



**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

June 13, 2018

Mr. Jeff Eakins
Superintendent
Hillsborough County School District
901 East Kennedy Boulevard
P.O. Box 3408
Tampa, Florida 33601

Re: Complaint #04-16-1223

Dear Mr. Eakins:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint, received in this office on February 2, 2016, in which the complainant alleged discrimination on the basis of disability by the Hillsborough County School District (District). OCR notified the parties on March 21, 2016, that it would investigate the legal issue of whether the District discriminated against persons with disabilities by failing to make spectator seating at Gaither High School's (School) softball complex accessible to persons with disabilities, in noncompliance with Section 504 at 34 C.F.R. § 104.21 and the Title II implementing regulation at 28 C.F.R. § 35.149.

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>.

Prior to the completion of OCR's investigation, the District requested and OCR determined it was appropriate to resolve, the complaint with a Resolution Agreement (Agreement) pursuant to Section 302 of OCR's Case Processing Manual. Section 302 states that a complaint may be resolved, before the conclusion of an investigation, when the recipient or public entity expresses an interest in resolving the complaint.

During the course of the investigation thus far, OCR interviewed the Complainant and the School's principal. OCR also reviewed records of repairs and renovations the District made to the softball complex. Additionally, in June 2016, OCR staff went onsite to the School and conducted an inspection of the softball complex, including its spectator seating.

On June 6, 2018, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the complaint. The provisions of the Agreement are aligned with the complaint allegations and the information obtained during the investigation and is consistent with applicable regulations. When fully implemented, the Agreement will address all of the complaint allegations.

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. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, 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.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions regarding this matter, please contact Wayne Awtrey, at (404) 974-9377, or me at (404) 974-9367.

Sincerely,

Ebony Calloway-Spencer, Esq.
Compliance Team Leader