



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

1350 EUCLID AVENUE, SUITE 325  
CLEVELAND, OH 44115

REGION XV  
MICHIGAN  
OHIO

May 17, 2018

Jacqueline Walsh Brickman, Esq.  
Pepple & Waggoner, Ltd.  
Crown Centre Building  
5005 Rockside Road, Suite 260  
Cleveland, Ohio 44131-6808

Re: OCR Docket #15-17-1568 and #15-18-1329

Dear Ms. Brickman:

This letter is to notify you of the disposition of the above-referenced complaints filed on August 28, 2017, and April 30, 2018, with the U.S. Department of Education's Office for Civil Rights (OCR) against the Norwalk City School District (the District), which alleged that the District discriminated against a student (the Student) on the basis of disability. Specifically, the complaint in OCR Docket No. 15-17-1568 alleged that the District failed to follow appropriate procedures regarding the Student's educational placement in XXXXXXXXXXXX and the complaint in OCR Docket No. 15-18-1329 alleged that the District did not timely and appropriately administer the Student's medication in accordance with her Section 504 plan.

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 from the U.S. Department of Education (the Department). 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 against qualified individuals with disabilities by public entities, including public education systems and institutions. 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:

- whether a recipient school district failed to ensure that it made placement decisions for a student with a disability in conformity with the Section 504 implementing regulation at 34 C.F.R. § 104.35(c);

- whether a recipient school district failed to provide a student with a disability with a free appropriate public education (FAPE) as required by the Section 504 implementing regulation at 34 C.F.R. § 104.33;
- whether a recipient school district failed to educate a qualified student with a disability, and to ensure that the student was provided non-academic services, with students without disabilities to the maximum extent appropriate to her needs as required by the Section 504 implementing regulation at 34 C.F.R. §§ 104.34(a) and (b); and
- whether a public school district failed to administer services, programs, and activities in the most integrated setting appropriate to the needs of a qualified student with a disability as required by the Title II implementing regulation at 28 C.F.R. § 35.130(d).

During its investigation to date, OCR reviewed information provided by the Student's parent and the District and interviewed the principal of the Student's school. 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 with an agreement. In this case, the District expressed an interest in voluntarily resolving the allegations in both complaints prior to the conclusion of OCR's investigations, and OCR determined such a resolution was appropriate. On May 16, 2018, the District signed the enclosed Resolution Agreement (Agreement), which, when fully implemented, will address all of the allegations in the complaints. OCR will monitor the implementation of the Agreement.

This concludes OCR's investigation of the complaints 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. A 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 June 21, 2018. For questions about implementation of the Agreement, please contact Ms. Suwan Park, who will be monitoring the District's implementation, by e-mail at [Suwan.Park@ed.gov](mailto:Suwan.Park@ed.gov) or by telephone at

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(216) 522-4972. If you have questions or concerns about this letter, you may contact me by telephone at (216) 522-7634.

Sincerely,

/s/

Donald S. Yarab  
Supervisory Attorney/Team Leader

Enclosure