



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

1350 EUCLID AVENUE, SUITE 325  
CLEVELAND, OH 44115

REGION XV  
MICHIGAN  
OHIO

February 24, 2021

**Via E-mail Only to Charles.Thiel@urbanacityschools.org**

Charles Thiel  
Superintendent  
711 Wood Street  
Urbana, Ohio 43078

Re: OCR Docket No. XXXXXXXXXXXX

Dear Mr. Thiel:

This letter is to notify you of the disposition of the above-referenced complaint filed on March 21, 2018, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Urbana City School District (the District) alleging that the District discriminated against a student (the Student) on the basis of disability. Specifically, the complaint alleged XXXXXXXX  
XX  
XX:

[X List Redacted X]

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. OCR also enforces 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 public entities. As a recipient of federal financial assistance from the Department and as a public entity the District is subject to these laws.

Based on the complaint allegations, OCR opened an investigation of the following legal issues:

[X List Redacted X]

During its investigation to date, OCR reviewed documents provided by the District and interviewed the Complainant. Based on a careful review of the evidence obtained, OCR finds there is insufficient evidence to conclude that the District XXXXXXXXXXXXXXXXXXXXXXX  
XX  
XX  
XX  
XX The bases for OCR's determinations are set forth below.



XX  
XX

[X Paragraph Redacted X]

[X Paragraph Redacted X]

[X Paragraph Redacted X]

[X Paragraph Redacted X]

[X Paragraph Redacted X]

**Allegations ##1 and 2**

Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students with disabilities in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities. 34 C.F.R. §§ 104.3(j)(1), 104.33. An appropriate education for purposes of FAPE 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 developed in accordance with the procedural requirements of the Section 504 implementing regulation at 34 C.F.R. §§ 104.34-104.36 pertaining to educational setting, evaluation and placement, and procedural safeguards.

[X Paragraph Redacted X]

**Allegation #3**

With respect to the allegation that XX OCR finds sufficient concern XX. Under Section 302 of OCR’s *Case Processing Manual*, allegations under investigation may be resolved at any time when, prior to the issuance of a final investigative determination, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR’s investigation has identified concerns that can be addressed through a resolution agreement. In this case, the District expressed an interest in resolving the allegations prior to the conclusion of OCR’s investigation and OCR determined resolution was appropriate. On XXXXXXXXXXXXXXXXXXXX, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address all of the allegations 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 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 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, OCR 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 has a right to appeal OCR's determination with respect to allegations ##1 and 2, within 60 calendar days of the date indicated on this letter. In the appeal, the complainant must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal. If the complainant appeals OCR's determination, OCR will forward a copy of the appeal form or written statement to the recipient. The recipient has the option to submit to OCR a response to the appeal. The recipient must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the recipient.

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

OCR looks forward to receiving the District's first monitoring report by March 30, 2021. For questions about implementation of the Agreement, please contact XXXXXXXXXXXXXXX. He will be overseeing the monitoring and can be reached by telephone at (XXX) XXXXXXXXXX or by e-mail at XXXXXXXXXXXXXXX@ed.gov. If you have questions about this letter, please contact me by telephone at (XXX) XXXXXXXXXX, or by e-mail at XXXXXXXXXXXXXXX@ed.gov.

Sincerely,

Sacara E. Miller  
Supervisory Attorney/Team Leader

Enclosure