



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.

June 30, 2014

Dr. Danielle Robertson
Headmistress
Pinnacle Classical Academy
900 S. Post Road
Shelby, North Carolina 28152

Re: OCR Complaint No. 11-14-1084
Resolution Letter

Dear Dr. Robertson:

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, on January 14, 2014, against Pinnacle Classical Academy (the School). The Complainant filed the complaint alleging that the School discriminated against the Complainant's son (the Student) on the basis of disability. Specifically, the Complainant alleged that the School failed to develop and implement a Section 504 plan for the Student during the 2013-2014 school year.

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. OCR's understanding is that the School is a recipient of FFA from the Department and is a public entity and, therefore, 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 School. During the course of OCR's investigation, the School expressed an interest in resolving the complaint under a voluntary resolution agreement. The School 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.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the School's compliance with any other regulatory provision or to address any issues other than those addressed in 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 be advised that the School may not retaliate against an individual who asserts a right or privilege under a law enforced by OCR or who files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR. 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 personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We appreciated the assistance of the School 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 Christa Cothrel at (202) 453-5926 or Christa.Cothrel@ed.gov.

Sincerely,

/s/

Alessandro Terenzoni
Team Leader
District of Columbia Office
Office for Civil Rights

Enclosure