

Dr. Lynn Weathersby, Superintendent
Rankin County School District
1220 Apple Park Place
Brandon, MS 39042

OCR Ref.: 06-14-1622

Dear Dr. Weathersby:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has made a determination in the complaint filed against the Rankin County School District (RCSD), Brandon, Mississippi, on September 11, 2014. The complainant alleged that the RCSD discriminated against her son, the Student, based on his disability, in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (2014); and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35 (2014).

Based on a review of the complaint and information received from the complainant during evaluation, OCR processed the following issue for investigation to determine whether the RCSD:

Whether during the 2013-2014 and 2014-2015 school years, the RCSD denied the Student an appropriate public education when it failed to identify and evaluate the Student, who needs regular or special education and related aids and services, in violation of 34 C.F.R. §104.33 and 28 C.F.R. §35.130.

OCR is responsible for determining whether organizations that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to this Department, are in compliance with Section 504 and Title II. Section 504 prohibits discrimination on the basis of disability and under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The RCSD is a recipient of Federal financial assistance from the Department and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to process allegations of disability discrimination and retaliation filed against the RCSD under Section 504 and Title II.

This complaint has been designated as one that may be processed under OCR's Rapid Resolution Process (RRP). The RRP process is designed to expedite resolution of certain OCR complaints. As part of the RRP process, OCR reviewed information provided by the complainant and the RCSD, which included its policies, procedures and other pertinent data. OCR also conducted interviews with members of the RCSD administration.

During the RRP, on October 15, 2014, the RCSD requested to voluntarily resolve this complaint prior to the completion of the investigation pursuant to Section 302 of OCR's CPM. Consistent with Section 302 of OCR's *Complaint Processing Manual*, RCSD submitted the enclosed Resolution Agreement (Agreement) on December 2, 2014, which OCR has determined addresses the compliance issues raised and which when fully implemented, will resolve the allegations. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this issue; however, OCR will actively monitor the implementation of the Agreement by the RCSD to determine whether the commitments made by the RCSD have been implemented consistently with the terms of the Agreement. If the RCSD fails to implement the Agreement, as specified, OCR will resume its investigation of the above issues. If the RCSD determines a need to modify any portion of the Agreement, the RCSD may submit, for consideration, proposed revisions to OCR.

In conclusion, the RCSD has agreed to voluntarily resolve this complaint. OCR will monitor the implementation of the attached resolution agreement. As such, OCR is closing this complaint as of the date of this letter and will take no further action relative to this complaint.

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 OCR procedures we are obligated to advise the institution against which the complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceedings or hearing held in connection with a complaint.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this document and other related correspondence and records upon request. In the event we receive 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 privacy.

Thank you for your assistance in this matter. If you have any questions, please feel free to contact Ms. Melissa Malonson, at 214.661.9637 or at Melissa.malonson@ed.gov. or me, at 214.661.9600.

Sincerely,

John Stephens
Compliance Team Leader
Office for Civil Rights
Dallas Office

CC: XXX, Attorney