

# **EXHIBIT 3**



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

February 23, 2021

*Sent via email only to:*

[MIZEL001@hartford.gov](mailto:MIZEL001@hartford.gov)

Lori Mizerak  
Assistant Corporation Counsel  
City of Hartford  
550 Main Street, Room 210  
Hartford, Connecticut 06103  
Attorney for Hartford Public Schools

[dmonastersky@HL-Law.com](mailto:dmonastersky@HL-Law.com)

David S. Monastersky, Esq.  
Howd & Ludorf, LLC  
65 Wethersfield Avenue  
Hartford, Connecticut 06114  
Attorney for Glastonbury Public Schools  
and Canton Public Schools

[pjmurphy@goodwin.com](mailto:pjmurphy@goodwin.com) &  
[lyoder@goodwin.com](mailto:lyoder@goodwin.com)

Peter J. Murphy, Esq.  
Linda L. Yoder, Esq.  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, Connecticut 06103-1919  
Attorneys for Connecticut Interscholastic Athletic Conference  
and Danbury Public Schools

[izelman@fordharrison.com](mailto:izelman@fordharrison.com)

Johanna Zelman, Esq.  
Ford Harrison  
CityPlace II  
185 Asylum Street, Suite 610  
Hartford, Connecticut 06103  
Attorney for Bloomfield Public Schools  
and Cromwell Public Schools

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
www.ed.gov

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

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Re: Case No. 01-19-4025  
Connecticut Interscholastic Athletic Conference

Case No. 01-19-1252  
Glastonbury Public Schools

Case No. 01-20-1003  
Bloomfield Public Schools

Case No. 01-20-1004  
Canton Public Schools

Case No. 01-20-1005  
Cromwell Public Schools

Case No. 01-20-1006  
Danbury Public Schools

Case No. 01-20-1007  
Hartford Public Schools

Dear Attorneys Mizerak, Monastersky, Murphy, Yoder, and Zelman:

This letter is to notify you that the U.S. Department of Education (the Department) Office for Civil Rights (OCR) hereby withdraws the Revised Letter of Impending Enforcement Action (“Revised Letter”), dated August 31, 2020, the Letter of Impending Enforcement Action (“Letter”), dated May 15, 2020, and the underlying findings and determinations in the above-referenced cases. Please also be advised that the Department has withdrawn its referral of the above-referenced cases to the U.S. Department of Justice requesting initiation of judicial proceedings.

The Revised Letter states that it “constitutes a formal statement of OCR’s interpretation of Title IX and its implementing regulations.” However, the Department has determined that the Revised Letter was issued without the review required for agency guidance documents that set out policy on a regulatory issue (known as “statements of general applicability and future effect”) under the Office of Management and Budget’s Final Bulletin on Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). In addition, pursuant to Executive Order 13988 on *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, OCR is reviewing the above-referenced cases. Therefore, the Revised Letter’s statement of OCR’s interpretation of Title IX and its implementing regulations should not be relied upon in this or any other matter.

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If you have any questions, please contact Timothy Blanchard, Regional Director, at 646-428-3805 or [timothy.blanchard@ed.gov](mailto:timothy.blanchard@ed.gov) or Rachel Pomerantz, Chief Attorney, at 646-428-3835 or [rachel.pomerantz@ed.gov](mailto:rachel.pomerantz@ed.gov).

Sincerely,



Suzanne B. Goldberg  
Acting Assistant Secretary for Civil Rights

cc: Glenn Lungarini, CIAC Executive Director, via email only  
Alan B. Bookman, Glastonbury Superintendent, via email only  
Kevin D. Case, Canton Superintendent, via email only  
Dr. Enza Macri, Cromwell Superintendent, via email only  
Dr. Sal V. Pascarella, Danbury Superintendent, via email only  
Dr. James Thompson, Jr., Bloomfield Superintendent, via email only  
Dr. Leslie Torres-Rodriguez, Hartford Superintendent, via email only  
Roger G. Brooks, Alliance Defending Freedom, Complainant, via email only