



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.

January 21, 2015

Ms. Shantelle Wright
Head of School
908 Wahler Place SE
Washington, D.C. 20032

RE: OCR Complaint No. 11-14-1265
Resolution Letter

Dear Ms. Wright:

This letter is to notify you of the disposition of the above-referenced complaint that was filed on June 16, 2014, against the Achievement Preparatory Academy (the Academy). The Complainant filed the complaint on behalf of a student (the Student) who attended the Academy for the 2013-2014 school year. The Complainant alleges that the Academy discriminated against the Student on the basis of disability. Specifically, the complaint alleges that, during the 2013-2014 school year, the Academy repeatedly sent the Student home early and placed her in the reset room without first evaluating her to determine her eligibility for special education or related aids and services.

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. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding. 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.

The Academy expressed a willingness to resolve the issues in the complaint prior to the completion of OCR's investigation and, pursuant to Section 302 of OCR's *Case Processing*

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

Manual, OCR discussed resolution options with the Academy. On January 12, 2015, the Academy signed a voluntary resolution agreement (copy enclosed), which, when fully implemented, will resolve the complaint. OCR will monitor implementation of this agreement, which includes provisions that are consistent with the applicable regulations, and are aligned with the allegations raised in the complaint and information obtained during the course of OCR's investigation. OCR has also notified the Complainant of the voluntary resolution agreement.

This concludes OCR's investigation of this complaint. OCR is closing this complaint investigation effective the date of 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 Academy 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.

OCR appreciates the cooperation of the Academy in the resolution of this complaint, and the assistance of the Academy's attorney, Ms. Jennifer Segal. If you have any questions or concerns regarding this letter, please contact the OCR staff assigned to this complaint, Sara Clash-Drexler, at (202) 453-5906 or at sara.clash-drexler@ed.gov or Karen WalkingEagle, at (202) 453-6614 or at karen.walkingeagle@ed.gov.

Sincerely,

/S/

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