



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, DC

May 14, 2015

**Via U.S. Mail**

Dr. Heath Morrison  
Superintendent  
Charlotte-Mecklenburg Schools  
600 East Fourth Street  
Charlotte, N.C. 28202

Re: OCR Complaint No. 11-14-1348  
Resolution Letter

Dear Dr. Morrison:

The Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) has completed the investigation of the above-referenced complaint, filed on September 30, 2014, against Charlotte-Mecklenburg Schools (the District). The Complainant filed the complaint on behalf of herself and two students (Student A and Student B) at XXXX School (the School). The complaint alleged that the District discriminated against Student A on the basis of disability and retaliated against the Complainant and Students A and B. Specifically, the Complainant alleged the following:

1. The District discriminated against Student A based on his disability XXXX by subjecting him to a hostile environment. Specifically, the Complainant alleged that, since September 4, 2014, Student A has been harassed by other students due to his disability, and the School has failed to take prompt and effective action.
2. The District retaliated against the Complainant and Student B after the Complainant complained about Student A being harassed based on his disability. Specifically, the Complainant alleged the District retaliated by failing to respond promptly and effectively when Student B was pushed down by another student (Student C) on the bus on September 18, 2014.

OCR investigated the complaint pursuant to its authority to enforce Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing

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

regulation, at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public educational systems, regardless of whether they receive federal financial assistance from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

In the course of investigating this complaint, OCR reviewed information provided by the Complainant and by the District. OCR also interviewed the Complainant and District staff. After careful consideration of the information gathered, OCR has determined that there is insufficient evidence to support a finding that the District has violated Section 504/Title II as alleged. However, in the course of the investigation, OCR identified a violation under Section 504 pertaining to the School's failure to evaluate students with medical conditions to determine their eligibility under Section 504. The District has signed the enclosed resolution agreement to remedy this violation. A discussion of OCR's findings and conclusions follows.

### Background

Student A has a severe food allergy to XXXX. Currently, Student A has a 504 Plan due to this XXXX Student A's 504 Plan provides accommodations to (1) ensure training of staff related allergies and the use of an epipen; (2) ensure substitute teachers are informed about Student A's allergy; (3) ensure epipens are located in various location in close proximity to Student A; and (4) ensure all of Student A's teachers and other parents are informed about the XXXX. At the beginning of the school year, Student A's teacher notified parents in a letter of various allergies in the class, including Student A, and placed a sign on the classroom door that it was a XXXX Zone." Student B is Student A's sister, who also attends the School.

### Allegation 1

The Complainant alleged that the District discriminated against Student A based on his disability XXXX by subjecting him to a hostile environment. Specifically, the Complainant alleged that, since September 4, 2014, Student A has been harassed by other students due to his disability, and the School has failed to take prompt and effective action.

### *Alleged Incidents of Bullying/Harassment*

The Complainant first reported that on Thursday September 4, 2014, after telling another student (Student J) that he (Student A) was deathly allergic to XXXX, Student J laughed and told him to "watch out" that he was going to bring XXXX to School the next day. The following day Student A's substitute teacher searched the backpack of Student J with Student A's father present, and later that day the Assistant Principal conducted a second search of the backpack and called the Complainant. In neither instance did anyone find evidence that Student J had brought XXXX to school.

On Sunday, September 7, 2014, the Complainant emailed the Principal requesting a meeting and discussing her and Student A's continuing fear due to Student J's threat to bring XXXX to the School. The Principal responded the same day scheduling a meeting for the following day. On Monday, September 8, 2014, the School held a meeting with the Complainant, her husband, the Principal, the Assistant Principal, the School Counselor, the School Nurse, and several other District staff. They discussed Student A's fear of Student J, and how Student J's comment was a violation of the Code of Conduct. Student A also met with the School Counselor that day and the District prepared an emergency plan for Student A detailing the signs of allergic reaction and the appropriate medical response. The Principal also reported during an interview with OCR that the School's response included a threat assessment, notification to the teacher, increased supervision, and minimizing time the students were in proximity.

The Assistant Principal, School Counselor and Dean of Students also met with Student J's parent on September 8, 2014. According to the District's records, they discussed goal setting, counselor support and a self-editing plan for Student J. Student J admitted telling Student A that he was "going to bring XXXX," and Student J was disciplined. District records indicate that the School provided Student J's parents a letter that day informing them that Student J's behavior was in violation of Rule 7 for Insubordination and Rule 26(c) for Threatening/Intimidation in the Student Code of Conduct. The letter also warned that any future violations would result in more serious punishment.

Throughout September, the Complainant reported several other incidents involving Student J during recess and lunch via email to District staff. Specifically, these included reports that Student J was skipping over Student A's turn, telling him how and where to play during recess, and Student J did not allow Student A to sit at his table during lunch on one occasion. All incidents were promptly investigated by School staff, and both students were sent to the School Counselor, although no discipline was assigned to either student. The School Counselor also devised a plan for Student A to place a note in a box to meet with her when an incident arose, and the School increased supervision of the students. Email records from the Complainant and District indicate that the Complainant was notified by the School of these steps, and the Complainant stated that she felt "comfortable" with the School Counselor's plan.

Nevertheless, the Complainant later requested a meeting related to these incidents via email, and the Principal, School Counselor, Teacher, Complainant and her husband met again the following day on September 25, 2014. The Complainant reported that they discussed wanting Student A to feel safe, and having a code word or sign for Student A to notify the School Counselor when he felt bullied since he did not feel comfortable telling in front of the class.

Regarding the lunch room incident, the Principal told OCR that he met with Student A and Student J individually, reviewed the video footage, and then met with both students together to try to work on conflict resolution. The Principal explained to OCR that his intent in meeting with the students was to make Student A feel comfortable coming to him to report any incidents since prior reports had come from the Complainant after the fact. The Principal reported that each table in the lunch room seats 24 students and each class has 28 students. He found from reviewing the video that Student J had gotten his lunch first and had chosen to sit at the overflow table with a friend, then Student A approached the overflow table and Student J said, "Dude, you

can't sit here.” The Principal explained that this was after there was a plan in place that both students were not to engage each other. At the end of the meeting, the Principal reported that the students agreed to be more respectful of each other, shook hands, and they all chatted and laughed about sports.

In contrast to the Principal's account of the meeting, the Complainant stated to OCR that she believed that the Principal had bullied and intimidated Student A during this meeting. Specifically, the Complainant contended that when the Principal first met with Student A alone in his office he said “I took your poster down”, referring to a poster that Student A had created that had previously hung in the Principal's office. When OCR asked the Principal about this comment, the Principal said he did not remember discussing it in the meeting and said he never took the poster down since it still is on his wall.

On Sunday, September 28, 2014, the Complainant emailed the Principal and other District staff that on Thursday, September 25, 2015, Student J said to Student A “Is that a XXXX on the ground?” On October 2, 2014, a meeting was held with Student A's parents, the Assistant Principal and Community Superintendent. The District created a detailed plan for Student A and Student J that the Complainant signed. The plan detailed that Student J would be removed from Student A's class effective that day; ensured Student J and Student A did not have lunch together; detailed a process during recess to ensure that Student A and Student J did not interact; detailed a process for Student A to report when he felt threatened through an agreed upon hand gesture to designated School staff or go to a “safe space” in the media center; and both students were to avoid any contact with the other. The plan was subsequently modified in terms of who Student A would report to based on the Complainant's requests. Following the meeting, District records indicate that the School distributed the plan to Student A's teachers, and teachers of the students coordinated to ensure students were not in the same recess group, and cafeteria monitors were advised of health concerns and the need to keep the students separate. The District's records also indicate that the same day Student J's parents met with School staff to discuss the violation of the Student Code of Conduct and consequences, and that Student J was advised not to discuss the matter with others.

The Principal stated in his interview with OCR that they looked at this comment from Student J [“Is that a XXXX on the ground?”] as more severe because it was the second actual incident of bullying. He reported that the expectation after the first incident was that they would continue to move up the ladder in terms of response, if anything else happened. He stated that they viewed this second comment as intentional and that it conflicted with the expectations they had put in place. He said he made the decision to move Student J to minimize the possibility of this happening again. He explained that Student J was moved to a classroom in a different hallway, so they were unlikely to have contact even in bathrooms, and that they made sure their lunch tables were on opposite ends of the lunch room and that their PE classes would not be combined.

Later that same day, October 2, 2014, the Complainant sent several emails to the School reporting that Student J's friends (Students 1-3) were telling Student A that they knew what he did and he is a liar (Student 1); would not let Student A play basketball during recess (Student 2); and asked “if it was true [Student A] was the reason Student J was moved (Student 3)?” District records indicate that the following day the Assistant Principal investigated these new allegations

by interviewing all students involved and Student A. Later that day, on October 3, 2014, the Assistant Principal called the Complainant to report her investigative findings and tell the Complainant that they would monitor recess better. The District's records reflect that the Assistant Principal interviewed all relevant students and teachers involved and that the information gathered did not substantiate the Complainant's allegations. Student 1 denied calling Student A a liar; Student 2 stated he was playing a one on one game when Student A approached and that he had told other students they could not play either; while Student 3 stated she was "checking on her friend to make sure he was ok." Subsequently, the Assistant Principal reported her investigation to the Principal and the Superintendent.

On October 6, 2014, Student A went directly to the Assistant Principal to report that one of Student J's friends, Student S, had grabbed Student A's shoes and said they were "fake" in front of other students. District records indicate that the Assistant Principal spoke with Student A and the Complainant and all agreed that the comment was rude and should be ignored. The next day, the Complainant emailed the Assistant Principal reporting that Student T, another friend of Student J, told Student A that Student J had sent a message through him to tell Student S that Student A's shoes were fake; essentially, that Student J was behind the comment that Student A's shoes were fake since he had instructed Student S through Student T to ridicule Student A's shoes.

District records indicate that the Assistant Principal investigated the incident the same day, and interviewed Student T and Student J who admitted the statements. The Assistant Principal found that Student J had violated the plan to not have contact with Student A, and in response, Student J was suspended for two days for bullying. The following day, on October 8, 2014, the Assistant Principal notified the Complainant that Student J had a disciplinary consequence due to this incident.

#### *District and School's efforts related to Bullying Prevention*

The District provided information related to their "Know Bullying" website that is available to parents and students in the District. The District has recently hired a Dean of Climate, Culture and Family Engagement, who serves as the District's in-house professional for school safety, character development and anti-bullying efforts that helps School counselors with counseling lessons on bullying. Additionally, in October 2014, one of Student A's teachers, conducted surveys of students at all grade levels regarding bullying to create a video for Bullying Prevention Month. The District also reported that it is in the midst of conducting climate surveys at the School that include questions related to bullying.

The Director of the Arts, Health and PE Education Curriculum Support Program and Character Development Specialist stated to OCR during interviews that they met with the Complainant and a group of other parents outside of school one evening regarding their concerns of bullying issues at the School. They reported meeting with the parents for up to three hours and shared that the group wanted the Principal removed. In response, they explained their role was to listen, support, and resolve, and they set up a plan to support communication moving forward.

The Character Development Specialist stated to OCR during an interview that he met with School counselors providing resources related to bullying prevention, and that the counselors are doing training with teachers.

Analysis:

The Section 504 implementing regulation at 34 C.F.R. § 104.4 provides that no qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance. Title II, which applies to public entities operating elementary and secondary education programs, contains similar language at 28 C.F.R. Section 35.130.

Bullying of a student on the basis of his or her disability may result in a disability-based harassment violation under Section 504 and Title II. As explained in OCR's 2010 Dear Colleague Letter on Harassment and Bullying and reiterated in OCR's 2014 Dear Colleague Letter on disability harassment<sup>1</sup>, when a school knows or should know of bullying conduct based on a student's disability, it must take immediate and appropriate action to investigate or otherwise determine what occurred. If a school's investigation reveals that bullying based on disability created a hostile environment—i.e., the conduct was sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school—the school must take prompt and effective steps reasonably calculated to end the bullying, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects. Therefore, OCR would find a disability-based harassment violation under Section 504 and Title II when: (1) a student is bullied based on a disability; (2) the bullying is sufficiently serious to create a hostile environment; (3) school officials know or should know about the bullying; and (4) the school does not respond appropriately.

Here, the disability bullying of Student A due to his XXXX primarily stemmed from Student J's comments. Student J's threat to bring XXXX to School and later comment to Student A, "look there's a XXXX were sufficiently serious to create a hostile environment by limiting Student A's ability to participate in and benefit from the school's education program. School personnel, however, acted promptly to investigate the incidents, and directly addressed the behavior of Student J by progressively disciplining him, moving Student J to a different classroom on a different wing of the School building, and placing him and Student A on a detailed plan regarding expected behaviors to ensure that they had minimal to no contact.

OCR notes that although the Complainant stated to OCR that the Student feared going to School, she also confirmed that the Student did not suffer academically. Furthermore, because the Student A's Section 504 services were directly tied to the Student A's XXXX, OCR finds there is no reason to believe that Student A's Section 504 FAPE services were affected by the bullying that the District failed to address.<sup>2</sup>

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<sup>1</sup> <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>

<sup>2</sup> As a matter of technical assistance, OCR would like to remind the District that incidences of bullying or harassment of students with disabilities, whether or not such bullying is based on disability, may result in a denial of FAPE under Section 504. For more information on the District's responsibilities, please read OCR's October 21,

With regard to the Complainant's various reports involving other students besides Student J, OCR finds that the District continued to conduct prompt investigations, after each reported incident, speaking with all witnesses involved, and making determinations consistent with the statements. OCR is not in position to second guess the District's findings. The District's detailed records reflect that School and District staff quickly responded to all of the Complainant's emails and met personally with the Complainant several times to attempt to allay her concerns. Additionally, OCR finds that there is insufficient evidence to substantiate the Complainant's allegation that the Principal made the comment to Student A, "I took down your poster."

Accordingly, OCR finds that the District took prompt and appropriate steps to put an end to the bullying directed at Student A and prevent it from reoccurring. Additionally, although the Complainant told OCR she feels that the School did not adequately support Student A, the record reflects that School staff took a number of steps in an effort to support Student A and make him feel that he was supported by staff. For example, the Principal reached out to the Student directly; the Counselor also took steps to ensure that Student A had a means to access her support when needed; and the Assistant Principal altered who and how Student A could report alleged incidents based on the Complainant's concerns that Student A did not feel comfortable. Therefore, OCR has insufficient evidence to establish non-compliance with respect to this issue and is closing allegation 1 as of the date of this letter.<sup>3</sup>

### Allegation 2

The Complainant also alleged that the District retaliated against her and Student B (Student A's younger sister) after the Complainant complained about the disability harassment of Student A. Specifically, she alleges that the District retaliated by failing to respond promptly and effectively when Student B was bullied by other students. Student B is enrolled in the second grade at the School.

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2014 "Dear Colleague" Letter: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>. For more information on how such bullying may result in a denial of FAPE under IDEA, please read the "Dear Colleague" Letter issued by the Office of Special Education and Rehabilitative Services (OSERS), on August 20, 2013: <http://www.ed.gov/policy/special-ed/guid/idea/memosdcltrs/bullyingdcl-8-20-13.doc>.

<sup>3</sup> The Complainant contacted OCR in mid-April, 2015, shortly before the conclusion of OCR's investigation, to share a concern that Student J had been placed back in Student A's 45 minute pre-block class, in contradiction of the plan that had been developed in October to minimize contact between the students. OCR reviewed relevant documents and interviewed the Principal and determined that the students were not assigned to the same class but had been placed together for an activity of limited scope and duration, during which time the students were placed at different ends of the classroom and monitored.

The Complainant also raised a concern to OCR that the principal informed her that Student A would be moved out of the class, rather than moving Student J. As explained by the Principal and reflected in email communications between the Principal and the Complainant, however, this was a brief misunderstanding. The Principal never suggested or had any intention of moving Student A, because the two students were not in the same classroom and the teachers were advised to avoid any future overlap. Therefore, OCR concludes that the new concerns raised by the Complainant do not alter OCR's conclusion that the District, and School staff in particular, acted appropriately with respect to the issue investigated.

When analyzing a claim of retaliation, OCR will look at the following three elements to determine if the Complainant has stated an initial case: 1) whether the Complainant engaged in a protected activity (e.g., filed a complaint or asserted a right under a law enforced by OCR); 2) whether the District took a materially adverse action against the Complainant; and 3) whether there is some evidence that the District took the adverse action as a result of the Complainant's protected activity. If all of these elements are established, an initial or prima facie case of retaliation exists.

Here, there is no dispute that the Complainant engaged in protected activity when she complained to the District that Student A was being harassed based on his disability. The Complainant first raised a concern of disability harassment with the School in early September and continued to advocate on Student A's behalf with regard to his disability-related needs throughout the fall of 2014.<sup>4</sup>

However, after careful review of all of the information provided by the Complainant and by the District, OCR has determined that there is insufficient evidence that the District took adverse action, specifically, by failing to respond to the Complainant's reports that Student B was being bullied by other students. The District's documentation reflects that the School responded promptly in each instance the Complainant raised a concern, by conducting a reasonable investigation, appropriately addressing the other students who allegedly bullied Student B, and reporting the incidents as well as the School's response to District level administrators.

The Complainant first raised a concern that Student B had been XXXX. The Complainant told OCR that she notified Student B's teacher of the incident on September 18. According to the District's records, the Complainant notified the Principal by email the following day, Friday, September 19. The Principal promptly followed up on the Complainant's report two school days later by speaking with Student B and the other student involved. The Principal determined the incident was an accident. Although Complainant later expressed dissatisfaction with the Principal's response to this incident, on September 23, the Complainant sent the Principal an email thanking him for handling the situation.

From late September through October, 2014, the Complainant reported a series of incidents in which she alleged that Student B was bullied or physically assaulted by another student in her class (Student K). For example, the complaint alleged that Student K pushed or shoved Student B on multiple occasions during recess, while lining up after recess, or in the bathroom. The documentation reflects that in each incident the Assistant Principal for the School investigated the allegations by interviewing staff and student witnesses. The School filed incident reports in each instance with the Superintendent's office detailing the complaint and the School's response. None of the incidents were substantiated. Rather, in most cases, based on witness testimony, the School determined that any physical contact between Student B and Student K was accidental. The witness testimony described in the incident reports also was substantiated by contemporaneous correspondence among staff that was provided to OCR. Nonetheless, the School repeatedly discussed the allegations with Student K's parent, shared the Complainant's concern that Student K was intentionally targeting Student B, and warned Student K and her parent that inappropriate conduct would result in progressive discipline in accordance with the

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<sup>4</sup> See, generally, the facts and analysis of Allegation 1.



District's Code of Conduct. Additionally, after successive complaints, Student B's teacher arranged for the School Counselor to provide the class a series of lessons on healthy relationship skills, including understanding and communicating feelings. The District provided OCR with a sample of the lessons provided to the class by the Counselor.

The Complainant expressed to OCR dissatisfaction with the School's response, believing that the School failed to take the incidents seriously or discipline the other students involved appropriately. However, the documentation the School prepared immediately following its investigation of each incident does not support the Complainant's position. Rather, it reflects that in each instance, the School conducted a prompt and reasonable investigation, speaking with all relevant witnesses, and making determinations consistent with the witnesses' statements. OCR is not in a position to second guess the District's findings that no intentional bullying occurred. In addition, the numerous email exchanges among School staff during this time period reflect a substantial effort to safeguard against possible incidents between Student B and the other students alleged to have engaged in inappropriate behavior, by minimizing contact and educating the students about appropriate behavior, despite no evidence of intentional bullying. OCR evaluates evidence obtained during an investigation under a preponderance of the evidence standard to determine whether the greater weight of the evidence supports a conclusion that a recipient failed to comply with a law enforced by OCR or that the evidence is insufficient to support such a conclusion. Applying this standard here, OCR has determined that there is insufficient evidence to support a finding that the District took adverse action against Student B or the Complainant by failing to respond promptly and effectively to the Complainant's reports of bullying. Accordingly, OCR is closing Allegation 2 as of the date of this letter.

#### Evaluation of Students with Food Allergies under Section 504

Although not directly raised as an allegation in the complaint, in the course of the investigation, OCR identified a violation, with regard to the School's failure to evaluate students with severe food allergies to determine if they are eligible for related services under Section 504.

The Section 504 regulation at 34 C.F.R. § 104.33 requires school divisions to provide a free appropriate public education (FAPE) to each qualified individual with a disability in the school division's jurisdiction, regardless of the nature or severity of the individual's disability. The provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and are based upon adherence to the procedural requirements of Section 504 pertaining to the educational setting, evaluation and placement, and the provision of procedural safeguards. OCR interprets the regulation implementing Title II as imposing substantially similar requirements to those found in the regulation governing Section 504.

The Section 504 regulation at 34 C.F.R. § 104.35 requires a school division to evaluate a student who because of disability needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement. In interpreting evaluation data and in making placement decisions, the school division must draw upon information from a

variety of sources, establish procedures to ensure that information obtained from such sources is documented and carefully considered, and ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

As explained in the Frequently Asked Questions (the FAQs) of OCR's January 19, 2012 Dear Colleague letter, found at: <http://www.ed.gov/ocr/docs/dcl-504faq-201109.html>, implementation of a health plan for a student is insufficient if, in the creation of the health plan, the school division does not comply with the evaluation, placement, and procedural safeguard requirements of the Section 504 regulation. The FAQs advise that "[c]ontinuing with a health plan may not be sufficient if the student needs or is believed to need special education or related services because of his or her disability. The critical question is whether the school division's actions meet the evaluation, placement and procedural safeguard requirements of the FAPE provisions."

In this case, Student A was first diagnosed with a severe nut allergy in the spring of 2013, when he was enrolled in second grade at the School. The Complainant told OCR that she notified the School shortly after the diagnosis. The District does not have any record of receiving notification or medical information in the spring of 2013, but it did confirm that the Complainant provided a Medication Authorization Form in August 2013. The form states that Student A has a XXXX and indicates he will need to have access to Benedryl and an Epipen during the school day. Despite this information provided in August 2013, the School did nothing besides maintain the Medication Authorization Form to address Student A's needs related to his allergy until the fall of 2014. Student A was first given a health plan in September 2014. In October 2014, pursuant to the Complainant's request, the School evaluated Student A under Section 504, determined him eligible for services, and developed a Section 504 plan. Thus, the District delayed more than a year in evaluating Student A, as required by Section 504.

This is consistent with how the Principal described the School's practice generally with regard to addressing the needs of students with food allergies. The Principal explained to OCR that students with food allergies are served under health action plans, developed and administered primarily by the School nurse. If a parent inquires about a Section 504 evaluation or requests one, then the School will pursue an evaluation. However, he acknowledged that the School never refers a student without a parent request. The School counselor told OCR that Student A is the only student at the School with a food allergy who has a Section 504 plan.

The District has signed the enclosed resolution agreement to remedy this violation. OCR will monitor implementation of the agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not retaliate against an individual who asserts a right or privilege under a law enforced by OCR or who files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

OCR appreciates the cooperation of District staff, particularly the Principal of the School, as well as District counsel, throughout the investigation. If you have any questions, feel free to contact the OCR attorney assigned to the complaint, Sara Clash-Drexler at (202) 453-5906 or [Sara.Clash-Drexler@ed.gov](mailto:Sara.Clash-Drexler@ed.gov).

Sincerely,

/S/

Michael S. Hing  
Supervisory Attorney  
District of Columbia Office  
Office for Civil Rights

cc: Jonathan Sink (via email)