



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. Wally Cox
Superintendent
Highlands County School District
426 School Street
Sebring, FL 33870

Re: OCR Complaint # 04-13-1283

Dear Mr. Cox:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed on April 15, 2013, against Highlands County School District (District), alleging discrimination on the basis of disability.

Specifically, the Complainant alleged that the District failed to provide her son (Student), a XXXXXXXXXXXXXXX student at XXXX XXXXXX Elementary School (School), an environment free from allergic triggers, i.e., shellfish and peanuts.

OCR investigated the complaint pursuant to:

- 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, which prohibit 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, which prohibit discrimination on the basis of disability by public entities.

The District is a recipient of Federal financial assistance from the Department and a public entity; accordingly, OCR has jurisdiction over this complaint.

OCR investigated the legal issue of whether the District, in failing to address environmental allergic triggers at the Student's school, has acted in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33 and the Title II implementing regulation at 28 C.F.R. 35.130.

Prior to the conclusion of OCR's investigation, the District offered to resolve this issue under § 302 of the *Case Processing Manual*. On September 27, 2013, OCR received the enclosed signed Resolution Agreement (Agreement) that, when fully implemented, will resolve the issue. OCR will monitor the 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 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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Pursuant to OCR procedures, we remind the District that it may not 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.

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, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

If you have any questions, or if we can be of further assistance, please call XXXXX X XXXXXXXX, Compliance Team Leader, at (XXX) XXX-XXXX.

Sincerely,

Cynthia G. Pierre, Ph.D.
Regional Director

Enclosure