



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
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July 23, 2020

IN RESPONSE, PLEASE REFER TO: 03191166

Dr. Maureen Reusche
Superintendent
School District of Haverford Township
50 East Eagle Road
Havertown, PA 19083

Via Email MReusche@haverfordsd.net

Dear Dr. Reusche:

This is to notify you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the School District of Haverford Township (the District). The Complainant, XXXXXXXXXXXXXXXXXXXX, alleged that the District discriminated against XXXXXXXXXXXXXXXXXXXX (the Student) at Haverford High School (the School), on the basis of disability. Specifically, the Complainant alleged that the District denied the Student a free, appropriate public education (FAPE) by failing to implement the Student's Section 504 plan during the 2018-2019 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. 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 these laws and their implementing regulations.

Legal Standards:

The Section 504 regulation, at 34 C.F.R. § 104.33, requires school districts to provide a 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

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

met and that are developed in compliance with Section 504's procedural requirements. Implementation of Section 504 Plan, 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.

Investigation to Date

The Student's Section 504 plan, operative as of May 28, 2018, contained the following requirements for the provision of FAPE:

- Whenever possible seat [the Student] in close proximity to teacher.
- Assist [the Student] with organization of his binders and notebooks.
- Assist [the Student] in developing ways to organize his responses in a sequential manner. (i.e., have him create an outline to organize his thoughts, etc.)
- In open-ended responses when citing evidence, work with [the Student] on ways to analyze each cited evidence so that his responses are detailed and thought out.

Correspondence provided by the District establishes that it distributed and notified the Student's teachers about the Student's Section 504 Plan, and on January 30, 2019, in response to a discussion with the Complainant, the Principal requested updates from the Student's teachers concerning their implementation of the plan. Correspondence also confirms that the Complainant contacted the Principal on or about February 19, 2019 about proposed revisions to the 504 Plan or concerning interpretations about agreed-upon services.

XX – Paragraph Redacted – 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 voluntary resolution. On July 16, 2020, the District signed the enclosed Resolution Agreement which, when fully implemented, will resolve the allegations raised in this complaint. The provisions of the Agreement are aligned with the allegations and issues 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 has fulfilled the terms of the Agreement.

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.

If you have any questions, you may contact investigator Josh Galiotto at (215) 656-8587 or by email at joshua.galiotto@ed.gov.

Sincerely,

/s/

Christina M. Haviland
Supervisory Attorney

Enclosure
cc: Amy Cleary, Esq.