

June 23, 2014

Dr. Craig Ross
Superintendent
Cullman County Schools
P.O. Box 1590
Cullman, AL 35056-1590

Re: Complaint #04-14-1378

Dear Dr. Ross:

On January 23, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received a complaint filed against Cullman County Schools (District) alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District fails to make individualized educational determinations for students in the Special Education Homebound Program (SEHP) when it categorically limits those students to 2-3 hours of teacher contact per week based on District financial considerations and convenience, thereby denying those students a free appropriate public education (FAPE).

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, 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), as amended, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by certain 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 opened an investigation on the following issue:

Whether the District denied students in the SEHP a FAPE when it failed to make individualized educational determinations when it categorically limited teacher contact for those students, in noncompliance with Section 504 and its implementing regulation at 34 CFR § 104.33(b) and Title II and its 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. 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 issue in this complaint.

OCR will monitor the District's implementation of the 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.

If you have questions or concerns, please contact XXXXXX X. XXXX, Investigating Attorney, at (XXX) XXX-XXXX, or me at (XXX) XXX-XXXX.

Sincerely,

/s/

Wendy Gatlin
Compliance Team Leader

Enclosure