



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVE. S.W.,
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, D.C.

November 27, 2013

Dr. Mary Ellis
Superintendent
Union County Public Schools
400 North Church Street
Monroe, North Carolina 28112

Re: OCR Complaint No. 11-13-1185
Resolution Letter

Dear Dr. Ellis:

This letter is notification of the outcome of the disability harassment complaint that was filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department) on March 12, 2013 against Union County Public Schools (the District), in particular XXXX. The Complainant alleged that the District discriminated against her son in the 2011-2012 school year by subjecting him to disability-based harassment by his teacher and instructional aide.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance from the Department. OCR also enforces 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 against qualified individuals with disabilities by public entities, including public educational systems. Because the District is a recipient of federal financial assistance from the Department and is a public entity, it is subject to the provisions of Section 504 and Title II.

Pursuant to Section 302 of OCR's *Case Processing Manual*, OCR discussed resolution options with the District. During the course of OCR's investigation, the District expressed an interest in resolving the complaint under a voluntary resolution agreement, which is attached. The District signed the enclosed agreement which, when fully implemented, will resolve the complaint. The provisions of the agreement are aligned with the allegation raised in the complaint and information obtained during the course of OCR's investigation, and are consistent with the applicable regulations. OCR will monitor implementation of the agreement.

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

We have advised the Complainant that the District may not harass, coerce, intimidate, or discriminate against any individual for filing a complaint or participating in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment. Also, 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, personal information that, if released, could constitute an unwarranted invasion of privacy.

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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

We appreciated the assistance of the District, in particular Michele Morris, General Counsel, during the resolution of this complaint. If you have any questions, feel free to contact Martha Russo at 214-661-9622 or Martha.Russo@ed.gov or Betsy Trice at 202-453-5931 or Betsy.Trice@ed.gov.

Sincerely,

Robin C. Murphy
Team Leader
District of Columbia Office
Office for Civil Rights

Enclosure

cc: Michele Morris, General Counsel (sent via e-mail)