



U.S. DEPARTMENT OF EDUCATION

400 Maryland Avenue, SW

Washington, DC 20202-1475

Telephone (202) 453-6020 Facsimile (202) 453-6021; TDD 1-877-521-2172

E-mail: OCR.DC@ed.gov

OFFICE FOR CIVIL RIGHTS
SOUTHERN DIVISION

DISTRICT OF COLUMBIA OFFICE
District of Columbia, North Carolina, South Carolina, Virginia

November 5, 2010

Re: OCR Complaint Nos. 11-10-1311 and 11-10-1313
Notification Letter

Anita S. Earls
Allison J. Riggs
Southern Coalition for Social Justice
115 Market Street, Suite 470
Durham, NC 27701

Dear Ms. Earls and Ms. Riggs:

This letter is to notify you, as lead counsel, of the outcome of the evaluation of the complaints filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), on September 27, 2010. The complaints allege that the Wake County Board of Education (the Board) and the Wake County Public School System (the District) are discriminating against students on the basis of race, color and national origin. Specifically, the complaints allege the following:

Allegation 1: The Board and District discriminated against "non-White" students (i.e., African-American, Hispanic and mixed race students) based on race, when, on April 6, 2010, the Board revised its student assignment policy to eliminate consideration of socioeconomic diversity in schools and began the process of implementing a neighborhood schools student assignment policy.

Allegation 2: The Board and District are discriminating on the basis of race against African-American students through its disciplinary system with regard to short- and long-term suspensions and expulsions, including as to the frequency and severity of punishment, the disciplinary hearing and appeals process, and referrals to the juvenile justice system.

If we have not completely and accurately captured your allegations, please contact one of the OCR staff persons identified below within 10 days of the date of this letter to provide any necessary clarification. We have also included copies of this notification letter for you to share with the complainants.

Our mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR is responsible for enforcing certain federal civil rights statutes and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin in programs and activities that receive federal financial assistance (FFA) from the Department. The District receives FFA from the Department, and therefore, it is subject to the provisions of Title VI and the Title VI implementing regulation.

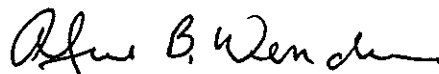
Because OCR has determined that it has jurisdiction and that the complaints were filed timely, OCR is opening the complaints for investigation. Please note that opening the complaints for investigation in no way implies that OCR has made a determination with regard to the merits of the complaints. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations in accordance with the provisions of OCR's *Case Processing Manual*, which is available at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

During our investigation of the complaints, our goal is the prompt, appropriate resolution of the allegations contained in the complaints. While we are proceeding with an investigation of the allegations, there are other approaches that can be used to achieve this goal. The document entitled "OCR's Complaint Processing Procedures," which was sent to you with OCR's letter acknowledging receipt of your complaints, includes information about the approaches to complaint resolution that OCR uses and is available at <http://www.ed.gov/about/offices/list/ocr/complaints-how.html>.

Please be aware that the Board and District may not harass, coerce, intimidate, or discriminate against you because an individual who has filed a complaint or participated in the complaint resolution process. If this happens, that individual may file another complaint alleging such treatment. Also, 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, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

We look forward to your cooperation during OCR's complaint resolution activities. If you have any questions regarding this communication, feel free to contact either Lorraine Chatman, Attorney, at 202-453-5904 or via e-mail at Lorraine.Chatman@ed.gov or Betsy Trice, Attorney, at 202-453-5931 or Betsy.Trice@ed.gov.

Sincerely,



Alice B. Wender
Director
District of Columbia Office
Office for Civil Rights

Enclosures

As stated

- cc. National Association for the Advancement of Colored People
North Carolina State Conference of Branches of the NAACP
Raleigh (Apex Branch) of the NAACP
South Central Wake County Branch of the NAACP
Wendell (Wake County) Branch of the NAACP
N.C. H.E.A.T
Quinton White