

----- Forwarded Message -----

From: "ocr complaint" <ocr_complaint@ed.gov>

To: cannivet1@comcast.net, "OCR Atlanta" <OCR.Atlanta@ed.gov>

Sent: Saturday, March 21, 2009 1:19:10 PM GMT -05:00 US/Canada Eastern

Subject: OCR Electronic Complaint Submission

PLEASE DO NOT REPLY TO THIS E-MAIL. THIS E-MAIL ADDRESS IS USED BY DEPARTMENT OF EDUCATION AUTOMATED SYSTEMS AND IS NOT MONITORED.

Your complaint with the Office for Civil Rights, a copy of which is reproduced below, has been automatically forwarded to the following office for review:

Office for Civil Rights/ED
Atlanta Office
61 Forsyth St. S.W., Suite 19T70
Atlanta, GA, 30303-3104

So that we can best assist you, we call your attention to the following:

1. If you need to communicate with OCR regarding your complaint before you are contacted directly, please do not reply to this message, which would result in your reply going to a send-only server address. Instead, please direct your correspondence to the above office at OCR.Atlanta@ed.gov.
2. If you need to modify or supplement your complaint, please do not use the complaint form to submit another complaint with the new information. Instead, you may simply send an email to the office that has your complaint. Filing duplicative complaints may impede our ability to review your concerns in a timely manner. (If you have a separate complaint involving other matters, you may of course use this form to submit it.)
3. Remember that before OCR can process your complaint it must receive at the above address a signed copy of the Office for Civil Rights Consent Form, which you can obtain at <http://www.ed.gov/about/offices/list/ocr/edlite-consentform.html>.
4. It is recommended that you print a copy of this message and retain it for your records.

The following information has been sent to the specified office:

OCR COMPLAINT FORM

1. Enter information about you.

Your First Name: **Catherine** Your Last Name: **Cannivet**
Your Address: **3995 Upolo Lane**
City: **Naples**
State: **FL** Zip Code: **34119**
Best Time to Call You: **DAY** Primary Phone No: **239-592-5454**
Alternative Phone No:
Your Email Address: cannivet1@comcast.net

2. Who else can we call if we cannot reach you?

Contact's Name: **William Hughes**
Daytime Phone No: **484-356-3588**
Relationship to you: **Co-founder Collier-ESE-Reform.com**

3. Who was discriminated against?

Someone else

Injured Person's Name: **Known and unknown CLASS**

Daytime Phone No:

Relationship to You (eg. son or daughter):

Evening Phone No:

Injured Person's Address:

City: **Naples** State: **FL**

Zip Code:

4. What institution discriminated?

Institution Name: **Collier County School District**
Address: **5775 Osceola Trail**
City: **Naples**
State: **FL**
Zip Code: **34109-0919**
School or department involved: **Exceptional Student Education**

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Yes

Agency Name: **Office for Civil Rights**
Date Filed: **04/23/2007** (mm/dd/yyyy)

Status: **Complaint No 04-07-1264 Administratively closed on September 30, 2008 due to execution of Resolution Agreement dated September 24, 2008 between Superintendent of Collier County Public Schools Dennis Thompson and the Office for Civil Rights.**

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

All that apply:

disability

Why you believe the discrimination was because of race, sex, disability, or whatever basis you indicated above or why you believe the action was retaliatory.

Dates: **Between March 2, 2009 and March 20, 2009.**

Names: **Mr. Laurence Ruble, Section 504 District Coordinator; Victoria Sartorio, Director of Exceptional Student Education; and/or all additional individuals identified during the course of investigating.**

What: **Failed to implement and adhere to the Resolution Agreement. Failed to comply with 34 C.F.R. 104.36 with respect to the system of process requirements and procedural safeguards that include providing Notice of Section 504 Procedural Safeguards, and, Notice of the requirements to file grievances or complaints under the appropriate forums for claims under Title II, ADA/Section 504 and 1983. Evidence includes documents demonstrating the District's failure to timely and adequately respond and provide (requested) confirmation that Section 504 issues in a specific due process complaint have been specifically requested, and specifically authorized by the District to be heard/ruled by the Department of Administrative Hearings / Administrative Law Judge with regards to a specific complaint filed with the district. The District failed to make its Section 504 Manual available and to distribute the same in such a manner as to effectively notify interested parties. Deliberately withholding information that prevents a parent/guardian from making INFORMED decisions during the course of filing a complaint, or requesting a due process hearing, is in effect, denial of all of the disabled student's rights under Title II, ADA and Section 504.**

Witnesses: **Terry DunnFischer**

Why: **The District has a history of engaging in widespread patterns of Intentional Discrimination against disabled students.**

7. Your complaint must be filed within 180 days of the discriminatory action

When did the last act of discrimination occur?

Enter the date: **03/20/2009** (mm/dd/yyyy)

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

No.

Reason for not filing complaint before 180 days.

Not applicable.

8. What would you like the institution to do as a result of your complaint - what remedy are you seeking?

Forward a Letter of Impending Enforcement Action to Collier County School District and move to Enforcement for Failure to Comply with OCR Agreement.

Initiate Administrative Enforcement proceedings to suspend, terminate or refuse to grant or continue Federal financial assistance to the recipient School District and/or the State Department of Education.

Move to immediately defer any new or additional Federal financial assistance.

Refer the case to the Department of Justice.

Do you have written information that you think will help us understand your complaint?

Yes