

May 18, 2012

United States Department of Education  
Office for Civil Rights  
Dallas Office  
1999 Bryan Street, Suite 1620  
Dallas, Texas 75201-6810

Re: Complaint regarding discrimination on the basis of race and disability  
Jefferson Parish, Louisiana

Via: U.S. mail  
Facsimile to (214) 661-9587  
Email to [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

To Whom It May Concern:

Yesterday morning, May 17, 2012, the Southern Poverty Law Center filed an administrative complaint on behalf of four named complainants and all similarly situated students against the Jefferson Parish Public School System (“JPPSS”) and the Jefferson Parish School Board (“JPSB”) for discrimination on the basis of race and disability. We are writing to supplement the complaint with new information.

Yesterday afternoon, the local newspaper, *The Times-Picayune*, ran an article about our filing with the Office for Civil Rights. The *Times Picayune* permits readers to comment on an article on their website, and displays the comments for the public to read following each story. An employee of JPPSS, Mark Traina, posted comments about race that warrant further review in light of his position with JPPSS.

Mark Traina is a school psychologist for JPPSS, and he participates in decisions related to students’ removal to the alternative schools. He is responsible for the development of functional behavior assessments and behavior support plans for students in JPPSS, and he is a participant in most of the district’s manifestation determination review decisions for students with disabilities. It is our understanding that he is currently or has previously served as hearing officer in JPPSS, and as such, he makes or has made determinations about students’ expulsions from school or removals to the alternative school. He participated in the removal decisions of several of the named complainants in the May 17, 2012 administrative complaint.

On the afternoon of May 17, Mr. Traina posted racially hostile language to *The Times-Picayune* website, [www.nola.com](http://www.nola.com). In particular, he states, “One only needs to read the Times Picayune to see who the real trouble makers are. Sadly, it is disproportionately young black males. Everyone knows that our jails throughout the United States are disproportionately filled with black people. Why would the rate be any different in an educational environment?” Mr. Traina goes on to recite inflammatory statements about African Americans and then ends his rant with “if it looks like a Duck, and quacks like a Duck and walks like a Duck it probably ain’t no Chicken!”

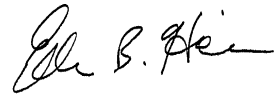
We are deeply concerned by Mr. Traina’s comments. He states that he sees African American students as “trouble makers.” This provides further explanation for why African American students bear the brunt of the removals to the alternative schools in JPPSS. There is a clear connection between the use of subjective judgments on student conduct, drawn from opinions like Mr. Traina’s, and the disproportionate rates of discipline for African-American students in Jefferson Parish schools. African American students are far more likely than their white classmates to be punished or referred to the alternative schools, if these comments reflect the subjective judgment of district personnel in positions of authority, such as Mr. Traina.

After reviewing Mr. Traina’s comments on [www.nola.com](http://www.nola.com), we reviewed the comments publicly available on his Twitter account (see attached screen shots). These comments include:

- “Young Black Thugs who won’t follow the law need to be put down not incarcerated. Put down like the Dogs they are!” (January 14, 2012)
- “Serpas should be warning people to STAY THE HELL OUT OF NEW ORLEANS! These Black Dudes will Kill You!” (January 13, 2012)
- “We need many Young Black Males living Thug Lives to lay down their Weapons, get Educated and start contributing to Society” (January 16, 2012)
- “Two additional suspects arrested in murder of 11-year-old Harvey boy: Angry Young black Males with no respect for Life! Destroying the U.S.” (January 13, 2012)
- “Protesters march-Florida! How come White People don’t Protest when Blacks kill Whites which occurs too often? Is that a politically correct?” (March 31, 2012)
- “2 New Orleans policemen shot, 1 suspect dead, another injured: UPDATE | NOLA Quick Someone call David Duke before the NAACP gets here!” (March 4, 2012)
- “Santorum wins Mississippi and Alabama primaries: I grew up in Mississippi, Alabama and Louisiana-I am a Wallace Man at Heart!” (March 13, 2012)

Mr. Traina’s comments corroborate our claims that African American students are victims of discrimination and targets for discipline in Jefferson Parish public schools. We have attached a full transcript of Mr. Traina’s comments to *The Times Picayune*, and we have included screen shots of the posting on *The Times Picayune* website and of Mr. Traina’s Twitter feeds. We would like this information to be considered as a supplement to the Administrative Complaint filed yesterday with your office, and we renew our request for a full compliance review of JPPSS.

Sincerely,

A handwritten signature in black ink, appearing to read "Eden B. Heilman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Eden B. Heilman, Esq.  
Southern Poverty Law Center

cc: Brad Gegenheimer, Esq., Grant & Barrow  
Dr. James Meza, Jr., Acting Superintendent, JPPSS  
Jefferson Parish School Board Members:  
Mark Jacobs, President  
Mark Morgan, Vice-President  
Dr. Etta Licciardi  
Ray St. Pierre  
Pat Tovrea  
Cedric Floyd  
Larry Dale  
Mike Delesdernier  
Sandy Denapolis-Bosarge

Encl.