



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

April 29, 2022

Dr. Omar Easy  
Superintendent  
Wayland Public Schools  
By email: omar\_easy@waylandps.org

Re: Complaint No. 01-22-1035  
Wayland Public Schools

Dear Dr. Easy:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education, Office for Civil Rights (OCR) received against Wayland Public Schools, which OCR will refer to as the District. The Complainants alleged that the District is discriminating against individuals on the basis of disability by operating an elementary school that is not readily accessible to and usable by individuals with disabilities. As explained further below, before OCR completed its investigation, the District expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. OCR found insufficient evidence to support two of the Complainants' allegations, and one allegation was fully resolved, and another was partially resolved in the course of OCR's investigation.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 794, 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 U.S. Department of Education. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, 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 U.S. Department of Education. Because the District receives federal financial assistance from the U.S. Department of Education and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

OCR investigated the following legal issue:

Whether the following parts of the XXXXXXXXXXXXXXXXXXXXXXXX School (School) are not readily accessible to and usable by individuals with disabilities, in violation of 34 C.F.R. Sections 104.21, 104.22 and 104.23, and 28 C.F.R. Sections 35.149, 35.150 and 35.151: (1) the front main entrance, (2) the stair lift, (3) the garden in the center of the

building, (4) the perimeter sidewalks, (5) the blacktop surface used during recess, (6) the route to the play area next to the field behind the school, and (7) the parking area.<sup>1</sup>

### **Summary of Preliminary Investigation**

During the investigation, OCR reviewed documents provided by the Complainants and the District; interviewed the Complainants and District staff; and conducted a site visit on March 16, 2022. Before OCR completed its investigation, the District expressed a willingness to resolve the complaint on March 28, 2022.

After carefully considering all of the information obtained during the investigation, OCR found insufficient evidence to support Allegations 3 and 5, and that Allegation 2 and part of Allegation 1 have already been resolved. OCR has determined it is appropriate to resolve the remainder of Allegation 1 and Allegations 4, 6, and 7 pursuant to Section 302.

### **Legal Standards**

The Section 504 regulation, at 34 C.F.R. § 104.21, provides that no qualified individual with a disability shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in a school district's programs or activities because the district's facilities are inaccessible to or unusable by individuals with disabilities. The Title II regulation, at 28 C.F.R. § 35.149, contains a similar prohibition for public entities.

The regulations implementing Section 504 and Title II each contain two standards for determining whether a school district's programs, activities, and services are accessible to individuals with disabilities. One standard applies to facilities existing at the time of the publication of the regulations and the other standard applies to facilities constructed or altered after the publication dates. The applicable standard depends on the date of construction and/or alteration of the facility. Under the Section 504 regulation, existing facilities are those for which construction began prior to June 4, 1977; under the Title II regulation, existing facilities are those for which construction began prior to January 27, 1992. Facilities constructed or altered on or after these dates are considered newly constructed or altered facilities under Section 504 and Title II standards.

For *existing facilities*, the Section 504 regulation, at 34 C.F.R. § 104.22, and the Title II regulation, at 28 C.F.R. § 35.150, require a school district to operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. The school district may comply with this requirement through the reassignment of programs, activities, and services to accessible buildings, alteration of existing facilities, or any other methods that result in making each of its programs, activities and services accessible to persons with disabilities. In choosing among available methods of meeting the requirements, a school district must give priority to methods that offer programs, activities, and services to persons with disabilities in the most integrated setting appropriate.

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<sup>1</sup> Although not raised in the initial complaint, OCR also considered the accessibility of the District's parking area based on concerns raised during OCR's investigation and observations made during OCR's site visit.

With respect to *newly constructed facilities*, the Section 504 regulation, at 34 C.F.R. § 104.23(a), and the Title II regulation, at 28 C.F.R. § 35.151(a), require that the school district design and construct the facility, or part of the facility, in such a manner that it is readily accessible to and usable by individuals with disabilities. In addition, for new alterations that affect or could affect facility usability, the Section 504 regulation, at 34 C.F.R. § 104.23(b), and the Title II regulation, at 28 C.F.R. § 35.151(b), require that, to the maximum extent feasible, the school district alter the facility in such a manner that each altered portion is readily accessible to and usable by individuals with disabilities.

The new construction provisions of the Section 504 and Title II regulations set forth specific architectural accessibility standards for facilities constructed or altered after particular dates. With respect to Section 504 requirements, facilities constructed or altered after June 3, 1977, but prior to January 18, 1991, must comply with the American National Standards Institute (ANSI) Standards (A117.1-1961, re-issued 1971). Facilities constructed or altered after January 17, 1991, must meet the requirements of the Uniform Federal Accessibility Standards (UFAS) although deviations from UFAS are permitted if such deviations provide substantially equivalent or greater access to and usability of the facility.

Under the Title II regulation, the school district had a choice of adopting either UFAS or the 1991 Americans with Disabilities Act Accessibility Guidelines (ADAAG) for facilities constructed or altered after January 26, 1992 and prior to September 15, 2010. For facilities where construction or alterations commenced on or after September 15, 2010, and before March 15, 2012, the Title II regulation provides that a school district had a choice of complying with either UFAS, ADAAG, or the 2010 ADA Standards for Accessible Design (2010 Standards). The Title II regulation provides that school districts are required to comply with the 2010 Standards for construction or alterations commencing on or after March 15, 2012. While the Section 504 regulations have not been amended to formally adopt the 2010 Standards, a school district may use the 2010 Standards as an alternative accessibility standard for new construction and alterations pursuant to Section 504. The 2010 Standards consist of 28 C.F.R. § 35.151 and the 2004 ADAAG, at 36 C.F.R. Part 1191, appendices B and D.

*Signage.* The Title II regulation, at 28 C.F.R. Section 35.163, requires that covered entities provide signs at all inaccessible facility entrances to direct users to an accessible entrance or a location where they can obtain information about accessible facilities. The regulation further requires that the international symbol of accessibility be used at each facility entrance that is designated as accessible (designated entrance).

*Notice.* Both Section 504 and Title II, at 34 C.F.R. 104.22(f) and 28 C.F.R. Section 35.163, respectively, require that covered entities ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by individuals with disabilities.

### **Background**

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XXXXXX. They alleged to OCR that certain portions of the School are not accessible to

individuals with mobility impairments; specifically, the Complainants raised concerns about the accessibility of (1) the front main entrance, (2) the stair lift, (3) the garden area in the center of the building (commonly referred to as the “courtyard”), (4) the perimeter sidewalks, (5) the blacktop surface used during recess, and (6) the route to the Gaga ball pit behind the school.<sup>2</sup> During a subsequent call with OCR, the Complainants also raised concerns about the School’s accessible parking spaces.

The Complainants raised two primary concerns about the front entrance area. They alleged that the automated door does not have functional automated buttons and that the threshold on the door is too high. Regarding the stairlift, the Complainants stated that the lift was due to be replaced and raised concerns about the temporary manual lift. The Complainants alleged that portions of the courtyard are inaccessible

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XXX. The Complainants alleged that the perimeter sidewalk is not safe or accessible, and that the blacktop area used during recess has several large cracks and divots posing a safety risk. The Complainants also alleged that there is no accessible route to the Gaga ball pit, which is located next to a secondary playground (Playground 2) on the back of the school’s campus.

OCR interviewed the Complainants and reviewed documents that they provided. OCR also considered the building specification and accessibility information provided by the District. The District represented to OCR that the School was built in 1955 with substantial additions made in 1964 and 1974. In 1999, two modular classrooms were attached to the School, enclosed in brick and with a roof. The stair lift was replaced in 2021.

The District stated that the perimeter sidewalks were part of the original school construction in 1955, and that certain additions and alterations were made with each building addition in 1964, 1974, and 1999. The District also stated that a concrete entry walkway was constructed at the main entrance in 1990, and a curb cut was added in front of the flagpole in 2021. The District represented that the blacktop area used for recess was installed in 1974 and there have been no major renovations or alterations to the area other than routine maintenance. The District stated that in the summer of 2021, the cracks were filled, the surface was resealed, and the blacktop was repainted with recess games.

The District significantly renovated its main playground (Playground 1) in September 2021. Playground 1 is located close to the school building on the accessible route. The District asserted it complied with state building code and the ADA standards when constructing Playground 1. Playground 2 is located behind a grassy baseball field next to the Gaga ball pit. The District represented that it has no records relative to the construction or renovation of Playground 2. However, the District stated that a piece of equipment was added in 2015 or 2016, and the Gaga ball pit was installed approximately three to four years ago as an Eagle Scout project.

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<sup>2</sup> “Gaga” is a variant of dodgeball that is played in a Gaga “pit.” The game combines dodging, striking, running, and jumping, with the objective of being the last person standing. Players hit the ball at each other with their hands, and are eliminated if the ball strikes them on or below the knee.

OCR interviewed the Public Buildings Director for the Town of Wayland on February 15, 2022. The Director confirmed that the School was built in 1955, with some alterations in 1999. The Director stated that the School's front main entrance has three doors and that the designated accessible entrance is the door on the left. Regarding the accessible door, the Director explained that during the school day, the door needs to be locked like any other building door for safety reasons. He stated that the interior door button was not functioning in the way it was intended, because when the door was locked, it could not be used to exit. The Director said that the District has been working to fix the door so that it can remain unlocked at certain times of day, such as drop off and pick up, and then when the doors are unlocked the button will work. The Director also explained that the Town is working to get a new intercom button installed closer to the accessible door button. The Director stated that the other two doors at the main entrance are not designated accessible entrances, but represented that the District had recently raised the exterior approaches to make them more accessible.

The Director confirmed for OCR that the stairlift was installed and inspected on February 15, 2022. When asked to describe the accessibility of the courtyard, the Director stated that there is a gravel pathway that runs through the courtyard. He stated that the pathway is accessible, and it was re-leveled last summer, but he explained that the pathway does not reach every corner of the courtyard. The Director stated that he believed the courtyard was put in place in the mid-1960s. Regarding the Gaga ball pit, the Director was unsure of the exact date of construction but said it must have been sometime between 2016-2019.<sup>3</sup> The Director described the accessible route from the main entrance to the blacktop/Playground 1, which runs counterclockwise from the main entrance. The Director stated that the accessible parking was restriped over the summer because it was not up to code, which included moving some of the accessible parking spaces. The Director confirmed that the perimeter sidewalks were also resealed over the summer.

OCR interviewed the Principal of the School on March 7, 2022. The Principal confirmed that the District had recently taken steps to fix the automated door opener. The Principal was unaware of any sort of timer being installed to unlock the door during drop off, but she said that the mechanism was changed so that the door can be locked for security reasons but unlocked from the office. The Principal stated there have been no issues with the door since the adjustment was made. The Principal explained that during pick up and drop off times, there are so many students coming through the doors that either the center or right-hand door is held open. XX XXXXX. The Principal was aware of the concerns raised by the Complainants about the threshold height and stated that she has seen people working to fix it.

Regarding the stairlift, the Principal confirmed that it is functional XX. OCR asked the Principal to describe the typical use of the courtyard. The Principal explained that the space is not assigned any particular function. Teachers are free to use it for their classes to read, have a snack, or do an outdoor activity. A first-grade classroom and a fifth-grade classroom each have direct access to the courtyard, and those teachers use the space more frequently. XX

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<sup>3</sup> Independent evidence gathered during OCR's investigation indicates that the Gaga ball pit was installed sometime after March 2018.

XXXXXXXXXXXXXXXXX. The Principal described many other outdoor spaces that are used by teachers besides the courtyard.

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Regarding the Gaga ball pit area, the Principal confirmed that the only route is across the grassy field. She explained that during lunch recess, the students have access to all areas behind the school: the blacktop, Playground 1, the field, and Playground 2 with the Gaga ball pit.

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For morning recess, each class goes out at a designated time and the area they go to is teacher directed. XX.

Regarding accessible parking, the Principal explained that the accessible parking spots had recently been moved XXXXXXXXXXXXXXXX.

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limited, so most spaces are taken by staff and faculty. The Principal stated that she was aware of  
one instance of a maintenance person parking in an accessible spot a few weeks prior, and the  
District asked him to move immediately.

When asked to describe the process for raising concerns about physical accessibility to the School, the Principal stated that people frequently come to her with concerns and she submits work orders. The Principal described the people she might contact to fix accessibility issues, such as the custodian's supervisor, but did not describe any Section 504 grievance or specific process for responding to physical accessibility complaints.

OCR also conducted a site visit accompanied by District staff on March 16, 2022. From the information gathered during the site visit, as well as the information described above, OCR reached the conclusions described below.

## Analysis

### Allegation 1: Front Main Entrance

The evidence obtained by OCR to date contains inconsistencies regarding the alteration dates of the front main entrance. The District asserted to OCR that the School is an existing facility under Section 504 and Title II; and that the front entrance is part of that existing facility. However, the District also provided information suggesting that it had done work on the entrance as recently as the current 2021-2022 school year. If the alteration date of the main entrance is 2021, the main entrance would be required to comply with the 2010 Standards for its construction. Because the District requested a voluntary resolution, OCR did not reach a final determination as to which accessibility standard would apply.

OCR inspected the designated accessible entrance during the site visit on March 16, 2022. OCR tested the automatic door opener from inside and outside the building and found that the door functioned properly. Specifically, OCR requested the door be unlocked via the intercom and found that the front office was able to unlock the door remotely and that the door opened when OCR pushed the automatic door button. OCR also found that the door button on the inside worked when the entrance was locked.

OCR measured the heights of the automatic door opener and intercom buttons from the ground and found that the buttons were 33.5 and 53 inches, respectively. OCR also measured the threshold of the accessible entrance and found that the threshold on the inside of the door is 1.0 inch. OCR observed signage with the international symbol of accessibility at the accessible ramp to the left of the main entrance but did not observe any such signage at the accessible door.

#### *Automatic door opener*

Section 108(k) of OCR's *Case Processing Manual* states that OCR will dismiss a complaint if we obtain credible information indicating that the allegations raised by the complainant are currently resolved. The District represented that since receiving the OCR complaint, it had fixed the automatic door opener at the School's accessible entrance, and OCR confirmed during its site visit that the door was operating properly. Accordingly, OCR is dismissing the Complainants' allegation that the School's designated accessible entrance does not have functional automated buttons under Section 108(k) of OCR's *Case Processing Manual* because it has been resolved.

#### *Intercom height*

The 2010 Standards include requirements for reach ranges to operable parts of a building. In particular, the 2010 Standards provide, in relevant part, that "[w]here a clear floor or ground space allows a parallel approach to an element and the side reach is unobstructed, the high side reach shall be 48 inches [] maximum . . . above the finish floor or ground." The ADAAG, which apply to facilities constructed or altered after January 26, 1992 and prior to September 15, 2010, allow a maximum high side reach of 54 inches above the floor.

Based on OCR's initial measurements, OCR found that the height of the intercom (i.e., 53 inches) at the School's main entrance does not comply with the 2010 Standards. OCR notes, however, that the intercom would be compliant under the ADAAG, which permit a maximum side reach of 54 inches.

#### *Door threshold*

The 2010 Standards provide that the height of door thresholds is limited to ½ inch maximum in new construction, but permit a maximum height of ¾ inch for existing or altered thresholds if they have a beveled edge on each side with a slope not steeper than 1:2. The UFAS and ADAAG provide that thresholds in doors (other than sliding doors) shall not exceed ½ inch and that thresholds at accessible doorways shall be beveled with a slope no greater than 1:2.

Based on OCR’s initial measurements, OCR found that the height of the threshold (i.e., 1.0 inch) at the designated accessible entrance does not comply with the 2010 Standards, UFAS, or ADAAG.

### *Signage*

The Title II regulation, at 28 C.F.R. Section 35.163, requires the international symbol of accessibility be used at each facility entrance that is designated as accessible. The 2010 Standards provide that where not all entrances in a building are accessible, entrances that are accessible must be identified by the international symbol of accessibility.

OCR found that the School’s accessible entrance is not designated with the international symbol of accessibility.

### Allegation 2: Stair Lift

Section 108(k) of OCR’s *Case Processing Manual* states that OCR will dismiss a complaint if we obtain credible information indicating that the allegations raised by the complainant are currently resolved. The District and the Complainants reported to OCR that the new stairlift was installed on February 15, 2022. The new stairlift is functional  
XX. Accordingly, OCR is dismissing Allegation 2 under Section 108(k) of OCR’s *Case Processing Manual* because it has been resolved.

### Allegation 3: Courtyard in Center of Building

OCR determined that the School was constructed in 1955 and the courtyard in the center of the building was constructed at that time. Thus, the School is an existing facility under both Section 504 and Title II, and each program offered at the School, when viewed in its entirety, must be accessible to individuals with disabilities. A school district may comply with this requirement through the reassignment of programs, activities, and services to accessible buildings, alteration of existing facilities, or any other methods that result in making each of its programs, activities, and services accessible to persons with disabilities.

OCR viewed the courtyard during the site visit on March 16, 2022. The courtyard has four doors, one of which has a ramp entrance. The courtyard has a gravel path leading around approximately half of the space. There is also a small pond and a picnic table. The picnic table can be accessed by the gravel path. Portions of the courtyard are grassy and sloped  
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OCR determined that the School’s courtyard is used infrequently, and when it is used it is by teachers who wish to use this space for their classes’ snack, story time, or other outdoor activities. The Principal described multiple other outdoor spaces that serve the same function and are accessible to individuals with disabilities. The Principal told OCR that many classes have not used the courtyard this yearXXXXXXXXXXXXXXXXXXXX, and the space is most often used by the adjacent classrooms.



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OCR found insufficient evidence to support the Complainants’ Allegation 3. Although portions of the courtyard are inaccessible XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, based on the date of construction, the District may reassign programs or activities that occur in the courtyard to other accessible areas.

#### Allegation 4: Perimeter Sidewalks

The District reported to OCR that the perimeter sidewalks were part of the original school construction in 1955, and that certain walkways have since been altered several times, including as recently as 2021. Based on this preliminary information, OCR found that multiple accessibility standards could apply to the routes at issue in this complaint, including the 2010 Standards. Because these standards share the same general requirement for the surface of accessible routes (as discussed below) and the District requested a voluntary resolution, OCR did not reach a final determination as to which standard would apply.

OCR inspected the designated accessible exterior routes from the School’s main entrance to (1) the designated accessible parking and (2) to the blacktop and Playground 1 during the site visit on March 16, 2022. During OCR’s inspection, OCR identified a large crack (approximately 1.5 inches deep) in the sidewalk to the right of the building’s main entrance. OCR did not identify any other significant cracks or divots along the designated accessible routes.

The 2010 Standards, ADAAG, and UFAS all include the requirement that ground surfaces along accessible routes be stable, firm, and slip resistant. The ANSI Standard provides that “walks shall be of a continuing common surface, not interrupted by steps or abrupt changes in level.”

Based on its investigation to date, OCR has a preliminary concern that the designated accessible route from the main entrance to the blacktop/Playground 1 is not stable, firm, and slip resistant; and thus, is not readily accessible to and usable by individuals with disabilities.

#### Allegation 5: Blacktop Surface

OCR determined that the School’s blacktop surface was last repainted in the summer of 2021. OCR inspected the School’s blacktop surface during the site visit on March 16, 2022. OCR noted that the blacktop area has painted four square games and a basketball hoop. OCR did not observe any significant cracks or divots in the surface of the blacktop. Thus, OCR found insufficient evidence to support Allegation 5.

#### Allegation 6: Route to Gaga Ball Pit

OCR determined that the Gaga ball pit was constructed sometime after March 2018. The Gaga ball pit was built by a local Eagle Scout with permission from the District. OCR determined that since the Gaga ball pit was constructed after March 15, 2012, the District was required to comply with the 2010 Standards for its construction.

As noted above, “Gaga” is a variant of dodgeball that is played in a Gaga ball “pit”. The game combines dodging, striking, running, and jumping, with the objective of being the last person standing. Players hit the ball at each other with their hands and are eliminated if the ball strikes them on or below the knee.

OCR determined that the Gaga ball pit is an area of sport activity under the 2010 Standards. For areas of sport activity, the floor and ground surface do not need to be stable, firm, and slip resistant. However, under the 2010 Standards, the District is required to provide an accessible route to all areas of sport activity.

The Gaga ball pit is located at the far end of a grassy field and there is no other way to access it besides crossing the field. OCR determined that to comply with Section 504 and Title II, the District must relocate the Gaga ball pit to be on an existing accessible route or create an accessible route to the Gaga ball pit.

#### Allegation 7: Accessible Parking

OCR determined that the School’s parking area was last altered in the summer of 2021. Accordingly, OCR used the 2010 Standards for its review.

OCR viewed the School’s parking during the site visit on March 16, 2022. The School has two areas for parking: a lot adjacent to the building (to the left of the building when facing the front entrance) and spaces in front of the building. The School has a total of 62 parking spaces and two designated accessible parking spaces with an access aisle between them. The accessible spaces are the closest parking spaces to the main entrance in the lot adjacent to the building. OCR noted that there was no curb ramp at the access aisle between the two accessible parking spaces.

OCR identified one accessible parking sign during its site visit. The sign had a bucket at its base and appeared to be moveable. It was located next to the building in front of the accessible parking space closest to the main entrance. OCR measured the height of the sign and found that the bottom edge was 56” from the sidewalk. OCR did not identify any signs with a “van accessible” designation.

The 2010 Standards state that parking facilities that have 51 to 75 spaces must have a minimum of three accessible parking spaces, and that one of those accessible spaces must be designated as “van accessible.” The 2010 Standards also provide that access aisles shall adjoin an accessible route.

The 2010 Standards also state that parking space identification signs shall include the international symbol of accessibility and be 60 inches minimum above the finished floor or ground surface measured to the bottom of the sign. The 2010 Standards further state that signs identifying van parking spaces shall contain the designation “van accessible .”

Based on its investigation to date, OCR determined that the School does not have sufficient accessible parking or a designated “van accessible” space, as required by the 2010 Standards. OCR also found that the access aisle between the two accessible parking spaces does not have a curb ramp, and thus only one of the existing spots is along an accessible route. In addition, OCR found that one of the accessible parking spaces does not have any signage designating it as an accessible space. OCR also has preliminary concerns that the existing accessible parking sign does not meet the minimum height requirements of the 2010 Standard.

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 this complaint and OCR determined that a voluntary resolution is appropriate for Allegations 1, 4, 6, and 7. Subsequent discussions between OCR and the District resulted in the District signing the enclosed Agreement which, when fully implemented, will address all of the allegations raised in the complaint. 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. OCR would like to make you aware that individuals who file complaints with OCR 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 regarding Allegations 3 and 5 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 must 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. 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.

Sincerely,

/s/ Michelle Kalka

Michelle Kalka  
Compliance Team Leader

Enclosure

cc: Felicia S. Vasudevan, Esq.