



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

XXXX

Via Email: todd.martin@yadkin.k12.nc.us

Dr. Todd Martin
Superintendent
Yadkin County Schools
121 Washington St.
Yadkinville, NC 27055

RE: OCR Complaint No. 11-18-1141
Resolution Letter

Dear Dr. Martin:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on XXXX against Yadkin County Schools (the District). The Complainant filed the complaint on behalf of XXXX a student at XXXX (the School). He alleged that the District discriminated XXXX on the basis of disability. Specifically, the complaint alleged that the District failed to provide interpreting services XXXX.

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.

Before OCR completed its investigation, the District expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. The following is a discussion of the relevant legal standards and information obtained by OCR during the investigation that informed the development of the Resolution Agreement.

Legal Standard

The Title II regulation, at 28 C.F.R. § 35.160, requires school districts to ensure that communication with individuals with hearing, vision, or speech disabilities is as effective as communication with individuals without disabilities. To do this, school districts must provide appropriate auxiliary aids and services where necessary to provide effective communication so that individuals with disabilities have an equal opportunity to participate in, and enjoy the benefits of, the services, programs, and activities of the district. Title II requires public schools to give primary consideration to the auxiliary aid or service requested by the individual with the disability when determining what is appropriate for that individual. A school district is not required to provide a particular auxiliary aid or service if the district can demonstrate that doing so would fundamentally alter the nature of a service, program, or activity, or that it would be an undue financial and administrative burden. However, the district still has an obligation to provide an effective auxiliary aid or service to the maximum extent possible.

Factual Background

XXXX 2 PARAGRAPHS REDACTED XXXX

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Conclusion

Pursuant to Section 302 of OCR's *Case Processing Manual*, the District signed the enclosed Resolution Agreement on March 22, 2018, which, when fully implemented, will resolve the allegation raised in this complaint. The provisions of the Agreement are aligned with the allegation and issues raised by the Complainant and the information obtained during OCR's investigation, and are consistent with applicable law and regulation. OCR will monitor the District's implementation of the Agreement until the District has fulfilled the terms of the Agreement. Failure to implement the Agreement could result in OCR reopening the complaint.

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 must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. 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 appreciate the District's cooperation in the resolution of this complaint. If you have any questions, please contact Dana Russo, the OCR attorney assigned to this complaint, at 202-453-6559 or dana.russo@ed.gov

Sincerely,

/s/

Michael Hing
Team Leader, Team 1
District of Columbia Office
Office for Civil Rights

Enclosure

cc: Kristi L. Gaddis, Executive Director of Student Services *via email at*
kristi.gaddis@yadkin.k12.nc.us