

Isle of Wight County (VA) Public Schools

Isle of Wight County (VA) Public Schools, 56 IDELR 111 (OCR. 2010): The Office of Civil Rights (OCR) determined that the school district violated Section 504 of the Rehabilitation Act the Americans with Disabilities Act (ADA) when it failed to evaluate a student with Type 1 diabetes for potential eligibility. The school district had erroneously claimed it had no obligation to evaluate student due to the fact that the student's family and/or medical caregivers never requested an evaluation. As OCR pointed out, it is the responsibility of a school district (not a parent) to identify and evaluate any student who is believed to be a student with a disability. Moreover, OCR stated that the school district should have conducted a manifestation meeting in order to determine whether or not a behavior resulting in a suspension and recommendation for expulsion (a threat of violence upon a teacher) was a manifestation of the student's disability. Although the student did not have a 504 Plan at the time of the behavior, the school district had reason to believe that he was disabled. There was evidence that the student's blood sugar was high at the time of the incident, and the school district never considered whether this contributed to the student's behavior.

Alachua County (FL) School District

Alachua County (FL) School District, 52 IDELR 204 (OCR 2009): The U.S. Department of Education, Office of Civil Rights (OCR) determined that a school district violated Section 504 by failing to provide a student (with Hirschsprungs disease) with colostomy bag-changing services while participating in an after school program. The provision of colostomy bag services was deemed a reasonable modification and not a fundamental alternation of the programs policies, one of which required participants to be potty trained. It was not reasonable for the district to require the student's parent to go to the school to change the bag. The districts failure to provide the services denied the student meaningful participation and equal access to the program.

Pine-Richland (PA) School District

Pine-Richland (PA) School District, 53 IDELR 200 (OCRIII, Philadelphia (PA) 2009): The U.S. Department of Education, Office of Civil Rights (OCR) addressed a complaint by parents of a student who had a Section 504 Plan related to potentially life-threatening food allergies. OCR was satisfied that the school district resolved an allegation that its school nurse discussed a student's food allergies with the student's classmates, thus violating the Family Educational Rights and Privacy Act (FERPA). To prevent reoccurrence, the school district issued a memorandum to the nurse notifying her that she is not authorized to disclose the student's health condition without written authorization and consent from the student's parents.

Union City (MI) Community Schools

Union City (MI) Community Schools, 54 IDELR 131 (OCR 2009): The Office of Civil Rights (OCR) determined that a Michigan school district violated Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA) when it failed to conduct a timely evaluation and denied an orthopedically impaired student a written 504 Plan because the student's physical disability did not affect her ability to learn. The school district erroneously cited the student's good academic performance as a reason why she did not need a 504 Plan. OCR also stated that the school district was under the mistaken impression that walking was not a major life activity. OCR concluded that the student required a 504 Plan with respect to the student's participation in physical education classes, recess, school field trips, and transportation to and from school.

Hemet (CA) Unified School District

Hemet (CA) Unified School District, 54 IDELR 328 (OCRIX, San Francisco (CA) 2009): The Office of Civil Rights (OCR) determined that a California school district violated Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA) **when the school district did not properly investigate and attempt to remedy instances of disability-based bullying and harassment by students of a student with ADHD.** Although OCR did not hold the school district accountable for the actions of the offending students, the school district is responsible for its own discrimination in failing to respond adequately. Although the student's parent did not mention the student's disability until the fourth of five letters written to the school complaining of the harassment, OCR stated the school district should have inferred from the parent's first three letters that the parent's complaint was, at least in part, related to the student's disability. Although the school district took some steps to remedy the situation, such as talking to and suspending at least one of the offending students, OCR stated that these measures were not adequate because they did not stop the harassing conduct. OCR also took issue with the fact that the school district treated the reported problems as an ordinary dispute between students, rather than incidents of potential disability-based bullying and harassment. Moreover, to the extent the school district claimed that the student's own conduct played a role in the incidents, OCR stated that the school district should have addressed this through the IEP process, since the student was a student with a disability under the IDEA. As a result of OCR's investigation, the school district signed a resolution agreement agreeing to train site administrators concerning harassment of students with disabilities, and how to investigate and respond to such incidents.

[*Click Here>> District Violated 504 and Title II*](#)

[*Click here>>OCR finds that ESY needs to be determined individually*](#)

[*Click here>>District Violated 504 and Title II*](#)