



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

March 1, 2017

**IN RESPONSE, PLEASE REFER TO: 03-16-1885**

Dr. George Arlotto  
Superintendent  
Anne Arundel County Schools  
2644 Riva Road  
Annapolis, MD 21401

Dear Dr. Arlotto:

This is to notify you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR) against Anne Arundel County Public Schools (the District). Ms. Catrina Robinson (the Complainant) filed the complaint on behalf of XXXXXX (the Student) on the basis of disability. Specifically, the Complainant alleged that the District is failing to implement the following provisions of the Student's Section 504 Plan at XXXXXX (the School) for the current year:

1. XXX-- paragraph redacted-- XXX

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.
- 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 from the Department and a public entity, the District is subject to Section 504, Title II and their implementing regulations.

### **Legal Standards**

Section 504 and the ADA have equivalent standards. Title II of the ADA is interpreted as adopting the standards of Section 504 in areas where Title II has not adopted a different standard.

The Section 504 regulation at 34 C.F.R. § 104.33(a) and (b) requires a recipient that operates a public elementary or secondary education program to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction, regardless of the nature or the severity of the person's disability. The provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet the individual education needs of persons with disabilities as adequately as the needs of persons without disabilities are met, and that are developed in accordance with the procedural requirements of 34 C.F.R. §§ 104.34-104.36 pertaining to educational setting, evaluation and placement, and procedural safeguards. The implementation of an IEP or Section 504 Plan is one means of meeting this requirement.

### **Factual Background**

XXX-- paragraph redacted-- XXX

The District has a Section 504 policy and it contains the following relevant provisions:

- A student is referred to a school-based Section 504 Team, which will determine if the student is eligible under Section 504.
- A parent or staff member may refer a student to the Section 504 Team.
- A student with a disability should be considered for eligibility under Section 504 if he/she:
  - has a physical or mental impairment which substantially limits one or more major life activities;
  - has a record of such an impairment; or
  - is regarded as having such an impairment.
- Students who meet the eligibility guidelines for Section 504 may have a Section 504 Plan developed. The plan will specify the nature of the qualifying disability that substantially limits a major life activity, and the accommodations necessary to provide access based on the student's needs. The plan will also include individual staff members responsible for implementing the accommodations.
- Accommodations should be specific to the individual with regard to his/her disability and its limitation on the major life activity.

- The team will review the student’s Section 504 Plan on a periodic basis to ensure its effectiveness. A parent may request, at any time, that a plan be reviewed and/or revised as needed.

### **Request to Resolve Complaint through a Voluntary Resolution Agreement**

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 and OCR determines that such a resolution is appropriate. The provisions of the Resolution Agreement must be aligned with the complaint allegations, the information obtained in the investigation to date, 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 the complaint through a Resolution Agreement. On February 27, 2017, the District signed this Agreement. As is our standard practice, OCR will monitor the District’s implementation of the Agreement, a copy of which is enclosed. Accordingly, OCR is concluding its investigation of the allegation as of the date of this letter.

This letter is not intended nor should it be construed to cover any other issues regarding the District’s compliance with Section 504 and Title II, which may exist and are not discussed herein. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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 District 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.

If you have any questions or concerns, please call me at (215) 656-8522.

Sincerely,

/s/  
Vicki Piel  
Team Leader  
Philadelphia Office

Enclosure