



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.

December 10, 2014

Jennifer Hefner, Superintendent
Alexander County Schools
700 Liledoun Road
Taylorsville, North Carolina 28681

RE: OCR Complaint No. 11-14-1263
Resolution Letter

Dear Dr. Hefner:

This letter is to advise you that the District of Columbia Office of the Office for Civil Rights (OCR), U.S. Department of Education (the Department), has completed its investigation of a complaint filed on XXXX, against Alexander County Schools (the District). The complaint was filed on behalf of a student (the Student), who attended XXXX (the School) until XXXX. The Complainant alleged that, XXXX, the District discriminated against the Student on the basis of disability (depression and anxiety) by: (1) suspending him for the remainder of the school year; (2) denying him admission to an alternative learning program, and (3) failing to provide him with educational services.

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, it is subject to the provisions of the above laws and we have jurisdiction over it. Because the Complainant alleged discrimination under the above laws, we have jurisdiction over the allegations.

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 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.

Please be advised 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 during the resolution of this complaint. If you have any questions, feel free to contact Kristi Harris at (202) 453-5916 or kristi.harris@ed.gov, or Peter Gelissen at (202) 453-5912 or peter.gelissen@ed.gov.

Sincerely,

/s/

Dale Rhines
Program Manager
District of Columbia Office
Office for Civil Rights

Enclosure