



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVE. S.W.,  
WASHINGTON, DC 20202-1475

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

October 1, 2013

Dr. Heath E. Morrison  
Superintendent  
Charlotte-Mecklenburg Schools  
P.O. Box 30035  
Charlotte, North Carolina 28230

Re: OCR Complaint No. 11-13-1169  
Resolution Letter

Dear Dr. Morrison:

This letter is notification of the outcome of the complaint that was filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), on April 5, 2013 against Charlotte-Mecklenburg Schools (the District) alleging disability discrimination. The complaint alleged that the District's policy and procedures governing homebound services discriminated on the basis of disability against students who were placed on homebound through a Section 504 Plan. Specifically the complaint alleged that students who were placed on homebound through a Section 504 Plan were denied a free appropriate public education (FAPE) in that the decision as to the number of hours of homebound services the student was eligible to receive was not determined by a group of individuals knowledgeable about the student, the student's disability, and placement options and did not reflect an individualized assessment of the student's needs.

OCR is responsible for enforcing 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, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance (FFA) from the Department. OCR also enforces 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 against qualified individuals with disabilities by public entities, including public educational systems, regardless of whether they receive FFA from the Department. As a recipient of FFA and a public entity, the District is subject to the provisions of Section 504 and Title II.

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 through a voluntary resolution agreement, which is attached. The

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by fostering educational excellence and ensuring equal access.*

District signed the enclosed agreement which, when fully implemented, will resolve the complaint allegation. The provisions of the agreement are aligned with the allegation 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.

We have advised the Complainant 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, in particular Jonathan Sink, during the resolution of this complaint. If you have any questions, feel free to contact Kristi Harris at 202-453-5916 or via e-mail at [Kristi.Harris@ed.gov](mailto:Kristi.Harris@ed.gov) or Betsy Trice at 202-453-5931 or via e-mail at [Betsy.Trice@ed.gov](mailto:Betsy.Trice@ed.gov).

Sincerely,

//s//

Dale Rhines  
Team Leader  
District of Columbia Office  
Office for Civil Rights

Enclosure

cc: Jonathan Sink, Esq. (sent via e-mail)