



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

September 25, 2015

Dr. Beverly Emory, Superintendent
Winston-Salem/Forsyth County Schools
P.O. Box 2513
Winston-Salem, NC 27102

RE: OCR Complaint No. 11-15-1285
Resolution Letter

Dear Dr. Emory:

This letter is to inform you of the disposition of the above-referenced complaint that you filed on June 15, 2015, with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), District of Columbia Office, against the Winston-Salem/Forsyth County Schools (the District), particularly XXXX School (the School). You alleged that the District discriminated against you on the basis of disability (mobility impairment). Specifically, you alleged that the District failed to provide accessible parking spaces at the School and accessible routes from the parking lot to the 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. Because the School receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

During the course of OCR's investigation, the District expressed an interest in resolving the complaint under a voluntary resolution agreement. Pursuant to Section 302 of OCR's *Case Processing Manual*, OCR discussed resolution options with the District. The District signed the enclosed agreement which, when fully implemented, will resolve the complaint. The provisions of the agreement are aligned with the allegations raised in 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.

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.

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 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 either of the OCR attorneys assigned to this case: Todd Rubin, at (202) 453-5923 or Todd.Rubin@ed.gov, or Jennifer Barmon, at (202) 453-6751 or Jennifer.Barmon@ed.gov.

Sincerely,

/S/

Dale Rhines
Acting Team Leader, Team III
District of Columbia Office
Office for Civil Rights