



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
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June 10, 2014

Dr. Tom Sisk
Superintendent
Limestone County School District
300 South Jefferson Street
Athens, AL 35611

Re: Complaint #04-14-1377

Dear Dr. Sisk:

On January 15, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received a complaint filed against the Limestone County School District (District) alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District fails to provide a free appropriate public education (FAPE) to students with disabilities receiving homebound services by (1) failing to make individualized determinations of the homebound instruction hours to be provided to those students (i.e., by limiting homebound instruction to two sessions weekly for a maximum of three hours of instruction per week) and, (2) requiring that students be out of school for 30 consecutive days before homebound instruction can begin.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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.
- Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. §§ 12131 *et seq.*, 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, the District is subject to Section 504. Because it is a public entity, the District is subject to Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Accordingly, OCR opened an investigation on the following issues:

- Whether the District’s policy of requiring a student to submit a physician’s statement indicating that the student will be confined to his or her home or a medical facility for a minimum of 30 days, six weeks before that student can be eligible for Homebound services discriminates based on disability, in noncompliance with the Section 504 implementing regulations at 34 C.F.R. §§ 104.33(a) & (b)(1) and 104.35(c), as well as the Title II implementing regulation at 28 C.F.R. §35.130.
- Whether the District’s policy of limiting a student’s Homebound services to three hours per week discriminates based on disability, in noncompliance with the Section 504 implementing regulations at 34 C.F.R. §§ 104.33(a) & (b)(1) and 104.35(c), as well as the Title II implementing regulation at 28 C.F.R. §35.130.

During OCR’s investigation of this complaint, the District offered to voluntarily resolve the allegations of this complaint. Pursuant to OCR’s procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve the complaint. Set forth below is a summary of the evidence that supports resolution of this complaint through the proposed resolution agreement.

During the course of the investigation, the District offered to resolve the complaint allegations. 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 (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 by the timeframes established therein, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II. Please be advised that the District 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.

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 provided by law, personally-identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. part 104 and Title II, at 34 C.F.R. Part 35, which is at issue in this case.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have questions or concerns regarding OCR's determination, please contact Ande Durojaiye, Esq. at (404) 974-9444.

Sincerely,

Arthur Manigault, Esq.
Compliance Team Leader

Enclosure