

Mr. Richard Autry
Superintendent
Rockdale County School District
954 North Main Street
Conyers, Georgia 30013

Re: Complaint #04-14-1025

Dear Superintendent:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed on October 28, 2013, against Rockdale County School District (District), alleging discrimination on the basis of disability. The Complainant alleged that during the fall 2013 semester, the District discriminated against the Student by subjecting him to different treatment when he was removed from the AVID Program (Program) and by informing the Complainant that students with disabilities are not allowed in the Program.

OCR opened this complaint for investigation 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 by recipients of Federal financial assistance; 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 by public entities. The District is a recipient of Federal financial assistance from the Department and a public entity, and is therefore is subject to these laws. Accordingly, OCR has jurisdiction over this complaint.

Based on the allegation, OCR investigated the legal issue of whether the District subjected the Student to different treatment, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.4(a) and (b)(1)(i)-(iv) and (vii), and the Title II implementing regulation at 28 C.F.R. § 35.130(a) and (b)(1)(i)-(iv) and (vii).

During the course of the investigation, the District voluntarily offered to resolve the complaint in accordance with Section 302 of OCR's *Case Processing Manual*. 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, and the District entered into the enclosed Resolution Agreement (Agreement) which, when fully implemented, will resolve the issues in the complaint. The provisions of the Agreement are aligned with the complaint allegation and the information obtained during OCR's investigation.

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.

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 possible, any personally identifiable information, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Intimidation or retaliation against complainants by recipients or public entities is prohibited. No recipient or public entity 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.

This concludes OCR's consideration of the complaint, which we are closing effective the date of this letter. If you have any questions regarding this matter, please contact Gerard C. Chasseau, General Attorney, at (404) 974-9368.

Sincerely,

/s/

Cynthia G. Pierre, Ph.D.
Regional Director

Enclosure