



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Jason S. Miyares
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

March 9, 2022

SENT VIA UPS AND EMAIL

LBarrow@FCPS.edu

Lisa Barrow, Principal
Cooper Middle School
977 Balls Hill Road
McLean, VA 22101

Re: NOTICE OF INQUIRY AND DEMAND

Dear Ms. Barrow:

It has come to the attention of this Office that Cooper Middle School is engaging in conduct in contravention of the Virginia Human Rights Act, Va. Code § 2.2-3900 *et seq.*, Va. Code § 2.2-520 *et seq.*, and the Equal Protection Clause of the U.S. Constitution. It appears that Cooper Middle School is soliciting and selecting applicants to the College Partnership Program based on race, color, and national origin.

In particular, on or about March 1, 2023 at 4:00:39 EST, Cooper Middle School emailed an invitation to Cooper Middle School parents stating:

“Do you have an 8th grader who WANTS to go to college AND Do they fall into one or more of these categories?

- Students who are the first in their family to attend college in the U.S.
- Black or African American students
- Hispanic students, of one or more race
- Students with disabilities
- English learners
- Economically disadvantaged students

If you do, PLEASE APPLY for Fairfax County's College Partnership Program." (March 1 Invitation)

The Virginia Human Rights Act prohibits unlawful discrimination on the basis of, *inter alia*, race, color, [and] national origin" in places of public accommodation, including educational institutions. Va. Code § 2.2-3900(B)(1). Educational institutions may not "refuse, withhold from, or deny any individual, or to attempt to refuse, withhold from, or deny any individual, directly or indirectly, any of the *accommodations, advantages, facilities, services, or privileges* made available in any place of public accommodation, or [] segregate or discriminate against any such person in the use thereof" on the basis of those protected classes. § 2.2-3904(B) (emphasis added).

This matter is under inquiry by the Office of Civil Rights, Office of Attorney General pursuant to Va. Code § 2.2-520(C). Please cease and desist the illegal conduct of soliciting and selecting applicants to the College Partnership Program based on race, color, and national origin.

Please provide within six (6) business days of the date of this letter evidence that Cooper Middle School:

- i. Has retracted and corrected the March 1, 2023 email inviting eighth graders to apply to the College Partnership Program;
- ii. Is conducting the application process for the College Partnership Program in a nondiscriminatory and legal manner.

If you decline to cooperate or the requested materials are not produced **by March 17, 2023**, this Office intends to open an investigation pursuant to Va. Code § 2.2-520(C); § 2.2-3907.

Please be advised that this Notice acts as a litigation hold.

I look forward to your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a horizontal line.

Christine Lambrou Johnson
Senior Assistant Attorney General, Chief
Office of Civil Rights

cc: Dr. Michelle Reid, Division Superintendent, FCPS MCREID@FCPS.edu
John Foster, Division Counsel, FCPS JEFoster@FCPS.edu