



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

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March 9, 2018

Ms. Diane Massa
Executive Director
Porter County Education Services
750 Ransom Road
Valparaiso, Indiana 46385

Re: OCR Docket #05-15-1208

Dear Ms. Massa:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its complaint resolution efforts with regard to the above-referenced complaint against the Porter County Education Services (PCES). Specifically, the complaint alleges PCES subjected disabled students placed at PCES's SELF School (School) to discrimination based on disability by inappropriately restraining or secluding them during the 2014-15 school year.

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. §§ 12131-12134, and its implementing regulation at 28 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. As a recipient of Federal financial assistance from the Department and as a public entity, PCES is subject to these laws.

During its investigation, OCR reviewed information provided by the Complainant and PCES and conducted an on-site visit to the School to interview School personnel.

On February 26, 2018, PCES signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address PCES'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.

Please be advised that PCES 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 individual 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.

The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

OCR would like to thank you and your colleagues, especially Ms. Sandy Bodnar, Principal, and Ms. Monica Conrad, Counsel, for the courtesy and cooperation extended to OCR during its investigation. If you have any questions, please contact Mark Erickson at 312-730-1574 or by email at mark.erickson@ed.gov.

Sincerely,

Jeffrey Turnbull
Team Leader

Enclosure

cc: Ms. Monica Conrad, Counsel