



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

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

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June 3, 2015

Dr. John L. Ruis
Superintendent of Schools
Nassau County School District
1201 Atlantic Avenue
Fernandina Beach, FL 32034

Re: Complaint #04-15-1198

Dear Dr. Ruis:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its complaint resolution process regarding the above-referenced complaint filed against the Nassau County School District (District) alleging disability discrimination and retaliation. The Complainant alleged that the District subjected XXX XXX (Student) to disability discrimination and retaliated against her. Specifically, the Complainant alleged the following:

1. The District denied the Student a free appropriate public education (FAPE) by failing to implement his Individualized Education Plan (IEP) during the 2013-2014 and 2014-2015 school years.
2. The District failed to respond to her complaints that the Student's IEP was not being implemented at XXXX XXXX XXXXXX XXXXXXXXXXXX XXXXXX (School) during the 2014-2015 school year.
3. The District failed to educate the Student in the least restrictive environment by placing him on home study instruction during the 2014-2015 school year for an incident that was determined to be a manifestation of his disability without offering him an opportunity to return to the regular school environment so he could be educated with students without disabilities.
4. The District retaliated against her after she advocated for the Student's disability rights by offering the Student placement in a counseling program for students with XXXXXXXXXXXX XXXXXXXXXXXX, which is not the Student's disability.

OCR investigated the complaint pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability and retaliation in any program or activity receiving Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability and retaliation by a public entity. As a recipient of Federal financial assistance from

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the Department and as a public entity, the District is subject to the provisions of Section 504 and Title II.

During OCR's investigation of this complaint, the District offered to resolve this complaint. Pursuant to Section 302 of OCR's *Case Processing Manual (CPM)*, a complaint may be resolved when, before the conclusion of an investigation, the recipient or public entity expresses an interest in resolving 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.

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. Further, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. Furthermore, the District is advised that the Complainant may file a private lawsuit regardless of whether OCR finds a violation of Section 504 and Title II.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

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. If this happens, the Complainant may file another complaint alleging such treatment.

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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

If you have any questions, please contact Ms. Ledondria H. Saintvil, at (404) 974-9373, or me, at (404) 974-9367.

Sincerely,

Ebony Calloway-Spencer, Esq.
Compliance Team Leader

Enclosure