



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.

May 16, 2014

Dr. Carl L. James,
Interim Superintendent
York County School Division
302 Dare Road
Yorktown, Virginia 23692

RE: OCR Complaint No. 11-14-1045
Resolution Letter

Dear Dr. James:

This letter is to notify you of the disposition of the above-referenced complaint that was filed on November 21, 2013, with the District of Columbia Office for Civil Rights (OCR) of the U.S. Department of Education (the Department). The complaint was filed on behalf of a student (the Student) against York County School Division. Specifically, the Complainant alleged that the Division, in particular XXXX High School (the School), discriminated against the Student in the 2012-2013 school year by subjecting the Student to disability-based harassment by his teacher (Teacher A) and by failing to take action to address the harassment.

OCR is responsible for enforcing certain Federal civil rights statutes, including 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. This law prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance 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), 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, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. The Division receives Federal financial assistance from the Department and is a public entity; thus, we had jurisdiction over the complaint.

During the course of OCR's investigation, the Division expressed an interest in resolving the complaint under a voluntary resolution agreement. Pursuant to Section 302 of OCR's *Case Processing Manual*, OCR discussed resolution options with the Division. The Division signed the enclosed agreement which, when fully implemented, will resolve the complaint. The provisions of the agreement are aligned with the allegations raised in the complaint and information obtained

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during the course of OCR's investigation, and are consistent with the applicable regulations. OCR will monitor 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 note that the Division 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. Also, 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.

If you have any questions or concerns regarding this letter, please contact Wanda Frazier at (202) 453-5911 or via email Wanda.Frazier@ed.gov

Sincerely,

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

Enclosure

Cc: Noreen Becci, Director of Human Resources (via electronic mail)