



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

January 12, 2021

Superintendent Denise Juneau
Office of the Superintendent
Seattle School District No. 1
MS: 32-150
P.O. Box 34165
Seattle, Washington 98124-1165

sent via E-mail

Dear Superintendent Juneau:

The United States Department of Education (Department), Office for Civil Rights (OCR), hereby informs you that it is initiating a directed investigation of Seattle Public Schools (District) due to disturbing reports involving the District's provision of educational services to children with disabilities during the COVID-19 pandemic. For example, according to one local news report last spring the District told its special education teachers "not to deliver specially-designed instruction," and disallowed them from "adapt[ing] lessons to each child's needs."¹ Accordingly, OCR is concerned that the District has failed to provide a "free appropriate public education" (FAPE) to each qualified student with a disability as required by federal law and denied students with disabilities equal access to education.

Pursuant to its regulatory authority set forth in 34 C.F.R. § 104.61,² OCR will initiate an investigation whenever a report, complaint, or other information indicates a possible failure to comply with the laws and regulations enforced by OCR.³

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities, including public elementary and secondary educational institutions.

OCR's directed investigation will examine whether the District has excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination under any program or activity, in violation of Section 504 and its implementing regulation, at 34 C.F.R. § 104.4, and the regulation implementing Title II, at 28 C.F.R. § 35.130.

¹ See, e.g., Ann Dornfeld, *Seattle special education students have gone months with few services. Will fall be different?* KUOW (Aug. 17, 2020), <https://www.kuow.org/stories/families-of-seattle-special-education-students>.

² Incorporating the procedural provisions applicable to Title VI of the Civil Rights Act of 1964 found in 34 C.F.R. §§ 100.6-100.10 and 34 C.F.R. Part 101.

³ See also § 402 of OCR's *Case Processing Manual*: <https://www2.ed.gov/about/offices/list/ocr/docs/ocrspm.pdf>

I emphasize that initiating a directed investigation in no way indicates that a violation exists.

The OCR Seattle regional office will conduct this directed investigation. OCR will contact District officials within a week of the date of this letter to arrange for the next steps in the investigation, including requesting access to data and personnel. Should you have any questions, please do not hesitate to contact JD Hsin, OCR Senior Counsel, at (202)-453-7901 or jd.hsin@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly M. Richey', with a long, sweeping flourish extending to the right.

Kimberly M. Richey
Acting Assistant Secretary for Civil Rights

cc: Greg Narver, Chief Legal Counsel
Via e-mail only to: gcnarver@seattleschools.org

Superintendent Chris Reykdal
Office of the Superintendent of Public Instruction
Via e-mail only to: superintendent@k12.wa.us