



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, DC

July 17, 2015

Via U.S. Mail

Dr. Randy L. Bridges, Ed.D.
Superintendent
Florence Public School District One
319 S Dargan Street
Florence, South Carolina 29506-2538

RE: OCR Complaint No. 11-15-1104
Resolution Letter

Dear Dr. Bridges:

This letter is to advise you of the outcome of the complaint filed with the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) on January 21, 2015, against the Florence Public School District One (the District). The Complainant filed the complaint on behalf of his son (the Student). The Complainant alleged that the District retaliated against him and discriminated against the Student on the basis of disability. Specifically, the Complainant alleged that:

1. The District discriminated against the Student by preventing him from participating in a class field trip because of his disability; and
2. The District retaliated against the Complainant by delaying access to the District school attended by his daughter on one occasion that the Complainant visited her school.

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. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding. 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.

The Complainant filed his current OCR complaint, 11-15-1104, after the alleged breach of an Early Complaint Resolution (ECR) agreement entered into by the District and the Complainant

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by fostering educational excellence and ensuring equal access.*

to resolve two previous OCR complaints. On August 20, 2013, the Complainant filed a complaint against the District alleging, among other things, that the Student had been prevented from attending two class field trips in XXXX because of his disability. In his August 20, 2013 complaint and his later November 11, 2013 complaint, the Complainant alleged that the District retaliated against him and discriminated against him on the basis of race by banning him from the Student's school. The Complainant and the District engaged in OCR's ECR process to address the concerns raised in the two complaints, including the extracurricular participation and school access concerns. In the agreement finalized on XXXX, the District agreed to a number of provisions to address the concerns raised in the two complaints. One provision of the agreement requires that the District purchase tickets to a cultural event for the Complainant's family before XXXX. To address concerns regarding the Complainant's access to the Student's school, the agreement established a timeframe for setting the terms and conditions of Complainant's access to the Student's school and outlined the terms of Complainant's access to his daughter's school.

The Complainant alleged in his current OCR complaint that the District breached the ECR agreement by failing to purchase tickets for his family to attend a cultural event and delaying his access to his daughter's school on one occasion. After OCR notified the District of this current complaint, the District responded that its efforts to comply with the cultural event item was frustrated by the Student currently being served by a facility in Massachusetts and denied that the delay occurred. Nonetheless, the District expressed a willingness to take actions to resolve the complaint. Pursuant to Section 207(b) of OCR's Case Processing Manual, OCR discussed resolution options with the District. On XXXX, the District signed the enclosed agreement which, when fully implemented, will resolve the allegations raised in this complaint. The provisions of the agreement are aligned with the issues raised by the Complainant and are consistent with the requirements of Section 504. OCR will monitor the District's implementation of the agreement.

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.

If you have any questions, please contact Marcelo Quiñones, the OCR attorney assigned to this complaint, at 202-453-6567 or marcelo.quinones@ed.gov.

Sincerely,

/S/
Alessandro Terenzoni
Supervisory Attorney, Team II
District of Columbia Office
Office for Civil Rights

Enclosure

Cc (via email): XXXX