



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, DC

June 14, 2018

Via Email at susan.schaeffler@kipfdc.org

Susan Schaeffler
Chief Executive Officer
KIPP DC Headquarters
2600 Virginia Ave NW, Suite 900
Washington, DC 20037

RE: OCR Complaint No. 11-18-1163
Resolution Letter

Dear Ms. Schaeffler:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on February 5, 2018 against KIPP DC Public Charter Schools (the Organization). The complaint alleged that the Organization discriminates against students with disabilities in the Section 504 eligibility process. Specifically, the complaint alleged that the Organization refuses to complete a Section 504 Plan unless a student has a letter confirming a diagnosis from an outside pediatrician or psychiatrist; the Organization will not accept evaluations from school psychologists.

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 Organization receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

Before OCR completed its investigation, the Organization expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement.

Pursuant to Section 302 of OCR's *Case Processing Manual*, the Organization signed the enclosed Resolution Agreement on June 14, 2018 which, when fully implemented, will resolve the allegation raised in this complaint. The provisions of the Agreement are aligned with the allegation and issues raised in the complaint and the information obtained during OCR's investigation, and are consistent with applicable law and regulation. OCR will monitor the Organization's implementation of the Agreement until the Organization has fulfilled the terms 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.

the Agreement. Failure to implement the Agreement could result in OCR reopening the complaint.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the Organization'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. Complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Organization must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. 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.

We appreciate the Organization's cooperation in the resolution of this complaint. If you have any questions, please contact Dana Russo, the OCR attorney assigned to this complaint, at 202-453-6559 or dana.russo@ed.gov.

Sincerely,

Michael Hing
Team Leader, Team 1
District of Columbia Office
Office for Civil Rights

Enclosure

cc: XXX