

OVERVIEW OF CASE PROCESSING WITH THE OFFICE FOR CIVIL RIGHTS (OCR)

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in any program or activity operated by recipients of federal funds from the U.S. Department of Education. Section 504 covers all public schools and school districts (including charter schools), state and local education agencies, and most colleges and universities.

Docketing, Acknowledgement, and Consent

Upon receiving a complaint, OCR assigns a case number and promptly acknowledges receipt of the complaint in writing. The acknowledgement will be sent via email or mail, depending on how the complaint was filed.

When it is necessary to disclose the identity of the complainant to the recipient in order to resolve the complaint, OCR will require written consent before proceeding. The complainant will be informed that the complaint will be dismissed if written consent is necessary for OCR to resolve the complaint and consent is not received within 20 calendar days of the date that OCR requests the Consent Form from the complainant.

Evaluation

When evaluating a complaint, OCR considers:

- whether the complaint was filed within 180 calendar days of the alleged discriminatory act and if not, whether to grant a waiver (if requested) pursuant to Section 107 of OCR's [Case Processing Manual](#) (CPM);
- whether an allegation must be dismissed based any of the reasons set forth in Section 108 of the CPM; and
- what, if any, allegations will be opened for investigation.

After evaluating the complaint, OCR generally notifies the complainant, in writing, of the allegation(s) OCR is dismissing and/or opening for investigation. OCR will notify the recipient of a complaint if and when it opens one or more allegations for investigation.

Investigation

During OCR's investigation, OCR may use a variety of investigatory tools, including reviewing records, interviewing witnesses, conducting surveys, and performing data analyses.

Once OCR opens an investigation, OCR may use the following options to resolve an allegation:

- **Rapid Resolution Process (RRP):** This is an expedited process OCR can use to resolve allegations prior to or after opening an investigation. During RRP, OCR works with the recipient to ensure it has or will take steps to resolve any potential concerns about the recipient's compliance with the laws enforced by OCR.
- **Facilitated Resolution Between the Parties (FRBP):** This process involves the parties voluntarily attempting to resolve the allegations through a confidential, mediation-like process, with an OCR staff member as the facilitator. If FRBP is unsuccessful, the investigation of the allegation(s) will proceed.
- **302 Resolution Agreement:** A recipient may agree to resolve an allegation voluntarily, without admitting wrongdoing, by entering a 302 Resolution Agreement, the terms of which are negotiated between the recipient and OCR.

Continued on next page...

- **303(a) Finding of Insufficient Evidence:** If OCR finds insufficient evidence of an alleged violation, OCR will issue a letter of findings explaining this outcome to the complainant and recipient.
- **303(b) Finding of Non-Compliance and Resolution Agreement:** If, based on a preponderance of the evidence, OCR determines that a recipient has failed to comply with applicable statutes and laws, OCR will issue a letter of findings explaining this outcome to the parties. The recipient and OCR will also negotiate the terms of a 303(b) Resolution Agreement that will detail the step(s) the recipient will take to come into compliance.
- **Dismissal:** When a complaint allegation is dismissed pursuant to Section 108 of the CPM after the complaint allegation has been opened for investigation, OCR will issue a letter to the complainant and recipient explaining the reason for the decision.

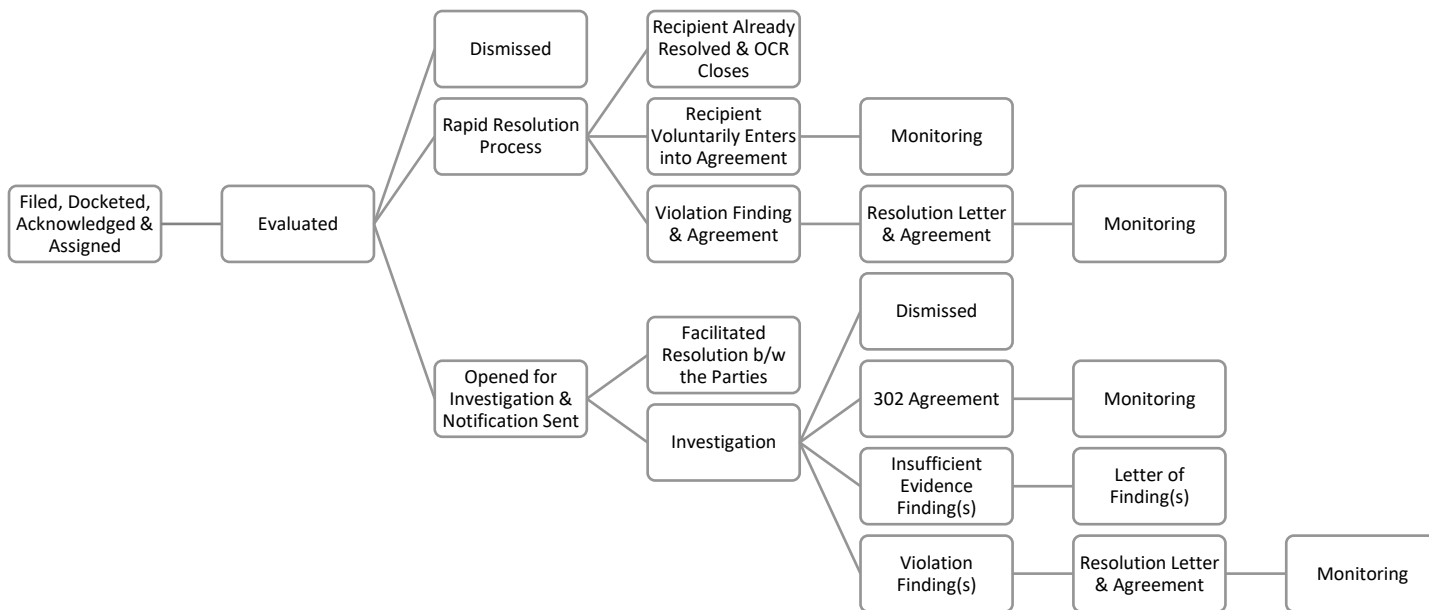
Examples of Possible Resolution Agreement Terms:

- Section 504 or IEP team meeting to discuss compensatory education or other remedial measures
- revisions to policies, procedures, and forms
- staff trainings
- new programming
- an opportunity to reapply or reenroll

Monitoring

If a complaint allegation is resolved with a 302 or 303(b) Resolution Agreement, OCR will monitor the recipient’s implementation of the terms of the agreement until OCR determines that the recipient has complied with the Resolution Agreement.

Overview of OCR’s Case Processing



Additional Information

For additional information:

- visit www.ed.gov/ocr;
- review [OCR’s Case Processing Manual](#);
- visit www2.ed.gov/about/offices/list/ocr/complaintprocess.html; and
- visit <https://ocr.cas.ed.gov/ocr-search>.