



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV**

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April 18, 2018

Office of the Superintendent
Mr. Alberto Carvalho
Miami-Dade County Public Schools
1450 N.E. Second Avenue, Suite 912
Miami, Florida 33132

Re: OCR Docket #04-18-1186
Notification and Resolution Letter

Dear Mr. Carvalho:

This letter is to advise you of the disposition of the above-referenced complaint filed on January 8, 2018, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Miami Dade County Public Schools. The Complainant, XXXXX, alleged that her XXXXX (Student) was discriminated against based on disability.

OCR is responsible for enforcing 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. OCR also enforces 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 and public entity, the District is subject to Section 504 and Title II.

In this complaint, OCR elected to resolve the allegation prior to issuing a letter of notification to the District by employing the Rapid Resolution Process (RRP). RRP is an expedited case processing approach that provides an opportunity to resolve complaints and to obtain information and make determinations early. Here, OCR worked closely with the District representative, Ms. Nicole Robertson, to resolve the Complainant's allegation that the District discriminated against the Student based on his disability.

Specifically, OCR sought resolution of the following legal issue:

- Whether the District failed to timely evaluate the Student during the 2017-18 school year, in non-compliance with Section 504 implementing regulation, at 34 C.F.R. § 104.33.

Prior to OCR making a final determination, the District expressed an interest in resolving the allegation. On April 5, 2018, the District signed the enclosed Resolution Agreement, which,

when fully implemented, will address the allegation in the complaint. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address District 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.

Please be advised that the District 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 individual 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.

The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

OCR thanks Ms. Nicole Robertson for the courtesy and cooperation extended to OCR during its investigation. If you have any questions, please contact Lorraine Irier, the OCR attorney assigned to this complaint, at 404-974-9349 or lorraine.rier@ed.gov.

Sincerely,

/s/

Arthur Manigault
Compliance Team Leader

Enclosure: Resolution Agreement (signed)

cc: Nicole Robertson, Director Office of Civil Rights Compliance (nrobertson@dadeschools.net)