



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

October 30, 2014

XXXXXXXXXX

Superintendent
McIntosh County Schools
200 Pine Street
Darien, GA 31305

Re: OCR Complaint # 04-14-1670

Dear XXXXXXXX:

On July 17, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against McIntosh County Schools (District), alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District discriminated her grandson (Student) when the District failed to implement the Student's Individual Education Plan (IEP) for the 2013-2014 school year by not breaking the Student's tests into smaller parts.

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; and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, 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 Federal financial assistance from the Department and a public entity, the District is subject to Section 504 and Title II.

Based on the allegations, OCR investigated the legal issue of whether the District denied the Student a free appropriate public education (FAPE) when it failed to implement the Student's IEP for the 2013-2014 school year by not breaking longer tests into smaller parts, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a).

After OCR commenced its investigation, the District offered to resolve the complaint allegations. Pursuant to OCR's procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve the complaint. Based on the foregoing, OCR accepted the District's request to resolve this complaint and the District entered into the enclosed Resolution Agreement (Agreement), which when fully implemented, will resolve the issues in this complaint.

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by fostering educational excellence and ensuring equal access.*

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OCR will monitor the District's implementation of this Agreement to ensure that it is fully implemented. If the District fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II.

In accordance with agency procedures, the District is reminded that intimidation or retaliation against complainants by recipients of Federal financial assistance is prohibited. No recipient shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint or participated in any manner in an investigation in connection with a complaint.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive 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.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. part 104 and Title II, at 34 C.F.R. Part 35, which is at issue in this case.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have any questions regarding this letter, please contact XXXXXXXX.

Sincerely,

XXXXXXXXXX
Compliance Team Leader

Enclosure