



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

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

REGION IV
ALABAMA
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December 9, 2013

Dr. Jesse Register, Director
Metropolitan Nashville Public Schools
2501 Bransford Avenue
Nashville, TN 37204

Re: Complaint #04-13-1333

Dear Dr. Register:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint which was filed on May 21, 2013, against the Metro-Nashville Public Schools (District), alleging discrimination based on disability. Specifically, the Complainant alleged that the District discriminated against her son (Student) when the Student's teacher engaged in disability harassment when she called him a derogatory name and subjected him to physical and emotional abuse.

OCR investigated this complaint pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by public entities. The District is a recipient of FFA from the Department and a public entity. Accordingly, OCR had jurisdiction over this complaint.

OCR investigated the legal issue of whether the District subjected the Student to a hostile environment based on disability when his teacher engaged in disability harassment by calling him a derogatory name and subjecting him to physical and emotional abuse, in noncompliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4(a) and (b), and Title II and its implementing regulation at 28 C.F.R. § 35.130(a).

During OCR's investigation, the District offered to voluntarily resolve the complaint issue. Pursuant to § 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Based on the foregoing, OCR accepted the District's request to resolve this complaint.

On December 6, 2013, OCR received the enclosed signed Resolution Agreement (Agreement) which, when fully implemented, will resolve the complaint. OCR will monitor the 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.

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.

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by fostering educational excellence and ensuring equal access.*

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Pursuant to OCR procedures, we remind the District that no recipient may 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.

OCR will proceed with monitoring the Agreement, effective the date of this letter. OCR is committed to a high quality resolution of every case. If you have any questions regarding this matter, please contact XX XXXXX XXX, General Attorney, at (XXX) XXX-XXXX, or XXXXX X XXXXXXXX, Team Leader, at (XXX) XXX-XXXX.

Sincerely,

Cynthia G. Pierre, Ph.D.
Regional Director

Enclosure