



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

April 12, 2017

Via email at cschmidt@acluva.org

Charles H. Schmidt, Jr.
American Civil Liberties Union of Virginia
701 East Franklin Street, Suite 1412
Richmond, VA 23219

Re: Complainant No. 11-16-1794
Notification Letter

Dear Mr. Schmidt:

This letter is in reference to a complaint that you filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), on August 24, 2016, against Richmond City Public Schools (the Division). The complaint alleges the Division discriminated against two students (Student 1 and Student 2) on the basis of race and disability when they were improperly disciplined during the 2015-2016 school year. The complaint also alleges the Division's disciplinary policies and practices unlawfully discriminate against African-American students and students with disabilities.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C § 2000 et seq., and its implementing regulation, at 34 C.F.R. Part 100, which prohibits recipients of Federal Financial assistance from discriminating on the basis of race, color, or national origin. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. Additionally, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the Division receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Title VI, Section 504, Title II, and their implementing regulations.

Because OCR determined that it has jurisdiction and that the allegations were timely filed, OCR is opening the allegations for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination on the merits of the allegations. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainants, the Division, and other sources, as appropriate. OCR will ensure that its investigation

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

is legally sufficient and fully responds to the allegations in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>.

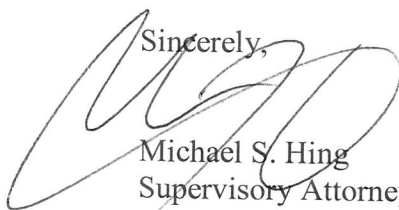
Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. Information on OCR's complaint processing procedures is available at <http://www.ed.gov/ocr/complaints-how.html>.

Please be advised that the Division must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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 personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, feel free to contact Kristi Harris at 202-453-5916 or Kristi.Harris@ed.gov or Michael Hing at 202-453-6820 or Michael.Hing@ed.gov.

Sincerely,



Michael S. Hing
Supervisory Attorney, Team I
District of Columbia Office
Office for Civil Rights