



In the course of our investigation, OCR reviewed documents and information provided by you and the District and interviewed District staff. Prior to completion of OCR's investigation, the District requested to voluntarily resolve the allegations in the complaint.

### **Legal Standard**

The Section 504 regulation, at 34 C.F.R. § 104.4(a), provides that no qualified person with a disability shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in a school district's programs or activities on the basis of disability. The Title II regulation contains a similar prohibition at 28 C.F.R. § 35.130(a). The Title II regulation, at 28 C.F.R. § 35.130(b)(7), also requires school districts to make reasonable modifications to policies, procedures, or practices when necessary to avoid discrimination on the basis of disability, unless the modification would fundamentally alter the nature of the service, program, or activity.

The regulation implementing Section 504 at 34 C.F.R. § 104.33 requires public school districts to provide a free appropriate public education (FAPE) to all students with disabilities in their jurisdictions. An appropriate education is defined as regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met, and that are developed in accordance with the procedural requirements of §§ 104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections.

### **Factual Findings**

#### **Background Information**

XX – Paragraphs Redacted – XX

#### **Facts**

XX – Paragraphs 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 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, on January 19, 2021, prior to the conclusion of OCR's investigation, the District requested to resolve the allegations of the complaint through a Resolution Agreement. On May 14, 2021, 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. When fully implemented, the Agreement will fully address the allegations. Accordingly, OCR is concluding its investigation of the complaint as of the date of this letter.

This concludes OCR's investigation of the complaint and 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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation. 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.

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.

Thank you for your cooperation during this investigation. If you have any questions or concerns regarding OCR's case determination, you may contact Marcia Jones, Investigator, at 215-656-8555 or by email at [marcia.jones@ed.gov](mailto:marcia.jones@ed.gov) or Christina Haviland, Supervisory Attorney, at (215) 656-5805 or by email at [christina.haviland@ed.gov](mailto:christina.haviland@ed.gov).

Sincerely,

/s/

Christina M. Haviland  
Supervisory Attorney  
Philadelphia Office

cc: Stephen Cowles, Esq. (via email only)