



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

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January 26, 2015

Ms. Barbara Byrd-Bennett
Chief Executive Officer
Chicago Public Schools, District #299
125 South Clark Street
Chicago, IL 60603

Re: OCR # 05-14-1362

Dear Ms. Byrd-Bennett:

This is to advise you of the disposition of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) on September 17, 2014 against the LEARN Romano Charter School (School) of the Chicago Public Schools District 299 (District) alleging discrimination on the basis of disability.

Specifically, the Complainant alleged that the District discriminated against Student A from XXXXXX to XXXXX by failing to evaluate him to determine whether he is a student with a disability, despite ongoing evidence that he is in need of such an evaluation.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance (FFA). OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131-12134, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of FFA from the Department and a public entity, the District is subject to these laws.

In accordance with Section 302 of OCR's *Case Processing Manual* a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR's investigation, the District requested to resolve the complaint. Subsequent discussions with the District resulted in the District signing the enclosed agreement (Agreement) which, when fully implemented, will resolve the issues raised in the complaint. The provisions of the Agreement are aligned with the complaint allegation and the information obtained during OCR's investigation and are consistent with the applicable regulations.

OCR will monitor the District's implementation of the Agreement. Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process.

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

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR wishes to thank District staff, particularly Flavio Parra and Dalila Bentley, for their cooperation during the investigation.

We look forward to receiving the District's first monitoring report, which is due no later than March 27, 2015. If you have any questions regarding this matter, please do not hesitate to contact Lauren Lowe, Attorney, at 312-730-1584 or by email at lauren.lowe@ed.gov.

Sincerely,

Aleeza Strubel
Supervisory Attorney

Enclosure

Cc: Susan O'Keefe, Deputy General Counsel
Dalila Bentley, EOCO Administrator
Flavio Parra, Investigator