



October 17, 2014

XXXXXX XXXXXX
 XXXXXX & XXXXXX, XXXXXX
 1120 Olivette Executive Parkway
 Suite 210
 St. Louis, Missouri 63132

Re: OCR Docket # 07141091

Dear XXXXXX XXXXXX:

On February 25, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the complaint against the Columbia #93 School District (District), Columbia, Missouri, alleging discrimination on the bases of disability and retaliation. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve allegation 1. For the reasons set out below, we have determined there is insufficient evidence to conclude that the District retaliated against the complainant as alleged in allegation 2 of her complaint.

Specifically, the complainant alleged the District discriminated against her son by:

1. failing to provide her son, a student with a disability (XXXXXX XXXXXX XXXXXX), a free appropriate public education (FAPE) by failing to evaluate him and provide him regular or special education and related aids and services designed to meet his individual educational needs; and
2. retaliating against her son after she advocated on his behalf as a student with a disability when it:
 - a. failed to address peer bullying during the 2013-14 school year; and
 - b. disciplined him for an incident which occurred on XXXXXX XXXXXX, 2014.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance;

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- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities; and
- The Title VI regulation at 34 C.F.R. § 100.7(e), which prohibits retaliation. The Title VI regulation prohibiting retaliation is incorporated, by reference, into the regulation implementing Section 504 at 34 C.F.R. § 104.61. The Title II regulation at 28 C.F.R. § 35.134 contains a similar retaliation prohibition.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws.

In the remainder of this letter, the complainant is referred to as “the Complainant” and her son as “the Student.” To protect individuals’ privacy, the names of employees, students, and other parties also were not used in the letter.

OCR applies a preponderance-of-the-evidence standard to determine whether evidence is sufficient to support a particular conclusion. Specifically, OCR examines the evidence in support of and against a particular conclusion to determine whether the greater weight of the evidence supports the conclusion or whether the evidence is insufficient to support the conclusion.

OCR investigated the Complainant’s allegations against the District. OCR reviewed information the Complainant provided in her complaint. OCR conducted telephone interviews with the Complainant on March 18, 2014, and May 1, 2014, and received documents from her on February 25, 2014, and March 17, 2014. OCR received documents and information from the District on May 29, 2014, September 11, 2014 and September 17, 2014. OCR interviewed District staff on September 17, 2014, and October 8, 2014. OCR carefully considered all of the information obtained. OCR’s determination regarding the applicable legal standards, findings of fact, and the analysis and conclusion regarding allegation 2 are set forth in this letter.

Allegation 1

Prior to the completion of OCR’s investigation, the District submitted a signed Agreement (copy enclosed) on October 17, 2014, that, when fully implemented, will address allegation 1 of the complaint. The Agreement requires the District to: 1) notify the Complainant that if her son is reenrolled in the District, the District will initiate an evaluation to determine eligibility to receive special education or related services; and 2) develop, adopt, disseminate, train staff and implement a procedure (mitigation procedure) for identifying and evaluating students who currently have a physical condition which is addressed by an individualized health care plan or other mitigating measures to determine eligibility for special education or related services. Please consult the Agreement for further details.

OCR considers allegation 1 of the complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume its investigation.

Allegation 2

The Complainant alleged the District retaliated against the Student after she advocated on his behalf as a student with a disability when it: a) failed to address peer bullying during the 2013-14 school year; and 2) disciplined him for an incident which occurred on XXXXX XXXXX, 2014.

Legal Standard

The Title VI regulation prohibiting retaliation at 34 C.F.R. § 100.7(e), which is incorporated, by reference, into the regulation implementing Section 504 at 34 C.F.R. § 104.61, prohibits a recipient from intimidating, threatening, coercing, or discriminating against any individual who has either taken action or who has participated in an action to secure rights protected by the regulations OCR enforces. The Title II regulation at 28 C.F.R. § 35.134(a) contains a similar retaliation prohibition.

To determine whether the District has engaged in retaliation, OCR considers whether: 1) the Complainant engaged in an activity protected under a statute or regulation OCR enforces, such as complaining of disability discrimination or advocating on their own behalf or the behalf of others; 2) the District was aware of, or had knowledge of, the protected activity; 3) the District took adverse action(s) against the Student; and 4) there is an inferable causal relationship between the adverse action and the participation in the protected activity. If OCR concludes all four of these elements have been established, a *prima facie* case of retaliation has been proven.

If the evidence establishes a *prima facie* case of retaliation, then OCR examines whether the District can articulate a legitimate, non-retaliatory reason for its action. OCR then determines whether the District's reasons were a pretext, or cover up, for retaliation.

Findings of Fact

2012-13 School Year

The Complainant enrolled the Student at the District in the 2012-13 school year. The Complainant disclosed in the *Health Summary for Enrollment* form that the Student was allergic to XXXXX, any XXXXX, XXXXX and XXXXX. She further stated that anaphylaxis was a possible response to XXXXX, XXXXX, XXXXX and XXXXX. She said the Student's food sensitivity to XXXXX and XXXXX resulted in him experiencing stomach aches.

OCR interviewed the nurse in the Student's elementary building (Nurse) and reviewed the notes in her log. The Nurse told OCR she called the Complainant on August 6, 2012, to discuss the Student's food allergies. She stated that the Complainant told her that the Student has anaphylactic reaction to XXXXX, full body hives to XXXXX, XXXXX XXXXX and XXXXX XXXXX. According to the Nurse, the Student would get gastrointestinal upset from XXXXX and XXXXX.

The Nurse spoke with the Complainant on August 9, 2012, and explained that the Complainant needed to sign the emergency action plan (EAP) form to get the physician's orders for an epinephrine auto injector (EpiPen) and Benadryl. The Complainant told her that she did not have a physician yet due to lack of money caused by her recent job loss. On August 14, 2012, the Complainant told the Nurse that she had an order for an EpiPen and Benadryl from the ENT Clinic and would bring it to school along with an EpiPen.

The Nurse called the Complainant on August 17, 2012, and asked her to bring snacks to school for the Student's teacher because the teacher was concerned that class or party snacks might contain XXXXX. The Nurse received the EAP signed by a physician from the Complainant on August 30, 2012. The Nurse also received the nutrition exemption form signed by the physician; she faxed the form to Nutrition Services and gave a copy to the cafeteria supervisor.

The Complainant alleged in her complaint and in an interview with OCR staff that the Student has been bullied by a male student since XXXXX 2013, around the time XXXXX XXXXX XXXXX XXXXX. She also stated that she reported this harassment to the Student's principal in the spring and again in the fall of 2013.

OCR reviewed the Student's discipline records for the 2012-13 school year. According to the records, the Student was given a discipline referral to the office on XXXXX XXXXX, 2013, for XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. The referral form stated that the Student XXXXX XXXXX XXXXX XXXXX XXXXX and told her XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. He received time in the office and XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX as the result of the referral.

OCR interviewed the Student's elementary building principal (Principal) who stated that when she contacted the Complainant concerning the Student's XXXXX XXXXX, 2013 discipline referral, the Complainant mentioned other students were bothering her son. The Principal stated this was the first time she had heard that other students were bothering the Student. She said she talked to both of the students the Complainant identified and they agreed to stay away from the Student. The Principal stated she contacted the students' parents and told them if it happened again, the discipline would increase.

According to the Student's disciplinary records, the Student received a discipline referral on XXXXX XXXXX, 2013, for possessing a XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. The Student received three days out-of-school suspension for XXXXX XXXXX.

2013-14 School Year

OCR reviewed the Nurse's notes which documented her contacts with the Complainant during the 2013-14 school year. According to those notes, the Complainant provided the District with a *Health Summary Update* on August 12, 2013, indicating the Student was also allergic to XXXXX and XXXXX.

On August 20, 2013, the Complainant sent an email to the Nurse and the Principal. The Complainant stated that she thought the expired Benadryl should have been accepted and was still effective. She also stated that the Student told her that on the first day of school one of the students the Student had conflict with during the previous school year approached the Student during recess and told the Student "don't get in my face." She said the Student walked away from the other student.

According to the Nurse's notes, the Nurse received the EAP and the nutrition exemption form signed by the physician on August 28, 2013. She stated she sent a copy of the nutrition exemption form to Nutrition Services and the kitchen supervisor.

On August 30, 2013, the Complainant sent an email to the Student's classroom teacher (Teacher), which stated:

[The Student] tells me that there is a problem with his snacks. FYI he has very severe food allergies documented by physicians and thru the nurse's office at [the elementary school]. His allergies include XXXXX, XXXXX, XXXXX, XXXXX, XXXXX, AND XXXXX. This includes artificial flavoring which can by FDA law have the real ingredients in them. Under no circumstances can he have any XXXXX XXXXX substance!!!!!!!! After multiple ER trips at his other school (because they wouldn't listen) I finally had to get a lawyer. [The Principal] and [the Nurse] as well as the cooks are aware of this. If you have ever spent four hours in the snack aisle reading ingredient lists, then you would understand my choice of snack for him. He is allowed to eat XXXXX XXXXX, that is the only non-perishable snack food that I could find besides XXXXX. We eat healthier than any other family due to his allergies. [The Principal] approved chips for him last year and lm sure will agree it to be okay this year.

On September 12, 2013, the Teacher sent the Complainant the following email:

We are nearing the midpoint of our first semester. [The Student] has shown improvement in many areas in XXXXX grade. His classroom work habits are showing daily improvement, and he is putting forth appropriate effort. I am concerned about his academic progress. His current grades are as follows: Math-63% Reading-38% Science-47%. [The Student] is a bright boy, and I think with some extra help, we can improve his current grades. I was wondering if it would be possible to bring him to school at 7:45 on Tuesday and Thursday mornings so that I could provide some one-on-one tutoring? We could review current

classroom concepts, and review concepts that were previously taught. If this time is not convenient, we can certainly look at different times. Thanks so much for your help!

The Complainant responded to the Teacher's email in a September 26, 2013 email, which states:

Oh good grief, what next. Just teach him during school hours. I have enough responsibilities. Explain the dam homework better. I went thru the same dam thing with my oldest son. Worksheets with no dam instructions or directions given with them: Hell I've have two college degrees and a trade school under my belt, and cant figure out his god dam homework. Just ridiculous! No I am not bringing him early or later. I have to work to pay the badic bills. And occasionally need sleep and some dam downtime, not more bullshit from this god dam school. His reading is fine. His math skills seen to be okay. He gets more scientific learning than any kid I know. Quit picking on him and do the job of teaching in the classroom. Instead of spending time on emails and bewsletters about parties, pajama days, and unnecessary field trips. Walk thru the mall and count how many idiots cant count change back or tell time on an analog clock. Are these scores from some bubble test where they say choose the best answer? And if you rven try to flunk him this year, I will file a complaint with DESE. I have documented every piece of paper he has brought home, every email, and every paper I have filled out. I dont plan on attending school functions, because I just dont want to. My opinion is from my experience, and the staff here at [the elementary school] havent changed my opinion, instead reinfirced it. After last year, [the Student] has said on more than one occasion he does not like school. And I dont blame him one bit, all he gets is criticized on a daily basis. And then staff continue to harass me about bullshit rules that are not enforced for anyone else. XXXXX XXXXX are unhealthy, but I know of several parents that bring McDonalds to school for their child's lunch. It just never cease to amaze me, the amount of ignorance and inconsistency in how school classrooms are ran. Amazingly enough we go to the public libray at least once per week to check out books. [The Student] was apparently told his James Paaterson middle school novels were not age appropriate, but yet he read the entire book here at home in less than a few days. I just find it hard to see any credibility when all he has gotten from school is bullied, teased, or harrassed about his XXXXX allergies.

On XXXXX XXXXX, 2013, the Student was involved in an altercation with another student during recess. According to the documentation of the altercation, the Student received a discipline referral to the office on XXXXX XXXXX, 2013, for fighting and inappropriate language. The referral form stated that the Student was playing XXXXX with another student (Student A) when Student A took the XXXXX and the Student took a swing at Student A. Student A then hit the Student, knocking off and breaking the Student's glasses. According to the disciplinary referral form, the Student received time in the office, a conference and was not allowed to play XXXXX again with Student A. As part of the investigation of the incident, the Student wrote the following statement:

I was playing XXXXX and [another student] and [Student A] were arguing....and [Student A] tried to steal the ball from me and I swung a little bit and [Student A] hit me on my glasses and the teacher got us.

Student A also received a discipline referral to the office for the XXXXX XXXXX, 2013 altercation. According to the referral form, Student A hit the Student and broke the Student's glasses after the Student swung at Student A. Student A received a one-day in-school suspension and was not allowed to play XXXXX with the Student. As part of the investigation of the incident, Student A wrote the following statement:

I was playing XXXXX then [another student] said I am out....[another student] dropped the ball and [the Student] took it and I grabbed it out of [the Student's] hand he started hitting me so I slapped him and his glasses fell on the ground and broke.

The Principal wrote a note dated XXXXX XXXXX, 2013, documenting her conversation with the Complainant about the XXXXX XXXXX, 2013 altercation. The note states:

Talked to [the Complainant] – 2:30 – after called about her son in a fight. She yelled, cursed, said I'm not doing my job keeping her child safe. I said he started the fight. We will keep the boys away. [The Student] said he swung a little bit. The other student was in there too. Both boys wrote what happened.

On XXXXX XXXXX, 2014, the Student received a discipline referral for defiance. According to the referral form:

[The Student] was arguing with a group of boys. The recess supervisory asked him to move away. He refused and was talking back. I came in and told him to go to the hallway. He was back talking and shoved his chair hard so it came off the floor.

The Principal's notes state that she interviewed the Student regarding the XXXXX XXXXX, 2014. The Student told her he was watching three other boys playing a computer game and one of the boys stated that the Student was poor. He responded by saying the boy did not know how to play the game. He gave the boy directions on how to play the game in a louder voice and the recess supervisor (Recess Supervisor) told him to move back to his original spot. The Student said he was trying to tell the Recess Supervisor what was going on and told her he was not going to move yet. He said he kept yelling at the Recess Supervisor and arguing with her. He said the Teacher came into the room and the Recess Supervisor told the Teacher what was happening. The Teacher told him to wait in the hall until recess was over. The Student said he picked up a chair off the ground and it landed hard.

OCR interviewed the Recess Supervisor about the XXXXX XXXXX, 2014 incident. She stated that two classes were combined in her classroom for the indoor recess and students rotated using the computers. She said the Student had been with one group of students around a computer and moved to another group of students. She heard the Student say that the game being played on the computer was stupid. She said she could tell that there was

friction between the Student and two or three other male students at the computer. She asked the Student to go back to the group he had been with previously. She stated that the Student began arguing with her and began to raise his voice. The Teacher came into the classroom and told the Student that was not the way to talk to an adult. The Teacher told the Student to go to the hall. The Student picked up a chair off the floor and it made a noise when it came down. The Teacher asked the Student to go to the office.

The Recess Supervisor stated that the Student was the only student to get an office referral because he was the only student arguing. She said that she never witnessed the Student being bullied during recess during the 2013-14 school year. The Principal told her that the Student had an altercation with another student and that the Student and the other student were not allowed to be with each other during recess.

OCR interviewed the Teacher regarding the XXXXX XXXXX, 2014 incident. The Teacher told OCR that when she walked into the classroom, the Student was telling the Recess Supervisor that he was not going back to his seat. The Teacher asked him to go back to his seat but he continued to talk loudly to the Recess Supervisor. The Teacher then told him that he needed to go to the hallway to calm down. The Student took a chair near him and shoved it and the chair fell over. She wrote a discipline referral for the Student because of his disrespectful and defiant behavior. The Student refused her request for him to go to the hallway and calm down. The Teacher stated she wanted the Student to go into the hallway so she could ask him what had happened. She said the Student told her that he got into it with two boys. She did not hear the exchange of words between the Student and the other boys.

The Teacher stated Student was referred to the office on XXXXX XXXXX, 2014, because of his disrespect towards her, not because the Complainant had voiced concerns about the Student's treatment by the school. The Teacher noted that the Student had only a few referrals during the school year.

During her OCR interview, the Teacher stated the Principal told her the Complainant had a concern about the Student being bullied by other students so she kept a close watch on him and his interactions with other students. The Teacher stated the Student had difficulty getting along with his peers and relating to other students. The Teacher stated there were two male students in the class that the Student wanted to be friends with. Both students were African American. The student would not leave the two male students alone and would call the two students racial epithets. She attempted to separate the three students because of the conflicts the Student had with the two male students usually occurred during recess. The students were assigned in rotation to play in a specific area on the playground. The Teacher gave the example of rotating use of the three basketball courts by the three students. The Teacher told OCR that when the Student would have conflict with the other two students, the Student would say the boys were being mean to him. The conflict would always be about a game the students were playing. The Teacher stated that the only disciplinary referral she wrote for the Student arose from the XXXXX XXXXX, 2014 incident. The Teacher stated that one of the male students with whom the Student had

conflict was disciplined by his parents in front of her and the class due to his continued conflicts with the Student.

Legal Analysis and Conclusion

As stated above, to determine whether the District has engaged in retaliation, OCR considers whether: 1) the Complainant engaged in an activity protected under a statute or regulation OCR enforces, such as complaining of disability discrimination or advocating on their own behalf or the behalf of others; 2) the District was aware of, or had knowledge of, the protected activity; 3) the District took adverse action(s) against the Student; and 4) there is an inferable causal relationship between the adverse action and the participation in the protected activity. If OCR concludes all four of these elements have been established, a prima facie case of retaliation has been proven.

If the evidence establishes a prima facie case of retaliation, then OCR examines whether the District can articulate a legitimate, non-retaliatory reason for its action. OCR then determines whether the District's reasons were a pretext, or cover up, for retaliation.

Applying these standards here, OCR first examined whether the Complainant engaged in a protected activity, i.e., asserting or protecting a right or privilege secured by Section 504 and Title II, and whether the District had knowledge of the protected activity. OCR concludes the Complainant engaged in a protected activity. The Complainant engaged in numerous communications regarding the Student's food allergies. In addition, OCR concludes that the District was aware of the Complainant's activity as her communications regarding the Student's food allergies were directed at the Nurse, Teacher and Principal.

A preponderance of the evidence established that the Complainant engaged in a protected activity, and the District was aware of that protected activity.

OCR next examined whether the District took adverse action against the Student contemporaneously with or subsequent to the Complainant's participation in the protected activity and whether there was a causal connection between the participation in the protected activity and the adverse action. The Complainant alleged two adverse actions: 1) failure to address peer bullying during the 2013-14 school year; and 2) disciplining him for an incident which occurred on XXXXX XXXXX, 2014.

The evidence obtained by OCR confirms that the Student had periodic conflicts with two male students in his classroom. The evidence shows that the Student was struck by Student A on XXXXX XXXXX, 2013, resulting in his glasses falling and breaking. The Principal investigated the incident and, according to the statements from the Student and Student A, the Student instigated the altercation and swung at Student A first. Both students were disciplined, although Student A's discipline was greater in that he received a one-day in-school suspension for striking the Student.

On XXXXX XXXXX, 2014, the Student was involved in a conflict with other students during indoor recess. According to the Student, he was watching three other boys play a computer game and one of the boys stated that the Student was poor. He responded by saying the other student did not know how to play the game and gave him directions on how to play the game in a louder voice. The Recess Supervisor directed the Student to return to the group of students he had been with before he joined the three students and the comment was made about the Student being poor. The Student said he was trying to tell the Recess Supervisor what was going on and told her he was not going to move yet. He said he kept yelling at the Recess Supervisor and arguing with her. He said the Teacher came into the room and the Recess Supervisor told the Teacher what was happening. The Teacher told the Student to wait in the hall until recess was over. The Student said he picked up a chair off the ground and it landed hard; he was referred to the office on XXXXX XXXXX, 2014, and required to write letters of apology to the Teacher and Recess Supervisor.

The Complainant alleged the District's failure to address peer bullying during the 2013-14 school year and the discipline given to the Student for an incident which occurred on XXXXX XXXXX, 2014, were adverse actions. In determining whether a particular action is an adverse action for purposes of a retaliation analysis, OCR considers whether the action significantly disadvantaged the student's ability to gain the benefits of the district's educational program. OCR also considers whether the alleged adverse action caused significant or tangible harm to the student. Mere unpleasant or transient incidents usually do not rise to the level of adverse actions for purposes of establishing a retaliation violation. In addition, the preponderance of the evidence must establish that District officials intended to retaliate against the Complainant or the Student when they took the alleged adverse actions.

OCR considered all of the information it obtained describing interactions between the Student and other students during the 2013-14¹ school year to determine whether the District responded appropriately to it and, if discipline was assessed against the Student, whether that discipline showed intent by District officials to retaliate against the Student or the Complainant.

The Student was required to go to the office for a conference and was not allowed to play XXXXX again with Student A as a result of an incident that occurred on XXXXX XXXXX, 2013. Student A was also disciplined for this incident; he received a one day in school suspension.

The Student was referred to the office and required to write letters of apology to the Teacher and Recess Supervisor for the incident that occurred on XXXXX XXXXX, 2014.

OCR has concluded that the preponderance of the evidence does not support a conclusion that the District took an adverse action against the Student. The discipline given to the Student did not significantly disadvantage his ability to gain the benefits of the District's

¹ The Complainant did not specifically allege the discipline given to the Student for the XXXXX XXXXX, 2013, incident was an adverse action; however, OCR included this incident in our analysis.

educational program and did not cause significant or tangible harm to the student. The preponderance of the evidence did establish that the District responded appropriately to each conflict or altercation between the Student and other student when it became aware of the incidents.

Even if OCR had concluded that the preponderance of the evidence established that the discipline given to the Student was adverse action against him and a causal relationship existed between the District's adverse action and the Complainant's protected activity, the District provided legitimate, nondiscriminatory reasons for the discipline given to the Student.

The statements obtained by the District from the Student and Student A regarding the XXXXX XXXXX, 2013, incident both stated that the Student swung at Student A and then Student A struck him and knocked his glasses off. The Student and Student A both were disciplined for their actions on XXXXX XXXXX, 2013. The Student was required to go to the office for a conference and was not allowed to play basketball again with Student A; Student A received a one day in school suspension.

As a result of the Student's conduct towards the Recess Supervisor on XXXXX XXXXX, 2014, he was referred to the office and required to write letters of apology to the Teacher and Recess Supervisor. The Student's description of his behavior on XXXXX XXXXX, 2014, was consistent with the description proved by the District and supported the determination that he engaged in insubordinate and disrespectful behavior.

The preponderance of the evidence established the District provided a legitimate, non-retaliatory reason for the discipline given to the Student on XXXXX XXXXX, 2013 and XXXXX XXXXX, 2014. OCR has concluded that the District did not retaliate against the Student as alleged by the Complaint. Accordingly, OCR is closing allegation 2 of the complaint, as of the date of this letter.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may 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. You 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, you 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, we 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.

OCR is committed to prompt and effective service. If you have any questions regarding this letter, please contact XXXXX XXXXX, Equal Opportunity Specialist, at (816) 268- XXXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Joshua Douglass

Joshua Douglass
Supervisory Attorney

Enclosure

cc: Dr. Chris Nicastro
Commissioner of Education