



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

August 10, 2020

Ms. Raquel Reedy
Superintendent
Albuquerque Public Schools
6400 Uptown Blvd. NE
Albuquerque, NM 87110

Sent via email to [XXXX](#)

**Re: Albuquerque Public Schools
OCR complaint number 08-20-1179**

Dear Superintendent Reedy:

This letter is to inform you of the disposition of the above-referenced complaint filed against Albuquerque Public School (the District) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The issues that OCR accepted for investigation in this case are:

- 1) whether the District, on the basis of disability, excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination in its programs and activities because its facilities were inaccessible to persons with disabilities, in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.21 and the regulation implementing Title II at 28 C.F.R. § 35.150; and
- 2) whether the District failed to address complaints of disability discrimination, in violation of Section 504 at 34 C.F.R. § 104.7 and in violation of the regulation implementing Title II at 28 C.F.R. § 35.107(8).

We are responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulation Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education; 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, 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>.

Section 504 and Title II states a recipient shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

To date, OCR has investigated this complaint by reviewing information provided by the complainant.

Prior to the completion of OCR's investigation, the District asked to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual (CPM), and the District submitted a signed resolution agreement (the Agreement) to OCR. When fully implemented, the Agreement will resolve the allegations in the complaint.

In light of the commitments the District has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the District implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issues raised.

If the District fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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 harmed individual may file a complaint alleging such treatment.

The complainant may file a private suit in federal court, whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we protect personal information to the extent provided by law.

If you have any questions, please contact me at 303-844-2557 or David Sumners, Equal Opportunity Specialist at 303-844-4512 or David.Sumners@ed.gov

Sincerely,

/s/

Stephen Chen
Program Manager

cc: Dr. Steward, Secretary of Education, New Mexico Public Education Department