



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

March 28, 2014

Mr. Cory Klabunde  
Executive Director  
PACT Charter School  
7250 East Ramsey Parkway  
Ramsey, Minnesota 55303

Re: OCR #05-14-1064

Dear Mr. Klabunde:

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 November 11, 2013, against PACT Charter School (School) alleging discrimination on the basis of disability. Specifically the Complainant alleged that the School discriminated against her son, a former student at the School (Student A), based on disability (Autism and Speech/Language Impairment) when:

- 1.) During the 2012-2013 school year students harassed Student A on the bus and the School had notice of the harassment and failed to respond adequately; and,
- 2.) From September 2013-October 2013 students harassed Student A on the bus and at the School and the School had notice of the harassment and failed to respond adequately.

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. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA). OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. As a recipient of FFA from the Department and a public entity, the School 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 expressed an interest in resolving the complaint. On March 28, 2014, the School signed the enclosed agreement (Agreement) which, when fully implemented, will fully address the issues raised in the complaint. The provisions of the Agreement are aligned with the issues raised by the allegation and the information obtained during OCR's investigation and are consistent with the applicable regulations. OCR will monitor the School's implementation of the Agreement. We look forward to receiving the School's first report on its implementation of the Agreement, which is due by June 1, 2014.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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Please be advised that the School 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 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 provide by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation extended to OCR during the resolution of this complaint. If you have any questions about this determination, please feel free to contact me or Emily Martin, Equal Opportunity Specialist, at 312-730-1560.

Sincerely,

Ann Cook-Graver  
Supervisory Attorney

Enclosure

cc: Monica Lonergan  
Director of Special Education  
Innovative Special Education Services  
(via email)