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

A THE NT OF PORCE

1244 SPEER BLVD., SUITE 310 DENVER, CO 80204-3582 REGION VIII

ARIZONA COLORADO NEW MEXICO UTAH WYOMING

August 16, 2021

Superintendent Michael Jennings Natrona County School District No. 1 970 N. Glenn Rd. Casper, WY 82601

via Email Only to: Michael\_Jennings@natronaschools.org

*Re:* Natrona County School District No. 1 OCR Case Number 08-21-1171 Resolution Letter

Dear Superintendent Jennings:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the United States Department of Education (the Department) received on March 22, 2021, against the Natrona County School District No. 1. The Complainant, a current employee, alleges that the District is discriminating against her based on her disabilities and is retaliating against her for opposing disability discrimination. In particular, the Complainant alleges that she is:

- 1. Subject to a hostile work environment that the District has failed to address, which includes but is not limited to, harassment, threats and intimidation, lack of support, micro-management, unfair criticism and expectations, excessive scrutiny, repercussions for taking sick leave, and directives to her co-workers to exclude her from meetings;
- 2. Being treated differently than her non-disabled peers in multiple respects, including but not limited to, more frequent and longer observations in her classroom, more critical evaluation of her work, and more onerous requirements with respect to the use of leave; and
- 3. Being retaliated against by her supervisor for complaining about disability discrimination to Human Resources on or around March 8, 2021, by being subjected to increased scrutiny and disparate treatment.

By letter dated May 5, 2021, OCR notified the parties that because the Complainant had timely filed an internal grievance raising the same discriminatory conduct as allegations one and two, OCR's investigation of those allegations would be limited to determining whether the District provided a comparable resolution process pursuant to legal standards that are acceptable to OCR.

Page 2 - Resolution Letter - OCR Case No. 08-21-1171

# I. Jurisdiction

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The implementing regulations for Section 504, at 34 C.F.R. § 104.61, and Title II, at 28 C.F.R. § 35.134, also prohibit retaliation. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

# **II. Summary of Investigation**

OCR's investigation included an interview of the Complainant; a meeting with the Associate Superintendent for Human Resources and Executive Director for School Improvement; and review of over 5500 pages of documents pertinent to the complaint allegations, including the District's non-discrimination, grievance, investigation, and employment policies, the Complainant's personnel and disability files, the District's investigative files regarding the Complainant's grievances and complaints of discrimination, correspondence between the Complainant and her supervisor, correspondence referencing the Complainant, and walk through and observation reports of the Complainant.

Prior to the conclusion of OCR's investigation and the interview of witnesses, the District expressed a willingness to resolve all the complaint allegations. As a result, OCR suspended its investigation of those claims.

# **III. Background Facts**

# Complainant's Employment with the District

The Complainant has worked for the District for XXX years. She began working for the District in XXX at XXX School. She transferred to XXX School in the XXX school year and has been there ever since. She has been teaching XXX grade since XXX.

From XXX, the Complainant received "successful" performance evaluations.<sup>1</sup> In the XXX school years, the Complainant received performance evaluations showing "developing" in a few areas from the former principal of Sagewood. That principal rated the Complainant as proficient or accomplished in all areas in XXX.

A new principal started at XXX in XXX. In 2018-19, the new principal rated the Complainant as meeting all professional ethics standards that were evaluated. In 2019-20, the Complainant was

<sup>&</sup>lt;sup>1</sup> OCR did not consider the Complainant's 2010-11 performance evaluation because a new evaluation tool was rolled out that year which led to "developing" ratings due the complexity of the new system.

Page 3 - Resolution Letter - OCR Case No. 08-21-1171

rated by the new principal as "developing" in seven areas and was placed on a "guided" track for evaluation, which is one level before a performance plan.

In 2020-21, the same principal rated the Complainant as "developing" in six areas, which was consistent with the Complainant's self-assessment. The Complainant has never received a rating of "does not meet" standards.

#### Complainant's Health Issues

The Complainant has XXX. In August 2019, she began experiencing significant health issues. First, she had an adverse reaction to a medication she was taking for XXX and developed XXX as a result. She then had an adverse reaction to the antidote, which caused XXX side effects and difficulty XXX. She additionally had XXX.

In November 2019, the Complainant started experiencing XXX problems, which required frequent appointments with specialists and hospitalization for a few days in XXX. X – sentences redacted X. Around the same time, the Complainant was diagnosed with XXX.

The Complainant was sick until July 2020, when she had surgery on XXX. Her doctors did not know what was wrong with her at the time, but now believe that she had XXX in the Fall of 2019 before XXX. During the 2020-21 school year, the Complainant was diagnosed with an XXX disorder.

Despite her significant medical issues, the Complainant did not request any accommodations for her disabilities other than XXX. She did, however, tell her principal on several occasions about her medical issues. The Complainant did not request medical leave because she feared retaliation and now recognizes that it would have been beneficial.

#### Treatment of Complainant During the 2019-20 and 2020-21 School Years

The Complainant contends that her relationship with her principal was fine in the 2018-19 school year but began deteriorating at the start of the 2019-20 school year when she became ill.

On September 4, 2019, the first day of the 2019-20 school year, the principal met with the Complainant's teaching partners, who told the principal that the Complainant's "XXX is more extreme; worse this year" and that there is a difference in her interactions with kids (i.e., she is more "intense" and "irritable with kids"). They stated that the Complainant's behavior is "out of the ordinary" and is "reaching level of suspicion," and they questioned whether the Complainant is under the influence of narcotics or medications.

That same day, the principal met with the Complainant and asked generally what was wrong with her and specifically why she was XXX and XXX more than usual. The Complainant explained that she was having an adverse reaction to medication. The principal asked what medicine she was taking and for what reason, which the Complainant answered.

Page 4 - Resolution Letter - OCR Case No. 08-21-1171

The Complainant claims that the principal said several times during that meeting, "People have noticed. People are talking," which made the Complainant very uncomfortable and embarrassed. The principal also instructed the Complainant during that meeting that she would have to turn in her lesson plans on Fridays starting September 9, 2019, and that she would receive weekly coaching and feedback on these. The Complainant responded that "she feels attacked."

The Complainant further contends that following that meeting, the principal offered her no support, compassion, or empathy regarding her ongoing health problems. For example, when the principal told her to smile more and the Complainant responded, "I can't XXX," the principal allegedly said, "I know. I've seen you struggle. But you still need to smile more." The Complainant also alleges that one day the principal asked her what she thought was going wrong. When the Complainant burst into tears and said she needs help, the principal responded, "it is never going to get easier or any better" and walked out.

The Complainant additionally claims that the principal often complained about the lack of organization in her classroom, to which the Complainant would respond that she has XXX and she is doing the best she can.

Beginning in December 2019, the observations of the Complainant by her principal became increasingly more frequent and more negative. The Complainant contends that the principal came into her classroom weekly to tell her what a terrible job she was doing. The Complainant admits, however, that her "health made it very difficult to be effective" as a teacher that year.

On January 20, 2020, the Complainant sent an email to the principal noting that she had been sick since XXX and requesting air quality testing of her classroom. The Complainant received no response from the principal to this email.

In early September 2020, the Complainant's husband had surgery and subsequent complications, which required the Complainant to take a day off work. The Complainant claims that her principal said, "I can't STOP you from going to his appointment, but you will miss the first [Professional Learning Community]." The principal required the Complainant to get her lesson plans done on time despite her absence and later chastised her for not following the curriculum or pacing routines. According to the Complainant, her principal expressed no sympathy although she knew the Complainant was having a difficult time emotionally since her dad had just died of XXX and her husband was at risk of XXX.

That same month, the Complainant asked the principal several times for copies of her weekly walk throughs from the 2019-20 school year but did not receive them until months later. When the Complainant received them on or around November 19, 2020, she noticed that "FMLA wasn't used - chose not to," had been added to one of the documents in a different color ink after she had signed it. The Complainant contends she was never offered the opportunity to take medical leave.

Complainant's Complaint of Discrimination and District's Response

Page 5 - Resolution Letter - OCR Case No. 08-21-1171

On or around October 19, 2020, the Complainant wrote an email to the District's Director of School Improvement requesting a meeting to discuss concerns about her evaluator (the principal). The Complainant subsequently submitted a letter to the Director of School Improvement on October 26, 2020, complaining of a "hostile work environment" and "bullying" by her principal and co-workers. She stated she was being observed three times per week, which "has gone far beyond 'coaching'" and constitutes "harassment" by her principal. As relief, she requested a different evaluator and an external investigation of her workplace conditions.

During a meeting with the Complainant about her complaint on October 26, 2020, she discussed that she did not feel "supported or safe" last year when she was sick with XXX, and that her principal's behavior was "like kicking a dog when down." Immediately following the filing of her complaint, the Complainant's principal agreed to take her off the guided evaluation track and reduce the amount of feedback being provided but maintained the requirement that the Complainant submit her lesson plans each week for review.

On November 6, 2020, the Complainant was informed that her request for an outside investigation was denied by the District and that she would be contacted by a Human Resources representative, who would conduct "further inquiry" into her complaint.

The Complainant was interviewed by two District Human Resources representatives on November 12, 2020 about her hostile work environment complaint. She was asked to sign a "Statement of Purpose of Investigation" stating that the District would be conducting an "investigation," the objective of which is to "obtain all the relevant facts."

The Complainant told the two investigators that her principal was micro-managing her, setting her up to fail, "hammering her" instead of providing support, constantly changing expectations, and treating her like "dirt on her shoes." She admitted "she has room to grow as a teacher," but stated that most of her performance issues last year were because of "health issues."

The Complainant explained to the investigators that she was very ill last year and recounted several instances in which the principal made comments about her disabilities, including the comment the first day of school about her XXX and the comment about needing to smile when the Complainant said she could not XXX. The Complainant stated that the principal should have responded to comments about her medical issues with something like "go rest," but instead "turned up the heat." The Complainant additionally explained how she was penalized for missing school due to her husband's surgery. She gave examples of employees that the principal has driven out of the school and names of witnesses who have observed the negative treatment of her.

The Complainant did not clearly state during the interview that she thought the hostile environment was because of her disability, but she did explain to the investigators that the negative treatment of her started when she became sick at the beginning of the 2019-20 school year and became worse as she became more sick. Page 6 - Resolution Letter - OCR Case No. 08-21-1171

In addition, in advance of the interview, the Complainant gave the investigators a seven-page document dated October 19, 2020, detailing her complaints of "verbal abuse," "bullying," and "harassment" by the principal. In the document, the Complainant discussed her deteriorating health and the principal's alleged callous and dismissive response to statements about her medical problems. She did not, however, directly attribute the treatment of her by the principal to her disabilities.

The Complainant's principal was interviewed on November 16, 2020 for almost three hours. The principal explained that the issues with the Complainant's performance in the 2019-20 school year were based, in part, on the clutter in her classroom and complaints from her co-workers at the beginning of the school year, including that the Complainant's class was behind the others. The principal stated that the Complainant requested specific written feedback, which is why it was so frequent. The principal denied screaming at the Complainant but admitted to raising her voice with her once. She also admitted saying she did not want to hear any more excuses for the Complainant's behavior.

The principal was asked about the alleged comment about the Complainant's needing to smile but not about her conversations with the Complainant about XXX at the beginning of the year. She denied making the smile comment but admitted being aware of the Complainant's XXX problems. She said she never suggested the Complainant take medical leave or contact an employee relations specialist about her medical issues. The principal mentioned one other employee who was required to turn in lesson plans other than the Complainant but did not indicate (nor was she asked) whether that employee has a disability.

On November 20, 2020, the Complainant wrote to the Executive Director for School Improvement to complain about the FMLA notation on one of her walk-through reports from the year before, which she had just received from her principal. She wrote, "my private medical condition should not be a part of a formal evaluation that is in my personnel file."

No other witnesses were interviewed prior to the determination by the District that five of the six allegations made by the Complainant were unsubstantiated. The only allegation that the District determined was substantiated was that the Complainant's principal did not ensure an air quality test was performed at XXX when requested by the Complainant. With respect to the Complainant's claim that she was harassed and bullied, the investigators found that she never indicated the treatment was "because of a protected class."

On December 8, 2020, the principal received a letter from the lead investigator informing her that the "inquiry" into the allegations against her by the Complainant was now "complete" and providing the District's findings that five of the six allegations were unsubstantiated. The Complainant received a similar letter on December 14, 2020, stating that the District's "inquiry was completed . . ." and that "the preponderance of the evidence would conclude no examples of harassment, bullying, nor discrimination or retaliation, therefore, there is no hostile work environment." The Complainant was also told that the air quality incident could be further addressed if she seeks an accommodation.

Page 7 - Resolution Letter - OCR Case No. 08-21-1171

On December 14, 2020, the Complainant met with the investigators about their findings. During that meeting, the investigators admitted that they had not met with the Complainant's teaching partners, who the Complainant had told the investigators would have relevant information about her complaints of bullying and harassment.

The following day, December 15, 2020, the Complainant's union representative wrote a letter to the lead investigator, stating that the omission of critical witness interviews "gives us concerns about the scope and thoroughness of the investigation." The Complainant requested a list of people who were interviewed during the investigation.

The following day, on December 16, 2020, the Complainant's two teaching partners and another teacher were interviewed for the first time. The interviews of the Complainant's teaching partners were approximately thirty minutes each. The teachers talked mainly about their relationship with the Complainant and their perception of her performance, as well as a complaint written by the Complainant that was found XXX. The interview of the other teacher was eight minutes long and was limited to the document left on XXX.

One of the Complainant's teaching partners stated that she and another teacher had gone to the principal about concerns about the Complainant's health and the impact it was having on kids. She said, "I am personally concerned about the [Complainant's] meds. [She] [d]oesn't remember from one day to the next. Medically concerned." None of the teachers interviewed were asked about the principal's treatment of other employees with disabilities.

The version of the investigative findings provided to OCR, which is dated November 23, 2020, lists the interviews of these three teachers as having occurred on November 16, 2020, *prior to the District's findings*, which the District later told OCR is not accurate. The document also incorporates what the teachers said during their interviews as support for the District's findings, although those conversations occurred *after* the District's findings were made.

On January 5, 2021, the District's Associate Superintendent for Human Resources responded to the letter written on behalf of the Complainant by a union representative. She acknowledged the Complainant's request for a witness list but did not provide one. All she said was that the investigators were "fully committed to the inquiry," reviewed documents and conducted interviews, and that the "actions described by [the Complainant]" and "findings from interviews" do not meet the legal definition of bullying, harassment, or a hostile work environment.

On January 11, 2021, the Complainant's union representative responded and again requested a list of witnesses who were interviewed and the dates of the interviews. Neither the Complainant nor her union representative received a response to this letter. The Complainant was never informed that additional witness interviews were conducted or how those interviews impacted the District's investigation findings, if at all.

Sometime in January 2021, the requirement that the Complainant turn in her lesson plans each week was removed.

Page 8 - Resolution Letter - OCR Case No. 08-21-1171

#### Complainant's Continued Complaints of Discrimination

On March 7, 2021, the Complainant wrote to District Human Resources representatives and administrators to complain again about her treatment during the 2019-20 school year and request that her Fall 2020 grievance be elevated to the next level. She reiterated the lack of response to her request for a witness list and stated her belief that no one was interviewed by the District as part of the investigation of her claims.

In her March 7, 2021 email, the Complainant clearly invoked the ADA. She quoted the law and explained how she is protected under the law as a person with a disability. She complained that she was not supported when ill and her work was "purposely made more difficult." Lastly, she stated her belief that the inclusion of information about her health in her evaluation constitutes a confidentiality violation and discrimination under the law. She again admitted that her work performance during the 2019-20 school year was not good but stated that rather than receive help from her principal, she was harassed and threatened whenever she made a mistake.

On March 8, 2021, the Complainant met with the Associate Superintendent for Human Resources and a Human Resources Director. When the Complainant stated her intent to file a civil lawsuit, she was offered an external investigation. On March 12, 2021, the Complainant declined an external investigation because she thought it would be a waste of time given the cursory nature of the internal investigation that was conducted by the District in November 2020.

The Complainant filed with OCR ten days later. She claims that the number and length of walk throughs and observations of her have increased since she complained about disability discrimination to Human Resources in March 2021 and are more frequent than her peers.

# **IV. Legal Standards**

# **Discrimination Prohibited**

Section 504 of the Rehabilitation Act and its implementing regulation at 34 C.F.R. § 104.11 provide that no qualified person with a disability "shall, on the basis of [disability] be subjected to discrimination in employment under any program or activity to which [the] subpart applies."

Title II of the ADA and its implementing regulation at 28 CFR § 35.140 similarly prohibits all public entities from discriminating in their employment practices against qualified individuals with disabilities.

Both Section 504 and Title II of the ADA require recipients to ensure that their employment practices and policies do not discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment, including recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, and employer-sponsored activities, including recreational or social programs.

Page 9 - Resolution Letter - OCR Case No. 08-21-1171

#### Hostile Work Environment

Disability harassment under Section 504 and Title II is intimidation or abusive behavior toward an employee based on disability that creates a hostile environment by interfering with or denying an employee's rights from the educational institution. Harassing conduct may take many forms, including verbal acts and name-calling. When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate an employee's rights under Section 504 and Title II.

To find a hostile work environment, OCR must find the following: (1) the complainant is a qualified individual with a disability; (2) one or more District representatives subjected the complainant to harassing conduct based on the complainant's disability; (3) the harassing conduct was sufficiently severe, persistent, or pervasive to create a hostile environment; and (4) the District failed to take prompt and or effective action to end the harassment, prevent it from recurring, and as appropriate, remedy the effects of the harassment.

#### Disparate Treatment

In determining whether a recipient subjected an employee to discrimination on the basis of disability, OCR considers whether the recipient treats similarly situated employees differently on the basis of disability. If evidence of different treatment is found, OCR then determines whether the reasons offered by the recipient for the different treatment are legitimate or a pretext for unlawful discrimination. Additionally, OCR examines whether the information shows that the recipient treated the individual employee in a manner that is inconsistent with its established policies, practices and procedures or whether any other evidence of discrimination based on disability exists.

#### **Retaliation**

Section 504, at 34 C.F.R. § 104.61, incorporates Title VI's prohibition on retaliation. Title VI, at 34 C.F.R. § 100.7(e), prohibits a recipient or other person from intimidating, threatening, coercing, or discriminating against any individual because he or she made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under the regulation.

A recipient engages in unlawful retaliation when it takes an adverse action against an individual either in response to the exercise of a protected activity or to deter or prevent protected activity in the future. To find a *prima facie* case of retaliation, each of the following three elements must be established:

- 1. The individual or someone on behalf of the individual engaged in a protected activity or the recipient believed the individual or someone on behalf of the individual might engage in a protected activity in the future;
- 2. An individual experienced an adverse action caused by the recipient; and

Page 10 - Resolution Letter - OCR Case No. 08-21-1171

3. There is some evidence of a causal connection between the protected activity and the adverse action.

A protected activity is any action taken to further a right guaranteed by the statutes and regulations enforced by OCR or to express opposition to any practice made unlawful by the statutes and regulations enforced by OCR.

An act is an adverse action if it is likely to dissuade a reasonable person in the individual's position from making or supporting an allegation of discrimination or from otherwise exercising a right under the statutes or regulations enforced by OCR. Petty slights, minor annoyances, and lack of good manners are not normally adverse actions.

In determining whether the recipient took the adverse action because an individual engaged in a protected activity or for the purpose of interfering with a protected activity, OCR considers whether there is some evidence of a causal connection between the adverse action and the protected activity. The evidence may include changes in the treatment of the individual after protected activity occurred, the proximity in time between protected activity and adverse action, the recipient's treatment of the individual compared to similarly situated individuals, or the recipient's deviation from established policies or practices.

If all the elements of a *prima facie* case of retaliation are established, then OCR considers whether the recipient has presented a facially legitimate, non-retaliatory reason for taking the adverse action. If so, then OCR considers whether the reason for the adverse action is genuine or a pretext for retaliation, or whether the recipient had multiple motives for taking the adverse action.

# V. Legal Analysis

As discussed above, OCR's investigation in this matter was largely limited to whether the District provided a comparable resolution process pursuant to legal standards that are acceptable to OCR. OCR has concerns about the sufficiency of the District's investigation of the Complainant's claims.

First, it is undisputed that the District did not do a full investigation of the Complainant's claims of disability discrimination pursuant to its procedures for "investigations" -- but rather did an "inquiry." Pursuant to District policy, only some allegations of a violation of law, board policy/ administrative regulation, or work agreement result in a full investigation. Some complaints proceed to an "inquiry" and advance to an "investigation" only if it is determined a full investigation is warranted, which the District determined was not necessary here.

Second, the investigators did not analyze whether the Complainant was subjected to disability discrimination, as they determined that she did not allege the treatment of her was related to a protected class although she many times connected the treatment to her many medical issues. As a result, the investigators did not look at how the Complainant was treated in comparison to her non-disabled peers nor whether the treatment of her was because of her disabilities. For example,

Page 11 - Resolution Letter - OCR Case No. 08-21-1171

while the District acknowledges that the principal increased her walk-through observations of the Complainant during the relevant time-period as she did with four other teachers, it did not look at whether those other teachers also have disabilities.

Third, there are significant irregularities in the way the District's inquiry was conducted – namely, that interviews of critical witnesses occurred *after* the District's findings were shared with the parties – and no report appears to have been written prior to the communication of those findings.<sup>2</sup> In addition, several relevant witnesses were never contacted. Furthermore, the Complainant was never given an opportunity to rebut the information obtained during the inquiry.

After OCR communicated these concerns to the District and requested additional information regarding its investigation, the District voluntarily agreed to do a more extensive investigation of the Complainant's allegations of disability discrimination and to investigate her claim of retaliation, which overlaps with her discrimination claims because it involves the same types of conduct and documents.

# **VI.** Conclusion

During OCR's investigation, the District agreed to voluntarily address OCR's concerns regarding the sufficiency of its investigation of the Complainant's first and second allegations. It also agreed to investigate the third allegation of retaliation because there is significant overlap in the documents and witnesses relevant to this claim. Thus, pursuant to Section 302 of OCR's Case Processing Manual (CPM), OCR has not made a legal determination with respect to these allegations.

The District signed the enclosed Resolution Agreement on August 10, 2021. The Agreement requires the District to do a full investigation, as distinguished from an "inquiry," of the Complainant's three disability discrimination allegations which will include, at a minimum:

- 1. Review of relevant documents;
- 2. Interviews of the Complainant and all relevant witnesses;
- 3. An opportunity for the Complainant to respond to or rebut the information obtained;
- 4. Analysis of how the Complainant was treated in comparison to her peers with and without disabilities;
- 5. Analysis of whether the alleged actions have been substantiated using a preponderance of the evidence standard; and

<sup>&</sup>lt;sup>2</sup> OCR asked for "earlier versions of the investigative findings" that were drafted prior to the interviews of additional witnesses and did not receive any prior versions of the document that was incorrectly dated November 23, 2020.

Page 12 – Resolution Letter – OCR Case No. 08-21-1171

6. A summary of the investigation, the evidence obtained, and findings with respect to each of the Complainant's allegations of discrimination.

The Agreement, when fully implemented, will fully resolve the compliance concerns in this case. The provisions of the Agreement are aligned with the allegations and issues raised by the Complainant and the information that was obtained during OCR's investigation, and are consistent with applicable law and regulation. OCR will monitor the District's implementation of the Agreement until the District is in compliance with the statutes and regulations at issue in the case. Failure to implement the Agreement could result in OCR reopening the complaint.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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

We appreciate the District's cooperation in the resolution of this complaint. If you have any questions, please contact XXX.

Sincerely,

Thomas M. Rock Supervisory General Attorney

Enclosure: Resolution Agreement

cc: Craig Silva, Counsel for District (by email only to csilva@wpdn.net)

Jillian Balow, State Superintendent of Public Instruction (by email only to <u>superintendent@wyo.gov</u>)