



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515  
100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3323

REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

July 10, 2014

**IN RESPONSE, PLEASE REFER TO: 03143004**

Mr. William A. Gannon  
Executive Director  
Pennsylvania Office of Vocational Rehabilitation  
1521 North Sixth Street  
Harrisburg, PA 17102

Dear Mr. Gannon:

This is to notify you of the resolution of the complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Pennsylvania Office of Vocational Rehabilitation (PA-OVR), Harrisburg Office. XX XXX XXXXXXXXXX (the Complainant) alleges that the PA-OVR discriminated against XXX on the basis of disability by:

1. failing to provide services for XXX to attend the XXXXX X XXXXXXXX School (the School) for the 2013-2014 school year because of XXX disability.
2. an employee making the harassing comment to him on the basis of his disability, in XXXXXXXX XX XXXXXXXXXX XX XXXX XXXXXX XXX XXXXX X XXXXXXXX XXXXXXXX XX XXX XXX XXXXXXX XXX XXX.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the PA-OVR is subject to the provisions of Section 504 and Title II and their implementing regulations.

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a resolution agreement. The provisions of the resolution agreement must be aligned with the complaint allegations and be consistent with applicable regulations. Such a request does not constitute an admission of a violation on the part of the PA-OVR, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the PA-OVR requested to resolve this complaint through a Voluntary Resolution Agreement (the Agreement), which was executed on July 9, 2014.

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

Page 2 - Mr. William A. Gannon

Accordingly, OCR is concluding its investigation of this complaint. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the PA-OVR's implementation of the Agreement.

This letter is not intended, nor should it be construed, to cover any other issues regarding the PA-OVR's compliance with Section 504, Title II and their implementing regulations that may exist and are not discussed herein.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Please be advised that the PA-OVR may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact Dale J. Leska, Investigator, at (215) 656-8562 or by email at [dale.leska@ed.gov](mailto:dale.leska@ed.gov).

Sincerely,

/s/

Vicki Piel  
Team Leader/Supervisory Attorney  
Philadelphia Office

Enclosure

cc: Catherine N. Lantzy, Deputy Chief Counsel (w./encl.)