



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
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December 9, 2019

Sent via email only to rperry@monroetwp.k12.nj.us

Richard Perry
Superintendent of Schools
Monroe Township Public School District
75 East Academy Street
Williamstown, New Jersey 08094

Re: Case No. 02-19-1054
Monroe Township Public School District

Dear Mr. Perry:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR), regarding the above-referenced complaint filed against the Monroe Township Public School District (the District). The complainant alleged that the District discriminated against her daughter (the Student), on the basis of her sex, by failing to respond appropriately to a report she made on XXXXXXXXXXXX XX, XXXX, in which she alleged that the Student's teacher (the teacher) was XXXXXXXX XXXXXXXX XXXXXXXXXXXX XXXXXXXX (Allegation 1). The complainant also alleged that the principal of the Williamstown Middle School (the School) retaliated against the Student for her advocacy on XXXXXXXXXXXX XX XXXX by changing the Student's schedule several times in XXXXXXXX and XXXXXXXXXXXX XXXX (Allegation 2). The complainant further alleged that the District (a) discriminated against the Student, on the basis of her disability, or in the alternative (b) retaliated against the Student for her advocacy on XXXXXXXX XX, XXXX, by removing the Student's Section 504 plan on XXXXXXXXXXXX XX, XXXX (Allegation 3).

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). OCR is also responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities receiving financial assistance from the Department. Additionally, OCR is responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Under the ADA, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District is a recipient of financial

assistance from the Department and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX, Section 504, and the ADA.

The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964, which provides that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing held in connection with a complaint. The regulation implementing the ADA contains a similar provision at 28 C.F.R. § 35.134.

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

With respect to Allegation 1, the complainant alleged that the District discriminated against the Student, on the basis of her sex, by failing to respond appropriately to a report she made on XXXXXXXXXXXX XX, XXXX, in which she alleged that the teacher was “XXXXXXXXXX XXXXXXXX XXXX XXX. The complainant asserted that on XXXXXXXXXXXXXXXX, XXXX, the Student reported to the Assistant Principal for XXXX and XXXX XXXXX (assistant principal 1) that she had noticed the teacher XXXXX XX XXX XXXX in the hallway that day, which made her feel intimidated and uncomfortable. The complainant asserted that School staff did not take any action regarding the complaint and refused to remove the Student from the teacher’s class.

The regulation implementing Title IX, at 34 C.F.R. § 106.31(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity operated by a recipient. Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX. Sexual harassment that creates a hostile environment is unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a student equal access to a recipient’s education program or activity.

Pursuant to the District’s Equal Opportunity/Non-Discrimination/Sexual Harassment policy (the policy), which governs reports of sexual harassment made by students against staff members, any staff member who receives a report of alleged sex-based harassment must report it to the District’s Superintendent (the superintendent). A designated assistant superintendent will then investigate the report within 72 hours and provide a final report to the superintendent. The superintendent will review the assistant superintendent’s final report to determine whether any additional investigation is needed; and, will notify the parties of the outcome of the investigation.

OCR determined that on XXXXXXXXXXXX XX, XXXX, the Student reported to assistant principal 1 that she believed that the teacher XXXXXXXX XXXXX XX XXX XXXX in the hallway that day. Assistant principal 1 immediately brought the Student to her guidance counselor (the counselor), who documented the allegation and then took the student to meet with the Assistant Principal for XXXXXXXXXXXX and XXXXXXXX XXXXXXXX (assistant principal 2). The Student repeated her

allegation to assistant principal 2. Assistant principal 2 informed the School’s principal (the principal) of the allegation; and, asked the Student’s parents to come to school for a meeting later that day with assistant principal 2, the principal, the counselor, the teacher, and the Student.

During the meeting, the teacher denied XXXXXXXXXXXX XX XX XXXXXXXX XXXXXX. The complainant asked that the Student be removed from the teacher’s XXXXXXXX and XXXXXXXX classes. The principal informed the complainant that this could be done by moving the Student to the other “core” for her grade.¹ The complainant instead asked that the Student be “cross-cored,” so that she could remain in most of her current classes. The principal denied the request; and, informed the complainant that as a matter of practice, the District does not “cross-core” students.² The complainant then requested that a paraprofessional be added to the teacher’s class so that there would be another adult present. The principal told the complainant that this “would be difficult” because the School has a limited number of paraprofessionals. School staff did not offer any other interim measures to the Student, but informed OCR that the counselor was always available to the Student.

Following the meeting, the Student’s parents filed a report with the School Resource Officer (SRO), who is a law enforcement officer. Upon review of the SRO’s report, law enforcement determined that there was not enough evidence to press charges against the teacher. Following the meeting, assistant principal 2 and the principal independently reviewed video footage of the incident and determined that the footage did not support the Student’s account of the incident; the principal stated that she believed the footage indicated that XXXX XXXXXXXX XXXX XXXXXXXX XXXX XXXX XXXXXXXX XXXXXXXX XXX XXXXXXXXXXXX XXXXX XXXXXXXX XXXXXXXX XXX XX XXXXXX. Assistant principal 2 and the principal informed OCR that they believed that the Student was perhaps trying to get out of the teacher’s class, given the teacher’s XXXXXXXX as a XXXXXX and XXXX teacher and XXXXXX XXXXXXXX.³ School staff did not conduct any further investigation of the incident, and did not notify the superintendent of the report, as required by the policy.

The following day, on XXXXXXXXXXXX XX, XXXX, the Student arrived late to school; therefore, she was not present for the teacher’s class. Without consulting anyone further, assistant principal 2 proposed changing the Student’s schedule so that she remained in the same core but her class order was changed and an additional adult was added in her homeroom and Science classes, which she had with the teacher. The Student was given her new schedule that afternoon, effective the next day. Upon receipt of the new schedule, the Student became upset and called the complainant. The complainant complained to the principal, who stated she was not aware that assistant principal 2 had changed the Student’s schedule. The principal informed OCR that after speaking with the complainant, they decided to change the Student’s schedule back to her original schedule and add a paraprofessional to the Student’s classes with the teacher.

¹ Students are assigned to one of two “cores” for each grade, and each core has different teachers for each subject.
² The principal explained that this is to discourage families from “teacher shopping” and requesting specific teachers from different cores.
³ Assistant principal 2 informed OCR that two years prior, X XXXXXXXX (XXX XXXXXXXX), who was having difficulty in the teacher’s class, accused the teacher of XXXXXXXX XX XXXXXXX XXX and XXXXXXXX XX XXXXXXXX XXX. Assistant principal 2 stated that this report was investigated and not substantiated, but the School nevertheless changed student A’s core. Student A was in the same class as the Student’s brother.

The following day, on XXXXXXXX XX, XXXX, the principal placed a XXXXXXXX XXXXXXXXXXXXXXX in the Student’s classes with the teacher, with the understanding of school staff and the complainant that the Student’s seat would be moved away from the front of the classroom.⁴ OCR determined that the Student stood in the back of the classroom and refused to sit down because she still did not feel comfortable in the class. The teacher asked the Student to sit but she refused. Instead, the Student became very upset, so the teacher asked the XXXXXXXXXXXXXXX to get the principal. When the principal arrived, the Student was crying hysterically and yelling that the teacher was a XXXXXXXX. The principal contacted the complainant, who again asked that the principal remove the Student from the teacher’s class. The principal again offered the complainant the option of changing the Student’s core, and again refused to cross-core the Student.

On XXXXXXXX XX, XXXX, at the complainant’s request, the complainant met with the superintendent to discuss the School’s response to the alleged incident. Immediately following the meeting, the superintendent had the assistant superintendent, who then served as the District’s Title IX Coordinator, initiate an investigation of the alleged incident. As part of the investigation, the assistant superintendent and superintendent reviewed the video footage of the incident. The superintendent informed OCR that he was “concerned” by the footage, because although it was difficult to see if the XXXXXXXX XXX XXXXXXXX XX XXX XXXXXXXX, the Student XXXXXXXXXXXXXXX XXXXX XX XXXXXXXXXXX,” which made it appear that the teacher was making the Student XXXXXXXXXXXXXXX. After reviewing the footage, the superintendent placed the teacher on XXXXXXXX XXXXX, pending the outcome of the investigation.

The assistant superintendent then commenced an investigation of the alleged incident, during which he interviewed the complainant and the Student, the teacher, the principal, the counselor, and assistant principals 1 and 2; then re-interviewed the Student. The assistant superintendent also reviewed the teacher’s disciplinary file. On XXXXXXXX X, XXXX, the assistant superintendent concluded the investigation and determined that there was not enough evidence to support a finding that the teacher XXXXX XX XXX XXXXXXX XXXXX XX XXX XXXXXXXXXXX on XXXXXXXXXXX XX, XXXX, as alleged.⁵ The superintendent reviewed the assistant superintendent’s final report and determined that no further investigation was necessary. The superintendent informed both the teacher and the Student’s parents of the determination on XXXXXXXX XX, XXXX; and, reinstated the teacher on XXXXXXXX XX, XXXX. The superintendent nevertheless directed the School to cross-core the Student, so that she would no longer be in any class with the teacher. The complainant did not appeal the superintendent’s determination.

Based on the foregoing, OCR determined that upon receipt of the report, School staff spoke to both the Student and the teacher about the alleged incident, reviewed video footage of the incident, offered to change the Student’s “core,” attempted to change the Student’s schedule so that she

⁴ The Student’s Section 504 plan required that the Student be given XXXXXXXXXXX XXXXX, XX XXX XXXXX XX XXX XXXXX.”

⁵ On XXXXXXXX XX, XXXX, the District informed OCR that one of the Student’s classmates (XXXXXXXX XX), informed assistant principal 2 that the complainant “XXXXX XX XXXXX XXX XXX XXXXXXXXXXX XXXXX XXXXXX XXXX XXX XXXXXXXX.” The assistant superintendent and superintendent kept the investigation open for about a week, in case any relevant new information surfaced. No such new information surfaced.

would not be in class with the teacher, and added a XXXXXXXXXXXXXXXXXXXX to the teacher’s class with the Student. Although the School did not report the incident to the superintendent in accordance with the policy, OCR determined that the superintendent nevertheless learned of the alleged incident within two days and had the assistant superintendent investigate the incident in accordance with the policy. OCR determined that even though the assistant superintendent determined that there was insufficient evidence to substantiate that the teacher XXXXXXXX XXXXXXXXXXXX XXX XXXXXXXX as alleged, the superintendent nevertheless agreed to “cross-core” the Student; thereby removing XXX from the teacher’s class. Accordingly, OCR determined that there was insufficient evidence to substantiate the complainant’s allegation that the District discriminated against the Student, on the basis of her sex, by failing to respond appropriately to the Student’s report made on XXXXXXXX XX, XXXX, in which she alleged that the teacher was XXXXXXXXXXXXXXXXXXXX XXXXXXXX XX XXX XXXXXXX XXXX XXX. Therefore, OCR will take no further action with respect to Allegation 1.

With respect to Allegation 2, the complainant alleged that the principal retaliated against the Student for her advocacy on XXXXXXXXXXXX XX, XXXX, by changing the Student’s schedule several times in XXXXXXXX and XXXXXXXXXXX XXXX. OCR determined that the Student engaged in protected activity when she made XXX report to School staff on XXXXXXXX XX, XXXX. OCR further determined that the principal was aware of this protected activity.

In analyzing whether retaliation occurred, OCR must first determine whether the three prima facie elements of retaliation can be established: (1) whether a recipient or other person subjected an individual to an adverse action; (2) whether the recipient or other person (a) knew that the individual engaged in a protected activity or (b) believed that the individual might engage in a protected activity in the future; and, (3) there is some evidence of a causal connection between the adverse action and protected activity. When a prima facie case of retaliation has been established, OCR then determines whether there is a facially legitimate, non-retaliatory reason for the adverse action; and if so, whether the facially legitimate, non-retaliatory reason is a pretext for retaliation.

As set forth above regarding Allegation 1, on XXXXXXXXXXX XX, XXXX, assistant principal 2 unilaterally changed the Student’s schedule, effective XXXXXXX XX, XXXX, so that XXX would remain in the same core but XXX class order would be changed and XXX would have two teachers in each of her core classes. Assistant principal 2 denied that he made this change in retaliation for the Student’s advocacy. Rather, he informed OCR that he made this change because he believed the Student might be more comfortable having two teachers in each of her core classes. As set forth above, upon receipt of a complaint from the complainant, the principal reversed this schedule change, and it never became effective. Instead, on XXXXXXX XX, XXXX, the principal added a XXXXXXX XXXXXXXXXXXXXXXXXXXX to the teacher’s science and homeroom classes, in accordance with the request of the Student’s parents.⁶ As further set forth above, on XXXXXXX XX, XXXX, the superintendent directed the School to cross-core the Student, as the complainant requested.

⁶ From XXXXXXXXXXX XX through XXXXXXX XX XXXX, a substitute teacher covered the teacher’s class while the teacher was XX XXXXXXXXXXXXXXXXXXXX XXXXXXX pending the conclusion of the assistant superintendent’s investigation.

Based on the foregoing, OCR determined that the principal did not change the Student’s schedule several times in XXXXXXXX and XXXXXXXX XXXX, as alleged. To the extent that the assistant principal 2 attempted to change the Student’s schedule on XXXXXXXX XX, XXXX, he proffered a legitimate, non-retaliatory reason for doing so; namely, he believed the Student would feel more comfortable in core classes with two teachers. OCR did not find any evidence to indicate that the proffered reason was a pretext for retaliation. To the extent that the principal changed the Student’s schedule on XXXXXXXX XX, XXXX, to “cross-core” XXX, OCR determined that the principal proffered a legitimate, non-retaliatory reason for doing so; namely, the superintendent directed the change based on the complainant’s request for the change. OCR did not find any evidence to indicate that the proffered reason was a pretext for retaliation. Therefore, OCR determined that there was insufficient evidence to substantiate the complainant’s allegation that the principal retaliated against the Student for XXX advocacy on XXXXXXXXXXXX XX, XXXX, by changing the Student’s schedule several times in XXXXXXXX and XXXXXXXX XXXX. Accordingly, OCR will take no further action with respect to Allegation 2.

With respect to Allegation 3, the complainant alleged that the District (a) discriminated against the Student on the basis of her disability, or in the alternative (b) retaliated against the Student for her advocacy on XXXXXXXX XX, XXX, by removing the Student’s Section 504 plan on XXXXXXXX XX, XXXX. The complainant asserted that the Student’s Section 504 plan was removed even though the Student continued to need services set forth in the plan. The complainant asserted that prior to the start of school year 2018-2019, there had been no “indication that there was any issue with [the Student’s] 504 plan”; but following the Student’s report regarding the teacher, School staff were “looking for anything and everything to be bias[ed] towards [the Student].”

The regulation implementing Section 504, at 34 C.F.R. § 104.35(a), requires a recipient to conduct an evaluation of any person who, because of a disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement. The regulation implementing Section 504, at 34 C.F.R. § 104.35(c), requires that in interpreting evaluation data and making placement decisions, a recipient shall: (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered; (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and, (4) ensure that the placement decision is made in conformity with 34 C.F.R. §104.34.

OCR determined that the Student had a Section 504 plan in place during school year 2017-2018, dated XXXXXXXXXXXX XX, XXXX, to address XXXX XXXXX XXXXXXXXXXXX that resulted from an incident in XXXX.⁷ On XXXXXXXX XX, XXXX, the complainant spoke to the counselor by phone to inform her that the Student had been cleared from her XXXXXXXXXXXX and that she

⁷ Pursuant to the Section 504 plan, the Student was to receive XXXXXXXX XXXXXXXX, including XXXXXXXX XX XXXX XXXXXXXX XX XXXX XXX XXXXXXXX XXXXXXXX XX; XXXXXXXX XXXXXXXX; XXXXXXXX X XXXXX XXXX XXX XXXXXXXX XX XXXXXXXX XXXXXXXX XXXXXXXX; and, XXXXXXXX to XXXXX XXXXXXX XXX XXXXXXX XXXX.

would provide a doctor’s note the following day. OCR determined that later that same day, the complainant emailed the principal to inform her that the Student was “XXXXXXXX XXXXX XXXX XXXXXXXX, after X XXXX XXXXX of suffering with it.”⁸ The counselor subsequently requested updated medical documentation from the complainant; however, the counselor advised OCR that the complainant never provided it. The counselor advised OCR that since the updated medical documentation was never provided, the Student’s 504 plan was kept in place.

The complainant subsequently attended a board meeting, during which she complained about the Student’s needing additional services. Following the board meeting, the former Superintendent telephoned the counselor and directed her to add tutoring to the Student’s 504 plan at the complainant’s request. The counselor thereafter added tutoring to the Student’s 504 plan without convening a group of knowledgeable persons in accordance with the requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.35.⁹

In late XXXXXXXXXXXX XXXX, the complainant sent a doctor’s note, dated XXXXXXXXXXX XX, XXXX, to the School’s nurse via email. The note stated that the Student “needs to have all of XXX 504 accommodations in place for the school year of 2018-2019.” The note did not provide any information regarding the status of the Student’s XXXXXXXXXXXXXXXXXXXX XXXXXXXX and did not include any information regarding any other diagnosis or condition.

The District’s Section 504 Coordinator (the coordinator) reviewed the Student’s Section 504 plan and the doctor’s note. By email dated XXXXXXXX XX, XXXX, the coordinator notified the counselor that the coordinator would ask the District’s doctor to contact the Student’s doctor for more information about the Student’s eligibility for services; and, stated that “[w]ithout a diagnosis or symptoms, [the District] CAN’T accommodate a student” (emphasis in original).

The counselor informed OCR that the District’s doctor spoke to the Student’s doctor on XXXXXXXX X, XXXX, and the Student’s doctor stated that he could not provide a diagnosis for the Student or recommend any specific services because he had only seen the Student XXXX in XXXXXXXX XXXX. The coordinator then spoke to some of the Student’s teachers, who informed her that the XXXXXXXX and XXXXXXXX provisions of the Student’s Section 504 plan were unnecessary because the Student was doing well academically.

By email dated XXXXXXXX XX, XXXX, the coordinator told the counselor that the District had “no documented reason to put [a 504 plan] in place” for the Student; and, instructed her to remove the Student’s 504 plan from the District’s online platform. By telephone on that same date, the counselor so notified the complainant. The coordinator unilaterally made this decision without convening a group of knowledgeable persons in accordance with the requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.35.

⁸ In her email, the complainant also requested that the Student not participate in XXXXXXXX XXXXXXXX XX XXX.

⁹ In XXXXXXXX XXXX, the District recommended the Student for Intervention and Referral Services (I&RS) to address her academic struggles; and, suggested developing an improvement plan, which would provide the Student with preferential seating, opportunities to meet with teachers, and other services, in lieu of a Section 504 plan. On XXXXX XX, XXXX, the complainant sent an email to the counselor to request discontinuation of I&RS and the improvement plan, and to request that the school continue to implement the Student’s 504 plan.

By email dated XXXXXXXX XX, XXXX, the coordinator notified the complainant that there were “several reasons why the 504 [had] been halted,” including that the complainant previously informed School staff that the Student was cleared of XXXXXXXXXXXXXXXX XXXXXXXX and that the recent doctor’s note the complainant provided did not indicate any diagnosis. The coordinator informed the complainant that if she believed the Student still required related aids and services, she could obtain and provide medical documentation to the District supporting the need for related aids and services.

OCR determined that the District did not conduct an evaluation of the Student in accordance with the requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.35(a), before taking action regarding a significant change in her placement. Further, the District did not ensure that the decision to discontinue the Student’s Section 504 plan was made by a group of persons, including persons knowledgeable about the Student, the meaning of the evaluation data, and the placement options, as required by the regulation implementing Section 504, at 34 C.F.R. § 104.35(c). On XXXXXXXX XX, XXXX, the District signed the enclosed resolution agreement to resolve these compliance issues. OCR will monitor the implementation of the resolution agreement.

With respect to the alleged retaliation portion of Allegation 3, OCR determined that the coordinator proffered a legitimate, non-retaliatory reason for discontinuing the Student’s Section 504 plan; namely, the complainant informed the District during the prior school year that the Student had been cleared of XXXXXXXXXXXXXXXXXXXX, and the updated medical documentation the complainant provided did not include sufficient information to determine that the Student was eligible to continue receiving related aids and services. Although OCR found that the District failed to follow the procedural requirements of the regulation implementing Section 504 when discontinuing the Student’s Section 504 plan, OCR found no evidence to indicate that the proffered reason for discontinuing the plan was a pretext for retaliation. Specifically, OCR determined that the District erroneously believed that it could discontinue the plan without conducting a reevaluation and convening a group of knowledgeable persons because it was undisputed that the complainant informed District staff that the Student had been cleared of XXXXXXXX and the District did not have updated medical documentation indicating that the Student required related aids and services due to a disability. Therefore, OCR determined that there was insufficient evidence to substantiate the complainant’s allegation that the District retaliated against the Student for her advocacy on XXXXXXXX XX, XXXX, by removing her Section 504 plan on XXXXXXXX XX, XXXX. Accordingly, OCR will take no further action with respect to Allegation 3(b).

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 harass, coerce, intimidate, or discriminate against any individual because the individual has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment.

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

The complainant has a right to appeal OCR's determination regarding Allegations 1, 2 and 3(b) 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.

If you have any questions, please contact Bernard Dufresne, Compliance Team Attorney, at (646) 428-3802 or bernard.dufresne@ed.gov; or Amy Breglio, Compliance Team Attorney, at (646) 428-3942 or amy.breglio@ed.gov.

Sincerely,

/s/

Timothy C.J. Blanchard

Encl.

cc: John Armano, Esq.