



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

October 23, 2013

Stan Rheingans
Superintendent
Dubuque Community School District
2300 Chaney Road
Dubuque, IA 52001

Re: OCR Docket # 05-13-1260

Dear Mr. Rheingans:

This is to advise you of the disposition of the above-referenced complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on March 26, 2013, against the Dubuque Community School District (District), alleging discrimination on the basis of disability. Specifically, the complaint alleges that, in October and November 2012, the District subjected Student A to a hostile environment when students harassed her because of her disability and the District was aware of the harassment but failed to take prompt and effective action to address it.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans With Disabilities Act, 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Title II prohibits discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR's investigation, the District requested to resolve the complaint. Subsequent discussions with the District resulted in the District signing the enclosed Resolution Agreement (Agreement) which, when fully implemented, will resolve the issues raised in the complaint. The provisions of the Agreement are aligned with the complaint allegations and the information obtained to date during our investigation, and are consistent with the applicable regulations. OCR will monitor the District's implementation of the Agreement.

Page 2 – Mr. Rheingans

If you have any questions or concerns, you may contact Melissa Howard, OCR Attorney, at (312) 730-1527 or Melissa.Howard@ed.gov.

Sincerely,

Karen E. Tamburro
Supervisory Attorney

Enclosure

cc: Jason Lehman, Esq.