



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 9, 2013

Mr. William J. Miller  
Superintendent  
Polk County Schools  
P.O. Box 638  
Columbus, NC 28722

RE: OCR Complaint No. 11-13-1179  
Resolution Letter

Dear Mr. Miller:

This letter is to notify you of the disposition of the above-referenced complaint that was filed on April 16, 2013, with the District of Columbia Office for Civil Rights (OCR) of the U.S. Department of Education (the Department), against Polk County Schools (the District). The complaint was filed by a parent (herein "Complainant") on behalf of her daughter (the Student), who attends the Polk County Middle School (the School). Complainant alleged that the District/School discriminated against the Student based on disability, Other Health Impaired (OHI), and retaliated against the Student.

OCR is responsible for enforcing certain Federal civil rights statutes, including Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation. This law prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance (FFA) from the Department. OCR also is a designated agency with the authority to enforce Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation, which prohibit discrimination on the basis of disability by public entities, including public education systems and institutions, regardless of whether they receive FFA from the Department. The District receives FFA from the Department and is a public entity. Thus, OCR has jurisdiction over the complaint.

During the course of OCR's investigation, the District expressed an interest in resolving the complaint under a voluntary resolution agreement (Agreement). Pursuant to Section 302 of OCR's *Case Processing Manual (CPM)*, OCR discussed resolution options with the District. The District signed the enclosed Agreement which, when fully implemented, will resolve the complaint allegations. As required by the *CPM*, the provisions of the Agreement are aligned with the allegations raised in the complaint, information obtained during the course of OCR's investigation, and are consistent with applicable regulations. OCR will monitor implementation by the District 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.*

This concludes OCR's investigation of this complaint. OCR is closing its 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.

We have notified the Complainant that the District may not harass, coerce, intimidate, or discriminate against an individual because the individual filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and other related correspondence and records upon request. In the event we receive such a request, we will seek to protect, to the extent provided by law, information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

OCR appreciates the cooperation of the District in the resolution of this complaint. If you have any questions or concerns regarding OCR's determination, please contact the OCR staff persons assigned to the complaint, Kendra Riley at (202) 453-5905 or via email at [Kendra.Riley@ed.gov](mailto:Kendra.Riley@ed.gov), or Lorraine Chatman at (202) 453-5904 or via e-mail at [Lorraine.Chatman@ed.gov](mailto:Lorraine.Chatman@ed.gov).

Sincerely,

/s/

Dale Rhines  
Acting Team Leader, Team III  
District of Columbia Office

Enclosure: a/s