



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

MAR 24 2014

REGION IX
CALIFORNIA

Dr. Kevin Skelly
Superintendent
Palo Alto Unified School District
25 Churchill Avenue
Palo Alto, California 94306-1099

(In reply, please refer to case no. 09-14-1217)

Dear Superintendent Skelly:

On March 5, 2014, the Department of Education, Office for Civil Rights (OCR), received a complaint against the Palo Alto Unified School District (District). The Complainant, alleges discrimination on the basis of sex against (Student) and other students at Gunn High School (School). Specifically, the Complainant alleges that the District failed to appropriately and effectively respond to notice of sexual harassment at the School.

OCR currently understands the allegations to be that (1)

(2) students at the School have been subjected to peer harassment based on sex and the District has failed to respond appropriately and effectively to notice of the harassment.

We have determined that the allegations stated above are appropriate for investigation under the laws enforced by OCR. OCR will proceed with resolution of the complaint.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely or qualified for a waiver of the timeliness requirement, it is opening these allegations for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of the *Case Processing Manual*.

Enclosed is a copy of The OCR Case Processing Procedures. We will contact you or your designated representative soon to discuss the allegations and complaint resolution process. OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the *Case Processing Manual*.

To facilitate our investigation, please provide the information described in the enclosed Data Request by **April 4, 2014**.

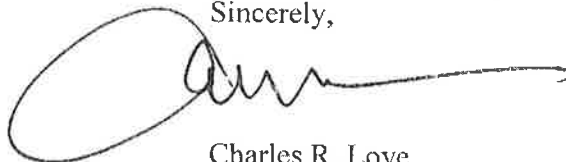
Your full and complete response will assist OCR as it prepares to conduct interviews and to interpret evidence. OCR's right of access to this information is found at 34 C.F.R. section 100.6(c). Please note that considerations of confidentiality are not a bar to OCR obtaining requested information under section 100.6(c). Following our review of the information the District provides, OCR may conduct interviews with students, staff and administrators, as appropriate.

OCR routinely advises recipients of Federal funds and public education entities that Federal regulations prohibit intimidation, harassment or retaliation against those filing complaints with OCR and those participating in the complaint resolution process. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

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

Your cooperation is appreciated. If you have any questions, please contact Kendra Fox-Davis, the attorney assigned to this investigation, at 415-486-5418 or kendra.foxdavis@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Love', with a large, looping flourish on the left side and a long horizontal tail extending to the right.

Charles R. Love
Program Manager

Enclosure

U.S. Department of Education
Office for Civil Rights
Data Request

Palo Alto Unified School District
Case No. 09-14-1217

Please provide the following information without redactions:¹

- (1) The name, title, telephone and email of the individual the District has designated to be OCR's contact person on this complaint.
- (2) The name, title, telephone number and email of the individual(s) responsible for receiving and investigating complaints of sexual harassment and sexual violence at Gunn High School (School).

(3)

(4)

(5)

(6)

(7) A map of the School campus indicating classroom buildings and common areas.

(8) Copies of all complaints of sexual harassment or sexual violence² involving students at the School submitted to the School or District from beginning in the 2011-2012 school year through the date of this Data Request.³ For each complaint, provide:

- a. the complaint;
- b. the investigative file, including any interview notes, memorandum, and any other documentation of the District's investigation;
- c. any letters of finding or determination letters issued to the complainant; and
- d. a description of the District's investigation and resolution of the complaint, including the timing of the response, an explanation of the District's findings, and any corrective or remedial action taken;

(9) A list of any other incident of alleged sexual harassment or sexual violence⁴ involving a School student of which the School or District had notice from beginning in the 2011-2012 school year through the date of this Data Request.⁵ For each alleged incident, provide:

- a. a description of the alleged sexual harassment or sexual violence;
- b. a description of how the District received notice of the allegation; and
- c. a description of the District's investigation and resolution of each allegation, including the timing of the response, an explanation of the District's findings and any corrective or remedial action taken.

(10) The total number and a copy of all behavior and disciplinary records reflecting referrals at the School, from beginning in the 2011-2012 school year through the date of this Data Request in each of the following categories: committed sexual harassment; committed an obscene act or engaged in profanity or vulgarity; committed or attempted to commit sexual assault; or committed a sexual battery.

²

³ Include all complaints alleging peer-to-peer sexual harassment and employee-to-student sexual harassment.

⁴

⁵ Include all incidents alleging peer-to-peer sexual harassment and employee-to-student sexual harassment.

(11) A description of any proactive steps the School has taken to prevent sexual harassment or sexual violence against its students, not provided in response to OCR Case No. 09-13-5901.

(12) Any other information the District wishes to provide in response to this complaint.