

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. Under the ADA, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District is a recipient of financial assistance from the Department and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under Section 504 and the ADA.

The regulation implementing Section 504, at 34 C.F.R. 104.61, incorporates by reference 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq., which provides that:

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint.

The regulation implementing the ADA contains a similar provision at 28 C.F.R. § 35.134.

In its investigation, OCR interviewed complainant 1 and District staff. OCR also reviewed documentation that the complainants and the District submitted. OCR made the following determinations.

Allegation 1

The complainants alleged that the District discriminated against Student 1, on the basis of her disability, by failing to provide the complainants and Student 1's xxxxxxxxxx with weekly emails from Teacher 1 regarding Student 1's classroom behaviors during school year 2010-2011, as required by her IEP. Specifically, the complainants alleged that Teacher 1 did not begin sending weekly emails until one month into the school year because Teacher 1 was unaware of the IEP requirement. The complainants further alleged that after xxxxxxxxxx, when the xxxxxx¹ imposed an email restriction on the complainants, Teacher 1 and other District staff did not provide such emails directly or at all; delayed sending emails; and/or censored weekly emails to the complainants and the xxxxxxxxxx.

OCR determined that Student 1 was a xxx grade student at the Shrewsbury Borough School during school year 2010-2011. OCR determined that Student 1's IEP, xxxxxxxxxxxxxxxxxxxxxx xxxxxxxx, stated that the classroom teacher would email the xxxxxxxxxx and parents weekly regarding the occurrence of certain classroom behaviors that the xxxxxxxxxxxxxx had previously outlined.

¹ OCR determined that the xxxxxxxx is no longer employed with the District.

Further, OCR determined that beginning on or about xxxxxxxxxxxx, two additional classroom teachers (Teachers 2 and 3) were responsible for teaching xxxxxxxxxxxx and xxxx, respectively, to Student 1.⁴ OCR determined that the District did not advise Teacher 2 of Student 1's IEP requirement that she provide weekly emails to the xxxxxxxxxxxx and the complainants until xxxxxxxxxxxx. OCR determined that Teacher 2 provided weekly emails to the xxxxxxxxxxxx and the complainants for 5 of 18 weeks that she taught Student 1 during school year 2010-2011. OCR determined that the District did not advise Teacher 3 of Student 1's IEP requirement that she provide weekly emails to the xxxxxxxxxxxx and complainants until xxxxxxxx. OCR determined that Teacher 3 provided weekly emails to the xxxxxx xxxxxxxx and the complainants for 2 of 18 weeks that she taught Student 1 during school year 2010-2011.

The regulation implementing Section 504, at 34 C.F.R § 104.33(a), provides that “a recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education (FAPE) to each qualified disabled person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability.” The regulation, at 34 C.F.R. § 104.33(b)(1)(i) and 34 C.F.R. § 104.33(b)(2), defines an appropriate education as the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of non-disabled persons are met. The implementation of an IEP is one means of meeting this requirement.

On February 11, 2014, the District agreed to implement the enclosed resolution agreement, which addresses the compliance concerns mentioned in Allegation 1. OCR will monitor implementation of the resolution agreement. If the District fails to implement the terms of the resolution agreement, OCR will resume its investigation.

Allegation 2

The complainants alleged that the xxxxxx discriminated against Students 1 and 2, and other disabled students, on the basis of their disabilities, or in the alternative retaliated because of the complainants' advocacy on behalf of Students 1 and 2 and other disabled students, by issuing a directive on xxxxxxxxxxxx, that (a) restricted the complainants' ability to communicate directly with District staff members about Students 1's and 2's educational programs; (b) prohibited Teacher 1 from responding directly by email to inquiries from parents of disabled students in her class without first consulting students' xxxxxxxxxxxx; (c) required District staff to forward the complainants' emails to the xxxxxxxxxxxx and xxxxxxxx; (d) required District staff to copy the xxxxxxxxxxxx and/or xxxxxxxx on every email sent to the complainants; and (e) required the complainants to convey all of their concerns and communications regarding Students 1's and 2's educational programs exclusively during IEP meetings.

⁴ The complainant advised OCR that Teachers 2 and 3 may have stopped teaching Student 1 at some point after xxx xxxxxx was completed; however, the District informed OCR that Teachers 2 and 3 were responsible for teaching Student 1 through the end of the school year.

prohibited from communicating with complainant 1 via the telephone, letters, or in meetings; and denied imposing restrictions on any communications other than email. The xxxxx stated that he did not impose an email restriction on any other District parent, because there was no other parent who similarly sent District staff voluminous amounts of email.

OCR reviewed the series of emails that complainant 1 sent to District staff from xxxxxxx, xxxx, to xxxxxxxxxxxx, which the xxxxxxx stated formed the basis for the email communication restriction. Based on OCR's review of the documentation complainant 1 and the District submitted, OCR determined that complainant 1 sent xxxx emails to District staff between those dates; to the Students' xxxxxxxx, Teacher 1, and the xxxxxx. OCR determined that these emails consisted of complainant 1's requests for the xxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx in Student 1's IEP, and additional questions raised by complainant 1 regarding Teacher 1's lack of awareness of and/or failure to implement the provision in Student 1's IEP mandating that she provide weekly email updates to the xxxxxxxxxxxxxx.⁶ OCR determined that complainant 1 requested the xxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxx. OCR determined that District staff did not respond to complainant 1's request for a xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. OCR determined that the above-mentioned emails that complainant 1 sent to District staff did not contain time-consuming or unreasonable requests for information. Moreover, OCR determined that complainant 1 did not send an undue number of emails to District staff given the District staff's unresponsiveness and the substance of District staff's replies, which significantly contributed to the number of emails complainant 1 sent between xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. Additionally, although the xxxxxxx asserted that complainant 1's questions had no relevance to Student 1's IEP, OCR determined that complainant 1's inquiries directly related to reporting requirements in Student 1's IEP. Accordingly, OCR determined that although legitimate on its face, the District's proffered reason for the restriction was pretextual.

Additionally, OCR determined that the xxxxxxxxxx assertion that the restriction did not limit District staff from communicating with the complainants via other means (telephone, letter) was not credible. Specifically, OCR determined that on two occasions, complainant 1 requested via email that District staff members call her. In both cases, OCR determined that the recipients of complainant 1's emails forwarded the emails to the xxxxxxxxxx for a response, rather than call complainant 1 as requested. The complainant asserted that when she asked why the staff members did not return her calls, the xxxxxxx informed her that it was because she had asked for a telephone call via email. The xxxxxxx denied that he made this statement to the complainant.

OCR determined that the xxxxxxxxxx restriction adversely affected Student 1. Specifically, the restriction resulted in Teacher 1 failing to implement Student 1's IEP because many required weekly email updates were not provided to the complainant and/or the xxxxxxxxxxxxxxx. Additionally, OCR determined that the restriction adversely affected the complainants because OCR found evidence that although the directive stated that District staff should not respond to the complainants via email, District staff did not respond via other allegedly permissible means (e.g., phone calls) when the complainants requested such communication via email.

⁶ As stated in Allegation 1, OCR determined that a week prior, complainant 1 learned that Teacher 1 was unaware of the provision of Student 1's IEP that required her to send weekly email updates to the xxxxxxxxxxxxxxx.

Based on the foregoing, OCR determined that the District's proffered reason for issuing the directive as it applied to all staff was pretextual. OCR found no other legitimate, non-retaliatory reason for the directive.

With respect to the portion of Allegation 2(a) alleging disability discrimination, OCR did not find, nor did the complainants provide any evidence demonstrating that the xxxxxxxx restriction resulted in discrimination against Student 2 on the basis of his disabilities. Therefore, OCR determined that there was insufficient evidence to support the complainant's allegation that the District discriminated against Student 2, on the basis of his disabilities, with respect to Allegation 2(a). As stated in Allegation 1, however, OCR determined that the directive resulted in discrimination against Student 1 on the basis of her disabilities. Specifically, the restriction resulted in Teacher 1 failing to implement Student 1's IEP.

On February 11, 2014, the District agreed to implement the enclosed resolution agreement, which addresses the compliance concerns mentioned in Allegation 2(a). OCR will monitor implementation of the resolution agreement. If the District fails to implement the terms of the resolution agreement, OCR will resume its investigation.

With respect to Allegation 2(b), the complainants alleged that the xxxxxxxx discriminated against Student 1 and other disabled students on the basis of their disabilities, or in the alternative retaliated for the complainants' advocacy, by directing Teacher 1 not to respond to any email inquiries from parents of disabled students without first contacting the xxxxxxxxxxxxxxxxxxxx, but permitting Teacher 1 to respond directly to email inquiries from parents of non-disabled students.

OCR determined that in the email of xxxxxxxxxxxx, the xxxxxxxx stated to Teacher 1, "You are directed not to respond by e-mail to any inquiry regarding any special education student in your classroom, without first consulting with xxxxxxxxxxxxxxxxxxxx. You may correspond through the communications strategies specifically identified in each specific student's IEP with matters specifically identified in the student's IEP."

The xxxxxxxx stated that he directed Teacher 1 not to respond by email to any inquiry regarding any special education student in her classroom without first consulting with the xxxxxxxxxxxx xxxxxxxx, because the xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, sent Teacher 1 emails that circumvented the xxxxxxxx.⁷ The xxxxxxxx stated that the directive, addressed to Teacher 1 only, applied only to inquiries concerning IEPs that Teacher 1 received from xxxxxxxx xxxxxxxxxxxx; and denied that it applied to inquiries from parents of disabled students, as the complainants alleged.⁸ The xxxxxxxx stated that the xxxxxxxx, xxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxx, was "out of the loop"; and that he wanted to make it clear that staff should work through the xxxxxxxx.

⁷ OCR determined that prior to the time and date of the directive (xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx), the xxxxxxxx xxxxxxxx emailed Teacher 1 three times regarding implementation of Student 1's IEP.

⁸ Teacher 1 informed OCR that she understood that the xxxxxxxx directive only applied to inquiries from xxxxxxxx xxxxxxxxxxxxxxxxxxxx regarding students' IEPs; however, Teacher 1 stated that she also consulted with the xxxxxxxx xxxxxxxxxxxxxxxxxxxx before responding if she received an inquiry from a parent of a student with disability, even though she was not required to do so. The xxxxxxxxxxxxxxxxxxxx stated that she believed that Teacher 1 was required to check with her before responding to any inquiry, whether from a parent or from an xxxxxxxxxxxxxxxxxxxx.

OCR determined that the xxxxxxxxx proffered reason for issuing the directive, although legitimate on its face, was pretextual. OCR determined that the xxxxxxxxx was part of the IEP team that specifically added a provision to Student 1's IEP that required direct communication between Teacher 1 and xxxxxxxxxxxxxxxxxxxxxxxx. Accordingly, any concern regarding the xxxxxxxxxxxxxxxx directly communicating with Teacher 1 was unfounded. Furthermore, despite the xxxxxxxxx proffered reason for issuing the directive, the xxxxxxxxx acknowledged to OCR that he did so because of the emails complainant 1 sent to District staff on xxxxxxxxxxxxxxxxxxxxxxxx, xxxx, rather than emails sent from the outside provider to Teacher 1. OCR also did not find the xxxxxxxxx rationale to be credible because the xxxxxxxxx did not issue the directive regarding communications with xxxxxxxxxxxxxxxxxxxxxxxx to all teachers in the District; rather, he issued it only to Teacher 1, even though other students in the District were served by xxxxxxxxxxxxxxxx xxxxxxxxx. Moreover, Student 1 was the xxxxxxxxx Teacher 1's class xxxxx xxxxxxxxxxxxxxxx xxxxxxxxx; therefore, Student 1 was the xxxxxxxxxxxxxxxx to whom the xxxxxxxxx directive applied.

OCR determined that the restriction adversely affected Student 1, as discussed in Allegation 1, in that as a result of the directive, Teacher 1 did not comply with the terms of Student 1's IEP as written. Although the directive stated that Teacher 1 could correspond through the communications strategies identified in Student 1's IEP, OCR found, as discussed in Allegation 1, that Teacher 1 did not do so.

With respect to the portion of Allegation 2(b) alleging discrimination against other students with disabilities, OCR did not find, nor did the complainants provide any evidence demonstrating that the xxxxxxxxx restriction resulted in discrimination against any disabled students other than Student 1. Therefore, OCR determined that there was insufficient evidence to substantiate the complainant's allegation that the District discriminated against other students with disabilities with respect to Allegation 2(b). As stated in Allegation 1, however, OCR determined that the directive resulted in discrimination against Student 1 on the basis of her disabilities. Specifically, the restriction resulted in Teacher 1 failing to implement Student 1's IEP.

On February 11, 2014, the District agreed to implement the enclosed resolution agreement, which addresses the compliance concerns mentioned in Allegation 2(b). OCR will monitor implementation of the resolution agreement. If the District fails to implement the terms of the resolution agreement, OCR will resume its investigation.

With respect to Allegation 2(c), the complainants alleged that the xxxxxxxxx discriminated against Students 1 and 2 on the basis of their disabilities or in the alternative retaliated for their advocacy, by requiring District staff to forward the complainants' emails to the xxxxxxxxx and xxxxxxxxx. The complainants stated that this caused communications to be delayed, censored, or not provided at all. In support of their allegation, the complainants provided examples of instances in which District staff forwarded their emails to the xxxxxxxxxxxxxxxx and/or xxxxxxxxx, rather than responding directly to the complainants. Specifically, on xxxxxxxxxxxxxxxx, complainant 1 emailed Teacher 1 about a xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx Student 1 around for parts of the day; and on xxxxxxxxxxxxxxxx, complainant 1 sent Student 2's xxxxxxxxx xxxxxxxxx an email requesting a phone call. The complainants stated that both inquiries were

forwarded to the xxxxxxxx for handling and alleged that the communications they received in response were not responsive.

OCR determined that the email of xxxxxxxx, as written, did not require District staff to forward the complainants' emails to the xxxxxxxx and xxxxxxxx. The xxxxxxxxxx stated that District staff was not directed to forward emails from complainant 1, and/or emails relating to Students 1 and 2, to the xxxxxxxx or herself; but acknowledged that staff sometimes elected to do this. OCR confirmed that on the two occasions identified by the complainants, District staff forwarded complainant 1's emails to the xxxxxxxx.

Regarding the email of xxxxxxxxxxxxxx, OCR determined that Teacher 1 forwarded the email to the xxxxxxxx and xxxxxxxx because she said she did not know the individual referenced by complainant 1. OCR determined that in response to the complainant's inquiry, the xxxxxxxx emailed complainant 1 explaining what he had done to look into the matter, asking for additional information but also suggesting that Student 1 could be referring to a xxxxxxxxxxxxxx to Student 1 that day. OCR further determined that after a continued email exchange, the xxxxxxxx ultimately chose not to respond to complainant 1's further inquiries because he felt complainant 1 already knew who the individual was. OCR did not find sufficient evidence to establish that Teacher 1 forwarded the email because she was required to do so.

Additionally, OCR determined that Student 2's xxxxxxxxxxxxxxxxxxxxxx complainant 1's email of xxxxxxxxxxxxxx, to the xxxxxxxx "as per your direction that you will respond to this email," which the xxxxxxxx did on xxxxxxxxxxxxxx. Despite the xxxxxxxxxxxxxxxxxxxxxx statement that she was forwarding the email per the xxxxxxxx direction, the complainant did not provide, nor did OCR find evidence that the xxxxxxxx required Student 2's xxxxxxxxxxxxxxxxxxxxxx to send communications from the complainants to him.

Although the complainants were dissatisfied with the responses they received from xxxxxxxxxxxxxx, OCR did not find evidence to substantiate that forwarding the emails to xxxxxxxxxxxxxx caused communications to be delayed or not provided at all, or that the emails were censored. Moreover, there was insufficient evidence to substantiate that this was done pursuant to the email directive from xxxxxxxxxxxxxx.

Based on the above, OCR determined that there was insufficient evidence to substantiate the complainant's allegation that xxxxxxxx required District staff to forward the complainants' emails to the xxxxxxxx and xxxxxxxx. Accordingly, OCR found insufficient evidence of an adverse action to support an allegation of retaliation. Absent an adverse action, OCR does not proceed further with retaliation analysis. Similarly, OCR found insufficient evidence to substantiate the complainants' allegation that xxxxxxxx discriminated against Students 1 and 2 by requiring District staff to forward the complainants' emails to him and the xxxxxxxx. Accordingly, OCR will take no further action regarding Allegation 2(c).

With respect to Allegation 2(d), the complainants alleged that the xxxxxxxx discriminated against Students 1 and 2 on the basis of their disabilities, or in the alternative retaliated for the complainants' advocacy, by requiring District staff to copy the xxxxxxxx and/or xxxxxxxx on every email sent to the complainants. Complainant 1 acknowledged that there was no written

directive to Student 2’s teacher or providers; however, she specifically identified emails with Student 2’s xxxxxxxxx that were forwarded or copied. She believed that there might have been an oral directive to Student 2’s providers.

OCR determined that the xxxxxxxxx email of xxxxxxxxxxxxxxx, did not contain a requirement that District staff copy the xxxxxxxxxxxxx and/or xxxxxxxxxxxxx on every email sent to the complainants. The xxxxxxxxxxxxx and the xxxxxxxxxxxxx denied that xxxxxxxxx required District staff members to copy the xxxxxxxxx and/or xxxxxxxxxxxxx on emails to the complainants.

OCR determined that with few exceptions,⁹ Teacher 1, Student 2’s xxxxxxxxx,¹⁰ and Teachers 2 and 3 copied the xxxxxxxxxxxxx and/or the xxxxxxxxx on emails regarding Students 1 and 2, and/or on emails to complainant 1, from the date of the xxxxxxxxx directive until the end of school year 2010-2011. Teacher 1 acknowledged that she copied the xxxxxxxxxxxxx and xxxxxxxxx on emails sent to the complainants, but denied that she was directed to do so. OCR found no evidence that the xxxxxxxxx required any District staff to copy him or the xxxxxxxxxxxxx on every email sent to the complainants.

Based on the above, OCR determined that there was insufficient evidence to substantiate the complainant’s allegation that xxxxxxxxx required District staff to copy him or the xxxxxxxxxxxxx on every email sent to the complainants. Accordingly, OCR found insufficient evidence of an adverse action to support an allegation of retaliation. Absent an adverse action, OCR does not proceed further with retaliation analysis. Similarly, OCR found insufficient evidence to substantiate the complainants’ allegation that the xxxxxxxxx discriminated against Students 1 and 2 by requiring District staff to copy him or the xxxxxxxxxxxxx on every email sent to the complainants. Accordingly, OCR will take no further action regarding Allegation 2(d).

With respect to Allegation 2(e), the complainants alleged that the xxxxxxxxx discriminated against Students 1 and 2 on the basis of their disabilities, or in the alternative retaliated for the complainants’ advocacy, by requiring the complainants to convey all of their concerns and communications regarding Students 1 and 2 exclusively during IEP meetings.¹¹ As stated above, OCR determined that in the email of xxxxxxxxx, the xxxxxxxxx stated, regarding complainant 1, “If you have any concerns about your child’s program, I will ensure that an IEP meeting be held, upon written request by you, to review your concerns.” Additionally, in another email to complainant 1 sent on the same date, the xxxxxxxxx stated, “If you have concerns

⁹ On xxxxxxxxx, Teacher 1 emailed complainant 1 to advise her that the xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, in response to an email complainant 1 sent to Teacher 1 the prior day. On xxxxxxxxx, Teachers 2 and 3 sent complainant 1 an email in response to an email she sent to them that day advising them that Student 1 xxxxxxxxxxxxx xxxxxxx. On xxxxxxxxxxxxx, complainant 1 emailed Teacher 2 with questions regarding Student 1’s xxxxxxxxx; Teacher 2 emailed complainant 1 a response that day. On xxxxxxxxx, Teacher 1 emailed complainant 1 in response to an email complainant 1 sent to Student 1’s teachers that day advising them that Student 1 was xxxx xxxx.

¹⁰ Although OCR did not find evidence of a written directive to Student 2’s teachers or xxxxxxxxxxxxxxx, OCR found that Student 2’s xxxxxxxxx copied the xxxxxxxxxxxxx and xxxxxxxxx on emails regarding Student 2 and/or emails to complainant 1 after the date of the directive.

¹¹ The complainants also asserted that the xxxxxxxxx failed to respond directly to their oral and written request, made on xxxxxxxxxxxxxxx, for a telephone call to discuss Student 1’s annual review meeting scheduled for xxxxxxxxxxxxx; and instead, responded to their request in a letter, dated xxxxxxxxxxxxxxx. OCR determined that this does not raise a compliance concern under the regulations enforced by OCR.

with your child's IEP, please send a written request for an IEP meeting, the venue where decisions can be made to address your concerns." The xxxxxx did not state in the email that the complainants were required to convey all of their concerns and communications regarding Students 1 and 2 exclusively during IEP meetings.

The xxxxxxxx and other District staff denied that the District required complainant 1 to discuss all of her concerns regarding Students 1 and 2 during IEP meetings. The xxxxxx stated that in accordance with District practice, parents could have informal discussions with staff regarding their child; but if there was a concern with a current IEP and a parent believed there should be a change, District staff would request an IEP meeting.

OCR reviewed the email correspondence between the complainants and District staff regarding questions that complainant 1 raised regarding the Student 1's and 2's programs. OCR found in the two instances provided by the complainant that the xxxxxxxx asked complainant 1 whether she wanted to request a meeting to discuss issues that were not related to a concern with a current IEP and/or a request for a change to the IEP. OCR further determined that there were occasions when District staff did not require complainant 1 to request an IEP meeting in response to comments and questions raised by complainant 1 regarding Students 1 and 2, and other occasions when the District's requests to schedule an IEP and/or parent meeting with the complainants were in accordance with District practice.

Based on the foregoing, OCR determined that there was insufficient evidence to substantiate the complainants' allegation that the xxxxxxxx required the complainants to convey all of their concerns and communications regarding Students 1 and 2 exclusively during IEP meetings. Accordingly, OCR found insufficient evidence of an adverse action to support an allegation of retaliation. Absent an adverse action, OCR does not proceed further with retaliation analysis. Similarly, OCR found insufficient evidence to substantiate the complainants' allegation that the xxxxxx discriminated against Students 1 and 2 by requiring the complainants to convey all of their concerns and communications regarding Students 1 and 2 exclusively during IEP meetings. Accordingly, OCR will take no further action regarding Allegation 2(e).

As stated above, on February 11, 2014, the District agreed to implement the enclosed resolution agreement, which addresses the compliance concerns discussed in Allegations 1, 2(a) and 2(b). OCR will monitor implementation of the resolution agreement. If the District fails to implement the terms of the resolution agreement, OCR will resume its investigation.

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.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

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, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions about OCR's determination, please contact Stacy Bobbitt, Compliance Team Investigator, at (646) 428-3823 or stacy.bobbitt@ed.gov, Jocelyn Panicali, Compliance Team Attorney, at (646) 428-3796 or jocelyn.panicali@ed.gov, or Nadja Allen Gill, Compliance Team Leader, (646) 428-3801 or nadja.r.allen.gill@ed.gov.

Sincerely,

Timothy C. J. Blanchard

Encl.

cc: xxxxxxxxxxxxxxxxxxxx, Esq.