



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

RACHEL POMERANTZ
DIRECTOR
NEW YORK OFFICE

July 13, 2022

Sent via email only to [REDACTED]

Nicole Neily
President
Parents Defending Education
[REDACTED]

Re: Case No. 02-22-1081
New York City Department of Education

Dear Ms. Neily:

On December 2, 2021, the U.S. Department of Education, Office for Civil Rights (OCR) received the complaint you filed against the New York City Department of Education (NYCDOE). You alleged that the NYCDOE discriminated on the basis of race, color or national origin by planning to hold racially segregated affinity groups at the Lower Manhattan Community School during the week of November 22, 2021. OCR is opening an investigation of your allegation.

OCR enforces 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 Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the NYCDOE is subject to Title VI.

Please understand that opening the allegation for investigation under Title VI does not mean that OCR has made a decision about your complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs to make a decision about your complaint. OCR will ensure that its investigation is legally sufficient and addresses each allegation as required by OCR's *Case Processing Manual*.¹

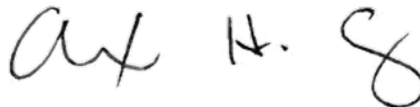
Please be advised that the NYCDOE must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced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

¹ *Case Processing Manual* (Aug. 26, 2020), <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

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

If you have any questions, please contact Tiffany Lyttle, Compliance Team Attorney, at (646) 428-3754 or tiffany.lyttle@ed.gov; Lauren Numeroff, Compliance Team Attorney, at (646) 428-3895 or lauren.numeroff@ed.gov; or me, at (646) 428-3901 or alexander.artz@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex H. Artz". The signature is written in a cursive style with a large, stylized "A" and "S".

Alexander H. Artz
Compliance Team Leader

cc: Cameron T. Norris, Esq.