

October 5, 2016

Rafael Román Meléndez
Secretary of Education
Puerto Rico Department of Education
P. O. Box 190759
San Juan, Puerto Rico 00919-0759

Re: Case No. 02-16-1289
Puerto Rico Department of Education

Dear Secretary Román Meléndez:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR) in the above-referenced complaint filed against the Puerto Rico Department of Education (PRDOE). The complainant alleged that the PRDOE discriminated against her son (the Student), on the basis of his disability from April 12, 2016, through May 1, 2016, by failing to provide him with speech and language therapy, psychological therapy, and occupational therapy as required by his individualized education program (IEP), or Programa Educativo Individualizado (PEI) for school year 2015-2016.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 educational programs or activities receiving financial assistance from the U.S. Department of Education (the Department). OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. Under the ADA, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The PRDOE is a recipient of financial assistance from the Department and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under Section 504 and the ADA.

On April 27, 2016, OCR contacted the PRDOE to provide notice of the complaint and initiate OCR's Rapid Resolution Process (RRP). OCR reviewed documentation the complainant and the PRDOE submitted. OCR made the following determinations.

During school year 2015-2016, the Student was in a XXXXXXXXXXXXXX program at XXXXXX XXXXXXXX XXXXXX in the Guayama District of the PRDOE. The Student was classified by the

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, it 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 regarding OCR's determination, please contact Joy M. Purcell, Compliance Team Attorney, at (646) 428-3766 or joy.purcell@ed.gov; or Félice Bowen, Compliance Team Leader, at (646) 428-3806 or felice.bowen@ed.gov.

Sincerely,

/s/

Félice A. Bowen
Compliance Team Leader

Encl.

cc: XXXXXXXXX XXXXXXXXX, Esq.