



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

September 17, 2020

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Johanna Zelman, Esq.  
Ford Harrison  
CityPlace II  
185 Asylum Street, Suite 610  
Hartford, Connecticut 06103  
Attorney for Cromwell Public Schools

Re: Case No. 01-20-1005  
Cromwell Public Schools

Dear Ms. Zelman:

This letter serves to notify Cromwell Public Schools that ten days from the date of this letter, the Office for Civil Rights (OCR) will request that the United States Department of Justice (DOJ) seek appropriate judicial relief regarding the above-captioned complaint.

OCR will take this action unless Cromwell Public Schools submits an agreement adequate to correct the cited violations of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, and its implementing regulations at 34 C.F.R. Part 106.

The referral of this case to DOJ is authorized by 20 U.S.C. § 1682, which provides for action to effect compliance through administrative hearings or “any other means authorized by law.” The U.S. Department of Education’s implementing regulation, 34 C.F.R. § 106.71, incorporates 34 C.F.R. § 100.8(a). The latter provision specifically states:

Such other means include ... a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States ... or any assurance or other contractual undertaking ...

OCR has engaged in a series of negotiations with Cromwell Public Schools to achieve a voluntary agreement sufficient to resolve the complaint and correct the violations cited herein. Via e-mail on February 12, 2020, OCR notified Cromwell Public Schools of OCR’s determination that it had violated Title IX and provided a proposed resolution agreement (the Agreement) that would resolve OCR’s compliance concerns. During subsequent telephone calls with you, held during the period of February 13, 2020, through March 12, 2020, OCR informed you of the specific violations, and explained the nature of the violations and the basis of its findings. On multiple occasions during these communications, OCR informed you of the 90-calendar day timeframe for negotiations as set forth in Section 303(f) of OCR’s Case Processing Manual (the Manual). OCR

also informed you that the Manual states that OCR may end the negotiation period at any time prior to the expiration of the 90-calendar day period when it is clear that an agreement will not be reached.

On March 12, 2020, you informed OCR that your client would not sign the Agreement. On March 17, 2020, OCR issued an impasse letter to Cromwell Public Schools notifying it that the negotiations had reached an impasse and a final agreement had not been reached. Further, the letter informed Cromwell Public Schools, that in accordance with the Manual, Section 303(g), if an agreement was not reached within 10 calendar days of the date of the letter, i.e., by March 30, 2020, OCR would issue a Letter of Impending Enforcement Action indicating that Cromwell Public Schools was in violation of Title IX. In an e-mail dated March 27, 2020, OCR informed Cromwell Public Schools, that in view of its COVID-19-related duties and responsibilities, OCR was extending the ten-calendar day-deadline to respond to OCR's proposed resolution agreements for a period of 30 days, to April 27, 2020, and that if agreement was not reached by that date, OCR would issue a Letter of Impending Enforcement Action pursuant to Section 305 of the Manual.

Cromwell Public Schools did not enter into a resolution agreement with OCR to remedy the violations, and a Letter of Impending Enforcement Action was sent to Cromwell Public Schools on May 15, 2020. On August 31, 2020, OCR sent a revised Letter of Impending Enforcement Action to include analysis of the Supreme Court's decision in *Bostock v. Clayton Cnty., Georgia*, 140 S. Ct. 1731 (2020). No response to either Letter was received by OCR.

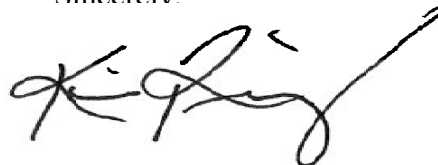
As such, OCR has been unable to obtain voluntary corrective action to ensure compliance with Title IX and its implementing regulations and thus issues this notification.

OCR has reached the following conclusions:

- A. Cromwell Public Schools is in violation of Title IX and its implementing regulations;
- B. OCR has been unable to secure compliance by voluntary means; and
- C. Cromwell Public Schools has been notified of its failure to comply, and of the actions necessary to effect compliance.

This case will be referred to DOJ unless an acceptable remedial agreement is provided to OCR within ten days of this letter. OCR remains ready and willing to discuss a possible settlement during this time. If you have any questions, please contact Timothy Blanchard, Regional Director, New York Office, at (646) 428-3805, or [Timothy.Blanchard@ed.gov](mailto:Timothy.Blanchard@ed.gov).

Sincerely,



Kimberly M. Richey  
Acting Assistant Secretary for Civil Rights