



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

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ATLANTA, GA 30303-8927

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February 19, 2015

Larry Foster
Director of Schools
Anderson County School District
101 South Main St.
Suite 500
Clinton, TN 37716

Re: Complaint #04-14-1723

Dear Mr. Foster:

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 August 26, 2014, against the Anderson County School District (District), alleging discrimination based on disability. Specifically, the Complainant alleged that the District discriminated against the Student, who was enrolled at Norris Elementary School (School), when, in fall 2014 it failed to implement the Student's Section 504 Plan. The Complainant also alleged that the District retaliated against the Student by creating a new board policy, which impacted the Student's medication distribution, and enforced the policy prior to its official implementation date of August 14, 2014.

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). OCR is also responsible for enforcing 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. The District is a recipient of FFA from the Department and a public entity. Accordingly, OCR had jurisdiction over this complaint.

OCR investigated the following legal issues:

- 1) Whether the District denied the Student a free appropriate public education (FAPE) when, at the beginning of the 2014-2015 school year, it failed to implement the Student's Section 504 Plan, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and the Title II implementing regulation at 28 C.F.R. § 35.130(a); and
- 2) Whether the District retaliated against the Complainant when it created a new board policy, which impacted the Student's medication distribution, and enforced the policy prior to its official implementation date of August 14, 2014, which has impacted the Student during the 2014-2015 school year, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.61 and the Title II implementing regulation at 28 C.F.R. § 35.134.

During OCR's investigation, the District offered to voluntarily resolve the complaint issues. 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 February 12, 2015, 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.

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

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 duly authorized OCR officials and made available to the public.

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

Please be advised that the District may not harass, coerce, 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.

OCR wishes to thank the District for its cooperation during the investigation of this 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 Ms. Sonia Lee, General Attorney, at (404) 974-9371, or April England-Albright, Acting Team Leader, at (404) 974-9408.

Sincerely,

Deborah Floyd, Esq.
Acting Regional Director

Enclosure