



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

May 15, 2014

Dr. Wayne Vickers
Superintendent
Alabaster City School District
1953 Municipal Way
Suite 200
Alabaster, Alabama 35007

Re: OCR Complaint #04-14-1376

Dear Dr. Vickers:

On January 15, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received a complaint filed against the Alabaster City School District (District) alleging discrimination on the basis of disability. Specifically, the Alabama Disabilities Advocacy Program (Complainant) alleges that the District's policy of requiring a student to submit a physician's statement indicating that the student will be confined to his or her home or a medical facility for a minimum of 30 days, six weeks before that student can be eligible for Homebound services is discriminatory.

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 *et seq.*, 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, the District is subject to Section 504. Because it is a public entity, the District is subject to Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Accordingly, OCR investigated the following issue:

- Whether the District's policy of requiring a student to submit a physician's statement indicating that the student will be confined to his or her home or a medical facility for a minimum of 30 days, six weeks before that student can be eligible for Homebound

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

www.ed.gov

services discriminates based on disability, in noncompliance with the Section 504 implementing regulations at 34 C.F.R. §§ 104.33(a) & (b)(1) and 104.35(c), as well as the Title II implementing regulation at 28 C.F.R. §35.130.

During the course of the investigation, the District offered to resolve the complaint allegations. Pursuant to OCR's procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve the complaint. Based on the foregoing, OCR accepted the District's request to resolve this complaint and the District entered into the enclosed Resolution Agreement (Agreement), which when fully implemented, will resolve the issues in this 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 by the timeframes established therein, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II.

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. Further, the Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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 provided by law, personally-identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. 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.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have questions or concerns regarding OCR's determination, please contact the undersigned at (404) 974-9366.

Sincerely,

Virgil Hollis
Compliance Team Leader

Enclosure

cc: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Bishop, Colvin, Johnson & Kent, LLC
Counsel for the District

VIA EMAIL: XXXXXXXXXXXXXXXXXXXX@bishopcolvin.com