



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD., SUITE 310
DENVER, CO 80204-3582

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

June 15, 2022

Ms. Nicole Neily
[REDACTED]

Via e-mail only

RE: OCR Complaint #08221130-Denver Public School District

Dear Ms. Neily:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Denver Office, is dismissing the above-referenced complaint you filed against the Denver Public School District (DPS, Recipient, or District), which OCR received on December 17, 2021. Your complaint appears to allege that DPS discriminates against students and parents based on race, color or national origin.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 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 by recipients of federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department and a public entity, the Recipient is subject to these laws and regulations. Additional information about the laws OCR enforces is available on OCR's website at <http://www.ed.gov/ocr>.

Under Section 108(r) of OCR's *Case Processing Manual* (CPM), OCR will dismiss a complaint allegation when OCR determines that its ability to complete its evaluation of the complaint or an investigation is substantially impaired by its inability to contact the complainant in order to obtain information that is necessary for investigation of the complaint. OCR will include documentation in the case file of its unsuccessful efforts to contact the complainant to request the necessary information.

On January 13, 2022, OCR sent you an email requesting to schedule a teleconference to clarify your allegations. You did not reply to this request. On January 18, 2022, OCR sent you a letter via email explaining the information OCR needed to open an investigation of your allegations. Specifically, OCR requested, among other things, clarification about when the alleged discriminatory behavior occurred, who organized the events, and how the event(s) promoted segregation and are discriminatory based on race, color or national origin. OCR notified you that it would dismiss your complaint if OCR did not receive this information by the 14-day deadline. As of the date of this letter, OCR has not received a response from you.

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

Based on the foregoing, OCR has determined that its inability to contact you, the Complainant, has substantially impaired its ability to complete the evaluation of the complaint. Accordingly, OCR is dismissing this complaint under Section 108(r) of the CPM as of the date of this letter.

This letter sets forth OCR's determination in the above-referenced OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that a recipient 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.

If you have any questions about this letter, please contact Mr. Craig Nydick, the attorney assigned to this complaint, by telephone at (303) 844-7104 or by email at craig.nydick@ed.gov. You may also reach me at (303) 844-6086 or via email at michael.todd@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Michael D. Todd". The signature is written in a cursive style.

Michael D. Todd
Supervisory Attorney
Office for Civil Rights
Denver Office