

On XXXXX XXXXX, XXXXX, the Complainant filed a XXXXX XXXXX XXXXX XXXXX
OCR against the District XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX
XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX
XXXXX XXXXX XXXXX XXXXX XXXXX: XXXXX XXXXX XXXXX XXXXX; XXXXX
XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX; XXXXX XXXXX XXXXX XXXXX
XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. XXXXX alleged that the
District ceased all communications with XXXXX in XXXXX XXXXX in retaliation for
XXXXX having filed that complaint.

The Complainant stated to OCR that XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX
XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX
XXXXXX. XXXXXX – SENTENCE REMOVED - XXXXXX. XXXXXX – SENTENCE
REMOVED - XXXXXX.

On XXXXX XXXXX, XXXXX, the Complainant XXXXX XXXXX XXXXX XXXXX
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 REMOVED - XXXXX. XXXXX – SENTENCE REMOVED - XXXXX.

On XXXXX XXXXX, XXXXX, the Complainant XXXXX XXXXX XXXXX XXXXX
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 XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. XXXXX – SENTENCE REMOVED
 - XXXXX. XXXXX – SENTENCE REMOVED – XXXXX.

In addition, the Complainant and the Superintendent XXXXX – SENTENCE REMOVED - XXXXX, XXXXX, XXXXX – SENTENCE REMOVED - XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. XXXXX – SENTENCE REMOVED - XXXXX. XXXXX – SENTENCE REMOVED - XXXXX.

[illegible]

XXXXXX – PARAGRAPH REMOVED - XXXXXX

On XXXXX XXXXX, XXXXX, the Complainant filed this retaliation complaint against the District with OCR. XXXXX – SENTENCE REMOVED - XXXXX. XXXXX – SENTENCE REMOVED - XXXXX. XXXXX – SENTENCE REMOVED - XXXXX.

Applicable Regulatory Standards

The regulation implementing Title IX, at 34 C.F.R. § 106.71, prohibits recipients of federal financial assistance from intimidating, threatening, coercing, or discriminating against any

Causal connection between protected activity and adverse action may be established through either direct or circumstantial evidence. Direct evidence consists of a recipient's written statement, oral statement, or action demonstrating unambiguously that the recipient took the adverse action because the individual engaged in a protected activity or for the purpose of interfering with protected activities. Circumstantial evidence of retaliatory motive can include (but is not limited to): changes to treatment of the individual after protected activity; the proximity in time between protected activity and the adverse action; the recipient's treatment of the individual compared to others; or the recipient's deviation from established policies or practices.

Analysis and Conclusion

Under Section 302 of OCR’s *Case Processing Manual*, allegations under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR’s investigation has identified concerns that can be addressed through a resolution agreement. Here, OCR has identified cause for concern with respect to retaliation based on XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX, on all subjects, immediately after receiving notice of XXXXX OCR complaint. XXXXX. On April 25, 2023, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint. OCR will monitor the implementation of the Resolution Agreement.

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. Individuals who file complaints with OCR 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, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR looks forward to receiving the District's first monitoring report by May 1, 2023. For questions about implementation of the Agreement, please contact Vince Cheverine, who will oversee the monitoring and can be reached by telephone at XXXXX or by e-mail at XXXXX. If you have questions about this letter, please contact me by telephone at XXXXX or by e-mail at XXXXX.

Sincerely,

Nathaniel J. McDonald
Supervisory Attorney/Team Leader

Enclosure