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February 3, 2010

Secretary Arne Duncan
United States Department of Education
LBJ Education Building
Room 7W 311
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notice Regarding Civil Rights Violations and the Massachusetts Race to the Top Application

Dear Secretary Duncan:

The undersigned are national Latino civil rights organizations, including the League of United Latin American Citizens (LULAC) and the National Council of La Raza. We write to express our deep concern with the ongoing history of violations of the basic civil rights of Latino and other English Language Learner students in the Boston Public Schools in the context of Boston's intended participation in the Massachusetts Race to the Top grant. Race to the Top is surely an important, if not essential, education reform the integrity of which should not be allowed to be called into question by the use of RTTT funds as a platform for continuing civil rights denials. This concern was pointed out to the Massachusetts Department of Elementary and Secondary Education (MDESE) in the attached letter from local Massachusetts Latino organizations of December 30 that spells out in some detail the nature of the violations and, equally important, the nature of the needed remedy. The MDESE did not respond.

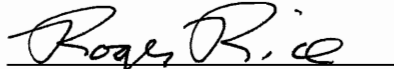
Several points are clear beyond question.

First, the problems to which we allude are long-standing. As early as 2004, the MDESE informed Boston of the fact that literally thousands of ELL students were facing denials of their basic rights to appropriate education. Despite repeated efforts by MDESE, Boston has resisted facing up to its obligations and continues to do so.

Second, the problems are matters of public record, known to the MDESE as well as the United States Justice Department. The factual bases for this Notice are not really in dispute.

Under the circumstances we wish to give you Notice of the seriousness we attach to this situation. Should the Department conclude that Massachusetts' grant application is one of those selected in the first round, it is essential that the Department clearly condition the transfer of any RTTT funds to the Boston Public Schools upon full compliance with the points described.

Sincerely yours,



Roger L. Rice, Esq.
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(LULAC)**

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