



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

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

March 27, 2014

**Via First Class U.S. Mail and Facsimile**

Dr. Allie E. Brooks, Jr.  
Superintendent  
Florence County School District One  
319 South Dargan Street  
Florence, South Carolina 29506-2589

RE: OCR Complaint No. 11-13-1309  
Resolution Letter

Dear Dr. Brooks:

This letter is to notify you of the disposition of the above-referenced complaint that was filed on August 25, 2013, with the District of Columbia Office for Civil Rights (OCR) of the U.S. Department of Education (the Department). The Complainant filed the complaint on behalf of her son (the Student) against Florence County School District #1 (the District). Specifically, the complaint alleged:

**Allegation 1:** The District discriminated against the Student when it failed to implement the Student's Behavioral Intervention Plan from May 1, 2013, until the date the Complainant filed this complaint with OCR (August 25, 2013).

**Allegation 2:** The District retaliated against the Complainant, because of her disability-related advocacy, when XXXX.

**OCR's Responsibilities & Procedures**

OCR is responsible for enforcing certain Federal civil rights statutes, including 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. This law prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance (FFA) from the Department. OCR also is a designated agency with the authority to enforce 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, including public education systems and institutions, regardless of whether they receive FFA from the Department. The laws enforced by

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

OCR also prohibit recipients of FFA or covered public entities from retaliating against individuals who engage in a protected activity covered by OCR (e.g., making a complaint, testifying or participating in any manner in an OCR proceeding, or exercising a right or privilege secured by civil rights laws enforced by OCR). The District receives FFA from the Department and is a public entity; thus, we had jurisdiction over the complaint.

During the course of OCR's investigation, the District expressed an interest in resolving the complaint under a voluntary resolution agreement. Pursuant to Section 302 of OCR's *Case Processing Manual*, OCR discussed resolution options with the District. The District signed the enclosed agreement which, when fully implemented, will resolve the complaint. The provisions of the agreement are aligned with the allegations 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.

This concludes OCR's investigation of this complaint. OCR is closing this complaint investigation effective the date of this letter. 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 have notified the Complainant that the District may not harass, coerce, intimidate, or discriminate against an individual because the individual filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment. Under the Freedom of Information Act, it may be necessary to release this document and other related correspondence and records upon request. In the event we receive such a request, we will seek to protect, to the extent provided by law, information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

OCR appreciates the cooperation of the District in the resolution of this complaint. If you have any questions or concerns regarding this letter, please contact the OCR staff assigned to investigate your complaint, the investigator, Samantha Shofar at (202) 453-5929 or via email [Samantha.Shofar@ed.gov](mailto:Samantha.Shofar@ed.gov) or Kendra Riley at (202) 453-5905 or via email at [Kendra.Riley@ed.gov](mailto:Kendra.Riley@ed.gov).

Sincerely,

/s/

Kay Bhagat  
Team Leader, Team III  
District of Columbia Office  
Office for Civil Rights

Cc: Brian Denny, Director of Student Services

Enclosure