



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVE. S.W.,  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, D.C.

January 24, 2014

Kaya Henderson  
Chancellor  
District of Columbia Public Schools  
1200 First Street, NE  
Washington, DC 20002

Re: OCR Complaint No. 11-13-1178  
Resolution Letter

Dear Ms. Henderson:

This letter is to notify you of the conclusion of our investigation of a complaint that was filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), on April 12, 2013, against the District of Columbia Public Schools (the District). In the complaint, filed on behalf of a former student in the District (the Student), the Complainant alleged discrimination on the basis of disability (XXXX). Specifically, the Complainant alleged that the District failed to provide the Student with a free appropriate public education (FAPE).

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, 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), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public educational systems, regardless of whether they receive financial assistance from the Department. The District is a recipient of financial assistance from the Department and a public entity and therefore is subject to the provisions of Section 504 and Title II.

Pursuant to Section 302 of OCR's Case Processing Manual, OCR discussed resolution options with the District. The District expressed an interest in resolving the complaint prior to the completion of OCR's investigation. On January 13, 2014, the District signed a voluntary resolution agreement (copy enclosed), which, when fully implemented, will resolve the complaint. The provisions of the agreement are aligned with the allegation raised in the complaint and information obtained during the course of OCR's investigation, and are consistent

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by fostering educational excellence and ensuring equal access.*

with the applicable regulations. OCR has notified the Complainant of the voluntary resolution agreement and we will monitor implementation of the agreement.

We have advised the Complainant that the District may not harass, coerce, intimidate, or discriminate against any individual for filing a complaint or participating in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment. Also, under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

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

We appreciated the assistance of the District and its counsel during the resolution of this complaint. If you have any questions, feel free to contact either Ms. Tracey Solomon, Investigator at (202) 453-5930 or via e-mail [tracey.solomon@ed.gov](mailto:tracey.solomon@ed.gov) or Ms. Jane Ehrenfeld, Attorney at (202) 260-0790 or via e-mail [jane.ehrenfeld@ed.gov](mailto:jane.ehrenfeld@ed.gov) or Mr. Alessandro Terenzoni, Attorney at (202) 453-5921 or via e-mail [alessandro.terenzoni@ed.gov](mailto:alessandro.terenzoni@ed.gov).

Sincerely,

/s/

Rachel Glickman  
Team Leader  
District of Columbia Office  
Office for Civil Rights

Enclosure