



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
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TEXAS

September 20, 2018

Mr. Dennis Sublett, Superintendent  
Melbourne School District  
P.O. Box 250  
104 School Street  
Melbourne, AR 72556

RE: OCR Complaint #06-18-1435  
Melbourne School District

Dear Superintendent Sublett,

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint filed against the Melbourne School District (the District). The Complainant alleged that the District discriminated against [XXXX] [XXXX] (the Student) on the basis of disability and retaliated against [XXXX] and the Student.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to this Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit public entities from discriminating on the basis of disability. Section 504 and Title II also prohibit retaliation.

The District is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

**Issue Investigated**

OCR investigated the following legal issues:

1. Whether the District discriminated against the Student on the basis of disability by failing to evaluate the Student's need for regular or special education and related aids and services despite having notice that, because of the Student's alleged disabilities, the Student needed or was believed to need such aids and services, and thereby denied the Student a free appropriate

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public education (FAPE) during the 2017-2018 school year, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. §§ 104.33 and 104.35, and 28 C.F.R. § 35.130, respectively.

2. Whether the District discriminated against the Student on the basis of [XXXX] disabilities when the District failed to evaluate [XXXX] before taking any action with respect to a subsequent significant change in placement (e.g., 10-day out of school suspension followed immediately by removing the Student from school and placing [XXXX] on homebound instruction), and thereby denied [XXXX] a FAPE during the 2017-2018 school year, in violation of the Section 504 and Title II implementing regulations, at 34 C.F.R. §§ 104.33, 104.35 and 104.36, and 28 C.F.R. § 35.130, respectively.
3. Whether the District retaliated against the Complainant and the Student by disciplining the Student with a 10-day suspension and increasing the suspension to removal from school and homebound instruction during the 2017-2018 school year, because the Complainant made complaints about the District's treatment of the Student based on [XXXX] disabilities, in violation of Section 504 and Title II, at 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, respectively.

As a preliminary matter, a finding that a recipient has violated one of the laws that OCR enforces must be supported by a preponderance of the evidence (i.e., sufficient evidence that it is more likely than not that unlawful discrimination occurred). Where there is a significant conflict in the evidence and OCR is unable to resolve that conflict, for example, due to the lack of corroborating witness statements or additional evidence, OCR generally must conclude that there is insufficient evidence to establish a violation of the law.

In its investigation of this complaint, OCR carefully reviewed information provided by both the Complainant and the District through written documentation and in interviews. Based on a review of the information obtained, OCR determined that the evidence is insufficient to support a conclusion of noncompliance under Title II or Section 504 with respect to issues 2 and 3. The District voluntarily resolved issue 1 prior to OCR making a final determination regarding issue 1. The bases for OCR's determinations are outlined below.

### **Issue 1**

#### **Legal Standard**

Under the Section 504 and Title II implementing regulations, at 34 C.F.R. § 104.33(a) and 28 C.F.R. § 35.130, respectively, a public school district that receives Federal financial assistance from the Department (recipient) must provide a FAPE to each qualified student with a disability in the district's jurisdiction. The Section 504 regulations' evaluation procedures, at 34 C.F.R. § 104.35(a) and (b), state that a recipient must evaluate any student who, because of disability, needs or is believed to need special education or related services before taking any action with

respect to the student’s initial educational placement and any subsequent significant change in that placement. The Section 504 regulations do not specify how quickly an evaluation must be completed after a recipient obtains notice that a student needs or is believed to need special education or related services. As a result, OCR applies a “reasonableness” standard to determinations regarding the timeliness of evaluations. Under Section 504 and Title II, at 34 C.F.R. § 104.3(j) and 28 C.F.R. § 35.104, respectively, a student is “disabled,” and therefore entitled to individually prescribed special education or related aids and services, if the student has a physical or mental impairment that substantially limits a major life activity. Finally, the Section 504 regulations, at 34 C.F.R. § 104.35(c), provide that:

In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options . . . .

OCR interprets the general prohibition against discrimination in the Title II implementing regulations to require the provision of a FAPE to the same extent that the Section 504 implementing regulations specifically require the provision of a FAPE.

### **Findings of Fact**

The Complainant alleged that the District failed to evaluate the Student for [XXXX] in the 2017-2018 school year. The Complainant stated [XXXX] belief that the Student has “high functioning [XXXX]” in addition to [XXXX] current diagnoses [X---redacted until end of sentence---X]. The Complainant alleged that [XXXX] had the Student scheduled for testing at a nearby [XXXX], but [XXXX] did not know and was not made aware that the District could conduct its own evaluation for [XXXX]. The Complainant alleged that [XXXX] has informed the District of [XXXX] belief that the Student has [XXXX] for [XXXX] consecutive school years, dating back to when the Student enrolled in the District for [XXXX]. The Complainant alleged that [XXXX] reiterated this belief in an annual meeting reviewing the Student’s Section 504 plan and accommodations in the 2017-2018 school year.

In response to OCR’s data request, the District produced copies of its policies and procedures pertaining to Section 504 and Title II, its notice of non-discrimination against students with disabilities, and the name and contact information for the District’s Section 504 coordinator. The District also provided the Student’s special education records, which reveal that during the entire 2017-2018 school year, the Student was receiving special education disability-related services identified in an Individual Education Program (IEP). The IEP documents provided by the District indicate that the Student’s primary disabilities were initially identified as [X---redacted until end of sentence---X].

The District also produced a letter from a private medical doctor (the Doctor), received on [X---phrase redacted---X], about the Student’s condition. In this [XXXX XXXX XXXX] letter, the Doctor stated the Student had been under [XXXX] care for the prior [XXXX] months, noted [X--phrase redacted---X] diagnoses, and proceeded to suggest necessary accommodations, aids, and services for the Student. The Doctor did not mention the Student having [XXXX].

Further, the District produced copies of documents from the [X---phrase redacted---X] (the Medical Center) about the Student’s [XXXX XXXX] visit. The documents indicate the District received the copies via facsimile on [XXXX XXXX XXXX], after the Medical Center obtained the Complainant’s signed written consent for disclosure on [XXXX XXXX XXXX]. The discharge documents, dated [XXXX XXXX XXXX], recommend “outpatient [XXXX] testing to rule out [XXXX] spectrum disorder.”

OCR interviewed the District’s Special Education Supervisor. The Special Education Supervisor reported that [XXXX] knew the Student, had awareness of the Student’s disabilities, and reported the Student was receiving services as a student with [X---redacted until end of sentence---X]. The Special Education Supervisor did not recall discussion of the Student potentially having [XXXX] in any of the official evaluation meetings held regarding the Student in which [XXXX] participated. OCR also interviewed the High School Principal (Principal). The Principal reported knowing the Student and awareness of the Student’s disabilities, which [XXXX] believed were [XXXX XXXX XXXX], but [XXXX] did not have certainty in that recollection. The Principal did not recall the Complainant suggesting that the Student potentially had [XXXX] prior to any of the events of Fall 2017.

Further, OCR interviewed the Student’s Special Education Teacher, who also serves as the District’s Section 504 Coordinator (Section 504 Coordinator). The Section 504 Coordinator also reported knowing the Student, having awareness of the Student’s disabilities, and reported the Student was received services for [X---redacted until end of sentence---X]. The Section 504 Coordinator reported the Student’s diagnosis had recently been updated with an additional [X---phrase redacted---X] diagnosis from a private doctor. The Section 504 Coordinator reported the Complainant first mentioned “in passing” [XXXX] desire to get the Student tested for [XXXX] at an annual review meeting conducted on [XXXX XXXX XXXX], and reported informing the Complainant of [XXXX] belief that the data did not support an [XXXX] diagnosis at that time. The Section 504 Coordinator did not recall the Complainant mentioning [XXXX] in Fall 2017 but admitted to not having much contact with the Complainant until after the Student returned to the District following an incident in November 2017.

OCR attempted to contact the Complainant on August 16, 2018, August 22, 2018, and August 29, 2018 to offer [XXXX] the opportunity to provide additional information regarding [XXXX] complaint allegations. OCR submitted questions to Complainant to provide responses. In the Complainant’s response, the Complainant reiterated that the District’s administrators and teachers in elementary and high school knew the Student needed an evaluation for [XXXX].

OCR contacted District’s counsel on September 5, 2018. District’s counsel informed OCR that the District has not yet evaluated the Student for [XXXX] following receipt of documentation on

[XXXX XXXX XXXX] indicating the need for “outpatient psychological testing to rule out [XXXX] spectrum disorder.”

### **Legal Analysis**

The evidence indicated the District first received notice of the Student potentially needing an evaluation for [XXXX] on [XXXX XXXX XXXX], when the District received documentation from the Hospital via facsimile about the Student’s visit in November 2017. The evidence indicated that the Student’s Hospital discharge paperwork suggested “outpatient psychological testing to rule out [XXXX] spectrum disorder.”

Because it was near the end of the 2017-2018 school year before the District received notice of the need to evaluate the Student for [XXXX], OCR found that the District did not deny the Student a FAPE during the 2017-2018 school year by failing to timely evaluate the Student.

However, OCR noted that as of September 5, 2018, the District still had not initiated the process to evaluate the Student, which raises concerns regarding the District’s compliance with Section 504/Title II related to this allegation during the present school year. OCR informed the District about its concerns regarding the District’s failure to evaluate the Student after [XXXX XXXX XXXX]. The District informed OCR it was interested in resolving this allegation. Section 302 of OCR’s Case Processing Manual (CPM) provides that a complaint may be resolved at any time when, prior to the point when the Regional Office issues a final determination, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR determined that a resolution under Section 302 of the CPM was appropriate in this case.

On September 20, 2018, the District voluntarily signed and submitted to OCR a Resolution Agreement (Agreement) to resolve this complaint allegation. A copy of the Agreement is enclosed. OCR determined that the provisions of the Agreement are aligned with the complaint allegation and appropriately resolve it. Further, OCR accepts the Agreement as an assurance that the District will fulfill its obligations under Section 504 and Title II with respect to the complaint allegation. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the District’s implementation of the Agreement.

### **Issues 2 and 3**

#### **Findings of Fact**

The Complainant alleged that the District failed to evaluate the Student prior to a significant change in the Student’s placement in November 2017. The Complainant alleged the District originally suspended the Student for three days for two incidents: the first involving the Student allegedly having a knife in [XXXX] jacket pocket, and the second involving the Student allegedly writing love letters to another student that were interpreted as harassment. The Complainant alleged the District initially suspended the Student for three days for both incidents

combined in November 2017. The Complainant alleged [XXXX] subsequently checked the Student into the Hospital for re-evaluation of diagnoses, medication needs, and behavioral issues. The Complainant alleged that, on the same day that the Student formally checked into the Hospital as a patient, the District increased the Student’s suspension from three days to ten. The Complainant alleged the District then increased the Student’s suspension from ten days to placing the Student on homebound instruction. The Complainant alleged the District did not conduct a manifestation determination review (MDR) prior to increasing the Student’s suspension to ten days or before increasing the Student’s suspension to homebound instruction.

The Complainant further alleged that the District retaliated against the Student by suspending the Student in November 2017, increasing the suspension to ten days, and then subsequently increasing the suspension to homebound instruction. The Complainant alleged that the District had retaliated against the Student because [XXXX] has made prior complaints to the District, in the 2017-2018 school year and in prior school years, about how the District disciplines the Student. The Complainant did not allege that [XXXX] filed formal complaints, and [XXXX] did not state specific instances of when [XXXX] made complaints, how complaints were made, and to whom [XXXX] complained.

In response to OCR’s data request, the District produced documents pertaining to the Student’s suspension in November 2017. Copies of the Student’s attendance record from Fall 2017 indicate the Student served an “out-of-school suspension (OSS) (not to exceed 10 days)” on [XXXX XXXX XXXX] and [XXXX XXXX XXXX] for “terroristic threats”. The Notice of Suspension, given to the Student on [XXXX XXXX XXXX], stated the Student received a four-day suspension for “terroristic threatening of two students.” The Notice of Suspension further stated the Student may return to school on [XXXX XXXX XXXX].

OCR reviewed the District’s academic calendar for November 2017. The District’s schools were in session on [X---redacted until end of sentence---X]. The District’s schools were closed for [XXXX] holiday on [X---redacted until end of sentence---X]. The next school day following [XXXX] holiday was [X---redacted until end of sentence---X]. OCR determined the combined days between the Student’s initial date of suspension and [XXXX] first date eligible to return to school amounted to eleven calendar days, including four weekend days and three weekday holidays, but this period only included four days where school was in session.

The District did not produce documentation indicating the Student was placed on homebound instruction in November 2017 as a result of the Student’s misconduct and suspension. The Student’s enrollment records further indicate the Student enrolled in another school in the state of Arkansas, effective [XXXX XXXX XXXX], and thus did not serve the last two days of [XXXX] four-day suspension in the District.

The District produced copies of the Student’s academic file (Academic File), including copies of Section 504 and/or IEP meetings. The Academic File indicated the District convened a group of persons knowledgeable about the Student on [XXXX XXXX XXXX], including the Student’s Special Education Teacher and District’s Section 504 Coordinator (in [XXXX] dual capacity), General Education Teacher, and the Complainant. The IEP committee determined that homebound instruction was the least restrictive environment appropriate for the Student upon

reenrollment in the District. The Academic file further indicated the District convened a group of persons knowledgeable about the Student on [XXXX XXXX XXXX], determining the Student was eligible for additional homebound instruction, and then again on [XXXX XXXX XXXX], determining a shortened school day was appropriate for the Student.

A written statement provided by the District stated the Complainant notified the District on [XXXX XXXX XXXX], the first day of the Student's four-day suspension, that the Student was admitted into a "long term facility", and further, that the Hospital sent a request via facsimile for the Student's records. Copies of the Hospital's request of the Student's records were signed by the Complainant and dated [XXXX XXXX XXXX]. The District's statement indicated that it dropped the Student as enrolled in the District upon receipt of the records request, noting the records request came from a "local education agency in the town where the Hospital was located." The District's statement indicated the Complainant formally reenrolled the Student in the District on [XXXX XXXX XXXX], and further indicated an IEP meeting occurred to review the Student's placement.

The District produced copies of email correspondence between the Complainant and District personnel in the 2017-2018 school year. The earliest correspondence between the Complainant and the District is dated [XXXX XXXX XXXX], which was two months after the Student's suspension and five days after the determination that the Student would receive homebound instruction. The correspondence does not indicate the Complainant made a complaint. The District's written statement indicated the Complainant discussed the Student's alleged misconduct with District personnel prior to the official suspension notice on [XXXX XXXX XXXX], to explain what [XXXX] believed transpired and why the Student was innocent. The District's written statement does not indicate the Complainant complained about the Student's treatment prior to the suspension.

The Principal reported that the Student received a four-day suspension in November 2017 but did not recall the exact dates. The Principal reported the Student's suspension took place over the course of [XXXX], and explained the total duration between the original suspension date and returning to school may have exceeded ten calendar days, but not ten school days. The Principal reported that [XXXX] never increased the Student's suspension to ten or more *school* days. The Principal reported the Student returned to school in January 2018, rather than immediately after the suspension concluded in November 2017. The Principal reported the Complainant informed the District that [XXXX] enrolled the Student into the Hospital on the same day as the Student's suspension began. The Principal reported that the Hospital requested the Student's records, and further reported that, under state law, the District had to "drop the Student from its enrollment rolls" because the request constituted enrolling the Student in another district and students cannot enroll in two school districts at once. The Principal reported the Student reenrolled in January 2018. The Principal reported the District conducted an IEP meeting prior to the Student's reenrollment and determined homebound instruction was the "best placement for the Student" at that time, and further reported the Complainant was present at the meeting and agreed to the placement.

The Special Education Supervisor reported it is standard procedure to remove a student from enrollment rolls when said student enters a residential treatment facility, such as the Hospital the Student was admitted to. The Special Education Supervisor reported that students are deemed enrolled in the school district where a residential treatment facility is located if a student is “parentally placed” in the facility and if the facility requests the student’s records. The Special Education Supervisor explained that the circumstances are different for when a school district places a student in such a facility: in that case, the school district making the placement determination retains the student as enrolled. The Special Education Supervisor reported that the Complainant placed the Student into the Hospital in November 2017, not the District, and thus the District removed the Student from its enrollment rolls per standard procedure. The Special Education Supervisor reported that an IEP meeting occurred prior to the Student’s reenrollment in the District in January 2018, where the Student’s records were reviewed and the District determined homebound instruction was “in the Student’s best interest to get acclimated back to the District.”

OCR contacted the Complainant via email on May 15, 2018, inquiring about the Student’s enrollment status in November 2017. The Complainant replied on May 18, 2018, clarifying that the Student transferred from the District to another school district, and alleged the District failed to notify [XXXX] that the Student would be unenrolled and would require reenrollment to return. OCR offered the Complainant the opportunity to provide additional information regarding [XXXX] complaint allegations by phone or email. In the Complainant’s email response, the Complainant alleged that the District never held a meeting for the Student regarding [XXXX] homebound instruction placement and that the Student remained out of school for a total of seven months before the District ever mentioned the idea of the Student returning to school full-time.

## **Issue 2**

### Legal Standard

Under the Section 504 and Title II implementing regulations, at 34 C.F.R. § 104.33(a) and 28 C.F.R. § 35.130, respectively, a public school district that receives Federal financial assistance from the Department (recipient) must provide a FAPE to each qualified student with a disability in the district’s jurisdiction. As stated above, the Section 504 regulations’ evaluation procedures, at 34 C.F.R. § 104.35(a) and (b), state that a recipient must evaluate any student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the student’s initial educational placement and any subsequent significant change in that placement, such as removal from school for a period greater than ten days or for cumulative removals totaling more than ten days.

### Legal Analysis

OCR determined that the District did not fail to conduct an evaluation of the Student prior to significant changes in the Student’s placement. OCR found that the Student did not experience a significant change in placement in November 2017. The Student received a four-day suspension in November 2017, not ten days or homebound instruction, as alleged by the Complainant. The



District's four-day suspension of the Student on [XXXX XXXX XXXX], resulted in the Student missing four school days and being eligible to return on the next school day, which was [XXXX XXXX XXXX], due to District schools closing for Thanksgiving holiday and the subsequent weekend that followed. The Student received a four school day suspension that spanned eleven calendar days, but the number of school days missed is the relevant factor for determining if the Student experienced a significant change in placement requiring an evaluation under 34 C.F.R. § 104.35(a). Further, OCR determined the District unenrolled the Student upon receiving a request for records by the Hospital that the Complainant voluntarily admitted the Student into as a patient. OCR determined the Student was eligible to return to school at any time beginning on [XXXX XXXX XXXX], the next school day following the Student's four-day suspension, if the Complainant and Student chose.

OCR found that the District did place the Student on homebound instruction upon the Student's reenrollment in the District on [XXXX XXXX XXXX]. However, OCR's review of the evidence found that the District convened a group of persons knowledgeable about the Student, including the Complainant, on [XXXX XXXX XXXX], followed appropriate procedure, reviewed the Student's relevant medical and disciplinary records, and made a determination that homebound instruction was the least restrictive environment for the Student.

Based on a preponderance of the evidence, OCR determined that there is insufficient evidence to conclude the District discriminated against the Student on the basis of disability with respect to Issue 2.

### **Issue 3**

#### Legal Standard

In order for an allegation of retaliation to be sustained, OCR must determine whether:

1. A prima facie case of retaliation can be established, which involves consideration of whether:
  - a. An individual experienced an adverse action caused by the recipient; and
  - b. The recipient knew that the individual engaged in protected activity or believed the individual might engage in a protected activity in the future; and
  - c. There is some evidence of a causal connection between the adverse action and protected activity
2. The recipient identifies a facially legitimate reason for taking the adverse action other than the protected activity; and
3. Whether the recipient's reason is a pretext for retaliation and/or whether multiple motives exist for the recipient taking the adverse action.

If OCR does not find that a prima facie case exists, OCR will conclude that there is insufficient evidence to support a finding of retaliation. If, however, the evidence demonstrates a prima facie case of retaliation, an inference of unlawful retaliation is raised and OCR proceeds to the next stage of the analysis. To ascertain whether this inference might be rebutted, OCR will then

determine whether the recipient can identify a non-retaliatory reason for its actions. If such a reason is identified, OCR’s investigation proceeds to the third stage. At the third stage, OCR examines the evidence to resolve what the real reason was (or reasons were) for the intimidation, threat, coercion, or discrimination.

### Legal Analysis

OCR must first determine whether a prima facie case of retaliation can be established. The first step is to determine whether the Student was subjected to an adverse action caused by the recipient. While the Complainant alleged that the District increased the Student’s suspension to ten days and then further increased the suspension to homebound instruction, the evidence indicates the Student only received a four-school day suspension, on [XXXX XXXX XXXX], that spanned eleven calendar days and concluded on [XXXX XXXX XXXX]. The evidence further indicated the Student was eligible to return on [XXXX XXXX XXXX], after four school days, had the Student remained enrolled in the District. The District did not increase the Student’s suspension to ten days, nor increase the suspension to homebound instruction at this time. OCR found that the Complainant admitted the Student into the Hospital for an extended stay, causing the District to remove the Student from its enrollment because the Student was considered enrolled in another school district. OCR found that the Complainant did not seek to reenroll the Student in the District until January 2018. Therefore, OCR could not find that the Student was subjected to the adverse act of having [XXXX] four-day suspension extended or being removed from school.

Furthermore, OCR could not corroborate the Complainant’s allegation that the Student was subjected to the adverse act of having [XXXX] discipline increased to homebound instruction. The documentation and information received by OCR indicates that upon the Student’s reenrollment in the District on [XXXX XXXX XXXX], the District convened a group of persons knowledgeable about the Student, including the Complainant, and the group determined the Student’s appropriate placement at that time, two months after the suspension, was homebound instruction. Thus, the evidence suggests that the homebound placement was an IEP placement decision, rather than an extended or escalated disciplinary sanction, as alleged by the Complainant.

Therefore, OCR determined that a preponderance of the evidence does not establish that the Student experienced the adverse actions alleged by the Complainant; thus OCR determined that there is insufficient evidence to conclude the District retaliated against the with respect to Issue 3.

### **Conclusion**

The District has entered a voluntary resolution agreement to resolve issue 1 of this complaint, and OCR will monitor the District’s implementation of the Agreement. OCR has determined that the evidence is insufficient to support a conclusion of noncompliance under Section 504 or Title II with respect to issues 2 and 3

This letter concludes OCR’s investigation of this 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. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that a recipient may not harass, coerce, intimidate, or discriminate against any individual because [XXXX] or [XXXX] 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 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.

If you have any questions regarding this letter, please contact Kyle Gruber, the attorney assigned to investigate this complaint, at (214) 661-9613 or [Kyle.Gruber@ed.gov](mailto:Kyle.Gruber@ed.gov), or me at (214) 661-9638 or [Lori.Bringas@ed.gov](mailto:Lori.Bringas@ed.gov).

Sincerely,

Lori Howard Bringas  
Supervisory Attorney/Team Leader  
Dallas Office