

ReedSmith
The business of relationships.

**Recent Court Rulings on Title IX,
School to Prison Pipeline and
Special Education Issues**

Kathleen S. Matthews
Reed Smith LLP
Elizabeth Plaza, 5th Floor
301 East Byrd Street, Suite 1200
Richmond, VA 23219
(804) 344-9421

DISCIPLINE ISSUES

- Note contrast between OCR handling of Colleges and Universities versus K-12.
- Recent editorial in Richmond T-D on this subject.
- Disproportionality based on race and disability is a major concern for OCR.

**SPECIAL EDUCATION DISCIPLINE
ISSUES AND PROCEDURES**

Protecting Civil Rights, Advancing Equity: Report to the President and Secretary of Education (OCR April 2015)

- Data collected by the U.S. Department of Education's Office for Civil Rights suggests that students with disabilities are twice as likely as their general education peers to receive an out-of-school suspension.

Protecting Civil Rights, Advancing Equity, con't.

- In light of these studies, discipline issues are a hot topic for investigation by the U.S. Department of Education's Office for Civil Rights.
- During the 2013-2014 fiscal year, the U.S. Department of Education investigated over 500 cases regarding the discipline of students with disabilities.

Available at <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2013-14.pdf>

**Discipline - Students with Disabilities
8 VAC 20-81-160**

- Students with disabilities under the Individuals with Disabilities Education Act ("IDEA") are entitled to a manifestation determination review for removals for more than 10 consecutive days (or more than 10 non-consecutive days if the conduct constitutes a pattern).

**Reports to Law Enforcement Not Prohibited under the IDEA
34 CFR 300.535; 8 VAC 20-81-160(l)(1)**

- The law does not prohibit school divisions from reporting crimes committed by a child with a disability to local law enforcement authorities.

**SCHOOLS HAVE RESOURCE OFFICERS
WHO MAY ALSO REPORT CRIMES
THAT OCCUR IN THE SCHOOL SETTING**

Va. Code § 9.1-101

- "School resource officer" means a certified law enforcement officer hired by the local law enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

SOME VIRGINIA STATUTES REQUIRING RECOMMENDATIONS FOR DISCIPLINE

Va. Code § 22.1-277.07(A) – Possession of Firearms

- “[A] school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined. . . to have possessed a firearm on school property or at a school-sponsored activity . . . or to have possessed a firearm or destructive device . . . A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. . . *Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation.*”

Va. Code § 22.1-277.08(A) – Possession of Certain Drugs

- “School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a controlled substance, imitation controlled substance, or marijuana . . . onto school property or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. . . . *Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation.*”

Va. Code § Section 22.1-277.2:1, con't.

- *found guilty* or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division.

Va. Code § 22.1-277.2:1, con't.

- Found to have committed a serious offense or repeated offenses in violation of school board policies.
- Committed a serious offense or repeated offenses in violation of school board policies.

**SOME ACTS OCCURRING WITHIN
VIRGINIA PUBLIC SCHOOLS
MUST BE REPORTED TO LAW ENFORCEMENT**

Mandatory Reporting to Law Enforcement
Va. Code § 22.1-279.3:1

- Assault/Battery without bodily injury (permissive, not required);
- Assault/Battery with bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking;
- Conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid, including the theft or attempted theft of student prescription medications;

Mandatory Reporting to Law Enforcement, con't.

- Threats against school personnel;
- Illegally carrying of a firearm onto school property;
- Illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, or explosive or incendiary devices, or chemical bombs;
- Threats or false threats to bombs made against school personnel or involving school property or school buses.

Dear Colleague Letter, 114 LRP 1091 (OCR 2014)

- The Civil Rights Data Collection (CRDC) conducted by OCR, has demonstrated that students of certain racial or ethnic groups tend to be disciplined more than their peers.
- African-American students without disabilities are more than three times as likely as their white peers without disabilities to be expelled or suspended.

Dear Colleague Letter, con't.

- Although African-American students represent 15% of students in the CRDC, they made up 35% of students suspended once, 44% of those suspended more than once, and 36% of students expelled.
- Over 50% of students who were involved in school-related arrests or referred to law enforcement are Hispanic or African-American.

Dear Colleague Letter, con't.

- Recommendations to address concerns regarding disparities in discipline:
 - Training and professional development for all employees and non-employees who administer student discipline, including school resource officers.
 - Minimize role of law enforcement in schools.
 - Communicate with and engage school communities in the development and implementation of discipline policies or codes of conduct.

Dear Colleague Letter, con't.

- Emphasize positive interventions over school removal in discipline policies.
- Limit the use of out-of-school suspensions, expulsions and alternative placements to the most severe disciplinary infractions that threaten school safety or as otherwise required by federal or state law.
- Collect data to include complete information surrounding all discipline incidents, including office referrals and discipline incidents that do not result in sanctions.

Virginia Board of Education's 2015 Annual Report on The Condition and Needs of Public Schools in Virginia

- Invites a different approach to discipline - a proactive approach to discipline/behavior modification.
- Virginia schools are encouraged to move "away from disciplinary actions that reduce learning time, such as suspensions and expulsions" and "towards restorative accountability and positive behavior support systems."

Virginia Board of Education's 2015 Annual Report, con't.

- Restorative accountability and positive behavior support systems include:
 - Non-punitive strategies to address behaviors.
 - Positive school environments that support student learning and address behavior to maximize academic and social behavior outcomes for all students.

Virginia Board of Education's 2015 Annual Report, con't.

- Reducing the number of suspension and expulsions.
- Developing positive partnerships between schools, law enforcement, and the judicial systems.

Virginia Tiered System Supports – Positive Behavioral Interventions and Supports

- Positive Behavioral Interventions and Supports (PBIS)
 - A nationally-recognized approach to support positive academic and behavioral outcomes for all students.
 - PBIS helps teachers and administrators learn about and implement new techniques that reduce disruptive student behavior, which typically leads to office referrals, in-school suspensions and out-of-school suspensions that decrease instructional time for students.

TITLE IX ISSUES

Scope of Title IX – Generally

- Title IX of the Education Amendments of 1972 ("Title IX") prohibits discrimination on the basis of sex in federally funded education programs and activities.
- **COMMON MISCONCEPTION:** Title IX applies only to athletics.

Scope of Title IX – Generally

- Federal agencies have the authority to promulgate regulations, issue guidance, and rely on "any... Means authorized by law," including the termination of funding to give effect to Title IX's prohibition.
- Office for Civil Rights ("OCR") is the enforcement arm of the U.S. Department of Education and is responsible for enforcing and investigating Title IX complaints.

Scope of Title IX – Private Right of Action

- Individual plaintiffs can sue for money damages under Title IX.
- A plaintiff must show:
 - (1) that plaintiff was enrolled at an institution receiving federal funds;
 - (2) that plaintiff was subjected to harassment based on sex;

- (3) that the harassment was sufficiently severe or pervasive to create a hostile environment in an educational program or activity; and
- (4) that there is a basis for imputing the harasser's liability to the institution.

Scope of Title IX – Private Right of Action

- Plaintiff must also show that
 - the school division acted with deliberate indifference to harassment in its programs or activities,
 - of which the institution has actual knowledge, and
 - that the harassment was so severe, pervasive, and objectively offensive that it deprived plaintiff of access to educational opportunities or benefits.

Scope of Title IX – Violation Based on Sexual Harassment

- The burden of proof for a claim of sexual harassment under Title IX, as enunciated by the U.S. Supreme Court, is much more stringent than OCR's administrative enforcement standard.
 - OCR: "sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational programs, i.e., creates a hostile environment..."
 - Supreme Court: "sufficiently severe or pervasive to create a hostile environment in an educational program or activity."

Scope of Title IX – Doe v. Bd. of Educ. of Prince George's Cnty.

- The school division avoided liability under Title IX because it conducted a timely and comprehensive investigation into allegations of sexual harassment.
- In response to the allegations of harassment, the school division took "swift," "substantial," and "significant" measures to prevent future instances of harassment.
 - Rearranging classroom seating;
 - Conducting an investigation after each incident; and
 - Putting safety protections in place.

Scope of Title IX – Transgender Students

- Neither Title IX nor its implementing regulations expressly mention "gender identity" or "transgender."
- But plaintiffs have successfully invoked Title IX for sex or gender-based harassment based on gender stereotypes.

Scope of Title IX – Transgender Student

- OCR's Stance:
 - In Arcadia United Sch. Dist., a joint administrative investigation, OCR and DOJ determined that a public school division may have violated Title IX when it denied the student's request to use restrooms and other facilities of the student's identified gender.
 - In Downey Unified Sch. Dist., OCR treated transgender as protected status under Title IX.

Scope of Title IX – Transgender Student

- March 4, 2015 Attorney General's Opinion
- Virginia school boards may prohibit discrimination on the basis of sexual orientation and gender identity.

Scope of Title IX – Transgender Student

- In *Johnston v. Univ. of Pittsburgh*, the U.S. District Court for the Western District of Pennsylvania held that gender identity is not a protected status under Title IX.
- “[T]he University’s policy of requiring students to use sex-segregated bathroom and locker room facilities based on students’ natal or birth sex, rather than their gender identity, does not violate Title IX’s prohibition on sex discrimination.”

Scope of Title IX – Transgender and Athletics

- **Virginia High School League Policy 54-6-1(4) (July 2015)**
 - May petition to participate consistent with gender identity by submitting:
 - A written statement affirming the consistent gender identity with which the student relates;
 - Documentation – preferably no more than one or two letters – from individuals such as, but not limited to, parents, friends and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student’s consistent gender identification and expression;

- List of prescribed, non-prescribed or over the counter treatments or medications;
- Written verification from an appropriate health-care professional (doctor, psychiatrist, and psychologist) of the student’s consistent gender identification and expression; and
- Any other relevant/appropriate pertinent documentation or information.

Scope of Title IX – Transgender and Athletics

- In addition, the building principal must provide a current transcript and school registration information as well as a statement that he/she has determined that the expression of the student's gender identity is *bona fide* and not for the purpose of gaining an unfair advantage in competitive athletics.

G.G., by his next friend and mother, Grimm v. Gloucester County Sch. Board (4th Cir. 2016)

- G.G. born a female, but identifies as a male.
- He successfully used the boys' bathroom for about seven weeks.
- The school board adopted a policy, in response to community concerns, which required students to use bathrooms according to "biological gender."
- The policy also provided for alternative private bathrooms for those students with gender identity issues.

- The district court concluded that Title IX does not address gender, gender identity, or sexual orientation, and dismissed the Title IX claim.
- But on appeal to the Fourth Circuit, the Court found that , because federal regulations were silent regarding how a student is defined as male or female, deference should have been given to OCR's interpretation of Title IX.
- OCR interprets Title IX to apply to transgender students and maintains that transgender students must be treated "consistent with their gender identity."

• On remand to the district court, an injunction was granted allowing the student to use the boys' bathroom.

• A writ of certiorari is being sought by the School Board from the Supreme Court of the United States.

Scope of Title IX – Single-Sex Classes

• Title IX permit single-sex classes only if the school division can meet five requirements set forth in the regulations.

• (1) The single-sex class must be a nonvocational class.

• (2) The school division must be able to demonstrate that an important objective is being met by offering a single-sex class.

• (3) The school division must implement the objective "in an even handed manner."

• (4) Enrollment in the single-sex class must be completely voluntary.

• (5) The school division must offer a substantially equal coeducational class in the same subject to all other students, including students of the excluded sex.

Investigation of Title IX Complaints

- The school division must:
 - (1) Designate a Title IX Coordinator;
 - (2) Adopt and publish grievance procedures, providing for prompt and equitable resolution of discrimination complaints; and
 - (3) Notify students and others that the school division does not discriminate on the basis of sex in educational programs or activities which it operates.

Investigation Process

- Begin when the school "knows or reasonably should know"
 - Do not wait for a criminal or CPS investigation to conclude.
- Conduct an "adequate, reliable, impartial, and prompt" investigation.
- Institute interim measures while investigating the allegations.

- Determine who will conduct the investigation.
- Include an opportunity for both parties to present witnesses and other evidence and provide both equal rights during investigation process.
- Use the preponderance of the evidence standard.
- Promptly conclude the investigation (60 days is generally a good timeline, but this is not a firm deadline).

Investigation Process

- Do not forget about interim measures:
 - Case-by-case determination
 - Examples include –
 - Restricting contact between complainant and respondent;
 - Changing seat/class/lunch schedule;
 - Arranging alternative transportation; and/or
 - Notifying law enforcement/CPS.

Investigation Process

- Adopt a written report format and use it:
 - **I. Introduction**
 - Who, What, When, Where, Why, and How
 - **II. Applicable Policy**
 - Cite the policy, appropriate definition(s), and standard of review
 - **III. Investigation Process**
 - List of witnesses and other evidence considered
 - Factors used in evaluating the evidence

- **IV. Facts/Analysis**
 - Address each specific allegation
- **V. Conclusion**
 - Provide a conclusion based on the analysis of the evidence
 - Were the allegations substantiated?
- **VI. Recommendation(s)**
 - Disciplinary sanctions?

OCR's Role in Title IX Investigation

- OCR has jurisdiction to investigate Title IX complaints, among other statutes, that have been filed against an institution that receives federal funds.

- The complaint must be filed within 180 calendar days of the date of the last act of alleged discrimination.

OCR's Role in Title IX Investigation

- Whether a student was subjected to sexual harassment, OCR will consider the following factors:
 - (1) the degree to which the conduct affected one or more students' education;
 - (2) the type, frequency, and duration of the conduct;
 - (3) the identity of and relationship between the alleged harasser and the subject or subjects of the harassment;

- (4) the number of individuals involved;
- (5) the age and sex of the alleged harasser and the subject or subjects of the harassment;
- (6) the size of the school, location of the incidents, and context in which they occurred;
- (7) other incidents at the school; and
- (8) incidents of gender-based, but nonsexual harassment.

OCR's Role in Title IX Investigation

- In addition to the specific facts, know what OCR looks for during a Title IX investigation:
 - Notice of Nondiscrimination
 - Title IX Policy
 - Title IX Coordinator
 - Knowledge that both exist

- Knowledge of the applicable definitions
- Fair and impartial procedures
- Prompt and equitable resolution of the allegations
- Appropriate remedies

RECENT SPECIAL EDUCATION CASES

S.B., a minor, by and through his Guardian and next friend, A.L., et al., v. Board of Education of Harford County (4th Cir. 2016).

- High School student alleged that staff allowed other students to harass S.B. as a result of his disabilities (ADHD, weak visual-spatial ability and LD).
- S.B. was the victim of homophobic slurs and physical threats.
- There were instances of racial tensions between S.B. and other students.
- Each allegation was investigated and consequences given to the perpetrators.
- Actions included warnings, conferences, calls to parents, detentions and suspensions.

- An assistant was assigned to the student to provide for safety.
- The father also sued, alleging retaliation.
- Claims were made under Section 504, the ADA and other laws.

COURT RULING

- Court found no causal connection between parent's advocacy on behalf of student and any adverse action taken against the parent by School Board.
- Court also held there was no deliberate indifference to the bullying. Each incident was investigated and discipline imposed.

O.S. v. Fairfax Cty. Sch. Bd., 804 F.3d 354 (4th Cir. 2015)

- O.S. was a student with several medical disorders.
- Student missed over 30 full school days and almost 20 partial days.
- IEP team convened to develop an IEP for O.S.
- Parent requested: 1:1 aide, ESY and that a full time nurse be assigned to the school. These proposals were rejected by the IEP team.
- Parent filed a due process proceeding, alleging that the IEP failed to offer FAPE and that O.S. had regressed.

• At the hearing, O.S.' teachers and other educational experts testified that O.S. made progress in the school division's program.

• Parents offered virtually no witnesses other than themselves.

• Hearing officer ruled that the IEP offered FAPE.

• On appeal, parent argued that FAPE means to provide a student with special education that confers "meaningful" educational benefit rather than simply "some" educational benefit.

• Court disagreed. To provide FAPE means to provide "access" to special education and related services that will confer "some educational benefit."

SE.H., individually and by and through his parents and next friends, J.H. and S.H v. Board of Educ. of Anne Arundel Cnty. Sch., 116 LRP 17694 (4th Cir. May 2, 2016).

Facts

• Parents of student in Maryland with cerebral palsy, seizure disorder, and severe food allergies (among other conditions) requested student's one-to-one aide receive training in CPR and the Heimlich maneuver

• School declined parents' request, stating there were other individuals in the school with this training who could help the student in the event of an emergency.

SE.H., individually and by and through his parents and next friends, J.H. and S.H v. Board of Educ. of Anne Arundel Cnty. Sch., 116 LRP 17694 (4th Cir. May 2, 2016).

Outcome

• School's decision not to provide the requested training was not a denial of FAPE.

• The school had "reasonable procedures to assure that if [the Student did] need assistance, there [would be] persons available who [would] be able to help him."

• Any benefit from providing the aide with training would be "minimal."

Fairfax County (VA) Pub. Schs., OCR No. 11-15-1065, 115 LRP 49815 (June 2, 2015)

Facts

- Student with Celiac disease, among other conditions, was frequently absent from school on account of his condition.
- Student's frequent absences caused him to receive several incomplete and failing grades.
- To address this issue the school:
 - Created a health care plan
 - Modified the student's assignments and gave the student additional time to complete his work; and
 - Discussed the student's frequent absences during a March 2015 IEP meeting.

Fairfax County (VA) Pub. Schs., OCR No. 11-15-1065, 115 LRP 49815 (June 2, 2015)

Outcome

- The school division violated Section 504 by failing to reevaluate the student.
- The supports provided in the student's health care plan failed to comply with the requirements of Section 504 because the student's parents were not provided with a copy of their procedural safeguards when the plan and accommodations were developed.
- The IEP team failed to fully evaluate whether the student required a change to his disability-related services as a result of his chronic absences.

Hampton City (VA) Schools, OCR No. 11-16-1075 (May 12, 2016)

Facts

- A parent filed a complaint with OCR alleging, in part, that her son was not being considered for eligibility under Section 504 due to his toileting needs
- School division argued that the student did not need to be separately evaluated under 504 because he was already eligible under the IDEA and his toileting needs were addressed through a separate toileting plan

Hampton City (VA) Schools, OCR No. 11-16-1075 (May 12, 2016)

Outcome

- Hampton was not required to separately evaluate the Student under Section 504 because his needs were considered by the IEP team and addressed through the toileting plan
- "As far back as 2012, the Division considered the Student's toileting needs, included details about his toileting needs in his IEP, and provided the Student with a toileting Plan of Care. In 2014 and again in 2016, the Division considered the Student's toileting needs at IEP meetings."

Northampton County (VA) Public Schools, OCR No. 11-15-1101, 115 LRP 56154 (Aug. 12, 2015)

Facts

July 2014

- Parent requested Section 504 plan for child with severe food allergy
- NCPS suggested a school-based team first consider whether the student's allergy could be addressed through a HCP before evaluating under 504

August 2014

- A school-based team developed a HCP for the student

September 2014

- NCPS receives information from the student's doctor regarding the severity of the Student's food allergy
- The student was evaluated and found eligible under Section 504

Isle of Wight County (VA) Schools, OCR No. 11-15-1204, 116 LRP 16706 (September 29, 2015)

Facts

- Student with severe food allergies received accommodations through a Section 504 plan
- One accommodation required that all items brought for celebrations in the student's class be prescreened by the school nurse
- The student's parents alleged that during the 14-15 school year, snacks containing peanut products were brought into the student's classroom without receiving approval from the school nurse
- The parents filed an OCR complaint alleging, in part, that:
 - (1) Instances of snacks in classroom violated the 504 plan
 - (2) Teachers were not sufficiently trained on the requirements of the 504 plan

Isle of Wight County (VA) Schools, OCR No. 11-15-1204, 116 LRP 16706 (September 29, 2015)

Outcome

- IWCS agreed to voluntarily resolve the parent's allegation that snacks containing peanuts were brought into the classroom
- OCR found insufficient evidence that staff were not sufficiently trained on the 504 plan
- IWCS provided OCR with sign-in sheets from meetings where:
 - The student's teachers received a copy of the plan from the case manager; and
 - The teachers were given an opportunity to ask questions about the plan

Virginia Beach (VA) City Pub. Schs., OCR No. 11-15-1344, 116 LRP 14410 (February 24, 2016)

- OCR investigated whether the division's website was accessible to individuals with visual impairments.

Compliance concerns:

- Images were missing alternative text.
- Portions of the website could not be accessed without a mouse.
- Lack of sufficient contrast between text and background.
- Inability of keyboard users to pause, stop, or control videos or slideshows.

Resolution agreement:

- Undertake an assessment of entire website.
- Develop a website accessibility policy.
- Train relevant staff.

The take away:

- Make sure that individuals with disabilities are afforded an *equal opportunity* to participate in a school division's online programs, services, and activities.

Hampton City (VA) Pub. Schs., OCR No. 11-14-1324, 116 LRP 16702 (September 29, 2015)

- A 3-month delay in providing the student with a personal FM system did not constitute retaliation.

The division's actions:

- Held an IEP team meeting within 3 weeks of request.
- Acted promptly to acquire the system from a vendor.
- Took reasonably prompt steps to ensure that the student could use the device at home.
- And provided compensatory services.

The take away:

- Promptly order required devices and equipment, and consider the need for compensatory services for any delays.

Virginia Beach (VA) City Pub. Schs., OCR No. 11-15-1289, 116 LRP 16710 (September 22, 2015)

- Special education student had multiple medical conditions.
- The IEP and HCP addressed *some* but not all of the child's health impairments.
- Neither plan fully addressed the student's individual needs related to each medical condition.

Resolution agreement:

- Complete a reevaluation under Section 504.
- Revise the IEP to address the student's needs.
- Conduct a school-wide review of all HCPs to see whether any of those students should be evaluated.
- Consider compensatory services.

The take away:

- As part of a Section 504 evaluation, review existing medical and health records, and seek any additional records needed to fill in the gaps before accounting for the student's needs.

Isle of Wight County (VA) Schools, OCR No. 11-15-1013, 115 LRP 39879 (April 10, 2015)

- Student with epilepsy and ADHD was kicked off of the field hockey team for repeated violations of team rules.
- Parents filed an OCR complaint alleging disability discrimination.

Reasons for removal:

1. Failure to stay for varsity games.	6. Failed to bring equipment to practice.
2. Wrongfully accused teammates of stealing.	7. Refused to follow coach's directions.
3. Talked over and argued with the coach.	8. Quit playing during a game.
4. Posted negative comments on social media.	9. Failed to put forth effort.
5. Changed positions during game without permission.	10. Missed practices without permission.
	11. Left practice early to babysit.

- OCR found no evidence of discrimination.
- The factors considered to be important by OCR:
 - the student's 504 plan did not include any provisions related to her participation in athletics.
 - A lack of supporting documentation provided by the parents indicating the need for modifications.

The take away:

- Before removing a student with a disability from an athletic team, be sure that the 504 plan or IEP does not provide for modifications of team policies when needed for disability-related reasons.

Henry County (VA) Pub. Schs., OCR No. 11-14-1283 (April 28, 2016)

- A special education teacher received poor performance ratings, multiple reprimands, a suspension, and eventually termination of her employment.
- She filed an OCR complaint alleging that the division retaliated against her and discriminated against her special education students.

- OCR found no evidence of retaliation.
- Numerous instances of poor job performance, lack of professionalism, and insubordination.
- Some examples:
 - Missing deadlines
 - Missing mandatory inservices
 - Reporting late to work
 - Calling the principal a "rat" and "Satan"
 - Creating a potentially dangerous situations for a student.

- OCR found no evidence of discrimination.
- While art and PE were to be provided in a "different manner" that didn't mean it was "less favorable."
- There was no denial of counseling services.
- Students were not given "leftovers" for lunch.
- The classroom/restroom was cleaned each night.

The take away:

- Be careful who you hire.

THE END
