



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
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September 21, 2023

Via Email Only – pgraczyk@avsd.k12.pa.us
Dr. Patrick Graczyk, Superintendent
Allegheny Valley School District
300 Pearl Avenue
Cheswick, PA 15024

Re: OCR Complaint No. 03-22-1240

Dear Dr. Graczyk:

The U.S. Department of Education's Office for Civil Rights (OCR) has completed its investigation of the complaint filed against the Allegheny Valley School District (the District). The Complainant filed the complaint on behalf of her son (the Student) who attended [Redacted content] School (the School). OCR investigated whether the District discriminated against the Student on the basis of disability by:

1. Failing to respond appropriately to notice of ongoing disability-based harassment the Student experienced at the School during the [Redacted content] school year; and
2. Failing to ensure that the Student received a free appropriate public education (FAPE) during the [Redacted content] school year when the Student experienced bullying and harassment of which the District had notice.

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 programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

OCR reviewed documents provided by the Complainant and the District and interviewed the Complainant and the School's [Redacted content] Principal, who was the administrator responsible for responding to reports of unlawful harassment. Based on the evidence obtained and the applicable legal standards, OCR concludes that the District failed to respond appropriately to notice of ongoing disability-based harassment of the Student during the [Redacted content] school year and failed to assess the Student for any FAPE-related impacts due to the disability-based harassment. OCR's findings and conclusions are discussed below.

LEGAL STANDARD

The regulation implementing Section 504, at 34 C.F.R. § 104.4(a), provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a recipient, or be subjected to discrimination by a recipient of Federal financial assistance. The Title II implementing regulation at 28 C.F.R. § 35.130(a), provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity. In an educational setting, Section 504 and its implementing regulation generally provide the same or greater protection than Title II and its implementing regulation. Where, as in this case, Title II does not offer greater protection than Section 504, OCR applies Section 504 standards.

The Section 504 implementing regulation, at 34 C.F.R. § 104.7(b), requires a recipient to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by the Section 504 regulation.

Disability harassment is a form of disability discrimination prohibited by Section 504 and Title II. Disability harassment under Section 504 and Title II is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under the Section 504 and Title II regulations. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program.

When disability harassment limits or denies a student's ability to participate in or benefit from an educational institution's programs or activities, the institution must respond effectively. Where the institution learns that disability harassment may have occurred, the institution must investigate the incident(s) promptly and respond appropriately. If a school's investigation reveals that harassment based on disability created a hostile environment—i.e., the conduct was sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school—the school must take prompt and effective steps reasonably calculated to end the bullying, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects.

In addition, the Section 504 regulation, at 34 C.F.R. § 104.33(a), states that a recipient that operates a public elementary or secondary education program or activity shall provide a free and appropriate public education (FAPE) to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability. The Section 504 regulation, at 34 C.F.R. § 104.33(b)(1), defines an appropriate education as the provision of regular or special education and related aids and services that are designed to meet individual

educational needs of persons with disabilities as adequately as the needs of non-disabled persons are met.

The harassment on any basis of a student with a disability who is receiving FAPE services can result in the denial of FAPE that must be remedied under Section 504. For the student with a disability who is receiving FAPE services, a school's investigation should include determining whether that student's receipt of appropriate services may have been affected by the harassment. If the school's investigation reveals that the harassment created a hostile environment and there is reason to believe that the student's FAPE services may have been affected by the harassment, the school has an obligation to remedy those effects on the student's receipt of FAPE. Even if the school finds that the harassment did not create a hostile environment, the school would still have an obligation to address any FAPE-related concerns, if, for example, the school's initial investigation revealed that the harassment may have had some impact on the student's receipt of FAPE services.

FACTUAL FINDINGS

The Student attended the [Redacted content] grade at the School during the [Redacted content] school year. He received special education and related aids and services pursuant to an Individualized Education Program (IEP) for [Redacted content]. The Student has a disability [Redacted content]. His IEP included [Redacted content].

District Policy 248 is the District's complaint procedure for handling complaints of unlawful harassment on a variety of bases, including disability. The Policy requires the building principal, upon notice of a report of unlawful harassment, to inform the student or a third party of the right to file a complaint and the complaint procedure. In addition, Policy 248 requires the principal to conduct an investigation when harassment is reported to school staff or a school employee observes harassment of a student. The principal is to prepare a written report within 15 days that summarizes the investigation, determines whether the complaint is substantiated, and recommends a disposition. The findings of the investigation are to be provided to the complainant, the accused, and the District's Compliance Officer. If the investigation results in a finding that the complaint is factual and constitutes a violation of Policy 248, the District shall take prompt, corrective action to ensure that such conduct ceases and will not recur. The District also has an anti-bullying policy, Policy 249, which states that all forms of bullying are prohibited and that complaints of bullying shall be investigated promptly.

The Complainant provided OCR with information regarding six specific occasions when she reported disability-based harassment of the Student to the School during the [Redacted content] school year. The first incident occurred on [Redacted content], when the Complainant emailed the [Redacted content] Principal (the Principal) and the Student's [Redacted content] teacher to report that Student 1 punched the Student in the head twice [Redacted content]. She also reported that during lunch that day, Student 1 called the Student [Redacted content]. In her email, the Complainant also reported that Student 1 previously [Redacted content] and while she initially thought it was accidental, she now believed it was probably intentional. The Complainant concluded the email by saying, "Let me know when we can talk about all this so I can ensure [the Student's] safety at school and how we can handle these instances when he is picked on regarding his disability."

The Student's [Redacted content] teacher replied to the email and confirmed that Student 1 punched the Student. The teacher shared her perspective that the incident had to do with [Redacted content] She assured the Complainant that she would change the Student's seat and recommended that the Student "keep his distance and find the front of the line whenever possible." The teacher also stated in her email that she did not witness [Redacted content] incident and that nobody reported it to her. The Principal told OCR that she responded to the report by speaking with Student 1 alone, and then speaking with Student 1 and the [Redacted content] together to talk about peer friendships and how to interact with others. While the Principal said she talked with Student 1 and the [Redacted content] about rough-housing, friendship dynamics, interpretation of responses, and body language, she told OCR that they did not discuss anything specific to disability harassment.

The discipline report for [Redacted content], reflects that Student 1 was charged with a violation of the Student Code of Conduct [Redacted content] for punching the Student in the head and received a disciplinary sanction of [Redacted content]. There is no documentation demonstrating that the District investigated or took any action regarding the Complainant's report that Student 1 called the Student [Redacted content] as a slur during lunch or her report that Student 1 had [Redacted content] on two occasions in the past. During an interview with OCR, the Principal could not recall whether she responded to the name-calling [Redacted content].

On [Redacted content], the Complainant emailed school staff to report that approximately six to seven times throughout that day Student 1 had threatened to punch the Student. The Principal responded that same date and advised the Complainant that she met with Student 1's [Redacted content], and that the students would be separated at school beginning the next day. Student 1 was then moved into a different [Redacted content] class. The discipline report reflects that Student 1 was charged with a violation of the Student Code of Conduct [Redacted content] and received a disciplinary sanction of [Redacted content]. The Principal told OCR that she did not consider whether this incident was disability-based harassment or whether it created a hostile environment for the Student based on his disability.

In early [Redacted content], the Complainant emailed various staff members to share her concerns about behavior management in the Student's [Redacted content] classroom. These emails do not specify any behavior directed specifically at the Student but rather reference vulgarity and general disruptive conduct. On [Redacted content], at the Student's request, the Student's teacher [Redacted content].

On [Redacted content], the Complainant emailed the Principal to complain about behavior management in the Student's [Redacted content] classroom. In her email, she stated: "Yesterday, [the Student] felt he had a better day and you know what happened? He was only interrupted and told to shut up not as many times as he is on a normal day and a kid [Student 2] only made fun of his disability and said, '[Redacted content].'"

The Principal forwarded the email to the [Redacted content] teacher "as an FYI," and said that she had forwarded the information to the [Redacted content] teacher as well. While the District did not provide documentation of an investigation into this incident, the Principal did send an email on [Redacted content], to the [Redacted content] teacher and Supervisor of Pupil Services stating that she had confirmed that Student 2 made the comment to the Student [Redacted

content]. The Principal told OCR that she called Student 2's [Redacted content] to discuss the incident, but that no discipline was assigned to Student 2. There is no indication in the record that the Principal considered whether this incident was disability-based harassment or whether it created a hostile environment for the Student based on his disability.

On [Redacted content], the Complainant met with the Principal, the [Redacted content] Principal (Principal 2), and the [Redacted content] teacher. The Principal told OCR that the purpose of the meeting was to discuss the Complainant's concerns about classroom management and the Student's [Redacted content]. The Complainant provided OCR with a similar description of the purpose of the meeting. During the meeting, the Complainant provided the District with her written notes detailing the Student's experience at school so far, including documentation of the [Redacted content], incidents described above. The Complainant also included information in the notes about an additional incident that took place on [Redacted content], in which Student 3 called the Student "[Redacted content]." In the notes, the Complainant also described the impact these incidents had on the Student's self-esteem [Redacted content] as a result of the ongoing harassment.

OCR confirmed that the Principal received the Complainant's notes at the meeting, however, during OCR's interview with the Principal she told OCR that she was unaware of the [Redacted content] incident reported in the notes. The Principal also told OCR that she did not recall discussing at the meeting whether the Student was being harassed because of his disability. The Principal told OCR that as a result of the meeting, the Principal, Principal 2, and the [Redacted content] teacher agreed that more [Redacted content] would be provided to the Student. Specifically, they decided that the Student would be [Redacted content]. Follow-up emails from the meeting reflect that the Complainant, the Principal, and Principal 2 agreed to meet on [Redacted content], to revisit and monitor the Student's progress.

On [Redacted content], shortly after the start of the school day, the Principal emailed the Complainant to advise her that Student 4 had [Redacted content]. The email, sent at 9:49 AM, stated:

I just checked on [the Student]. A student [Student 4] [Redacted content].
If you think he should see the nurse, let me know.

Records from the District show that a teacher (Teacher 1) who observed the incident immediately escorted Student 4 [Redacted content]. At some point that morning, Student 4 returned [Redacted content] to class. At 11:19 AM, Teacher 1 emailed the Principal the following:

Since I was the witness [Redacted content]. There is absolutely no doubt in my mind that he targeted [the Student] and sought to hurt and embarrass him.

The Principal responded to Teacher 1 stating that she interviewed the Student and Student 4, was waiting for the video evidence, and was meeting with Student 4 later that same day to follow up on discipline.

The District provided OCR with the incident and discipline report for the [Redacted content], incident, which indicates that the Principal viewed the video and spoke with Student 4. The report states that Student 4 [Redacted content] The Principal told OCR that she also spoke with a student witness to inquire whether there had been any name calling, hitting, or pushing of the Student by Student 4 at the time of the incident, and the student reported that none of those occurred. The Principal told OCR that this information helped her conclude that the incident was an accident because in her experience, if the incident was targeted at the Student, there would have been more “extracurricular activity” like a “name calling or an extra punch or a jab after the initial hit.” There is no indication that the Principal sought or spoke to any adult witnesses who were [Redacted content] at the time of the incident. The discipline report from this incident indicates that Student 4 was [Redacted content]. There is no indication in the incident report or other documentation that the Principal considered whether the incident was related to the Student’s disability or whether it created a hostile environment for the Student based on his disability.

According to the Complainant, on [Redacted content], while at a school activity, another parent approached her and told her that she was aware of the [Redacted content], incident and that it was a “targeted event” and not how it had been described by the Principal to the Complainant. It is unclear if that parent had simply heard about the incident or if she was a witness to the incident. On [Redacted content], the Complainant emailed the Principal to request access to video footage of the incident. The Principal responded that she would check with the Security Officer to see if he still had the footage as she was uncertain how long the video was saved.

On [Redacted content], the Complainant emailed Teacher 1 and asked if she could share details about the [Redacted content] incident. Teacher 1 responded the same day and shared the following detailed account of the incident:

[Redacted paragraph]

[Redacted paragraph]

[Redacted paragraph]

[Redacted paragraph]

[Redacted paragraph]

On [Redacted content], the Complainant emailed the Superintendent to request a copy of the video. She also called him directly on [Redacted content], to request the same, and his [Redacted content] called her back to inform her that the video was no longer available.

On [Redacted content], the Complainant and her husband met with the Principal and Principal 2 to follow-up on their [Redacted content], meeting. The Complainant’s notes of the meeting show that the Complainant, Principal, and Principal 2 discussed the conflicting reports regarding the [Redacted content], incident. According to the Complainant’s notes, the Principal said that she did not feel that the Student was intentionally harmed which is why she had not followed up with

the Complainant to provide her more details. The Complainant's notes state that the Principal referenced [Redacted content] and said that she relied on the video to determine what had happened. The Complainant's notes indicate that she expressed her anger and lack of trust to the Principal regarding the way the situation was handled. As a result, the group agreed that in the future, [Redacted content], and a summary of the incident would be shared with the Complainant. The Complainant's notes also reflect that the group agreed that Principal 2 would serve as a weekly contact for the Complainant for the next four weeks and she would share any concerns with him. The Complainant, Principal, and Principal 2 also discussed possible modifications to the Student's IEP to provide more support to him [Redacted content], but no final decisions were made at this meeting because the [Redacted content] teacher was not in attendance. There is no indication in documents provided by the District or Complainant's notes from this meeting to indicate that the District considered whether the [Redacted content] incident was related to the Student's disability or whether it created a hostile environment for the Student based on his disability.

On [Redacted content], the District updated the Student's IEP to provide for support [Redacted content]. The [Redacted content] teacher provided a copy of the updated IEP to school staff via email on [Redacted content]. In her email she stated that the IEP revisions to address the [Redacted content]. She asked the teachers to pay close attention to the addition of [Redacted content] as much as possible. However, the updated IEP does not document that anyone in particular was assigned to [Redacted content]. The District told OCR that it discussed and agreed upon these IEP revisions through email and instant messaging with the Complainant, rather than through a formal IEP meeting.

On [Redacted content], the Complainant sent an email to the School Board notifying them of the ongoing disability-based harassment the Student experienced and requesting that the Board implement a method of tracking incidents of harassment. The Complainant also noted the conflicting accounts of the [Redacted content], incident, and included [Redacted content]. One individual School Board member responded by email, referring the Complainant to the Superintendent, with a copy to the Superintendent. The Superintendent responded by email to the Complainant, in relevant part, by disagreeing with the assertion that no action was taken regarding the [Redacted content] incident.

The District held an IEP meeting for the Student on [Redacted content]. The parental concerns portion of the IEP states, "[the Student] has been involved in numerous verbal and physical bullying altercations." [Redacted content] There is no indication from the IEP meeting notes that the team discussed the educational impact of the disability-based harassment on the Student.

On [Redacted content], the Complainant emailed the Principal, Principal 2 and the [Redacted content] teacher to report that, during lunch on [Redacted content], Student 5 held the Student's [Redacted content]. She also stated that it seemed that students could make fun of the Student's disability without any consequence and so she would continue to document all incidents.

The District provided OCR with Principal 2's notes of his investigation into this incident, which reflect that he spoke with the Student and reviewed video footage of the [Redacted content]. The notes reflect that the video did not record the area where the incident occurred. Principal 2 spoke with Student 5, who could not recall any interaction with the Student. Principal 2 also called

Student 5's parents to tell them what happened and asked them to talk with their child about the incident and call him if they received further information. [Redacted content] Principal 2 called the Complainant to see if she could ask the Student to provide any potential witnesses to the incident and to ask them to report any future incidents.

The Principal confirmed during an interview with OCR that she is the individual responsible for investigating reports of unlawful harassment. She acknowledged that she never referred the Complainant to the District's policy on unlawful harassment. She also confirmed for OCR that none of the incidents reported by the Complainant during the [Redacted content] school year were ever documented as disability-based harassment. The Principal said that she conducted individual investigations of three of the reported incidents: The [Redacted content] report that the Student was punched in the head, the [Redacted content] report that the Student was threatened with being hit. Principal 2 also conducted an investigation of the [Redacted content] incident. The Principal acknowledged that she never considered or investigated any of the incidents, either individually or collectively, as possible disability-based harassment.

OCR requested from the District records related to all reports of disability-based harassment at the School during the [Redacted content] school year. In response, the District said that, except for the reports related to this Student, there were no other reports of disability-based harassment.

[Redacted content]

LEGAL ANALYSIS

Allegation 1: Hostile Environment

Pursuant to Section 504, when a District has notice that disability harassment may have occurred, it must investigate the incident(s) promptly and respond appropriately. OCR's investigation revealed that the District had notice of disability-based harassment of the Student that limited his ability to participate in or benefit from the District's program or activities, and that the District failed to properly investigate. Specifically, the Student has a disability [Redacted content], for which the Student has an IEP, and starting in [Redacted content], and continuing through [Redacted content], the District had notice of at least six occasions when verbal or physical actions were taken against the Student by his peers that were likely related to his [Redacted content] disability. In particular, during the [Redacted content] school year, the Complainant reported multiple incidents in which the Student's classmates engaged in verbal harassment related to his disability, such as calling the Student "[Redacted content]" During this time, the District also had notice that the Student was experiencing physically threatening conduct [Redacted content].

The evidence reflects that the harassing conduct was sufficiently severe, persistent and pervasive to create a hostile environment that impacted the Student's ability to participate in the education program, including the Student [Redacted content]. The evidence also reflects that the District did not investigate all incidents reported, including the incident in which the Student was allegedly called "[Redacted content]," several reports of [Redacted content], and the incident in which the Student was allegedly called "[Redacted content]." For the remaining incidents, while the District conducted limited investigations, the evidence indicates that it did not routinely seek

information from student or staff witnesses who might have helped confirm Complainant’s allegations. OCR also found that the District treated each report of harassment as an isolated incident instead of an accumulation of evidence that the Student was experiencing persistent disability-related harassment. OCR is particularly concerned regarding the [Redacted content], incident, in which the Principal disregarded a teacher eye-witness report [Redacted content] [Redacted content] and failed to interview other adult witnesses. Instead, the Principal relied on a video of the incident and [Redacted content], to determine that the entire incident was an accident. This exemplifies the Principal’s failure to consider the conduct directed to the Student as disability-based harassment and to investigate accordingly.

Section 504 also requires that, when a hostile environment exists, a District must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects. OCR’s investigation revealed that the Student was subjected to a hostile environment based on his disability, yet the District’s response to each of the reported incidents failed to stop and prevent the ongoing peer harassment. The harassment was reported in [Redacted content] and continued to be reported throughout the school year until at least [Redacted content], including name calling specific to the Student’s disability and physical harassment [Redacted content]. While the District took some disciplinary action against those students who it concluded had harassed the Student, the failure to address the nature of the harassment, i.e., that the other students were targeting the Student because of his disability, likely contributed to the District’s failure to prevent the harassment from recurring.

In some instances, OCR found that the District responded to reports of harassment by putting the onus on the Student to avoid future problems. For example, in response to the [Redacted content], report that the Student [Redacted content], the [Redacted content] teacher said she would change the Student’s seat rather than making the other student change seats, and she suggested that the Student could avoid future harassment by “keeping his distance” and “finding the front of the line.” Similarly, while the District took some measures to prevent the harassment from recurring by asking teachers to [Redacted content] the evidence indicates that the Student did not have anyone assigned specifically to [Redacted content] to otherwise ensure his safety at school.

Because the District failed to properly investigate reports of disability harassment of the Student, and failed to take steps reasonably calculated to stop and prevent the harassment, OCR concludes that the District violated Section 504 and Title II.

Allegation 2: FAPE impact

As stated above, disability harassment that adversely affects an elementary or secondary student’s education may also constitute a denial of FAPE. In addition, bullying of a student with a disability on any basis can result in the denial of FAPE that must be remedied under Section 504.

OCR’s investigation established that by [Redacted content], the Complainant reported to School staff that the harassing behavior was impacting the Student’s self-esteem [Redacted content]. By [Redacted content], the Complainant requested modifications to the Student’s IEP to provide

more support [Redacted content] where the harassment was taking place, [Redacted content]. OCR finds that this request, combined with the incidents that had been reported to the District up to that date, triggered the District's obligation to convene the Student's IEP team to determine whether the Student's receipt of FAPE services may have been affected as a result of the harassment. Instead, the District made the requested modifications outside of the multidisciplinary team process, communicating via email and messaging to update the Student's IEP in [Redacted content] to provide [Redacted content].

More than six months after the Complainant first reported alleged harassment, the District convened the Student's IEP team for a formal meeting. The [Redacted content] IEP notes indicate that the Student struggled with bullying [Redacted content], and was the victim of both verbal and physical harassment. Despite this, however, OCR found no evidence that the IEP team considered whether the harassment resulted in a denial of FAPE for the Student, and whether adjustments to the Student's IEP were necessary.

As such, OCR concludes that the District failed to assess the Student for any FAPE-related impacts due to the bullying or harassment he experienced during the [Redacted content] school year, in violation of Section 504 and Title II.

CONCLUSION

On September 19, 2023, the District signed a Resolution Agreement with OCR to resolve the violations of Section 504 and Title II identified in our investigation. The Resolution Agreement requires that the District distribute a notice to all staff affirming the District's obligations pursuant to Section 504 and Title II. The Agreement requires that the District provide training to School staff regarding disability-based harassment, the District's procedure for resolving complaints of disability discrimination, School administrators' responsibilities to investigate such complaints, and the District's responsibility to consider the effects of bullying of a student with a disability, including whether the bullying resulted in a denial of FAPE. The Agreement also requires that the District provide to the Complainant a written offer of reimbursement for past and/or future counseling, academic, or therapeutic services for the Student, and to convene the Student's IEP team, if he returns to the District prior to the conclusion of the [Redacted content] school year, to determine whether the Student suffered an educational loss. If so, the District will assess whether the Student requires compensatory or remedial services as a result. The Agreement also requires that the District conduct a review of all incidents of bullying reported at the School during the [Redacted content] school years to determine if any of these incidents constituted harassment on the basis of disability or involved bullying, on any basis, of a student with a disability for which an investigation should have been conducted, but was not. Finally, the Agreement requires the District to conduct a climate survey to assess the prevalence and handling of disability-based harassment at the School.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly

authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District 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.

Thank you for your cooperation in this matter. 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
Program Manager
Philadelphia Office
Office for Civil Rights

cc: Matthew M. Hoffman, Esquire (via email only)