



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

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

August 29, 2018

Dr. Jimmy Shaw, Superintendent
102 S. Court Street, Sixth Floor
Florence, Alabama 35630

Re: Complaint No. 04-18-1249

Dear Dr. Shaw:

On February 5, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against the Florence City School District (District) alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the District failed to make in-school announcements delivered via PowerPoint presentations, TV screens, and on walls at Florence High School (School) accessible to the Student during the 2017-2018 school year. In addition, the Complainant alleged that the District failed to provide accommodations and supports required by the Student's IEP to allow equal access to the School's extracurricular activities, in particular the National Honor Society (NHS), during the 2017-2018 school year.

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>.

On May 22, 2018, OCR informed the District, electronically, that it would investigate the following legal issues subject to OCR's Rapid Resolution Process (RRP):

1. Whether the Florence City School District (District) discriminated against the Student on the basis of disability (blind) by failing to make in-school announcements delivered via PowerPoint presentations, TV screens, and on walls at Florence High School (School) accessible to the Student during the 2017-2018 school year, in non-compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.4 and the Title II implementing regulation at 28 C.F.R. §§ 35.130 and 35.160(a) and (b); and,

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness
by fostering educational excellence and ensuring equal access.*

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2. Whether the Florence County School District discriminated against the Student on the basis of disability (blind) by failing to provide accommodations and supports required by the Student's IEP to allow equal access to the School's extracurricular activities, in particular the National Honor Society (NHS), during the 2017-2018 school year, in non-compliance with the Section 504 implementing regulation at 34 C.F.R. §§ 104.33 and 104.37 and the Title II implementing regulation at 28 C.F.R. §§ 35.130(b).

Prior to the completion of OCR's investigation, the District sought 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 expresses an interest in resolving the complaint. The attached Resolution Agreement (Agreement) will require the District to take actions to remedy the compliance concerns at issue in this complaint.

On August 28, 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.

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 about this letter, please contact Cerrone Lockett, at (404) 974-9318.

Sincerely,



Andrea M. de Vries
Compliance Team Leader

Enclosure