



**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 20, 2018

Rex Mitchell  
Superintendent  
Hamilton County School District  
5683 US Highway 129 South  
Suite 1  
Jasper, Florida 32052

Re: OCR Docket #04-16-1543

Dear Mr. Mitchell:

This letter is to advise you of the disposition of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Hamilton County School District (District). Specifically, the Complainant alleged that the District discriminated against the Student, daughter of the Parent by failing, on May 10, 2016, to implement the Student's Individualized Education Plan (IEP) when a faculty member failed to allow the student to go to the adult District member, as designated in the Student's IEP. The Complainant also alleged that the District retaliated against the Student when the Parent filed a formal grievance against the faculty member.

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. 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), 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 a public entity, the District is subject to these laws.

During its investigation, OCR reviewed information provided by the Complainant and the District and interviewed the Complainant.

Prior to OCR making a final determination, the District expressed an interest in resolving the complaint allegations. On June 6, 2018, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegations in the complaint. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than

those addressed in this letter. 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 a right to file a private suit in federal court whether or not OCR finds a violation.

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. If this happens, the individual 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. 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, please contact Darryl Dennis at (404) 974-9358 or me at (404) 974-9354.

Sincerely,

Scott R. Sausser, Esq.  
Compliance Team Leader

Enclosure