

June 3, 2019

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Madison County School District  
210 NE Duval Avenue  
Madison, FL 32340

Re: OCR Complaint No. 04-19-1134

Dear XXXXXX:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) has completed its resolution of the above-reference complaint filed by XXXXXX (Complainant) against the Madison County School District (District) on December 11, 2018, alleging retaliation. Specifically, the complaint alleged that the District retaliated against the Complainant following her advocacy efforts for XXXXXX, a student (Student) at Lee Elementary School (School) during Section 504 meetings and communications with School staff between January 2017 and September 2018. According to the Complainant, the District retaliated against her by: (1) serving the Complainant with a no trespass order applicable to all District properties on October 26, 2018; and (2) referring the Complainant to the Department of Children and Families on or around October 26, 2018.

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>.

OCR began an investigation of the following legal issue:

Whether, following the Complainant's advocacy efforts for the Student during Section 504 meetings and communications with School staff between January 2017 and October 2018, the District retaliated against her by: (1) serving the Complainant with a no trespass order applicable to all District properties on October 26, 2018; and, (2) referring the Complainant to the Department of Children and Families on or around October 26, 2018, in non-compliance with the Section 504 regulation at 34 C.F.R. § 104.61 and the Title II regulation at 28 C.F.R. § 35.134.

During this investigation, OCR reviewed documents and witness statements submitted by both parties and conducted interviews with District staff.

### **Factual Background**

The evidence shows that the Student was enrolled intermittently in the School during the 2017-2018 and 2018-2019 school years. The Student was diagnosed with anxiety and was evaluated and deemed eligible for Section 504 services in January 2018. The Student's Section 504 plan included an academic adjustment that she be walked to class by a familiar adult in order to reduce her anxiety. The Complainant attended Section 504 meetings for the Student during the 2017-2018 school year. In September 2018, the Complainant reported to District staff members that the Student's academic adjustment in her Section 504 plan that she be walked to class was not being followed.

The evidence further shows that in October 2018, the Complainant and the Student's teacher had a disagreement regarding the Complainant's request to participate in a fieldtrip. There is also evidence suggesting that a District staff member directed the Madison County Sheriff's Department to issue the Complainant a trespass warning barring her from District properties.

### **Analysis and Conclusion**

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. Prior to the completion of OCR's investigation, the District requested to voluntarily resolve the issues in this complaint.

OCR received the enclosed Resolution Agreement (Agreement), which when fully implemented, will resolve the issues identified above. OCR notes that pursuant to Paragraph 1 of the Agreement, the District issued a letter dated April 25, 2019 to the Complainant and her husband inviting them to re-enroll the Student in the District schools and notifying them that the trespass warning would be rescinded.

OCR will monitor the District's implementation of this Agreement to ensure that it is fully implemented. If the District fails to implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II.

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.

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,

Andrea de Vries  
Compliance Team Leader

cc: XXXXX