



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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December 13, 2018

Dr. V. Sue Cleveland, Superintendent
Rio Rancho Public School District
500 Laser Rd. NE
Rio Rancho, New Mexico 87124

Via email only to superintendent@rrps.net

Re: Rio Rancho Public Schools
OCR Case Number: 08-18-1568

Dear Superintendent Cleveland:

This letter advises you of the resolution of this complaint, filed against the Rio Rancho Public Schools (District). The Complainant alleged that the District discriminated against her son (Student) based on his race/national origin (African American) and color. Specifically, the Complainant alleged the Student was treated differently when the District allowed local law enforcement to remove him from class and interview him about a hit-and-run accident without properly notifying her or her husband.

Because we have the authority and the complaint was filed timely, we initiated an investigation of the complaint under the authority of Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100, which prohibit discrimination based on race, color, or national origin in programs or activities receiving federal financial assistance from the US Department of Education. As a recipient of Federal financial assistance from the Department, the District is subject to this law and regulation.

We began our investigation with a review of data we requested from the District regarding the allegation raised in the complaint. Our preliminary review of the data indicated the District was not disputing that XXXX, the Student had been removed from his 5th hour class by a campus security officer (CSO) to be interviewed by a police department public safety aide (PSA) investigating a report of a hit-and-run accident. Moreover, it is undisputed by the District that neither the Complainant nor her husband were notified when the Student was removed and subsequently interviewed. The District's response indicates that while the District does have a policy regarding a school principal's actions to be taken when police make contact with students¹, which includes notification of a parent(s), the District states that no administrators were ever informed by the CSO, the PSA, or the School Resource Office (SRO) who was present during the interview that the Student had been removed from the class and was interviewed.² Therefore, the District stated it was unable to notify the complainant of the incident pursuant to District policy because District administrators had no knowledge the Student had been removed or interviewed.

¹ Policy 363-1 – Law Enforcement Agencies

² The District indicates that in response to OCR's notice of the complaint, the District requested information regarding the contact with the Student but neither the SRO nor any CSO could recall the incident ever occurring. The PSA did submit a written statement regarding the events, which formed the District's response and confirmation that the Student had been removed and interviewed.

During our efforts to clarify certain aspects of the District's data response and to coordinate interviews, and before we had made any findings, the District indicated its desire to voluntarily enter into an agreement with OCR. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegation.

On December 5, 2018, we received the District's signed Resolution Agreement (enclosed). OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. OCR will closely monitor the recipient's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively and that the recipient's policies and practices are administered in a nondiscriminatory manner. When the Agreement is fully implemented, the allegation will have been resolved consistent with the requirements of Title VI, and its implementing regulation. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions, as described in the Agreement.

OCR routinely advises recipients of Federal funds that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Please also note that the complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

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, we 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.

If you have any questions or concerns, please feel free to contact XXXX, Equal Opportunity Specialist and primary contact for this case, at XXXX or by email at XXXX@ed.gov, or me at XXXX.

Sincerely,

/s/

Thomas M. Rock
Supervising General Attorney

Enclosure – Copy of Resolution Agreement

cc (w/o enclosures): Honorable Christopher N. Ruskowski (via email)
Education Secretary

Erin Torres, Esq. (via email)
Walsh, Gallegos, Treviño, Russo & Kyle, P.C.