



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

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

November 19, 2018

Ms. Danielle Prohaska
Superintendent
Mechanicsburg Exempted Village School District
60 High Street
Mechanicsburg, Ohio 43044

Re: OCR Docket No. 15-18-1517

Dear Ms. Prohaska:

This letter is to notify you of the disposition of the above-referenced complaint filed on September 20, 2018, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Mechanicsburg Exempted Village School District (the District) alleging that the District discriminated against a student based on disability. Specifically, the complaint alleged that:

1. [X--- paragraph redacted ---X]
2. [X--- paragraph 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:

1. Whether the District failed to conduct an evaluation of a student who, because of disability, needs or is believed to need special education or related services, in violation of Section 504's implementing regulation at 34 C.F.R. § 104.35.
2. Whether the District failed to make reasonable modifications in policies, practices, or procedures when the modifications were 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).

On November 1, 2018, OCR contacted you by telephone and you expressed an interest in voluntarily resolving this complaint through OCR's Rapid Resolution Process (RRP). To that

end, OCR interviewed you on November 2, 2018, regarding facts and circumstances pertinent to the complaint. You indicated a willingness to take action in the future to resolve the complaint and OCR determined that the complaint was appropriate for resolution through RRP.

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 resolving the allegations prior to the conclusion of OCR's investigation and OCR determined resolution was appropriate. On November 9, 2018, 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 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 **December 7, 2018**. For questions about implementation of the Agreement, please contact XXXXXX XXXXXX. He will be overseeing the monitoring and can be reached by telephone at (216) XXX-XXXX or by e-mail at XXXXXXXXXXXXXXXXXXXX@ed.gov.

If you have questions about this letter, please contact me by telephone at (216) XXX-XXXX.

Sincerely,

/s/

Lisa M. Lane

Supervisory Attorney/Team Leader

Enclosure