



## Don't spoil investigation by forgetting to notify parents of findings

A parent makes a complaint that her son was discriminated against based on his disability. The district properly responds to and investigates her claims, finds that discrimination did occur, and takes appropriate remedial action. Case closed? Not yet. If the district doesn't notify the parent of the results of the Section 504 investigation, the district doesn't satisfy its full responsibilities, said school attorney Rodney C. Lewis of [Lanier Ford Shaver & Payne PC](#) in Huntsville, Ala.

"Although OCR provides some latitude and discretion to districts about what to include in the notification, parents need to be aware of the general parameters of the investigation and the district's findings," Lewis said.

Failing to notify parents of the resolution of a 504 investigation cost a West Virginia district in *Wood County (WV) Schs.*, [62 IDELR 187](#) (OCR 2013). In this case, the district appropriately investigated and concluded that a teacher discriminated against a student with autism when she placed a cardboard box around his desk and wrote "Bad Kid Fort" on the side of the box.

The district suspended the teacher for five days without pay but never informed the parent of the outcome of her complaint. OCR explained that while districts may not be able to share all the details regarding personnel decisions, they must provide some notice to parents regarding the resolution of the investigation.

"Put internal practices in place where the expectation is that you are notifying [parents] in conclusion of an investigation," said Amy Dickerson, a school attorney at [Franczek Radelet](#) in Chicago.

Develop [grievance procedures](#) that include what information to share with parents following an investigation. Take these steps:

• **Clarify notification in grievance procedures.** Start by laying the groundwork in your district's policies governing Section 504 grievances, Lewis said. The grievance process should explain how administrators will notify parents of their findings and what information will be included, he said. In each case, identify the school personnel who will be the parent's contact throughout the investigation, Dickerson said.

A written notification may include the following:

- Description of the original complaint.
- Explanation of the investigation including observations, witness accounts, and information that led to the district's findings.
- District policies relevant to discrimination or harassment.
- Findings that support or don't support the allegations.
- District's plan for remedying the situation and preventing further discrimination.

- Any necessary follow-up or 504 team meetings.
- Further grievance procedures if the parent disagrees with the results of the investigation or believes the investigation was flawed.
- **Notify team to make necessary revisions to 504 plan.** The student's 504 team will need to know if discrimination occurred so that they can convene a meeting with parents to address any necessary changes or additions to the 504 plan, Lewis said. Even if the results indicate no discrimination occurred, staff members may need to be alerted to monitor the situation, Dickerson said.
- **Focus on corrective action, not actions taken against perpetrator.** Although a parent may want to know what type of action was taken against a student or a teacher who discriminated against her child, state laws may limit what information you can release, Lewis said. "In Alabama, for example, the Character and Good Name exception to the Sunshine Law would prohibit a school from disclosing information about personnel actions," Lewis said. "It's not the relevant part of the investigation either," he added.

Focus on what actions the district will take to prevent discrimination from recurring, such as what additional staff training or supervision will be provided, Lewis said.

Also, FERPA prevents disclosures of student's educational records to other parents, he said. Thus, don't disclose the names of students who were disciplined as a result of the investigation. "The important piece is the information that will address the issue, not what happens to other students or teachers," he said.

- **Provide updates on continuing actions.** Administrators should maintain communication with parents throughout the resolution process, Lewis said. "Following the notice of the investigation's findings, the district should provide interim updates to parents when staff members complete a required training or when staff check back to monitor the situation," he said.
- **Define timeframes in grievance procedures.** OCR requires that districts notify the parents promptly following the investigation, Lewis said. "Promptly" leaves some discretion to the districts, he said. Ten days is a good standard, Lewis added. "Your policy needs to set what timeframes the district will provide notice and define if that's school days or calendar days," he said.

If an investigation takes longer than anticipated, touch base with the parent who made the complaint to explain why the investigation is delayed, Dickerson said. If a situation involves a serious allegation such as an assault, take immediate action to remove students from harm, Lewis said.

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**February 11, 2014**

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