



**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS**

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CHICAGO, IL 60661-4544

**REGION V**  
ILLINOIS  
INDIANA  
IOWA  
MINNESOTA  
NORTH DAKOTA  
WISCONSIN

February 28, 2018

Dr. Lori Mueller  
Superintendent  
Baraboo School District  
423 Linn Street  
Baraboo, Wisconsin 53913

OCR Case No. 05-17-1360

Dear Dr. Mueller:

On June 20, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint against the Baraboo School District (District). On November 9, 2017, OCR notified the District that OCR was opening for investigation the complaint allegation that the District discriminated against an elementary school student (Student A) based on sex when the District failed to respond promptly and appropriately to XXXXXXXX reports of sexual misconduct by XXXXXXXX (Student B), thereby creating a hostile environment for Student A through the XXXXXXXX school year.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and Title IX’s implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to the requirements of Title IX.

During its investigation, OCR reviewed documents provided by the Complainant and the District, and interviewed the Complainant and District staff. Prior to the conclusion of OCR’s investigation, the District expressed interest in resolving the complaint in accordance with Section 302 of OCR’s *Case Processing Manual* (CPM). The District signed the enclosed Resolution Agreement and submitted it to OCR on February 16, 2018, which when fully implemented will resolve the issue raised in the complaint.

### **Applicable Legal Standards**

Title IX prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. The Title IX implementing regulation at 34 C.F.R. § 106.31(a), states 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 educational program or activity operated by a recipient of Federal financial assistance.

#### *Hostile Environment Created by Sexual Harassment*

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

Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature, regardless of the sex of the student. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student creates a hostile environment if the conduct is so severe, persistent, or pervasive that it denies or limits a student's ability to participate in or benefit from the recipient's program or activities.

OCR considers a variety of related factors to determine if a sexually hostile environment has been created and considers the conduct in question from both an objective and a subjective perspective. Factors examined include the degree to which the misconduct affected one or more students' education; the type, frequency, and duration of the conduct; the identity of and relationship between the alleged harasser and the subject or subjects of the harassment; the number of individuals involved; the age of the alleged harasser and the subject of the harassment; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school. The more severe the conduct, the less the need to show a repetitive series of incidents.

#### *Recipient's Responsibility to Prevent and Address Harassment*

The Title IX regulations establish the following procedural requirements that are important for the prevention or correction of sex discrimination, including sexual harassment.

- *Publish Notice of Nondiscrimination*

The regulation implementing Title IX, at 34 C.F.R. § 106.9, requires a recipient to implement specific and continuing steps to notify all applicants for admission and employment, students and parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of sex in its educational programs or activities, and that it is required by Title IX not to discriminate in such a manner. The notice must also state that questions regarding Title IX may be referred to the recipient's Title IX Coordinator or to OCR.

- *Designate Title IX Coordinator*

The Title IX regulation, at 34 C.F.R. § 106.8(a), requires that a recipient designate at least one employee to coordinate its responsibilities to comply with and carry out its responsibilities under that law. The Title IX Coordinator must have knowledge of the requirements of Title IX and of the recipient's own policies and procedures on sex discrimination. Further, the recipient is required by the Title IX implementing regulation, at 34 C.F.R. § 106.8(a), to notify all students and employees of the name (or title), office address, email address, and telephone number of the designated employee(s).

- *Respond When Know or Should Have Known*

A recipient has notice of harassment based on sex if a responsible employee actually knew or, in the exercise of reasonable care, should have known about the harassment. A responsible employee would include any employee who has the authority to take action to redress the harassment or who has the duty to report to appropriate officials sexual harassment or any other misconduct by students or employees, or an individual who a student could reasonably believe has this authority or responsibility. Accordingly, recipients need to ensure that employees are trained so that those with authority to address harassment know how to respond appropriately and other responsible employees know that they are obligated to report harassment to appropriate school officials. Training for employees should include practical information about how to identify harassment and, as applicable, the person to whom it should be reported.

Once a recipient knows or reasonably should know of possible sexual harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred. If an investigation or other inquiry reveals that sexual harassment created a hostile environment, a recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment if one has been created, prevent the harassment from recurring and, as appropriate, remedy its effects. These duties are a recipient's responsibility regardless of whether or not the student who was harassed makes a complaint or otherwise asked the recipient to take action. If, upon notice, a recipient fails to take prompt and effective corrective action, the recipient's own failure has permitted the student to be subjected to a hostile environment. If so, the recipient will be required to take corrective actions to stop the harassment, prevent its recurrence, and remedy the effects on the student that could reasonably have been prevented had the recipient responded promptly and effectively.

In situations where reported sexual harassment may constitute a criminal act, a recipient should notify a complainant<sup>1</sup> of the right to file a criminal complaint with local law enforcement, and should not dissuade a complainant from doing so either during or after the recipient's internal Title IX investigation. Additionally, recipients must take immediate steps to protect the complainant and allow continued access to the recipient's programs and activities. A law enforcement investigation does not relieve the recipient of its independent Title IX obligation to investigate and/or otherwise respond to the conduct.

- *Harassment by Other Students*

The nature of the school's responsibility to address harassment based on sex depends, in part, on the identity of the harasser and the context in which the harassment occurred.

If a student sexually harasses another student and the harassing conduct is sufficiently serious to deny or limit the student's ability to participate in or benefit from the program, and if the school knows or should reasonably should know about the harassment, the school is responsible for

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<sup>1</sup> The term "complainant" as used throughout this section refers to an individual who is the subject of alleged sexual violence or other types of sexual harassment.

taking immediate and effective action to eliminate the hostile environment and prevent its recurrence. If the school, upon notice of the harassment, responds by taking prompt and effective action to end the harassment and prevent its recurrence, the school has carried out its responsibilities under Title IX. If the school fails to take prompt, effective action, the schools' own inaction has permitted the student to be subjected to a hostile environment that denies or limits the student's ability to participate in or benefit from the school's program on the basis of sex. In that case, the school must take effective correction actions to stop the harassment, prevent its recurrence, and remedy the effects on the victim that could reasonably have been prevented had it responded promptly and effectively.

- *Offer Interim Measures*

It may be appropriate for a recipient to take interim measures during the investigation of a complaint. In fairly assessing the need for a party to receive interim measures, a recipient may not rely on fixed rules or operating assumptions that favor one party over another, nor may a recipient make such measures available only to one party. Interim measures should be individualized and appropriate based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of her or his education. The measures needed by each student may change over time, and the Title IX Coordinator should communicate with each student throughout the investigation to ensure that any interim measures are necessary and effective based on the students' evolving needs.

- *Adopt, Publish and Implement Grievance Procedures*

The Title IX regulation, at 34 C.F.R. § 106.8(b), requires recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX, including sexual harassment. The procedures for addressing and resolving complaints of sexual harassment should be written in language that is easily understood, should be easily located, and should be widely distributed.

Title IX does not require a recipient to provide separate grievance procedures for sexual misconduct and other types of sexual harassment complaints. A recipient may use student disciplinary or other separate procedures for these complaints; however, any procedures used to resolve complaints of sexual harassment, including disciplinary proceedings, must afford both parties a prompt and equitable resolution.

OCR has identified a number of elements in evaluating whether a recipient's grievance procedures are prompt and equitable, including whether the recipient: (i) provides notice to students and employees of the procedures, including where complaints may be filed; (ii) applies the procedures to complaints alleging discrimination carried out by other students, employees or third parties; (iii) ensures an adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and the respondent to present witnesses and other evidence; (iv) designates and follows a reasonably prompt timeframe for major stages of

the complaint process; (v) notifies the parties of the outcome of the complaint<sup>2</sup>; and (vi) provides assurance that the recipient will take steps to prevent recurrence of sex discrimination found to have occurred and to remedy its discriminatory effects, as appropriate.

There is no fixed time frame under which a recipient must complete a Title IX investigation. OCR will evaluate a school's good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with resolution.

Recipients should provide training to employees about the applicable grievance procedures and their implementation. All persons involved in implementing a recipient's grievance procedures (*e.g.*, Title IX coordinators, investigators and adjudicators) must have training in handling complaints of sexual harassment, and in the recipient's grievance procedures, as well as applicable confidentiality requirements.

An equitable investigation of a Title IX complaint requires a trained investigator to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence—including both inculpatory and exculpatory evidence—and take into account the unique and complex circumstances of each case. In addition, a recipient should ensure that all designated employees have adequate training as to what conduct constitutes sexual harassment and are able to explain how the grievance procedure operates.

Once it decides to open an investigation that may lead to disciplinary action against the responding party, a recipient should provide written notice to the responding party of the allegations constituting a potential violation of the school's Title IX policy, including sufficient details and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved, the specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident. Each party should receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation. The investigation should result in a written report summarizing the relevant exculpatory and inculpatory evidence. The investigator(s), or separate decision-maker(s), with or without a hearing, must make findings of fact and conclusions as to whether the facts support a finding of responsibility for violation of the recipient's nondiscrimination policy.

Recipients are cautioned to avoid conflicts of interest and biases in the adjudicatory process and to prevent institutional interests from interfering with the impartiality of the adjudication. Decision-making techniques or approaches that apply sex stereotypes or generalizations may

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<sup>2</sup> The Family Educational Rights and Privacy Act (FERPA) does not prohibit a student from learning the outcome of his or her complaint, *i.e.* whether the complaint was found to be credible and whether harassment was found to have occurred. It is the Department's current position under FERPA that a school cannot release information to a complainant regarding disciplinary action imposed on a student found guilty of harassment if that information is contained in a student's education record unless — (1) the information directly relates to the complainant (*e.g.*, an order requiring the student harasser not to have contact with the complainant); or (2) the harassment involves a crime of violence or a sex offense in a postsecondary institution.

violate Title IX and should be avoided so that the adjudication proceeds objectively and impartially.

### **District Policies and Procedures**

- *Nondiscrimination Notice and Designation of Title IX Coordinator*

The District's Nondiscrimination Notice is available online.<sup>3</sup> The Notice can be accessed by clicking a link in a banner located at the bottom of the District's webpages. The District's Nondiscrimination Notice states that the District does not discriminate on the basis of sex, among other bases, in its education programs or activities. The Nondiscrimination Notice does not specifically state that it is required by Title IX not to discriminate on the basis of sex in its educational programs or activities. The District has designated the Director of Student Services as its Title IX Coordinator.<sup>4</sup> The Nondiscrimination Notice provides the Title IX Coordinator's title, address, telephone number and email address. The Nondiscrimination Notice does not state specifically that questions regarding Title IX may be referred to the Title IX Coordinator or to OCR.

- *Grievance Procedure*

The District identified several School Board Policies related to nondiscrimination on the basis of sex, including sexual harassment, sexual misconduct, and sexual assault: School Board Policy 411 (Equal Educational Opportunities), School Board Policy 411-Rule (Student Discrimination Complaint Procedures), School Board Policy 512 (Harassment and Bullying), and School Board Policy 512.1 (Sexual Harassment). The School Board Policies are located on the District's website.<sup>5</sup>

School Board Policy 411: *Equal Educational Opportunities* includes a statement that "all individuals have the right to a safe, physical, emotional and social environment where responsibility and respect are demonstrated daily." Board Policy 411 further states, "the right of the student to be admitted to school and to participate fully in curricular, extracurricular, student services, recreational or other programs or activities shall not be abridged or impaired because of a student's sex ...." This policy states that complaints regarding the interpretation or application of this policy shall be referred to the Director of Student Services or his/her designee and processed in accordance with established procedures.

School Board Policy 411-Rule: *Student Discrimination Complaint Procedures* states that the District does not discriminate against students on the basis of various categories, including sex, in its educational programs or activities. Board Policy 411-Rule encourages informal resolution of complaints, but provides that any person who believes the "[District] or any part of the

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<sup>3</sup> <http://www.baraboo.k12.wi.us/nondiscrimination.cfm>.

<sup>4</sup> The District's designated Title IX Coordinator at the time of the alleged discrimination resigned her position with the District during OCR's investigation.

<sup>5</sup> [http://www.baraboo.k12.wi.us/district/board\\_policies.cfm](http://www.baraboo.k12.wi.us/district/board_policies.cfm)

organization” has in some way discriminated against a student on any of the protected bases, may bring or send a complaint to the Director of Student Services or his/her designee. The complaint procedures contained in Board Policy 411-Rule directs the complainant to prepare and sign a written statement and present it to the Director of Student Services. The Director of Student Services shall acknowledge receipt of the complaint in writing within ten (10) business days, and the District will issue a written determination within fifteen (15) business days, unless the parties agree to an extension. The written determination is to include notice of the right to appeal to the State Superintendent within thirty (30) days of the District’s decision. The procedures also state that discrimination complaints may also be filed with OCR and provides the relevant contact information.

Board Policy 411 and 411-Rule do not clearly indicate the policies apply to complaints alleging discrimination carried out by other students, employees or third parties. Policy 411-Rule is silent as to how the complaint is investigated, whether the investigation will be conducted by an impartial investigator, whether both the complainant and the respondent have the opportunity to present witnesses and other evidence, and whether both parties will be notified of the outcome of the complaint. The policy and procedures do not include an assurance that the District will take steps to prevent recurrence of sex discrimination found to have occurred and to remedy its discriminatory effects, as appropriate.

School Board Policy 512: *Harassment and Bullying* states that “harassment of employees and other members of the school community for any reason has no place” and that “harassment on the basis of a protected characteristic is illegal and is prohibited by state and federal law.” Board Policy 512 states that the District “prohibits any actions or words which can be construed as sexual or other harassment, and considers such actions or words to be a violation of the District’s Equal Employment Opportunity Policy, Harassment and Bullying Policy, Sexual Harassment Policy, and/or work rules [District policies].” Board Policy 512 states that violations of the policy will be investigated in a responsible and timely manner, and identifies possible consequences for employees, board members, students, and volunteers. School Board Policy 512 defines harassment as persistent, unwelcome, unwanted and deliberate conduct directed toward an individual, and states that conduct directed towards an individual because of a protected characteristic may be unlawful discrimination and provides examples of prohibited conduct. Further, the policy states that any employee, volunteer or board member who becomes aware of or witnesses harassment has an obligation to report it to the appropriate authority under the policy.

School Board Policy 512.1: *Sexual Harassment* defines sexual harassment as “behavior which is not welcome, which is personally offensive, which debilitates morale and which therefore interferes with the working or learning effectiveness of its victims and their peers.” Board Policy 512.1 prohibits sexual harassment when it results in discrimination against an employee or student on the basis of conduct not related to their working or learning performance. The policy states that sexual harassment includes “all actions described in applicable state and federal laws, and may include actions such as: sex-oriented verbal ‘kidding’ or abuse; subtle pressure for sexual activity; sexual contact as defined by [unidentified] statutes; demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an

individual’s employment or academic status.” The policy acknowledges that sexual harassment may occur at various levels, including among peers or coworkers, between supervisors and subordinates, between employees and students, or by third parties.” Board Policy 512.1 states that any person who believes he or she has been subject to sexual harassment in violation of the policy may file a complaint with the District Administrator or with the complaint officer designated by the District Administrator. The policy further states that all sexual harassment complaints will be promptly and thoroughly investigated and appropriate action will be taken and prohibits retaliation against anyone who files a complaint under this policy or assists in the investigation of such complaint.

Board Policy 512.1 does not provide the contact information for the District Administrator with whom an individual may file a complaint, or identify the District’s Title IX Coordinator by name or title. The policy is silent as to how the complaint will be investigated, whether both the complainant and respondent have the opportunity to present witnesses and other evidence, designated timeframes for major stages of the investigation, and if notice will be provided to both parties of the outcome of the complaint. The policy does not include an assurance that the District will take steps to prevent recurrence of sex discrimination found to have occurred and to remedy its discriminatory effects, as appropriate.

### **Facts**

During the XXXXXXXX, Student A and Student B were XXXX students in the same XXXX at the District’s XXXX School (School).

On XXXXXXXX, the School’s guidance counselor (Counselor) contacted the Complainant and informed her that Student A had been involved in XXXXXXXX.

XXXXXXX, the Counselor met with Student A and discussed XXXX. The Counselor counseled Student A that he should XXXX . The Counselor said he then met with Student B. The Counselor told Student B that it was not acceptable XXXXX and they discussed the importance of XXXXXXXX.

XXXXXXX, the Counselor reported the incidents to the School Principal (Principal), who immediately contacted the XXXXXXXX because the incident involved touching of the genital area. The Principal also contacted the District Administrator, but not the Title IX Coordinator. The Principal also attempted to contact Student B’s parent, but was unsuccessful; however, was XXXXXXXX. The next day, the Principal contacted the XXXXXXXX

The Principal met with the Complainant and her husband on XXXXXXXX, to discuss the incident. During this meeting, the Principal told the Complainant what occurred and that they would “address” the incident. At that point, there was not dispute between the District and the Complainant regarding whether Student B had touched Student B’s genital area; thus, the Principal and the Complainant did not discuss an investigation into the conduct. The Complainant focused on the responsive measures taken by the District and asked what disciplinary actions the District would take regarding Student B; however, the District refused to



provide the requested information. The Complainant requested that the Principal XXXXX. According to the Complainant, the Principal denied this request during the meeting. The Complainant expressed dissatisfaction with the Principal's response to the incident and her refusal to disclose the sanctions imposed on Student B.

After this meeting, the Complainant XXXXXXXX.

According to the District, on around XXXXXXXX, District staff discussed the incidents involving the students and determined that Student B should be moved to XXXX.<sup>6</sup> Student B was XXXX XXXXX as of XXXXXXXX.

Student A did not attend school from XXXXXXXX,<sup>7</sup> and when he returned the following week, Student B XXXXXXXX. Student B also XXXXXXXX.” The two students did not interact with one another after Student B returned to school and no further incidents were reported.

In addition, although the District asserts that it did not receive from the Complainant a formal written or verbal complaint of discrimination based on sex,<sup>8</sup> the District Administrator requested that the Title IX Coordinator review the incidents because of the Counselor's report of the incidents. The Title IX Coordinator began an “internal” review on or around XXXXXXXX, which she stated she completed in a few days. She asserts this review was not an investigation in response to a formal or informal complaint. As part of her review, the Title IX Coordinator told OCR that she interviewed the Principal, the Counselor, and Student B. She did not speak with Teacher A or Student A. She stated she “would have looked at [Student B]'s behavior record in terms of other office referrals.” She also reviewed Board Policy. The Title IX Coordinator told OCR that although she determined XXXXXXXX, she determined Student B's action was not conduct of a sexual nature, because Student B did not touch him for a sexual purpose or in a sexual manner. She did not make a determination regarding whether the alleged XXXXXXXX because she did not feel she had sufficient information to make this determination nor did she attempt to gather additional information. The Title IX Coordinator did not XXXXXXXX because she was not aware that the XXXXXXXX until after she had completed her internal review.

Student A's XXXX reported that, in response to the XXXXXXXX, she checked in with Student A and asked him how he was doing on a regular basis. In addition, the District reported that the Counselor counseled Student A, and checked in with Student A XXXXXXXX, and the Principal checked in with XXXXXXXX. The Complainant reported to OCR that Student A's grades were not affected by the incident and she did not identify any educational deficits resulting from his XXXXXXXX.

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<sup>6</sup> According to the Complainant, the District did not XXXXXXXX until she threatened to withdraw Student A from the District.

<sup>7</sup> XXXXXXXX.

<sup>8</sup> The Complainant indicated to OCR that she had filed a complaint with the District. However, OCR found that the evidence was insufficient to establish that the Complainant filed a formal complaint under the District's complaint procedures.

On XXXXXXXX, the Complainant sent an email to the Principal, District Administrator, and District School Board (XXXXXXX) expressing dissatisfaction with the District's lack of a plan to keep Student A and Student B apart in response to the XXXXXXXX, noting that Student A was allowed to return to XXXXXX after the first incident. She stated the District did not move the students to XXXXXX until she said she would remove Student A from the school. She complained about distrust of the school and concern regarding whether Student A was safe, as well as concern that XXXXXXXX. The same day, the District Administrator responded to the Complainant's email objections, acknowledging the incident that occurred was unacceptable and stated that the District had "XXXXXXX and take necessary actions to ensure the safety of [Student A]." The email exchanges express confusion with respect to the Complainant's request regarding the school she would like Student A to attend the following year.

On XXXXXXXX, the Complainant confirmed that Student A would XXXXXXXX. According to the District, on XXXXXXXX, the District confirmed that XXXXXXXX would be provided to Student A and the Principal attempted to contact the Complainant to set this up. When she did not hear back from the Complainant, the Principal sent a letter XXXXXXXX, to the Complainant informing her that the District would provide XXXXXXXX to Student A so he could XXXXXXXX. The District verbally confirmed with the Complainant in XXXXXXXX that Student A would be XXXXXXXX would be provided.

Student B is currently attending school in the District with additional support services and monitoring.

## **Conclusion**

In accordance with Section 302 of the CPM, a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines it is appropriate to resolve the complaint with an agreement. Prior to the conclusion of OCR's investigation, the District expressed interest in resolving the complaint under Section 302. OCR determined that a resolution agreement with the District is appropriate under the circumstances present in this case.

The Resolution Agreement addresses the Title IX compliance concerns OCR found during its investigation to date relating to the District's policies and procedures, training for its Title IX Coordinator, record keeping, and response to reported incidents of potential sexual harassment. The Resolution Agreement requires the District to conduct a comprehensive review of its policies and procedures related to Title IX, ensure its Title IX Coordinator has sufficient qualifications, resources and training, provide notice that past and current incidents of possible harassment based on sex may be reported and will be investigated, and develop a record keeping system.

The enclosed Resolution Agreement, when fully implemented, will address the issue raised in the complaint. The provisions of the Resolution Agreement are aligned with the allegation in the complaint and the information obtained during OCR's investigation to date, and are consistent

with the applicable regulations. OCR will monitor the implementation of the Resolution Agreement until the District is in compliance with the Title IX regulation at issue in this case.

The 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.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another 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, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

The Complainant may file a private suit in Federal court, whether or not OCR finds a violation.

OCR would like to thank the District, as well as Ms. Lori Lubinsky, the attorney for the District, for the cooperation and courtesy extended to OCR during our investigation. We look forward to working with you during the monitoring of the Resolution Agreement.

If you have any questions regarding this letter, please contact Ms. Catherine Martin, Equal Opportunity Specialist, of my staff at 312-730-1592, or [catherine.martin@ed.gov](mailto:catherine.martin@ed.gov).

Sincerely,

Dawn R. Matthias  
Team Leader

cc: Lori Lubinsky, Esq.

Enclosure