

September 26, 2018

XXXXX

XXXXX

Clarkesville-Montgomery County School System
621 Gracey Avenue
Clarksville, TN 37040

Re: Complaint # 04-17-1398

Dear XXXXX:

On April 11, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received the above-referenced complaint filed by XXXXX (Complainant) against the Clarksville-Montgomery County School System (District) alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District retaliated against her son, XXXXX (Student), a student at Barksdale Elementary School (School) by suspending him from the bus for five days in August 2017 after the Complainant reported that the Student was discriminated against on the basis of disability in April 2017.

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; 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. 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 the following issues in this complaint:

- Whether the District retaliated against the Student by suspending him from the bus for five days in August 2017 after she reported that he was discriminated against on the basis of disability in April 2017, 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.

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. The attached Resolution Agreement (Agreement) will require the District to take actions to remedy any compliance concerns.

On September 25, 2018, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the issue identified above. 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. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

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 OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions about this letter, please contact Laura Mitchell at (404) 974-9456.

Sincerely,

A handwritten signature in blue ink that reads "Andrea de Vries". The signature is written in a cursive style.

Andrea de Vries
Compliance Team Leader