



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

July 8, 2026

Sent via email only to: [redacted content]
Justin Knight, Attorney
Perry, Guthery, Haase, & Gessford, P.C., L.L.O.

Re: Sandhills Public Schools
OCR Complaint No. 07261286

Dear Attorney Knight:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has completed its processing of the above-referenced complaint against your client, Sandhills Public Schools (District), alleging discrimination against the Student based on disability. This letter is to acknowledge that the District voluntarily entered into a Resolution Agreement (Agreement) resolving the complaint. This decision is explained below.

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance. OCR has Section 504 enforcement jurisdiction over recipients of federal financial assistance from the U.S. Department of Education. Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, prohibit discrimination against qualified individuals with disabilities by public entities. OCR has Title II enforcement jurisdiction over public education systems and institutions.

As a recipient of federal financial assistance from the Department and a public entity, the District is subject to these laws, and to OCR's jurisdiction. Additional information about the laws OCR enforces is available on our [website](#).

Section 110 of OCR's [Case Processing Manual](#) (CPM) provides that OCR may use its Rapid Resolution Process (RRP), an expedited case processing approach, to resolve cases in any of OCR's statutory areas either during the evaluation stage or after issuance of the letter of notification. OCR processed this matter pursuant to RRP and investigated whether the District failed to evaluate the Student, who, because of disability (Post-traumatic Stress Disorder or PTSD), needed or was believed to need special education or related services, before taking any action with respect to the initial placement of the Student in regular or special education, in violation of 34 C.F.R. § 104.35(a). During RRP, OCR communicated with and received information shared by the District regarding the Student.

Legal Standard

The Section 504 regulation, at 34 C.F.R. § 104.33, requires school districts to provide a free appropriate public education (FAPE) to each qualified student with a disability in its jurisdiction. An appropriate education is regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and that are developed in compliance with Section 504's procedural requirements. Implementation of an Individualized Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act is one means of meeting this standard. OCR interprets the Title II regulation, at 28 C.F.R. §§ 35.103(a) and 35.130(b)(1)(ii) and (iii), to require school districts to provide a FAPE to the same extent required under the Section 504 regulation.

In investigating a denial of a FAPE under Section 504, OCR first looks at the services to be provided as written in a student's plan or as otherwise agreed to by the student's team. If OCR finds that a school district has not implemented a student's plan in whole or in part, it will examine the extent and nature of the missed services, the reason for the missed services, and any efforts by the district to compensate for the missed services to determine whether this failure resulted in a denial of a FAPE.

The Section 504 regulation, at 34 C.F.R. § 104.35(a), requires a school district to evaluate any student who needs or is believed to need special education or related services due to a disability. A district must conduct an evaluation before initially placing the student in regular or special education and before any subsequent significant change in placement.

Summary of RRP

The Complainant asserted that one of the Student's teachers (Teacher) discriminated against the Student on the basis of disability when, after the Complainant had provided the District with notice of the Student's condition, the Teacher yelled at the students during class, which made the Student cry, and indicated that the Student does not have "[c]ommon sense." OCR conducted a call with the District, in which the District relayed that it believed staff had evaluated the Student pursuant to Section 504. The District conveyed to OCR that it would attempt to locate related documentation. To date, OCR has not received any information or documentation confirming that the District did, in fact, evaluate the Student pursuant to Section 504.

Analysis and Conclusion

OCR's consideration of the complaint to date revealed concerns that the District may not have evaluated the Student based on their condition of PTSD and that, as a result, the Teacher may not have known how to appropriately service the Student. Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's CPM, the District expressed an interest in resolving this complaint and OCR determined that a voluntary resolution is appropriate. Accordingly, the District signed the enclosed Resolution Agreement (Agreement) which, when fully implemented, will address this issue. OCR will monitor the District's implementation of the Agreement until the District has fulfilled its terms.

This concludes OCR's consideration of the complaint. When OCR determines the District has fully implemented the terms of the Agreement, OCR will close this complaint. If the District fails to carry out the Agreement, OCR may resume investigating the complaint. OCR will not close the monitoring of the Agreement until OCR determines that the District has demonstrated compliance with all the terms of the Agreement and is in compliance with Section 504 and its implementing regulations, which were at issue in this complaint.

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 OCR policy. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have a right to file a private lawsuit in federal court whether or not OCR finds a violation.

Please be advised that the District may 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, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions about this letter, please contact Attorney Kulsoom Naqvi at kulsoom.naqvi@ed.gov.

Sincerely,

/s/

Cristin Hedman Sparks
Supervisory Attorney

Enclosure