



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.

July 7, 2014

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

Re: OCR Complaint No. 11-14-1023  
Resolution Letter

Dear Ms. Henderson:

This letter is to notify you of the outcome of the complaint that was filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), against XXXX School (the School). The Complainant alleged that the District discriminated against his daughter (the Student) on the basis of disability. Specifically, he alleged that the District discriminated against the Student based on her disability when:

1. In May 2013, the District failed to evaluate the Student; and
2. After the District completed an evaluation in October 2013, the District failed to develop a Section 504 Plan for the Student for the 2013-2014 school year.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) 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) and its implementing regulation at 28 C.F.R. Part 35, 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. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

Pursuant to Section 302 of OCR's Case Processing Manual, OCR discussed resolution options with the District. During the course of OCR's investigation, the District expressed an interest in resolving the complaint under a voluntary resolution agreement. The District signed the enclosed agreement which, when fully implemented, will resolve the complaint. The provisions of the agreement are aligned with the complaint and information obtained during the course of

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

OCR's investigation, and are consistent with the applicable regulations. OCR will monitor implementation of the agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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.

Please be advised that the District may not retaliate against an individual who asserts a right or privilege under a law enforced by OCR or who files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR. 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 personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, feel free to contact Tracey Solomon at (202) 453-5930 or via e-mail at [tracey.solomon@ed.gov](mailto:tracey.solomon@ed.gov) or Duane Scott at (202) 453-6596 or via e-mail at [duane.scott@ed.gov](mailto:duane.scott@ed.gov).

Sincerely,

/S/

Alessandro Terenzoni  
Team Leader, Team II  
District of Columbia Office  
Office for Civil Rights

Enclosure