



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

August 30, 2018

Dr. Don Phipps
Superintendent, Beaufort County Schools
Building 1
321 Smaw Road
Washington, NC 27889

Re: OCR Complaint No. 11-18-1060
Resolution Letter

Dear Dr. Phipps:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on November 6, 2017 against Beaufort County Schools (the District). The Complainant filed the complaint on behalf of a student (the Student) at XXXXX (the School). The complaint alleges that the District discriminated against the Student on the basis of disability (XXXXX) and race (XXXXX). Specifically, the complaint alleges the following.

1. The District denied the Student a free appropriate public education (FAPE) when the School failed to conduct manifestation determination reviews prior to transferring the Student to an alternative school in XXXXX 2017 and prior to issuing the XXXXX, 2017 disciplinary incident that resulted in the Student being suspended for nine days of out of school.
2. On December 6, 2017, the School discriminated against the Student on the basis of race when the School suspended the Student for making threats to students and staff, but did not impose similar discipline on a student of a different race that made threats against the Student.

OCR enforces 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) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department. Because the District

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

receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504, Title II, and Title VI.

After carefully considering all of the information obtained during the investigation, OCR found sufficient evidence of a violation of Section 504 and Title II for Allegation 1, which the District agreed to resolve through the enclosed resolution agreement. OCR also found insufficient evidence to support the Complainant's Allegation 2. Furthermore, pursuant to Section 302 of OCR's *Case Processing Manual*, the District expressed a willingness to resolve additional concerns that OCR found during the investigation by taking steps set out in the enclosed resolution agreement. OCR's findings and conclusions are discussed below.

BACKGROUND

During the 2017-2018 school year, the Student was XXXXX student at XXXXX (the School). During the time relevant to OCR's investigation, the Student had a Section 504 Plan and had been diagnosed with XXXXX and XXXXX.

In XXXXX 2017 the Student was transferred to XXXXX, an alternative school in the District for middle and high school students and placed in the XXXXX grade.¹ The Complainant later filed a grievance concerning the transfer and District staff allowed the Student to return to the School. The Student was placed back in the XXXXX grade. The District did not conduct a manifestation determination review (MDR) prior to transferring the Student to XXXXX.

According to the Student's discipline file, the Student received multiple in-school suspensions (ISS) and out-of-school suspensions (OSS) during the 2017-2018 school year. Specifically, the Student received the following disciplinary referrals:

Date	Consequence	Number of days of exclusionary discipline
XXXXX	Partial day ISS	½ ISS
XXXXX	One day ISS	1½ ISS
XXXXX	One day ISS	2½ ISS
XXXXX	3 days OSS	2 ½ ISS; 3 OSS
XXXXX	1 day ISS	3½ ISS; 3 OSS
XXXXX	3 days ISS	6 ½ ISS; 3 OSS
XXXXX	5 days OSS	6 ½ ISS; 8 OSS
XXXXX	MDR held	
XXXXX	1 day ISS	7 ½ ISS; 8 OSS
XXXXX	9 days OSS	7 ½ ISS; 17 OSS
XXXXX	2 days OSS	7 ½ ISS; 19 OSS
XXXXX	MDR held	

¹ OCR notes that XXXXX currently only serves middle and high school students. At the time of the transfer, according to documentation provided by the District, the Student was enrolled in the XXXXX grade at the School and was receiving failing grades for the majority of his classes. Despite this, the decision was made by the Principal to promote the Student to XXXXX grade, in what appears to be a decision based solely on the goal to place him at XXXXX.

Date	Consequence	Number of days of exclusionary discipline
XXXXXX	10 days OSS	7 ½ ISS; 29 OSS
XXXXXX	MDR held	

As noted in the chart above, when the first MDR was conducted for the Student, the Student had served eight (8) days of out of school suspension and 6 ½ days of in-school suspension. The District did not hold an MDR concerning the nine (9) day OSS issued on XXXXX, 2017 until XXXXX, 2018, after the Student completed the suspension. Of note, prior to the second MDR held, the Student had served an additional eleven (11) days of out of school suspension.

According to the Student's Section 504 file, the Section 504 team's first meeting to discuss the Student's Section 504 plan during the 2016-2017 school year was on XXXXX, 2017. During this meeting, the Section 504 team put in place a Behavior Intervention Plan (BIP). The Section 504 team subsequently met on XXXXX, 2017; XXXXX, 2018; and XXXXX, 2018, to conduct MDRs. At the XXXXX, 2017 MDR, concerning the XXXXX referral, the Section 504 team determined that the Student's conduct was a manifestation of the Student's disability. Despite this determination, the Section 504 team placed the Student on homebound for partial day due to his behavior requiring him to leave the School at XXXXX each day. At this meeting, the Section 504 team also found that the Student's accommodations were being implemented. Despite finding the behavior a manifestation of the Student's disability, the Section 504 team did not make any modifications to the Student's BIP. At the XXXXX, 2018 MDR, the Section 504 team discussed the XXXXX, 2017 and XXXXX, 2018 disciplinary incidents and at the XXXXX, 2018 MDR, the Section 504 team reviewed the XXXXX, 2018 incident. The XXXXX and XXXXX, 2017 MDRs resulted in the Section 504 team determining that the Student's behaviors, during each incident, were not a manifestations of his disability.

According to the Student's Multi-Tier System of Support² (MTSS) file, the School's MTSS team started monitoring the Student in XXXXX 2017. By XXXXX, 2017, the District's exceptional children team requested medical documentation from the Student's pediatrician, as part of the initial stages of a special education evaluation. The Student's pediatrician responded to the District's request on XXXXX, 2017. On XXXXX, 2018, the District sent the Complainant an invitation to a conference on XXXXX, 2018 to “[d]iscuss special education referral for initial evaluation or reevaluation determination.” On XXXXX, 2018, the Student was referred for evaluation. Currently, the Student has been determined eligible under the Individuals with Disabilities Education Act (IDEA) for special education under the disability classification of XXXXX.

JURISDICTION

OCR enforces 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

² According to the District's website, the Multi-Tiered System of Support (MTSS) provides a process that “identifies students with academic or behavioral needs and thus provides specific, targeted interventions to match the needs.”

See

https://beaufortschools.net/UserFiles/Servers/Server_170841/File/BCS%20District/DEPARTMENTS/Instructional%20Services/Handbook%20and%20Manual/MTSS_RtI%20Reference%20Guide%20rev%20Aug%202017.pdf

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) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504, Title II, and Title VI.

ALLEGATION 1

I. Legal Standard

The Section 504 regulation, at 34 C.F.R. § 104.33, requires school districts to provide a free appropriate public education (FAPE) to students with disabilities. An appropriate education is regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and that are developed in compliance with Section 504's procedural requirements. Implementation of an Individualized Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act is one means of meeting this standard.

In interpreting evaluation data and making placement decisions, the Section 504 regulation, at 34 C.F.R. § 104.35(c), requires that a school district draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; establish procedures to ensure that information obtained from all such sources is documented and carefully considered; 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; and ensure that each student with a disability is educated with peers without disabilities to the maximum extent appropriate to the needs of the student with a disability.

The Section 504 regulation, at 34 C.F.R. § 104.35(a), requires a school district to reevaluate a student with a disability before any significant change in placement. OCR considers an expulsion, long-term suspension, or other disciplinary exclusion of more than 10 school days to be a significant change in placement. A series of short-term exclusions that add up to more than 10 days and create a pattern of exclusions may also be a significant change in placement. When a significant change in placement is for disciplinary reasons, the first step in the reevaluation is to determine whether the student's disability caused the misconduct (also referred to as a manifestation determination). That determination should be made by a group of persons who are knowledgeable about the student, the meaning of the evaluation data, and the placement options. If the group finds that the student's disability did not cause the misconduct, the district may discipline the student in the same manner as it disciplines students without disabilities. If a school district finds that the student's disability caused the misconduct, the district may not exclude the student for more than 10 days and must continue the reevaluation to determine the appropriateness of the student's current educational placement.

The Section 504 regulation, at 34 C.F.R. § 104.34(a), requires a school district to educate a student with a disability with his/her nondisabled peers to the maximum extent appropriate to the needs of the student with a disability. A school district must place a student with a disability in the regular educational environment unless the district demonstrates that it cannot satisfactorily educate the student in the regular environment even with the use of supplementary aids and services. When a district places a student in a setting other than the regular educational environment, it must take into account the proximity of the alternate setting to the student's home.

II. Analysis

Based on the review of the District's documentation, OCR has concerns that the District may have failed to provide the Student a FAPE when the Section 504 team failed to reevaluate the Student in XXXXX 2017 before placing the Student at the alternative school. The Complainant told OCR that the Student was transferred to the alternative school on XXXXX, 2017. She stated that, prior to his transfer, she discussed the transfer to the alternative school with the School's Principal. She told OCR staff that the Principal told her that she should agree to the transfer or the Student was going to be placed at home like he was the previous school year.³ OCR notes that a Section 504 meeting, consistent with the Section 504 regulations, was not held to discuss the Student's transfer to the alternative school. The Complainant rejected the placement after the Student attended the alternative school the first day and he informed her that he was not comfortable at the alternative school due to being the youngest student there.

The District asserts that the referral was voluntary, and that the Principal and the Complainant agreed that smaller classes and attending school with students his own age would benefit the Student. The District stated that it did not hold an MDR prior to this transfer because it was voluntary and not a disciplinary reassignment due to discipline.

The District's documentation indicates that the Principal recommended the Student be transferred to XXXXX and promoted to XXXXX grade. Then, based on the Principal's recommendation, the Superintendent placed the Student in the alternative school. Multiple disciplinary incidents occurred at the beginning of the school year, and this fact supports the Complainant's contention that the transfer was actually due to the Student's behavior. Further, the Principal's email to the District Superintendent with this recommendation included the Student's disciplinary history. This email also stated that the Complainant agreed to this, but also states that the Student has different needs for his behavior. Further, regardless of the motivation for the transfer, the transfer was from the Student's home school to ETC, which, according to its website⁴, is "a small setting XXXXX." Consistent with the Section 504 regulation, this change in the Student's placement, from his home school to an alternative learning environment would invoke the procedural requirements of the Section 504 regulation.

³ In XXXXX 2016, according to the District, the Student was placed on homebound for having a "violent and aggressive nature." Subsequently, the Student returned to the School to start fifth grade during the 2017-2018 school year. While this was outside of the scope of OCR's investigation (primarily due to timeliness issues), the District may have failed to provide the Student a FAPE when the Section 504 team failed to conduct an MDR prior to his placement on homebound during the 2016-2017 school year or when the Principal determined that the Student could return to the School for the 2017-2018 school year.

⁴ XXXXX

Based on this information, OCR has concerns that District denied the Student a FAPE when he was transferred to ETC.

Regarding the District's failure to conduct manifestation determinations before a significant change in placement, OCR notes that the District did not conduct manifestation determinations prior to the Student serving multiple suspensions during the school year. Regarding the nine (9) day OSS issued on XXXXX, 2017, the District conceded that it failed to conduct an MDR. OCR notes that, at the time the MDR was held, the Student had served seven and a half ($7 \frac{1}{2}$) days of ISS and seventeen (17) of OSS (including eleven (11) days of OSS since the last MDR). This is a violation of the procedural requirements of the Section 504 regulation. OCR also notes that, at the time the first MDR was held for the Student, the Student had already served six and a half ($6 \frac{1}{2}$) days of ISS and eight (8) days of OSS. OCR has concerns that this also could have violated the procedural requirements of Section 504, as both in-school and out-of-school suspensions can be considered when determining if a series of exclusionary disciplines amount to a change in placement (a fact-based analysis which OCR did not conduct here).

In addition, School staff told OCR that a meeting was scheduled for XXXXX, 2018, which was after the District received a letter concerning this allegation from OCR on approximately XXXXX, 2018. The District ultimately held the MDR more than thirty (30) school days after it proposed this suspension and after the Student already served the OSS which mandated the MDR. At the time of that MDR, the Student had served seven and a half ($7 \frac{1}{2}$) days of ISS and twenty-nine (29) days of OSS. Of note, the Student had served eleven (11) additional days of OSS and one (1) day of ISS since the last MDR held. This is also a violation of the procedural requirement of the Section 504 regulation, which the District agreed to address through the attached Resolution Agreement.

OTHER CONCERNS

Based on the review of the District's documentation, OCR has additional concerns.

The District's documentation indicates that the Student was placed on full-time homebound in XXXXX 2016 until the end of the 2016-2017 school year. While this change in placement is not within the scope of OCR's investigation, OCR notes that information provided to OCR indicates that this was done due to the Student's behavior, without a MDR, and without a Section 504 team determination that this was the Student's least restrictive environment. The District explained to OCR that at the beginning of the 2017-2018 school year, the Principal made a unilateral decision to return the Student to the School full-time. OCR has concerns that the Section 504 team did not meet to reevaluate the Student to determine the appropriateness of the Student's current educational placement prior to the Student's return to the School.

Through the course of the investigation OCR learned that, onXXXXX, 2017, the Section 504 team conducted a MDR meeting. This meeting was to determine whether the November 1XXXXX, 2017 incident that resulted in five (5) days of OSS was a manifestation of the Student's behavior. The Section 504 team determined that the Student's conduct was a manifestation of the Student's disability.⁵ However, the Section 504 team decided to place the

⁵ OCR notes that District's meeting notes indicate that participating staff determined that the accommodations in place were implemented, and that they did not believe that the Student's BIP needed to be updated because it was put in place a few days prior to the referral at issue.

Student on homebound for partial day due to his behavior, and required him to leave school at XXXXX each day. As the school day for the School ended at XXXXX each day (per the School's website⁶), the Student would miss two (2) hours and fifteen (15) minutes of instruction each day this restriction was implemented. OCR notes that, based on documentation about this meeting provided by the District, the Complainant did not participate in this meeting, although she was notified the meeting would occur. However, this meeting was intended to be a manifestation determination, and it is not clear the Complainant was aware of her rights under Section 504 concerning this change in placement, which was a significant reduction of the Student's school day. OCR notes that, according to the District's documentation, since the Section 504 team determined that the behavior was a manifestation of the Student's disability, the Student "must not be excluded from school for more than ten (10) days," and the team was required to "review the student's Section 504 Plan for implementation, including the current placement and review the functional behavioral assessment and behavior intervention/support plan."

OCR has concerns that this decision, as made in this case, was not in accordance with the procedural requirements of the Section 504 regulation. OCR notes that the MDR meeting notes do not indicate that the Section 504 team discussed how his behavior, which is a component of his disability, was preventing his access to the general curriculum. OCR did not observe documentation of any requests for additional educational or evaluative data prior to removing the Student from the school environment for half of the day. Instead, the documentation indicates that the reason for the removal was "behavior placement." As stated above, it also appears the parent did not participate in the decision, and was unable to provide input regarding this significant change in placement. Instead, this decision appears to have been made by the counselor/Section 504 Coordinator, Principal, and two teachers. The District does not appear to have carefully considered and discussed whether supplementary aids or services could have enabled the Student to spend more time in a less restrictive environment. OCR also was unable to find any evidence that less restrictive placements were considered before removing the Student from the school environment entirely. Therefore, OCR is concerned that the District did not conduct a re-evaluation consistent with the Section 504 regulation prior to placing the Student on half-day homebound.

OCR also found that the Section 504 team put a Behavior Intervention Plan (BIP) in place on XXXXX, 2017. The notes provided to OCR do not indicate that the District conducted a behavior analysis, such as a Functional Behavioral Assessment, upon which to base the Student's BIP. OCR is concerned that the District did not meet Section 504's general FAPE requirement (referenced above) and the Section 504 regulation's requirement that placement decision be made by drawing upon information from a variety of sources, including social and cultural background and adaptive behavior. During the 2017-2018 school year, the Student exhibited behaviors related to his disability at the School that warranted interventions by the District because the behaviors were interfering with the Student's ability to participate in his educational program. The notes did not indicate that District staff considered medical documentation in its possession about the Student's mental health diagnoses and an extensive behavior analysis done outside of the District in order to determine the appropriate behavioral interventions. Further, as of October 3, 2017, the Student was referred to the School's Multi-Tier System of Support

⁶ XXXXX

(MTSS) program. The documents provided to OCR do not indicate that the Student’s Section 504 team considered information obtained about the Student through the MTSS process.

Finally, OCR notes that there is detailed medical documentation in the Student’s record from previous years describing the Student’s disability and how his disability impacts his behavior. The District requested and received medical documentation about the Student during the 2017-2018 school year; however, there is no documentation in any of the MDR meetings that the Student’s medical documentation was reviewed, carefully considered, and discussed. OCR has concerns that the District failed to draw upon the information included in the medical documentation and failed to carefully consider the Student’s disability during the MDRs.

ALLEGATION 2

I. Legal Standard

The Title VI regulation, at 34 C.F.R. § 100.3(a), provides that no person shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under the District’s programs or activities on the basis of race, color, or national origin.

When investigating an allegation of different treatment, OCR first determines whether there is sufficient evidence to establish an initial, or *prima facie*, case of discrimination. Specifically, OCR determines whether the District treated the Student less favorably than similarly situated individuals of a different race. If so, OCR then determines whether the District had a legitimate, nondiscriminatory reason for the different treatment. Finally, OCR determines whether the reason given by the District is a pretext, or excuse, for unlawful discrimination.

II. Analysis

The Complainant alleged that, as a XXXXX, the Student was discriminated against when he was treated differently because of his race when the District suspended him on XXXXX, 2017. As an initial matter, the Complainant must establish a *prima facie* case that the Student was being discriminated against based on his race, specifically, that the Student was being treated less favorably than similarly situated individuals of a different race. OCR notes that the District must be aware of or have a perception regarding the basis for the alleged discrimination (i.e., the Student’s specific race) in order to treat him differently based on his race. The Complainant provided OCR staff information about a XXXXX2017 Incident involving a similarly-situated student of a different race (XXXXX) who the Complainant alleged was not disciplined for engaged in behavior similar to the Student’s. Specifically, the Complainant alleged that the Student was threatened by an XXXXX student that that student was given a less severe punishment than what the Student received for similar behaviors.⁷ The District denied that they discriminated against the Student due to race and disputed the Complainant’s assertion of the Student’s race, contending that, according to District records, the Student is XXXXX.

⁷ The District also asserted that the Student involved in the November 2017 incident was an African American student who, as reported by the Complainant, threatened to bring a gun to school and shoot the Student. The District noted that the School investigated the November 2017 allegation and determined that it was false after interviewing three students, who had direct information about the incident. The District explained that the Principal contacted the Complainant and shared with her the results of the investigation.

OCR emailed the Complainant on XXXXX, XXXXX, and XXXXX, 2018 requesting documentation or information about the Student's race. On XXXXX, 2018, the Complainant provided OCR a written narrative response indicating that she and the Student's father have "XXXXX." Furthermore, OCR contacted the Complainant and the Student's father by phone on XXXXX, 2018, and they told OCR staff that the Student was enrolled as an XXXXX student and they did not discuss the Student's change in racial identification with the School. The Student's father confirmed that school staff did not know of the Student's XXXXX racial status as of XXXXX 2017. OCR also confirmed with the Complainant that the Student's XXXXX racial background was not on any school record, and that the Student's school records identify the Student's race as XXXXX.

Based on the above information, OCR finds that that the Complainant failed to establish a *prima facie* case that the District discriminated against the Student based on race. As discussed above, OCR first determines whether the District treated the Student less favorably than similarly situated individuals of a different race. Here, the Complainant alleged that the Student was XXXXX and that a specific XXXXX student was treated more favorably. However, during the investigation, the District asserted that the Student was identified as XXXXX, not XXXXX. OCR then contacted the Complainant to confirm the Student's racial identification at school and she explained that the Student was identified as XXXXX during December 2017. Based on the information provided during the investigation, OCR finds that the District had no information at the time of the alleged discriminatory act about the Student's XXXXX racial background; therefore, the District could not have discriminated against him based on his XXXXX racial background.

Conclusion

On August 16, 2018, the District agreed to implement the enclosed Resolution Agreement (Agreement), which commits the District to take specific steps to address the identified areas of noncompliance and concerns. The Agreement entered into by the District is designed to resolve the issues of noncompliance and concerns. Pursuant to Section 302 of OCR's *Case Processing Manual*, the District signed the enclosed Resolution Agreement on August 16, 2018 which, when fully implemented, will resolve OCR's concerns discovered during OCR's investigation. The provisions of the Agreement are aligned with the the information obtained during OCR's investigation, and are consistent with applicable law and regulation. Furthermore, under Section 303(b) of OCR's *Case Processing Manual*, a complaint will be considered resolved and the District deemed compliant if the District enters into an agreement that, fully performed, will remedy the identified areas of noncompliance (pursuant to Section 303(b)). OCR will monitor closely the District's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may conduct additional visits and may request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issues raised. As stated in the Agreement entered into the by the District on August 16, 2018, if the District fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings, including to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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 must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. 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.

We appreciate the District's cooperation in the resolution of this complaint. If you have any questions regarding this letter, please contact Zorayda Moreira-Smith at 202-453-6946 or Zorayda.Moreira-Smith@ed.gov or Timothy Riveria at 202-453-6796 or Timothy.Riveria@ed.gov, the OCR attorneys assigned to this complaint.

Sincerely,

Kristi R. Harris
Team Leader, Team IV
Office for Civil Rights
District of Columbia Office

Enclosure

cc: XXXXX