



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

1350 EUCLID AVENUE, SUITE 325  
CLEVELAND, OH 44115

REGION XV  
MICHIGAN  
OHIO

June 25, 2018

Adam J. Schira, Esq.  
Dickinson Wright PLLC  
150 E. Gay Street, Suite 2400  
Columbus, Ohio 43215

Re: OCR Docket #15-18-1176

Dear Mr. Schira:

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 Constellation Schools/Parma Community (the District) on January 17, 2018. The complaint alleged that the District discriminated against a student on the basis of disability. Specifically, the complaint alleged that, in XXXXXX XXXX, the District changed a student's Section 504 plan to no longer provide her assistance with XXXXXX XXXX XXXXXXXX and, instead, required her parent to provide her assistance. The complaint further alleged that the District did not provide the student's parent notice of procedural safeguards to challenge the decision.

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 the District failed to provide a free appropriate public education (FAPE) to a qualified student with a disability in violation of Section 504's implementing regulation at 34 C.F.R. § 104.33; and
- whether the District failed to establish and implement, with respect to actions regarding the educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that

includes notice of a parent’s right to request an impartial hearing to challenge determinations relating to the identification, evaluation, and placement of the student with a disability as required by the Section 504 implementing regulation at 34 C.F.R. § 104.36.

Prior to the completion of OCR’s investigation and issuance of any findings, the District asked to resolve this complaint voluntarily pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM). The District submitted the enclosed, signed resolution agreement (the Agreement) to OCR. OCR will monitor implementation of the Agreement. OCR looks forward to receiving the District’s first monitoring report on or before September 30, 2018. The Agreement will, when fully implemented, resolve the complaint allegation.

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.

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](mailto:Karla.Ussery@ed.gov) or by telephone at (216) 522-2683.

Sincerely,

/s/

Donald S. Yarab  
Supervisory Attorney/Team Leader

Enclosure