



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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WASHINGTON, D.C.

December 29, 2014

Dr. Tom Forcella  
Superintendent  
Chapel Hill-Carrboro City Schools  
750 S. Merritt Mill Road  
Chapel Hill, North Carolina 27516

OCR Complaint # 11-14-1191  
Resolution Letter

Dear Dr. Forcella:

This letter is to inform you of the disposition of the above-referenced complaint that was filed with the District of Columbia Office, Office for Civil Rights, within the U.S. Department of Education (the Department), against Chapel Hill-Carrboro City Schools (the District), on April 19, 2014. The complaint was filed by a parent (the Complainant) on behalf of a student diagnosed with XXXX who, at the time the allegations contained in this complaint occurred, was enrolled in fifth grade at XXXX School (School) in the District and placed in a self-contained special education setting. The Complainant alleged:

- 1) The District failed to provide the Student a free appropriate public education (FAPE) by failing to follow a proper process to create an appropriate plan to address the Student's disabilities.
- 2) The District inappropriately restrained and secluded the Student.
- 3) The District retaliated against the Complainant for advocating on behalf of the Student as a student with a disability by filing a complaint against the Complainant with the Division of Social Services.

OCR's investigation included a review of information provided by the Complainant and the District, as well as interviews of Division staff and the Complainant. Following this investigation, OCR found insufficient evidence of disability discrimination with regard to Allegations 2 and 3. However, OCR identified potential concerns regarding Allegation 1. The District has agreed to resolve these concerns with the enclosed resolution agreement (the Agreement). OCR will monitor the Agreement, which when fully implemented, will resolve the issues identified with respect to Allegation 1.

### **Legal Authority**

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in

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

programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

## **Facts**

The Student enrolled in the District after moving from XXXX at the beginning of the 2013-2014 school year. The Student lived and attended school in XXXX for the two years immediately preceding his enrollment in the District. Before living in XXXX, the Student lived and attended school in XXXX. He was born in the United States and English is his first language.

Upon enrolling at the School, the Complainant provided the School with a copy of the Student's expired IEP from Connecticut and the evaluations and treatment plan for XXXX, which was implemented at the Student's school in XXXX. The Student brought with him a Picture Exchange Communication System (PECS) book to aid in his communication at school. At the time of his enrollment, the District was aware that the Student was diagnosed with XXXX and, as a result, had great difficulty in communicating his needs without using some sort of augmentative communication device. In addition, while at school, the Student occasionally would engage in aggressive or tantrum-like behaviors including hitting and biting his arms, striking out at staff, slamming cabinet doors, and throwing things. On an evaluation form filled out for the Student on October 7, 2013, the school psychologist noted the presence of these undesirable behaviors, stating that the Student needed to "use replacement behaviors when he becomes upset or frustrated instead of engaging in physically aggressive behavior toward adults." Documentation provided by the District showed that the Student's aggressive behaviors when upset or frustrated had caused injury to staff and the Student. For example, on November 1, 2013, according to an incident report completed by the Teacher, the Student was upset and was repeatedly slamming cabinet doors. The Teacher stood behind the student, trying to keep him from slamming the doors and calm him down. The Student suddenly jumped backward and unintentionally slammed his head into the side of the Teacher's face, breaking a facial bone. In an e-mail from the Teacher to a colleague at the School, dated November 19, 2013, the Teacher referenced a recent fire drill and the Student's resulting aggressive behavior due to his sensitivity to loud noises.

The IEP team first met on September 11, 2013, and, because the Student's most recent evaluation in Connecticut was in 2008, the IEP team determined it would be necessary to re-evaluate the Student before developing a new IEP. There was some disagreement between the Complainant and members of the IEP team so several informational, non-decision-making meetings were held with the Complainant and District and School staff in attendance in an attempt to address the Complainant's concerns and educate her on how the District provides services for students with disabilities. These meetings occurred between September and November 2013, and involved, in

part, ensuring that he was receiving his prior level of occupational and physical therapy services, per the Complainant's request.

On November 6, 2013 the team reviewed the evaluations and determined the Student was eligible for services in the area of XXXX. In addition, the team reviewed the appropriateness of the Student's related services and decided to remove some of the services they had been providing under the previous IEP, a decision with which the Complainant disagreed. As a result, the Complainant requested independent evaluations and a facilitated IEP meeting, which was held on December 9, 2013. At that meeting, the team developed an IEP for the Student. Also at that meeting (and for the first time), the team determined that the District should conduct a Functional Behavior Assessment (FBA) and develop a behavior intervention plan (BIP) for the Student, in order to address the aggressive behaviors the Student continued to exhibit at School. In addition, the team determined that the District should conduct an Alternative Augmentative Communication (AAC) evaluation to determine the most effective device and methods to allow him to communicate at school. A BIP was developed for the Student on February 26, 2014, but was not finalized or put in place until May 19, 2014. The AAC evaluation was completed on February 21, 2014, but the Student was not provided with a dedicated communication device until April 2014.

In March 2014, on two occasions, the Student exhibited behaviors similar to those described above during which School staff believed he was a danger to himself or others. As a result of these incidents, the Student was secluded in the seclusion room on one occasion, and on the other, he was briefly restrained (these incidents are discussed in further detail below). In a letter to the Principal and the EC Director dated April 11, 2014, the Complainant expressed concern that staff at the School were inappropriately restraining and secluding the Student.

On or about April 14, 2014, an individual filed an anonymous report with the North Carolina Department of Social Services (DSS) alleging the Complainant was neglecting the Student's hygiene; the Complainant was not providing sufficient food for him to eat while at school; and the Student had come to school on March 24, 2014 with bruises on his upper arms.

### **Allegation 1 - FAPE Allegation**

The Complainant alleged that the District did not provide the Student a FAPE when the School failed to assess the Student's communication needs in a timely manner. This resulted in the School failing to provide the Student with a dedicated augmented communication device until almost the end of the 2013-2014 school year. In addition, the Complainant alleged that the District failed to meet the Student's behavior-related needs.

The District was informed of the Student's communication deficits upon his enrollment in the District in September 2013. At that time, the Student was provided a shared classroom iPad (beginning in the fall 2013) but was not provided with his own dedicated communication device. Without an augmented communication device, the Student is almost entirely non-verbal and there was some evidence that the frustration of being unable to communicate caused the Student to act out behaviorally in an aggressive manner. The District did not provide the Student with a dedicated device selected by the team to meet his communication needs until April 10, 2014, when a dedicated iPad was provided to the Student. There is documentation that, throughout the school year, the Complainant communicated the Student's preference for an Accent 1000

communication device. The Complainant requested that the Student use the device at School, consistent with the recommendation of the Student's private Speech Language Pathologist, especially since this was the device that the Student was then successfully using outside of school. As previously stated, a meeting to discuss the Student's communication-related needs was held on March 27, 2014. At that meeting, the District determined that the Student would be provided with an iPad to meet his communication-related needs instead of the Accent 1000. There was no information in the meeting minutes about the District's reason for choosing this device over the Accent 1000 that was requested by the Complainant.

## **Legal Standards**

### *Timeliness*

The Section 504 regulation at 34 C.F.R. § 104.33 (a) and (b) requires that a recipient that operates a public elementary or secondary education program must provide a free appropriate public education (FAPE) to each qualified person with a disability within its jurisdiction, regardless of the nature or severity of the person's disability. The provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of disabled persons as adequately as the needs of non-disabled persons are met.

While Section 504 regulations require a district to conduct an evaluation of any student believed to need special education or related services before taking action toward initial placement, the regulations do not impose a specific time line for completion of the evaluation. Optimally, as little time as possible should pass between the time when the student's possible eligibility is recognized and the district's completion of the evaluation. However, an unreasonable delay is discrimination against students with disabilities because it has the effect of denying them meaningful access to educational services provided to non-disabled students.

OCR looks to the standards contained in the regulation implementing the Individuals with Disabilities Education Act (IDEA) for guidance in determining what is a reasonable time frame for the evaluation of a student with disabilities. The IDEA implementing regulation at 34 C.F.R. § 300.343(b)(2) states that a meeting to conduct an IEP must be convened within 30 days of a determination that a child needs special education and related services. The IDEA also imposes a time line of 60 days from parent consent to initial evaluation to the offer of services, unless the state establishes another time frame.

### *Effective Communication*

The regulation implementing Title II, at 28 C.F.R. § 35.160(a)(1), provides that a public entity shall take appropriate steps to ensure that communications with participants with disabilities are as effective as communications with others. To meet this requirement, public entities are required to furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. The regulation implementing Title II at 28 C.F.R. § 35.160(b)(2) sets forth that the type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in

which the communication is taking place. In determining what types of auxiliary aids and services are necessary to ensure effective communication, a public entity shall give primary consideration to the requests of individuals with disabilities or their parents/guardians. If the request of the individual/parent/guardian is not honored, the public entity must demonstrate that it has provided auxiliary aids and services that are equally effective as the requested aids or services, that the requested aids or services would fundamentally alter the nature of the services or program provided by the public entity, or that providing the requested aids or services would result in an undue financial and administrative burden.

During the course of OCR's investigation, the District expressed an interest in resolving this allegation under a voluntary resolution agreement. The District signed the enclosed agreement which, when fully implemented, will resolve Allegation 1. The provisions of the agreement are aligned with this allegation and information obtained during the course of OCR's investigation, and are consistent with the applicable regulations. OCR will monitor implementation of the agreement.

## **Allegation 2 - Restraint and Seclusion**

### **Legal Standards**

The Section 504 regulation at 34 C.F.R. § 104.4 provides that students with disabilities shall not, on the basis of disability, be excluded from participation in, be denied the benefits of, be afforded an opportunity that is not equal to that afforded others, or otherwise be subjected to discrimination in a public school district's programs and activities. The regulation further provides that a public school district may not otherwise limit an individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service. The regulation implementing Title II at 28 C.F.R. § 35.130 contains similar provisions. OCR interprets these provisions to require that public school districts ensure that the school environment for students with disabilities is as safe as the environment for students without disabilities.

On May 15, 2012, the Department issued a resource document entitled "Restraint and Seclusion," located at <http://www.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>, which outlines principles for school divisions to consider regarding the use of restraint and seclusion. According to the resource document: "Restraint or seclusion should never be used except in situations where a child's behavior poses imminent danger of serious physical harm to self or others, and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff."

### **Analysis**

#### **Alleged Seclusion**

The Complainant alleged that on March 21, 2014, she arrived at the School to pick up the Student and he was in a "closet" off the sensory room with the door closed and the light off. She stated that there was no window in the door and thus no one could observe the Student while he was in the closet. She said that a teacher's aide was sitting outside the door when she arrived. The Complainant told OCR that when she asked the staff why the Student was in the closet, she

was told that the Student had thrown toys and a chair in the sensory room. The Complainant further stated that she did not receive written notification of this incident.

The District told OCR that the Student was secluded at the School on only one occasion, on March 21, 2014. The Teacher told OCR that immediately prior to the seclusion, the Student had been sitting with other students in the classroom, preparing to do a puzzle. The Teacher stated that the Student began making “unhappy noises,” an indication that the Student was becoming distressed about something. When the Teacher’s Assistant attempted to find out what was wrong, the Student “lashed out” at staff, who then guided him to the sensory room to help him calm down. The Teacher stated that the Student voluntarily walked to the sensory room, which is located right next to the classroom, and is accessed by going out the classroom door into the hallway and entering the door adjacent to the classroom. She stated that, in the sensory room, they tried to get him on the swing, which usually is calming for him; however, the Student’s behavior escalated. According to the Teacher, the Student continued to “lash out” at staff, threw a chair, and overturned a wagon. At this point, the Teacher said that she and a Teacher’s Aide each took one of the Student’s hands and walked him to the seclusion room, which is located within the sensory room, through a separate door. The Teacher stated that the Student went voluntarily. She stated that they closed the door and took turns holding it closed for a total of five minutes while observing the Student through the window in the door. The Teacher stated that the Student banged on the door for about five minutes and then went to the corner and sat down, but continued the behaviors. At this point, once the Student was seated, they opened the door and left the door open. She stated that the Student stayed in the seclusion room, screaming and hitting himself on his arms (while the door was open). During this time, the Student took off his pants and underwear and urinated on the floor. According to the Teacher, during this time, they were observing the Student through the open door, and trying to redirect him. After about twenty minutes, the Student calmed down, the Teacher found him dry underwear and jeans, and he put them on and came out of the seclusion room. The Teacher stated that she called the Complainant to pick up the Student because she did not think he would be calm enough to ride the bus. According to the Teacher, the Student was no longer in the seclusion room when the Complainant arrived and she told the Complainant about the seclusion incident at that time. She further stated that the first thing the Student did was show the Complainant his arms and say “hurt, hurt.” At that time, the Student’s arms were red from hitting himself, but there were no visible marks or bruises. The Teacher told OCR that she provided the Complainant with a written incident report on the Monday after the incident occurred, which was the next school day. This version of events was corroborated through interviews with the Teacher’s aide, and OCR reviewed a copy of the incident report.

### **Alleged Restraint**

The District informed OCR that the Student was restrained on one occasion, March 28, 2014. The District stated that the Student asked to be taken to the sensory room, and while he was there, there was a fire drill. The Student exited the School with the rest of the students. According to the Teacher, the fire alarm was very loud and because of the Student’s difficulty in dealing with loud noises, he began throwing mulch and dirt, attempting to hit staff members, and taking off his clothes. The teacher stated that, due to the aggressive behaviors, taking off his clothes, banging his head on the sidewalk, and the presence of many other students, the Teacher placed him in a physical restraint hold for less than one minute, in order to end the aggressive

behaviors and put the Student's pants back on. According to the Teacher, the Student then voluntarily entered the building with the rest of the Students and was taken back to the sensory room.

OCR determined that the initiation and termination of both the seclusion and the restraint described above were consistent with the District's own restraint and seclusion policy and with the Department's resource document on restraint/seclusion (<http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>) (the Resource Document), and did not violate Section 504 and Title II. Two critical elements of the principles articulated in the Resource Document are that "restraint or seclusion should never be used except in situations where a child's behavior poses imminent danger of serious physical harm to self or others," and that "every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel." Resource Document at 12-13.

The District's policy applicable to restraint and seclusion is Regulation 4302-R Rules for the Use of Seclusion and Restraint and includes the following language: "It is the policy of the Chapel Hill-Carrboro City Schools (CHCCS) to promote safety and prevent harm to all students, staff, and visitors. The Board of Education supports positive management of student behavior and effective communication techniques for diffusing and deescalating disruptive or dangerous behavior that will, in turn, improve student achievement, attendance, promotion, and graduation rates." The District policy tracks the North Carolina state policy on restraint and seclusion of students in school and permits restraint and seclusion almost exclusively for reasons of safety. According to District policy, prone (face down) restraint is never permitted, students who are restrained or secluded must be continuously monitored at close proximity, and seclusion and restraint are not to be used solely as a disciplinary consequence. The District's policy provides for written notification of the use of restraint and seclusion with a student to be provided to the student's parent/guardians.

In both the incident of restraint and the incident of seclusion, the Teacher described the Student as engaging in behavior that could injure the Student, staff or other nearby students. Both the restraint and the seclusion were used only until the Student's behavior de-escalated and he was no longer a danger to himself or others. The Student was continuously monitored by trained staff while he was in restraint or seclusion. In fact, consistent with District policy, School personnel interviewed uniformly informed OCR that restraint and seclusion are used for both students with and without disabilities alike and only to address emergency situations in which students present safety concerns. The District provided, and OCR reviewed, documentation of materials used for training District staff, as well as a copy of the District's training schedule for the 2013-2014 school year regarding the use of restraint and seclusion. The District's staff is trained on restraint and seclusion intervention by District staff and administrators certified in the Crisis Prevention Intervention (CPI) method, which teaches nonviolent crisis intervention. See [www.crisisintervention.com](http://www.crisisintervention.com). As such, it focuses on ways to avoid physical contact with students unless it is a last resort and the student is a danger to self or others. District staff is trained on both the District policy regarding the use of restraint and seclusion and safe techniques for physical restraint and seclusion. All trainings are in-person and use a combination of Power Point slides, group discussion and activities, and physical demonstration and practice of safe techniques for physical restraint and seclusion. The District offers training sessions throughout

the school year, some of which are for resource and general education staff and some of which are for staff who work in self-contained classrooms. District personnel interviewed by OCR consistently reported they understood restraint and seclusion to be a “last resort” intervention that is appropriate only when necessary to prevent a risk of injury to the student or to others and only after all other interventions have failed to de-escalate the student.

The Complainant further alleged that on one occasion, the Student's teacher secluded the Student in the classroom bathroom and when the Complainant arrived to pick up the Student, the bathroom door was closed and the Teacher was standing outside the door. The Complainant stated that the Student came out of the bathroom crying and soaked with toilet water. She asserted that the Teacher told her that the Student had been crying in the classroom and the Teacher believed he had to go to the bathroom so staff sent him to the bathroom.

The District contends that the incident described by the Complainant was not an incident of seclusion, but rather that the Student went willingly into the bathroom and was unwilling to come out. In an interview with OCR, the Student's teacher stated that it was near the end of the school day, and the Student was coloring. The Teacher stated that the Student very suddenly started throwing things, “lashing out” at staff, and trying to jump on other students. The Teacher said that she believed that the Student was having stomach pains, which seemed to be related to the Student's aggressive behaviors in the past, so she steered him to the bathroom in the classroom in case he needed to use it. The Teacher stated that the Student went willingly into the bathroom and she closed the door after him for privacy. She stated that the door remained unlocked at all times and that the Student was free to leave the bathroom at all times. She said she opened the door several times to check on the Student and that each time she did, the Student had his hands in the toilet, playing with the water. The Teacher said that she tried to get the Student to come out of the bathroom, but he continued playing with the water and splashed her with the water when she opened the bathroom door. The Teacher explained that because the toilet water was clean and the Student was not harming himself or anyone else, she made a decision to allow him to continue playing in the bathroom until the Complainant arrived to pick him up, instead of moving him to the sensory room. The Teacher explained that she was concerned that the Student would not be able to ride home on the bus as usual, so she contacted the Complainant to pick him up. According to the Teacher, the Student was in the bathroom for a total of about 15 minutes, and he came out when the Complainant arrived.

OCR interviewed the Teacher's Aides who were present during this incident, both of whom remembered that the Student walked unassisted to the bathroom and shortly thereafter began playing with the water in the toilet. Moreover, both recalled that when the Teacher opened to door to ask the Student to come out of the bathroom, the Student slammed the door shut and continued playing with the water. Based on the above accounts, OCR find that this was not an incident of seclusion as defined by the Division's restraint and seclusion policy or by the Department's Resource Document. Both the Teacher and the Aide gave consistent accounts of the incident in which the Student walked voluntarily to the bathroom and declined to come out of the bathroom at the Teacher's request. The door remained unlocked at all times and the Student was free to leave the bathroom at all times, which he did when the Complainant arrived to pick him up. On the other hand, the Complainant arrived after the Student was in the bathroom, and although she observed the closed door, she had no independent knowledge of whether the door



was locked. Moreover, she too acknowledged that the Student came out of the bathroom independently when she arrived.

In addition to the documentation of the one instance of restraint and one instance of seclusion used on the Student, OCR reviewed documentation of all instances of restraint and seclusion occurring at the School during the 2013-2014 school year. There were a total of four additional instances of restraint and one additional instance of seclusion that occurred with three different students at the School during the 2013-2014 school year. The seclusion was implemented for 22 minutes and none of the restraints was implemented for more than three minutes. The documentation provided by the District indicated the other interventions attempted prior to using restraint or seclusion, the reason for the restraint or seclusion, and the time at which the parent was notified in writing. All of the reports indicated that there were no injuries sustained by the students involved. OCR did not identify any concerns with the use of restraint and seclusion for these instances. Finally, School staff interviewed informed OCR that the seclusion room at the School is not being used for the purpose of secluding students during the 2014-2015 school year because there are currently no students at the School for whom seclusion would be appropriate.

Based on the above information, OCR finds insufficient evidence to support the allegation that the District inappropriately restrained and secluded the Student. However, as stated above in the FAPE discussion, the District has entered a Resolution Agreement that addresses the allegation related to the length of the District's process for ensuring that the Student's communication and behavior-related needs were met, as well as the consideration given to the Complainant's request for a particular communication device, all of which may have had an impact on whether the District used seclusion and restraint on these occasions. These concerns will be fully addressed in the attached Voluntarily Resolution Agreement.

### **Allegation 3 - Retaliation**

#### **Legal Standard**

When analyzing a claim of retaliation, OCR will look at the following three elements to determine if the Complainant has stated an initial case: 1) whether the Complainant engaged in a protected activity (e.g., filed a complaint or asserted a right under a law enforced by OCR); 2) whether the District took a materially adverse action against the Complainant; and 3) whether there is some evidence that the District took the adverse action as a result of the Complainant's protected activity. If all these elements are present, this establishes an initial or prima facie case of retaliation. OCR then determines whether the District has a legitimate, non-retaliatory reason for its action. Finally, OCR examines whether the District's reason for its action is a pretext or excuse for unlawful retaliation.

#### **Analysis**

The Complainant engaged in a protected activity beginning in September 2013 when the District convened the initial IEP meeting for the Student, and the Complainant began advocating with the District on behalf of the Student. Specifically, during the Student's IEP meetings, the Complainant informed the IEP team that she did not believe they were handling his disabilities appropriately. This advocacy continued throughout the year, including a letter the Complainant

sent to District officials on April 11, 2014, requesting an inquiry into the alleged use of improper restraint and seclusion with the Student.

The Complainant alleged that the District filed a complaint against her with the Department of Social Services (DSS) in retaliation for her protected activities. Both the Complainant and the District agree that, on or about April 14, 2014, an individual filed an anonymous report with the North Carolina DSS and alleged: the Complainant was neglecting the Student's hygiene; the Complainant was not providing sufficient food for him to eat while at school; and the Student had come to school on March 24, 2014 with bruises on his upper arms. The Complainant alleges that, although the complaint was filed anonymously, it was done at the instruction of and with the knowledge of the District. The Complainant based this assertion on the nature of the DSS complaint, since the alleged conduct in the DSS complaint occurred or was observed during the school day. However, the Complainant had no additional information on who filed the DSS complaint. On the other hand, all School personnel interviewed by OCR, including the Principal, teacher and classroom aides, denied any knowledge of who filed the complaint with DSS. Instead, District personnel indicated that DSS notified the District on or around April 17, 2014, initially through a telephone call to the School Social Worker, who notified District-level staff about the DSS complaint. Due to the anonymous nature of the DSS complaint, OCR finds it reasonable that the District was unaware of who filed the complaint and OCR found the School personnel who denied knowing who filed the complaint credible. The evidence available to OCR does not support the allegation that the District took materially adverse action against the Complainant by filing, or directing staff to file, a DSS complaint against the Complainant.

For these reasons, OCR finds insufficient evidence to support a finding that the District retaliated against the Complainant by filing, or directing anyone to file, a report with DSS.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

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 retaliate against an individual who asserts a right or privilege under a law enforced by OCR or who files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

We would like to express our appreciation for the cooperation of the District in resolving this complaint, especially Stephen Dawson, counsel to the District. If you have any questions regarding this letter, feel free to contact either of the attorneys assigned to this complaint:

Samantha Shofar at (202) 453-5929 or [Samantha.Shofar@ed.gov](mailto:Samantha.Shofar@ed.gov), or Jane Ehrenfeld at (202) 260-0790 or [Jane.Ehrenfeld@ed.gov](mailto:Jane.Ehrenfeld@ed.gov).

Sincerely,

/S/

Dale Rhines  
Acting Team Leader, Team IV  
District of Columbia Office  
Office for Civil Rights