



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, DC

August 18, 2014

Dr. Edward H. Pruden
Superintendent
Brunswick County Schools
35 Referendum Drive
Bolivia, North Carolina 28422

Re: OCR Complaint No. 11-14-1122
Resolution Letter

Dear Dr. Pruden:

This letter is to notify you of the outcome of a complaint received by the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), on February 19, 2014, against Brunswick County Schools (the District). The Complainant filed the complaint on behalf of her daughter (the Student), a former student in the XXXX School (the School). The complaint alleges that the School discriminated against the Student based on disability when it failed to respond in a prompt and equitable manner to a grievance filed on the Student's behalf on XXXX, alleging disability discrimination.

OCR initiated an investigation of the complaint pursuant to its authority for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504) 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) and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant Section 504 and Title II.

Section 504 provides generally that school districts shall not discriminate against any student with a disability, including by denying a student with a disability the opportunity to participate in or benefit from its programs and activities on the basis of disability. Further, the Section 504 regulation, at 34 C.F.R. § 104.7, requires that a school district adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable

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resolution of complaints alleging any action prohibited under Section 504, including disability discrimination.

During the course of OCR's investigation, the District expressed a willingness to resolve the complaint. Pursuant to Section 302 of OCR's Case Processing Manual, OCR discussed resolution options with the District. On August 18, 2014, the District signed the enclosed agreement to resolve the complaint. The provisions of the agreement are aligned with the issues raised in the complaint, with 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 the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in 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.

Please be advised that the District may not retaliate against an individual who asserts a right or privilege under a law enforced by OCR or who files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

We appreciate the cooperation of the District and the District's counsel throughout the resolution of this case. If you have any questions, please feel free to contact Sara Clash-Drexler at (202) 453-5906 or sara.clash-drexler@ed.gov and Betsy Trice at (202) 453-5931 or Betsy.Trice@ed.gov.

Sincerely,

/S/

Alessandro Terenzoni
Team Leader, Team II
District of Columbia Office
Office for Civil Rights

cc: Eva DuBuisson, Tharrington Smith (via email)