



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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June 25, 2015

Dr. Joseph C. Barrow
Superintendent
Fayette County School District
210 Stonewall Ave W.
Fayetteville, GA 30214

Re: Complaint # 04-15-1224

Dear Dr. Barrow:

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 Fayette County School District (District) in which the Complainant alleged that the District discriminated against her son (Student) on the basis of disability. Specifically, the Complainant alleged that:

1. The District failed to timely provide the Student a psychological evaluation that the Complainant requested in March 2014, because it was not completed until November 2014, which resulted in a delay in his receipt of services;
2. The District failed to conduct an assistive-technology evaluation for the Student that the Complainant requested in March 2014;
3. Between November 2014 - March 2015, the District failed to implement the Student's Individualized Education Program (IEP) by not providing the Student with: copies of notes, study guides, worksheets that were XXXXXXXXX-acceptable for the Student, and the location of the Student's assignments;
4. Between March 13 – April 3, 2015, the District failed to implement the Student's IEP by not providing the Student with XXXXXXXXXXXX textbooks; and
5. Beginning in March 13, 2015, the District failed to implement the Student's IEP by not: providing the Student with XXXXXXXXXXXXXXXXXXXX capabilities for his assignments and tests; providing the Student extra XXXXXX space for written work and tests; and using/updating an XXXXXXXXXXXX calendar for the Student.

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 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, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by a public entity. As a recipient of

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Federal financial assistance from 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 Mr. Daniel Sorbera, Investigator, at (404) 974-9466, or me, at (404) 974-9367.

Sincerely,

Ebony Calloway-Spencer, Esq.
Compliance Team Leader

Enclosure