



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY

WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights
Office of External Civil Rights Compliance

June 9, 2023

In Reply Refer to:

EPA Complaint No. 06R-23-R5

Dr. Michael F. Rice
State Superintendent
Michigan Department of Education
608 West Allegan
Lansing, MI 48933
RiceM6@michigan.gov

Re: Acknowledgement, Rejection and Referral of Administrative Complaint

Dear Dr. Rice:

The Environmental Protection Agency (EPA), Office of Environmental Justice & External Civil Rights, Office of External Civil Rights Compliance (OECRC) received the referenced complaint on May 17, 2023. The complaint alleges that the Michigan Department of Education (MDE) discriminates based on race and MDE personnel intimidated complainant, interfering with complainant's attempt to request services for Black and minority students.

OECRC is responsible for processing complaints alleging that applicants for or recipients of EPA financial assistance have discriminated against persons, including on the basis of race, color or national origin, in violation of Title VI and other federal nondiscrimination laws and EPA's nondiscrimination regulation found at 40 C.F.R. Parts 5 and 7. EPA's nondiscrimination regulation prohibits retaliation discrimination based, in part, on a person having exercised rights protected by Title VI. After careful consideration, OECRC cannot accept the complaint for investigation for lack of jurisdiction. Accordingly, this matter is closed as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

The correspondence does not meet the jurisdictional requirements of the EPA's nondiscrimination regulation at 40 CFR Part 7. Specifically, the MDE is not a recipient of EPA financial assistance, and the violations alleged are beyond OECRC's jurisdictional authorities. As a result, the OECRC must reject the complaint and close this case as of the date of this letter.

OECRC's research reveals that MDE is a recipient of financial assistance from the United States Department of Education (ED). Therefore, OECRC is referring this complaint to ED for appropriate action. You may contact the ED Ohio Regional Office to follow up on this referral:

Cleveland Office
Office for Civil Rights
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
OCR.Cleveland@ed.gov

We are also forwarding ED a copy of the complaint.

If you have any questions about the status of this correspondence, please contact me by telephone at (202) 809-3297 or by email at hoang.anhthu@epa.gov.

Sincerely,

Anhthu Hoang, Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice and External
Civil Rights

Enclosure: Referral Letter

cc: Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Cheryl Newton
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 5

Robert Kaplan
Regional Counsel

Cleveland Office
Office for Civil Rights
U.S. Department of Education