



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

February 12, 2015

Mr. Charlie Van Zant, Jr.
Superintendent
Clay County School District
900 Walnut Street
Green Cove Springs, Florida 32043

Re: Complaint #04-14-1725

Dear Mr. Van Zant:

On August 28, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against the Clay County School District (District) alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District failed to provide her son, the Student, a free appropriate public education because Orange Park Performing Arts Academy failed to provide the Student Section 504 services, during the beginning of school year 2014-2015, until a decision was made about his placement which resulted in the Student missing eight days of school.

OCR is responsible for enforcing 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. 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. Title II prohibits 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 these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Prior to the completion of OCR's investigation, the District requested to voluntarily resolve this complaint. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved, before the conclusion of an investigation, when 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 on February 9, 2015, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the 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.

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.

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.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If in the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions about this letter, please contact Annie Simmons, at (404) 974-9463, or April England-Albright, Esq., Acting Compliance Team Leader, at (404) 974-9354.

Sincerely,

Deborah Floyd, Esq.
Acting Regional Director

Enclosure