



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

April 10, 2023

Via Email Only / roberts@mtsd.org
Dr. Ian Roberts
Superintendent of Schools
Millcreek Township School District

Re: OCR Case No. 03-23-1014

Dear Dr. Roberts:

This letter is to notify you of the disposition of the above-referenced complaint received on October 12, 2022, by the U.S. Department of Education, Office for Civil Rights (OCR), against Millcreek Township School District (the District), in Pennsylvania. The Complainant alleges that portions of the McDowell Intermediate High School (MIHS) and McDowell Senior High School (MSHS) (collectively, the schools) are inaccessible XXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX. Specifically:

1. In periods of inclement weather, snow is not immediately removed along accessible walkway between buildings and near/around entrances.
2. Handicapped accessible parking spots are being used as drop off/pickup lanes before and after school, making it impossible to park.
3. The partially covered route/walkway between the schools is not accessible.
4. The first floor designated handicapped accessible bathroom at McDowell Intermediate High School is not accessible.
5. The automated functions (pushbuttons, etc.) of the main handicapped accessible entrance doors to the schools operate sporadically.
6. The Complainant experiences difficulty in getting accessibility concerns addressed by the District's Director of Facilities.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department and as a public entity, the District is subject to these laws. Therefore, OCR had jurisdiction to investigate this complaint.

Based on the complaint allegations, OCR opened an investigation of the following issue to determine whether the District is discriminating against individuals on the basis of disability: whether qualified individuals with disabilities are being excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of the District's programs or

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

District to evaluate the first floor bathroom at MISH, to identify any accessibility issues with the bathroom, and to remediate those issues in a timely manner and in accordance with applicable standards of accessibility. OCR will monitor the implementation 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.

We appreciate the District's cooperation during the investigation and resolution of the complaint. If you have any questions, you may contact Michael Wesley, investigator, at 215-656-6908 or by email at michael.wesley@ed.gov.

Sincerely,

/s/

Christina M. Haviland
Supervisory Attorney
Office for Civil Rights

Enclosure

cc: Timothy M. Sennett, Esq., General Counsel - Knox McLaughlin Gornall & Sennett, P.C.