



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

May 4, 2012

Mr. James P. Scanlan
Attorney at Law
1529 Wisconsin Avenue, N.W.
Washington, DC 20007

Dear Mr. Scanlan:

Thank you for your March 9, 2012 letter sent to both Secretary Arne Duncan of the U.S. Department of Education (the Department) and Assistant Secretary Russlynn Ali of the Department's Office for Civil Rights (OCR). We appreciate hearing your views on this matter. Your letter was referred to the Office for Civil Rights (OCR) for review and a direct reply and it was received by our office on May 1, 2012.

In your letter to Secretary Duncan and Assistant Secretary Ali, you mentioned, in summary, that it is your hope that the Department carefully consider that problems may occur from failing to recognize the nuances of standard measures and the differences between outcome rates that tend to systematically affect the overall prevalence of an outcome. In addition, you stated that your letter is in response to recent media reports referencing OCR's recent data released from the 2009-2010 Civil Rights Data Collection (CRDC) report which states, in part, that minority students face harsher discipline¹. I am pleased to respond.

OCR enforces five Federal civil rights statutes that prohibit discrimination, on the basis of race, color, national origin, sex, disability and age, by recipients of federal financial assistance. The statutes that OCR enforces are:

- Title VI of the Civil Rights Act of 1964 (prohibiting discrimination based on race, color and national origin);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- The Age Discrimination Act of 1975 (prohibiting age discrimination); and
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, e.g., public elementary and secondary school

¹ March 6, 2012: *(Press Release)* The Office for Civil Rights (OCR) released today the Part 2 data from the 2009-2010 Civil Rights Data Collection (CRDC). The data are available to the public at <http://ocrdata.ed.gov> in a privacy-protected format. The 2009-10 sample had approximately 7,000 school districts and 72,000 schools.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

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

systems, postsecondary schools, and vocational education programs, whether or not they receive federal financial assistance).

In addition, OCR enforces the Boy Scouts of America Equal Access Act which prohibits discrimination against any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code.

These laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive funds from the Department.

OCR's 12 regional enforcement offices investigate complaints of alleged discrimination or retaliation filed against educational institutions and organizations. Apart from its investigative function, OCR also provides technical assistance on the statutes and regulations that are enforced by OCR should you have questions.

The OCR District of Columbia Enforcement Office may be able to assist you with any questions regarding OCR's Civil Rights Data Collection (CRDC) data that was recently reported in the media. In addition, for more information about the CRDC, please visit OCR's website at <http://www.ed.gov/ocr/data.html>. To view the 2009-2010 CRDC Data, please visit the OCR webpage <http://ocrdata.ed.gov>.

Or, if you believe that there is a violation of one of the statutes that OCR enforces, you may wish to contact the OCR District of Columbia Enforcement directly at the contact information listed:

**U.S. Department of Education
Office for Civil Rights
District of Columbia Office (Metro)
400 Maryland Avenue, SW
Washington, D.C. 20202-1475**

**Telephone: 202-453-6020
FAX: 202-453-6021; TDD: 877-521-2172
Email: OCR.DC@ed.gov**

The OCR District of Columbia Enforcement Office services complaints of discrimination and retaliation filed against educational institutions and programs located in Washington, DC. Please keep in mind, however, that OCR will take action only with respect to those complaint allegations that have been filed within **180 calendar days** of the date that the last act of alleged discrimination occurred to be considered filed in a timely manner.

Persons may also file a complaint with OCR online at the following webpage address:
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Mr. James P. Scanlan - Page 3

I hope the information provided is of assistance to you.

Sincerely,

Customer Service Team
Office for Civil Rights
U.S. Department of Education