



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

April 30, 2014

Dr. Deedrah Harp, Director of Student Support Services
KIPP Houston (KIPP Liberation College Prep)
10711 KIPP Way
Houston, TX 77099

Re: OCR Docket #06141342

Dear Dr. Harp:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its consideration of the above-referenced complaint filed against KIPP Houston (KIPP Liberation College Prep) (KIPP), which OCR received on April 10, 2014. The complainant alleged that KIPP discriminated against XXX XXX (the Student) on the basis of disability by failing to timely evaluate him and fully implement his Section 504 Plan, and engaged in retaliation, during school year 2013-2014.

This agency is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit disability discrimination by public entities.

KIPP is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdiction to investigate this complaint under Section 504 and Title II.

Based on the complainant's allegation, OCR opened an investigation as to the legal issue of whether KIPP discriminated against the Student on the basis of disability by failing to timely evaluate him and fully implement his Section 504 Plan, and thereby denied the Student a free appropriate public education (FAPE), and engaged in retaliation, during the 2013-2014 school year, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. §§ 104.3-4, and 104.33-36, and 28 C.F.R. § 35.130, respectively. Immediately after OCR opened the investigation, KIPP informed

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR that it was interested in resolving the complaint. Section 302 of OCR's Case Processing Manual provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations.

On April 29, 2014, KIPP voluntarily signed and submitted to OCR a Resolution Agreement to resolve the complaint allegation. A copy of the Resolution Agreement is enclosed. OCR determined that the provisions of the Resolution Agreement are aligned with the complaint allegation and appropriately resolve it. Further, OCR accepts the Resolution Agreement as an assurance that KIPP will fulfill its obligations under Section 504 and Title II with respect to the complaint allegation. The dates for implementation and specific actions are detailed in the Resolution Agreement. OCR will monitor KIPP's implementation of the Resolution Agreement.

Effective the date of this letter, OCR is closing this complaint. This concludes OCR's investigation of the complaint and should not be interpreted to address KIPP'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. The complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that KIPP may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

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

If you have any questions about this letter, please contact me at (214) 661-9600.

Sincerely,

/s/

Justin T. Evans
Supervisory Attorney/Team Leader