



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

November 16, 2018

Via Email: [Ron.Garner@spart1.org](mailto:Ron.Garner@spart1.org)

Dr. Ron Garner  
Superintendent  
Spartanburg County School District #01  
P.O. Box 218  
Campobello, SC 29322

RE: OCR Complaint No. 11-18-1339  
Resolution Letter

Dear Dr. Garner:

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 May 22, 2018 against Spartanburg County School District #01 (the District). The Complainant filed the complaint on behalf of a student (the Student) at Campobello-Gramling School (the School). The Complainant alleges that, during the 2017-2018 school year, the District subjected the Student to a hostile environment when the School failed to investigate promptly and respond appropriately to peer-based disability harassment, when the Student was teased by her peers XXXXX.

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.

Prior to the completion of OCR's investigation, the District expressed an interest in engaging in a voluntary resolution agreement pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), which states: "[a]llegations and issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation."<sup>1</sup>

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<sup>1</sup> OCR's *Case Processing Manual* may be accessed at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

On November 16, 2018, the District signed the enclosed Resolution Agreement which, when fully implemented, will resolve the allegation raised in this complaint. The provision of the Agreement is aligned with the allegation raised by the Complainant and the information obtained during OCR's investigation, and is 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.

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 Zorayda Moreira-Smith, the OCR attorney assigned to this complaint, at 202-453-6946 or [Zorayda.Moreira-Smith@ed.gov](mailto:Zorayda.Moreira-Smith@ed.gov).

Sincerely,

Kristi R. Harris  
Team Leader, Team IV  
District of Columbia Office  
Office for Civil Rights

Enclosure

cc: Trish Beason, Ph.D.  
Assistant Superintendent for Student Services