



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 3, 2019

**In response please refer to OCR Docket No. 03-19-1073**

Dr. George Arlotto  
Superintendent  
Anne Arundel County Public Schools  
2644 Riva Road  
Annapolis, MD 21401-7305  
**By email only: garlotto@AACPS.org**

Dear Dr. Arlotto:

This is to advise you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation and reached a determination in the above-referenced complaint filed against the Anne Arundel County Public Schools (the District). The Complainant, XXXXXXXXXX, alleged that the District discriminated against XXXXXXXXXXXXXXXXXXXX (the Student), on the basis of disability by failing to implement the Student's individualized education plan (IEP) during the 2018-19 school year.

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, which prohibit 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, which prohibit discrimination on the basis of disability by public entities.

The District is a recipient of financial assistance from the Department and a public entity. Therefore, OCR has jurisdictional authority to investigate this complaint under Section 504 and Title II.

XX – Paragraphs Redacted – XX

*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 students with disabilities. 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

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

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 FAPE to the same extent required under the Section 504 regulation.

*Conclusion*

Pursuant to Section 302 of OCR's *Case Processing Manual*, the District signed the enclosed Resolution Agreement on June 18, 2019 which, when fully implemented, will resolve the issue raised in this complaint. The provisions of the Agreement are aligned with the allegation and issue raised by the Complainant and the information discussed above that was obtained during OCR's investigation, and are consistent with applicable law and regulation. OCR will monitor the District's implementation of the Agreement until the District is in compliance with the statutes and regulations at issue in this complaint. Failure to implement the Agreement could result in OCR reopening the complaint.

This concludes OCR's investigation of this 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 determinations 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. Complainants 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 or concerns regarding OCR's case determination, please contact Amy Niedzalkoski, Team Attorney, at 215-656-8571 or [amy.niedzalkoski@ed.gov](mailto:amy.niedzalkoski@ed.gov).

Sincerely,

/s/

Beth Gellman-Beer  
Chief Attorney  
Philadelphia Office  
Office for Civil Rights

cc: Alison Barmat, Esq.  
By email only: [abarmat@AACPS.org](mailto:abarmat@AACPS.org)