



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
50 UNITED NATIONS PLAZA  
MAIL BOX 1200; ROOM 1545  
SAN FRANCISCO, CA 94102

REGION IX  
CALIFORNIA

June 30, 2017

Lupita Girard  
Principal  
Norton Space and Aeronautics Academy  
503 E. Central Avenue  
San Bernardino, CA 92408

(In reply, please refer to case no. 09-15-1092.)

Dear Ms.Girard:

The U.S. Department of Education, Office for Civil Rights (OCR), has resolved the above-referenced complaint against Norton Space and Aeronautics Academy (“NSAA” or “School”). OCR began an investigation into the following issues:

1. Whether NSAA failed to provide the Student with a free, appropriate public education (FAPE) in fall 2014 when it did not implement the Student’s Individualized Education Program (IEP);
2. Whether the Student was subjected to harassment by other students based on disability, and whether NSAA failed to respond appropriately and effectively to notice of the harassment; and
3. Whether NSAA retaliated against Complainant and the Student after she complained to NSAA that the Student’s IEP had not been implemented when NSAA asserted that the Complainant had permanently removed the Student from the School.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794, and its implementing regulation, at 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of federal financial assistance. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. As a recipient of federal financial assistance the School is subject to Section 504, Title II, and their implementing regulations.

OCR gathered evidence in this investigation by reviewing documents and correspondence provided by NSAA and the Complainant, and by interviewing the Complainant. This letter summarizes the applicable legal standards, the relevant facts obtained during the investigation, and the terms of the resolution reached with NSAA.

***Issue 1: Whether NSAA failed to provide the Student with a free, appropriate public education (FAPE) in fall 2014 when it did not implement the Student's Individualized Education Program (IEP).***

### Legal Standards

The Section 504 regulations, at 34 C.F.R. §104.33, require public school districts to provide a free appropriate public education (FAPE) to all students with disabilities in their jurisdictions. An appropriate education is defined as regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met, and that are developed in accordance with the procedural requirements of §§ 104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections. Implementation of an individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA) is one means of meeting these requirements. 34 C.F.R. §104.33(b)(2). OCR interprets the Title II regulations, at 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii), to require districts to provide a FAPE at least to the same extent required under the Section 504 regulations.

### Facts Gathered to Date

- The Student was enrolled in NSAA during the 2013-14 and 2014-15 school years, until his disenrollment on October XX, 2014. In the 2014-15 school year, the Student was in the XXXXXX grade.
- The Student was a qualified student with a disability who was eligible to receive special education services and aids under the categories of Autism (primary) and Speech and Language impairment (secondary). He was placed in a general education classroom and was being served under an IEP and a Behavior Intervention Plan (BIP). The Student's May XX, 2014 Assessment Report reflects that the Student was also diagnosed with Pica (chewing on wood chips and buttons when anxious). A Special Circumstance Instructional Assistant (SCIA) assessment was completed on July XX, 2014 that also indicated a diagnosis of hyperacusis, a condition that caused the Student to be "hypersensitive to typical general education environment sounds (air conditioning, ventilation, chattering, murmuring from students)."
- The copies of the Student's IEPs provided to OCR did not include a section that clearly specified the complete list of services and accommodations that would be provided. Instead, accommodations and services were sometimes described in the "meeting notes," which were not consistent from year to year. As a result, for example, it could not be determined whether accommodations mentioned in the meeting notes in the November X, 2013 IEP (such as an emergency drill protocol) but not the April XX, 2014 IEP, were intended to be removed, or were simply not discussed because nothing had changed from the previous year. An IEP meeting was scheduled for October XX, 2014, but the School cancelled the

meeting after the Complainant took the Student home from school on October XX, 2014.

### *Prescribed Adaptive Equipment*

- The Complainant told OCR that NSAA failed to implement the Student's IEP by withholding prescribed adaptive equipment - a sound cancelling device and a chewy silicon necklace.
- The Student's November 2013 IEP states that an "[a]uditory device/headset would be available to the Student at times in all environments in which auditory stimulus may become disrupting or painful for the Student." The July XX, 2014 SCIA report stated that "the Student will require sound cancelling devices to mitigate what he calls excessive murmur and chatter and irritating environmental noises."
- The Student's August X, 2014 IEP Addendum does not include a specific list of adaptive equipment required. However, the IEP addendum included the following goal: "use appropriate sensory tools which may include mouth tools (water bottle, gum, sour candy, bubbles, corn cob pipe, etc.) and ear tools (head phones, quiet music, etc.) to remain on task until completion with a decrease of less desired strategies such as sucking on his shirt to an occurrence of 1 time per hour 50% of the day."
- The Complainant told OCR that, on or about September XX, 2014, the Student's teacher took away the sound compressing hearing aid from the Student because she thought he was playing with it and did not return it back to the Student. The Complainant stated that one day in late September or early October 2014 the Student's teacher also took away the chewy silicon necklace from the Student and then lost it. As a result, the Complainant told OCR that on October XX, 2014, the Student had eaten a crayon. On October XX, 2014, the Assistant to the Director of Special Needs at the Lewis Center for Educational Research (the entity which operated NSAA) (hereinafter "Lewis Center") sent an email to the Complainant to notify her that they had ordered and received a replacement chewy necklace for the Student and that it was sent to the Complainant.

### *Speech and Language Therapy and Occupational Therapy Services*

- The Student's operative IEP stated that the Student would receive three "speech and language sessions of 20 minutes each per week. The IEP noted that "the Student will not receive speech and language services during the first and last week of each school year."
- The Complainant provided OCR with an email dated May XX, 2014 from the School's speech therapist to the Complainant, in which the speech therapist communicated that she had informed her students that she was leaving the

School but that she would be there for one more week. The Complainant told OCR that the Student did not receive any speech and language therapy minutes during the last two weeks of the 2013-14 school year. According to the student handbook on the NSAA web site, the last day of school for the 2013-14 school year was June 12, 2014.

- The Complainant also told OCR that speech therapy was not provided to the Student at the beginning of the 2014-15 school year. NSAA provided OCR with speech therapy logs for the 2014-15 school year, which showed that the Student received speech therapy services on approximately thirteen days in the eight full weeks after the first week and before the Student left the school.
- The Student's IEP reflected that the Student was required to receive Occupational Therapy services one time per week for 30 minutes each session. The Complainant told OCR that she believed that NSAA did not provide all the Student's OT services in the 2014-15 school year and that NSAA falsified the reports that substantiated the delivery of OT services to the Student. NSAA provided OCR with copies of the Student's Service Logs for the 2014-15 school year, which showed that occupational therapy was provided on 6 days (for 30 minutes each) out of the ten weeks before the Student stopped attending the school. In three other weeks, the log indicates that the therapist provided services to other students but the Student was marked as "A" for absent. In the other week, he was marked as "U," though the therapist did provide services to other students on that day. The Complainant provided no evidence to support her claim that the logs were falsified. The logs indicated that the services were provided by a different therapist than the one the Complainant was most familiar with.
- The Complainant told OCR that NSAA failed to provide her with weekly written summaries regarding the occupational therapy and speech therapy services that were provided to the Student, as she claimed were required by the Student's Behavior Intervention Plan, which was developed as part of the IEP process. OCR reviewed the Behavior Intervention Plan and the plan required communications only on "as needed" basis and did not require weekly communications.

#### *1:1 Aide*

- The Student's August X, 2014 IEP addendum stated that a 1:1 aide would be assigned to the Student "during all activities." The July XX, 2014 SCIA Report stated that the 1:1 aide "will have to be trained to implement [Applied Behavior Analysis] strategies appropriate for a general education environment and offer substantial support for general education teachers during all transitions, instruction, structured and unstructured activities."

- On August XX, 2014, the school psychologist advised the Complainant by email that the Student's Teacher and his Aide would attend autism training to be held on seven days in September and October 2014. The psychologist suggested that the Complainant pick her son up at 10:30 a.m. on those days, instead of the normal end of the school day for the Student of 2:35pm. The psychologist also noted that the alternative was that the Student could go to a XXXXX grade classroom that had an aide. The Complainant told OCR that she kept the Student home for some of those days, and that the School subsequently agreed to let the Complainant volunteer at school on those days so that the Student could remain at school.
- The Complainant provided OCR with a copy of an email that she sent to the NSAA Psychologist on October X, 2014 wherein she was concerned that the Student's 1:1 aide was being used to assist the teacher with other duties and other students besides working with the Student, including making posters for the teacher to decorate the classroom and documenting data regarding another student in the class.

#### *Emergency Drill Protocol*

- The Student's November X, 2013 IEP stated that, "Regarding transitions, the Student would be given more reminders of beginning and end of transitions, with sufficient notice of upcoming drills and Student would be provided a headset for these activities. Student would be reminded to check his visual schedule." The Student's 2014 IEP did not outline an emergency drill protocol, such as the one described in the November 2013 IEP. However, there were no notations or information in either IEP that would suggest that Student's unique needs, which had previously necessitated these accommodations, had changed.
- The Complainant told OCR that a fire alarm drill occurred at the school on September XX, 2014 but that no one informed the Student about the fire alarm drill before it occurred and made sure he had his ear devices available. The Complainant also told OCR that on October XX, 2014, NSAA participated in the California Shakedown earthquake drill. The Complainant stated that she was still in the parking lot after dropping off the Student when the drill occurred, and she observed that the School again failed to implement the protocol for the Student. The Complainant reported that generally, when the Student heard alarms like this he would report after the alarm that his ears were ringing and hurting for a number of days. The Complainant also told OCR that after such an alarm he would have difficulty focusing or concentrating and would sometimes act out.

#### *Access to GAVRT*

- The Complainant told OCR that NSAA advertised that the School participates in the GAVRT (Goldstone Apple Valley Radio Telescope) program, which enables students to operate and control a telescope located at NASA's Deep Space

Communication Complex at Goldstone, California. The Complainant told OCR, however, that the Student was never given access to GAVRT.

- The Student's August X, 2014 IEP Addendum and the April XX, 2014 IEP do not require curriculum accommodations for the Student. The Student's May XX, 2014 Behavior Intervention Plan stated that the "[u]se of computer [for] educationally related applications is recommended only when he is extremely anxious and aggressively refusing to participate in academic activities and attempts to exit classroom, or run around the classroom, or when the use of the computer in this fashion will not interfere with academic activities." The Plan also stated that the "use of computer to explore NASA satellite is recommended as a reinforcer during science class."
- The Complainant told OCR that when she inquired about the Student's ability to gain access to GAVRT, she was told that elementary schools could not participate in it and that it could only be done on a group basis and not an individual student basis. In addition, she was told that the classroom teacher had to agree to participate in the GAVRT program for the entire class.
- In a letter dated December X, 2014, the Human Resources Director for the Lewis Center informed the Complainant that GAVRT is geared for students in the middle school grades and higher, and that participation could only be done on a group basis and not on an individual basis, and that each classroom teacher made the determination about whether GAVRT was appropriate for his or her class. OCR did not find evidence that any students without disabilities in the Student's class were allowed to use GAVRT.

### Analysis

Based on the facts gathered to date, OCR identified potential deficiencies with respect to NSAA's provision of the adaptive equipment, speech therapy, emergency protocol, and 1:1 aide services required by the IEP.

For example, as described above, OCR reviewed an email to the Complainant telling the Student to either stay home for a number of hours while the Student's teacher and his 1:1 aide received training, or move to another classroom. OCR also reviewed service logs and correspondence that reflect that the Student may not have received speech therapy services for several weeks at the end of the 2013-14 school year, and that he may not have received all the services specified in his IEP at the beginning of the 2014-15 school year. Finally, OCR reviewed evidence indicating that the Student may not have had the adaptive equipment he required (such as the chewy necklace that was eventually replaced by the School).

In order to complete the investigation and make a finding as to these allegations, OCR would need to conduct interviews of the Student's Teacher, his 1:1 aide, and his service providers. For example, OCR would need to determine exactly how the School

provided services to the Student during the time his teacher and aide were receiving training. If OCR's investigation revealed that the School in fact failed to provide a legally compliant alternative during the training and instead forced the Student to stay home or be moved to a different classroom where he would not have the 1:1 aide required by his IEP, OCR would find that such an action violated Section 504, Title II and their implementing regulations.

In order to complete the investigation, OCR would also need to interview members of Student's IEP team to determine what accommodations were intended. For example, OCR would need to determine whether the team intended to remove from the Student's 2014 IEP the protocol for emergencies that was described in the notes in the November 2013 IEP, given that OCR did not identify any documentation showing that the Student's needs had changed. OCR would also need to determine what adaptive equipment was intended to be provided, given that the most recent IEP included goals that reference "mouth tools" and "ear tools," but did not have a section that specifies what equipment should have been provided to the Student.

However, prior to the conclusion of OCR's investigation, NSAA told OCR that it was interested in a voluntary resolution of these allegations. The Resolution Agreement addresses these potential deficiencies by requiring training for NSAA staff and compensatory education for the Student for services missed.

OCR did not find sufficient evidence to conclude that the Student was denied the occupational therapy services required by the IEP in violation of Section 504, Title II and their implementing regulations. OCR also determined that the School's failure to provide access to GAVRT services did not constitute a failure to implement the Student's IEP, since GAVRT was not required as part of the IEP. OCR also did not find sufficient evidence that non-disabled students were permitted to access GAVRT. As such, the Resolution Agreement does not provide for occupational therapy or GAVRT services.

***Issue 2: Whether the Student was subjected to harassment by other students based on disability, and whether NSAA failed to respond appropriately and effectively to notice of the harassment.***

### Legal Standards

The regulations implementing Section 504, at 34 C.F.R. §104.4(a) and (b), prohibit discrimination based on disability by recipients of Federal financial assistance. The Title II regulations, at 28 C.F.R. §35.130(a) and (b), create the same prohibition against disability-based discrimination by public entities. School districts are responsible under Section 504, Title II and the regulations for providing students with a nondiscriminatory educational environment. Harassment of a student based on disability can result in the denial or limitation of the student's ability to participate in or receive education benefits, services, or opportunities.

Under Section 504, Title II, and the regulations, once a school district has notice of possible disability-based harassment between students, it is responsible for determining what occurred and responding appropriately. The district is not responsible for the actions of a harassing student, but rather for its own discrimination in failing to respond adequately. A school district may violate Section 504, Title II and the regulations if: (1) the harassing conduct is sufficiently serious to deny or limit the student's ability to participate in or benefit from the educational program; (2) the district knew or reasonably should have known about the harassment; and (3) the district fails to take appropriate responsive action. These steps are the district's responsibility whether or not the student who was harassed makes a complaint or otherwise asks the school to take action.

OCR evaluates the appropriateness of the responsive action by assessing whether it was prompt, thorough, and effective. What constitutes a reasonable response to harassment will differ depending upon the circumstances. However, in all cases the district must promptly conduct an impartial inquiry designed to reliably determine what occurred. The response must be tailored to stop the harassment, eliminate the hostile environment, and remedy the effects of the harassment on the student who was harassed. The district must also take steps to prevent the harassment from recurring, including disciplining the harasser where appropriate.

Under Section 504, as part of a school's appropriate response to bullying on any basis, if the school receives information that indicates that the bullying of a student is affecting the student's performance or behavior such that the student may no longer be receiving a FAPE, the school should convene the IEP or Section 504 team of a student with a disability to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the student is no longer receiving a FAPE. The effects of bullying could include, for example, adverse changes in the student's academic performance or behavior.

If the school suspects the student's needs have changed, the IEP or Section 504 team must determine the extent to which additional or different services are needed, ensure that any needed changes are made promptly, and safeguard against putting the burden on the student with the disability to avoid or handle the bullying. In addition, when considering a change of placement, schools must continue to ensure that Section 504 services are provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

#### Facts Gathered to Date

- The Complainant told OCR that the Student was being bullied and that the School did not do anything to stop it. The Complainant told OCR that one student once twisted the Student's arms behind his back and pestered him by touching him, blowing in his ears, and rubbing his head. The Complainant told OCR that she reported it to the school counselor and the counselor made the other student apologize.



- The Complainant also provided OCR with a copy of an exchange of text messages between the Complainant and School's psychologist where the Complainant reported that another student told the Student "to go stuff his head into a toilet." The psychologist told the Complainant that school staff check in daily and that they don't see everything, but acknowledged that he was working with a group of boys to try to resolve some problems.

### Analysis

OCR determined that there was not sufficient evidence to conclude that the bullying alleged by the Complainant constituted harassment on the basis of disability because there was insufficient evidence that the Student was targeted because of his disability or that the statements made by other students were connected to his disability.

OCR also did not find any evidence that the bullying denied the Student a free, appropriate, public education such that the School was required to convene his IEP team. OCR also notes, however, that an IEP meeting was scheduled for October XX, 2014, at which time issues such as this could have been addressed if the meeting had not been cancelled.

***Issue 3: Whether NSAA retaliated against the Complainant and the Student after she complained<sup>1</sup> to NSAA that the Student's IEP had not been implemented when NSAA asserted that the Complainant had permanently removed the Student from the School.***

### Legal Standards

When OCR investigates an allegation of retaliation, it examines whether an individual experienced an adverse action caused by the recipient, and the recipient knew that the individual engaged in a protected activity or believed the individual might engage in a protected activity in the future, and there is some evidence of a causal connection between the adverse action and the protected activity so that OCR is able to conclude an inference of unlawful retaliation is raised.

OCR will then determine if a school district has identified a facially legitimate, non-retaliatory reason for the adverse action. If a school district identifies a facially legitimate, non-retaliatory reason for the adverse action, OCR next conducts a pretext inquiry to determine whether this reason is genuine or is a cover for retaliation. OCR examines all available evidence to determine whether the recipient's proffered reasons are credible and whether the preponderance of the evidence establishes that the adverse action was in fact retaliation.

### Facts Gathered to Date

---

<sup>1</sup> In OCR's initial communications to the School and the Complainant, the allegation being investigated was originally described as whether NSAA retaliated against the Complainant after she "filed a complaint" regarding the implementation of the IEP. The wording of this allegation was revised to reflect that the conduct referenced in this allegation was not the filing of a formal written complaint.

- In June 2014, the Complainant protested NSAA's temporary change of placement of the Student in a special day class. The Complainant also alleged that the Student's math teacher had a bias against his disability.
- On September XX, 2014, the Complainant notified the school psychologist about her concerns regarding NSAA's failure to implement the Student's IEP, including not implementing the emergency alarm protocol and the Student's 1:1 aide taking away the sound compressing ear devices from the Student.
- The Complainant provided OCR with a copy of an email that she sent to the School psychologist on October X, 2014, wherein she was concerned that the Student's 1:1 aide was being used to assist the teacher with other duties and other students besides working with the Student, including making posters for the teacher to decorate the classroom and documenting data regarding another student in the class.
- The Complainant told OCR that on October XX, 2014, NSAA conducted a "California Shakedown" earthquake drill while she was still in the School's parking lot. She told OCR that NSAA failed to implement the Student's emergency alarm drill protocol in accordance with his IEP. She told OCR that she left NSAA and drove to the Lewis Center for Educational Research campus to talk to the Special Education Director to complain about it, but that he was not available. The Complainant told OCR she left a message for the Special Education Director to return her call.
- The Complainant returned to the School and asked that the Student's tub carrying all his items to be brought to the office. The Complainant and the School dispute what she told the School's staff. The Complainant told OCR that she said she planned to keep the Student home until she was able to talk to the Special Education Director. The School maintained that the Complainant said that she was disenrolling her son, and that she confirmed that she was disenrolling her son in a follow-up phone conversation, where she told the School that she would be homeschooling him until a spot opened up at another school. The Complainant told OCR that, in that phone call, she only directed the registrar that she was waiting to talk to the Special Education Director before bringing the Student back to school and that she should continue to mark him absent until that time.
- The Complainant told OCR that during the evening of October XX, 2014, the Complainant spoke by phone with the Special Education Director about the school's failure to implement the Student's IEP, and that the Special Education Director said that he would investigate it and to keep the Student home and work on his science project until he completed his investigation. That same evening, the Complainant sent an email to the Director of Special Education and the school psychologist stating that "regardless of whatever news we get tomorrow...I want to be certain that at the end of the school year, [the Student] receives his class photograph and school yearbook."

- On October XX, 2014, the Complainant emailed various representatives of the School stating that “[a]s you are all aware, [the Student] has been out of school since October XX, 2014. He will remain out of school until [the Special Education Director] schedules, and holds, a new IEP Meeting” and asked that the Student’s teachers email her the Student’s homework assignments.
- The Complainant told OCR that the October XX, 2014 IEP meeting was not held, and that the Special Education Director told her that the IEP was not held because she had voluntarily disenrolled the Student from the School.
- On October XX, 2014, the Complainant again emailed various representatives of the School to say that she had spoken to the Special Education Director and that he had “wrongly notified” her that she had disenrolled her son. The Complainant vehemently disputed that she had disenrolled her son. She also stated that “my son needs to be in school. I want him in school,” and noted that she wanted him in a school where his IEP was being followed. The School’s Special Education Director responded to the Complainant by email to say only that he would respond by certified letter.
- By letter dated October XX, 2014, the School informed the Complainant that she had disenrolled the Student on October XX, 2014, and that the School no longer had any responsibility for the Student under California law.
- The Complainant stated that the Student was not enrolled in any school from October XX, 2014 – November XX, 2014, until she was able to enroll him in his district of residence.

### Analysis

The Complainant engaged in protected activity on a number of occasions when she complained to School staff in the spring and fall of 2014 that her son’s IEP was not being implemented and that his rights as a student with a disability were being violated. The Complainant and the School do not dispute that matters came to a head on October XX, 2014, when the Complainant took her son home from school early and later on the same day communicated with the Special Education Director about her concerns with the failure to implement Student’s IEP. The Complainant and the School dispute what the Complainant said that day about whether the Student might be returning.

However, the evidence shows that the Complainant sent emails on October XX, 2014 and October XX, 2014 to dispute that she had disenrolled her son, and to say that she did want him to return to school once they were able to resolve issues related to his IEP. The School’s response to those communications was to send her a certified letter notifying her that she had already disenrolled her son and that they therefore had no further responsibilities under California law.

OCR found sufficient evidence of a prima facie case of retaliation because the Complainant engaged in protected activity on a number of occasions, including on September XX, 2014, October X, 2014 and October XX, 2014, and the School's actions in disenrolling the Student, particularly the refusal to let the Student continue at the School after the Complainant clarified on October XX, 2014 that she did not wish to disenroll her son, were an adverse action. The close proximity in time between the complaints that the Complainant raised and the alleged retaliatory action is sufficient to create an inference that there was a causal connection between the alleged retaliatory action and the protected activity.

In order to reach a finding regarding whether the School's actions in disenrolling the Student constituted retaliation (or alternatively, discrimination against the Student on account of his disability), OCR would need to conduct interviews with all of the individuals who spoke to the Complainant and to determine why the School chose not to keep the Student enrolled once the Complainant made clear that she did not want to disenroll the Student. However, prior to the completion of the investigation, the School expressed an interest in voluntary resolution, and OCR determined it was appropriate to proceed with such a resolution. The Resolution Agreement would address the potential deficiencies by providing training to NSAA staff and compensatory education for the Student for the time period missed when the Student was out of school from October XX, 2014 through November XX, 2014.

### Conclusion

Based on the commitments made in the enclosed Resolution Agreement, OCR is closing the investigation of this complaint as of the date of this letter, and notifying the Complainant concurrently. When fully implemented, the Resolution Agreement is intended to address OCR's compliance concerns discussed above. OCR will monitor the implementation of the Resolution Agreement until the School is in compliance with the statutes and regulations that were at issue in the case.

OCR's determination in this matter should not be interpreted to address the School's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

Please be advised that the School may not harass, coerce, intimidate, retaliate or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

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

Thank you for your cooperation in resolving this case. If you have any questions regarding this letter, please contact Blake Thompson, Civil Rights Attorney, at (415) 486-5630.

Sincerely,

/s/

Zachary Pelchat  
Team Leader

Encl: Resolution Agreement

cc: Megan Moore, Esq. (by email only)