



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

November 20, 2020

VIA ELECTRONIC MAIL ONLY

Kelly Bowers, Ed.D.
Superintendent
Livermore Valley Joint Unified School District
685 East Jack London Blvd.
Livermore, CA 94551

(In reply, please refer to OCR Docket Number 09-20-1341.)

Dear Dr. Bowers:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has reached a resolution of the above-referenced complaint received by OCR on April 27, 2020 against the Livermore Valley Joint Unified School District (District). The Complainant alleged that the District discriminated against the Student on the basis of disability and race.¹ Specifically, OCR investigated the following issues:

Issue 1: Whether the Student was denied a free, appropriate public education (FAPE) when the District failed to implement the Student's Individualized Education Plan (IEP) and Behavior Intervention Plan (BIP) during the 2019-2020 school year;

Issue 2: Whether the District denied the Complainant the opportunity to participate meaningfully in the special education process by failing to provide oral interpretation and written translation of important information and documents in the Complainant's primary language of Spanish. Specifically, the District did not provide the Complainant with adequate oral interpretation during IEP meetings or written translation of the Student's IEP plan into Spanish; and

Issue 3: Whether the District failed to communicate with the Student's parent, who is limited English proficient (LEP), important information about the Student in a language the parent understands.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability under any program or activity receiving 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. §§ 12131-12134, and its implementing regulation, 28 C.F.R. Part 35, which prohibit

¹ OCR previously provided the District with the identity of the Complainant and Student. We are withholding their names from this letter to protect their privacy.

discrimination on the basis of disability by public entities. In addition, OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin under any program or activity receiving Federal financial assistance. The District receives funds from the Department and is therefore subject to Section 504, Title II, and Title VI and their implementing regulations.

To investigate this complaint, OCR gathered evidence by reviewing documents provided by the Complainant and the District, as well as statements provided by District witnesses. OCR also interviewed the Complainant. Based on the facts gathered to date, OCR identified compliance concerns with regard to the issues opened for investigation. Prior to the completion of OCR's investigation, the District indicated an interest in voluntarily resolving the concerns identified by OCR, and OCR determined it was appropriate to do so. The legal standards, facts gathered to date, and a description of OCR's compliance concerns are summarized below.

Issue 1: Denial of FAPE – Failure to Implement the Student's IEP

Factual Findings

The Student is a XX-year-old male with XXXX XXXXXX (XX). He has an IEP for an intellectual disability in relation to his XX. His native language is Spanish, and he receives English language development services within special education.

The Student transitioned from an elementary school to a middle school (the School) in the District in August 2019. During the 2019-2020 school year, the Student was in a moderate Special Day Class. The Student's September 2019 IEP provided for a wide range of supports, such as: a one-to-one aide for behavior to implement reinforcement system, a requirement to review his visual schedule, and follow other elements of the Behavior Intervention Plan (BIP); behavior intervention services, 240 minutes monthly, "provided as consultation basis" (setting not indicated); Extended School Year (ESY) with language and speech services; and frequent breaks, as determined by his teacher. Likewise, the Student's BIP provided for a wide range of interventions, such as: the use of a first/then token chart to explain clear expectations and the reinforcer that can be obtained for complying with the expectations, with visual supports; individualized assistance to teach and promote on task behavior and appropriate social interactions; movement breaks to help focus on a task; movement choices the Student can participate in every ten minutes or when precursor behaviors are present; and consistent, age-appropriate, positive acknowledgment for all socially appropriate interactions and following through with adult directives. The BIP also set forth the following responses to behaviors: for early escalation behaviors, positive reinforcement for work completed and redirection to the task at hand; for behaviors during problem behavior, planned ignoring – essentially, not reacting to interfering behaviors while ensuring student safety; for behaviors during de-escalation, positive acknowledgment of socially appropriate social interaction following a behavior and if needed,

movement choices and breaks to help focus, followed by positive reinforcement for taking the break and starting the task; and for behaviors post de-escalation, more positive acknowledgement, direction to contrive and model social greetings and interactions, and more movement choices and breaks.

Over the school year, the Student's behavior escalated, with Behavior Incident Reports or other documentation created in connection with eleven incidents on the following dates: September XX and XX, 2019; October XX and XX, 2019; December XX, 2019; February X, X, XX, XX and XX, 2020; and March X, 2020. The Student also experienced several staff changes, including: changes in his one-to-one aide, once in November 2019, twice in February 2020, and once in March 2020; a change in teacher, from Teacher 1 to Teacher 2, on or about December 2019; and a temporary change in Behavior Specialist from about January X, 2020 to February XX, 2020. Staff training to facilitate implementation of the Student's IEP and BIP was ongoing, including when new aides began and during/following behavior incidents, with most of the training on planned ignoring.

Implementation of the Student's IEP and BIP

In September 2019, the Complainant reported concerns to the School Psychologist that the Student's IEP was not being implemented in connection with the Student's triennial review and annual assessment, which was scheduled for September XX, 2019. In November 2019, after observing the Student on the basketball court, looking down and crying, with Aide 1 and another aide standing on each side of him, hands on hips or arms crossed, looking upset and speaking to him in a loud voice about having done something wrong, the Complainant requested an IEP meeting. The Complainant told OCR that she believed the Student's behavior plan was not being followed, and that School staff was not providing the Student praise or positive acknowledgement, using enough visual supports, or giving the Student breaks.

The District provided OCR with documents indicating that some District employees shared the Complainant's concern that staff may not have been implementing the Student's IEP during this timeframe. In October 2019, one employee reportedly observed Aide 1 not give the Student positive praise when he was on task, and when the Student subsequently engaged in attention seeking behaviors, Aide 1 gave the Student corrective feedback without using visuals or a timer, though they were nearby, and he ignored the Student's appropriate communication in reply. This employee concluded that interfering behaviors were being reinforced and negative punishment and corrective feedback were being used without any positive reinforcement strategy. Later that month, another employee reportedly observed Aide 1 use a negative tone with the Student, decline to use visual supports, and resist suggestion that staff modify the Student's worksheet, which was beyond the Student's skill level, in connection with an incident of elopement. An employee noted observations of punishment by classroom staff, such as removal of preferred items earned by the Student when he engaged in attention-based behavior and reprimands, attention on negative behaviors, and that Aide 1 was not able to use antecedent strategies like

visual tools throughout the day or implement planned-ignoring consistently during more severe occurrences of challenging behaviors.

The above concerns were discussed at the Student's November 2019 IEP meeting. The meeting notes indicate that District employees stated they did not see as much visuals as they would like, and they also did not see verbal and tangible praise in smaller settings; others disagreed. The team ultimately decided to change the Student's one-to-one aide and made additional changes to the Student's IEP, such as adding paraeducator support to the Student's ESY program, increased use of visual supports, and frequent breaks with short duration of no more than 2 minutes before reengagement, among other things.

From about January X, 2020 to February XX, 2020, Behavior Specialist 1 was on leave. The Complainant told OCR that, during that time, a different behavior specialist (Behavior Specialist 2) met with the Student for two hours, once a week, with a group of students, not one-to-one.

On February X, 2020, there was a behavior incident where the Student physically harmed another student; as a result, an IEP meeting was scheduled, and the District began efforts to replace the Student's aide with a Registered Behavior Technician (RBT), who would have an increased level of training compared to the Student's prior aides. On February X, 2020, there was another behavior incident where the Student caused physical harm to another student and staff.

On February XX, 2020, the District convened an IEP meeting to review parent and teacher concerns. At the meeting, the team agreed to add an RBT as the Student's aide. District records show that the Student's RBT (RBT 1) was scheduled to start that day with the Student, but another RBT supported the Student instead, and RBT 1 actually started on February XX, 2020.

RBT 1 left the District on February XX, 2020. The Complainant stated that RBT 1 worked only one more day after February XX, 2020, and RBT 2 started working with the Student on March X, 2020. District records show that: RBT 1 reported to work on XXXXXXXX and XXXXXXXXXXXX, February XX and XX; there was no school on XXXXXXXX February XX; and RBT 2 reported to work on XXXXXXXX, March X. The District has no record as to the support the Student received from an aide or RBT on XXXXXXXX, February XX and XXXXXXXXXXXX, February XX.

The District also provided OCR documents indicating that some District employees continued to have concern that staff may not have been implementing the Student's IEP after the November 2019 IEP meeting, through March 2020. The February 2019 IEP meeting notes indicate that the Student may have not received breaks as indicated in his IEP, prior to a documented behavior incident, and one District team member wanted to see less demands and more breaks at the end of the day and felt there needed to be more consistency. Other district records indicate that later that month, a District employee stated that she observed the Student elope while working on a worksheet beyond his skills level, and in March, the same employee observed the Student elope

and learned from another District employee that the Student's teacher did not intervene in that situation, and no work was left for the Student at his desk that was at his level when he returned to the classroom. One District employee explained retrospectively their belief that several factors may have made it difficult for the Student's aides to implement his BIP.

Due to the pandemic, the District closed its school campuses on or about March XX, 2020. District records show that soon after, the District considered scheduling an IEP meeting for the Student via video conference on March XX, 2020, as discussed at the Student's February 2020 IEP meeting. According to the Complainant, a video conference meeting was scheduled to occur on March XX, 2020, but the District cancelled that meeting, and it has not been rescheduled.

District records also show that on March XX, 2020, the District emailed the Complainant a Prior Written Notice of an alternative education plan (AEP) for the Student to be implemented during the School's closure and Procedural Safeguards, in English and Spanish, and on March XX, 2020, it emailed the Complainant the Student's AEP, which it provided in English only. The Student's AEP did not include an RBT or ESY, as well as other provisions of the Student's prior IEP.

The Complainant told OCR that after the District closed the School, the Student did not receive support from his RBT, and his educational program was "very minimal." She also told OCR that with the exception of speech and language services, the Student had difficulty accessing instruction and service opportunities that the District made available during the School's closure due to technology-related issues and a failure to provide information on how to navigate the online platform in Spanish. The Complainant also provided documentation showing that the District emailed information about these opportunities in English only, which the Complainant told OCR prevented her from accessing assignments and activities from the Student's teachers.

In June and July 2020, the District did not provide the Student ESY programming.

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. Districts may implement a Section 504 plan developed in accordance with these requirements, or an individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA) to meet these requirements. 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.

Determination

Based on the evidence gathered to date, OCR has a concern that the District may have denied the Student a FAPE by failing to implement the Student's IEP and BIP during the 2019-2020 school year with regard to academic modifications and behavioral supports prior to March XX, 2020 and the Student's AEP after March XX, 2020. As to the Complainant's other allegations concerning behavior services from January X, 2020 to February XX, 2020 and changes to the Student's educational program after March XX, 2020, OCR has determined there is insufficient evidence of a violation of Section 504, Title II, and their implementing regulations, as discussed below.

Academic Modifications and Behavioral Supports

The Complainant alleged that the District failed to implement the Student's IEP and BIP. A review of documents provided by the District indicate that there may have been instances in which the District failed to implement the Student's IEP and BIP. Specifically, the Complainant told OCR that School staff was not providing the Student praise or positive acknowledgements, using enough visual supports, or giving the Student breaks. The Complainant referenced the November 2019 incident in which she observed how Aide 1 and another aide treated the Student. She also alleged that the Student's academic work was not adjusted to his skill level. The Complainant's allegations are corroborated by District-provided documents which indicate that various District employees shared the Complainant's concern that staff may not have been implementing the Student's BIP, as well as academic modifications, through March 2020. District employees noted incidents where the Student did not have work at his level, at times prior to his elopement from the classroom, that staff did not use visual supports or provide breaks or give positive acknowledgement, and that staff gave negative attention to interfering behaviors, rather than implement planned ignoring. The Complainant also expressed concern that the Student did not have an RBT the week of February XX, 2020. In fact, the Student transitioned from RBT 1 to RBT 2 during this time; RBT 1 reported to work on two out of four school days that week, after which RBT 2 began supporting the Student. For these reasons, OCR identified a compliance concern that the District may have failed to implement the Student's IEP and BIP.

The evidence gathered to date also shows that the District failed to provide the Complainant with the Student's AEP and other information about the instruction and service opportunities available to the Student during his School's closure in the Complainant's primary language, Spanish, and according to the Complainant, the failure prevented her from accessing assignments and activities from the Student's teachers. This raises a concern that the Student may have been unable to access a FAPE, as described in his AEP, due to a language barrier.

Other FAPE Allegations

The Complainant alleged that the Student did not receive one-to-one behavior intervention services while Behavior Specialist 1 was on leave from about January X, 2020 to February XX, 2020; however, she also told OCR that the Student met with a different behavior specialist for two hours a week in a group setting during this time. Because the Student's IEP did not require one-to-one time with the Student, this arrangement was not a failure to implement the IEP.

The Complainant also told OCR that after the District closed the School, the Student did not receive support from his RBT, and his educational program was "very minimal." With limited exception, OCR does not review the appropriateness of placement decisions; however, OCR does have jurisdiction to review evaluation and placement procedures. Here, the evidence shows that on March XX, 2020, the District provided the Complainant a Prior Written Notice of an AEP for the Student during his School's closure and Procedural Safeguards, and on March XX, 2020, it sent the Complainant the Student's AEP, which did not include an RBT and ESY, among other provisions of the Student's prior IEP. Thus, there is insufficient evidence to show a procedural violation of Section 504, Title II, and their implementing regulations as to the Student's AEP.

Overall, with regard to Issue 1, OCR identified compliance concerns as to the District's implementation of the Student's academic modifications and behavioral supports prior to March XX, 2020 and his AEP after March XX, 2020. OCR also determined there is insufficient evidence of a violation as to the provision of behavior services from January X, 2020 to February XX, 2020 and the process for adopting an AEP for the Student in March 2020.

Issues 2-3: Communication of Important Information in Parent's Primary Language

Factual Findings

OCR asked the District to provide copies of any written guidance provided to parents/guardians about how to request oral interpretation services or written translation of important documents, as well as contact information for the District employee(s) responsible for arranging interpreter or translation services for Spanish-speaking LEP parents. In response, the District directed OCR to its website, which can be translated into Spanish using a "translate" button, and it provided a hyperlink to a searchable list of all Board policies and regulations, as well as a copy of the Annual Notice in Spanish. Various District Board Policies (BP) and Administrative Regulations (AR) discuss LEP parent/guardian rights to communications in their primary language; these BP/ARs do not inform them how to request oral interpretation or written translation of important documents.² The District's Annual Notice also does not inform LEP parents/guardians about how to request oral interpretation or written translation of important documents.

² See, e.g., BP 0410 (Nondiscrimination In District Programs And Activities), BP 5020 (Parent Rights and Responsibilities), AR 1312.3 (Uniform Complaint Procedure), 5141.4 (Child Abuse Reporting), 5145.6 (Parental Notifications), 6020 (Parent Involvement), and 6159, 6159.1, and 6164.4 (Special Education) at <http://www.gamutonline.net/district/livermorevalley/> (November 20, 2020).

OCR also asked the District to describe how it provides oral interpretation and/or written translation for Spanish-speaking LEP parents/guardians during in-person encounters, telephone conversations, and/or e-mail communications with teachers. The District responded that its employees orally communicated information about the Student's behavior on dates noted in documentation of behavior incidents, and they utilize a translation line to communicate over telephone with LEP parents/guardians, including the Complainant.

District Communication Related to Its Provision of FAPE

Per an internal email, the District provides translated IEP documents only when the parent/guardian asks for them; otherwise, the interpreter at an IEP meeting reads the documents to the parent/guardian during the meeting. The District provided the Complainant an interpreter at IEP meetings, even when she indicated she did not need one, and the Complainant had a bilingual advocate with her at the November 2019 and February 2020 IEP meetings. The Complainant told OCR that the interpreters did not read documents to her at any of the three IEP meetings. District records state that the District reviewed the Student's IEP with the Complainant at the November 2019 IEP meeting.

The November 2019 IEP meeting notes indicate the team discussed communication with the Complainant in Spanish, and the District stated that the IEP could be translated after the meeting, it would translate the Student's most recent behavior assessments, and it identified resources like the translation line for providing future communications with the Complainant in Spanish. The District emailed the Complainant two behavior assessments in Spanish on December X, 2019. The District also may have contacted the Complainant to ask if she received a copy of the November 2019 IEP with meeting notes in Spanish on December XX, 2019. The District then sent the Complainant the Student's IEP goals and objective with progress reports, partially in English and partially in Spanish, on June X, 2020 and the Student's September 2019 IEP with the goals and objective filled in through June 2020 in Spanish on June XX, 2020. The Complainant told OCR that the District sent her November 2019 IEP meeting documents in English in the beginning of June and in Spanish in the end of June, but pages were missing, and it later provided her all November 2019 IEP documents in Spanish on July XX, 2020.

The District provided the Complainant with a meeting notice and excusal form in Spanish for the February 2020 IEP meeting. The Complainant told OCR that she requested a copy of the February 2020 IEP Amendment in Spanish, and initially, the District provided her a copy in English, but it later gave her a Spanish translation on July XX, 2020.

On March XX, 2020, the District emailed the Complainant a copy of the AEP in English only. Separate from the AEP itself, the Complainant told OCR that she received communications regarding instruction and service opportunities available to the Student while the School was closed in English only and provided supporting documentation.

District Communication on Other Important School-Related Matters

The District provided the Complainant behavior incident reports in English only. The District and Complainant confirmed that the District communicated with the Complainant in Spanish regarding the February X, 2020 incident. Also, District records indicate that there may have been some communication in Spanish regarding behavior incidents on October XX, 2019, December XX, 2019, February XX and XX, 2020, and March X, 2020.

The Complainant told OCR that she received a truancy notice in English only, and that she received written daily reports for the Student in English only. The District provided copies of the truancy notice in both English and Spanish. OCR requested all documents provided to the Complainant in Spanish concerning school matters outside of the special education process, including, but not limited to, Student's attendance, discipline, physical injury, and academic progress, and in response, the District did not provide copies of the Student's daily reports.

OCR's review of District correspondence with the Complainant indicates that the District increased its communication with the Complainant in Spanish over the course of the school year.

Legal Standard

The Title VI implementing regulations, at 34 C.F.R. § 100.3(a) and (b), provide that a school district may not, directly or through contractual or other arrangements, on the ground of race, color or national origin, exclude persons from participation in its programs, deny them any service or benefits of its programs, or provide any service or benefit which is different or provided in a different manner from that provided to others. Section 100.3(b)(2) provides that, in determining the types of services or benefits that will be provided, a school district may not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color or national origin.

School districts must adequately notify national origin minority group parents of information that is called to the attention of other parents, and that such notice may have to be provided in a language other than English in order to be adequate. School districts have an obligation to ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about any programs, service, or activity of a school district that is called to the attention of non-LEP parents.

School districts must develop and implement a process for determining whether parents are LEP and identify their language needs. The process should be designed to identify all LEP parents, including parents or guardians of children who are proficient in English and parents and guardians whose primary language is not common in the district. It is important for schools to take parents at their word about their communication needs if they request language assistance. School districts must provide language assistance to LEP parents effectively with appropriate, competent staff – or appropriate and competent outside resources. School districts should ensure that interpreters and translators have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue and training in their role of an interpreter or

translator, the ethics of interpreting and translating, and the need to maintain confidentiality.

Determination

Based on the information gathered to date, OCR has a concern that the District may have failed to provide the Complainant with important information regarding its provision of FAPE to the Student and other school-related matters in her primary language, Spanish. OCR learned that the District does not have written guidance for LEP parents/guardians on how to request an interpreter or written translation of important documents. As to the District's provision of FAPE to the Student, the data indicates that the District may have not followed its policy of having the interpreter at an IEP meeting read documents to the parent/guardian during the meeting and providing translated documents upon request only. Specifically, the District may not have read documents to the Complainant in Spanish during IEP meetings, with the possible exception of the November 2019 IEP meeting. In addition, there is evidence of possible delay in providing the Complainant the translated documents she requested, and that the Student's AEP and other communications regarding instruction and service opportunities available to the Student while the School was closed, were not provided to the Complainant in Spanish. As to other school-related matters, the data indicates that the District may have provided the Complainant information regarding the Student's behavior and daily progress in English only.

Summary and Resolution

Prior to OCR concluding its investigation, and to address the issues alleged in the complaint, the District, without admitting to any violation of law, entered into the enclosed resolution agreement which is aligned with the complaint allegations and the information obtained by OCR during its investigation. Per the resolution agreement, the District will: convene an IEP team meeting to determine whether the Student needs compensatory and/or remedial services as a result of any failure to implement the Student's IEP during the 2019-2020 school year, including the Student's AEP, adopted in March 2020, and, if so, develop a plan for providing such services; provide employee training on the District's obligations under Section 504, Title II, and their implementing regulations; develop written guidance for parents/guardians about how to request an interpreter and translate documents; and develop a protocol for providing written and verbal communication to the Complainant regarding special education and other important school-related matters in Spanish. A copy of the resolution agreement is attached to this letter.

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 the complaint allegations. OCR will monitor the implementation of the resolution agreement until the

District is in compliance with the terms of the resolution agreement. Upon completion of the obligations under the resolution agreement, OCR will close the case.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

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, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

The Complainant has a right to appeal OCR's determination as to Issue 1, as to the District's provision of behavior services to the Student from January X, 2020 to February XX, 2020 and its process for adopting an AEP for the Student in March 2020, within 60 calendar days of the date indicated on this letter. In the appeal, the Complainant must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal. If the Complainant appeals OCR's determination, OCR will forward a copy of the appeal form or written statement to the District. The District has the option to submit to OCR a response to the appeal. The District must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the District.

The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Thank you for your cooperation in resolving this case. If you have any questions regarding this letter, please contact Monique Raco Fuentes (monique.racofuentes@ed.gov).

Sincerely,

/s/

Kana Yang
Team Leader

Enclosure

cc: Karen E. Samman, Counsel for the District, via e-mail
Rachel Tillman, Counsel for the District, via e-mail