

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

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921

OCT 26 2011

Mr. Roger L. Rice
Multicultural Education, Training and Advocacy, Inc.
240A Elm Street, Suite 22
Somerville, MA 02144

Re: Complaint No. 01-11-1259
Massachusetts Department of Elementary
and Secondary Education

Dear Mr. Rice:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint that you filed on August 2, 2011, against the Massachusetts Department of Elementary and Secondary Education (MADESE). You allege that MADESE discriminated against Limited English Proficient (LEP) students in Boston based on national origin.

Specifically, you indicated that historically in Massachusetts, charter schools whose applications have been reviewed and endorsed by MADESE have enrolled few LEP students and have offered inadequate services to them. You allege that while a recent revision in Massachusetts law was intended to address these problems (which you identify as the Achievement Gap Act of 2010, M.G.L. Chapter 71, Section 89), MADESE's implementation of this revised law has resulted in the approval of charter schools in Boston in the 2011-2012 school year that continue to offer inadequate LEP services, in violation of Title VI. Because, as explained below, OCR has determined that it has jurisdiction and that your complaint was filed timely, OCR is opening it for investigation.

OCR enforces Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100 (Title VI), which prohibit discrimination on the basis of race, color, and national origin. MADESE is subject to the requirements of Title VI because it receives Federal financial assistance from the Department.

Based on the information presented, OCR will investigate the following legal issue:

Whether MADESE's administration of its charter school program discriminates against LEP students in Boston, in violation of 34 C.F.R. Section 100.3(a) and (b)(1) and (2).

Please note that opening a complaint for investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, MADESE, and other sources, as

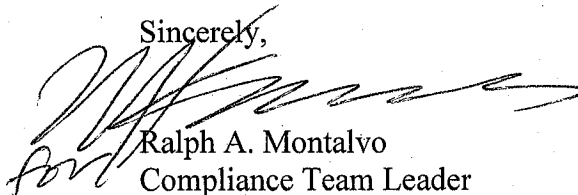
appropriate. OCR will ensure that its investigation is legally sufficient and dispositive of your allegation, in accordance with its *Case Processing Manual* (available online at: <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>).

Under OCR's *Case Processing Manual*, the parties may agree, at any time, to resolve a complaint through OCR's Early Complaint Resolution (ECR) process, subject to OCR's approval. ECR is a voluntary process where OCR's role is to assist the parties in working towards a mutually agreeable resolution. 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. If you are interested in ECR, we will ask MADESE if it is also interested, and determine whether it is appropriate to resolve this case through ECR.

As part of our efforts to resolve this complaint, we have requested information from MADESE related to the legal issue above. We will notify you once we receive a response from MADESE to discuss our next steps in investigating this complaint.

In the interim, if you have any questions regarding this letter, please contact Civil Rights Attorney Sandy Lin at (617) 289-0095 or Sandy.Lin@ed.gov, or Senior Civil Rights Attorney William McCants at (617) 289-0054 or William.McCants@ed.gov. You may also contact me at (617) 289-0045. Please refer to the complaint number listed above in any contact with OCR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ralph A. Montalvo', is written over the typed name and title.

Ralph A. Montalvo
Compliance Team Leader