



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

December 5, 2014

Mr. Sean Bulson  
Superintendent  
Wilson County Schools  
117 N Tarboro Street  
PO Box 2048  
Wilson, North Carolina 27894

RE: OCR Complaint No. 11-14-1259  
Letter of Findings

Dear Mr. Bulson:

This letter is to inform you of the disposition of the above-referenced complaint that was filed with the District of Columbia Office of the Office for Civil Rights (OCR), U.S. Department of Education (the Department), against Wilson County Schools (the District). The complaint was filed by an advocate (the Complainant) on behalf of the Student and her XXXX.

The complaint alleges that the District, particularly XXXX (the School), denied the Student a free appropriate public education when the Student's XXXX teacher (Teacher) failed to implement the Student's Individualized Education Program (IEP) from XXXX until XXXX. Specifically, in a XXXX telephone conversation with the Student's XXXX, she clarified that the Student did not receive the following services that were required in her IEP: use of the XXXX, XXXX and extended time to complete assignments.

**OCR's Jurisdiction**

OCR enforces 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 to Section 504 and Title II.

Prior to the completion of the investigation, the District expressed interest in resolving the allegation that it failed to implement the Student's IEP with respect to the following services:

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

XXXX and extended time. The provisions of the resolution agreement (Agreement) are aligned with the complaint allegation and the information obtained during the investigation, and are consistent with applicable regulations. OCR will monitor the Agreement, which when fully implemented will resolve the allegation. As explained more below, OCR found insufficient evidence that the Student was denied a free appropriate public education with respect to any failure to receive XXXX. An explanation of our analysis and conclusions follows.

### **Discussion**

Section 504 requires school systems to provide students with disabilities with a free appropriate public education (FAPE), that is, regular and/or special education and related aids and services that are designed to meet these students' educational needs as adequately as they meet the educational needs of students without disabilities.<sup>1</sup>

<XXXX 2 PARAGRAPHS REDACTED XXXX>

### **Conclusion**

As noted previously, with regard to the provision of modified assignments, modification of grading and extended time, the District entered into the enclosed Agreement. OCR will monitor the District's 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.

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 any individual is harassed or intimidated because of filing a complaint or participating in any aspect of OCR case resolution, the individual may file a complaint alleging such treatment. 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, information that, if released, could constitute an unwarranted invasion of personal privacy.

If you have any questions regarding the content of this letter or the resolution of this complaint, you may contact the OCR attorneys assigned to the complaint: Kendra Riley at (202) 453-5905 or [Kendra.Riley@ed.gov](mailto:Kendra.Riley@ed.gov) and Selena Fox (202) 453-5910 or [Selena.Fox@ed.gov](mailto:Selena.Fox@ed.gov).

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<sup>1</sup> Although OCR does not enforce the Individuals with Disabilities Education Act (IDEA), Section 504 requirements provide that with certain specific requirements – the provision of an appropriate education, the periodic reevaluation of students with disabilities, and the provision of procedural safeguards – compliance with IDEA is one means of compliance with Section 504.

Sincerely,

/S/

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

Enclosure