

December 9, 2016

Dr. John Ravally
Superintendent
Franklin Township Public Schools
1755 Amwell Road
Somerset, New Jersey 08873

Re: Case No. 02-14-5001
Franklin Township Public Schools

Dear Dr. Ravally:

This is to advise you of the resolution of the above-referenced compliance review that was initiated by the U.S. Department of Education (Department), Office for Civil Rights (OCR). This compliance review examined whether the District discriminated against students who are African American, Hispanic, and English Language Learners (ELL) by establishing and implementing policies and procedures that resulted in their exclusion from college and career readiness programs and courses at the high school level (e.g. Honors and AP courses); and with respect to other courses at the elementary and middle school levels that would prepare students to participate in higher level courses (e.g., Gifted and Talented Education (GATE) and other advanced courses).

OCR initiated this compliance review under Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., 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 Department. The District is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to conduct this compliance review under Title VI.

During the course of the investigation, OCR identified compliance concerns with respect to the applicable criteria for referral and admission to courses it reviewed; student participation in college and career readiness programs and courses, and other relevant courses; and the District's provision of information to parents and students about the various programs and courses available in the District. The District expressed its interest in resolving these compliance concerns and any remaining issues without further investigation. Accordingly, on November 18, 2016, the District signed a resolution agreement to resolve the compliance review.

Applicable Legal Standards

The applicable standards for determining compliance are set forth in the regulation implementing Title VI, at 34 C.F.R. § 100.3(a), (b) (1) and (2). Section 100.3(a) provides that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program operated by a recipient. Section 100.3(b)(1) prohibits a recipient, on the ground of race, color, or national origin, from denying an individual a service or benefit of a program; providing different services or benefits; subjecting an individual to segregation in any matter related to the receipt of a service or benefit; restricting an individual in any way in receiving a service or benefit; treating an individual differently in determining whether the individual satisfies any admission or eligibility requirement for provision of a service or benefit; and, denying an individual an opportunity to participate in a program or affording an opportunity to do so which is different from that afforded to others. Section 100.3(b)(2) prohibits a recipient from utilizing criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or national origin.

OCR reviewed the District's programs to determine whether the District is ensuring equal access to college and career readiness programs and courses in a nondiscriminatory manner that does not exclude African American, Hispanic, and ELL students. There are two legal theories that may be used to determine whether the District is complying with Title VI with respect to its policies, procedures, practices, and criteria for its offering of college and career readiness programs and courses at the high school level, and with respect to other courses at the elementary and middle school levels that would prepare students to participate in higher level courses: different treatment and disparate impact.

Different Treatment

Under Title VI, recipients generally are prohibited from discriminating on the basis of race, color, or national origin in providing any service, financial aid or other benefit under the program covered by Title VI. See 34 C.F.R. § 100.3. Different treatment requires a finding of intentional discrimination on the basis of an individual's race, color, or national origin. Such different treatment would interfere with or limit the ability of a student to participate in or benefit from the services, activities or privileges provided by the recipient. Evidence of discriminatory intent may be direct or circumstantial. Absent direct proof of discriminatory motive, a *prima facie* case of different treatment is established when a district treats minority students differently from similarly situated nonminority students. Once a *prima facie* case of different treatment is established, the school district may articulate a legitimate, nondiscriminatory justification for the different treatment. A recipient's rebuttal or nondiscriminatory justification can be overcome with a showing of pretext.¹

¹ See McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973) (focusing on indirect evidence of different treatment, a Title VII employment case). See also U.S. Postal Service v. Aikens, 460 U.S. 711 (1983); Tex. Dept. of Cmty. Affairs v. Burdine, 450 U.S. 248 (1981).

Disparate Impact

The regulation implementing Title VI, at 34 C.F.R. § 100.3 (b) (2), provides that:

A recipient, in determining the types of services . . . or the class of individuals to whom, or the situations in which, such services . . . will be provided under any such program . . . may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

Under the disparate impact theory, a recipient who employs a facially neutral procedure or practice that has a disparate racial impact and lacks a substantial legitimate justification for this result violates Title VI. OCR cases applying the Title VI disparate impact analysis have relied on the framework established under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, which prohibits discrimination on the bases of race, color, national origin, sex, and religion in employment. In disparate impact cases, OCR must establish whether there has been a disproportionate denial of opportunity to benefit from a program; and determine if this is due to a neutral policy, process, or practice.

Disparate impact occurs when a policy, procedure, or practice that is neutral on its face has the effect of disproportionately excluding minority students from advanced classes. A *prima facie* case of disparate impact is established by identifying a neutral policy, procedure, or practice that is causing a significantly disproportionate enrollment of minority students in advanced classes when compared to the total minority student enrollment. Once a *prima facie* case is established, the school district may then articulate its justification for the disproportionate enrollment. If the school district's justification is not based upon educational necessity, it is deemed to be pretextual. Under these circumstances, the school district's actions constitute unlawful discrimination and a violation of the regulation implementing Title VI. If the school district's justification is based upon educational necessity, but a less discriminatory alternative exists, the district's actions still constitute a violation of the regulation implementing Title VI, and the school district should modify the policy, procedure, or practice.

Findings of Fact

OCR collected and analyzed student enrollment data in courses for school years 2014-2015 and 2015-2016; the most recent data available. OCR also reviewed information that the District provided concerning its kindergarten, elementary, middle and intermediate school level curricula; including programs and courses offered at those levels that could potentially affect enrollment in high school higher level learning opportunities. In addition, OCR reviewed information regarding the District's high school higher level learning opportunities, which consist of honors courses; AP courses; fine, visual and performing arts programs; and accelerated programs (where students may enroll in courses at other schools or institutions). OCR also interviewed District officials about these courses and programs, including the Assistant

Superintendent and the Supervisor of Pupil Education Programs. Additionally, OCR conducted parent surveys regarding their perceptions of the District’s college and career readiness programs and courses at the high school level and other courses at the elementary and middle school levels that would prepare students to participate in higher level courses.

A. Background

The District is a public school district serving students enrolled in pre-kindergarten through 12th grade in Franklin Township, Somerset County, New Jersey. The New Jersey Department of Education (NJDOE) placed the District in District Factor Group “GH,” representing the third highest socioeconomic status grouping of eight groupings.²

The District has nine schools: one high school (Franklin High School); one middle school serving grades 7 and 8 (Franklin Middle School); an “intermediate” school serving grades 5 and 6 (Sampson G. Smith Intermediate School); and six elementary schools serving grades pre-k through 4 (Conerly Road School, Elizabeth Avenue School, Franklin Park School, Hillcrest School, MacAfee Road School and Pine Grove Manor School). Students are typically assigned to the District’s elementary schools based on where they live within the District’s boundaries. All students attend Sampson G. Smith Intermediate School, Franklin Middle School, and Franklin High School.

B. Courses Reviewed and Applicable Criteria for Referral and Admission

During the course of the investigation, OCR reviewed the criteria for referral and admission to courses offered by the District at the elementary and middle school levels that would prepare students to participate in higher level courses. OCR also reviewed the criteria for referral and admission to college and career readiness programs and courses at the high school level. OCR noted the concerns outlined below with respect to the applicable criteria for referral and admission to courses it reviewed.

1. Kindergarten Level

The District offers a GATE initiative at the kindergarten level, entitled the Kindergarten Acceleration Process. Through this process, the District practices both “Whole-Grade Acceleration” (in which a kindergarten-aged student is assigned on a full-time basis to a higher grade level than is typical given the student’s age), and “Individual Subject Acceleration” (in which a kindergarten-aged student is assigned to a higher grade level for one or more subject areas, but not on a full-time basis).

A kindergarten student may be referred for acceleration by a teacher, an administrator, a gifted education specialist, a guidance counselor, a school psychologist, or a parent or legal guardian. Copies of the guidelines for acceleration and relevant referral forms are available at each elementary school building, but it is unclear how the District otherwise informs parents about acceleration options for their child.

² The NJDOE uses “District Factor Groupings” to allow comparison of districts by common socioeconomic characteristics. From lowest socioeconomic status to highest, the categories are A, B, C, CD, DE, FG, GH, I, and J.

Acceleration forms are submitted to the principal of the student's school, who screens all referrals and determines whether the student meets certain "initial guideline criteria" such that the student should be evaluated by the Acceleration Evaluation Committee (AEC); however, the District did not provide any information to OCR to describe the criteria used by the principal during this initial screening.³

The AEC uses the *Iowa Acceleration Scale, 3rd Edition (IAS-3)* as the primary instrument for guiding decisions regarding whole-grade acceleration. Upon consideration of these sections and assessments, the AEC makes a determination about acceleration. Each AEC member must, in writing, state whether he or she agrees or disagrees with the AEC's report. The student's principal reviews the report, makes the final decision on acceleration, and must sign the report for the proposed acceleration plan to go into effect; however, the District did not provide any information to OCR to describe the criteria used by the principal to make this final decision.

OCR determined that the Kindergarten Acceleration program can be considered a GATE program, because the District identifies and selects some students to receive enriched educational instruction not provided to others, based upon their demonstrated strength (or giftedness) in a specific disciplinary area.

2. Elementary School Level

The District currently offers a Science enrichment program for third and fourth grades. During school year 2016-2017, selected students in third and fourth grades met once every six-day cycle for Gifted and Talented Science Enrichment. This enrichment is taught by elementary science specialists. Students in the class learn engineering, technology and applications of science, helping the students to become independent researchers as they go through the process of scientific inquiry.

At the end of school year 2015-2016, all second grade and third grade students were evaluated for placement in Gifted and Talented Science Enrichment. Specifically, students were placed in the program via a multiple-measure rubric that used standardized tests, district assessments, and a teacher survey to examine students' proficiency, growth and aptitude. Near the end of school year 2016-2017, all second grade and third grade students will be evaluated for placement in this enrichment program for school year 2017-2018 using similar criteria. The District did not otherwise provide any specific information regarding how the different criteria impacted individual students in determining whether they qualified for placement in the program.

3. Intermediate School Level

The District does not offer a formal GATE program at Sampson G. Smith Intermediate School, which houses all District students in grades 5 and 6. OCR did not identify any other programs or courses at the intermediate school level that were designed to prepare students to participate in

³ The AEC includes the principal from the student's current school; a current teacher of the referred student; a teacher at the grade level to which the student may be accelerated; a parent or legal guardian of the student or their representative; a gifted education teacher; and, a school psychologist or consultant with expertise in the assessments used in the acceleration process.

higher level courses at the high school level, other than the regular curriculum that was provided to all intermediate school students.

4. Middle School Level

The District offers honors/advanced courses to middle school students who meet established criteria at Franklin Middle School (FMS), which enrolls students in grades 7 and 8. FMS offers two honors/advanced courses for language arts and literature (LAL) and two honors/advanced courses for math.

With respect to Advanced Math 7, there is a two-step process for determining eligibility. First, a sixth grade student must qualify to take the IOWA Algebra Aptitude Assessment. The District stated that parents of students who are not recommended for the test may request that their child nonetheless take the assessment, but OCR was unable to determine if or how parents are notified that their child has not been recommended to take the IOWA Algebra Aptitude Assessment.

5. High School Level

The District offers honors and AP courses at its high school, FHS, which enrolls students in grades 9-12. This includes honors and AP courses for all four core academic subjects (English, math, science and social studies); as well as elective courses, including foreign languages and fine, performing and visual arts. The District also offers “replacement” and “accelerated” courses at FHS. OCR determined that the replacement and accelerated courses could be considered college and career readiness programs and courses.

The requirements and prerequisites for honors and AP courses at FHS are delineated within the annual “Program of Studies” document for each academic department within FHS. The requirements are also available online and are distributed to all students. Each academic department establishes and follows recommendation guidelines for placement into honors or other advanced courses.

There are four honors mathematics classes at FHS: Algebra II Honors, Geometry Honors, Pre-Calculus Honors, and Calculus I Honors. Also, there are three math AP courses offered at FHS: AP Calculus AB, AP Calculus BC, and AP Statistics. As with math at FMS, parents may sign a waiver to have their child placed into an honors math class even if the student does not meet the guideline requirements; however, the District did not provide information to OCR regarding how parents are notified of such.

The District provided conflicting information regarding eligibility for AP Chemistry, AP Environmental Science, and AP Biology. The Program of Studies states that AP Chemistry requires completion of Chemistry Honors with a minimum grade of 80, but the recommendation criteria document states that it requires completion of Chemistry Honors with a minimum grade of 85. The Program of Studies states that AP Environmental Science has a prerequisite of Chemistry Lab or Chemistry Honors and Lab Biology or Honors Biology (alternatively, a student may be concurrently enrolled in Biology Honors), but the science AP placement criteria document called “Multiple Criteria for Placement in Science Classes,” (hereinafter “Science

Criteria”), states that the prerequisite for AP Environmental Science is, “Lab Chemistry and/or Lab Biology or higher.” AP Biology also has different requirements listed in the Program of Studies and in the Science Criteria document the District provided to OCR. In the Program of Studies, the prerequisite is completion of Biology Honors or Honors Biology CEP with a grade of 90 or higher, while the science AP placement criteria document states that enrollment in AP Biology requires completion of Biology Honors with a grade of 85 or higher or completion of Biology Lab with a grade of 90 or higher. The class also requires completion of Pre-Calculus Honors, completion of Pre-Calculus with a grade of 80 or higher, or completion of a higher-level math class.

FHS requires its students to complete three social studies courses, each of which has an honors version: United States History I or United States History I Honors; United States History II or United States History II Honors; and A Changing World or A Changing World Honors. The History Department also offers AP United States History II (taken instead of United States History II Honors) and AP World History (taken instead of A Changing World Honors). Unlike the other departments, the Social Studies department did not provide waiver forms and a description of the process by which a parent may have their child moved to a different level for social studies if a student does not meet the criteria for honors or AP classes; however, they may “appeal the decision through a meeting with” the Social Studies Director.

Students in the Freshmen Band, Symphonic Band, or Wind Ensemble Band receive honors credit if they participate in Marching Band after auditioning. Admission to Concert Choir Honors I, II, III, and IV is based on the choral audition. Admission into Orchestra Honors I-III requires the completion of Freshman Orchestra and a teacher recommendation and/or audition. Guitar III Honors requires either completion of Guitar II (not an honors class) or an audition, and Jazz and Classical Guitar Honors requires either completion of Guitar III Honors or an audition. Entrance into Piano Honors I, II, III, and IV, and Advanced Piano I, II, III, and IV is based on audition and teacher recommendation. The District stated that instructors in the vocal and instrumental courses use a “performance rubric” to determine whether students should be admitted to the honors programs; however, the District did not provide a copy of the rubric, or a specific description of what it includes.

C. Participation in College and Career Readiness Programs and Courses and Other Relevant Courses

OCR obtained enrollment data for the District schools, by race, national origin, and ELL status, and enrollment data for the District’s college and career readiness programs and courses at the high school level and other courses at the elementary and middle school levels that would prepare students to participate in higher level courses. OCR conducted statistical analysis to determine whether there was a statistically significant disproportionate under-representation of African American, Hispanic, and ELL students in these courses.

1. Kindergarten Level:

OCR determined that during school years 2011-2012, 2012-2013, and 2013-2014 combined, there were only four students selected for whole-grade acceleration, from kindergarten to first

grade. Two of the students were Asian and two were African American. None of these four students were ELL students. No students were selected for Individual Subject Acceleration. The District did not provide any information regarding students who may have applied for, but were not selected for either program.

2. Middle School Level:

The District provided enrollment data for FMS Honors and Advanced Courses for school years 2014-2015 and 2015-2016. Based on a chi-square statistical analysis of the data that was provided, OCR determined that for school year 2014-2015, there was a statistically significant disparity in FMS students' access to honors/advanced courses; with African American and Hispanic students significantly underrepresented in honors/advanced courses when compared to Asian or Pacific Islander and White students' combined enrollment. Further, while there were 33 ELL students enrolled in FMS, none were enrolled in honors/advanced courses. OCR determined that for school year 2015-2016, there was a statistically significant disparity in FMS students' access to honors/advanced courses; with African American and Hispanic students significantly underrepresented in honors/advanced courses when compared to Asian or Pacific Islander and White students' combined enrollment. Further, while there were 44 ELL students enrolled in FMS, none were enrolled in honors/advanced courses.

3. High School Level:

The District provided enrollment data for FHS Honors and Advanced Courses for school years 2014-2015 and 2015-2016. Based on a chi-square statistical analysis of the data that was provided, OCR determined that for school year 2014-2015, there was a statistically significant disparity in FHS students' access to honors/advanced courses; with African American and Hispanic students significantly underrepresented in honors/advanced courses when compared to Asian or Pacific Islander and White student's combined enrollment. Further, while there were 61 ELL students enrolled in FHS, only 3 were enrolled in honors/advanced courses. OCR determined that for school year 2015-2016, there was a statistically significant disparity in FHS students' access to honors/advanced courses; with African American and Hispanic students significantly underrepresented in honors/advanced courses when compared to Asian or Pacific Islander and White students' combined enrollment. Further, while there were 99 ELL students enrolled in FHS, only 7 were enrolled in honors/advanced courses.

OCR also analyzed the course enrollment for 31 honors and advanced courses in the core academic subjects (English, math, science, and history) at FHS. OCR determined that for Course 2171: Calculus Honors, Hispanic students were underrepresented in enrollment to a statistically significant disparity when compared to Asian and White students; but there was no statistically significant difference between African American enrollment and Asian and White enrollment. OCR also determined that for the following courses, African American students were underrepresented in enrollment to a statistically significant disparity when compared to Asian and White students; but there was no statistically significant difference between Hispanic enrollment and Asian and White enrollment: Course 2123: Advanced Algebra & Trigonometry; Course 4011: A Changing World Honors; and 7th Grade Honors Algebra I. For the remaining 26 core courses, OCR determined that there was a statistically significant disparity in FHS

students' access; with both African American students and Hispanic students significantly underrepresented when compared to Asian or Pacific Islander and White students' combined enrollment.

D. Parent Survey

OCR issued a survey to parents and guardians of students in the District. The survey was available on the District's website between April 24, 2016, and May 2, 2016. The survey requested demographic information about the respondents' children; information about whether the respondents were aware of the District's enrichment, honors, and AP programs; information about how the respondents became aware of the District's enrichment, honors, and AP programs; and the respondents' suggestions for increasing the enrollment of African American, Hispanic, and ELL students in the District's enrichment, honors, and AP programs. OCR received 102 responses, including 21 responses from persons with children who are African American, four responses from persons with children who are Hispanic, and 40 responses from persons with children who are White. In addition, 41 of the responses were from persons with children who are ELLs.

The survey specifically asked respondents whether they were aware of the District's enrichment program for students between kindergarten and fifth grade; the District's honors program for students between sixth and eighth grade; and the District's honors and AP programs for students between ninth and twelfth grade. OCR assessed the percentages of respondents who were aware of the respective enrichment, honors, or AP programs available to their children given their children's current grade level. Of those responding, 48.0% of respondents with African American children, 33.3% of respondents with Hispanic children, and 29.6% of respondents with White children were not aware of the enrichment, honors, or AP programs available to their children. Of those responding, 29.4% of respondents with children who are ELLs and 40.0% of respondents with children who are not ELLs were not aware of the enrichment, honors, or AP programs available to their children.

The respondents also provided suggestions for how to increase the enrollment of African Americans, Hispanic, and ELL students in the District's college and career readiness programs and honors and AP programs. The respondents frequently suggested that the District needs to provide more information to parents and students about the various programs available in the District. Furthermore, respondents indicated that the District needs to provide this information to parents and students using methods that do not require computer or cellphone access.⁴ Some specific suggestions included: providing information at back-to-school nights, parent-teacher conferences, and sporting events; sending home flyers about these programs; and organizing

⁴ Of respondents who have children enrolled between kindergarten and sixth grade who indicated that they are aware of the District's enrichment program, 44.9% of respondents indicated that they became aware of the enrichment program via means that do not require internet access ("directly from my child," "directly from my child's teacher," "flyer provided by principal," or "parent meeting at school"). Of respondents who have children enrolled between seventh and eighth grade, 90.1% of respondents indicated that they became aware of the honors program via means that do not require internet access ("directly from my child," "directly from my child's teacher," "flyer provided by principal," or "parent meeting at school"). Of respondents who have children enrolled between ninth and twelfth grade, 81.0% of respondents indicated that they became aware of the honors or AP programs via means that do not require internet access ("directly from my child," "directly from my child's teacher," or "parent meeting at school").

information sessions for parents. Some respondents also suggested that students could learn more about the District's programs through mentorships, such as allowing students to speak with older students to learn more about available programs. Apart from information sharing, several respondents saw teacher recommendations as a barrier to diversity of enrollment within the District's programs. These respondents suggested that the District move towards an open-enrollment policy, or establish an oversight board related to enrollment diversity within the District's programs.

Conclusion

During the course of its investigation, OCR identified compliance concerns with respect to the applicable criteria for referral and admission to courses it reviewed; student participation in college and career readiness programs and courses and other relevant courses; and the District's provision of information to parents and students about the various programs and courses available in the District. As stated above, during the course of the investigation, the District expressed its interest in resolving these compliance concerns and any remaining issues without further investigation. Accordingly, on November 18, 2016, the District signed a resolution agreement to resolve the compliance review. OCR will monitor implementation of the Agreement.

Summary of Resolution Agreement

In accordance with the resolution agreement, the District agrees to:

- Retain a consultant with expertise in addressing the underrepresentation of African American, Hispanic and ELL students in college and career preparatory (CCP) courses, to study and make recommendations as to what measures the District will take as part of its ongoing efforts to provide all students with equal access to and an equal opportunity to participate in CCP courses and foundation courses that are necessary for enrollment in later CCP courses.
- Obtain a written report from the consultant outlining his/her recommendations relating to measures the District could take to further facilitate its efforts to provide all students with equal access to and an equal opportunity to participate in foundation and CCP courses and programs. After reviewing the report, the District will assess whether it needs to revise its policies and procedures or otherwise take action with respect to the consultant's recommendations.
- Develop an outreach plan for the parents/guardians of elementary, intermediate, middle, and high school students regarding foundation and CCP courses and programs. The District will also consider outreach to community organizations, including those that are in regular contact with the parents/guardians of African American, Hispanic, and ELL students regarding the opportunities and benefits of these programs and courses, as well as the importance of the foundation courses in elementary and middle school.
- Develop an outreach plan for students that includes, at a minimum, peer presentations on a voluntary basis by available and interested African American, Hispanic and ELL students enrolled in CCP courses and programs regarding their experiences in these courses and programs.

- Review the consultant’s recommendations and make any necessary changes to its current academic counseling services at the elementary, intermediate, middle school, and high school levels regarding its foundation and CCP courses and programs.
- Review the consultant’s recommendations and make any necessary changes to its current training plan for relevant District and school site administrators, counselors and teaching staff regarding its foundation and CCP courses and programs.
- Maintain data on the number of students, by race, national origin, and ELL status, enrolled in each foundation and CCP course and program, in each of the District’s elementary, intermediate, middle, and high school, beginning in school year 2016-2017; and, provide the data to OCR, so that OCR and the District can monitor the District’s progress in providing an equal opportunity to African American, Hispanic and ELL students to participate in and benefit from CCP courses and programs.

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.

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.

Thank you for the cooperation extended by you and your staff to resolve the compliance review. Should you have any questions, please contact Coleen Chin, Senior Attorney, at (646) 428-3809 or coleen.chin@ed.gov; Eric Bueide, Senior Attorney, at (646) 428-3851 or eric.bueide@ed.gov; or Logan Gerrity, Compliance Team Attorney, at (646) 428-3791 or logan.gerrity@ed.gov.

Sincerely,

/s/

Timothy C.J. Blanchard

Encl.

cc: xxxxxx x. xx, Esq.