



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION I

CONNECTICUT
MAINE
MASSACHUSETTS
NEW HAMPSHIRE
RHODE ISLAND
VERMONT

February 13, 2023

Parents Defending Education

By email: [REDACTED]

Re: Complaint No.01-23-1133
Portland Public Schools

Dear Nicole Neily:

On January 5, 2023, the Office for Civil Rights (OCR) of the U.S. Department of Education received your complaint against Portland Public Schools (District). The complaint alleges that the District is engaging in discrimination on the bases of race, color, and national origin through its employee affinity group entitled “BIPOC Community Circle,” which is only open to employees who are Black, Indigenous, Asian, Middle-Eastern, Latinx, and mixed race.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 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 any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the District receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Title VI.

However, the Title VI regulations enforced by OCR apply to employment practices in limited circumstances not applicable to your complaint, as provided under 34 C.F.R. Section 100.3(c). Accordingly, OCR’s case processing procedures require us to refer allegations of employment discrimination over which it does not have jurisdiction to another federal agency, the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC may have the authority to investigate this allegation under Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the bases of race, color, national origin, sex, and religion.

Therefore, we are referring your complaint to the EEOC’s Boston office, at the address below, for further action under Title VII of the Civil Rights Act of 1964.

Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000
<http://www.eeoc.gov/field-office/boston/location>

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

www.ed.gov

Please note that EEOC may advise you that you need to provide additional information to the EEOC to file an EEOC charge of discrimination. Information about EEOC's charge filing process, including important filing deadlines, and a link to the EEOC's online process may be found at EEOC's website at <https://www.eeoc.gov/filing-charge-discrimination>. The EEOC may also be reached at 1-800-669-4000; 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only); or 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only). The EEOC will consider the filing date to be the date that you filed the complaint with OCR (January 5, 2023) unless an earlier complaint was filed with the EEOC. You may contact the EEOC if you have any questions regarding the complaint.

We are notifying the District that we are referring your complaint to the EEOC. Please be advised that the District 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, assists, or participates in a proceeding under a law enforced by OCR. 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colleen Robinson', with a stylized flourish at the end.

Colleen Robinson
Compliance Team Leader