



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

REGION X
ALASKA
AMERICAN SAMOA
GUAM
HAWAII
IDAHO
MONTANA
NEVADA
NORTHERN MARIANA
ISLANDS
OREGON
WASHINGTON

December 20, 2016

Ms. Traci Davis
Superintendent
Washoe County School District
425 East Ninth Street
Reno, Nevada 89512

Re: Washoe County School District
OCR Reference No. 10135001

Dear Superintendent Davis:

This is to advise you of the resolution of the referenced compliance review that was initiated by the Office for Civil Rights (OCR), U.S. Department of Education (Department) against the Washoe County School District (District). In the compliance review, OCR examined whether the District takes appropriate action to address harassment of students based on race, color, national origin, and sex.

OCR investigated this review under the authority of title VI of the Civil Rights Act of 1964, 42 USC 2000d (Title VI), and its implementing regulations at 34 CFR Part 100, and title IX of the Education Amendments of 1972, 20 USC 1681-1683 and 1685-1687 (Title IX), and its implementing regulations at 34 CFR Part 106. Title VI and Title IX prohibit discrimination on the bases of race, color, and national origin, and sex, respectively, in programs and activities receiving financial assistance from the Department. The District receives federal financial assistance from this Department and is therefore required to comply with these federal civil rights laws.

On June 10, 2013, OCR notified the District of OCR's initiation of the compliance review. Before OCR had completed its investigation of the compliance review, the District requested to voluntarily resolve the review. Under OCR's case processing procedures, compliance review issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the issues and OCR determines that it is appropriate to resolve them with a resolution agreement during the course of the investigation.

At the time of the District's request, OCR had gathered sufficient information to support violations of Title IX regarding some issues raised by the compliance review, and OCR had identified compliance concerns with respect to certain other issues. OCR would need to conduct additional interviews, review additional records and student files, and obtain other relevant information in order to conclude the investigation. In light of the District's willingness to resolve the compliance review issues without further investigation, and after carefully reviewing the evidence obtained thus far in OCR's investigation, OCR determined that entering into a resolution agreement during the course of the investigation was

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

appropriate. Accordingly, on November 28, 2016, OCR entered into a resolution agreement with the District to resolve the compliance review.

SUMMARY

Based on the findings of fact and legal analyses discussed in this letter, OCR determined that the District failed to comply with the procedural requirements of Title IX, specifically:

- by failing to notify students and employees of the names or titles and contact information of all of the various employees who were responsible for carrying out the District's Title IX responsibilities, in violation of 34 CFR 106.8(a);
- by failing to provide a sufficient notice of non-discrimination in its publications, in violation of 34 CFR 106.9 (b) and (c); and
- by failing to adopt and publish grievance procedures providing for the prompt and equitable resolution of student complaints alleging any action prohibited by Title IX, in violation of 34 CFR 106.8(b).

OCR also identified concerns that the District may be causing confusion and reducing the efficacy of its official Notice of Non-Discrimination webpage by publishing several non-compliant non-discrimination statements on other parts of the District's website.

Based on the information obtained to date in its investigation, which OCR describes in more detail later in this letter, OCR identified certain areas of concern with respect to how the District responds to incidents of harassment and how the District addresses hostile environment issues.

The following were OCR's concerns regarding the District's process for responding to reports of race and sex harassment:

- The District may not be properly identifying or appropriately responding to reports of race and sex harassment.
- The District may be using a definition of harassment that is too narrow.
- The District may not be providing adequate relief to victims of race or sex harassment and may not be taking steps that are reasonably calculated to stop the harassment.
- The District may not be taking adequate steps to prevent the recurrence of harassment.
- The District may not have promptly or effectively responded to a hostile environment created by persistent and pervasive inappropriate sexual touching between students at schools.

- The District may not have taken adequate steps to stop persistent race and sex harassment committed by repeat offenders, or the hostile environment that might have resulted from the repeat offenders' behaviors.

This letter summarizes, by each legal issue investigated: the pertinent legal standards; the evidence gathered during OCR's investigation; OCR's findings of fact, legal analyses, and determinations; and the actions the District has agreed to take to resolve the compliance review. Unless noted otherwise, the findings are based on information obtained by OCR from June 17, 2013, through the end of the 2014-2015 school year. All references to "race" used in this letter include color and national origin except as otherwise indicated.

BACKGROUND

The District is the second largest school district in Nevada with over 100 schools. The District maintains its own police department, which provides law enforcement resources to students, school administrators, teachers, staff, and parents. When OCR initiated this compliance review during the 2012-2013 school year, the District enrolled 62,424 students. The total number of male students was 32,341 (51.8% of the student body) and the total number of female students was 30,083 (48.2%). The largest group of students, 29,467 (47.2%), identified as White; 23,799 (38.1%) identified as Hispanic; 3,190 (5.1%) identified as two or more races; 2,814 (4.5%) as Asian; 1,536 (2.5%) as African-American or Black; 1,043 (1.7%) as American Indian/Alaskan Native; and 575 (0.9%) as Native Hawaiian or Pacific Islander.

During the 2015-2016 school year, the District's enrollment had increased to 66,504 students. The total number of male students was 31,878 (47.9% of the student body) and the total number of female students was 34,626 (52.1%). The largest group of students, 30,077 (45.2%), identified as White; 26,417 (39.7%) identified as Hispanic; 3,822 (5.7%) identified as two or more races; 2,914 (4.4%) as Asian; 1,500 (2.3%) as African-American or Black; 1,017 (1.5%) as American Indian/Alaskan Native; and 757 (1.1%) as Native Hawaiian or Pacific Islander.

During the course of the investigation, OCR interviewed District administrators and school staff, and reviewed extensive information and data provided by the District, including District policies, procedures, and regulations regarding discrimination and harassment, and the investigative and discipline records of over 500 reports of racial and sexual harassment. OCR concentrated its investigation on 17¹ District schools (schools of focus), which were selected based on the schools' demographics, geography, and number of incidents of harassment. During May 12-15, 2014, OCR visited each of the schools of focus, and conducted over 130 interviews with principals, assistant principals, deans, teachers, counselors, and District police officers. OCR conducted parent and student focus groups at selected schools. OCR also reviewed the results of District climate surveys, and a bullying and harassment survey, which the District administered at the schools of focus. OCR's investigation focused on the 2011-2012, 2012-2013, and 2013-2014 school years.

¹ The 17 schools of focus consisted of: Hunsberger, Hidden Valley, Risley, and Lincoln Park Elementary Schools; Vaughn, Sparks, Pine, Traner, Swope, and Billingshurst Middle Schools; Spanish Springs, North Valleys, Damonte Ranch, Incline, and Sparks High Schools; and two alternative schools, Washoe Inspire Academy and Washoe Innovations High School.

DESIGNATION AND NOTICE OF A TITLE IX COORDINATOR

The regulation implementing Title IX, at 34 CFR 106.8(a), requires a recipient to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Title IX regulations, including investigating any complaint alleging noncompliance with Title IX. It also requires a recipient to notify all of its students and employees of the name, office address, and telephone number of the employee or employees so designated.²

Findings

Throughout the time period of this compliance review, the District has designated at least one employee to coordinate its Title IX compliance efforts and carry out its Title IX responsibilities. The office and employee designated to carry out those duties has changed several times since the 2012-2013 school year.

The District primarily shares information about the names, titles, and contact information of key personnel, including the designated Title IX coordinators, through: (1) its policies, procedures, and regulations (PPR), which are published on its website; (2) its annual parent/student handbook, which is published on its website and distributed in hardcopy format; and (3) other webpages on the District's website (e.g., the Student Complaint webpage, Bully Free Zone webpage, etc.).

On July 15, 2013, the District informed OCR that the chief general counsel of the Office of the General Counsel, and the coordinator of the department of guidance counseling and safe and drug free schools were the two employees who shared Title IX responsibilities at the District. The chief general counsel was the employee who was responsible for investigating and resolving discrimination complaints, including Title IX and Title VI complaints. The coordinator of the department of guidance counseling and safe and drug free schools was the "Title IX coordinator," and was responsible for coordinating the District's compliance with Title IX and Title VI. However, the District's PPR and the parent/student handbook in effect during the 2013-2014 school year did not reflect that there were two employees who shared the Title IX responsibilities. The PPR and the parent/student handbook only stated that Level II formal grievances of discrimination, harassment, and sexual harassment must be submitted to the Office of the General Counsel. These documents did not give the name or title, telephone number, or address of the chief general counsel, or the Title IX coordinator.

The Complaint Form for Student Grievances Based on Discrimination, Harassment or Retaliation (complaint form), LEG-F121, which is referenced by the PPR, stated that the complaint form must be filed with the Office of the General Counsel, and gave the office's telephone number and address. The complaint form did not provide the name or title of the chief general counsel. The complaint form also did not provide the name or title of the employee designated as the Title IX coordinator. The District recently informed OCR that the District no longer uses the complaint form. However, as of November 28, 2016, the District continued to publish the complaint form on its website.

From interviews conducted on January 15, 16, and 21, 2014, OCR determined that district-level administrators held differing and inconsistent views of who had been designated as the District's Title IX

² See also OCR's Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (Jan. 19, 2001) (hereinafter, 2001 Guidance).

coordinator (i.e., one said the Title IX coordinator was the chief general counsel, another administrator said the Title IX coordinator was the coordinator of the department of guidance counseling, and another District administrator did not know who the Title IX coordinator was).

From interviews conducted with administrators and staff at the schools of focus, OCR determined that schools had been informed that the director of Multi-Tiered Systems of Support (MTSS) was the Title IX coordinator. The investigation revealed that the school administrators and staff had learned of the individual who was designated as the Title IX coordinator at meetings held a few weeks before OCR's visit and that most of the school employees interviewed did not know who the Title IX coordinator was before that. One school administrator interviewed did not know who the Title IX coordinator was.

The PPR and the 2013-2014 and 2014-2015 parent/student handbooks did not reflect that the director of MTSS was the District's Title IX coordinator.

During the 2014-2015 school year, the District adopted a new policy, Board Policy 9201: Bullying, Harassment, and Discrimination Prohibited (Policy 9201). Policy 9201 states that the responsibility for coordinating the District's compliance efforts and receipt of inquiries concerning state and federal law and regulations, including Title IX, had been delegated to the Office of the General Counsel. Policy 9201 does not provide the name or title, telephone number, or address of the Title IX coordinator.³

On July 17, 2015, the District's website, which had been revised at various times since the commencement of the compliance review, identified the equity and diversity coordinator as the District's Title IX coordinator. The equity and diversity coordinator was not part of the Office of the General Counsel. There was no single webpage on the District's website that provided the equity and diversity coordinator's name, telephone number, or office address all in one place. Additionally, the webpages that listed the equity and diversity coordinator as the Title IX coordinator did not provide information about the Office of the General Counsel and its designated Title IX responsibilities.

The 2015-2016 parent/student handbook identified the equity and diversity coordinator as the Title IX coordinator, and provided her title and telephone number. It did not provide her mailing or physical address, however, and it did not provide information about the Office of the General Counsel and its Title IX responsibilities.

On April 28, 2016, the District notified OCR that it had created and filled a new position, the director of civil rights compliance, and designated that director as the District's Title IX coordinator. The director of civil rights compliance is part of the Office of the General Counsel. As of August 26, 2016, the District's website had been updated to reflect that the District's current Title IX coordinator was the director of civil rights compliance. Additionally, at least three webpages (the Notice of Non-Discrimination webpage, the Complaint Resolution webpage, and the Compliance Coordinator webpage) provided the director's name and title, telephone number, and mailing and office addresses.

The complaint form, which was posted on the District's Student Complaints webpage as of November 28, 2016, states that the complaint form must be submitted to the Office of the General Counsel. The Student Complaints webpage states that questions regarding the District's non-discrimination policies may be

³ Policy 9201 is published on the District's website and was last viewed on December 5, 2016.

referred to the Title IX coordinator/civil rights compliance director, and provides her name, mailing address, and telephone number. However, neither the form nor the Student Complaints webpage clearly states that the Title IX coordinator/civil rights compliance director is part of the Office of the General Counsel.

Analysis

Based on the foregoing, OCR determined that, over the last several years, multiple employees have been responsible for carrying out the District's Title IX responsibilities (i.e., chief general counsel and coordinator of the department of guidance counseling, then chief general counsel and director of MTSS, then chief general counsel and equity and diversity coordinator, and now the civil rights compliance director). The evidence established that the District's publications (i.e., PPR, the parent/student handbook, and website) did not keep up with these personnel changes, and they did not contain sufficient information that accurately and clearly reflected the designated employees, and their names or titles, telephone numbers, and addresses. Because the evidence established that the District did not notify its students and employees of the names or titles, telephone numbers, and addresses of the employees who were responsible for carrying out its Title IX responsibilities, OCR determined that the District violated the Title IX regulations at 34 CFR 106.8(a).

NOTICE OF NON-DISCRIMINATION

The Title IX regulations at 34 CFR 106.9(a) require a recipient to implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in its educational programs and activities. Under 106.9(a), a recipient's notice of non-discrimination must:

- state that the recipient does not discriminate on the basis of sex in the educational programs and activities that it operates;
- state that the recipient is required by Title IX not to discriminate on the basis of sex in its educational programs and activities, including with respect to its employees; and
- state that inquiries regarding Title IX may be referred to the recipient's Title IX coordinator or to OCR's Assistant Secretary.

Additionally, the Title IX regulations at 34 CFR 106.9(b) and 106.9(c) require a recipient to prominently include the notice of non-discrimination in each announcement, bulletin, catalog, or application form which it makes available to parents, students, and employees.

Findings

The District did not include notices of non-discrimination in its 2013-2014 or 2014-2015 parent/student handbooks or in its 2013-2014 Parent University Catalogue (this was the last year for which this material was submitted to OCR), which are its primary publications targeting students and parents, outside of its website. The District did include a notice of non-discrimination in its 2015-2016 parent/student handbook

(which was the most recent parent/student handbook OCR had as of September 19, 2016). That notice did not include a statement that the District does not discriminate on the basis of sex, or a statement that inquiries regarding Title IX may be referred to the Title IX coordinator or to OCR.

Prior to the 2014-2015 school year, the notice of non-discrimination that was posted on various pages of the District's website lacked one or more of the following mandatory Title IX notice components: (1) a statement that the District does not discriminate based on sex in its education programs and activities; (2) a statement that the District is required by Title IX not to discriminate on the basis of sex, including with respect to employment; or (3) a statement that Title IX inquiries may be referred to the District's Title IX coordinator or to OCR.

On February 10, 2015, the District adopted a new bullying, harassment, and non-discrimination policy, Policy 9201, which it published on its website, along with its other policies, which included all of the mandatory notice of non-discrimination components, except that: (1) it did not state that Title IX inquiries may be referred to the District's Title IX coordinator or to OCR; and (2) the notice was not prominently displayed in Policy 9201. The text of the notice was included in the body of the policy, but it was not emphasized in any way (e.g., bolding, highlighting, underline, placement, etc.).

As of July 17, 2015, the website published prominent notices of non-discrimination on at least three webpages, including the District's homepage, the Bully Free Zone webpage, and the Complaint Resolution and Forms webpage. The notices on the Bully Free Zone and Complaint Resolution and Forms webpages lacked a statement that the District does not discriminate on the basis of sex.

As of August 26, 2016, the District made additional changes to its website, including updates reflecting the appointment of the civil rights compliance director as the District's Title IX coordinator. The website published notices of non-discrimination on five webpages, including a new Non-Discrimination Notice webpage, the homepage, the Complaint Resolution webpage, the new Student Complaints webpage, and the Bully Free Zone webpage. The notices on three of the five webpages, the Complaint Resolution, Student Complaints, and Bully Free Zone webpages, lacked a statement that the District does not discriminate on the basis of sex. Instead, these three webpages stated that the District is "committed to nondiscrimination" on the bases of sex and other protected classifications.

As of December 9, 2016, the District had modified its homepage by removing its full notice of non-discrimination from the homepage and replacing it with a reference and link to the District's Non-Discrimination Notice webpage. Currently, the Non-Discrimination Notice webpage contains all of the mandatory Title IX notice components.

Analysis

Based on the foregoing, OCR found that the District's website complies with the Title IX regulations at 34 CFR 106.9(a) because the District's homepage and the Non-Discrimination Notice webpage, taken together, currently contain all of the Title IX mandatory notice components. However, OCR is concerned that several other webpages on the District's website, regarding the District's complaint and reporting process, publish similar statements of non-discrimination that do not comply with the Title IX mandatory notice components. These statements may cause confusion among users of the website and may also dilute the efficacy of the Non-Discrimination Notice webpage.

Additionally, OCR determined that prior to the 2014-2015 school year, the District did not include an adequate notice of non-discrimination in its publications (i.e., parent/student handbook, Parent University Catalogue, and on the District’s website). OCR also determined that the District failed to include an adequate notice of non-discrimination in its 2015-2016 parent/student handbook. Because the District did not provide sufficient notice of non-discrimination in its publications for students, parents, and employees, OCR determined that the District is in violation of the Title IX regulations at 34 CFR 106.9 (b) and (c).

GRIEVANCE PROCEDURES

The Title IX regulations at 34 CFR 106.8(b) require that a recipient adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints alleging any action prohibited by Title IX. OCR has identified a number of elements that are necessary in evaluating whether grievance procedures are prompt and equitable, including whether the procedures provide for: (1) notice to students and employees of the procedures, including where complaints may be filed, that is easily understood, easily located, and widely distributed; (2) the application of the procedures to complaints alleging discrimination or harassment carried out by employees, students, and third parties; (3) provisions for an adequate, reliable, and impartial investigation, including an equal opportunity to present witnesses and evidence; (4) designated and reasonably prompt timeframes for major stages of the grievance process; (5) notice to parties of the outcome; and (6) an assurance that the recipient will take steps to prevent further harassment and to correct its discriminatory effects on the complainant and others, if appropriate.⁴

To ensure individuals can invoke grievance procedures without fear of reprisal, the Title IX regulations also prohibit the recipient and others, including students, from retaliating against any individual “for the purpose of interfering with any right or privilege secured by [Title IX],” or because that individual “has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing” under Title IX. 34 CFR 100.7(e) (incorporated by reference through 34 CFR 106.71). Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against any such individual.

In order for a recipient’s grievance procedures to be consistent with Title IX, if a recipient provides for appeal of the findings or remedy, it must do so for both parties. It must also use the appropriate evidentiary standard (i.e., preponderance of the evidence) when resolving a complaint of sexual harassment. In addition, pending the outcome of an investigation, Title IX requires a recipient to take steps to protect complainants from further harassment as necessary, including notifying them of interim steps available prior to the final outcome of the investigation.

Findings

The District provided two documents as its grievance procedures for resolving complaints of discrimination and harassment based on race, color, national origin, and sex:

⁴ For further explanation, see the 2001 Guidance.

- (1) Procedure LEG-P121 – Discrimination, Harassment, and Sexual Harassment of Students Procedure (P121); and
- (2) Board Policy 9201 – Bullying, Harassment, and Discrimination Prohibited (Policy 9201).

The District adopted P121 on March 25, 2010, and asserted that it stopped using P121 during the 2014-2015 school year.

As of August 26, 2016, however, P121 was published on the District’s website. P121’s procedures were also described in detail in the District’s 2013-2014 and 2014-2015 parent/student handbooks, which were also published on the District’s website. P121 and the handbooks required that students or parents submit a complaint form (LEG-F121 – Complaint Form for Student Grievances Based on Discrimination, Harassment or Retaliation) to initiate a formal complaint with the District, including complaints of sexual harassment. The complaint form, however, was not provided in the handbooks or on the District’s website prior to the summer of 2015. The complaint form can now be found on the District’s website, but the District recently informed OCR that the complaint form is no longer being used. The District’s current website and the 2015-2016 parent/student handbook show that complaints can be submitted either: on-line by using the District’s Bully Free Zone reporting webpage, or by using the complaint form.

The District originally sent OCR Policy 9201 in draft form on December 9, 2014; it was formally adopted during the 2014-2015 school year. Policy 9201 was identified on the District’s website as the District’s overarching policy regarding bullying, harassment, and discrimination.⁵

Policy 9201 prohibits discrimination in the District’s educational programs and activities and employment on the bases of race, color, national origin, sex, and several other bases, including bullying, sexual harassment, discrimination, and retaliation. Policy 9201 states, “The District is committed to identifying and correcting practices and policies that perpetuate negative beliefs and behaviors. This commitment includes the actions and behaviors of students, faculty and staff, coaches and volunteers, families, and other visitors to District facilities.”

Under the policy, all responsibility for the coordination of the District’s compliance efforts under federal civil rights laws is delegated to the Office of the General Counsel. The policy requires any faculty or staff member who witnesses or receives information that a possible violation has occurred against a student or non-student to report the possible violation to the principal or designee, or site supervisor. The policy states that individuals, such as students, coaches and volunteers, are encouraged but are not required to report possible violations to the principal, site administrator, or other staff member.

Policy 9201 requires the District to act promptly on reports and complaints of bullying, harassment, or discrimination in compliance with the District’s process and timelines. It does not state to what process and timelines it is referring. It also states that behavior that is or may be considered criminal in nature or results in substantial bodily harm must be referred to law enforcement. Policy 9201 does not state that both the complainant and the accused will have an equal opportunity to present witnesses and relevant evidence; and it does not specify any timeframes for investigating a complaint or whether notice of the outcome of the complaint is to be provided to both the complainant and the accused. Also, Policy 9201

⁵ Policy 9201 was last viewed on the District’s website on December 5, 2016.

is silent as to what evidentiary standards must be used when resolving complaints, and what interim measures may be provided to protect students pending the outcome of investigations.

Policy 9201 states that individuals found to be engaging in behavior that is prohibited by the policy may be subject to appropriate disciplinary action and provides a list of potential sanctions. However, Policy 9201 does not provide any assurances that the District will take steps to prevent recurrence of harassment.

The policy requires that notice of the grievance procedure be posted on the District's website, included in the parent/student handbook, and made available upon request. The policy also requires the District to conduct annual climate/safety surveys with input from students, parents, and staff.

Analysis

OCR determined that Policy 9201 lacks certain required elements critical to providing a prompt and equitable grievance process under Title IX. Specifically, OCR found that Policy 9201 failed to provide for: (1) an equal opportunity for the complainant and the accused to present witnesses and relevant evidence; (2) notice to both parties of the outcome of the complaint; (3) timeframes for investigating complaints; and (4) an assurance that the District would take corrective action to prevent harassment.

OCR also found that Policy 9201 did not include an evidentiary standard, or information about interim relief and services. OCR was also concerned that Policy 9201 did not clearly state that the procedure applied to complaints alleging harassment carried out by employees, students, and third parties; or that coaches and adult volunteers, who are individuals that a student could reasonably believe have a responsibility to address harassment, were required to report incidents of harassment.

Based on the foregoing, OCR determined that Policy 9201 did not incorporate all of the elements needed to demonstrate the availability of a prompt and equitable resolution procedure for students, parents, and employees with respect to complaints of sexual harassment. Therefore, OCR has determined that the District is in violation of Title IX at 34 CFR 106.8(b) with respect to this issue.

HANDLING OF RACE AND SEX HARASSMENT REPORTS

Under the Title VI and Title IX regulations at 34 CFR 100.3 and 106.31, respectively, no individual may be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination on the grounds of race, color, national origin, or sex under any program or activity that receives federal financial assistance from the Department.

Race and sex harassment that create a hostile environment are forms of race and sex discrimination, which are prohibited by Title VI and Title IX. A recipient will be found in violation of Title VI and Title IX and held responsible for a racially or sexually hostile environment if OCR finds that: (1) such a hostile environment existed; (2) the recipient had notice of the hostile environment; and (3) the recipient failed to respond adequately to redress the hostile environment.⁶

⁶ For further explanation and guidance, see the 2001 Guidance, and OCR's Title VI racial harassment guidance, entitled Racial Incidents and Harassment Against Students at Educational Institution; Investigative Guidance, 59 Fed. Reg. 47 (March 10, 1994).

Race and sex harassment create a hostile environment if the race- or sex-based harassing conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the recipient's program. Racial harassment is unwelcome conduct that is motivated by race, color, or national origin. Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as a sexual assault or acts of sexual violence.

In determining whether race or sex harassment of a student is sufficiently serious such that it denied or limited a student's ability to participate in or benefit from a recipient's program, OCR examines all of the relevant circumstances from an objective and subjective perspective, including: the type of harassment (e.g., whether it was verbal or physical); the frequency and severity of the conduct; the age and relationship of the individuals involved (e.g., teacher-student or student-student); the setting and context in which the harassment occurred; whether other incidents have occurred at the school; and other relevant factors. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. In some cases, a racially or sexually hostile environment requiring appropriate responsive action may result from a single incident that is sufficiently severe. Such incidents may include, for example, injury to persons or property, or conduct threatening injury to persons or property.

If a recipient knows or reasonably should have known about alleged race or sex harassment that may create a hostile environment, Title VI and IX require a recipient to take immediate and appropriate action to investigate or otherwise determine what occurred. If an investigation reveals that discriminatory harassment has occurred, a recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. These duties are a recipient's responsibility regardless of whether a student has complained, asked the recipient to take action, or identified the harassment as a form of discrimination. Appropriate steps to end race or sex harassment may include: separating the victim and the offender, providing counseling for one or both of them, and/or taking disciplinary action against the offender.

The Family Educational Rights and Privacy Act (FERPA) does not conflict with the Title IX requirement that the school notify the harassed student of the outcome of its investigation because this information directly relates to the victim. FERPA generally prohibits the nonconsensual disclosure of personally identifiable information from a student's "education record." However, it permits a school to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when that sanction directly relates to the harassed student.

Findings

OCR concentrated its investigation on race and sex harassment incidents that occurred at the District during the 2011-2012, 2012-2013, and 2013-2014 school years. The District identified P121 as the bullying, harassment, and nondiscrimination procedure that it used during this 3-year period for responding to formal complaints of harassment, including racial and sexual harassment. Although some witnesses recalled investigations of complaints under P121, the District was unable to produce records of racial and sexual harassment complaints processed under P121. Instead, in practice, most reports and/or incidents of racial and sexual harassment were handled at schools under the District's general discipline process.

The District has continued to clarify its process for responding to reports and incidents of race and sex harassment since the 2013-2014 school year, including distributing a legal memorandum, dated September 9, 2014, from the Office of the General Counsel, which gave guidance to schools specifically regarding school investigations of bullying, harassment, and discrimination under Nevada State law. The process described in the memorandum is largely the same as the process that school administrators and staff described during OCR's investigation, which is discussed further below.

In general, the discipline process used to address reports of race and sex harassment at schools was the same one used by schools to address general bullying and harassment and other major infraction incidents of student misconduct. According to District administrator and staff testimony, any report of misconduct, including a report of race and sex harassment, was addressed under the District's MTSS process. The MTSS process is a district-wide system of instruction that provides instruction at different levels or tiers depending on the needs of the student. MTSS is available at the District to all students to help them succeed and to increase student achievement.

The MTSS process required behavior to be classified as either a major or minor infraction. Major infractions are addressed by school administrators, usually the dean or assistant principal. Major infractions include, among others, possession of weapons, fighting, tobacco or drug/alcohol use, gang activity, theft or destruction of property, bullying, and harassment. Any other behavior incident is coded as a minor infraction and is addressed by the teacher in the classroom. According to staff at several schools, multiple minor infractions are collectively classified as a major infraction warranting administrative action.

Over the course of the investigation, OCR noted several instances where the District or schools provided information indicating that the District had adopted definitions of harassment that may be inconsistent with Title IX and Title VI, or may have caused confusion among employees. These included:

- Adopting over 10 different PPR applicable to bullying, harassment, intimidation, and discrimination, each with its own statements of prohibited behavior and definitions of prohibited conduct.
- Distributing a legal memorandum, dated September 9, 2014, from the Office of the General Counsel that provided advice to schools regarding school investigations of bullying, harassment, and discrimination under Nevada State law. In particular, the memorandum stated that school administrators should only proceed with investigations of harassment if the alleged victim is in a protected class *and* there exists an imbalance of power between the victim and the offender. However, the 2015-2016 parent/student handbook stated that harassment investigations should proceed if the alleged victim is in a protected class *or* there exists an imbalance of power between the victim and the offender. It is the District's position that the 2015-2016 parent/student handbook represents its current practice.
- Many school administrators expressed different understandings of the definition of bullying and harassment, and what behaviors constituted major infraction offenses requiring mandatory reporting to the assistant principal, with a prevailing belief that an offense that occurred only one time is a minor infraction offense and does not require reporting.
- As described in more detail below, having many Infinite Campus (IC) Behavior Management System reports, where the victims were subjected to racial derogatory name-calling and racist drawings or imagery, and the events were not coded as race-based behavioral incidents.

The District provides a variety of means for reporting incidents of bullying and harassment at schools. In addition to the Bully Free Zone website and the Secret Witness telephone hotline, the District allows students to report to any adult in a school building. Teachers, counselors, and other staff can report incidents to the school administration in-person, through the IC, and in some schools via e-mail. District police officers report incidents of which they are aware directly to the assistant principal.

According to interviews with school administrators and staff at the 17 schools of focus, once a report of student misconduct is received by a school and is classified as a major infraction, which includes incidents of harassment, school investigations consisted of: promptly determining whether to initiate an investigation (within 24 hours of receipt of the report); notifying both the victim's and offender's parents of any investigation; notifying District police as necessary; conducting interviews with and obtaining written statements from the victims, other parties, and witnesses; making a final determination as to whether the harassment occurred; and within 10 days of the report, notifying the parents of both the victim and the offender of the outcome of the investigation. The administrator is expected to use the District's MTSS behavior matrix as a guide in determining the appropriate disciplinary measure.

School administrators told OCR that as part of the District's response process, they would typically inform the parents of both the victim and the offender of the outcome of their investigation. However, the school administrators said that when they contacted the victim's parents to inform them that a report had been substantiated, they only shared with the victim's parents that the school was taking action to address the problem and would not inform the victim's parents of the details of the consequence for the offender.

The District has adopted the IC as its district-wide computer software program for documenting and managing behavior events, including incidents involving race- or sex-based harassing conduct. The District requires schools to use the IC for documenting and tracking investigations of bullying and harassment, including race- and sex-based harassment, in the following ways:

- The administrator is to open a case as an administrative investigation in the IC within 24 hours of receiving a report. The case will be coded as "in process."
- The administrator will enter the names of all victims, offenders, and witnesses into the appropriate tabs. These students would be linked to the incident within the IC.
- Based on the initial report and intake, the administrator will decide whether to code the incident as bullying, harassment, sexual harassment, or racial harassment.
- The administrator will provide a narrative description of the incident and the process.
- Counselors will document that they met with students, but will not provide extensive details to maintain confidentiality.
- The administrators will document the resolution, or if disciplinary action was taken, what was imposed.
- Upon completion of the investigation, the administrator will confirm that the initial coding of the incident is accurate, and if not, will recode the incident. This includes recoding whether harassment occurred, and whether it was race- or sex-based harassment.
- Once the process is complete, the incident will be closed as "complete."

Generally, administrators interviewed understood what information to enter into the IC; however, several administrators described actions that did not align with the District's expectations for IC record-keeping.

These included:

- Two principals stated that discipline, aside from out of school suspensions, is not always entered into the IC.
- Another principal stated that he does not input all reports of harassment into the IC, especially for younger students who are involved in one-time incidents.
- Two other principals stated that teachers do not always input the required information into the IC due to scheduling and a lack of available time.

Because the District could not produce complaint records pursuant to P121, OCR collected records from the District's IC system in an effort to evaluate whether the District timely and appropriately responded to incidents and reports of racial and sexual harassment at schools. According to the District's discipline data, during the 2013-2014 school year, the District received 522 reports of race- and sex-based bullying and harassment and disciplined a total of 571 students for these incidents. The data for the 2012-2013 school year did not include the number of reports of bullying and harassment, but it did indicate that the District disciplined 528 students for race- and sex-based bullying and harassment. During the 2011-2012 school year, the District received 196 reports and disciplined 241 students for race- and sex-based bullying and harassment incidents. Additionally, the results from the District's bullying and harassment survey at four schools of focus (which was conducted in the 2014-2015 school year) indicated that nearly 50% of students surveyed reported that they had seen or experienced race or sex harassment at school, and that nearly a quarter of the students surveyed reported experiencing or knowing of others who experienced unwanted sexual touching, such as touching of the private parts, breasts, and the rear end.

Administrators and staff members from nine of the schools of focus confirmed the existence of inappropriate touching in schools, including inappropriate sexual touching "games" initiated between students. These "games" included slapping or grabbing other students on the bottom, or grabbing and twisting another student's nipple (often between male students). At the elementary school level, two schools confirmed that the touching "games" had occurred in the past and that the school administration had put a stop to the behavior. The principal at one of the schools stated that when the behavior began, the students had participated willingly; however, as time passed, the behavior started to expand to others who did not willingly participate, and the behavior became "a huge issue school-wide" and the District police were called in to help address the issue.

At the middle school level, staff at four schools reported that this "game" behavior had occurred at some time in the past. Staff at all four middle schools informed OCR that the behavior ended after the school administration notified the student body that the behavior would not be tolerated and that there would be consequences for those who participated. In some cases, parents were notified to reinforce that the behavior was inappropriate. Several staff indicated that the behavior showed up in isolation since then as a behavior between friends but not as a school-wide phenomenon.

Staff at three high schools reported that the "game" behavior was present at their school at some point. Staff at two schools reported that it was not a widespread problem, and that the few instances that occurred were resolved quickly. The principal at the third high school, however, informed OCR that when he was assigned to the school, the phenomenon was "out of control." He stated that the inappropriate touching had occurred mainly between friends and that the school was able to put an end to the behavior.

Based upon the district-wide discipline data, OCR examined the IC incident reports and the District police reports for all of the race- and sex-based bullying and harassment incidents that occurred at the 17 schools of focus for the 3-year period reviewed. OCR identified a total of 556 sex-based bullying and harassment reports from the schools of focus. The most prevalent form of sex harassment was verbal sexual harassment, which accounted for over 57% of all reports. Verbal harassment includes spreading sexual rumors or sexual name-calling. As an example, one incident report from an elementary school described how a male student told other students that he would “rape them.”

The next four most prevalent categories of sexual harassment each accounted for about 5% of the incidents, and they consisted of sexting/cyberbullying, breast touching, butt touching, and self-groping/self-gestures. Included under the category of breast touching were incidents such as a male student putting his hands on another male student and twisting his nipples. Butt touching included incidents such as when a male student slapped more than one female student on the bottom as part of a “game.”

Genital touching, self-exposure, and depantsing, which is the pulling down of another student’s pants, each accounted for 2-3% of incidents. The IC information showed only one incident of sexual violence over the 3 years. Sexual behavior that did not fall under one of the other categories accounted for about 14% of reported incidents. These included incidents such as when a male student wrote several sexually explicit papers for class, or when a female student was teased by a male student for her appearance.

Based on OCR’s review, there were 84 total race-based harassment incidents at the schools of focus during the 3 years reviewed. Examples of race-based harassment included name-calling, racial slurs, graffiti, drawing swastikas, and making derogatory comments about another ethnic or racial group. Racial harassment of African-American or Black students, who comprise about 2% of total student enrollment in the District, accounted for 34.5% of reported incidents. Racial harassment against Asian students, who comprise about 4% of total enrollment, accounted for 10.7% of the reports. Racial harassment of Hispanic students, who comprise about 39% of total students, accounted for 9.5% of reports. Racial harassment of White students, who accounted for about 46% of total enrollment, comprised 8.3% of reports.

There were a relatively low number of race-based harassment incidents against American Indian/Alaskan Native students (4.8%), Jewish students (3.6%), and Arab students (1.2%). There were also no reported incidents of racial violence among the IC reports at the schools of focus. The second largest number of racial harassment incidents occurred in a category that OCR called “Other Racial Harassment” (27.4%), which involved racial harassment incidents that were not identified with any of the other racial groups.

From the incident and police reports, OCR identified at least 17 students who committed multiple sexual and/or racial offenses at the schools of focus, often over 2 years or more. For example, at one elementary school, a single student committed nine sexual harassment offenses over a 5 month period, including the serious offense of grabbing a girl’s private parts. The school responded by imposing a succession of low level discipline but did not remove the student until several months later. School staff described the elementary school victims as extremely upset and nervous by the offender’s actions and presence. Other examples are described below.

The IC reports alone did not provide sufficient information to evaluate whether the schools' responses to the reports of racial or sexual harassment were timely and appropriate. OCR would need to conduct further investigation, such as interviewing the school staff, parents, and students who were involved, to obtain a complete understanding of what investigations and responsive actions were taken by each school.

Based on the investigation to date, however, OCR identified concerns regarding the District's response to reports of racial and sexual harassment. Included below are summaries from five harassment incidents selected from the District's IC reports illustrating OCR's concerns regarding the District's responses to reports of racial and sexual harassment:

- At an elementary school, behavior reports showed that a male student repeatedly asked female students to show their private parts to him, or he offered to show his private parts to them. The initial report stated that “for the second time this semester, he asked a little girl to show him her private areas. After multiple requests, the little girl complied.” However, there was no incident report preceding this initial report. The male student was suspended, received school counseling services, and was referred to the police. The report did not include any information indicating whether the female students received any interim or remedial relief. The male student was suspended again a month later when he asked another female student to show him her private parts and he offered to show her his.
- At a middle school, reports indicated that over two school years, a male student touched female students without their consent. The first report noted that the male student “slapped a female on the backside” and admitted to the behavior. The documents showed that his parent was notified but did not indicate any disciplinary action. The second report showed that the male student was accused of grabbing and squeezing a female student's breast. The investigation was conducted in part with District police. The documents indicated that the male student said that the touching was an accident. The female student and witnesses indicated that they believed it was a deliberate act. The parent of the male student was notified. The report did not include any indication that the male student was disciplined, or that the female student was provided any relief.
- At a middle school, the IC reports showed a series of incidents involving two white male students who made racial and sexual comments in class. The reports indicated that three female students asked to be moved away from the male students because of their behavior. One of the male students was removed from class for posing questions with the intention to provoke others into using racist language. The reports showed that the other male student had made several sexually suggestive statements, used several sexually explicit words, asked inappropriate sexual questions of other students, and made a demeaning comment about a student's skin color. OCR's interviews with staff at the school indicated that the school took action to address the incidents; however, the IC documentation did not indicate whether any consequences were imposed on the male students, or what relief, if any, was provided to the female students.
- At a high school, the IC records indicated that a male student had been touching several female students inappropriately for “quite some time.” The female students reported touching of the private parts, butt, and breasts, including one incident where the male student grabbed one female student's nipple to the point of pain. One female student also reported that he sexually propositioned her in a crude manner. All of the events were included in a single incident report

and coded as sexual harassment. The report did not indicate what investigation or action was taken by the school, and it did not indicate if any interim relief was provided to the female students. The report stated that the male student was suspended for three days and would have a meeting with the school administration to determine his placement back at the school or at an alternative school.

- At a high school, an incident report indicated that a male student made racist and sexual drawings, which included swastikas and male genitalia, which frightened a black female classmate. The report indicated that the incident was investigated as a bullying/harassment incident and not a racial or sexual harassment incident, that the male student denied making the drawings, and that the school convened a conference with the male student and his parent was contacted. There was no information in the report regarding whether the report was substantiated, or if interim or remedial relief was offered to the female student.

Overall, OCR’s review of the incident reports found that the IC reports frequently lacked information about what investigation, if any, took place; what relief, if any, was provided to the victims; or the steps taken by a school to end the harassment, such as disciplinary actions imposed on the offenders. Sometimes, the IC reports were even contrary to the District’s statements to OCR (e.g., a principal indicated that certain types of inappropriate touching of a sexual nature was a significant problem at his school, but the IC reports showed zero incidents of that type of behavior for the three-year period).

Additionally, several IC reports showed events where minority students were subjected to race-based derogatory remarks or images (e.g., “nigger,” “nigger, go to Africa,” “stupid white bitch,” “beaners,” swastikas, white supremacist numbers). Each of these incidents was coded in the IC as harassment/intimidation or bullying/harassment and not racial harassment, even though they showed racial bias.

The IC reports contained instances of students complaining of sex harassment (e.g., touching or exposing of private areas), which were coded as bullying/harassment or harassment/intimidation and not sexual harassment, despite the fact that they involved conduct sexual in nature. For example, an incident report from a middle school indicated that a male student reported having his pants pulled down within the past two weeks and having his nipple twisted. In another example, a high school incident report indicated that a female student reported that a male student had “poked her in the butt” and that she was very upset about it. Both of these events were coded as bullying/harassment and not sexual harassment.

Analysis

Based on the evidence obtained from OCR’s investigation to date, OCR determined that the District used the school-based discipline process, which is used for all student misconduct, to address race and sex harassment. While the school testimony and the existence of P121 suggested that the District had adopted a timely investigative process designed to produce effective results in response to reports of harassment, including racial and sexual harassment, OCR found that the records from the IC system and other evidence obtained in OCR’s investigation indicated that, in practice, schools may not be responding to reports of harassment in an appropriate manner or taking effective steps to stop and redress the effects of the harassment. Specifically, OCR identified the following concerns regarding the schools’ investigation and discipline process:

- In general, OCR determined that, contrary to the testimony provided by the District and the District’s official process, which indicated that investigations must be documented in the IC, many schools did not enter accurate or complete information into the IC, including information about the schools’ responses to reports of harassment. The IC reports likely represented only a portion of the behaviors that occurred at schools. Additionally, OCR believes that the IC reports, which frequently appeared incomplete or vague, did not fully represent the schools’ response to incidents of harassment.
- OCR found that many of the IC reports involving cases of racial and sexual harassment were miscoded as harassment with no race- or sex-basis specified, instead of racial harassment or sexual harassment. This type of miscoding suggests that schools may not be properly recognizing when harassment is race- and sex-based, and as a result, schools may not be appropriately responding to them.
- Schools may also be applying a definition of harassment, which was included in the District’s legal memorandum, that is too narrow. Under Title VI and Title IX, a school district must immediately respond to alleged race or sex harassment regardless of whether there is an imbalance of power between the victim and offender. The Office of the General Counsel’s narrow definition of harassment could misdirect schools to not investigate race and sex harassment reports, which otherwise would be required to be addressed under Title VI and Title IX.
- The evidence established that many school administrators gave different definitions of harassment, and held different views about what behaviors constituted offenses requiring mandatory reporting. OCR found that most schools believed that an offense that occurred only once, even an offense involving racial or sexual harassment, was a minor infraction offense, which did not require mandatory reporting. This suggests that schools may have an inaccurate or mistaken understanding of the proper definition of race or sex harassment under Title VI and Title IX, resulting in under reporting of race and sex harassment and the failure to appropriately investigate such reports.
- OCR’s review of the IC reports showed little evidence that schools provided victims of sex harassment with interim or other relief, or took steps to address the effects of any substantiated harassment on victims and/or the resulting hostile environment on the school community. This information indicates that the District may not be taking sufficient steps to eliminate the effects of discrimination for students or others.

School administrators told OCR that as part of the District’s response process, they would typically inform the parents of both the victim and offender of the outcome of their investigation. However, the school administrators said that when they contacted the victim’s parents to inform them that a report had been substantiated, they only shared with the parents that the school was taking action to address the problem and would not inform the victim’s parents of the details of the consequence or disciplinary action imposed on the offender. This information suggests that the District may not be disclosing vital and important information to student-victims and their parents about the disciplinary actions imposed on the student-offenders, when that information directly relates to the victims, such as orders that the student-offender stay away from the victim, or that the student-offender has been moved from class.

Further, OCR had two concerns related to the possibility of a racially or sexually hostile environment in District schools. The first concern is about the prevalence of inappropriate sexual touching at schools, including the number of schools that had a record of students engaging in “games” that encouraged physical contact of a sexual nature between students. Administrators at least two schools described this

behavior as having been a “huge issue” or “out of control,” and required District police intervention at one of the schools. Additionally, the results from the District’s bullying and harassment survey conducted at four schools of focus indicated that nearly a quarter of the students surveyed reported either experiencing or knowing others who experienced unwanted sex-based touching, such as touching of the private parts, breasts, and the rear end. This suggests that a sexually hostile environment could have existed in these schools.

The second concern is that the District may not be instituting effective remedies with regard to students who were “repeat offenders.” OCR identified at least 17 students who committed multiple sexual and/or racial offenses at the schools of focus, often over two years or more, suggesting that the schools may not have put remedies in place that were reasonably calculated to end these students’ harassing behavior and prevent the reoccurrence of the behavior.

Based on the District’s request to resolve the compliance review before the conclusion of OCR’s investigation, OCR and the District entered into the enclosed resolution agreement, which requires the District to take steps to address OCR’s concerns regarding the District’s response to reports of race and sex harassment, including reports of inappropriate sexual touching and harassing conduct by repeat offenders.

SUMMARY OF RESOLUTION AGREEMENT

During negotiation discussions with OCR, the District provided information about recent developments at the District. The information included copies of draft administrative regulations; copies of presentation materials from recent employee training activities regarding bullying and harassment; a copy of the position description for the civil rights compliance director and the current director’s resume; copies of the District’s most recent climate survey questions; a copy of the Nevada Revised Statutes applicable to bullying and harassment; and a resource manual outlining the administrators’ role in investigating and documenting incidents of bullying and harassment. As explained in the negotiation discussions, OCR will review these materials during its monitoring of the resolution agreement.

OCR recognizes the District for its focus on addressing the issue of harassment in its schools, and its commitment to promoting a safe environment for all students. Since OCR initiated the compliance review, the District developed and adopted a policy addressing the health and safety concerns of transgender and gender non-conforming students. The District also created the office of civil rights compliance and hired a director to oversee its functions. In addition, the District has taken steps to revise and improve its PPR regarding identifying and addressing reports of discrimination, including harassment. Further, the District has continued to provide training to administrators and staff regarding their obligations to prevent and combat harassment in schools. OCR also expresses its appreciation to the District’s administrators and staff for their continued cooperation throughout this multi-year investigation.

On November 28, 2016, the District signed the enclosed resolution agreement, which addresses the compliance concerns identified in OCR’s investigation and, when fully implemented, will resolve the compliance review.

In accordance with the resolution agreement, the District agrees to:

- promptly investigate all incidents of harassment based on sex, race, color, and national origin of which it has notice and take appropriate action to end the harassment, prevent its recurrence, and remedy its effects if appropriate;
- hire or assign an equity consultant to assist with the District’s implementation of the resolution agreement;
- create non-discrimination and anti-harassment statements that comply with Title IX and provide effective notice of the statements to students, parents, employees, and third parties;
- establish grievance procedures compliant with Title IX and provide effective notice of the procedures to students, parents, employees, and third parties;
- designate compliance coordinators and provide effective notice of the coordinators to students, parents, employees, and third parties;
- conduct annual school climate checks related to race and sex harassment;
- establish a task force to suggest strategies for addressing harassment in schools;
- train compliance coordinators, administrators, and other employees of their obligations related to identifying, reporting, investigating, and taking appropriate action in response to reports and complaints of harassment;
- train students on recognizing and reporting harassment;
- establish a district-wide system for documenting, investigating, maintaining records, and tracking complaints and reports of harassment; and
- establish a system for monitoring and assessing the effectiveness of its response to harassment.

CONCLUSION

OCR will monitor the implementation of the resolution agreement and will close the compliance review when OCR determines that the terms of the agreement have been satisfied.

This letter sets forth OCR’s determination in this compliance review. 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 retaliate against any individual because he or she participated in an OCR investigation. If this should occur, the individual may file a complaint alleging such retaliation.

Under the Freedom of Information Act, it may be necessary to release this letter 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 law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this compliance review. If you have any questions about this letter, you may contact Mark Farr, Special Projects Coordinator, by telephone at (206) 607-1607 or by e-mail at mark.farr@ed.gov.

Sincerely,

Monique Malson
Program Manager

Enclosure: Resolution Agreement

cc: Honorable Steve Canavero, Superintendent of Public Instruction
Chief General Counsel
Director of Civil Rights Compliance