



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
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December 5, 2013

Robert W. Runcie
Superintendent of Schools
Broward County Schools
600 SE Third Ave
Ft. Lauderdale, Florida 33301

Re: Complaint #04-13-1336

Dear Mr. Runcie:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its investigation of the above-referenced complaint filed against the Broward County School District (District) alleging discrimination against the Student who was expelled from Whiddon-Rogers Education Center (School). Specifically, the Complainant alleged that the District discriminated against the Student on the basis of disability when District officials refused to consider additional disability-related information about the Student submitted during a manifestation determination hearing on April 3, 2013.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and 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. As a recipient of federal financial assistance from the Department and a public entity, the District is subject to the provisions of Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Based on the allegation, OCR initiated an investigation of the following legal issue:

Whether the District discriminated against the Student based on disability by failing to fully evaluate the Student and consider all information presented at the April 3, 2013, manifestation hearing before expelling the Student, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. §§ 104.4(a) and (b)(1)(i)-(vii) and 104.35, and the Title II implementing regulation at 28 C.F.R. § 35.130.

During the course of OCR's investigation of this complaint, the District offered to resolve this complaint through a voluntary resolution agreement. Pursuant to OCR's procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve the complaint. Based on the foregoing, OCR accepted the District's request to resolve this complaint and the District entered into the enclosed Resolution Agreement (Agreement), which when fully implemented, will resolve the issues in this complaint.

OCR will monitor the District's implementation of this Agreement to ensure that it is fully implemented. If the District fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II. Further, the Complainant may file a private lawsuit in federal court regardless of whether OCR finds a violation.

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 possible, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have any questions about this letter, please contact Ms. Collins, Senior Attorney, at (404) 974-9346, or Wendy Gatlin, Compliance Team Leader, at (404) 974-9356 and refer to the OCR docket number noted above.

Sincerely,

/s/

Cynthia G. Pierre, Ph.D.
Regional Director

Enclosure