



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

August 3, 2016

RE: OCR Complaint No. 03-16-1126

Dr. Jacqueline Rattigan
Superintendent
Pennridge School District
District Administration Office
1200 N. 5th Street
Perkasie, PA 18944

Dear Dr. Rattigan:

This is to advise you of the resolution of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on XXXXXX, against Pennridge School District (the District). The Complainant, XXXXXX, alleged that the District discriminated against XXXXXX, XXXXXX (the Student), on the basis of disability by failing to properly consider whether the Student XXXXXX.

OCR enforces, Section 504 of the Rehabilitation Act of 1973, 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. OCR also enforces, Title II of the Americans with Disabilities Act of 1990, 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 and a public entity, the District is subject to Section 504, Title II, and their implementing regulations.

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 Standards

The Section 504 regulation at 34 C.F.R. §104.4 (a) states that no qualified person with a disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of disability. The regulation implementing Section 504, at 34 C.F.R. § 104.33, requires that a recipient of Federal financial assistance that operates a public elementary or secondary education program or activity shall provide a free appropriate public education (FAPE) to each qualified individual with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability. The Section 504 regulation, at 34 C.F.R. § 104.35, requires districts to establish standards and procedures for the evaluation and

placement of students with disabilities. Section 104.35 requires consideration by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

Factual Background

During the 2015-165 school year, the Student attended xx-paragraph-xx

xx-paragraph-xx

xx-paragraph-xx

xx-paragraph-xx

xx-paragraph-xx

Conclusion

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 information obtained during the investigation and be consistent with applicable regulations. Such a request does not constitute an admission of a violation on the part of the District, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the District requested to resolve this complaint through a resolution agreement, and on July 27, 2016, the District signed a Voluntary Resolution Agreement (Agreement) with OCR to resolve the allegations contained within the complaint. Accordingly, OCR is concluding its investigation of this complaint. As is our standard practice, OCR will monitor the District's implementation of the Agreement, a copy of which is enclosed.

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, 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.

We appreciate the District's cooperation in the resolution of this complaint. If you have any questions, please contact Irene Town, at 215-656-8586 or irene.town@ed.gov.

Sincerely,

/s/

Nancy E. Potter
Team Leader

Enclosure

cc: Erin N. Kernan, Esquire