



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

August 28, 2019

IN RESPONSE, PLEASE REFER TO #03161175

Dr. Kimberly A. Hill
Superintendent
Charles County Public Schools
khill@ccboe.com
Sent via email only

Dear Dr. Hill:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation and reached a determination regarding the above-referenced complaint filed against Charles County Public Schools (the District). The Complainant (XXXXXXXXXXXX) alleged that the District discriminated against her son, XXXXXXXXXXXX (the Student) on the basis of disability at XXXXXXXXXXXXXXXXXXXXXXXXXXXX (School) by:

XX – Paragraphs Redacted – XX

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973 (Section 504) 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 from the Department.
- Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and their implementing regulations.

OCR applies a preponderance of the evidence standard to determine whether the evidence is sufficient to support a particular conclusion. Specifically, OCR examines the evidence in support of and against a particular conclusion to determine whether the greater weight of

of non-disabled students are met, and that are developed in accordance with the procedural requirements of 34 C. F. R. §§104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections. Implementation of an individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA) is one means of meeting these requirements. 34 C.F.R. §104.33(b) (2)

Factual Summary

The Student has a disability, and as a result, the Student requires an IEP XXXXXXXX
XX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

XX – Paragraphs Redacted – XX

To resolve the compliance concerns identified above, the District entered into the attached Resolution Agreement, signed on August 23, 2019. When fully implemented, the Resolution Agreement will address these compliance concerns. As is our usual practice, OCR will monitor the District’s implementation of the Resolution Agreement.

XX – Paragraph Redacted - XX

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because 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.

Thank you for your cooperation in this matter. If you have any questions, please contact Pam Darville, Attorney, at 215-656-8599 or Pam.darville@ed.gov.

Sincerely,

/s/

Joseph P. Mahoney
Program Manager

Enclosure

cc: Rochelle Eisenberg, Esq. reisenberg@pklaw.com