



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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February 15, 2018

Dr. Paul Enderle
Superintendent
Oak Lawn-Hometown School Dist. 123
4201 West 93rd Street
Oak Lawn, IL 60453

Via electronic mail: penderle@d123.org

Re: OCR # 05-17-1415

Dear Dr. Enderle:

This is to notify you of the disposition of the above-referenced complaint filed on August 21, 2017 with the U.S. Department of Education, Office for Civil Rights (OCR) against the Oak Lawn-Hometown School Dist. 123 (District) alleging discrimination against Student A on the basis of race. Specifically, the complaint alleged that the District subjected an XXXXX-XXXXXXX student (Student A) to discrimination on the basis of race from the XXXXXXXX school year to the present when students at the XXXXXXXXXXXXXXXX (School or XXXXX) racially harassed Student A, and the District was aware of a racially hostile environment but failed to respond appropriately.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to OCR's jurisdiction.

This letter summarizes the applicable legal standards, the information gathered during OCR's investigation, and how the investigation was resolved.

Applicable Legal Standards

Discrimination generally

The Title VI implementing regulation, at 34 C.F.R. § 100.3(a), provides that no person shall, on the basis of race, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of a recipient. The Title VI regulation at 34 C.F.R. § 100.3(b)(1)(ii) also prohibits a recipient, on the basis of race, from providing any service or other benefit to a student that is different, or from providing such service or benefit in a different manner than it is provided to other students.

Harassment Based on Race

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

Harassment on the bases of race, color national origin (referred collectively hereinafter as race-based harassment) is a form of discrimination prohibited by the above regulations. Race-based harassment is intimidation or abusive behavior toward a student based on race, color and/or national origin that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the recipient'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. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Conduct is unwelcome if the student did not request or invite the conduct and regarded it as undesirable or offensive. OCR considers the conduct in question from both an objective perspective and the subjective perspective of the student allegedly subjected to harassment.

OCR determines whether conduct constitutes a hostile environment based on race, color, or national origin by examining the totality of the circumstances. These circumstances include the context, nature, scope, frequency, duration, and location of the harassment incidents, as well as the identity, number, and relationships of the persons involved. To show harassment under a hostile environment approach, the evidence must establish that:

- (1) a hostile environment existed, i.e., harassing conduct (physical, verbal, graphic, or written) occurred on the basis of race, color, or national origin that was sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient;
- (2) the recipient had notice of the hostile environment; and
- (3) the recipient failed to respond adequately to address the hostile environment.

Whether the conduct in question is described as "bullying," "hazing," or "teasing," such labels do not determine how a recipient is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications. Thus, when misconduct that falls under a recipient's anti-bullying policy is on the basis of race, color or national origin, and may create a hostile environment, the recipient is obligated to respond in accordance with the applicable federal civil rights statutes and regulations enforced by OCR. In the event that a recipient limits its response to a specific application of its anti-bullying disciplinary policy, the recipient may fail to properly consider whether the misconduct also results in discriminatory harassment.

In some situations harassment may be in plain sight, widespread, or well-known to students and staff, such as harassment occurring in hallways, during academic or physical education classes, during extra-curricular activities, or through graffiti in public areas. In these cases, the obvious signs of the harassment are sufficient to put the recipient on notice.

Once a recipient knows or reasonably should know of possible harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred. If an investigation reveals that harassment created a hostile environment based on race, color or national origin then the recipient is required to take immediate and appropriate action reasonably calculated to end the harassment, eliminate any hostile environment that has been created, prevent its recurrence and, where appropriate, remedy the effects of the harassment on the student(s) subjected to the harassment. In addition to counseling and taking disciplinary action against the harasser(s), effective corrective action may require changes to the recipient's overall services or policies and an escalating response to continued harassment.

In some situations, if the recipient knows of incidents of harassment, the exercise of reasonable care should trigger an investigation that would lead to a discovery of additional incidents. The specific steps in a recipient's investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial. At the conclusion of a recipient's investigation, both parties must be notified, in writing, about the outcome of the complaint, i.e., whether harassment was found to have occurred.

When taking steps to separate an alleged target of harassment from the alleged perpetrator during and subsequent to an investigation, a recipient should minimize the burden on the alleged victim, and thus should not, as a matter of course, remove the alleged victim from his or her classes while allowing the alleged perpetrator to remain. A recipient may also be required to provide other services to the student who was harassed if necessary to address the effects of the harassment on that student.

If a recipient delays responding to allegations of harassment or responds inappropriately, the recipient's own inaction may subject the student to a hostile environment. If it does, the recipient will be required to remedy the effects of both the initial harassment and the effects of the recipient's failure to respond promptly and appropriately.

Depending on how widespread the harassment was and whether there have been any prior incidents, the recipient may need to provide training for the larger school community to ensure that students, parents, and teachers can recognize harassment if it recurs and know how to respond.

Finally, the recipient should take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. At a minimum, the recipient's responsibilities include making sure that the harassed students and their families know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems.

Relevant District Policies and Procedures

Equal Educational Opportunities Policy

The District's Equal Educational Opportunities Policy (EEO Policy), in relevant part provides:

Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality ...ancestry. . .

. . .

Any student may file a discrimination grievance by using the Uniform Grievance Procedure.

The EEO Policy is available on the District's website.¹

Harassment Policy

The District's policy entitled "Harassment of Students Prohibited" (Harassment Policy) provides as follows:

No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin;...[or] ancestry;...The District will not tolerate harassing, intimidating conduct, or bullying, whether verbal, physical, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory stalking, ..., causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing item depicting or implying hatred or prejudice of one the characteristics stated above.

Under the Harassment Policy, "[s]tudents are encouraged to report claims or incidences of bullying, harassment,..., or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, or a Complaint Manager." The Policy further clarifies that "[a]n allegation that a student was a victim of any prohibited conduct perpetrated by another student *shall be referred* to the Building Principal, Assistant Building Principal, or Assistant Building Principal for appropriate action." (Emphasis added.) The Policy provides the name and contact information for the Nondiscrimination Coordinator, who is the District Superintendent, and the two Complaint Managers.

The Policy is included in the District's Discipline Policy Handbook and it is available on the District's website.²

¹ See <http://d123.org/about/board-of-education/board-policy/>

² See *id.*

Bullying Policy

A separate District policy entitled “Prevention of and Response to Bullying, Intimidation, and Harassment” (Bullying Policy) also provides, in part:

Bullying on the basis of actual or perceived race, color, national origin, ancestry... is prohibited in each of the following situations:

1. During any school sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops, waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the School District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require the District or staff members to monitor any nonschool-related activity, function or program.

The Bullying Policy states bullying includes “cyberbullying.”

The Bullying Policy is included in the District’s Discipline Policy Handbook and it is available on the District’s website.³

Uniform Grievance Procedure

The District’s Uniform Grievance Procedure provides that “[a] student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or its agents have violated his or her rights guaranteed by ... federal statute, ... or have a complaint regarding any one of the following:

...

4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d *et seq.*

...

³ See *id.*

The Grievance Procedure provides that a Complainant “may avail him or herself” of this procedure by filing a complaint with *any* District Complaint Manager, and that the Complaint Manager “shall assist the Complainant as needed.” The Procedure also provides that the Complaint Manager:

will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to the grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused’s parents/guardians); this includes mediation.

Facts

During the 2016-2017 school year, the District had a total enrollment of approximately 3,202 students, 1,078 of whom attended the School. District-wide during the 2016-2017 school year, 55.5% of the students identified as Caucasian, 6.3% as African American, 33.3% as Latino, 1.9% as Asian, 0.4% as Native American, and 2.6% as mixed race. At the School during the 2016-2017 school year, 54.8% of the students identified as Caucasian, 6.0% as African American, 34.9% as Latino, 1.6% as Asian, 0.3% as Native American, and 2.4% as mixed race. Student A, the Complainant’s son, is a 14 year-old African-American student enrolled in the eighth grade at the School during the 2017-2018 school year.

Harassment and Bullying of Student A

The Complainant alleged that Student A has been bullied and harassed by District students based on his race multiple times at least since the XXXXX school year when he started XXXX school. According to the Complainant, the District has been made aware of the harassment and bullying, but has failed to respond appropriately. The District acknowledged that between XXXXXX and XXXXXX it received and responded to XXX reports of bullying and harassment against Student A. Documentation from the District shows that in XXXX of those XXX incidents, Student A was harassed based on race.⁴

The first incident occurred on XXXXXXXXXXXX. The Complainant alleges, and documentation from the District shows, that the District received a report that a

⁴ The other three incidents involved encounters between Student A and three other students, Student C, Student F, and an unidentified student, on the bus on XXXXXXXXXXXXXXXXXXXX. According to the information provided by the District, Student C and Student F are XXXXXX, and the incidents involved XXXXX XXXXXX with Student A. The Complainant acknowledged that during these incidents the other students did not use racial slurs against Student A or otherwise harass him based on his race. The District’s documents show that in response to these reports, the District XXXXXX Student C by issuing a XXXXXXXXXXXXXXX, XXXXXX Student C and Student F to XXXXX, drafted a School Response Plan on XXXXXXXXXXXX to ensure Student A’s safety at the School, and XXXXXXXXXXX XXXXXXX XXXXXXX Student A and XXXXXXX to allow Student A to report any new issues.

XXXXXXXXXX XXXX student, Student B, called Student A XXX and the XXXXX and XXXXXXXXXXXX XXXXXX XXXXX. In response to this report, the School's Assistant Principal interviewed both Student A and Student B. According to the District, Student B admitted insulting Student A and using a racial slur after Student A XXXXXX XXXX XXXX. After the interview, the Assistant Principal met with Student B's parents to discuss the incident and XXXXXX Student B by issuing XXXXXX XXXXX XXXXX based on the District's XXXXXX policies, level of victimization and Student B's XXXXXX history. The Complainant stated that the Assistant Principal communicated to her that Student B was XXXXXX and that such incident would not be repeated. The District also stated that Student A admitted to the Assistant Principal that he hit Student B and that based on the District's XXXXXX policies, the level of victimization and Student A's XXXXXX history, it XXXXXX Student A for this action by XXXXXX XXXXX. Finally, the District documented that in addition to offering counseling and XXXXX Student A and Student B as a result of this incident, XXXXX XXXX participated in the "Cool Tool" educational program, which is a program meant to foster positive interactions among students by using positive affirmations and avoiding stereotypes and labeling of others.⁵ Through the "Cool Tool" program the District provides training and facilitates discussions with students, and each month selects a topic for discussion during the students' advisory classrooms based on recent disciplinary data. The District also states that modified versions of the program are presented on a weekly basis to students identified as needing more direction due to their disciplinary history and/or social/emotional needs.

The second race-based incident documented by the District occurred in XXXXXXXX. The District's documentation shows that on XXXXXXXX, the Complainant reported to the Assistant Principal that a XXXXXXXX student, Student D, XXXXXXXXXXXXXXX multiple times and called him the "XXXXXX" during a class. In response to this report, the Assistant Principal met with Student A and Student D to discuss the incident, called Student D's parents, and XXXXXXXX Student D by XXXXXXXXXXX XXXXX XXXXX. The District also contacted the Complainant to update her on the District's actions and XXXX Student A to XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

The third race-based harassment report documented by the District occurred on XXXXXXXXXXXX. During this incident, a XXXXXXXX XXXXXXXX student, Student E, insulted Student A by calling him the "XXXXXX" and typing "XXXXXX" while they were XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. According to the District, the Complainant emailed XXXXXXXXXXXXXXXXXXXXXXXX to the Assistant Principal. Documentation from the District shows that in response to this report the Assistant Principal met with Student E and her parents and XXXXXX XXXXX XXXXX XXXX to Student E after she admitted to her actions. The District states that it asked the District's Social Worker to meet with Student A to complete an incident report and the Hot Spot sheet, which allowed Student A to identify any location within the School where he may experience bullying. The District's documentation shows Student A completed both documents. Finally, on

⁵ The documentation produced by the District does not show Student B engaged in further racial harassment of Student A or any other District student before or after this incident. The Complainant confirmed that neither the District nor Student A reported to her that Student B engaged in further racial harassment after this incident. She added that the other incidents in which Student A was racially harassed involved other students.

XXXXXXXXXXXXXXXX, after the Complainant requested that the District facilitate a mediation session with both students and their parents, the Assistant Principal and the District's Social Worker conducted a peer mediation with Student A and Student E, during which Student E apologized to Student A for her conduct. The evidence indicates there were no further incidents involving Student E.

Racial Harassment and Bullying of Other District Students

The documents produced by the District show that during the XXXXXXXX and XXXXXXXX school years it received approximately XXXXX XXXX reports of incidents involving different students harassing classmates based on their race, color, and/or national origin. Of those XXXXXXXX incidents, XXX incidents involved the use of the "XXXXX." The documents also show that the District responded to approximately XXXX of the XXXXXXXX reports by issuing detentions to the accused students, in and out-of-school suspensions, removal from class, and loss of privileges. Even in cases where the District was not able to determine who the target of the harassment was, it provided social work and/or training services using the "Cool Tool" educational program to the accused students.

The District provided OCR with information about the training it has provided students and staff since the XXXXXXXX school year to promote diversity and prevent bullying and harassment. The training the District has provided to the students since XXXXXXXXXXXX through its "Cool Tool" program has included such topics as how to recognize, report and stop bullying, the negative effects of stereotyping, harm caused by hurtful words, and understanding and appreciating differences and finding similarities among people from different backgrounds, among others. The training for teachers and staff has included such topics as diversity, culturally responsive teaching and restorative practices in education. None of the training the District has provided to its staff seems to focus on responding to reports of harassment and bullying.

Analysis

Prior to the conclusion of its investigation, the District expressed an interest in voluntarily resolving the complaint. OCR determined that entering into a voluntary resolution agreement was appropriate in this case because OCR has not yet completed its investigation. In order to complete the investigation, OCR would need to interview students and staff to assess the nature of the harassment, the District's response, and whether a hostile environment exists at the School for Student A or any other students. The District signed the enclosed resolution agreement, the provisions of which are aligned with this allegation and consistent with the applicable regulations. Pursuant to the agreement, the District will:

1. Take all steps reasonably designed to ensure that students enrolled in the District are not subject to a hostile environment on the basis of race, color or national origin and to respond promptly and appropriately to allegations of harassment on the basis of race, color, or national origin. The District will promptly investigate all incidents of harassment of students on the basis of race, color, or national origin of which it has

notice and will take appropriate action in response. The District will take prompt and appropriate responsive action to end any hostile environment, if one has been created. Where appropriate, the District will escalate its responses as part of efforts reasonably calculated to prevent recurrence and as necessary remedy the impact on all affected students, including by offering counseling and other appropriate services.

2. Issue a statement to all students, parents and staff in languages other than English as necessary on the District's website and on XXXXX website, that will also be printed in the XXXXX newsletter, and posted in prominent locations at the District and XXXXXX office, stating that the District does not tolerate acts of harassment, including those based on race, color, or national origin. The statement will also (a) give examples of acts that may constitute race, color, or national origin-based harassment, (b) note that such harassment and discrimination is prohibited under the District's policy "Harassment of Students Prohibited" (Policy) and that complaints about harassment and discrimination against students may be filed under the District's "Uniform Grievance Procedure" (Grievance Procedure), (c) include a link to the Policy and Grievance Procedure, (d) encourage any students who believe they have been subjected to harassment based on race, color, or national origin or any student who has witnessed such conduct to report the harassment to the District, (e) include the appropriate contact information for the District's Nondiscrimination Coordinator and designated staff members to whom students and parents may report allegations of harassment and/or discrimination, (f) note the District's commitment to conduct a prompt investigation, (g) emphasize that no persons who report harassment or participate in investigations will be subjected to retaliation, (h) warn that students found to have engaged in acts of harassment and/or acts that contribute to a hostile environment based on race, color, or national origin will be promptly disciplined and that such discipline may include, if circumstances warrant, suspension or expulsion, (i) assure that if a hostile environment has been established, the District will provide appropriate remedies and will institute any necessary escalated responses reasonably calculated prevent the recurrence of a hostile environment and ensure students are not restricted in their participation or benefits as a result of a racially hostile environment, and (j) encourage students, parents and staff to work together to prevent acts of harassment of any kind.
3. Use its Cool Tool educational/behavioral activity to provide all students at XXXXX with an opportunity to discuss with staff matters concerning discrimination and harassment on the basis of race, color and/or national origin. During the Cool Tool activity, students will be encouraged to discuss their individual experiences with discrimination and harassment based on race, color and/or national origin at school, the impact of discrimination and harassment on them individually and as a school community, and the effectiveness of the District's anti-harassment efforts.
4. Meet with students on the XXXXXX XXXX XXXX XXXX to encourage students to stand up against discrimination or harassment, assist students who are being harassed, identify and monitor hotspots within the school where harassment occurs, and raise awareness of the District's anti-harassment program.

5. Task the XXXXXXXX XXXX XXXX with making recommendations to the District regarding the effectiveness of the District's efforts to address and prevent harassment based on race, color and national origin at XXXXX. The XXXX will publicize its efforts to the broader XXXX community and encourage personnel, parents and students to participate in the process. The XXXXX principal will report to the Non-Discrimination Coordinator any steps the XXXXX has recommended and the District's responses to the group's recommendations.
6. Develop a system to assess the educational environment and monitor the effectiveness of its anti-harassment efforts. At the conclusion of the current academic year and annually thereafter, the District will conduct an assessment of its educational programs and activities to ensure that XXXX is providing a nondiscriminatory educational environment. Additionally, the District will designate an employee to coordinate such assessment(s) and will communicate the results of the assessment to the Non-Discrimination Coordinator.
7. Present a training program to all students at XXXX that will address harassment, including harassment based on race, color and national origin, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on race, color or national origin.
8. Provide training to all current staff, and annually thereafter to new staff, at XXXXX, including teachers, administrators, school aides, counselors, and any other personnel charged with supervising students, on the District's Policy and Grievance Procedure, including its policy prohibiting retaliation against persons who report harassment or participate in related investigations. The training will specifically address the responsibility of staff to report incidents of possible harassment and the procedures for doing so, and provide instruction on how to recognize, take steps reasonably calculated to prevent and respond appropriately to any incidents involving a hostile environment and/or harassment based on race, color or national origin.
9. Provide training to all current staff, and annually thereafter to new staff, at XXXXX who are directly involved in processing, investigating and/or resolving complaints or other reports of race, color or national origin discrimination, including harassment complaints. The training will review the District's Policy and Grievance Procedure, including its policy prohibiting retaliation against persons who report harassment or participate in related investigations, and include instruction on how to conduct and document race, color or national origin discrimination or harassment investigations in an adequate, reliable, and impartial manner, including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the Policy.
10. Invite the Complainant and Student A to a meeting with a designated District administrator to discuss Student A's allegations of race harassment, including any impact on Student A, and the District's responses to the alleged harassment of which it had notice. During the meeting, the District will emphasize its commitment to

having a school environment free from any harassment, including harassment based on race, color or national origin, and its prohibition of retaliation against persons who report harassment or participate in related proceedings. At this meeting, the District will again offer to provide Student A with appropriate school-based services, including counseling, and will inquire whether Student A requires remedies related to his grades and/or attendance as a result of race harassment, and if so offer to provide them, as appropriate. If the Complainant and Student A express any concerns about racial harassment either during or after the meeting that have not previously been addressed by the District, the District will take appropriate steps to address the concerns. Where specific incidents of racial harassment are identified, the District will investigate each incident in accordance with the Policy and Grievance Procedure. If the investigation establishes harassment did occur and/or that a hostile environment on the basis of race occurred, the District will take the appropriate response, including the issuance of discipline and providing appropriate remedies to all students involved, including counseling services.

11. Invite the parent(s)/guardian(s) of each District student who reported harassment based on race, color and/or national origin during the XXXXXXXX and XXXXXXXX school years and who remains enrolled in the District to meet with a designated District administrator to discuss the students' harassment allegations, what impact the alleged harassment has had on their educational experience, and the District's responses to the alleged harassment of which it had notice. During the meeting, the District will emphasize its commitment to having a school environment free from any harassment, including harassment based on race, color or national origin, and its prohibition against retaliation against persons who report harassment or participate in related proceedings. If any concerns or incidents of racial harassment are identified during or after the meeting that have not previously been addressed by the District, the District will take appropriate steps to address the concerns and respond to the incidents. Where specific incidents of racial harassment are identified, the District will investigate each incident in accordance with the Policy and Grievance Procedure. If the investigation establishes harassment did occur and/or that a hostile environment on the basis of race occurred, the District will take the appropriate response, including the issuance of discipline and providing appropriate remedies to all students involved, including counseling services.

OCR will monitor the District's implementation of the Agreement until the District is in compliance with all of its terms.

This concludes OCR's investigation of the complaint and 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.

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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 individual may file a complaint alleging such treatment. The Complainant may also file a private suit in federal court whether or not OCR finds a violation.

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 personal privacy.

We wish to thank you and the District for the cooperation extended to OCR during our investigation and during the negotiations of the resolution agreement. In particular, we wish to thank counsel for the District, Tamara Starks, for her assistance in this matter. If you have any questions, please do not hesitate to contact Alonzo Rivas by phone at 312-730-1684, or by e-mail at Alonzo.Rivas@ed.gov.

Sincerely,

Aleeza Strubel
Supervisory Attorney

Enclosure

cc: Tamara Starks (via electronic mail)