



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

July 1, 2026

By email only to president@pace.edu

Martin Krislov
President
Pace University
One Pace Plaza
New York City, NY 10038–1598

Re: Case Number 02-25-2603
Pace University

Dear President Krislov:

This letter is to advise you of the outcome of the investigation that the U.S. Department of Education, Office for Civil Rights (OCR) conducted of the complaint filed against Pace University. The Complainant filed the complaint on behalf of a student (the Student) who was a former participant in the [redacted content] provided by the University's [redacted content] at the [redacted content] (the School). The complaint alleged that the University discriminated against the Student on the basis of disability when, on or around [redacted content], a University employee told the Student that she did not think a particular program would be appropriate for the Student because she had an Individualized Education Program (IEP) (Allegation 1) and treated the Student differently than similarly situated students without disabilities in the Program at the School by not permitting the Student to continue in the Program at the School during the [redacted content] school year (Allegation 2).

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance. As a recipient of federal financial assistance from the Department of Education, the University must comply with this law.

During its investigation to date, OCR reviewed information provided by the Complainant and the University; interviewed the Complainant and the Student; and listened to audio recordings of conversations between the [redacted content] and the Student. Before OCR completed its investigation, the University expressed interest in resolving the allegations pursuant to Section 302 of OCR's *Case Processing Manual*, which states that allegations may be resolved prior to OCR making a determination if the school expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified issues that can be addressed through a resolution agreement. The following is a summary of the evidence obtained by OCR during the investigation to date.

Summary of the Evidence Obtained to Date

The Student is diagnosed with Autism Spectrum Disorder. She attends the School and receives services through an IEP.

During the [redacted content] school year, the Student participated in a [redacted content] at the School, for which staff of the University [redacted content] provided services.

According to its website, [redacted content]. The program connects institutions of higher education like the University, with public school students to provide [redacted content]. Depending on the needs of a community, services are provided by a “partner” institution of higher education at a public school campus, on a college or university campus, or in another location in the community. The University partnered with the School to provide services from [redacted content], pursuant to a Memorandum of Agreement (MOA) dated [redacted content] and signed by [redacted content].

According to a summary OCR reviewed of the University’s process for identifying partner schools, the University’s [redacted content] identifies partner schools “through a strategic process that is designed to maximize impact and ensure alignment with our mission. We rely heavily on referrals from teachers, administrators, and school staff, current students and alumni from the program within the communities we serve. We evaluate potential partnerships based on alignment with our program model, leadership buy-in, and the school’s readiness to collaborate effectively. This includes the ability to establish clear expectations through a Memorandum of Agreement (MOA).” The summary further stated “When necessary, MOAs may be concluded through a thoughtful and collaborative process, particularly in cases where priorities shift, implementation challenges persist, or measurable impact is limited. This commitment to continuous improvement allows us to remain responsive, transparent, and focused on delivering meaningful, equitable support to the schools and students we serve.”

The Student attended activities offered by [redacted content] at the School and interacted with a University employee assigned to provide [redacted content] services at the School (the Coordinator). In the [redacted content], the Student asked the Coordinator for advice about dropping one or more extracurricular activities because she was feeling overwhelmed. According to the Student, the Coordinator answered in such a way as to compare the Student with the Coordinator’s own daughter. The Student told OCR that she felt hurt that the Coordinator compared her to someone else. She attempted to talk to the Coordinator about her feelings a few days later and asked the Coordinator for an apology. The Student told OCR that the Coordinator did not like that the Student asked her to apologize. The Complainant told OCR that she spoke to the Coordinator after this occurred to explain that the Student is on the Autism Spectrum, which can impact her interpersonal skills.

On or around [redacted content], the Student attended a meeting with the Coordinator about an [redacted content] activity to learn about different types of trades. The Student asked the Coordinator about how she could get involved in the activity. OCR reviewed an audio recording of the conversation between the Coordinator and the Student. The following is a summary of an exchange between the Coordinator and the Student about the Student’s continued participation in [redacted content].

- The Coordinator stated that she didn't know how much to push the Student or what to say to her and the Student asked the Coordinator to treat her "as any other person." The Coordinator told the Student that she would be coordinating a summer program and that students would have to be able to do things on their own. The Coordinator said that she would be taking students to Manhattan and that she cannot do that with the Student. She further stated that she did not want to be in the position "where my job comes on the line ... where my comfortness [sic] comes on the line." The Student replied that she did not think that would happen.
- The Coordinator referenced the conversation she had with the Student in the Fall of 2024 in which the Student was upset with something the Coordinator said and asked her to apologize. The Coordinator said that she did not "know how to handle the situation."
- The Coordinator said that her program is personal to her and that whatever she wants for her own children is what she wants for her students. The Student said this was "fine" and the Coordinator replied that "it's not fine for you." The Student asked the Coordinator to clarify what she meant and the Coordinator said that the Student would not be able to handle the intensity and rigor of the program.
- The Student said that she was keeping her grades above a 95, doing a college class, participating in extracurricular activities, and pushing herself outside of her comfort zone.
- The Coordinator said that she had spoken to her director and that the program has to be "very careful" when a student has an IEP.
- When the Student asked the Coordinator if there is a problem because she has an IEP, the Coordinator said that given the rigor of how she conducts the program there are no other students in the program with an IEP.
- The Coordinator stated that she did have one student with an IEP in her program last year whom she was "begged to" include.
- The Student responded that she knows she can handle the program, and the Coordinator said that she does not know if the Student can handle the program.

The Complainant met with the [redacted content] of the School on or around [redacted content], to provide the audio recording and alleged that the Coordinator discriminated against the Student based on disability by making disability-based comments. The Complainant told OCR that the [redacted content] agreed with her concerns, and after the meeting he met with the Coordinator and the Coordinator's supervisor to discuss these concerns. The Complainant said that the [redacted content] that the University told him it would take no action regarding the alleged disability discrimination.

On [redacted content], the Student and other students in [redacted content] received a direct message from the Coordinator stating that [redacted content] "has come to an end at [the School]" and that the Coordinator is "only allowed to continue working with [the students who participated

in the University's summer program]." The Student did not attend the summer program because she already had made other commitments for the summer and would, therefore, be ineligible for [redacted content] based on this new criterion.

Beginning during the [redacted content] school year, the University partnered with School 1, [redacted content], to provide [redacted content] services from [redacted content], pursuant to an undated MOA signed only by [redacted content] School 1. The University did not provide information regarding the specific reason the University terminated the MOA with the School and entered into an MOA with School 1. According to the summary of the University's process for identifying partner schools, termination of an MOA may be based on shifting priorities, implementation challenges, or limited measurable impact, although the University did not represent that any of these reasons apply to the termination of the MOA with the School.

The Student told OCR that upon her return to school for the [redacted content] school year, the Complainant reported to the [redacted content] her belief that the University intentionally excluded the Student from [redacted content] when it made the decision to end [redacted content] at the School and allow only those students at the School who had attended the summer program to continue working with the Coordinator.

During the [redacted content] school year, students at the School who participated in the University's summer program in [redacted content] were permitted by the University to participate in [redacted content] at School 1 after school. However, the Student told OCR that other students at the School who, like her, did not participate in the University's summer program, were nonetheless permitted to participate in [redacted content] at School 1, unlike her. The University confirmed this and told OCR that these students were allowed to participate because they contacted the Coordinator and asked her to allow them to continue their participation.

During the [redacted content] school year, the [redacted content] arranged for the Student to participate in [redacted content] on the campus of a local university. The Student told OCR that doing so was "overwhelming" and "lonely" because the program is not on the campus of the School, and she does not know any of the other students or the teacher. She said that the other students attend another high school together and travel to and from the campus together with the teacher, while the Student travels to and from the campus via rideshare or a family member's vehicle.

Legal Standards

The Section 504 regulation, at 34 C.F.R. § 104.4, and the Title II regulation, at 28 C.F.R. § 35.130(a), provide that no qualified individual with a disability shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under a school's programs or activities on the basis of disability.

When investigating an allegation of different treatment, OCR first determines whether there is sufficient evidence to establish an initial, or prima facie, case of discrimination. Specifically, OCR determines whether a school treated an individual less favorably than similarly situated individuals without disabilities. If so, OCR then determines whether the school had a legitimate,

nondiscriminatory reason for the different treatment. Finally, OCR determines whether the reason given by the school is a pretext, or excuse, for unlawful discrimination.

Analysis

OCR is concerned that the University may have treated the Student less favorably than students without disabilities when it ended [redacted content] at the School and moved the program to School 1, located [redacted content], and created participation criteria that it knew would disqualify the Student.

OCR is further concerned that this decision was a pretext for disability discrimination for the following reasons. The Coordinator made comments to the Student in [redacted content] discouraging her participation in the program that may have been based on stereotypes about students with disabilities before notifying students that [redacted content] was ending at the School. For example, the Coordinator told the Student that the program had to be careful when a student has an IEP, that she did not believe the Student could handle the rigor of the program or do things on her own, that she does not have any other students with IEPs because of the rigor of the program, and that the Student's way of communicating with her, which the Complainant previously explained to her was a result of the Student's diagnosis of Autism, was a problem that she could not deal with.

In addition, the MOA with the School still had two years left when the University pulled [redacted content] from the School and entered into a new MOA with School 1, which is located [redacted content], and to date, the University has not provided OCR with a reason for the decision. Also, when the Coordinator notified the students at the School on [redacted content], that only students who had participated in the University's summer program could participate in [redacted content] at School 1, the Coordinator was aware that the Student had not participated because she coordinated the summer program. In addition, despite notifying [redacted content] students that only those who had participated in the summer program could continue working with the Coordinator during the [redacted content] school year, the Coordinator allowed nondisabled [redacted content] students at the School who had not attended the summer program to participate in the program at School 1, although the Student was not permitted to do so.

On June 29, 2026, the University agreed to implement the enclosed Resolution Agreement, which, when fully implemented, will address the allegations investigated. OCR will monitor the University's implementation of the agreement until the University is in compliance with the terms of the agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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. Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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

We appreciate the University's cooperation in the resolution of this complaint. If you have any questions, please contact Samantha Shofar, the OCR attorney assigned to this complaint, at samantha.shofar@ed.gov.

Sincerely,

/s/

Michael Gerton
Acting Team Leader

Enclosure

cc: [redacted content]