



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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February 4, 2019

Superintendent Raquel Reedy  
Albuquerque Public School District  
P.O. Box 25704  
Albuquerque, NM 87125-8864

*Sent via email only to superintendent@aps.edu & XXXX*

Re: Albuquerque Public School District  
Case Number: 08-19-1160

Dear Superintendent Reedy,

On January 15, 2019, we received a complaint alleging Albuquerque Public School District (District) discriminates on the basis of disability. Specifically, the complainant alleges the District, at Desert Ridge Middle School (School), discriminates against persons with mobility disabilities by not providing an accessible passenger loading zone along the School's designated student pick-up/drop-off area.

We are responsible for enforcing Section 504 of the Rehabilitation Act of 1973 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; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit 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 and regulations. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On January 17, 2019, we contacted the District and provided notice of the complaint. The District informed OCR that it had recently added three curb ramps along the designated student drop-off/pick-up zone in December 2018 in an effort to increase the accessibility of the student pick-up/drop-off area for the complainant's child and other students with mobility disabilities. The District recognizes that despite its best efforts, the passenger loading zone needs additional changes. To that end, the District's Americans with Disabilities Act (ADA) Construction/Facilities Design & Construction Manager, explained that the District continues to seek guidance from engineers and architects to address unique challenges on the site (changes in elevation, vehicular way route constrictions, and so forth).

The District expressed to OCR that it is willing to take future actions and as such, expressed an interest in voluntarily entering into an agreement to resolve the allegations and ensure

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

compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations.

On January 31, 2019, we received the District's signed Resolution Agreement (enclosed). OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. OCR will closely monitor the recipient's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively and that the recipient's policies and practices are administered in a nondiscriminatory manner. When the Agreement is fully implemented, the allegation will have been resolved consistent with the requirements of Section 504 and Title II, and their implementing regulations. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions, as described in the Agreement.

Please also note that the complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law.

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, personal information, which if released, could constitute an unwarranted invasion of privacy.

We are committed to prompt and effective service. If you have any questions, please contact XXXX, the Equal Opportunity Specialist assigned to this case at XXXX or by email at XXXX@ed.gov or me at XXXX or by email at XXXX.

Sincerely,

/S/

Thomas M. Rock  
Supervisory General Attorney  
Denver Enforcement Office

Enclosure – Resolution Agreement

cc: XXXX, District Office of Equal Opportunity Services (OEOS), via email only

cc (w/o enclosure): Christopher Ruszkowski (Secretary NMPED), via email at [c.ruszkowski@state.nm.us](mailto:c.ruszkowski@state.nm.us)