



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

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

February 6, 2014

Dr. Karen Garza
Superintendent
Fairfax County Public Schools
8115 Gatehouse Road
Falls Church, Virginia 22042

Re: OCR Complaint No. 11-13-1290
Letter of Finding

Dear Dr. Garza:

On July 29, 2013, the District of Columbia Office of the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint of discrimination against Fairfax County Public Schools (Division). The Complainant filed the complaint on behalf of his son (Student), who attended XXXX (School), and alleged that the Division discriminated against him on the basis of disability (XXXX) when teachers at the School failed to implement the Student's Section 504 Plan provision for receiving a modified workload.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also is a designated agency with authority to enforce Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. The Division receives Federal financial assistance from the Department and is a public entity; therefore, we have jurisdiction over it pursuant to Section 504 and Title II. We have jurisdiction over the allegations since the complaint alleges discrimination under these laws.

Pursuant to Section 302 of OCR's *Case Processing Manual*, OCR discussed resolution options with the Division. During the course of OCR's investigation, the Division expressed an interest in resolving the complaint under a voluntary resolution agreement, which is attached. The Division signed the enclosed agreement 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 with the applicable regulations. OCR will monitor implementation of the agreement.

We have advised the Complainant that the Division 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. The complainant 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 Division during the resolution of this complaint. If you have any questions, feel free to contact Sebastian Amar at 202-453-6023 or Sebastian.Amar@ed.gov, or Amy S. Williams at 202-453-5933 or Amy.S.Williams@ed.gov.

Sincerely,

/s/

Dale Rhines
Acting Team Leader
Office for Civil Rights
District of Columbia Office

Enclosure