



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

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**REGION V
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NORTH DAKOTA
WISCONSIN**

April 27, 2015

Mr. Mark D. Francesconi
Superintendent
LaPorte Community School Corporation
1921 A Street
LaPorte, Indiana 46350

Re: OCR Complaint No. 05101263

Dear Mr. Francesconi:

On July 28, 2010, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against LaPorte Community School Corporation (Corporation) alleging discrimination on the basis of sex. Specifically, the complaint alleged that the Corporation subjected a high school student (Student A) to discrimination on the basis of sex in that the Corporation did not respond promptly and effectively to sexual harassment of Student A by a Corporation employee that occurred in 2007 and 2008. The Complainant asserted that, continuing through the time the complaint was filed, the Corporation had not provided him with information to indicate that it was taking action in response to an internal investigation of the events relating to the sexual harassment of Student A, that it had not provided him with the results of the investigation, and that the Corporation's failure to respond to the harassment constituted ongoing discrimination.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the Corporation is subject to Title IX. Therefore, OCR has jurisdiction over this complaint.

During its investigation, OCR interviewed witnesses and reviewed information about the incidents relating to the alleged discrimination, including information provided by the Complainant and the Corporation. OCR also reviewed documentation and interview reports of students and parents obtained by the LaPorte County Prosecutor's office relating to the criminal proceedings against the Corporation and several Corporation employees, including the coach of the girls' junior varsity volleyball team (JV Coach), involving the incidents at issue in this complaint, as well as media reports.

In a letter dated October 31, 2014, OCR notified the Corporation that the Corporation violated the Title IX regulations, at 34 C.F.R. §§ 106.31(a) and §106.8(b). OCR determined that Student A and other students at the Corporation's only high school were subjected to

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

sexual harassment by the JV Coach in 2007 and 2008. The harassment included sexual relations between the JV Coach and Student A, who was a minor at that time. OCR further determined that the Corporation failed to respond in a prompt and equitable manner to reports and notice of the sexual harassment and sexual violence by the JV Coach and that, for Student A and other female students on the high school junior varsity (JV) and varsity volleyball teams, this failure allowed for the creation and continuation of a sexually hostile environment. OCR also found that, the Corporation's grievance procedures failed to comply with the requirements of Title IX, both as written and as implemented by the Corporation in its response to the incidents at issue in this case.

At the Corporation's request, after the conclusion of then-pending criminal investigations related to the same underlying facts, in February 2015, OCR interviewed the LaPorte High School Athletic Director and former Head Coach of the girls' volleyball program. OCR subsequently informed the Corporation that the information obtained in the interviews did not alter OCR's Title IX violation findings.

On April 14, 2015, the Corporation signed a resolution agreement to address OCR's Title IX violation findings. The following summarizes OCR's Title IX violation findings and the steps that the Corporation has committed to take in the resolution agreement to remedy the violations.

Legal Standards

OCR investigated the alleged discrimination in this case consistent with federal statutory authority, the Department's regulations, and pertinent case law.¹ The Title IX regulation, at 34 C.F.R. § 106.31(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity operated by a recipient. The Title IX regulation, at 34 C.F.R. § 106.8(b), provides that a recipient must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action prohibited by the regulation.

Sexual Harassment by Teachers and Other Employees

Title IX protects students from sexual harassment carried out by teachers and other school employees, including sexual violence such as rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. To establish a violation of the Title IX regulations, OCR must find based on the totality of the circumstances that the student was subjected to a sexually hostile environment. Sexual harassment of a student by a school employee creates a hostile environment when unwelcome conduct based on sex is sufficiently serious to deny or limit

¹ The applicable legal standards described herein are more fully discussed in OCR's Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (2001 Guidance), dated January 19, 2001, and found online at <http://www.ed.gov/about/offices/list/ocr/docs/shguide.html>, OCR's 2011 Dear Colleague letter on Sexual Violence (2011 DCL), dated April 4, 2011, which is available online at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>, and OCR's "Questions and Answers on Title IX and Sexual Violence" (2014 FAQs), dated April 29, 2014, which is available online at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

the student's ability to participate in or benefit from the program or activity. The circumstances considered include the context, nature, scope, frequency, duration, and location of the incidents, as well as the identity, number, age and relationships of the persons involved. 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. A single incident of rape is sufficiently severe to create a hostile environment. Sexual activity between an adult school employee and a student below the legal age of consent in his or her state is always viewed as unwelcome and nonconsensual. In cases involving a student who meets the legal age of consent in his or her state, there is still a strong presumption that the sexual activity is unwelcome and nonconsensual.

A hostile environment can occur even if the harassment is not targeted specifically at the individual complainant.² A hostile environment may be created not only for the targeted student, but also for others who witness the conduct.

When a school knows or reasonably should know of possible sexual harassment by its employees, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Schools are responsible for taking prompt and effective steps reasonably calculated to end sexual harassment, eliminate the hostile environment, and prevent its recurrence. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment. In addition, schools are responsible for remedying any effects of the sexual harassment on a student when the employee engaged in the sexual harassment in the context of the employee's performance of his or her responsibilities.

In some situations, if the school knows of incidents of sexual harassment, the exercise of reasonable care should trigger an investigation that would lead to a discovery of additional incidents. The specific steps in a school's investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.

In some cases, the conduct at issue may constitute both sexual harassment under Title IX and criminal activity. Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. Importantly, a criminal investigation into allegations of sexual violence does not relieve the school of its duties under Title IX. Schools should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting. For example, a school should not delay conducting its own sexual harassment investigation or taking steps to protect the complainant. Moreover, the criminal investigation itself should not prevent a school from notifying complainants of their Title IX rights and the school's grievance procedures, or from taking interim steps to ensure the

² The term "complainant" may refer to the person allegedly subjected to sexual harassment, even if that person does not actually file the complaint.

safety and well-being of the complainant and the school community while the fact-gathering is in process.

Title IX also requires schools to take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including by taking interim measures before the final outcome of the school's investigation. Finally, schools should take steps to stop further harassment and prevent any retaliation against the complainant or person who made the complaint or against those who provided information as witnesses.

Sexual Harassment Grievance Procedures

In evaluating whether a school's grievance procedures satisfy the Title IX regulation requiring schools to adopt and publish grievance procedures providing for the prompt and equitable resolution of complaints, OCR will review all aspects of a school's policies and practices, including the following elements that are critical to achieve compliance with Title IX:

- notice to students, parents, and employees of the procedures, including where complaints may be filed;
- application of the grievance procedures to complaints filed by students or on their behalf alleging harassment carried out by employees, other students, or third parties;
- provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
- designated and reasonably prompt timeframes for the major stages of the complaint process;
- written notice to the parties of the outcome of the complaint; and
- an assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

To ensure that students and employees have a clear understanding of what constitutes sexual harassment and violence, the potential consequences for such conduct, and how the school processes complaints, a school's Title IX grievance procedures should also explicitly include the following in writing, some of which themselves are mandatory obligations under Title IX:

- A statement of the school's jurisdiction over Title IX complaints;
- Adequate definitions of sexual harassment (including sexual violence) and an explanation as to when such conduct creates a hostile environment;
- Reporting policies and protocols, including provisions for confidential reporting;
- Identification of the employee(s) responsible for evaluating requests for confidentiality;
- Notice that Title IX prohibits retaliation;
- Notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;
- Notice of available interim measures, such as changes to course settings and no contact orders, that may be taken to protect the student in an educational setting;
- The preponderance of the evidence standard that must be used in resolving a complaint;
- Notice of potential remedies for students;

- Notice of potential sanctions against perpetrators; and
- Sources of counseling, advocacy and support.

OCR's Title IX Findings

Sexual Harassment of Female Volleyball Players

OCR determined that Student A and other members of the female volleyball program were subjected to a sexually hostile environment as a result of the JV Coach's actions. The sexual harassment of Student A included inappropriate physical contact and sexual activity between August 2007 (the start of volleyball practice for the JV team) and late October 2009 (when the JV Coach resigned).³ In light of her age and state law, the sexual activity between Student A and the JV Coach was by definition unwelcome and nonconsensual.⁴ The JV Coach's sexual harassment of Student A was witnessed by other female student volleyball players and was otherwise well-known to the volleyball players. The evidence also indicated that the JV Coach harassed other female volleyball players by making comments about the sexiness of squats, making sexual jokes, and/or leering at players' bodies. High School female student-athletes complained directly and/or through parents to the Head Coach and/or the Athletic Director about the JV Coach's misconduct. The evidence supports that female volleyball players were subjected to a sexually hostile environment because the JV Coach's actions limited and denied their access to the high school education programs and activities; players quit the volleyball program, feared a cut in playing time, and/or were emotionally upset by the harassment.

OCR also concluded that the Corporation failed to respond in a prompt and effective manner to the multiple reports it received from parents and students, as early as August 2007, of possible sexual harassment of Student A by the JV Coach. The Head Coach of the girls' volleyball program informed the Athletic Director in August or September of 2007 that Student A herself had referred to her relationship with the JV Coach as "almost as a boyfriend/girlfriend situation."

In response to notice of possible sexual harassment, Corporation officials interviewed the JV Coach on several occasions, talked briefly with Student A and her parent, other students, and parents, and warned the JV Coach repeatedly about not physically touching athletes, including by letter dated August 29, 2008. The Head Coach informed OCR she first

suspected that there was an inappropriate relationship (that "something was not right") between the JV Coach and Student A during the weekend of the team's October 2008 sectional meet. She said, in particular, that the JV Coach and Student A "leaning against each other" was not appropriate and her contemporaneous notes indicate that this made her feel "very uncomfortable." Shortly thereafter, in a letter dated October 28, 2008, the

³ The inappropriate sexual conduct may have continued after the end of the JV's Coach employment with the Corporation.

⁴ In December 2009, the JV Coach was arrested and charged with felony sexual misconduct with a minor (Student A) and child seduction. In July 2011, the JV Coach was convicted in criminal court on felony sexual misconduct with a minor and child seduction. In August 2011, the JV Coach was sentenced to 21 years in prison.

Corporation informed the JV Coach that his services were no longer needed and that his contract would not be renewed for the following year.

In July 2010, the Athletic Director provided a list of goals and guidelines to the Head Coach for the volleyball program, which included procedures to limit opportunities for coaches to be alone with the players. According to the Corporation, it also met with volleyball players and parents prior to the 2010 season to provide instructions on how to report sexual harassment and to offer counselling to the players. The Corporation also hired an attorney to conduct an internal investigation into possible child abuse relating to the JV Coach's actions and to determine if administrators and staff were aware of the child abuse and failed to report it, but informed OCR that this was not a sexual harassment investigation and that a final report was never prepared for the School Board after the conclusion of the fact-finding portion of the investigation. Student A's parent said no Corporation personnel interviewed Student A about the conduct of the JV Coach as part of the internal investigation. The Corporation informed OCR that, after the October 2008 resignation of the JV Coach, it implemented a number of systemic improvements relating to its response to sexual harassment and sexual violence.⁵ The Athletic Director and Head Coach informed OCR that they took a number of specific steps to encourage proper reporting of suspected child abuse or neglect as part of their December 2013 "pretrial diversion agreement" in the criminal proceedings against them.

Based on the above facts, OCR determined, although the Corporation has taken a number of steps to improve its efforts to prevent and respond to sexual harassment, these steps were not taken until after the incidents at issue in this complaint. OCR concluded that the Corporation failed to conduct an adequate, thorough and reliable investigation of possible sexual harassment of volleyball players by the JV Coach in 2007 and 2008. The Corporation's notice of possible sexual harassment of Student A should have triggered a thorough investigation that would have led to the discovery of additional incidents of sexual harassment of Student A and the other volleyball players by the JV Coach. In addition, the Corporation did not assess whether the JV Coach's actions created a sexually hostile environment for Student A and the other high school female volleyball players. As described above, the evidence supports that the female volleyball players, including Student A, were subjected to a sexually hostile environment. In addition, the steps taken by the Corporation were not effective in stopping the harassment by the JV Coach and preventing its recurrence until its dismissal of the JV Coach and his resignation in late October 2008. Even then, the Corporation allowed the JV Coach to attend the girls' volleyball games because his wife was the new JV Coach. The Corporation's actions thus failed to eliminate a sexually hostile environment for Student A and the other volleyball players until the JV Coach's dismissal.

⁵ At a December 13, 2011 School Board meeting, the Superintendent stated that Corporation had offered mandatory training to all high school staff members so they understand their duty to report abuse or neglect, held meetings with parents of students on athletic teams to make sure they are aware of who they can contact if they have concerns, informed student athletes that counselors are available if they need to talk about personal matters that make them uncomfortable or that might place them in danger, altered operations of athletic programs, including travel arrangements, sent principals and guidance counselors to a workshop with the Indiana Child Protective Services on reporting incidents of abuse or neglect, shared information from that workshop with all staff members, taught students strategies they should utilize so they are not victimized, and established a compliance phone line to accept calls from students and/or parents to address compliance issues or any other concerns.

The Corporation also failed to provide adequate interim measures to protect Student A and the other volleyball students upon receiving notice of possible sexual harassment by the JV Coach. In addition, the Corporation failed to remedy the effects of the sexually hostile environment on Student A and the other volleyball players. While the Corporation indicated that it offered counseling to all of the female volleyball players prior to the 2010 season, the Corporation's counsel was not aware whether any players actually underwent counseling, and the Corporation did not take steps to ensure that its offer of counseling was sufficient to remedy the sexually hostile environment for its students. Student A's parent indicated that the Corporation provided no supportive measures to Student A other than to say they "would be there if she needed to talk to anyone."

Further, the evidence indicates that the Corporation may have inappropriately discouraged the female volleyball players from discussing or complaining further about the JV Coach's inappropriate conduct. Students and parents interviewed as part of the criminal investigations indicated that the Head Coach instructed the players not to discuss or complain about this conduct, although the Head Coach denied that students were discouraged from discussing or reporting sexual harassment.

Corporation Harassment Policies and Procedures

The Corporation's current anti-harassment policy and administrative guidelines were updated in 2009 and 2010. The policy is summarized in the 2013-2014 LaPorte High School Student Handbook (Handbook). The policy, administrative guidelines and Handbook are largely the same as those in effect at the time of the 2007 and 2008 sexual harassment incidents involving the girls' volleyball team. The policy and Handbook are available on the Corporation's website.

The policy defines sexual harassment as "[u]nwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when . . . [s]uch conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity." The policy also provides several examples of sexual harassment, including "[u]nwelcome sexual propositions, invitations, solicitations, and flirtations" and "[u]nwelcome and inappropriate touching."

Although the policy includes physical assault as an example of sexual harassment, it does not include sexual assault as an example of sexual harassment. In addition, the policy includes a provision that prohibited conduct includes "[c]onsensual sexual relationships where such relationship leads to favoritism of a student with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students."

The policy provides that all members of the Corporation community are encouraged to promptly report incidents of harassment to "an administrator, supervisor, or other Corporation official" and that Corporation employees who "directly observe unlawful harassment of a student" are "obligated to report such observations" to one of the

Corporation's Anti-Harassment Complaint Coordinators. The Corporation's administrative guidelines indicate that the Assistant Superintendent for Educational Services is the Complaint Coordinator. The guidelines include contact information for the Complaint Coordinator.

The policy provides that upon receiving a report of possible sexual harassment, the Complaint Coordinator is to contact the student (if the student was 18 years or older) or the student's parents (if the student was under 18) to advise them that the Corporation will investigate the alleged misconduct following its procedures for investigating a formal complaint. The policy further states that utilizing the complaint process will not adversely affect the complaining individual's participation in educational or extracurricular programs. The policy prohibits retaliation against a person who reports or files a harassment complaint, or who participates as a witness in a harassment investigation.

The complaint procedures require that the Complaint Coordinator conduct a prompt and timely investigation, ordinarily within 31 calendar days, including interviews with relevant witnesses and examination of evidence. The Complaint Coordinator is required to submit a written report to the Superintendent with a recommendation as to whether the complaint has been substantiated. The policy indicates that the written report of the investigation must examine the totality of the circumstances taking into consideration the nature of the conduct, the context in which it occurred and the ages and maturity of the individuals involved. The Superintendent must issue a written decision to the complainant and the accused or request further investigation. A complainant who is dissatisfied with the decision may appeal it to the School Board.

The Corporation's administrative guidelines for implementing the policy state that the designated timeframe for completing an investigation is 21 calendar days. The administrative guidelines require any employee who suspects that a child under the age of 18 is a victim of child abuse to immediately report this to the principal or Superintendent, who must notify the local child protection service. In addition, the Complaint Coordinator is required to make a report if the investigation revealed a reason to suspect abuse or neglect of the complainant, and to report to local law enforcement if there is a reason to believe a complainant had been subjected to criminal conduct. The administrative guidelines also include a provision for interim measures to protect the complainant from further harassment pending the conclusion of the investigation.

OCR found that the Corporation provides notice to students, parents, and employees of its harassment procedures, including where complaints may be filed and that the procedures apply to complaints filed by students alleging harassment carried out by employees, other students, or third parties. OCR noted, however, that this notice was not consistent between the policy, administrative guidelines and handbook (e.g., different timeframes for conducting investigation stated in policy and administrative guidelines). OCR also determined that the procedures appropriately require written notice to the parties of the outcome of a complaint. However, the Corporation's grievance procedures do not include the "preponderance of evidence" standard and do not state that employees who become aware of harassment by

means other than observation are obligated to report it. The procedures also do not include sexual assault as an example of sexual harassment and inappropriately suggest that sexual activity between teachers and students is only problematic when it results in favoritism of the student. This provision does not comport with the presumption that sexual activity between teachers and students (particularly when a minor is involved) is unwelcome and nonconsensual and thus may constitute sexual harassment.

The procedures also do not include designated and reasonably prompt timeframes for the major stages of the complaint process (the procedures only describe the timeframe for the investigation itself) or the process for extending timelines. There are no provisions in the policy for steps to protect the alleged target of harassment as necessary, including by taking interim steps before the final outcome of the investigation (the administrative guidelines provide for interim measures, but these are not published on the Corporation's website). The procedures do not provide an equal opportunity to appeal for both parties; the procedures do not notify the complainant of the right to proceed with a criminal investigation and a Title IX complaint simultaneously; the procedures do not prohibit conflicts of interest (real or perceived) by those handling the complaints; and the procedures do not specify that complainants will be informed at regular intervals of the status of the investigation.

In light of the above, OCR found that the Corporation's grievance procedures as written and, for the reasons described above, as implemented with regard to the incidents at issue in this case, do not comply with the requirements of Title IX.

Resolution Agreement

On April 14, 2015, the Corporation executed the enclosed agreement, which, when fully implemented, will address all of OCR's findings of Title IX violations. Specifically, the Corporation agreed to take the following actions:

- issue a statement (following OCR review and approval) to the Corporation community of students, parents, administrators and staff, that it does not tolerate sexual harassment, encouraging any student who believes he or she has been subjected to sexual harassment to report the incident(s) to the Corporation, and including the appropriate contact information for the designated Title IX complaint coordinator;
- review and revise its written policies and procedures relating to sexual harassment to ensure that they adequately address incidents of sexual harassment of any kind, including sexual harassment and sexual violence of students by employees, provide for the prompt and equitable resolution of complaints alleging sexual harassment, and prohibit retaliation against persons who report harassment or participate in related proceedings and discipline of individuals who engaged in retaliation; the revised policies and procedures are to be implemented following OCR review and approval;
- examine the Corporation's code of conduct and disciplinary procedures for employees and students to determine whether they appropriately and adequately address violations of the Corporation's sexual harassment policies and procedures

and revise the code and procedures to the extent necessary following OCR approval of any proposed revisions;

- ensure that its written policies and procedures relating to sexual harassment are implemented in a manner that is prompt and effective;
- provide administrators, faculty, staff, including coaching staff who are not employed in other positions by the Corporation, employees, agents, security officers, and counselors with effective training on its revised sexual harassment and retaliation policies and procedures;
- provide training on how to conduct and document adequate, reliable and impartial Title IX investigations to staff directly involved in processing, investigating and/or resolving complaints or other reports of sexual harassment complaints and to counselors or other Corporation personnel likely to receive confidential reports of sexual harassment;
- provide an orientation program for all high school students addressing sexual harassment and retaliation;
- assess the effectiveness of the Corporation's training and orientation sessions by conducting surveys of employees and students and provide additional training and/or orientation sessions if necessary;
- establish a working group of administrators, faculty, parents, and high school students to make recommendations regarding the effectiveness of the anti-harassment program;
- conduct a climate survey (after approval by OCR) to assess the effectiveness of the steps taken pursuant to the resolution agreement and otherwise by the Corporation, to achieve its goal of having a school environment free of sexual harassment;
- inform Student A in writing of the findings and outcome of any investigation(s) conducted by the Corporation into the reports of sexual harassment of Student A and invite Student A to indicate whether she requires any remedial actions as a result of the sexual harassment, which may include payment for future counseling, reimbursement for previously received counseling, or other remedial actions as deemed appropriate;
- complete an investigation of whether any former volleyball team members were subjected to a sexually hostile environment, and then, for each student for whom the Corporation determines that a hostile environment did occur, assess whether the student requires any remedial actions as a result of a hostile environment, which may

include payment for future counseling, reimbursement for previously received counseling, or other remedial actions as deemed appropriate;

- assess the extent to which personnel who had knowledge of reports of the sexual harassment of Student A failed to take action to report and/or investigate such harassment and implement appropriate discipline of those personnel;
- convene focus groups of student athletes to discuss issues relating to sexual harassment in the athletic program; and
- maintain and provide OCR with copies of documents relating to complaints or other reports of sexual harassment of students and data on all actions, including sanctions and remedies, taken in response to those complaints and reports.

OCR will monitor the implementation of the agreement until the Corporation is in compliance with the statute(s) and regulations at issue in the case. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in Federal court, whether or not OCR finds a violation.

If you have questions, please contact Salina Gamboa, Senior Equal Opportunity Specialist, at (312) 730-1627 or Salina.Gamboa@ed.gov.

Sincerely,

/s/

Adele Rapport
Director

cc: Mr. Michael Sears

Enclosure