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### **Statement of Gloria Allred**

We are here today because our client, 13-year old Dylan Muriano, and his mother, Leyna Nguyen, have reason to believe that he was the victim of racial discrimination and retaliation at his public school.

Dylan attends Walter Reed Middle School in North Hollywood, California. This school is part of the Los Angeles Unified School District. He is an 8th grader of Asian descent. His mother, Leyna Nguyen, is ethnically Vietnamese. Vietnam is not a country closely associated with Coronavirus in media coverage.

On February 5, 2020, almost of the coverage about the Coronavirus was focused on China and those traveling to and from China. On that date, Dylan was sitting in his regular Honors Science class. He swallowed some water awkwardly, and coughed. The teacher looked up, noted him, and instructed Dylan to go to the school nurse. Dylan indicated that he was fine. The teacher ignored his assurance and commanded him to see the nurse.

The nurse cleared Dylan as healthy and sent him back to class. When he returned, Dylan asked his teacher why he was not sending other (non-Asian) students out when they coughed. Dylan asked if he had been sent out “because I am Asian?,” a reference to the Coronavirus outbreak. The teacher stared at Dylan and said nothing. Instead of responding, he sent Dylan to the back of the room and, as class was let out, classmates began taunting him about Coronavirus.

The further retaliation by Dylan’s teacher followed swiftly and consistently. The instances of the teacher’s retaliation included the following:

The next day, the teacher accused Dylan of being disruptive and sent him to the Dean’s office. Dylan had not been disruptive. Indeed, he has no history of

being disruptive and had never been previously sent to the Principal's office.

The teacher thereafter sent Dylan to the Dean's or Principal's office on approximately *six* additional occasions, citing one bogus pretext or another.

Further, the teacher pointedly ignored Dylan's requests for help in the classroom. For example, when Dylan asked his teacher for a textbook page number, the teacher would either look him directly in the eye and ignore his request, or, in tones dripping with sarcasm, respond with statements like, "It could be in the beginning of the book, or it could be at the end, or in the glossary. I don't know. Find it yourself."<sup>1</sup> On another occasion, Dylan returned to the classroom after being sent out on some pretext by his teacher. Because he was sent out of the class, Dylan asked for extra time to finish the classroom assignment. The teacher responded, "We'll see." When Dylan again asked the teacher when he returned at the end of the class for extra time to complete the assignment, the teacher again repeated in the same voice, "We'll see.," making abundantly clear that no accommodation would be forthcoming.

In addition, the teacher made Dylan sit in the back corner of the classroom, where his seating area was littered with refuse, including spit, apple juice, and other kinds of trash. (Ex. A [picture].) Dylan brought the filthy state of the seating area to the teacher's attention at least seven times, requesting to be moved. Even after Dylan specifically identified the trash, spit, juice, and filth littering the area, the teacher kept repeating again and again, "Tell me the problem."

Further, the teacher refused to give Dylan a working computer to do an assignment, despite multiple requests and despite the fact that everyone else in the class had a working computer that was provided by the school for that class.

As Ms. Nguyen learned of the teacher's ongoing retaliation in the wake of her son's discrimination complaint, her alarm, distress, and sense of injustice grew.

So she complained. In particular, Ms. Nguyen contacted school administrators, including the Principal, the Interim Director, the Operations Coordinator, the Director, the Operations Coordinator, and the Director of Operations, to apprise them of Dylan's situation.

1 This quote and those that follow, reflect statements made in words or substance.

A senior school administrator initially reacted with appropriate outrage, stating that the circumstances “reeked of discrimination,” that the teacher’s conduct “would not be tolerated,” and that “something will be done.” Ms. Nguyen indicated that all she sought was an apology from the teacher, and that he stop targeting her son.

Days passed with no response. So Ms. Nguyen continued to press, including by reaching out to school officials again, posting on Facebook, and even speaking with local media.

An investigation finally ensued.

On February 26, 2020, Ms. Nguyen met with a senior school administrator and her son for an update on the School’s investigation. She was told that the school had interviewed witnesses, who had confirmed virtually every aspect of Dylan’s account, including the events on February 5, the teacher’s subsequent actions, and the filthy condition of Dylan’s newly designated seating area. The School’s resulting conclusion was that the teacher had retaliated against Dylan since the February 5 coughing incident.

However, beyond assuring Ms. Nguyen that Dylan’s class seating would change and repeating in hollow tones, “We are giving the teacher the support he needs to deal with these issues,” School officials claimed they could effectively do nothing. She was told, “Ms. Nguyen, I implore you to consider moving your son out of this classroom because we can’t control the teacher.” In their view, the best thing to do “to prevent further incidents” would be to move Dylan. By way of explanation, she was told that the Principal could not sit in the classroom every day.

When Ms. Nguyen asked “What about moving the teacher?,” they again repeated, “We are giving the teacher the support he needs to deal with this.” Ms. Nguyen reiterated that all the family wanted was for the teacher to apologize. A meeting with the teacher was therefore arranged for the same day.

At the meeting, the teacher was totally unrepentant. Indeed, he did not even acknowledge a problem. When Dylan expressed hurt about being singled out and being removed from the classroom to go to the nurse, the teacher said, "It's unfortunate you feel that way." When Ms. Nguyen noted fact after witness-confirmed-fact about his retaliatory conduct, the teacher restated flatly, "I don't recall what happened." Ms. Nguyen finally asked, "Why can't you just say sorry for making a kid feel bad?" The teacher responded, "I don't think an apology is necessary."

After the meeting ended and the teacher departed, a senior school administrator came back in to apologize. Another school administrator likewise expressed disbelief at the teacher's behavior and also apologized. Nonetheless, they again urged Ms. Nguyen to consider moving Dylan out of class "to prevent any more incidents and not to put more stress on Dylan by having to come to the teacher's class every day."

That evening, to end the weeks of further anxiety and shame that would result from continuing to attend the teacher's class, Dylan agreed to move to another science class, but it is not an Honors class because no other Honors science class for 8<sup>th</sup> graders exists at this school.

It is wrong that Dylan should suffer the consequences of the teacher's alleged misconduct, while the teacher remains in his class and does not appear to suffer any consequences.

More broadly, unless strong steps are taken throughout the District, Asian-American students at schools such as Walter Reed may be targeted for racial discrimination and retaliation relating to the global health emergency over Coronavirus. The CDC has stated in unambiguous terms that, "People of Asian descent, including Chinese Americans, are not more likely to get COVID-19 than any other American. [B]eing of Asian descent does not increase the chance of getting or spreading COVID-19." (<https://www.cdc.gov/coronavirus/2019-ncov/about/share-facts.html>)

Today, we have filed our complaint with the Office of Civil Rights, United States Department of Education, asking for an investigation because we believe that the school and the school district's failure to take meaningful remedial steps

to remedy what Dylan was subjected to at his school demonstrates deliberate indifference to Dylan's civil rights including his right to be free of racial discrimination in a public school and his right to question whether he has been discriminated against without suffering retaliation because he asked the question.

We are proud of Dylan. He is a public school student who had every right to exercise his free speech to protest what he believed to be a racially discriminatory act by his teacher. We look forward to the response from the Office of Civil Rights and their decision as to whether they will open an investigation into this very disturbing incident, and the school's response to it.

No child should be treated differently in a public school because of their race, or national origin or on the basis of false beliefs or stereotypes that they may or may not be carrying a disease.

According to Dylan, no other child in his class who coughed or may have been perceived to have had a cold or flu during the period of media coverage of the Coronavirus was told to go to the nurse, and there were others in his class who had coughed or appeared to have a cold during the same period. However, he was the only one who was ordered to go to the nurse, even after he stated that he was fine and did not need the nurse. A double standard based on race is unacceptable and against the law and it interferes with his right to enjoy equal educational opportunity.

We look forward to the response of the Office of Civil Rights.

Gloria Allred  
Attorney at Law  
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