



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

**TIMOTHY C. J. BLANCHARD**  
DIRECTOR  
NEW YORK OFFICE

July 7, 2014

Judith Browne Dianis  
Co-Director  
Advancement Project  
1220 L Street NW, Suite 850  
Washington D.C. 20005

Re: Case No. 02-14-1343  
Newark Public Schools

Dear Ms. Browne Dianis:

On May 13, 2014, the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint you filed against the Newark Public Schools (the NPS). You alleged that the NPS discriminated against African-American students, on the basis of their race, by enacting the "One Newark" plan at the end of school year 2013-2014. OCR has determined that your allegation is appropriate for investigation.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The NPS is a recipient of financial assistance from the Department, and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under Title VI.

Because OCR has determined that it has jurisdiction and that the complaint was filed in a timely manner, it is opening the allegation for investigation. Please note that opening the allegation for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of OCR's *Case Processing Manual*.

OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity

for the parties involved to resolve the allegation(s). Some information about the ECR process is contained in the publication entitled, "OCR Complaint Processing Procedures," which was enclosed with OCR's previous letter to you acknowledging your complaint. This information is also on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#II>.

Also, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the publication, "OCR Complaint Processing Procedures", which was enclosed with OCR's previous letter to you, acknowledging your complaint. This information is also on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III>.

Please be advised that the NPS 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, you may file another complaint alleging such treatment.

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

OCR will communicate with you periodically regarding the status of your complaint. If you have any questions, please contact Ryan Milligan, Compliance Team Attorney, at (617) 289-0189 or [Ryan.Milligan@ed.gov](mailto:Ryan.Milligan@ed.gov); or Eric Bueide, Compliance Team Attorney, at (646) 428-3851 or [Eric.Bueide@ed.gov](mailto:Eric.Bueide@ed.gov).

Sincerely,



for Erin Emery  
Compliance Team Leader

cc: Sharon Smith  
Johnnie Lattner  
Tawanda Sheard  
Jacqueline Edwards  
Lauren Melton  
Yeraldin Holguin