

Maureen Sabolinski
Superintendent of Schools
355 East Central Street, Suite 3
Franklin, Massachusetts 02038

Re: Complaint No. 01-15-1028

Dear Superintendent Sabolinski:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint against the Franklin Public Schools (District). OCR is taking this action because, prior to OCR completing its investigation, the District expressed an interest in resolving this case. The District entered into a voluntary resolution agreement (Agreement) that resolves the complaint allegations. A copy of the Agreement is enclosed.

The Complainant alleged that the District discriminated against two students based on their race and national origin, when they were forced into English Language Learners (ELL) classes, although the only language they speak is English.

OCR initiated an investigation pursuant to its jurisdiction in enforcing 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 discrimination on the basis of race, color or national origin. The District is subject to the requirements of Title VI because it receives Federal financial assistance from the Department.

Based on the allegations, OCR accepted the following legal issue for investigation:

Whether the District subjected students to different treatment on the basis of race and/or national origin, when it required the students to participate in ELL classes despite the fact that the only language the students speak is English, in violation of 34 C.F.R. Section 100.3.

After OCR's initial contact to the District and prior to OCR completing its investigation of the allegations presented in this complaint, the District asked to resolve this complaint, as is permitted under Section 302 of OCR's Complaint Processing Manual. After negotiating with OCR, the District agreed to take a number of steps to resolve the complaint allegations. These steps are set out in the Agreement, signed by you on May 7, 2015, and include commitments by the District to: invite the students to return to the District schools in a regular educational program; review and revise, as necessary, its policies and procedures for opting out of ELL programs, consistent with OCR guidance;

and conduct training for appropriate District administrators and staff on parental rights for opting students out of ELL programs.

OCR finds that the resolution offered by the District is aligned with the Complainant's allegations and with information obtained by OCR. In addition, the resolution offered is consistent with Title VI. Accordingly, we are closing this investigation as of the date of this letter. Consistent with our usual practice, OCR will monitor the District's implementation of the Agreement. OCR will close the monitoring of this matter, and will notify the parties in writing of the monitoring closure, once it determines that the District has satisfied the terms of the Agreement. The District has agreed to provide OCR with an initial monitoring report by May 30, 2015, and a final monitoring report by September 30, 2015.

The matters addressed in this letter are not intended and should not be construed to cover any other issues regarding the District's compliance with the regulations implementing Title VI, or the other laws enforced by OCR, that may exist but are not discussed here.

Please note that the Complainant may have the right to file a private law suit regarding the matters raised in this case, whether or not OCR identified compliance concerns. 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, OCR will seek to protect all personal information to the extent provided by law that, if released, could constitute an unwarranted invasion of privacy.

OCR thanks the District and its legal counsel for the cooperation afforded us during this resolution process. If you have any questions or concerns about the information contained in this letter, please feel free to contact Carol Kennedy-Merrill, Civil Rights Investigator, at (617) 289-0048, or via email at Carol.Kennedy-Merrill@ed.gov; or Eric D. Olick, Senior Civil Rights Attorney, at (617) 289-0021, or via email at Eric.Olick@ed.gov. You may also contact me at (617) 289-0111.

Sincerely,

/s/

Joel J. Berner
Regional Director

Enclosure

Cc: Caitlin E. Leach, Esq.