

Dr. Susan F. Lusi  
Superintendent of Schools  
Providence Public Schools  
797 Westminster Street  
Providence, Rhode Island 02903

Re: OCR Complaint No. 01-14-1022

Dear Superintendent Lusi:

The United States Department of Education's (Department) Office for Civil Rights (OCR) is writing to inform you that we are closing the complaint that was filed against Providence School District (District), alleging that the District discriminated against a high school student (Student) based on her disability by failing to timely evaluate her to determine what disability-related aids and/or services she might need. Further, the complaint alleged that once a plan for the Student was agreed to, the District failed to fully implement the plan. We are taking this action because, since opening this complaint for investigation, both the District and the Student's attorney (Complainant) independently notified OCR that individualized compensatory services are being offered to the Student and that this action satisfies the individual remedy that was sought on behalf of the Student. Moreover, as described below, the District voluntarily entered into an agreement with OCR that addresses any remaining systemic matters related to the complaint allegations.

OCR accepted this complaint for resolution pursuant to its enforcement authority under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), which prohibits discrimination on the basis of disability in schools that receive Federal financial assistance from the Department, as well as under Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II), which similarly prohibits disability discrimination in public entities operating elementary and secondary educational programs. Since the District receives Federal financial assistance from the Department and is a public entity operating an elementary and secondary school system, it is subject to both Section 504 and Title II.

Since the inception of this case, both parties expressed an interest in resolving this complaint in an informal and expedited manner. Early on in the process, the Complainant informed OCR that she was working with District counsel to resolve the individual concerns regarding the Student, namely compensatory services. On February 20 and 24, 2014, the parties confirmed that matters regarding the Student had been resolved. At this time, the District also expressed a formal interest in voluntarily resolving the remainder of the systemic concerns in an expedited manner through Section 302 of OCR's Case Processing Manual.

After working with the District to craft an agreement, on May 5, 2014, OCR obtained the resulting agreement (enclosed) signed by the Superintendent, the contents of which are explicitly designed to fully resolve the complaint allegations. The agreement includes commitments by the District to develop

and submit for OCR's approval a protocol for providing education and services to students with disabilities who attend a receiving school for grades 7-12; develop and submit for OCR's approval procedures for the identification, evaluation and placement of students who need or are believed to need accommodations and related services pursuant to Section 504 and Title II; and develop and submit to OCR its process for affording parents/guardians the right to an impartial due process hearing on issues related to the identification, evaluation, and placement of students with disabilities. The District will also revise, if necessary, its notice of procedural safeguards to explain to parents/guardians how to pursue a hearing; and provide training to a Section 504 Coordinator and an alternate at each school or site on Section 504/Title II and the District's Section 504 policies. OCR has discussed the terms of the Agreement with the Complainant.

OCR finds that the resolution offered by the District under the agreement is aligned with the allegations and is consistent with Title II and Section 504. Accordingly, we are closing this complaint as of the date of this letter. Consistent with our usual practice, OCR will monitor the District's implementation of the agreement. OCR will close the monitoring of this matter, and will notify the parties in writing of the monitoring closure, once it determines that the District has satisfied the terms of the agreement. The District has agreed to provide OCR with an initial monitoring report by June 1, 2014.

The matters addressed in this letter are not intended and should not be construed to cover any other issues regarding the District's compliance with the regulations implementing Title II or Section 504, or the other laws enforced by OCR that may exist but are not discussed here. This letter is a resolution letter issued by OCR to address an individual OCR case. Resolution letters contain fact-specific investigative findings and dispositions of individual cases. Resolution letters are not formal statements of OCR policy and they 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.

Please note that the Complainant may have the right to file a private law suit regarding the matters raised in this case, whether or not OCR identified compliance concerns. Also, 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, OCR will seek to protect all personal information to the extent provided by law that, if released, could constitute an unwarranted invasion of privacy.

Thank you for your diligence in resolving this matter. If you have any questions or concerns about the information contained in this letter, please feel free to contact Amy Hunter, Civil Rights Attorney, at (617) 289-0057 or via email at [amy.hunter@ed.gov](mailto:amy.hunter@ed.gov). You may also call me at (617) 289-0037.

Sincerely,

Anthony Cruthird  
Team Leader/Civil Rights Attorney

Enclosure

Cc: Andrew D. Henneous, District Counsel