



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

March 4, 2014

Dr. Lewis D. Ferebee
Superintendent
Indianapolis Public Schools
John Morton-Finney Center for Educational Services
120 E. Walnut St.
Indianapolis, IN 46204

Re: OCR #05-13-1362

Dear Dr. Ferebee:

This is to advise you of the disposition of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) against Indianapolis Public Schools (District) alleging discrimination based on disability. Specifically, the complaint alleged that the District subjected a student with Autism to discrimination based on disability as follows: (1) during the 2012-13 and 2013-14 school years, it failed to implement the provisions of her Individualized Education Program (IEP) relating to transportation; and (2) in August 2013, it failed to ensure that she boarded the correct bus after school.

OCR is responsible for enforcing 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §12132, and its implementing regulation at 29 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance, and Title II prohibits discrimination on the basis of disability by public entities. All of these statutes prohibit retaliation for engaging in protected activities. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to these laws.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR's investigation, the District requested to resolve the allegations as they pertain to Section 504 and Title II.

On March 3, 2014, the District signed the enclosed resolution agreement (Agreement) which, when fully implemented, will resolve the issues raised in the complaint. The provisions of the Agreement are aligned with the issues raised by the allegations and the information obtained during OCR's investigation and are consistent with the applicable regulations. OCR will monitor the District's implementation of the Agreement.

Page 2 – Dr. Ferebee

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We wish to thank you and your staff, and particularly the Corporation's counsel, Ms. Roberta Sabin Recker, for the cooperation extended to OCR during the processing of this complaint. If you have any questions, please feel free to contact Lauren Skerrett at 312-730-1603 or by e-mail at Lauren.Skerrett@ed.gov.

Sincerely,

Jeffrey Turnbull
Team Leader

cc: Ms. Roberta Sabin Recker

Enclosure