



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I

5 POST OFFICE SQUARE, 8<sup>TH</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

February 15, 2011

Rahsaan Hall, Esquire  
Lawyers Committee for Civil Rights  
294 Washington Street, Suite 443  
Boston, MA 02108

Re: Complaint No. 01-11-1087

Dear Attorney Hall:

This is to inform you that the United States Department of Education, Office for Civil Rights (OCR) has opened for investigation the above-referenced complaint which you filed with and on behalf of the Black Educators' Alliance of Massachusetts (BEAM), against the Boston Public Schools (District), alleging discrimination on the basis of race, color or national origin.

You allege that the District has discriminated against students on the basis of race, color or national origin in the development, approval, and implementation of the Superintendent's proposed Redesign and Reinvest Plan (Plan), which was approved by the Boston School Committee on December 15, 2010. The Plan provides for the closure, merger and expansion of several District schools. Broadly, you allege that the Plan disparately burdens and discriminates against Black, Latino, and/or national origin minority students and parents, intentionally or in effect, especially as to African-American students and parents.

You specifically allege the following:

- 1) The District's purported criteria for school closures, mergers and expansions were not clearly articulated or consistently applied to all schools regardless of the race, color or national origin of the student populations predominately served by the school.
- 2) The schools to be closed serve predominately Black students, or are located in, or serve students from Roxbury, Dorchester and Mattapan, which are predominately Black, Latino or immigrant communities, while schools serving high percentages of White students, in West Roxbury, Roslindale, and Brighton, remain unaffected.
- 3) The Plan continues the District's historical pattern of targeting Black communities for school closures, mergers, and other disruptions in the stability of education provided for in certain neighborhood schools and not others, such as the District's recent closures approved by the School Committee in school year 2008-2009.

- 4) The Plan's closure of smaller schools that serve predominantly Black and Latino students displaces these students in order to maximize class-size caps at larger schools, unlike small schools with larger percentages of White students that remain unaffected under the Plan and that will continue to serve their student populations in small school settings closer to the communities where the White students reside.
- 5) The closing of some of the schools serving predominately Black and Latino student populations raises concerns about the motivation of the closure decisions if those closed buildings are to be used to house Charter Schools which are less likely to admit or serve Black, Latino, English language learners, and Special Education students to the same extent as the closed District schools.
- 6) The District removed Clap Elementary School, which serves a large percentage of White students, from the list of schools originally slated for closure, and instead turned the school into an Innovation School, an option not considered or made available to the other schools on the closure list serving substantial Black, Latino, or national origin minority student populations.
- 7) The closure of Hyde Park Complex will eliminate the only high school serving those segments of the communities within Hyde Park, Mattapan, and Roslindale with larger percentages of Black, Latino, or immigrant populations, and will deny those students access to a local neighborhood high school, unlike students from communities with higher percentages of White students. The closure also places unequal transportation burdens on Hyde Park Complex students, who are predominantly Black and who have no choice and but to travel outside their neighborhood to attend high school.
- 8) The predominantly Black and Latino students displaced by the closure of the Hyde Park Complex will be reassigned to programs in facilities that have not passed high school accreditation standards, unlike the high school facilities available to White students elsewhere.

For example, by closing the Engineering School at Hyde Park Complex and eliminating its Science, Technology, Engineering and Math (STEM) curriculum, and subsequently creating a new grade 6-12 program at the Dearborn Middle School, the predominately Black students displaced from the Engineering School will be denied access to a STEM curriculum in a high school building that has passed high school accreditation standards.

- 9) Likewise, Dorchester High School, which has a large concentration of Black students, will be moved to the Woodrow Wilson Middle school building, which has not passed high school accreditation standards.
- 10) The Plan continues the District's historical pattern of relocating programs with high percentages of Black students out of buildings soon after those buildings received or were slated to receive renovations, only to be replaced with programs with higher percentages of White and/or Asian students.

For example, Black students from the Boston Technical High School building were relocated into the Madison Park High School Complex, while the students of Boston Latin Academy, which has higher percentages of White and Asian students, were then relocated into a newly renovated Boston Technical High School building. Similarly, after denying requests to renovate the building, the District relocated the predominately Black student population from Shaw Middle School in West Roxbury into the Mildred Avenue School in Mattapan, and subsequently renovated Shaw Middle School to house the Lyndon Pilot School, a school with larger percentages of White students. Also, the students from Boston Leadership Academy, which has a large percentage of Black students, were moved to Brighton and the school was reassigned to the Quincy Upper School, a school with a large percentage of Asian students, and which is currently scheduled to receive \$13.5M in renovations.

- 11) The District's dispersal of Black and Latino early education students from the East Zone Early Learning Center in Dorchester, rather than expending funds to renovate the facility, is unlike the District's treatment of early education centers that serve predominantly White students. For example, the Hemenway School for Early Education, and the Roosevelt K-8 School, both of which have significantly higher percentages of White students, and for which the District has expended \$8M each to renovate.
- 12) The District does not have clearly articulated plans to accommodate the programmatic needs of English language learners and/or Special Education students currently assigned to the Agassiz Elementary School, Emerson Elementary School, and The Engineering School, thereby disregarding the rights of these students to appropriate educational programs.
- 13) The District provided unequal opportunities to Black, Latino and immigrant parents for input as to the District's course of action and development of the Plan, than those provided White parents who were better able to access the political process.

OCR has accepted this complaint for investigation because the allegations fall under our jurisdiction under Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100 (Title VI). Title VI prohibits institutions that receive Federal financial assistance from discriminating against students or their parents on the basis of race, color, or national origin. The District is subject to Title VI because it receives Federal financial assistance from the U.S. Department of Education.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, we are opening this complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination with regard to the merits of this case. During the investigation, OCR will act as a neutral fact-finder, collecting and analyzing relevant evidence from you, the District, and other sources as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the complaint allegation(s), in accordance with the provisions of our Case Processing Manual, which is available on our website at: <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

Based on the complaint allegations, OCR will investigate the following legal issue:

- Whether the District discriminated against students on the basis of race, color, or national origin in the development, approval, and/or implementation of the Plan, in violation of 34 C.F.R. Section 100.3.

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). During that process, OCR suspends its investigation and provides a facilitator who will work with the parties to resolve the allegation(s) that prompted the complaint. If the parties voluntarily reach an agreement through ECR, OCR will close the complaint. If the parties are unable to reach an agreement through ECR, then OCR will resume its investigation. Please let us know if you are interested in this option.

As part of our efforts to resolve this complaint, we have requested information from the District concerning your allegations. We will contact you again once we have received and reviewed this information.

If you have any questions about this letter, please contact one of the Civil Rights Attorneys assigned to this case: Ms. Jane López, at (617) 289-0083 or by electronic mail at [Jane.Lopez@ed.gov](mailto:Jane.Lopez@ed.gov), or Mr. Ramzi Ajami at (617) 289-0086 or by electronic mail at [Ramzi.Ajami@ed.gov](mailto:Ramzi.Ajami@ed.gov). You may also contact me directly at (617) 289-0019. Please refer to the complaint number noted above (01-11-1087) in any future telephone contact or correspondence with OCR. Thank you in advance for your assistance and cooperation with this matter.

Sincerely,



Donna L. Russell  
Team Leader/Civil Rights Attorney