



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

October 17, 2013

Ms. XXXXXX XXXXXXXX
Director of Student Services
Sycamore Community Schools
5959 Hagewa Drive
Cincinnati, Ohio 45242

Re: OCR Docket #15-13-1294

Dear Ms. Angello:

This letter is to notify you of the disposition of the complaint filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR) on May 30, 2013, against Sycamore Community Schools (the District), alleging discrimination on the basis of disability. Specifically, the complaint alleged that a teacher was not recording homework assignments in a student's (the Student) agenda book as a teacher agreed to at a January 2013 Individualized Education Program (IEP) team meeting.

OCR initiated an investigation under the authority of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104 (Section 504). Section 504 prohibits discrimination based on disability by recipients of Federal financial assistance from the Department. OCR also is responsible for enforcing Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by certain public entities, such as public elementary and secondary institutions. The District is a recipient of Federal financial assistance from the Department and a public entity; therefore, the District is subject to these laws and OCR has jurisdiction over this complaint.

During the 2012-2013 school year, the Student was enrolled in the fourth grade at the District's Symmes Elementary School and received services pursuant to an IEP for attention deficit hyperactivity disorder (ADHD). The parent told OCR that the District agreed to record the Student's homework assignments in the Student's agenda book at a January 2013 IEP meeting, but failed to do so.

The Section 504 implementing regulation, at 34 C.F.R. § 104.33, requires a recipient school district to provide a free appropriate public education (FAPE) to each qualified student with a disability within the district's jurisdiction. For the purposes of this requirement, an appropriate education is defined as the provision of 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 based upon adherence to procedures that satisfy the setting, evaluation, placement, and procedural safeguards requirements of 34 C.F.R. §§ 104.34, 104.35, and 104.36. The Section 504 implementing regulation at 34 C.F.R. § 104.33(b)(2) specifies that implementation of an IEP developed in accordance with the Individuals with Disabilities Education Act (IDEA) is one means of meeting Section 504's FAPE requirements.

On September 5, 2013, the District provided OCR the enclosed letter that outlines the actions it has agreed to take to resolve the allegation in this complaint, including reconvening the Student's IEP team to consider, as necessary, opportunities for remediation to address any instances in which the Student's teacher may not have been recording homework assignments in his agenda book. The District's proposed actions, when completed, will resolve the issue raised in the complaint consistent with the requirements of Section 504. The District will submit documentation that it has implemented the agreement to OCR by November 15, 2013.

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.

We appreciate the District's cooperation during the resolution of this complaint. If you have questions about the resolution or monitoring of this complaint, feel free to contact Ms. XXXX XXXXXXXXXXXXXXX, the OCR staff person assigned to this complaint, at (216) 522-XXXX or XXXXXXXXXXXXXXXXXXXX@ed.gov.

Sincerely,

/s/

Donald S. Yarab
Team Leader

Enclosure