



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

26 FEDERAL PLAZA, SUITE 31 – 100
NEW YORK, NEW YORK 10278

REGION 2

NEW JERSEY
NEW YORK
PUERTO RICO
U.S. VIRGIN ISLAND

November 22, 2024

Sent via email only to [REDACTED]

Caroline Moore
Vice President
Parents Defending Education
[REDACTED]

Re: Case Number 02-24-1469 – Kingston City School District

Dear Caroline Moore:

On June 4, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the complaint you filed against the Kingston City School District (the District). Your complaint alleged that the District discriminates on the bases of race and/or color by offering race-based educator programming that is not open to all educators.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin in programs and activities receiving federal financial assistance. As a recipient of federal financial assistance from the Department, the District is subject to Title VI and its implementing regulations.

As explained below, OCR is dismissing your complaint under Section 110(l) of [OCR's Case Processing Manual \(CPM\) \(July 18, 2022\)](#) because OCR is transferring the complaint to the Equal Employment Opportunity Commission (EEOC). Section 110(l) of the CPM provides that OCR may close or dismiss an allegation if OCR transfers or refers the allegation to another agency for investigation.

With respect to your complaint involving alleged discrimination based on race and/or color, OCR has authority to investigate Title VI claims of discrimination based on race, color, and national origin against employees in instances where a primary objective of the federal funds received by the institution is to provide employment or where the alleged discrimination tends to deny equality of opportunity to beneficiaries (i.e., students) on the bases of race, color, or national origin. 34 C.F.R. § 100.3(c). OCR has determined that these circumstances do not apply to the allegation based on the information provided in your complaint, the scope of the allegation, and the absence of alleged discrimination tending to deny opportunities to student beneficiaries. The EEOC appears to have jurisdiction over the allegation because the EEOC

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

enforces Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits discrimination in employment on the bases of race and color, among other bases. Where OCR lacks jurisdiction over an allegation of discrimination in employment, and the EEOC may have jurisdiction over the allegation, OCR must transfer the allegation to the EEOC. *See* 29 C.F.R. § 1691.5(c); 28 C.F.R. § 42.605(c); and Section 701 of the CPM. Accordingly, OCR is transferring your complaint to the EEOC under Section 701(c)(2)(iii) of the CPM and dismissing the complaint under Section 110(l) of the CPM.

Accordingly, OCR is notifying you that it is transferring your complaint to the EEOC for handling at the following address:

Charles Diamond
Supervisor of Charge Receipts and Technical Information Unit
U.S. Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

The EEOC will consider the complaint to be received on the date that OCR received it, unless the EEOC received a similar complaint earlier. This transfer concludes OCR's consideration of the complaint which OCR is dismissing as of the date of this letter under Section 110(l) of the CPM.

Please note that OCR has made no determination as to whether your allegations state actionable and timely claims of employment discrimination. The EEOC may advise you that you need to provide additional information to the EEOC to file an EEOC charge of discrimination. Information about the EEOC's charge filing process, including important filing deadlines, and a link to the EEOC's online process may be found at the [EEOC website](#). 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).

OCR is notifying the District that it is transferring your complaint to the EEOC. Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

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 against the District with OCR.

Under the Freedom of Information Act (FOIA), 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 the EEOC.

Sincerely,

A handwritten signature in black ink, reading "Eboné Luciano". The signature is written in a cursive style with a large, stylized "E" and "L".

Eboné Luciano
Compliance Team Leader