



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

January 22, 2019

VIA ELECTRONIC MAIL

Dan Stepenosky
Superintendent
Las Virgenes Unified School District
4111 Las Virgenes Road
Calabasas, CA 91302

(In reply, please refer to OCR Docket Number 09-18-1081.)

Dear Superintendent Stepenosky:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against the Las Virgenes Unified School District (the District). The complainant alleged that the District discriminated against individuals with disabilities because the following areas of the Agoura High School (the School) campus were not accessible to students with mobility impairments, including students who use wheelchairs:

- A designated accessible restroom
- The bleachers at the football field¹
- The Complainant's child's (the Student's)² classrooms
- Outdoor tables at 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 and as a public school district, the District is subject to Section 504, Title II, and their implementing regulations.

To investigate this complaint, OCR conducted interviews with the Complainant and reviewed documents and other information provided by the Complainant and the District. OCR also conducted a site visit to the School on March 12, 2018. After careful review of the information

¹ In conducting its review of the football field, OCR also identified issues with the path of travel and lack of accessible parking for the field, as described below.

² OCR previously provided the District with the Complainant and the Student's names. Their names are not included here for privacy reasons.

gathered in the investigation, OCR concluded that the District was in violation of Section 504 and Title II and their implementing regulations as to certain features of the School's facilities. As to certain other aspects described below, prior to OCR completing its investigation and making a compliance determination, the District expressed an interest in voluntary resolution pursuant to section 302 of OCR's Case Processing Manual (CPM), and OCR determined it was appropriate to do so. OCR also found that the District was in compliance with Section 504 and Title II and the regulations as to certain aspects of the restroom that the Complainant had asserted were inaccessible.

The legal standards, facts gathered, and the reasons for OCR's determinations are summarized below.

Legal Standard

The regulations implementing Section 504 and Title II provide that no qualified person with a disability shall, because a recipient/public entity's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program, service, or activity of the recipient. 34 C.F.R. § 104.21; 28 C.F.R. § 35.149. The regulations contain two standards for determining whether a recipient/public entity's programs, activities, and services are accessible to individuals with disabilities. One standard applies to "new construction" and "alterations" while the other applies to "existing facilities." The applicable standard of compliance depends upon the date of construction and/or the date of any alterations to the facility.

New construction and alterations

The Section 504 regulations, at 34 C.F.R. § 104.23, apply to "new construction or alterations," defined as any facility or part of a facility where construction was commenced after June 3, 1977. For the purposes of Title II, "new construction or alterations" is defined as any construction of or alterations to a facility or a part of a facility on or after January 26, 1992. The regulations for each law provide that each facility or part of a facility constructed by, on behalf of, or for the use of the recipient/public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. The regulations further provide that each facility or part of a facility altered by, on behalf of, or for the use of the recipient/public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by persons with disabilities.

The Section 504 regulations, at 34 C.F.R. § 104.23(c), specify the American National Standards Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped (ANSI 117.1 – 1961 (1971)) as the minimum standard for determining accessibility for facilities constructed or altered on or after June 3, 1977 and before January 18, 1991. Facilities constructed or altered on or after January 18, 1991 are required to comply with the Uniform Federal Accessibility Guidelines (UFAS) (Appendix A to 41 C.F.R. subpart 101-19.6). Recipients may choose between applying the 2010 Standards for Accessible Design (2010

Standards) (28 C.F.R. § 35.151 and 28 C.F.R. part 36, subpart D) or UFAS for any new construction or alteration commenced on or after March 15, 2012. 77 F.R. 14972, 14975 (Mar. 14, 2012).

With respect to Title II, public facilities constructed or altered on or after January 26, 1992 through September 14, 2010 are required to choose application of UFAS or the 1991 ADA Standards for Accessible Design (1991 Standards) (28 C.F.R. Part 36, App. A). Public facilities constructed or altered on or after September 15, 2010 through March 14, 2012 are able to comply through the application of UFAS, the 1991 Standards, or the 2010 Standards. Effective March 15, 2012, new construction and alterations pursuant to Title II are required to comply with the 2010 Standards. New construction and alterations completed before March 15, 2012 that did not comply with the 1991 Standards or UFAS (i.e., noncompliant new construction and alterations) were also subject to the 2010 Standards. 28 C.F.R. § 35.151(c)(5).

Existing facilities

The Section 504 regulations, at 34 C.F.R. § 104.22, and the Title II regulations, at 28 C.F.R. § 35.150, also apply to “existing facilities.” Section 504 defines existing facilities as any facility or part of a facility where construction was commenced prior to June 3, 1977. Existing facilities for the purposes of Title II are any facility or part of a facility where construction was commenced prior to January 26, 1992. The regulations provide that, with respect to existing facilities, the recipient shall operate its programs, services, and activities so that, when viewed in their entirety, they are readily accessible to and usable by persons with disabilities (hereinafter “the program accessibility standard”).

Accessibility of existing facilities is determined not by compliance with a particular architectural accessibility standard, but by considering whether a recipient program, service, or activity offered within an existing facility, when viewed in its entirety, is accessible to and usable by individuals with disabilities. The recipient may comply with the existing facility standard through the reassignment of programs, services, and activities to accessible buildings, alteration of existing facilities, or any other methods that result in making each of its programs, services, and activities, when viewed in their entirety, accessible to individuals with disabilities. In choosing among available methods for redressing program inaccessibility, the recipient must give priority to those methods that offer programs, services, and activities to individuals with disabilities in the most integrated setting appropriate as well as methods that entail achieving access independently and safely.

The concepts of program access and facilities access are related, because it may be necessary to remove an architectural barrier in order to create program access. For example, a program offered exclusively in a particular building on a campus may not be accessible and usable to individuals with disabilities absent the provision of physically accessible features. Under such circumstances, facility accessibility standards may be used to guide or inform an understanding of whether persons with disabilities face barriers to participating in the program, service, or activity provided in a particular facility. In reviewing program accessibility for an existing facility subject to Section 504, UFAS or the 2010 Standards may be used as a guide to understanding whether individuals with disabilities can participate in or benefit from the

program, activity, or service. The 2010 Standards may be used as a guide to understanding whether individuals with disabilities can participate in or benefit from the program, activity, or service of a public entity subject to Title II. Specific details of the architectural standards are described below as needed.

Notice & Signage

The Section 504 regulations, at 34 C.F.R. § 104.22(f), also require the recipient to adopt and implement procedures to ensure that interested persons can obtain information as to the existence and location of programs, services, activities, and facilities that are accessible to and usable by persons with disabilities. The Title II regulations, at 28 C.F.R. § 35.163(a), have a similar requirement for public entities. In addition, 28 C.F.R. section 35.163(b) requires a public entity to provide signage at all inaccessible entrances that direct users to accessible entrances or to a location at which they can obtain information about accessible facility entrances. The section also requires that the international symbol for accessibility be displayed at each accessible entrance to a facility.

Findings of Fact

The Complainant is the parent of a student with a disability at the School. The School is a comprehensive high school that was built in 1964 and underwent modernization in 1999 and 2000.

Football Field

The School's football field and bleachers were originally built in 1971. According to the District, the bleachers on the home side of the football field seat 1,706 people and the bleachers on the visiting side seat 980 people.

The District's response to the complaint stated that individuals in wheelchairs could sit either on the track around the football field or in the visitors' bleachers. The Complainant provided OCR with a text message exchange between the Student and another student who was a representative of the Student Council where the Student asked whether there was accessible seating at the field. The Student Council representative responded that there was accessible seating "on the field." The Complainant reported that neither she nor the Student had any discussion with School officials about this issue.

The visitors' bleachers were modified in 2005 to replace wood bleachers with metal bleachers and to include an accessible ramp up to the bleachers and an open area where wheelchair users could sit in front of the first row of bleachers. The first row of the visitors' bleachers has four placards on each side of the aisle marked with the International Symbol of Access, for a total of eight placards. The District told OCR that wheelchair users would sit in front of the first row, with companion seating provided "directly behind the wheelchair accessible seating location at the first riser of the grandstand area." That is, the companion seating is located in the first row of the bleachers directly behind the wheelchair accessible seating locations. (In order to actually see

over an individual in a wheelchair, the companion would actually have to sit in the second row of the bleachers).

The School's Plant Manager told OCR on the date of the site visit that individuals with disabilities could also sit in an area on the corner of the track that was also designated for families with small children. The Plant Manager reported that the area would be cordoned off by bollards and caution tape.

The District provided information to OCR about the following other modifications to the facility.

- The grass field was replaced with an artificial turf surface in 2007. According to the Plant Manager, the turf surface was replaced again in 2017.
- A building next to the field with accessible men's and women's restrooms was added in 2009.
- In 2016, the District modified one section of the bleachers on the home side (labeled as the "Stadium Club"). The Stadium Club contains ninety blue plastic seats with seat backs without armrests that were installed on top of the existing bleachers.

On OCR's visit to the field, OCR found that there was not any accessible parking located adjacent to either of the two entrances to the field. OCR observed two parking spaces marked as accessible that were uphill from the facility entrance at the southeast corner of the field (and therefore not on an accessible route), and a number of accessible parking spaces serving the School's Performing Arts Center that were located down a hill from the same entrance (also not on an accessible route).

OCR also found that the entrance from the public sidewalk and public parking at the northwest corner of the field was not accessible to individuals with disabilities because the entrance has a number of metal poles in front of the entrance that were too close together to allow an individual in a wheelchair to pass through the entrance.

Outdoor Tables

On the date of OCR's visit, OCR observed 24 outdoor tables on the School's campus. The District did not provide information about when these tables were installed.

22 of the tables were near the "lunch" area on campus, and two other tables were placed in a rectangular area between classroom buildings B, C, D and E. One of the tables in the "lunch" area and one of the tables in the area near the classroom buildings were accessible in that they had space for one wheelchair user cut out and met the requirements in the 2010 Standards for height and knee clearance. OCR estimated that the 24 existing tables at the School seated approximately 200 students in inaccessible seating spaces and included space for two students in wheelchairs.

The Secondary Program Coordinator in the District's Pupil Services Department (hereinafter the "Program Coordinator") told OCR on the day of the site visit that the School had ordered an additional accessible table to place in the area by the classroom buildings and two other

accessible tables that the School planned to place in the School's "quad" (which as of the date of the site visit had benches but no tables).

Accessible Restroom

As of the date of the site visit, the District provided the Student (along with one other student with a disability) with access to a single-user restroom in XXXX XXXX in the middle of the School campus. The restroom was also used by School staff. The District was not able to provide a definitive answer as to when the bathroom was constructed or modified, but did provide information showing that modernization of Building H (and other buildings) was conducted in 1999 and 2000.

On the day of the site visit, medical equipment needed by the two students was stored in the bathroom, which included a XXX, X XXXX, X XXXXXXXX XXXXX, and various supplies. On the date of the visit, the Student's supplies were stored in a plastic bin, and the other student's supplies were in bags in the corner of the room. The Program Coordinator told OCR that the School had ordered a cabinet that would be mounted on the wall where supplies could be stored (instead of the supply bin), but it had not yet been installed on the date of the site visit.

The Complainant told OCR that the restroom was not accessible because there was not sufficient turning space and because the toilet, sink, toilet paper dispenser, soap dispenser, and hand dryer were too high.

With respect to turning space, OCR found that when entering the bathroom, there were two items along the wall between the door and the toilet: (1) the Student's XXXXXXXX XXXXX and (2) a small trash can. While the Student is using the restroom, XXX XXXXXXXXXXXX XXXXXXXX XXXXX XX XXXXXXXX XXXX XX XXX XX XXX XXXXXXXX When XXX XXXXXXXX XXXXX XXX XXXX XXX XXXXXXXX, there was clear floor space of approximately 76 inches by 68 inches. That is, when XXX XXXXXXXXXXXX XXX XXXX XXX XXXXXXXX, OCR found that there was enough space for a sixty inch diameter turning space.

OCR also gathered the following measurements for other features:

- The sink was 34 and 7/8 inches off the ground.
- The toilet seat was eighteen inches off the ground.
- The toilet paper dispenser was 20 and 7/8 inches off the ground, directly below the grab bar next to the toilet.
- The soap dispenser was 43.5 inches off the ground.
- The hand dryer was 39 inches off the ground. The hand dryer was partially above the other student's XXX, which extended approximately 29.5 inches away from the wall.
- The paper towel dispenser was 40 inches off the ground. The paper towel dispenser was above the plastic bin with the Student's supplies in it, which extended approximately 16.5 inches from the wall.

Student's Classrooms

Based on this chart, because the visitors' bleachers seat 980 people, 10 accessible wheelchair locations were required. As noted above, the visitors' bleachers contained eight spaces marked as being available for wheelchair seating.

Section 4.33.3 of the 1991 Standards also requires that "[a]t least one companion fixed seat shall be provided next to each wheelchair seating area." The District told OCR that companion seating is available in the bleachers behind the wheelchair seating locations. OCR found that this does not comply with the requirement that the companion seating be located "next to" each wheelchair seating location. *See also* Pt. 36, App. B -- Preamble to Regulation on Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities (published July 26, 1991) (preamble to the Title III regulations noting that the "ADAAG requires that fixed seating for a companion be located *adjacent to* each wheelchair location.") (emphasis added). OCR thus found that the accessible seating in the visitors' bleachers did not comply with the requirements of Title II and Section 504 and their regulations. The Resolution Agreement therefore requires the District to modify the visitors' bleachers to provide sufficient accessible seating with compliant companion seating. Because the 2010 Standards slightly reduced the number of wheelchair accessible spaces required for assembly areas like bleachers, the Resolution Agreement requires nine wheelchair accessible spaces instead of the ten that would have been required under the 1991 Standards when the bleachers were built.

Football Field – Home Bleachers

With respect to fans who would normally use the home bleachers, the District reported that spectators in wheelchairs could sit on the corner of the track. Because the home bleachers were constructed in 1971, OCR applied a program access standard in evaluating the accessibility of the home bleachers. This standard requires that the program, when viewed in its entirety, is accessible to and usable by individuals with disabilities. Because OCR's visit was conducted in the spring, OCR was not able to observe a football game or speak to individuals in wheelchairs attending the game. Based on the information gathered to date, OCR had concerns about whether the track seating provided an option that was accessible to and usable by individuals with disabilities for all of the events at the football field.

In order to reach a finding regarding the home seating options, OCR would need to gather more information about exactly how the District provides access to wheelchair users for football games and other events. However, prior to the completion of OCR's investigation, the District agreed to develop a plan to ensure that spectators with disabilities have access to seating that is safe and accessible for all events at the field.

As noted above, the District also altered a portion of the home bleachers in 2016 to replace several rows (comprising about ninety seats) of bleachers with seats with blue plastic backings. Because this was an alteration, the modification of the seats was required to comply with the 2010 Standards. Section 221.4 of the 2010 Standards requires that, for assembly areas, five percent of the total number of aisle seats shall be "designated aisle seats." Here, because there are six aisle seats in the altered area, one of the aisle seats must be a designated aisle seat.

Section 802.4 of the 2010 Standards requires designated aisle seats that are marked with an accessibility symbol and requires that any armrest on the designated aisle seats must be folding or retractable. Here, because the newly added blue seats do not have armrests, the only applicable requirement is that the District mark the required designated aisle seat with an accessibility symbol. The Resolution Agreement therefore provides that the District will comply with this requirement.

Football Field - Parking

There is currently no accessible parking for the field. The parking spaces closest to the football field are not accessible, and there is not an accessible path of travel from any other accessible parking spaces to the field. Specifically, the closest parking spaces marked as accessible (located near the Agoura Sports Complex) are located up a hill from the entrance to the field, while the other closest accessible spaces (near the School's Performing Arts Center) are down the hill from the field.

An individual in a wheelchair would therefore have no way to park and safely access a football game or other event at the field. OCR found that, even under a program access standard, the failure to have any accessible parking with an accessible path of travel to the field violates Section 504 and Title II and their regulations. The Resolution Agreement therefore requires that the District provide accessible parking with an accessible path of travel to the field.

Football Field – Path of Travel from Public Sidewalk

The District modified the football field in 2007 to replace the grass field with an artificial turf field. The standards in place at the time of that alteration were the 1991 Standards, which included the requirement in Section 4.1.6(2) that “an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope.” Disproportionality is defined to mean that the cost of accessibility improvements exceeds 20% of the cost of the alteration.

OCR found that the 2007 switch from grass to a turf field was an alteration because it was a change affecting the usability of the field. OCR also found that the installation of the turf field was an alteration of a primary function of the facility. OCR therefore found that Section 4.1.6(2) applied and required that the District address any path of travel issues or issues related to restrooms, telephones, and drinking fountains serving the altered area, to the extent the cost of addressing those issues was not disproportionate to the overall project cost.

OCR did not find any issues with the accessibility of drinking fountains, restrooms, or telephones. OCR did find, however, that the path of travel from the public sidewalk to the entrance on the northwest side of the facility was not accessible because of metal poles blocking the entryway. OCR therefore found that the District's failure to provide an accessible path of travel from the public sidewalk to the facility violated Title II and its implementing regulation,

and the Resolution Agreement therefore provides that the District will create an accessible path of travel from the public sidewalk to the northwest entrance to the facility.

Outdoor Tables

The Complainant alleged that there were not any accessible tables at the School. As noted above, OCR determined that there were two accessible tables at the School at the time of OCR's visit.

Because the District was not able to provide information about when the tables were added, OCR applied the 2010 Standards. Section 226.1 of the 2010 Standards provides that "where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall" be accessible, and also provides that if "work surfaces are provided for use by other than employees, at least 5 percent shall" be accessible.

Because OCR determined that only approximately 1% (2 of the approximately 200) seats were accessible, OCR determined that the District was not in compliance with Section 504 and Title II and their implementing regulations as to this issue. The Resolution Agreement therefore provides that the District will add additional wheelchair accessible seating at outdoor tables sufficient to come into compliance with this provision.

Restroom

The Complainant alleged that the bathroom in room XXXX did not contain sufficient turning space in the restroom, and that the toilet, sink, toilet paper dispenser, soap dispenser, and hand dryer were too high.

Because the restroom was modernized in 1999 and 2000, OCR applied the 1991 ADA Standards in determining whether the restroom complied with the applicable accessibility requirements.

OCR determined that there was sufficient turning space in the restroom. Section 4.22.3 of the 1991 Standards requires that "[a]n unobstructed turning space complying with 4.2.3 shall be provided within an accessible toilet room." Section 4.2.3 of the standards provides that in order to have an unobstructed turning space there must be a clear circular space sixty inches in diameter. OCR found that a sixty inch diameter clear space existed when XXX XXXXXXXX XXX XXXXX XXXX XXX XXXXXXXX, as it would be when the Student was using the restroom. OCR found that there was not a full sixty-inch diameter turning space when XXX XXXXXXXX XXX XXXX XXXXXXXX XXX XXXX XXXX when the Student was not using the restroom. The District could address that issue by XXXXXXXX XXX XXXXXXXX XXXXXXXX XXX XXXXXXXX, but OCR found that this would not improve accessibility for the Student. If XXX XXXXXXXX XXXX XXXXXXXX XXXXXXXXXX XXXX, XX XXXXX XXXXXXXX XXXXX XXX XXXXXXXXXX XXXXXXXX XXX XXX XXXXXXXX. OCR also found that XXXXXXXX XXX XXXXXXXX XX XXX XXXXXXXXXX did not negatively impact the Student, as the Student's aide can immediately move XXX XXXXXXXX XXXX XXX XXXXXXXX upon entering the restroom. OCR therefore found that the amount of unobstructed

turning space in the restroom did not violate Section 504 and Title II and their implementing regulations.

OCR also determined that the toilet, toilet paper dispenser, soap dispenser and paper towel dispenser were compliant with the applicable Standards, as shown in the table below.

	Actual Height	Height Required by the 1991 Standards
Toilet	18 inches	17 to 19 inches (Section 4.16.3)
Toilet Paper Dispenser	20 and 7/8 inches (below grab bar)	19 inch minimum and below grab bar (Section 4.16.6)
Soap Dispenser	43 and 1/2 inches	15 to 48 inches (Section 4.2.5)
Paper Towel Dispenser	40 inches	15 to 48 inches (Section 4.2.5)

OCR determined, however, that the sink and the hand air dryer were not accessible under the 1991 Standards. OCR found that the counter surface of the sink was 34 and 7/8 inches above the ground, higher than the maximum of 34 inches allowed under Section 4.19.2 of the 1991 Standards. OCR also found that the hand dryer was located 39 inches above the ground, which is within the allowable reach range under Section 4.2.5 of the 1991 Standards, which allows a height of between 15 and 48 inches. However, the hand dryer was located above X XXX XXXX XXX XXXXXXXX XXXXXXXX, which extended 29.5 inches from the wall. The 1991 Standards provide that the maximum reach range over an obstruction is 25 inches. Therefore OCR found that the hand dryer was not accessible.

The Resolution Agreement therefore requires that the sink and hand dryer be placed in accessible locations consistent with current standards.

Student’s Classrooms

Because the School’s classrooms were modernized in 1999 and 2000, OCR applied the 1991 Standards in evaluating the accessibility of the classrooms. Section 4.3.3 of the 1991 Standards provides that “[t]he minimum clear width of an accessible route shall be 36 in[ches].” As noted above, OCR found that on the day of OCR’s visit there was not a thirty-six inch wide path of travel from the Student’s desk to the white board and/or the teacher’s desk in three of the Student’s classes.

The District asserted that students at the School did not need access to the white board and the teacher’s desk because teachers come to the students. In order to assess the District’s assertion that accessing the white board and the teacher’s desk was not necessary, OCR would have needed to conduct additional interviews with the Student and the Student’s teachers. However, prior to the conclusion of the investigation, the District agreed to enter into a Resolution Agreement to ensure that each of the Student’s classes had an accessible path of travel to the teacher’s desk and to the white board.

Overall Conclusion

This concludes the investigation of this complaint.

To address the issues alleged in the complaint, the District, without admitting to any violation of law, entered into the enclosed Resolution Agreement (Agreement), which is aligned with the complaint allegations and the information obtained by OCR during its investigation. The Agreement requires the District to add accessible features in each of the areas identified above.

Based on the commitments made in the enclosed 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 Agreement is intended to address the complaint allegations. OCR will monitor the implementation of the Agreement until the District is in compliance with the terms of the Agreement. Upon completion of the obligations under the Agreement, OCR will close the case.

OCR's determination in this matter 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. 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 District 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 individual 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-XXXX or at blake.thompson@ed.gov.

Sincerely,

/s/

Zachary Pelchat
Team Leader

Cc: XXXXX XXXXXXXXX, Counsel for the District (by email)