



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

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

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

Mr. Jeff Eakins
Acting Superintendent
Hillsborough County School District
901 East Kennedy Blvd
Tampa, Florida 33602

Re: Complaint #04-15-1213

Dear Mr. Eakins:

On February 19, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against the Hillsborough County School District (District) on the basis of disability.

Specifically, the Complainant alleged that the District discriminated against her son, (Student) on the basis of disability by retaliating against him during the 1st semester of school year 2014-2015, because of her advocacy when his first Algebra II teacher: 1) manipulated the Student's Algebra II participation grade resulting in him failing the class; 2) refused to allow the Student to print out his on-line assignments resulting in the Student receiving zero percentages on his assignments; and 3) on November 19, 2014, after the Student made requests to see the nurse, refused to allow the Student to get medical attention.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 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; and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, 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 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>.

During its investigation, OCR investigated the legal issue of whether the District, during the first semester of school year 2014-2015, retaliated against the Student, because of the Complainant's advocacy when his first Algebra II teacher: 1) manipulated the Student's Algebra II participation grade resulting in him failing the class; 2) refused to allow the Student to print out his on-line assignments resulting in the Student receiving zero percentages on his assignments; and 3) on November 19, 2014, after the Student made requests to see the nurse, refused to allow the Student to get medical attention in noncompliance with the Section 504 implementing regulation, at 34 C.F.R. § 104.61, and the Title II implementing regulation at 28 C.F.R. § 35.134.

Prior to the completion of OCR's investigation, the District requested to voluntarily resolve this complaint. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint.

On April 24, 2015, OCR received the enclosed signed Resolution Agreement (Agreement) that, when fully implemented, will resolve the complaint. OCR will monitor the District's implementation of this Agreement until the District is in compliance with the statutes and regulations at issue in the case. 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.

Pursuant to OCR procedures, you are reminded that no recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in connection with a 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 the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives 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 any questions about this letter, please contact Annie Simmons, Investigator, at (404) 974-9463, or, me, April England-Albright, Acting Team Leader, at (404) 974-9408.

Sincerely,

April England-Albright, Esq.
Acting Team Leader

Enclosure