



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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NEW YORK, NEW YORK 10278

REGION 2

NEW JERSEY
NEW YORK
PUERTO RICO
U.S. VIRGIN ISLANDS

January 31, 2024

Sent by email only to ameer@legalinsurrection.com

Ameer Benno, Esq.
The Equal Protection Project
18 Maple Ave., Suite 280
Barrington, Rhode Island 02806

Re: Case Number. 02-23-2270 – Albany Medical College

Dear Mr. Benno:

On August 21, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the complaint you filed against Albany Medical College. You alleged that the College discriminates on the bases of race, color, and national origin by creating, supporting, and promoting the Science Technology Entry Program (STEP), a program for which the New York State Education Department (NYSED) awards competitive grants to institutions of higher education to administer such programs to students in grades seven through twelve.

During OCR's evaluation of the complaint, OCR learned that on January 17, 2024, an individual parent and three organizations filed a complaint against the Commissioner of Education for the State of New York, in her official capacity, in the United States District Court for the Northern District of New York (Case 1:24-cv-00075). The complaint alleges, among other things, that the NYSED discriminates against students on the bases of their race and ethnicity by administering STEP and providing funding to 56 colleges, universities, and medical schools in New York State to operate STEP under student eligibility criteria established by the NYSED.

Pursuant to Section 110(h) of OCR's [Case Processing Manual](#) (CPM) (July 18, 2022), OCR may dismiss a complaint when a class action with the same allegation(s) has been filed against the same recipient with a state or federal court and the relief sought is the same as would be obtained if OCR were to find a violation regarding the allegation(s). OCR has reviewed the federal complaint and determined that it involves the same allegations of discrimination raised in your complaint with OCR against the College, an educational institution that operates a STEP. Although the federal complaint was not pleaded as a class action, it seeks the injunctive class-wide relief that would be obtained if OCR were to find a violation. Accordingly, OCR is dismissing your allegation under Section 110(h) of OCR's CPM, and your complaint as of the date of this letter.

You may re-file the allegation with OCR within 60 days following the termination of the federal court proceeding if there has been no decision on the merits or settlement of the allegation(s). Dismissal with prejudice is considered a decision on the merits.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

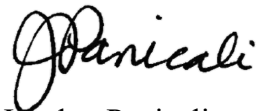
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. An individual may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the College with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Charles Skriner, Compliance Team Attorney, at (646) 428-3890 or charles.skriner@ed.gov; or me at (646) 428-3796 or jocelyn.panicali@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "J. Panicali". The signature is written in a cursive, flowing style.

Jocelyn Panicali
Compliance Team Leader