



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

RENAISSANCE TOWER
DALLAS, TEXAS 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

September 25, 2023

By email only to: PSanker@ldsd.org

Dr. Patricia Sanker
Acting Superintendent
Lower Dauphin School District
291 East Main Street
Hummelstown, Pennsylvania 17036-1723

Re: OCR Docket No. 03-23-1415
Lower Dauphin School District, Pennsylvania

Dear Superintendent Sanker:

This letter is to advise you of the resolution of the investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in Lower Dauphin School District (District). OCR investigated whether the District's online programs, services, and activities exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. § 104.4 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. In addition, OCR investigated whether the District fails to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others, in violation of 28 C.F.R. § 35.160(a).

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 any program or activity receiving 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.

OCR conducted a detailed assessment of representative web pages, including engaging in robust manual testing, to determine whether the District's online programs, services, and activities are accessible to people with disabilities. OCR verified that most of the tested web pages contained no barriers to access for people with disabilities. However, OCR noted a few compliance concerns:

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

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- On the District's [Handbook PDF](https://www.lds.org/cms/lib/PA09000083/Centricity/Domain/72/HS%20Student%20Handbook%2022-23%20Final.pdf) (https://www.lds.org/cms/lib/PA09000083/Centricity/Domain/72/HS%20Student%20Handbook%2022-23%20Final.pdf) and [Principles for Leadership and Governance PDF](https://www.lds.org/cms/lib/PA09000083/Centricity/Domain/14/Principles%20for%20Governance%20and%20Leadership%20-%20110515.pdf) (https://www.lds.org/cms/lib/PA09000083/Centricity/Domain/14/Principles%20for%20Governance%20and%20Leadership%20-%20110515.pdf) pages, the PDF documents lacked sufficient structure to communicate some content effectively to individuals who use assistive technology.

On September 22, 2023, the District voluntarily signed the enclosed Resolution Agreement (Agreement) to resolve the investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement.

This concludes OCR's investigation. 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 matter. 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. An individual may have the right to file a private suit in Federal court whether or not OCR finds a violation.

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, please contact me at 202-987-1453 or David.Kutch@ed.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Kutch", with a stylized flourish at the end.

David Kutch
Attorney

Enclosure

Courtesy copy by email only to:

Brooke Say
Counsel
bsay@stockandleader.com