



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

January 31, 2017

By Electronic Mail

Frank Argote-Freyre
Latino Coalition of New Jersey and Fair Schools Red Bank

frankfreyre@yahoo.com

Re: Case No. 02-17-1087
Red Bank Charter School

Dear Mr. Argote-Freyre:

On December 1, 2016, the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint you filed against the Red Bank Charter School (the School). You alleged that the School discriminates against Hispanic students and students who are English language learners (ELL), on the basis of their national origin, in its student recruitment and admission practices. Based on the information you provided in your complaint and during interviews with OCR staff on January 3 and 6, 2017, OCR has determined that it will investigate this allegation.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d, 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 financial assistance from the U.S. Department of Education (the Department). The School is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title VI.

Please note that opening the allegation for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of the *Case Processing Manual*.

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the

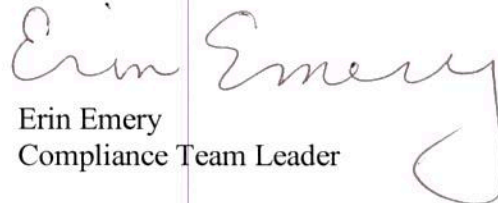
complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the publication “OCR Complaint Processing Procedures,” which was enclosed with OCR’s previous letter to you, acknowledging your complaint. This information is also on OCR’s website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Please be advised that the School may not harass, coerce, intimidate or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR will communicate with you periodically regarding the status of your complaint. If you have any questions, please contact Eric Bueide, Senior Attorney, at (646) 428-3851 or eric.bueide@ed.gov; or Coleen Chin, Senior Attorney, at (646) 428-3809 or coleen.chin@ed.gov.

Sincerely,


Erin Emery
Compliance Team Leader