



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.

August 29, 2014

Ms. Allison Sholar  
Superintendent  
Currituck County Schools  
2958 Caratoke Highway  
Currituck, North Carolina 27929

Re: OCR Complaint No. 11-14-1148  
Resolution Letter

Dear Ms. Sholar:

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 March 7, 2014, against Currituck County Schools (the District), in particular, Moyock Middle School (the School). The Complainant alleged that the School denied the Student a free appropriate public education (FAPE) when the School failed to carefully consider information presented during the Student's XXXX, Section 504 re-evaluation meeting.

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. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to 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 under a voluntary resolution agreement. The District 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 District'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 District 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 District, including the assistance provided by Doug Towle, 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/

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

Enclosure