



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I  
5 POST OFFICE SQUARE, 8<sup>th</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

April 25, 2019

Timothy F. Connellan  
Superintendent  
Southington Public Schools  
By Email: [tconnellan@southingtonschools.org](mailto:tconnellan@southingtonschools.org)

Re: Complaint No. 01-18-1390  
Southington Board of Education

Dear Superintendent Connellan:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against Southington Board of Education (District). The complaint alleged that the District treated the Student differently on the basis of race (XXXXXXX) when XXXX children with comparable or lesser skills were selected for XXXXXXXXXXXXXXXXXXXXXXXXXXXX, while the Student was not. As explained further below, before OCR completed its investigation, the District expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement (Agreement).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from the Department. Because the District receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title VI.

Summary of Preliminary Investigation

Based on the information provided by the District, in XXXXXXXX, the District held tryouts for the XXXXXXXXXXXXXXXXXXXXXXXXXXXX (School). XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XX  
XXXXXX.

The Student, whose parents are XXXXXXXXXXXXXXXX, was dismissed XXXXXXXXXXXXXXXX  
XXXX. According to the Complainant, the coach commented: "XXXXXXXXXXXXXXXXXXXXX  
XX," but did not  
provide any other reason the Student did not make the team. The Complainant also alleged that,  
according to the Student, XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, so it was not a fair  
assessment.<sup>1</sup>

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<sup>1</sup> The Complainant was not present at the tryout.

In emails produced by the District, the XXXXXXXX coach asserted that “XXXXXXXXXX XXXXXX” were present during tryouts, he went over his XXXXXXXX cut list with XXXXXXXXX, and “XX” The coach also stated that he “did the cuts individually one on one with the players, shook their hands, and told what they need to improve upon and encouraged them XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXX.”

[illegible]

The Complainant also alleged that XXXXX student was allowed to try out again after his father complained, but XXXXXX was not able to do so.

### Legal Standard

The Title VI regulation, at 34 C.F.R. § 100.3(a), provides that no person shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under the District's programs or activities on the basis of race, color, or national origin.

When investigating an allegation of different treatment, OCR first determines whether there is sufficient evidence to establish an initial, or prima facie, case of discrimination. Specifically, OCR determines whether the District treated the student less favorably than similarly situated individuals of a different race. If so, OCR then determines whether the District had a legitimate, nondiscriminatory reason for the different treatment. Finally, OCR determines whether the reason given by the District is a pretext, or excuse, for unlawful discrimination.

<sup>2</sup> The District is predominately white. According to data provided by the District, the male students at the School identified as follows:

<u><b>Year</b></u>	<u><b>Total Boys (#)</b></u>	<u><b>American Indian/ Alaskan (%)</b></u>	<u><b>Asian (%)</b></u>	<u><b>Black (%)</b></u>	<u><b>Hispanic (%)</b></u>	<u><b>White (%)</b></u>
Spring 2018	415	0.2%	5.5%	4.8%	6.5%	82.4%
Spring 2017	457	0.2%	4.2%	3.5%	8.1%	77.2%
Spring 2016	369	0.3%	4.6%	3.0%	6.8%	85.4%
Spring 2015	373	0%	4.3%	1.9%	6.4%	87.4%

### Analysis of Evidence Obtained to Date

Because OCR has not completed this investigation, it has not made a determination as to whether there is sufficient evidence of different treatment. While the Complainant has made an initial showing that XXXXXXXXXXXXXXXXXXXXXXXX was treated differently than XXXX students, OCR has not made a determination as to whether those students were similarly situated. Accordingly, OCR has not made a determination as to whether the District had a legitimate, nondiscriminatory reason for any different treatment that may have occurred. To complete this investigation, the District would need to interview the various District personnel and, possibly, other students.

### Conclusion

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the District expressed an interest in resolving this complaint and OCR determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and the District resulted in the District signing the enclosed Agreement which, when fully implemented, will address all of the allegations investigated. OCR will monitor the District's implementation of the Agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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 personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Civil Rights Attorney Catherine Deneke at (617) 289-0080 or by e-mail at [Catherine.Deneke@ed.gov](mailto:Catherine.Deneke@ed.gov).

Sincerely,

Michelle Kalka  
Compliance Team Leader

Enclosure

cc: Linda Yoder, [LYoder@goodwin.com](mailto:LYoder@goodwin.com)