



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION XV  
MICHIGAN  
OHIO

September 27, 2023

**Via e-mail only to: [redacted content]**

Julia Bauer, Esq.  
250 East Broad Street, Suite 900  
Columbus, Ohio 43215

Re: OCR Docket No. 15-23-1689

Dear Julia Bauer:

This letter is to notify you of the disposition of the complaint filed against Miamisburg City School District (the District) that the U.S. Department of Education, Office for Civil Rights (OCR), opened for investigation on [redacted content]. The complaint alleged that the District discriminated against a student (the Student) based on disability. Specifically, the complaint alleged that in [redacted content], a substitute teacher did not [redacted content] as required by the Student's 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. 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 of Education and as a public entity, the District is subject to these laws.

Based on the complaint allegation, OCR will investigate the following issue to determine whether the District discriminated against your son on the basis of disability: 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.

### **Summary of Investigation to Date**

During its investigation to date, OCR reviewed information provided by the Complainant and the District. The Student was enrolled in one of the District's [redacted content] during the [redacted content] school year. The District confirmed that the Student is an individual with a disability and that he had a 504 plan in effect at the time of the incident that gave rise to this complaint. OCR reviewed the Student's 504 plan [redacted content]:

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

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formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR looks forward to receiving the District's first monitoring report by November 15, 2023. For questions about implementation of the Agreement, please contact attorney Alysa Kociuruba, who will oversee the monitoring and can be reached by telephone at (202) 987-1837 or by e-mail at [Alysa.Kociuruba@ed.gov](mailto:Alysa.Kociuruba@ed.gov). If you have questions about this letter, please contact me by telephone at (202) 987-1838 or by e-mail at [Denise.C.Vaughn@ed.gov](mailto:Denise.C.Vaughn@ed.gov).

Sincerely,

Denise C. Vaughn  
Team Leader

Enclosure