

XX, as alleged in Allegations 3 and 4. OCR’s findings and conclusions are discussed below.

Factual Background

The Complainant’s son (the Student) attended XXXXXXXXXXXXXXXXXXXXXXXXXXXX during the 2019–2020 school year. Throughout the school year, the Complainant communicated with various staff members and District administrators about a variety of concerns XXXXXXXXX
XX
XX
XX
XXXXXX

Findings of Fact

Allegation 1 - XXXXXXXXXXXXXXXX

XX – Paragraphs Redacted – XX

Allegation 2 - XXXXXXXX

XX – Paragraphs Redacted – XX

Conclusion – Allegations 1 and 2

Pursuant to Section 302 of OCR’s *Case Processing Manual*, the District signed the enclosed Resolution Agreement on January 8, 2021 which, when fully implemented, will resolve Allegations 1 and 2 raised in this complaint. The provisions of the Agreement are aligned with these allegations, the information discussed above that was obtained during OCR’s investigation, and are consistent with applicable law and regulation. OCR will monitor the District’s implementation of the Agreement.

Findings of Fact - Allegation 3 - XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XX – Paragraphs Redacted – XX

Legal Standard

When investigating an allegation of different treatment, OCR first determines whether there is sufficient evidence to establish an initial, or prima facie, case of discrimination. Specifically, OCR determines whether the District treated the Complainant or the Student less favorably than similarly situated individuals of a different race. If so, OCR then determines whether the District had a legitimate, nondiscriminatory reason for the different treatment. Finally, OCR

determines whether the reason given by the District is a pretext, or excuse, for unlawful discrimination.

Analysis and Conclusion – Allegation Three

XX – Paragraphs Redacted – XX

Allegation 4 – XXXXXXXXXXXXXXXXXXXXXXXX

XX – Paragraphs Redacted – XX

Analysis and Conclusion – Allegation Four

XX – Paragraphs Redacted – XX

Conclusion

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 regarding Allegations 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 District. The District has the option to submit to OCR a response to the appeal. The District must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the District.

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, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

We appreciate the District's cooperation in the resolution of this complaint. If you have any questions, please contact Andrea DelMonte, the OCR attorney assigned to this complaint, at 215-656-8554 or andrea.delmonte@ed.gov.

Sincerely,

/s/

Melissa M. Corbin
Team Leader
Philadelphia Office
Office for Civil Rights

Enclosure

cc: Jennifer Caradine, Esquire (via email)