



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

November 21, 2016

Mr. Amir Whitaker, Ed.D
Staff Attorney
Southern Poverty Law Center
400 Washington Avenue
Montgomery, Alabama 36104

Re: OCR Complaint # 04-16-1636

Dear Mr. Whitaker:

On August 31, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against the Pinellas County School District (District) alleging the District discrimination on the basis of race and disability. Specifically, your office (Complainant) alleged the following:

1. The District discriminated against [REDACTED], (Student #1) a disabled African American Student, and [REDACTED] (Student #2), a disabled Hispanic Student, by subjecting them to more discipline, arrest, and restraint than similarly situated White Students and similarly situated non-disabled students;
2. The District disciplines, arrest and uses restraint on African American students at a disproportionate rate than students of other races.
3. The District disciplines, arrest and uses restraint on students with disabilities at a disproportionate rate than students without disabilities, which results in a denial of a free and appropriate education (FAPE).

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin by recipients of Federal financial assistance from the Department; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit

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. 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>.

Based on the allegations, OCR will investigate the following legal issues:

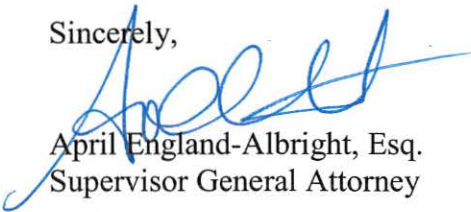
1. Whether the District discriminated against Student #1 and Student #2 on the basis of race and disability by subjecting them to more discipline, arrest and restraint than similarly situated White students and non-disabled students in non-compliance with Title VI implementing regulation at 34 C.F.R. § 100.31; Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4 (a)-(b); Title II and its implementing regulation, 28 C.F.R. §§ 35.130 (a)-(b),
2. Whether the District, on a district-wide basis, disciplines African-American students more severely than similarly situated students of other races in noncompliance with the Title VI implementing regulation at 34 C.F.R. § 100.3.
3. Whether the District, on a district-wide basis, disciplines more severely and uses restraint more often on disabled students than similarly situated non-disabled students in noncompliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its implementing regulation at 28 C.F.R. § 35.130.
4. Whether the District's administration of discipline has denied Students with disabilities a FAPE in noncompliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, and Title II and its implementing regulation at 28 C.F.R. § 35.130.

Opening these allegations for investigation in no way implies that OCR has made a determination with regard to their merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of each allegation, in accordance with the provisions of Article III of OCR's CPM.

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

If you have any questions regarding this letter, please contact Valerie Acoff, Senior Attorney, at Valerie. Acoff @ed.gov (404) 974-9489, or me at 404-974-9408.

Sincerely,



April England-Albright, Esq.
Supervisor General Attorney