



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

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November 17, 2022

**VIA ELECTRONIC MAIL**

Leisa Winston, Ed. D.  
Superintendent  
Huntington Beach City School District  
[LWinston@hbcasd.us](mailto:LWinston@hbcasd.us)

(In reply, please refer to case no. 09-21-1016.)

Dear Superintendent Winston:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against the Huntington Beach City School District (District). OCR investigated the following issues:

1. Whether the District discriminated against Latino students when it approved the closure of Perry Elementary School, which disproportionately and adversely impacts Latino students by requiring them to travel farther to school than students of other national origin groups and failed to respond appropriately to notice of the discrimination;<sup>1</sup> and
2. Whether the District failed to provide parents of students at the School with limited English proficiency (LEP) with opportunities to provide input or receive important information in a language the parents understand regarding the school closure process, when such an opportunity to provide input and receive critical information was provided to English-speaking parents, and failed to respond appropriately to notice of the discrimination.

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 at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color, and national origin in programs and activities operated by recipients of Federal financial assistance. The District receives funds from the Department and is therefore subject to Title VI.

To investigate this complaint, OCR conducted interviews and reviewed documents and other information provided by the Complainant and the District. Based on the applicable legal

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<sup>1</sup> The District conducted an investigation of a complaint alleging that the District's process to convene the school closure task force did not comply with state requirements. OCR determined that this investigation did not address all of the allegations raised with OCR. Thus, OCR decided to conduct its own investigation under Title VI.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

standards, OCR found insufficient evidence that the District's decision to close Perry Elementary violated the Title VI regulations, but found by a preponderance of the evidence that the District failed to ensure that its outreach about the proposed School closure to parents in the community was accessible to LEP parents. To resolve OCR's finding of noncompliance, on November 15, 2022, the District entered into the enclosed resolution agreement (Agreement) that OCR will monitor to ensure the District's compliance with the Agreement's terms and the Title VI obligations at issue in this case.

## **I. Legal Standards**

Under the Title VI regulations, at 34 C.F.R. §§ 100.3(a) and (b), a school district may not treat individuals differently on the basis of race, color, or national origin with regard to any aspect of services, benefits, or opportunities it provides. Specifically, a school district may not, directly or through contractual or other arrangements, on the basis of race, color, or national origin, deny an individual any service, financial aid or other benefit; provide an individual any service, financial aid or other benefit that is different, or is provided in a different manner, from that provided to others; or restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit.

### **A. Disparate Treatment**

To determine whether a recipient has discriminated against a student on the basis of race, color, or national origin under Title VI, OCR looks at whether there is evidence that the recipient treated the student differently than students of other races or national origins under similar circumstances, and whether the disparate treatment has resulted in the denial or limitation of services, benefits, or opportunities to the student. If there is such evidence, OCR examines whether the recipient provided a legitimate, nondiscriminatory reason for its actions and whether the stated reason is a pretext for discrimination. For OCR to find a violation, the preponderance of the evidence must establish that the recipient's disparate treatment of the student was based on the student's race, color, or national origin.

### **B. Disparate Impact**

The Title VI regulation, at 34 C.F.R. § 100.3(b)(2), provides that a recipient may not, directly or through contractual or other arrangements, use criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin.

To determine whether a school district's facially neutral policy or practice has an unjustified adverse disparate impact against students on the basis of race, color, or national origin, OCR examines: (1) whether the policy or practice resulted in a disproportionate, adverse impact on students of a particular race or national origin as compared; (2) whether there is a substantial, legitimate educational justification for the district's policy or practice (i.e., whether the policy or practice is necessary to meet an important educational goal); and (3) if so, whether there is a comparably effective alternative policy or practice that would achieve the same goal with less of an adverse impact on the disproportionately affected group.

### C. Meaningful Access to LEP Parents

A school district must adequately notify national origin minority group parents of information about its programs, services, or activities that is called to the attention of other parents, and such notice may have to be provided in a language other than English in order to be adequate. In other words, school districts have an obligation to ensure meaningful communication of this information to LEP parents in a language they can understand. School districts must develop and implement a process for determining whether parents have LEP and identify their language needs. 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.

### II. Facts

The District closed Perry after the 2019-20 school year in August of 2020, and assigned its students to three other District schools. As a result, students who formally had to travel only one mile to the School now must travel two miles to their new school.

The District told OCR that the decision to close Perry was directly related to a fiscal crisis that the District was experiencing. The District was operating seven elementary schools in the 2019-20 school year and had seen a steady decline in enrollment for the previous five years. At the time, Perry had the smallest enrollment, 361 students, and its enrollment was falling faster than that of any school in the District. According to data maintained by the California Department of Education (CDE), Perry served 468 students in the 2014-15 school year, and enrollment then dropped to 430, 421, and 373 over the next three years. According to the Assistant Superintendent of Education Services, the District had attempted several actions prior to the 2019-20 school year to stabilize enrollment at Perry, including installing a District transition kindergarten program on campus, but enrollment kept dropping precipitously.

During the 2019-20 school year, the District served 6,742 students, of whom 19% were Latino, 56% were white, 10.5% were Asian, and an additional 10% were two or more races. The District's seven elementary schools had the following enrollment numbers, broken down by race and English learner status:<sup>2</sup>

|         | Total Enrollment | # and % Latino | # and % White | # and % English Learner |
|---------|------------------|----------------|---------------|-------------------------|
| Eader   | 539              | 92/17%         | 347/64%       | 12/2.2%                 |
| Hawes   | 585              | 76/13%         | 333/57%       | 16/2.7%                 |
| Moffett | 575              | 87/15%         | 360/63%       | 17/2.9%                 |

<sup>2</sup> CDE, Dataquest.

<https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthGrd.aspx?cds=30665306028880&aggllevel=School&year=2019-20&ro=y>

|              | Total Enrollment | # and % Latino | # and % White  | # and % English Learner |
|--------------|------------------|----------------|----------------|-------------------------|
| <b>Perry</b> | <b>361</b>       | <b>151/42%</b> | <b>148/41%</b> | <b>61/17%</b>           |
| Peterson     | 630              | 118/19%        | 353/56%        | 46/7.3%                 |
| Seacliff     | 703              | 98/14%         | 320/46%        | 29/4.1%                 |
| Smith        | 728              | 161/22%        | 425/58%        | 36/4.9%                 |

Based on these numbers, Perry’s population at 42% Latino and 41% white had the largest proportion of Latino students and the smallest proportion of white students, compared to other schools in the District in that school year. Perry also served the largest number of English learners, 61 students, down from 103 three years before. Based on that information, CDE estimated that Perry had a 19.11% Spanish-speaking parent population in the 2019-20 school year, the only school with an LEP parent population that exceeded 15%.

During the 2018-2019 school year, the District engaged the Fiscal Crises and Management Assistance Team (FCMAT), which is a consultant group formed to assist school districts in identifying, preventing, and resolving financial challenges. In March of 2019, the Board passed a resolution to create a Surplus Property Advisory Committee or 7-11 Committee to advise it on the best use for Perry. The Committee met five times and convened a public hearing on June 11, 2019. The Committee did not recommend that the Board declare Perry as surplus to the “educational, administrative or operational needs of the District.” However, FCMAT further concluded that the District would not be able to maintain a 3% reserve if it did not take steps to increase revenue or decrease expenditures.

According to the District, in December of 2019, the Board projected that if it did not take action, it would face a \$6.9 million deficit based on declining student enrollment numbers across the District. Based on the projected budget deficit, on January 28, 2020, the Board approved a fiscal stability plan, which included budget cuts that included the sale of a school, the layoff of 29 certificated employees, reductions in classified staff, restructuring site boundaries, and reductions in some programs, such as physical education. On February 11, 2020, the Board adopted a resolution authorizing the appointment of a school consolidation taskforce committee. The Board charged the taskforce with making a recommendation to the Board on whether to close up to elementary two schools to avoid insolvency.<sup>3</sup>

The school consolidation taskforce consisted of six members, one from each of the District’s five trustee areas and one member appointed by the Superintendent. The District received approximately 70 applications to serve on the taskforce. Each Board Member reviewed the applications and selected the representative from their own area after conducting phone interviews. One witness stated to OCR that the process moved quickly, and interested community members had only six days to apply online and the application was available in only English. Perry is in Area 2, along with Hawes and Moffett schools. A witness stated to OCR that the Area 2 representative was from Moffett.

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<sup>3</sup> The District’s two middle schools were not considered as part of the school closure process.

The Board contracted with a consultant to chair the taskforce. The chair is a former superintendent who now serves as an independent consultant. OCR interviewed the chair who indicated that for the District's process, he followed the "best practices" guide for school closures described on the CDE website.<sup>4</sup> This guide states that a decision to close a school must be based on "hard, empirical evidence that leads to a broadly supported, incontrovertible conclusion that the district cannot afford to keep a particular school open without cuts elsewhere." Factors to be considered should be: projections of declining enrollment, facility conditions, special program facilities, environmental factors, ethnic balance, impact on neighborhoods, transportation costs, and costs of unnecessarily keeping underutilized facilities open. CDE recommends forming a district advisory committee made up of a cross-section of community members, hiring an outside consultant to chair the committee, and convening meetings subject to the Brown Act. The guidance is silent on any necessary outreach to communities within a District boundary that may need interpreting or translation assistance during a school closure process, or any effort to work with standing committees that work with LEP parents, such as the English Learner Advisory Committees (ELACs) at the school and the District levels.

The chair informed OCR that the District did not communicate to him or the community what criteria would be the most important for determining whether to close an elementary school. He stated that he was a neutral member of the task force and did not vote on any of the decisions.

The taskforce scheduled seven meetings, all with the public invited to attend. According to the chair, all meeting agendas were posted on the District's and school websites. OCR confirmed that none of the agendas was translated into Spanish. They were available only in English, but the following notice was included in English: "*The District will make every attempt to accommodate any individual with a disability who requires reasonable accommodations, and/or provide language translation services to participate in this meeting.*" The chair indicated to OCR that it was his understanding that the District had no obligation to provide the meeting notice in other languages or routine interpreter support during the meeting because the District overall did not have 15% or more of its parents speaking a language other than English. However, he recalled that the District's Director for Welfare and Attendance attended all or most of the meetings and was bilingual in Spanish and English. The chair believed that the Director interpreted for Spanish-speaking parents and community members at many of the taskforce meetings, but not all.

A witness told OCR that the taskforce meetings did not have interpreter support widely available, but he did confirm that the Director attended meetings toward their end when decisions were being made and that he read aloud comments from LEP members of the audience. The Director no longer is employed by the District, and OCR was unable to confirm the degree of interpreting he provided at the meetings. The witness also stated that the Perry principal sent home messages in Spanish alerting the Perry community to the taskforce process and the impact on Perry. However, the principal informed OCR that her practice was to refer all questions that she received from parents or the public to the District office. She stated that she did not recall sending any communications in Spanish to parents regarding the closure of the school, did not

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<sup>4</sup> See <https://www.cde.ca.gov/ls/fa/sf/schoolclose.asp>.

attend any meetings regarding the closure of the school, and referred all questions from parents to the taskforce chair or others at the District office.

The taskforce met six times; one of the public meetings was cancelled due to the COVID-19 pandemic, and the remaining three meetings were held virtually. The first meeting was held on February 19, 2020, during which the taskforce listened to public comments and discussed a review of public documents specific to school closure, District demographics, and attendance zones. On February 26, 2020, the taskforce reviewed District policies and heard public comment. On March 4, 2020, the taskforce held its third meeting and discussed student demographics and school closure cost savings among other issues. At the meeting on March 11, 2020, the taskforce reviewed the costs of District programs at each school and discussed special program facilities and the cost to move school programs, including preschool. The taskforce voted 11-0 to eliminate Huntington Seacliff Elementary School from consideration for closure. During an interview with OCR, the chair recalled that Seacliff was the newest school in the District and had undergone considerable renovation at high cost. It also was a fully enrolled school. The taskforce was unanimous in its decision about Seacliff because, in his opinion, the facts supported keeping the school open.

During the last three virtual public meetings on March 25, April 1, and April 8, 2020, all additional votes were held, and approximately 70-100 members of the public participated in each meeting. According to a witness, parents had difficulty accessing the virtual meetings particularly because the District initially issued notices only in English. According to the witness interviewed by OCR, only after community members complained did the District begin sending out notices in Spanish.

The March 25<sup>th</sup> meeting featured discussion regarding community use of school sites, fiscal stabilization, environmental factors, and recoverable modernization costs. At that meeting, the task force recommended removing three other schools from the list for possible closure (Smith, Moffett, and Hawes). The chair recalled that Hawes and Moffett had been recently modernized with significant expenditure, and that Smith was undergoing modernization and shared a fence line with a middle school. The taskforce voted not to close Smith unanimously, not to close Moffett by a vote of 7-4, and not to close Hawes by a vote of 8-3. Public comments included concern about removing from closure two schools close to one another (Hawes and Moffett). A taskforce member expressed a concern about increased travel for students at a closed school and asked that the Board of Education take into consideration distances and roads that students would need to travel when creating a new boundary map once a school is closed.

At the April 1<sup>st</sup> meeting, the taskforce received information related to school enrollment, school capacity, current school attendance boundaries, ethnic makeup of schools, interdistrict attendance, boundary adjustments, and school closure scenarios regarding the three remaining elementary schools up for consideration: Eader, Perry, and Peterson schools. The committee considered a motion to remove Eader from the closure list and passed the motion with an 8-3 vote. The chair told OCR that two wings of Eader housed an early education center and state preschool program. Both of these programs have specific facility requirements that would be expensive to replicate if the District closed the school and moved its programs to a different site. In contrast to these programs, the preschool program at Perry was not a state preschool.

At the April 8<sup>th</sup> meeting, discussion came down to possibly closing two schools: Perry or Peterson. Public comment included two Perry teachers, who encouraged the taskforce to slow down its process and consider the impact on Perry should it close, including increased walking distances and student safety. Two other members from the community requested that Peterson not be considered for closure. Some taskforce members indicated that Peterson should not be closed over Perry because of the former's larger acreage, higher number of students impacted, centralized food service, and adjoining park. While closing Peterson would remove a green space from the neighborhood, closing Perry would not. The chair told OCR that Peterson provided a huge area for community use because it was roughly twice the size of any other elementary school (15 acres compared to 8 acres). Further, Peterson had on its campus a central kitchen that the District used to prepare lunches for other schools. Members brought forth a motion to remove Peterson from further consideration for school closure and the taskforce approved the measure with an 8-3 vote.

According to detailed agenda minutes reviewed by OCR, some committee members stated that closing Perry would impact Latino students negatively by causing them to walk greater distances to school, possibly resulting in students leaving the District. The District provided the taskforce with the following information about travel distance to different schools, by distance, and the number and proportion of students who walked to school:

| Elementary Schools | # students in boundary | >1 mile # of students | >1 mile % of students | >2 mile # of students | >2 mile % of students | >1 mile # of students walking | >1 mile % of students walking |
|--------------------|------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-------------------------------|-------------------------------|
| Eader              | 462                    | 26                    | 6%                    | 0                     | 0%                    | 166                           | 36%                           |
| Hawes              | 423                    | 0                     | 0%                    | 0                     | 0%                    | 28                            | 7%                            |
| Moffett            | 501                    | 97                    | 19%                   | 0                     | 0%                    | 165                           | 33%                           |
| <b>Perry</b>       | <b>426</b>             | 0                     | 0%                    | 0                     | 0%                    | <b>206</b>                    | <b>48%</b>                    |
| Peterson           | 540                    | 106                   | 20%                   | 0                     | 0%                    | 220                           | 41%                           |
| Seacliff           | 444                    | 56                    | 13%                   | 0                     | 0%                    | 168                           | 38%                           |
| Smith              | 774                    | 159                   | 21%                   | 35                    | 5%                    | 226                           | 29%                           |
| Total              | 3570                   | 444                   |                       | 35                    |                       | 1179                          |                               |

As the chart shows, only one elementary school (Smith) had students living more than two miles from a campus. Like Perry, the entirety of Hawes' students lived within one mile of campus. Peterson and Perry had the largest proportion of students who walked to school (41% and 48% respectively). According to the District, these close percentages indicated that closing Perry or Peterson would make "virtually no difference" in terms of walking distances for affected students.

The chair recalled that taskforce members discussed that Perry was the smallest school with declining enrollment. The committee voted on a motion to eliminate Perry from the list for closure, and the motion failed by a 3-8 vote. The committee then voted on a motion to select Perry as the school designated for closure, and the measure passed by a 7-4 vote.

On April 9, the taskforce transmitted its recommendation to the Superintendent. On April 21, the taskforce issued a report recommending the closure of Perry as of June 30, 2020. On the same

day, the Superintendent recommended to the Board that Perry be closed effective June 30, 2020. He cited the need to reduce the District's budget deficit and noted that the Committee held multiple public hearings on the school closure issue in English and Spanish and received public input. The superintendent is no longer employed by the District and was unavailable for an OCR interview.

### **III. Analysis**

#### **A. The Closure of Perry**

In a school closure case, OCR assesses whether a school district's decision to close a school discriminates against students on the basis of race, color, or national origin in violation of Title VI and its implementing regulations. In assessing compliance, OCR examines not only the decision to close a school or schools, but also the decisions about which schools to close, where to reassign students from closed schools, and otherwise implement a school closure decision.

OCR found that the District's enrollment was 19% Latino and 56% white when it decided to close Perry a school that was 42% Latino and 41% white. Although the closure adversely affected all students attending Perry regardless of race, OCR found that the District's decision to close Perry over other schools with a majority or predominantly white student population provided potential evidence of disparate treatment of Latino students as compared to white students.

OCR next examined whether the District provided a legitimate, nondiscriminatory reason for closing Perry, and, if so, whether the proffered reason was a pretext for discrimination. In conducting this analysis, OCR considered both the general decision to close at least one school and the decision to close Perry in particular.

With respect to the District's general decision to close a school, the evidence confirmed that, at the time the Board decided to close schools, it anticipated a major budget shortfall for the 2020-21 school year. State data confirmed the District's findings that student enrollment had been falling for six years with no school closures. OCR concluded that the District provided a legitimate nondiscriminatory reason for its general decision to close one or more schools and OCR did not find evidence that this reason was a pretext for discrimination.

OCR also found that the District adopted a set of non-discriminatory criteria for selecting schools for possible closure, based on CDE guidelines, including facility conditions, special program facilities, environmental factors, ethnic balance, impact on neighborhoods, and transportation costs. District board members selected members of a taskforce to review all District elementary schools according to these criteria. To ensure geographic representation of all five areas of the District, each trustee selected a representative after reviewing applications from constituents residing in that area and conducting interviews. A witness stated that the application deadline was short (only six days) and the process was therefore rushed. Perry was in Area 2 with two other schools and was represented by a taskforce member from one of the other schools. OCR confirmed that the process was publicized within the District. OCR found no evidence that the District extended the deadline for some schools or groups of parents or otherwise treated parents differently or more favorably based on the school of origin. OCR concluded that the District's process was designed



to ensure representation from various areas of the District and types of interests. OCR did not find evidence that the chosen criteria or the taskforce process were discriminatory.

The taskforce considered all elementary schools for closure and separately voted on each one. During the meeting in which the taskforce voted on Perry, OCR confirmed that Spanish interpreting was available and that several parents and teachers from Perry attended. OCR found that the taskforce's decision to close Perry was based on the following facts: it had the smallest student population and a history of declining enrollment; it did not have recent modernization efforts; it did not have a state preschool or a centralized kitchen; and it did not have a large campus in frequent use by the community. OCR further found that the taskforce considered issues raised by its members and the public regarding the impact of closing Perry on the Latino community and transportation. The final vote by the taskforce to close Perry was not unanimous. After the Superintendent endorsed it, the District convened two public board meetings and provided notice for those meetings in Spanish and English. During those meetings, the Board considered input from the community, including several comments from the Perry community who opposed the closure. The District provided Spanish interpreters during these meetings. After considering those public comments, the Board voted to close Perry for reasons related to fiscal solvency.

In sum, OCR found insufficient evidence that the District's closure of Perry was based on discriminatory reasons related to race, color, or national origin.

OCR also considered whether the closure of Perry had an unjustified adverse disparate impact on Latino students. The complaint filed with OCR alleged that the primary harm of the closure was that Latino students would have to travel farther to school. OCR confirmed that the taskforce took into consideration the impact of a school closure on traveling distances. According to the evidence provided to the taskforce, all of Perry's students resided within one mile of the campus and that close to half of the students walked to school. Peterson, the other school considered for closure, had about 80% of its population who lived within one mile radius and that 41% of its population walked to school. Meeting minutes confirmed that taskforce members actively discussed this issue and that members were concerned about the impact of a school closure on students, including Latino students. Based on the information considered, the taskforce concluded that it made little difference in terms of walking distance and the percentage of students who would walk if the District closed Perry or Peterson. When Perry closed, the District confirmed that Perry students were assigned to schools such that no student was farther than two miles from their designated school. Although some Perry students who had previously lived within one mile of Perry now lived within 2 miles of their new school, OCR did not find that the additional mile of distance imposes a unique burden on these students, or that the burden is uniquely experienced based on race or national origin. Even though Perry had enrolled a higher proportion of Latino students compared to other schools, an almost equal proportion of white and Latino students attended Perry and were equally impacted in terms of their travelling distance to school. Further, the District took mitigating steps to support students residing in the Perry neighborhood by providing bus services to all former Perry students who previously relied on bus transportation to school, including by maintaining "legacy stops" and picking up students at the former Perry campus.

OCR further confirmed that the District has maintained ELD services and support to English learner students who were reassigned from Perry to three different schools. OCR did not find that the Perry's closure adversely impacted their access to ELD services.

For the above reasons, OCR found insufficient evidence that the District's decision to close Perry imposed an unjustified adverse disparate impact on Latino students or that it otherwise violated Title VI and its implementing regulations.

#### **B. Communications with Parents about the School Closure**

With respect to allegation 2, OCR found that the District did not consistently provide Spanish-speaking parents with adequate interpreting and translation support during the school closure process. For example, the application process for selecting taskforce members was provided only in English, taskforce meeting agendas were not routinely translated, and while there was some interpreting support based on the involvement of a single District staff person, it was not consistently provided. OCR also confirmed that translation and interpreting support was only provided after members of the community raised concerns. The former principal at Perry did not recall sending information about the school closure process in Spanish. At the time, 19.11% of parents at Perry required translation of information in Spanish to be able to access it. The evidence indicated that the District made available Spanish interpreters and translated agendas for at least the two Board meetings when the final decision to close Perry was made, but the evidence also demonstrated that the District did not provide LEP parents with reliable access to interpreters or translated information at the other meetings about the school closure.

With respect to allegation 2, OCR concluded that the District did not provide adequate translation or interpretation to Spanish-speaking parents during the critical conversation about which school(s) to close. As noted above, the District has since hired Spanish-speaking liaisons to provide support to LEP parents, and OCR received confirmation that some schools routinely provide information to parents in Spanish. Nevertheless, OCR found that District board agendas remain in English only, and that the District's message alerting parents about the option to obtain translated versions of an agenda is provided in English only. OCR therefore finds the District out of compliance with its affirmative obligation under Title VI to provide LEP parents with meaningful access to school information provided to non-LEP parents. To resolve this violation, the District agreed to take steps to create an interpreting and translation procedure to ensure meaningful access for LEP parents going forward.

#### **IV. Conclusion**

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. OCR is closing the investigation of this complaint as of the date of this letter and notifying the complainant concurrently.

When fully implemented, the enclosed resolution agreement is intended to address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the resolution agreement until the District is in compliance with the terms of the resolution agreement and the statutes and regulations at issue in the case.

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, discriminate, or otherwise retaliate against any individual because they filed a complaint or participated in the complaint resolution process. If this happens, an individual may file another complaint alleging retaliation.

The complainant has a right to appeal OCR's determination with respect to allegation #1 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 recipient must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the District.

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, personally identifiable 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 me at (415) 486-5513 or at [ava.m.dealmeida-law@ed.gov](mailto:ava.m.dealmeida-law@ed.gov).

Sincerely,

/s/

Ava De Almeida Law  
Team Leader

Enclosed

Cc: Ronald Wenkart, Counsel