



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

XXXXX XXXXX XXXXX

Via E-mail Only to XXXXX

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Re: OCR Docket No. 15-22-1101

Dear XXXXX XXXXX:

This letter is to notify you of the disposition of the above-referenced complaint filed on XXXXX XXXXX XXXXX, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Mansfield City School District (the District) alleging that the District discriminated against a student (the Student) based on disability. Specifically, the Complainant alleged that the District denied the Student a free, appropriate, public education by not providing XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX Individualized Education Plan (IEP).

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 issue: whether the District failed to provide a qualified student with a disability with a free appropriate public education (FAPE), in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.33.

During its investigation to date, OCR reviewed information provided by the Complainant and the District and interviewed a District staff member.

At the beginning of the XXXXX-XXXXX XXXXX XXXXX, the Student was enrolled in the XXXXX XXXXX in the District. The Student had an IEP that went into effect on XXXXX XXXXX XXXXX. XXXXX – Sentence Removed - XXXXX. XXXXX - Sentence Removed -

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

XXXXX. XXXXX - Sentence Removed - XXXXX. The Complainant alleged that during the XXXXX - XXXXX school year, the District did not provide the Student with his services listed in the IEP.

The District provided OCR with two separate data responses via e-mail on XXXXX XXXXX XXXXX XXXXX XXXXX. The data responses included, in pertinent part, XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. XXXXX - Sentence Removed – XXXXX. XXXXX – Sentence Removed - XXXXX. In OCR’s data request letter, XXXXX XXXXX XXXXX XXXXX, OCR asked the District to provide all records and logs showing the services the District provided the Student related to the Student’s XXXXX during the XXXXX - XXXXX school year. XXXXX – Sentence Removed – XXXXX. XXXXX – Sentence Removed – XXXXX. Therefore, OCR requested to interview District Staff regarding the records.

On XXXXX XXXXX XXXXX, OCR interviewed the Director of Pupil Services (the Director) who oversaw the District’s special education and student services. The Director informed OCR that the District utilizes progress reports and SDI logs to track services in student IEPs. Each student is assigned a case manager who is responsible for gathering information from service providers and keeping the service data up to date. The District implemented a new policy approximately XXXXX XXXXX XXXXX to track IEP service data. XXXXX – Sentence Removed - XXXXX. The Director indicated that case managers and service providers preferred to use their own data collection mechanisms, so the District did not make the use of the monitoring system form mandatory.

XXXXX – Paragraph Removed - XXXXX

XXXXX – Paragraph Removed – XXXXX

XXXXX – Paragraph Removed - XXXXX

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 allegation prior to the conclusion of OCR’s investigation and OCR determined resolution was appropriate. On XXXXX XXXXX XXXXX, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation 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 XXXXX XXXXX XXXXX. For questions about implementation of the Agreement, please contact attorney Alysa Kociuruba. She will be overseeing the monitoring and can be reached by telephone at (202) 987-1837 or by e-mail at alysa.kociuruba@ed.gov. If you have questions about this letter, please contact me by telephone at (216) 522-7574, or by e-mail at Denise.C.Vaughn@ed.gov.

Sincerely,

/s/

For Denise C. Vaughn
Supervisory Attorney/Team Leader

Enclosure