



JEA P. STREET  
COUNCILMAN, TENTH DISTRICT

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COUNCIL

February 20, 2009

Mr. Thomas Moshang III  
Team Leader, Philadelphia Office  
Office for Civil Rights  
The Wanamaker Building, Suite 515  
100 Penn Square East  
Philadelphia, Pennsylvania 19107

**Re: Colonial School District Complaint:**

Dear Mr. Moshang,

In furtherance of my March 11, 2008 complaint against the Colonial School District ("the District") I have attached for your information, a copy of the disciplinary hearing record in the matters of K.H vs. Colonial and K.H II vs. Colonial (two different students who happen to have the same initials). I am sure that the District will call these anecdotal cases. However, it is my view that these individual student cases are indicative of systemic problems within the District that cry out for relief from a higher authority. Regrettably, the Delaware State Department of Education (De DOE) has been made aware of these problems but has failed to take any substantive action with the District for its conduct.

In the matter of K.H vs. Colonial, the Delaware State Board of Education ("the State Board") after two separate hearings reversed the District's expulsion of KH. However, the student was out of school for the entire, 2007/2008, school year and the State Board took absolutely no action to make K.H whole. Further, when I wrote to the President of the Colonial School Board on August 18, 2008, and requested her assistance, my letter was never answered.

In the matter of K.H II vs. Colonial, the student was appropriately placed in an alternative school program. However, the District and the State Board chose to ignore obvious acts of discrimination, the use of physical force on students and the District's repeated violations of its own policies. Worse, the State Board chose to allow the District to make new law in Delaware by agreeing with the District's position that students have

“no right to discovery” in expulsion procedures. Although every student code that I have seen (including Colonial’s) has a statement in it that clearly gives students the right to receive statements, the District’s position (acquiesced by the State Board) is the code doesn’t require that statements be received in advance. This begs the question, is it all children that don’t have constitutional discovery rights or just African American children in the Colonial School District?

Since I filed my initial Complaint on March 11, 2008, my office has received several complaints regarding use of physical force by District employee’s on African American students. Specifically two students in K.H II allege physical force and a parent of a second grade student has alleged that her child was pushed to the floor by a teacher causing injury to his head. In that case, the District refused to move the student from the class during the investigation.

All of these things reflect a systemic problem of discriminatory actions on the part of the District that warrant a thorough review of the Districts’ policies, practices and procedures by your office and I hereby reiterate my request for your assistance accordingly.

Thank you for your time and consideration of this important matter.

Sincerely,



Jea P. Street, Councilman  
New Castle County Council  
District Ten

Pc. The Honorable Jack Markell, Governor  
The Honorable Matthew P. Denn, Lieutenant Governor  
All members of the Delaware General Assembly  
Dr. Lillian Lowery, Secretary of Education  
All Members of the Delaware State Board of Education  
Dr. George Meney, Superintendent, Colonial School District  
All Members of the Colonial School District Board of Education  
The Honorable Christopher Coons, County Executive  
All Members of New Castle County Council  
The Honorable James M. Baker, Mayor of Wilmington, Delaware  
All Members of Wilmington City Council  
Parents of K.H and K.H II