

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION IV
POST OFFICE BOX 2048
ATLANTA, GEORGIA 30301



JUL 21 1992

Ms. Charlotte A. Clark-Frieson
304 Wilkie Clark Drive
Roanoke, Alabama 36274

Dear Ms. Clark-Frieson:

Re: Complaint # 04-92-1526

On July 6, 1992, the U.S. Department of Education, Office for Civil Rights (OCR), received your complaint wherein you alleged that the Roanoke City School District (District) discriminates against black teachers and students on the basis of race. Specifically, you have made the following allegations:

1. The District discriminates on the basis of race in its treatment and discipline of black students.
2. The District discriminates on the basis of race in its selection of majorettes.
3. The District discriminates on the basis of race in its assignment, employment and termination of black teachers, central office personnel, and coaches.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq., which prohibit discrimination on the bases of race, color, national origin, sex, mental or physical handicap, and age, respectively, in educational programs and activities receiving Federal financial assistance from the U.S. Department of Education. The District is a recipient of Federal financial assistance from the Department and is, therefore, subject to the provisions of Title VI and its implementing regulation at 34 C.F.R. Part 100. Therefore, OCR has jurisdiction to investigate this complaint.

One of your allegations concerns employment discrimination. Our authority under Title VI is confined, however, to those instances where a primary objective of the Federal financial assistance is to provide employment, or the alleged discriminatory conduct against employees results in racial discrimination against students who are the intended beneficiaries of Federal monies.

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OCR, therefore, must determine whether we have jurisdiction to investigate the employment allegations against the District. If we verify that OCR does have jurisdiction, we will proceed with the investigation of the complaint under the Title VI limitations set forth above.

We have determined that the complaint was complete on July 6, 1992. If we determine that a violation has occurred, the Department shall attempt to bring the affected recipient into voluntary compliance through negotiations. If we enter into negotiations with the recipient, we will keep you advised of the status of your complaint. If, however, corrective action is not secured within 195 days from the receipt date of the complaint, we will forward your complaint to OCR's Headquarters' Office with a recommendation for enforcement action. This action could result in an administrative hearing to determine whether the District's Federal funds should be terminated.

The regulation implementing Title VI at 34 C.F.R. 100.7(e) prohibits certain actions against persons who file complaints with our Office or who otherwise assist in the compliance process as follows:

Intimidatory or retaliatory acts prohibited. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part.

If you believe you are being harassed or intimidated because of your dealings with OCR, you should let us know immediately.

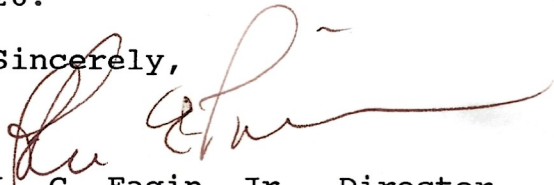
Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

Finally, to expedite the investigation of your complaint, we are enclosing with this letter two copies of the Notice and Consent Form (Form). One copy of this Form should be signed and returned by you in the franked, self-addressed envelope provided for your convenience. The other copy of this Form may be retained for your information.

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If we may be of further assistance, please do not hesitate to call Raul Gamez, Director, Elementary and Secondary Education Division, at (404) 331-7820.

Sincerely,



L. C. Fagin, Jr., Director
Program Review and Management
Support Staff

Enclosure