



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  
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MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

**IN RESPONSE, PLEASE REFER TO: 03-23-1007**

March 14, 2023

Dr. Jeffrey A. Lawson, Ed.D.  
Superintendent  
Cecil County Public Schools  
201 Booth Street  
Elkton, MD 21921  
Via E-mail Only: [jalawson@ccps.org](mailto:jalawson@ccps.org)

Dear Dr. Lawson:

The U.S. Department of Education, Office for Civil Rights (OCR) has reached a resolution in the above complaint filed against Cecil County Public Schools (District) in Maryland. The Complainant alleged that the District discriminated against his son (the Student) on the basis of disability by failing to timely respond to his request for an evaluation of the Student under Section 504.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

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, which the District signed on February 24, 2023. 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**

Section 504 requires recipients to provide a qualified student with a disability an opportunity to benefit from the recipient's program equal to that of students without disabilities. The Section 504 regulation, at 34 C.F.R. Section 104.4(a), states that no qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal

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





**Conclusion**

OCR has concerns that the District failed to timely respond to the Complainant’s request for an evaluation of the Student under Section 504. While the evidence reflects that the District has engaged in several meetings with the Complainant regarding the evaluation of the Student, the process extended over a long period of time and included several months of inaction on the District’s part. The District was on notice in XXXXXXXX that the Student had been diagnosed with XXXX and received documentation on XXXXXXXXXXXX that his physician believed he needed accommodations, but no accommodations were put into place until XXXXXXXX and the student was not recognized as a student with a disability until XXXXXXXX. XXXXXXXX  
XX  
XX  
XX  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

Pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM), the District requested to resolve the case through a voluntary resolution agreement. The District signed the enclosed Agreement on February 24, 2023 which when fully implemented, will address OCR’s concerns regarding the allegation of this complaint. To address OCR’s concerns, the Agreement requires that the District will convene a multidisciplinary team meeting to include relevant education specialist who have knowledge about the Student to determine whether the Student suffered any educational loss as a result of the District’s alleged failure to timely respond to the Complainant’s request for an evaluation. The Agreement also requires the District to issue a written memorandum for all staff at North East High School regarding its Child Find responsibilities. The Agreement further requires the District to provide training to all administrators, guidance counselors, and staff involved in the special education referral process at North East High School regarding the District’s Child Find obligations and its special education referral process under Section 504, including all members of the Student’s Section 504 Team.

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 thank you for your cooperation during the resolution of this complaint. If you have any questions, you may contact Shannon Zipkin, Paralegal at 215-656-6909 or by email at [shannon.zipkin@ed.gov](mailto:shannon.zipkin@ed.gov).

Sincerely,

/s/

Christina M. Haviland  
Supervisory Attorney  
Office for Civil Rights

Enclosure