



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 7, 2018

Dr. Matt Akin
Superintendent
Huntsville City Schools
200 White Street
Huntsville, AL 35801

Re: Complaint #04-17-1390
Resolution Letter

Dear Dr. Akin:

On April 19, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against the Huntsville City School District (District), alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District discriminated against her daughter (Student), who attended XXXXXXXX XXXX XXXXXXXXXXXX XXXXXXXX (School) during the 2016-2017 school year, on the basis of disability when:

- a) in December 2016, the District ignored the Student's Individualized Education Program (IEP) plan by removing the Student from the classroom to be XXXX XXX; and,
- b) in XXXXX XXXX, the District created a policy requiring all XXXX XXXXXXXX to be completed outside the classroom and included the policy as part of the Student's IEP for the 2017/2018 academic year.

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 prohibit 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 prohibit discrimination on the basis of disability by public entities. The District receives Federal financial assistance from the Department and is a public entity. Accordingly, OCR has jurisdiction over this complaint. Additional information about the laws OCR enforces is available on our website, at <http://www.ed.gov/ocr>.

During the complaint resolution process, OCR reviewed evidence provided by both the Complainant and the District and also conducted interviews with the Complainant, as well as District and School Special Education staff members. A finding that a recipient has violated one of the laws that OCR enforces must be supported by a preponderance of the evidence (i.e.,

sufficient evidence to prove that it is more likely than not that unlawful discrimination occurred). 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, before the conclusion of an investigation, when the recipient or public entity expresses an interest in resolving the complaint. The attached Resolution Agreement (Agreement) will require the District to take actions to remedy any compliance concerns.

On May 18, 2018, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the 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, 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.

This letter sets forth OCR's determination in an individual OCR case 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 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.

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 we receive such a request, we will seek to protect, to the extent possible, any personally identifiable information, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions regarding this letter, please contact Zandra Hall at (404) 974-9290, or me at (404) 974-9367.

Sincerely,

Ebony Calloway-Spencer, Esq.
Compliance Team Leader

Enclosure

cc: XXX XXXXX, XXX.
XXX XXXXX