



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

July 1, 2026

David Morrow
Superintendent

Sent via email only to: [redacted content]

Re: Bridge Creek Public Schools
OCR Case Number 07261501

Dear Superintendent Morrow,

The U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against Bridge Creek Public Schools (District) alleging discrimination based on disability. Specifically, the complaint alleges the District failed to implement the provisions in the Student's Section 504 Plan. This letter is to acknowledge that the District voluntarily entered into a Resolution Agreement (Agreement) resolving the complaint. This decision is explained below.

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, prohibit discrimination since disability in programs and activities that receive federal financial assistance. OCR has Section 504 enforcement jurisdiction over recipients of federal financial assistance from the U.S. Department of Education. 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, prohibit discrimination against qualified individuals with disabilities by public entities. OCR has Title II enforcement jurisdiction over public education systems and institutions.

As a recipient of federal financial assistance from the U.S. Department of Education and a public entity, the District is subject to these laws, and to OCR's jurisdiction. Additional information about the laws OCR enforces is available on our [website](#).

In response to the complaint, OCR investigated whether the District failed to implement the provisions in the Student's Section 504 Plan, and if so, whether this denied the Student a Free Appropriate Public Education (FAPE), in violation of Section 504 and its implementing regulation at 34 C.F.R. 104.33, and/or Title II and its implementing regulation at 28 C.F.R. § 35.130

During the investigation, OCR reviewed documents provided by the Complainant, interviewed the Complainant, and communicated with the Superintendent of the District. To protect individuals' privacy, the names of employees, witnesses, and other parties are not used in the letter.

Legal Standard

The Section 504 regulation, at 34 C.F.R. § 104.33, requires a school district to provide a free appropriate public education (FAPE) to each qualified student with a disability in its jurisdiction. An appropriate education is regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and that are developed in compliance with Section 504's procedural requirements. OCR interprets the Title II regulation, at 28 C.F.R. §§ 35.103(a) and 35.130(b)(1)(ii) and (iii), to require school districts to provide a FAPE to the same extent required under the Section 504 regulation.

In investigating a denial of a FAPE under Section 504, OCR first looks at the services to be provided as written in a student's plan or as otherwise agreed to by the student's team. If OCR finds that a school district has not implemented a student's plan in whole or in part, it will examine the extent and nature of the missed services, the reason for the missed services, and any efforts by the district to compensate for the missed services to determine whether this failure resulted in a denial of a FAPE.

Summary of Preliminary Investigation

The Complainant alleged the District failed to implement the Student's Section 504 Plan during the 2025-26 school year. She stated the Student has Type 1 Diabetes and needs constant monitoring of his blood sugar levels. The Complainant stated the District often neglected to monitor the Student's levels, causing him to have dangerous levels on several occasions. The Superintendent stated that the District had held meetings to address the Complainant's concerns and was continuing to work on a procedure since the Student will be moving to a different school in the District. The Superintendent wanted to continue to collaborate to make a workable plan for the Student.

Analysis and Conclusion

OCR's investigation of the complaint raised concerns that the District was not fully implementing the Student's Section 504 Plan. Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's [Case Processing Manual](#), the District expressed an interest in resolving this complaint and OCR determined that a voluntary resolution is appropriate. Accordingly, the District signed the enclosed Agreement which, when fully implemented, will address the allegation raised in the complaint. OCR will monitor the District's implementation of the Agreement until the District has fulfilled its terms.

This concludes OCR's investigation of the complaint. When OCR determines the District has fully implemented the terms of the Agreement, OCR will close this complaint. If the District fails to carry out the Agreement, OCR may resume investigating the complaint. OCR will not close the monitoring of the Agreement until OCR determines that the District has demonstrated compliance with all the terms of the Agreement and is in compliance with Section 504 and Title II, and their respective implementing regulations, which were at issue in this complaint.

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 OCR policy. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have the right to file a private suit in federal court regardless of whether OCR finds a violation.

The District may 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, assists, or participates in a proceeding under a law enforced by OCR. Complaints alleging such retaliation may be filed 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, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, you may contact Attorney Glenn Grayson at glenn.grayson@ed.gov.

Sincerely,

/s/

Megan Levetzow
Supervisory Attorney

Enclosure