March 20, 2014

Michael Todd Freeman
Superintendent
Sylacauga City Schools
605 West Fourth Street
Sylacauga, Alabama 35150

Re: Complaint #04-13-1724

Dear Mr. Freeman:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has resolved its investigation of the above-referenced complaint filed against Sylacauga City School District (District) on August 29, 2013, alleging discrimination on the basis of disability.

Specifically, the Complainant alleged that from July 2013-August 2013, her son (Student), a 9th grade student at Sylacauga High School, was harassed by a student/football teammate and other students because of his disability. The Complainant alleged that when she reported the conduct to the Principal no action was taken. The Complainant also alleged that after she reported the conduct and lack of response from the Principal to the Superintendent, School administrators retaliated against the Student by threatening to kick him out of school if he spoke about it again and targeting the Student for misbehaviors that did not occur.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance; 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 prohibits discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department, the District is subject to the provisions of Section 504. As a public entity, the District is also subject to the provisions of Title II. Accordingly, OCR has jurisdiction over this complaint.

OCR opened the following legal issues:

- Whether the Student was harassed by other students based on his disability, for which the District failed to take appropriate action, in noncompliance with the Section 504 regulation at 34 C.F.R. § 104. 4 (a) and (b)(1)(i)-(iv) and the Title II implementing regulation at §35.130;

- Whether the Student was retaliated against after complaining about the peer harassment by being threatened with expulsion and targeted for misbehaviors that did not occur, in noncompliance with the Section 504 implementing regulation at § 104.61 and the Title II implementing regulation at §35.130.

During the course of OCR's investigation of this complaint, the District offered to resolve this complaint through a voluntary resolution agreement. Pursuant to OCR's procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve 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, 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, the Complainant may file a private lawsuit in federal court regardless of whether 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. If we receive such a request, we will seek to protect, to the extent possible, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Please be advised that the College 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 concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have any questions regarding this complaint, please contact Angela Collins, Senior Attorney, at (404) 974-9346 or Wendy Gatlin, Compliance Team Leader, at (404) 974-9356.

Sincerely,

/s/

Cynthia G. Pierre, Ph.D.
Regional Director

Enclosure