



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

September 30, 2019

Joshua Smith
Superintendent
Regional School District 15
By email: jsmith@region15.org

Re: Complaint No. 01-16-1238
Regional School District 15

Dear Superintendent Smith:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against Regional School District 15 (District). The Complainant alleged that the District discriminated against her son (Student) based on disability and subjected him to retaliation for the Complainant's advocacy. Specifically, the Complainant alleged that the District discriminated based on disability when it:

- failed to timely and appropriately evaluate the Student during the 2015-2016 and 2016-2017 school years (Allegation 1);
- failed to implement the Student's health care plan during the 2015-2016 and 2016-2017 school years (Allegation 2); and
- failed to respond to the Complainant's request for the Student's special education records during the 2015-2016 school year (Allegation 3),

In addition, the Complainant alleged that the District retaliated for her advocacy on behalf of the Student and other students in the District by including only speech services in the Student's Individualized Education Program (IEP) (Allegation 4).

During the investigation, OCR reviewed documents provided by the Complainant and the District. After carefully considering all of the information obtained during the investigation, OCR found insufficient evidence to support Allegations 2, 3, and 4. OCR found insufficient evidence to support a portion of Allegation 1, and before OCR completed its investigation, the District expressed a willingness to resolve the remaining portion of the allegation by taking the steps set out in the enclosed Resolution Agreement (Agreement).

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 any program or activity receiving 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. Because the District

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

receives federal financial assistance from the Department and is a public elementary and secondary education system, OCR has jurisdiction over it pursuant to Section 504 and Title II.

The Section 504 regulation, at 34 C.F.R. § 104.61, which incorporates the procedural provisions of the regulation implementing Title VI of the Civil Rights Act of 1964, prohibits retaliation against any individual who asserts rights or privileges under Section 504 or who files a complaint, testifies, assists, or participates in a proceeding under Section 504. The Title II regulation, at 28 C.F.R. § 35.134, contains a similar prohibition against retaliation.

Allegation 1

The Complainant alleged that the District failed to timely and appropriately evaluate the Student during the 2015-2016 and 2016-2017 school years. The Complainant informed OCR that the Student's evaluation process commenced in October 2015, and District did not make an eligibility determination until May 12, 2016. The Complainant stated that at that time, the District found the Student eligible for only speech and language services, and the District failed to respond to her requests to evaluate whether the Student was eligible for additional services based on other disabilities. The Complainant further stated the District failed to consider information from a variety of sources and did not convene a group of knowledgeable persons in making decisions regarding the Student's evaluation and placement. The Complainant also stated that the District required her to provide documentation of the Student's diagnoses to support her requests and "predetermined" the Student's ineligibility for a Section 504 plan.

Background

During the 2015-2016 school year, the Student was an X year old in XXXXX grade at the District's Elementary School (School), and the District created an Emergency/Individual/Anaphylaxis Care Plan (health care plan) for the Student in February 2015.¹ The Student's health care plan indicated diagnoses of XXXXXXXXXXXX and XXXXXX, requiring the following "interventions:" allowing the Student to carry a water bottle during the day; encouragement for the Student to drink fluids; XXXXXXXXXXX XXXXXXXXXXX as needed; encouragement for the Student to XXX XXX XXXXXXXXXXX XXXXX XXX XXXXX XXX XXXXX XXXXX; and revisiting the XXXXX XXXX XXXXX XXXXX XX.

In June 2015, the District's Section 504 team convened and determined that the "nursing care plan for XXXXXXXXXXXX is sufficient at this time," and that "it is not felt that [the Student] has a disability at this time." In October 2015, the District convened an IEP team and determined that the Student was not eligible for an IEP, but recommended a comprehensive evaluation, including Attention Deficit Hyperactivity Disorder (ADHD), academic and social skills assessments, cognitive assessment (unless already completed by the Student's physician), speech and language evaluation, occupational therapy screening and evaluation if necessary, and social/emotional rating scales. The meeting summary further indicated that the IEP team would reconvene upon completion of the evaluation.

¹ The Student's health provider had written a note to the District dated February 3, 2015, diagnosing the Student with XXXXXXXXXXXX and requesting that he be allowed to use the bathroom "whenever needed."

The Complainant informed OCR that she subsequently cancelled two IEP team meetings.² The IEP team convened on May 6, 2016, at which time it determined that the Student was eligible for special education and related services due to a XXXXXXXXXXXXXXXX impairment, and the IEP team agreed to “develop an IEP around XXXXXX and XXXXXXXX.” At the Complainant’s request, the IEP team convened on September 8, 2016, to discuss her concerns regarding the IEP developed at the previous meeting on May 6, 2016 (May 2016 IEP). The summary from the meeting on September 8, 2016, indicates that the Complainant stated that the May 2016 IEP lacked “accommodations and modifications” and “goals and objectives” as the relevant part was blank. District personnel indicated “that this may be an error as there should have been some accommodations.” The meeting summary further indicates that the Complainant raised a concern that the IEP only addressed XXXXXXXXXXXX. The IEP team responded by recommending revisions to the May 2016 IEP “to include additional objectives and classroom accommodations/modifications,” a sensory evaluation, occupational and physical therapy observations, and reconvening the IEP team after the additional evaluation and observations took place.

The Complainant sent an email to the Director of Special Education on October 28, 2016, requesting the District to evaluate the Student for eligibility under Section 504 based on XXXXXXXXXXX XXXXX XXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXX XXXXXXX XXXXXXXXXXXXXXXX. In response, the Director of Special Education sent an email asking if there were any specific accommodations the Complainant believed the Student needed as a result of other conditions, and the Complainant stated that the Student had multiple diagnoses that the District had not evaluated for Section 504 eligibility. The Director of Special Education stated in an email to the Complainant dated November 4, 2016, that the District had: implemented an IEP for the Student addressing XXXXXXXXXXXX; conducted an occupational therapy evaluation in November 2015, with follow-up occupational and physical therapy evaluations that would be discussed at the IEP team meeting scheduled for December 2016; evaluated the Student with respect to XXXX and concluded he did not have a disability in that area that substantially limited a major life activity; evaluated the Student with respect to XXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX and concluded that the Student did not have a disability in that area; scheduled a neuropsychological evaluation in light of the Complainant’s concerns regarding XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX; and evaluated the Student and determined he did not have a disability with respect to XXXXXXXXXXXXXXXX.

The IEP team convened on January 9, 2017, to review the Student’s sensory evaluation and to discuss the occupational and physical therapist’s observations. The IEP team recommended the following: 30 minutes of physical therapy once a week; the addition of goals and objectives to his IEP; an occupational therapy evaluation; a meeting with the nurse regarding the health care plan; re-convening a meeting when the neuropsychological evaluation was received; a classroom observation by the speech-language pathologist; monitoring the Student’s fluency rate; and a curriculum-based measurement assessment in the area of writing. The IEP team subsequently convened on February 2, 2017, to review and/or revise the Student’s IEP. The IEP team

² The Complainant informed OCR that she cancelled a meeting scheduled for November 30, 2015, because she was not being permitted to observe the Student in the classroom, and a second meeting scheduled for February 1, 2016, because she had not received information regarding the Student that she had requested in advance of the meeting.

reviewed the results of the Student’s neuropsychological evaluation and determined he was eligible for special education and related services based on a classification of “XXXXXXXXXXXXX.” The meeting summary stated that the IEP team would reconvene when the Student’s occupational therapy evaluation was completed, and the IEP team noted concerns including XXXXXXXXXXXX XXXXXXXXXXX XXXXXXXXXXXXXXX XXX XXXXXXX XXX XXXXXXXXXXXX XXXXXXXX.

Legal Standard

The Section 504 regulation, at 34 C.F.R. § 104.33, requires school districts to provide a free appropriate public education (FAPE) to students with disabilities. An appropriate education is regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and that are developed in compliance with Section 504’s procedural requirements. Implementation of an IEP developed in accordance with the Individuals with Disabilities Education Act is one means of meeting this standard. OCR interprets the Title II regulation, at 28 C.F.R. §§ 35.103(a) and 35.130(b)(1)(ii) and (iii), to require school districts to provide a FAPE to the same extent required under the Section 504 regulation.

The Section 504 regulation, at 34 C.F.R. § 104.35(a), requires a school district to evaluate any student who needs or is believed to need special education or related services due to a disability. A district must conduct an evaluation before initially placing the student in regular or special education and before any subsequent significant change in placement. While the Section 504 regulation requires a school district to conduct an evaluation of any student believed to need special education or related services before taking action toward initial placement, the regulation does not impose a specific timeline 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 conducting the evaluation. An unreasonable delay results in discrimination against students with disabilities because it has the effect of denying them meaningful access to educational opportunities provided to students without disabilities. Timeframes imposed by the Individuals with Disabilities Education Act (IDEA) as well as state timelines for special education evaluations are helpful guidance in determining what is reasonable. The IDEA regulation, at 34 C.F.R. § 300.301(c)(1), requires that school districts complete evaluations within 60 days of receiving parental consent for the evaluation unless the state has established a different timeline, in which case evaluations must be completed within the timeline established by the state.

In Connecticut, once a district receives a referral for special education, it has 45 school days to obtain written parental consent, conduct a comprehensive evaluation, determine eligibility, and implement the IEP, according to RSCA § 10-76d-13.³

In interpreting evaluation data and making placement decisions, the Section 504 regulation, at 34 C.F.R. § 104.35(c), requires that a school district draw upon information from a variety of

³ See <https://portal.ct.gov/SDE/Special-Education/Planning-and-Placement-Team-PPT-Process-and-Individualized-Education-Program-IEP-Forms> for details regarding calculating the timeframe based on whether referral is made during school year.

sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; establish procedures to ensure that information obtained from all such sources is documented and carefully considered; ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and ensure that each student with a disability is educated with peers without disabilities to the maximum extent appropriate to the needs of the student with a disability.

Analysis

Based on the evidence obtained to date, OCR identified preliminary concerns regarding the timeliness of the evaluation process for the Student. Specifically, the evidence indicates that after the IEP team convened in October 2015 and determined that the Student needed a comprehensive evaluation, it appears that the District did not complete the evaluation and reconvene to determine the Student's placement and related services until May 2016. While the Complainant stated that she cancelled IEP team meetings in November 2015 and February 2016, the evidence obtained to date does not establish specific reasons for the delay over the entire period. In addition, the evidence suggests that the Student's IEP developed at the IEP team meeting in May 2016 may have omitted specific accommodations/modifications and goals/objectives. Prior to the conclusion of OCR's investigation regarding the timeliness of the Student's evaluation, the District agreed to voluntarily resolve this portion of Allegation 1 by implementing the Agreement.

OCR determined that the evidence did not substantiate the remainder of the Complainant's assertions regarding this allegation. The Complainant asserted that the District did not appropriately evaluate the Student for other disabilities and should have found him eligible for additional services either in his IEP or pursuant to a Section 504 plan. However, the evidence indicates that the District convened a group of knowledgeable persons at the Student's IEP team meetings during the 2015-2016 and 2016-2017 academic years, at which the District considered information from a variety of sources, consistent with the requirements of Section 504. While the District requested that the Complainant provide diagnoses regarding other conditions (e.g., at the IEP team meeting on May 6, 2016), the evidence did not indicate that the District was requiring the Complainant to provide this information as a precondition to assessing the Student's needs.

OCR did not find, and the Complainant did not provide, any evidence indicating that the District "predetermined" the Student's ineligibility for a Section 504 plan. While the Complainant asserted that the District failed to convene a Section 504 meeting for the Student, the evidence indicates that the District determined that the information did not indicate that the Student had disabilities in the other areas raised by the Complainant, i.e., the Student did not have other impairments that substantially limited any major life activities. To the extent that the Complainant is asserting that based on the available information, the District should have determined that the Student required related aids/services to address other disabilities, this constitutes a substantive disagreement over the Student's eligibility and services, which is more appropriately addressed through a due process proceeding.

OCR found no other evidence to substantiate the Complainant's assertion that the District failed to follow the procedural requirements of Section 504 with respect to its evaluation and placement of the Student.

Allegation 2

The Complainant alleged that the District failed to implement the Student's health care plan during the 2015-2016 and 2016-2017 school years. Specifically, the Complainant alleged that during school year 2015-2016, the District failed to appropriately implement Student's health care plan when, from January 2016, the District "abdicated responsibility for [the Student's] health plan," and the Student was "entirely responsible" for following the health care plan without assistance.

Legal Standard

As noted above, districts must provide FAPE for students with disabilities pursuant to the regulation implementing Section 504 at 34 C.F.R. § 104.33. In investigating a denial of a FAPE due to failure to implement under Section 504, OCR first looks at the services to be provided as written in a student's plan or as otherwise agreed to by the student's team. If OCR finds that a district has not implemented a student's plan in whole or in part, it will examine the extent and nature of the missed services, the reason for the missed services, and any efforts by the district to compensate for the missed services in order to determine whether this failure resulted in a denial of a FAPE.

Background

As previously stated, the District implemented the Student's health care plan in February 2015. However, the evidence indicates that the health care plan was created to address the Student's XXXXXXXXXXXX which the District evaluated and did not find to be a disability. The health care plan was not incorporated or referenced in any of the Student's IEPs that were subsequently developed and implemented to address the Student's XXXXXX XXX XXXXXXXXXX XXXXXXXXXXXX XX XX XXXXXXX XXXXX XXXXXXXXXXXX. When the Complainant raised concerns that the health care plan was not being followed as written at an IEP meeting on January 9, 2017, the District recommended that the Complainant have a separate meeting with the school nurse, as she was not a member of the IEP team.

Analysis

Based on the above, OCR determined that the health care plan was separate from the Student's IEP, and the District did not determine that the Student's XXXXXXXXXXXX consisted a disability; accordingly, the health care plan does not fall within the protections of Section 504 and its implementing regulations. As a result, OCR determined that this evidence fails to substantiate the Complainant's allegation that the District discriminated against the Student based on disability by failing to implement his health care plan, and OCR is closing Allegation 2 pursuant to Section 303(a) of OCR's *Case Processing Manual*.

The Complainant asserted that she made repeated attempts to have the District recognize the Student's XXXXXXXXXXXX as a disability, and the District should have included provisions in the Student's IEP to address it. To the extent that the Complainant disagrees with the District's decision not to include XXXXXXXXXXXX in the Student's IEP or determine that it was a disability, this is also a substantive disagreement over the Student's evaluation and services, which is more appropriately addressed through a due process proceeding.

Allegation 3

The Complainant alleged that the District failed to respond to her request for the Student's special education records during the 2015-2016 school year. Specifically, the Complainant stated that she requested the Student's records after the IEP meeting in June 2016, after the Student was found to be eligible for an IEP based on speech-language deficits but was not determined to have any other disabilities. The Complainant informed OCR that she was seeking to understand the different data that the team had discussed during the IEP meeting and how it was considered during the denial of eligibility for an IEP based on other disabilities, in addition to the District's decision that the Student was not eligible for a Section 504 plan.

Background

OCR determined that the Complainant sent an email to the Director of Student Services on June 15, 2016, requesting "a copy of all education records that pertain to [the Student] since the last FERPA request except for records that were not included in previous FERPA requests." The Complainant further stated that the request included (but was not limited to) specific items including: communication (whether correspondence or data); "[t]eacher PPT reports"; records of calls or meetings; assessments, screening tools, evaluations, observations, and related notes; class work, grade books; and records of destruction/access.

OCR determined that the District provided the Complainant with documents in response to her request by mail on June 24, 2016.⁴ The Complainant sent an email to the District on October 25, 2016, stating that the response did not include documents from XXXXXXXXXXX XXXXXXXXXXXX XXXX XXXXXXXXXXXX, which was a provider of behavioral and psychiatric intervention services for District students. The same day, the Director of Student Services responded by email, stating that she would review the records and confirm whether there were any additional records specific to XXXXXXXX that had been missed.⁵ The District provided the Complainant with additional records regarding XXXXXXXXXXX by email on November 4, 2016.

The District provided documentation to OCR indicating that the Complainant made subsequent requests for records under FERPA on January 27 and March 16, 2017, and the District responded by providing copies of the requested documents on April 17, 2017. The Complainant did not

⁴ The District noted in its letter to the Complainant that the last response to her request for records under FERPA was sent on December 17, 2015

⁵ The Complainant sent an email on October 26, 2016, stating that she was also requesting consent and release documents related to XXXXXXXX. The Director of Special Education responded the same day stating there were no documents relating to consent or release because "[t]hey are our contracted agent to provide these services."

allege that the District failed to provide any specific education records in response to those requests.

Legal Standard

OCR does not enforce FERPA. Accordingly, OCR's investigation of this allegation was limited to whether the District failed to provide the Complainant with the opportunity to examine relevant education records pursuant to the regulation implementing Section 504, at 34 C.F.R. § 104.36.

Analysis

OCR determined that the evidence indicates that the District responded to the Complainant's request for records by providing documentation on June 24, 2016, and additional documentation on November 4, 2016. OCR did not find, and the Complainant did not identify, any specific education records that the District failed to provide in response to the requests she made in June and October 2016. The evidence further indicated that the District responded to the Complainant's subsequent requests for the Student's records during the 2016-2017 school year. Based on the above, OCR determined that the evidence is insufficient to substantiate the Complainant's allegation that the District failed to provide the Complainant with an opportunity to examine relevant education records. Accordingly, OCR is closing Allegation 3 pursuant to Section 303(a) of OCR's *Case Processing Manual*.

Allegation 4

The Complainant alleged that the District retaliated against the Student because of the Complainant's advocacy on behalf of the Student and other students in the District by including only speech services in his IEP.

Legal Standard

In analyzing an individual's claim of retaliation against a recipient, OCR analyzes whether: (1) the recipient knew the individual engaged in a protected activity;⁶ (2) the individual experienced an adverse action caused by the recipient;⁷ and (3) there is some evidence of a causal connection between the adverse action and the protected activity. If all these elements are present, this establishes an initial, or *prima facie*, case of retaliation. OCR then determines whether the recipient has identified a legitimate, non-retaliatory reason for taking the adverse action. OCR next examines this reason to determine whether it is a pretext for retaliation, or whether the recipient had multiple motives (illegitimate, retaliatory reasons and legitimate, non-retaliatory reasons) for taking the adverse action. If OCR finds that the reason was pretextual, then OCR will make a finding of retaliation; conversely, if OCR finds that the recipient proffered a legitimate, non-retaliatory reason for the action at issue and that the reason was not pretextual, then OCR will find insufficient evidence of a violation.

⁶ A "protected activity" is the exercise of a right that is protected under OCR's non-discrimination laws.

⁷ An adverse action is something that could deter a reasonable person from engaging in further protected activity.

Background

The Complainant alleged that because of her advocacy on behalf of the Student and her other children who attended the District, the District found the Student eligible for only speech services. The Complainant informed OCR that after the Student’s IEP meeting in September 2016, she repeatedly requested the District to evaluate the Student under Section 504 “for the disabilities that they found ineligible” for an IEP. The Complainant stated that the school neuropsychologist found the Student to have XXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXX XXXXXXX XXXXXXXXXXX, and was at risk for a disability in XXXXXXX and XXXX XXXXXXX, and that the District refused to provide any related aids and services for these disabilities, or an evaluation under Section 504, instead providing the Student with “excessive in-class support.” The Complainant also stated that the Student’s IEP subsequently included additional related aids and services, although his XXXXXXXXXXX and XXXXXXX XXXXXXX XXXXXXXXXXX were not fully addressed by his IEP.

Analysis

OCR’s investigation of this allegation was limited to whether the District retaliated with respect to its decision regarding the Student’s eligibility for special education and related services. As previously stated, substantive disagreements over a student’s evaluation, services, placement, or educational program are more appropriately addressed through a due process proceeding.

OCR determined that the evidence indicated that the Complainant engaged in a protected activity with respect to her advocacy. However, OCR determined that the evidence did not substantiate that the Student was subjected to an adverse action. As previously stated, while OCR identified concerns with delays in the timeframe of the evaluation and updating the Student’s IEP, the evidence did not substantiate that the District otherwise failed to follow the procedural requirements of the regulations implementing Section 504 regarding to the evaluation and placement of the Student. That is, OCR did not find evidence that the IEP Team’s determination was based on a retaliatory motive instead of an evaluation of the information before the IEP Team in accordance with procedural requirements. Accordingly, the evidence did not indicate that the District acted adversely by developing and implementing an IEP for the Student, based on his XXXXX XXX XXXXXXXXXXX XXXXXXXXXXX, that was in effect from September 2016 through February 2017. In addition, OCR did not find, and the Complainant did not provide, any other evidence suggesting that the actions by District personnel were retaliatory in nature, or that the Student was treated differently from any similarly situated students whose parents/guardians had not engaged in protected activity. Based on the above, OCR determined that the evidence is insufficient to substantiate Allegation 4, and OCR is closing this allegation pursuant to Section 303(a) of OCR’s *Case Processing Manual*.

Conclusion

Based on the above, OCR found insufficient evidence to substantiate Allegations 2, 3 and 4, and a portion of Allegation 1, under Section 303(a) of OCR’s *Case Processing Manual*.

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the District expressed an interest in resolving the remaining portion of Allegation 1 and OCR determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and the District resulted in the District signing the enclosed Agreement which, when fully implemented, will address the above-referenced portion of Allegation 1. OCR will monitor the District's implementation of the Agreement.

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.

The complainant has a right to appeal OCR's determination with respect to Allegations 2, 3, and 4 within 60 calendar days of the date indicated on this letter. In the appeal, the complainant must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal. If the complainant appeals OCR's determination, OCR will forward a copy of the appeal form or written statement to the recipient. The recipient has the option to submit to OCR a response to the appeal. The recipient must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the recipient.

Please be advised that the District may not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. 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. 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.

Sincerely,

Meighan A.F. McCrea
Compliance Team Leader

Enclosure

cc: Julie Fay, Esq. (via email: XXXXXXXXXXXXXXXXXXXX)