



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921

MAY 08 2014

Saul Shanabrook
19 Harkness Road
Pelham, MA 01002

Re: FOIA # 14-01074-F

Dear Mr. Shanabrook:

I am writing in response to your information request received by the Office for Civil Rights (OCR) on April 8, 2014. You requested copies of "all complaints filed through the Office of Civil Rights in the Department of Education in the Amherst-Regional School District in Amherst, MA...from January 1st 2009 to the current day." Because OCR's records are subject to the Freedom of Information Act (FOIA), we are treating your request under the provisions of FOIA.

In a telephone conversation with Civil Rights Investigator Diana Otto on April 9, 2014, you clarified that you would like to receive the following documents from cases against the Amherst/Pelham Regional School District since January 1, 2009:

- 1) Copies of complaints; and
- 2) Copies of related closure, dismissal or resolution letters and any corresponding agreements.

OCR has conducted a search and determined that the enclosed documents from OCR Complaint Nos. 01-10-1054, 01-10-1080, 01-10-1098, 01-10-1225, 01-11-1019, 01-11-1098 and 01-12-1016 are responsive to your request.

During the April 9th phone call with Ms. Otto, you agreed to the redaction of personally identifiable information such as names, telephone numbers, addresses, etc., regarding complainants and third parties. Such information has been redacted from the enclosed documents responding to your request, and is labeled with the code "Non Responsive."

Upon review of the documents, we determined that additional information that might disclose the identity of the individuals or that might otherwise be an invasion of their personal privacy went beyond the type of information you likely understood would be redacted when you agreed to the redaction of personally identifiable information. We have, therefore, determined that this information should be denied and you should be provided appeal rights. Listed below are instructions advising you how to appeal the denial of access to this information.

The FOIA provides for the withholding of "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information...could reasonably be expected to constitute an unwarranted invasion of personal

privacy.” (See 5 U.S.C. §552(b)(7)(C)). Because the release of complainants’ and/or third parties’ race, national origin, gender, educational information, disability-related information, dates of birth, and participation in extra-curricular activities, could reasonably be expected to constitute an unwarranted invasion of their personal privacy, this information has been withheld from the case records that OCR is providing to you. Such redacted information is labeled with the code “(b)(7)(C)” within the enclosed documents.

You have the right to appeal this determination by writing, within 35 days of your receipt of this letter, to:

Assistant Secretary for Management
Office of Management
U.S. Department of Education
400 Maryland Avenue, S.W.
Room 2W311, LBJ
Washington, DC 20202-4500
ATTN: FOIA Appeals

You may also send FOIA appeals via email to: EDFOIAappeals@ed.gov; via fax to (202) 401-0920; or, you may complete the online FOIA appeals form at: http://www2.ed.gov/policy/gen/leg/foia/foia_appeal_form_1.html. Your appeal should be accompanied by a copy of your initial request and this denial letter, and should contain any evidence or argument you wish the Department to consider in making an administrative determination on your appeal.

Under Department of Education regulations for FOIA requests, a photocopying fee of ten cents per page is charged exclusive of 100 pages that are provided at no cost. Since the number of pages in our response to your request is less than 100, there is no charge for these documents.

If you have any questions, please contact Senior Civil Rights Attorney Nicole Merhill at (617) 289-0040, or by email at Nicole.Merhill@ed.gov. You may also contact me at (617) 289-0111.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas J. Hibino".

Thomas J. Hibino
FOIA Denial Officer

Enclosures