



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

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April 4, 2022

Ms. Debbie Metzger
Superintendent
Twin Lakes School Corporation
Sent via email only to dmetzger@twinlakes.k12.in.us

Re: OCR Docket #05-22-1006

Dear Ms. Metzger:

This letter is to notify you of the outcome of the complaint that the U.S. Department of Education, Office for Civil Rights (OCR), received against Twin Lakes School Corporation (Corporation), alleging discrimination based on disability.

Specifically, the complaint alleges that the Corporation discriminated against Student A, a XXXXXXXXXXXX student at XXXXXXXXXXXXXXXXXXXX (School), based on his disability (XXXXXX) when it XXXXXXXXXXXXXXXX his Section 504 plan in fall XXXX.

OCR enforces 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance, as well as 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, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the Corporation is subject to these laws.

During its investigation, OCR reviewed information provided by the Complainant and the Corporation. Prior to the completion of OCR's investigation, the Corporation expressed interest in resolving the complaint in accordance with Section 302 of OCR's Case Processing Manual (CPM) and executed the enclosed Resolution Agreement (Agreement).

Legal Standards

The Section 504 regulation, at 34 C.F.R. § 104.33, requires school districts to provide a free appropriate public education (FAPE) to all students with disabilities in their jurisdictions, regardless of the nature or severity of the disability. An appropriate education is defined as regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of students without disabilities are met and are based on adherence to procedures that satisfy the requirements of 34 C.F.R. §§ 104.34-36. Implementation of a Section 504 Plan developed in accordance with the regulations implementing Section 504 is one means of meeting these requirements.

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

Facts

Student A’s parent and the Corporation both provided OCR a Section 504 plan created for Student A on XXXXXXXXXXXX, while he was in XXX grade at the School. The plan said the Section 504 team determined that Student A XXXXXXXXXXXXXXXXXXXX: XXXXXXXXXXXX; XXXXXXXXXXXXXXXXXXXX, XXXXXXXXXXXX and to XXXXXXXXXXX XXXXXXXX; the XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX; XXXXXXXXXXXXXXXXXXXX; and XXXXX and XXXXXXXXXXX. The members of the Section 504 team included the XXXXXXXX at the time (XXXXXXX), a XXXXXXXX, and a XXXXXXXX.

Student A’s parent explained to OCR that XXXXXXXXXXXXXXXXXXXXXXXXXXXX, in early XXXXXX XXXX, she contacted Student A’s teachers by email to inform them that he has a Section 504 plan in place. She said none of the teachers responded to her email, and she then contacted the School’s XXXXXXXX on XXXXXXXX XX, XXXX, to request a copy of the Section 504 plan. The XXXXXXXX XXXXXXXX referred the request to the XXXXXXXX. Documentation provided to OCR shows that the XXXXXXXX initially responded that XXXXXXXXXXXX Student A’s Section 504 plan in his file.

The Corporation acknowledged that Student A’s teachers XXXXXXXXXXX XXXXXXX XXXXXXX of his Section 504 plan XXXXXXX XXXXX XXXXXXX because the XXXXXXX, who was the individual primarily responsible for XXXXX Student A’s Section 504 plan to teachers, XXXXX at the end of the XXXX-XXXX school year. According to the Corporation, its staff became aware of this fact when the parent XXXXXXX a copy of the plan on XXXXXXX XX, XXXX; the Corporation provided an email from the XXXXXXX to Student A’s teachers that same day XXXXX XXX XXXX. The Corporation added that even though Student A’s teachers XXXXXXX his Section 504 plan until XXXXXXXX XX, XXXX, they “for the most part” XXX XXXXXXXX the items listed in the plan because “they were obvious best practices for Student A.” Other than information showing that teachers XXX XXX XXXXX X XXXX XX Student A’s Section 504 plan XXXXXXXXXXXXXXXXXXXX, Student A’s parent XXXXXXXX specific evidence to XXXXXXX that the plan was XXXXXXXXXXXX.

In XXXX XXXX, the Corporation determined that it would XXXX an XXXXXXX of Student A to determine XX XXXXXXXXXXXXXXXXXXXX XXXXXXXX.

Analysis

OCR has concerns about the Corporation’s XXXXXXX to ensure XXXXXXX of Student A’s Section 504 plan by XXXXXXX XX to the teachers at the XXXXXXX of the XXXX-XXXX school year; the Corporation did not XXXX the plan until Student A’s parent XXXX XXXXXXX it. However, the Corporation has expressed an interest in resolving this complaint prior to the conclusion of OCR’s investigation. OCR determined that it is appropriate to resolve the complaint via Section 302 of the CPM because OCR has not made a final determination.

The Corporation executed the enclosed Agreement, which when fully implemented, will address the compliance concerns. The provisions of the Agreement are aligned with the allegation in the

complaint and the information obtained during OCR's investigation and are consistent with the applicable regulations. OCR will monitor the implementation of the Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the Corporation's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

The 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 the Corporation 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 privacy.

The Complainant may file a private suit in Federal court, whether or not OCR finds a violation.

OCR would like to thank the Corporation for the cooperation and courtesy extended to OCR during our investigation. In particular, we wish to thank Mr. Jonathan L. Mayes, the Corporation's Counsel. If you have any questions, please contact Alonzo Rivas, at (312) 730-1684 or by email at Alonzo.Rivas@ed.gov.

Sincerely,

Jeffrey Turnbull
Team Leader

Enclosure

cc: Mr. Jonathan L. Mayes (sent via email only to jmayes@boselaw.com)