



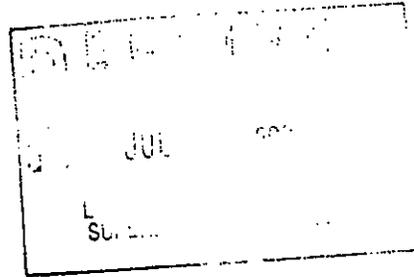
UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII
ARIZONA
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NEW MEXICO
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WYOMING

July 24, 2012

Mr. Raymond R. Arsenault
Superintendent
Gallup-McKinley County Schools
P.O. Box 1318
Gallup, New Mexico 87305



Re: Gallup-McKinley County Schools
OCR Case Number 08-12-1194

Dear Superintendent Arsenault:

On May 23, 2012, we received a complaint alleging that Gallup-McKinley County Schools (the District) discriminated against Native Americans on the basis of race. Specifically, the complaint alleged that the District discriminated against Native American students when it decided to consolidate three middle schools into three nearby high schools. The complaint alleged that the District Board of Education decided to consolidate the Navajo Middle and Navajo Pine High School, the Crownpoint Middle and Crownpoint High school, and Tohatchi Middle and Tohatchi High School. The complainant alleged that these closure/consolidations are discriminatory to Native American students in that it treats Native American students differently than white students and also the District action creates a disparate impact against Native American students because only schools located on the Navajo Reservation are selected for closure/consolidation and no other schools in the District were selected for closure/consolidation. Additionally, the complaint alleged that, when making the decision to close/consolidate the schools located on the Navajo Reservation, the District failed to take appropriate steps to notify and include Native American parents so that those parents would have an opportunity to access information and participate in a manner comparable to other parents, in violation of Title VI and its implementing regulation.

We are responsible for enforcing:

Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education.

On July 13, 2012 we were notified by counsel for the Gallup-McKinley County Schools Board of Education that the New Mexico Public Education Department did not approve the District's proposed plan to consolidate the schools as set forth in the complaint. Therefore, there has not been, and will not be any consolidation or closure of schools this school year.

Ms. Jim-Martin

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Under OCR's Case Processing Procedures, we may close a complaint if the allegations are moot. *See OCR Case Processing Manual Section 110(o)*. Because the schools that you alleged would be closed are now not going to be closed, the allegations are moot. Therefore, the complaint allegations are dismissed effective the date of 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.

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, an unwarranted invasion of privacy.

If you have any questions about this letter, or if we can be of further assistance, please contact Michael Sentel at (303) 844-3333 or me at (303) 844-4821.

Sincerely,



for Erica R. Austin
Chief Regional Attorney
Denver Office for Civil Rights

cc: Honorable Hanna Skandera
Secretary-Designate, Public Education Department