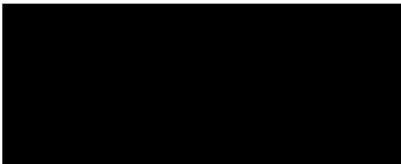




UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

March 13, 2019

Via Email and U.S. Mail



Re: Case No. 03-18-1205

Dear [REDACTED]:

This refers to the complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Montgomery County Public Schools (the District) alleging discrimination on the bases of race and national origin (Asian/Asian American).¹ The Complainants allege that the District unlawfully considered race as a factor in admission to Eastern Middle School and Takoma Park Middle School (collectively, the magnet middle schools) through its universal selection process, which it utilized to invite students to enroll in those schools for the 2018-2019 school year. OCR will investigate whether the District engaged in purposeful, racial discrimination by adopting a universal selection process to intentionally exclude Asian and Asian American students from its magnet middle schools.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the bases of race, color and national origin by recipients of Federal financial assistance. Because the District receives Federal financial assistance from the Department, the District is subject to this law. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Because OCR has determined that it has jurisdiction and that this complaint was filed timely, it is opening the complaint for investigation. Please note that opening an investigation in no way implies that OCR has decided the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainants, the recipient, and other sources. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of the Case Processing Manual.

¹ OCR received ten related complaints raising this concern that have been docketed as OCR Case Number 03-18-2015.

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. Information on OCR's complaint processing procedures is available at <http://www.ed.gov/ocr/complaints-how.html>. In particular, please note the section on Facilitated Resolution Between the Parties (FRBP). Under this voluntary, informal approach, similar to mediation, OCR helps facilitate settlement discussions between the Complainants and the District. If you believe FRBP can be useful in this case, please contact the OCR staff person identified below as soon as possible.

Complaints can also be resolved before the completion of an investigation through voluntary resolution agreements between OCR and the recipient as follows:

- The recipient expresses an interest in resolving the complaint through an agreement;
- If the complaint can be resolved through a voluntary resolution agreement, OCR will draft an agreement for the recipient's review;
- If the recipient signs a voluntary resolution agreement, OCR will issue letters notifying the Complainants and the recipient that the case has been resolved;
- OCR monitors voluntary resolution agreements;
- The Complainants are not a party to the agreement.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainants may file another complaint alleging such treatment.

If you have any questions, please contact me at (202) 453-6849 or by email at lisa.chang@ed.gov, or Meg Willoughby at (215) 656-8579 or by email at meg.willoughby@ed.gov.

Sincerely,



Lisa E. Chang
Enforcement Director