



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

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

May 4, 2018

Keith Millard
Superintendent
Batavia Local School District
2400 Clermont Center Drive, Suite 240
Batavia, OH 45103

Re: OCR Docket #15-16-1416

Dear Mr. Millard:

This is to notify you of the disposition of the above-referenced complaint filed with the U.S. Department of Education's Office for Civil Rights (OCR) against the Batavia Local School District (the District) on August 16, 2016. The complaint alleged discrimination against a student's parent on the basis of disability. Specifically, the complaint alleged that, on XXX X XXXX, the District's XXX XXX XXXX told the parent XX XXXXX X XXXX XXXX because she was XXX XXX XXX XXXX and, on XXX X XXXX, escorted the parent XXX XXX XXXX from the school, even though the parent needed XXX XXX as an accommodation for disability. The complaint also alleged that the principal and a XXXX XXXX counselor failed to respond to the parent's later requests that she be permitted to XXXXXX XXX XXXX to District programs, events, and facilities.

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, as well as 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. As a recipient of Federal financial assistance from the U.S. Department of Education and as a public institution, the District is subject to these laws; thus, OCR had jurisdiction to investigate this complaint.

Based on the complaint allegation, OCR initiated an investigation to examine the following issues:

- whether a recipient public school district excluded a qualified individual with a disability from, denied her the benefits of, or otherwise subjected her to discrimination in its programs and activities in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.4(a) and the Title II implementing regulation at 28 C.F.R. 35.130(a); and

- whether a public school district failed to make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability in violation of the Title II implementing regulation at 28 C.F.R. § 35.130(b)(7).

OCR notes that, during the course of its investigation, OCR learned that the parent has moved out of the District, has enrolled her children in another school district, and has not since re-enrolled her children in the District. OCR has, however, provided technical assistance to the District on processes to respond to accommodation requests from parents or other beneficiaries, including requests for XXX X XXXX. In addition, prior to the completion of OCR's investigation, the District asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). The District submitted the enclosed, signed resolution agreement (the Agreement) to OCR. Along with the technical assistance already provided, the Agreement will, when fully implemented, resolve the complaint allegations.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District'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 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 harmed individual may file a complaint alleging such treatment.

A complainant may file a private suit in federal court, whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this letter and related correspondence and records upon request. In the event that OCR receives such a request, it 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.

OCR looks forward to receiving the District's first monitoring report by June 30, 2018. For questions about this letter or about the implementation of the Agreement, please contact Ms. Karla Ussery, who will be monitoring the District's implementation, by e-mail at Karla.Ussery@ed.gov or by telephone at (216) 522-2683.

Sincerely,

/s/

Donald S. Yarab
Supervisory Attorney/Team Leader

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Enclosure