



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I

5 POST OFFICE SQUARE, 8<sup>TH</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

DEC 05 2012

Matthew R. Segal  
Legal Director  
ACLU Foundation of Massachusetts  
211 Congress Street  
Boston, Massachusetts 02110

Daniel J. Losen  
Director, Center for Civil Rights Remedies  
The Civil Rights Project at UCLA  
20 Hillcrest Avenue  
Lexington, Massachusetts 02420

Re: Complaint No. 01-12-1255

Dear Attorneys Segal and Losen:

In a letter dated June 22, 2012, the U.S. Department of Education, Office for Civil Rights (OCR) acknowledged receipt of the above-referenced complaint that you jointly filed against the Fall River Public Schools (District) on June 20, 2012. In the complaint, you alleged that the District's disciplinary policies and practices discriminate against Black students, Latino students, students with disabilities, and students who have a confluence of these traits, *e.g.*, students that are Black/Latino and have disabilities. The purpose of this letter is to identify the legal issues that OCR has opened for investigation.

OCR enforces Title VI of the Civil Rights Act of 1964 and its implementing regulation found at 34 C.F.R. Part 100 (Title VI), which prohibit discrimination based on race, color or national origin. OCR also enforces Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II), which prohibit discrimination based on disability. The District is subject to the requirements of Section 504 and Title VI because it receives Federal financial assistance from the Department, and is subject to the requirements of Title II because it is a public entity that operates an educational system.

Based on your complaint allegations, OCR will investigate the following legal issues:

- Whether the District discriminated against students on the basis of race, color, or national origin in the implementation of discipline, in violation of 34 C.F.R. Section 100.3.

- Whether the District discriminated against students on the basis of disability in the implementation of discipline, in violation of 34 C.F.R. Section 104.4 and 28 C.F.R. Section 35.130.

Please note that opening the complaint for investigation in no way implies that OCR has made a determination with regard to the merits of this case. During the investigation, OCR will act as a neutral fact-finder, collecting and analyzing relevant evidence from you, the District, and other sources as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the complaint allegation(s), in accordance with the provisions of our Case Processing Manual, which is available on our website at: <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). During that process, OCR suspends its investigation and provides a facilitator who will work with the parties to resolve the allegation(s) that prompted the complaint. If the parties voluntarily reach an agreement through ECR, OCR will close the complaint. If the parties are unable to reach an agreement through ECR, then OCR will resume its investigation. Please let us know if you are interested in this option.

Within the next week, OCR plans to schedule an initial meeting with District officials to discuss the investigation, OCR's data needs, and to gather initial information about the practices at issue. In the meantime, if you have any questions about this letter, please contact Ms. Jane López, Civil Rights Attorney, at (617) 289-0083 or by electronic mail at [Jane.Lopez@ed.gov](mailto:Jane.Lopez@ed.gov); or Mr. William McCants, Senior Civil Rights Attorney, at (617) 289-0054 or by electronic mail at [William.McCants@ed.gov](mailto:William.McCants@ed.gov). You may also contact me directly at (617) 289-0037. Thank you for raising your concerns with our office.

Sincerely,



Anthony Cruthird

Team Leader/Civil Rights Attorney