED] made racially insensitive remarks;
- The lesson/test question was not on equality, but instead on something like, "How should state representatives treat other citizens from other states?";
- The answer, "equal to their own" was confusing and others in the class were asking if their answer was correct; and
- [REDACTED] said, "I will accept anything related to "equally, you know, equally...like you're black, so we'll hang all black people".

The specific corrective action you desire includes the following

- Remove [REDACTED] from [REDACTED] classroom; and
- Ensure that other students are not further subjected to these racially insensitive remarks.

Prior to my receipt of the completed UCP Level 1 and witness statement forms, on Tuesday, November 8, 2016, I requested and received written statements from both [REDACTED] and Assistant Principal Kevin Garmston. On that same day I interviewed and took written statements from six randomly selected students regarding their recollection of the incident.

In summary, my findings were as follows:

- [REDACTED] did make reference to "hanging all blacks" as an example of states' treatment of individuals under the Constitution; and
- One of the six interviewed students recalled the example [REDACTED] used, but the other five did not recall any discussion regarding hanging or lynching as a point of reference or in an example.

[REDACTED] schedule was changed, per your request, to a different teacher on Monday, November 4, 2016.

As a credentialed employee of a California school district, all statutory and policy due process rules apply to any disciplinary action taken in this situation. That said, appropriate remedial

action will be taken. Additionally, in discussing topics in history that could be potentially sensitive [REDACTED] will be instructed to:

- Select examples that are at a level of complexity that students in the 8<sup>th</sup> grade can understand;
- Not use stereotypes or culturally insensitive language that may be misconstrued to make a point;
- For challenging and controversial lessons that require making complex or difficult inferences, create very simple analogies that do not focus on the controversy, but can convey the message clearly to teenagers in a manner to which they can relate.

You have the right to submit a written appeal to this decision to the Superintendent's Designee/Compliance Officer (Level 2) within 5 calendar days from receipt of the decision. The Superintendent's Designee would then hold an investigative meeting within 10 calendar days of receipt of the Level 2 complaint and respond with the District's decision within 20 calendar days.

You may appeal to the Department of Education within fifteen days of receipt of the District decision.

Sincerely,

A handwritten signature in black ink that reads "Keri Phillips". The signature is fluid and cursive, with the first name "Keri" and last name "Phillips" clearly distinguishable.

Keri Phillips  
Principal  
kphillip@fcusd.org