

A BRIEF GUIDE TO EDUCATION RIGHTS IN OHIO PUBLIC SCHOOLS

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The Basics

ENROLLMENT CHECKLIST

- All children between the ages of 6 and 18 must be enrolled in school. [ORC § 3321.01 \(A\)\(1\)](#).
- The child must have a legal birth certificate or other reliable proof of their age and identification. [ORC § 3313.672](#).
- The child's school must have a current Ohio immunization certificate on file, within two weeks of the child's enrollment. [ORC § 3313.671 \(A\)\(1\)](#).
 - ☐ If the child's physician recommends against immunization, the physician must provide written notice to the school. [ORC § 3313.671 \(B\)\(5\)](#). If the parents have religious objections, they must provide the school with a sworn statement objecting to the immunizations. [ORC § 3313.671\(B\)\(4\)](#).
- The child must have proof of an eye examination, hearing test, speech and communications and health or medical problems done prior to the first day of November of the school year in which a pupil is enrolled for the first time in either kindergarten or first grade. [ORC § 3313.673](#).

CONFIDENTIALITY OF SCHOOL RECORDS

- Protects all personally identifiable data, information and records collected used, or kept by the school district about a student. This protection also applies to discussions about your child and their records. [ORC § 3319.321 \(A\)](#).
- School records may be accessed by 4 groups of people. [ORC § 3319.321\(C\) \(E\) \(G\) \(H\)](#).
 - ☐ The Parent/Guardian
 - ☐ School Staff
 - ☐ Staff from the U.S. or the state department of education on official business
 - ☐ Another school district if your child transfers
- The school must receive written permission before releasing the information anyone other than the people listed above. [ORC § 3319.321\(B\)\(4\)](#).
- The parent/guardian has a right to ask for their children's records and may release those records to other parties. [ORC § 3319.321\(B\)\(5\)\(a\)](#).

SPECIAL EDUCATION

- Under IDEIA, schools have a duty to identify students with disabilities and provide free and appropriate education individualized for these students. [OAC § 3301-51-06](#).
- A parent/legal guardian may request an initial evaluation to determine if the child is a child with a disability. [OAC § 3301-51-05 \(B\)\(2\)](#).
 - **IEP:** If the student's disability has an adverse impact on the student's educational performance, an IEP can be created to include needed supports, accommodations, and modifications. [OAC § 3301-51-07](#).
 - **504 Plan:** If the student's physical or mental impairment substantially limits one or more major life activities, a 504 plan can be developed to provide needed accommodations. [OAC § 3301-13-03 \(C\)](#).
 - **Gifted and Talented:** If identified as gifted, a student is entitled to an Individual Professional Development Plan (IPDP) and will be guided by a Written Education Plan (WEP). Both IPDP and WEP regulations vary by district. [ORC § 3324.04](#), [OAC § 3301-51-15 \(3\)](#).

SCHOOL DISCIPLINE

You should always refer to your school's actual discipline code for the pertinent rules and regulations, however, the following may serve as a helpful general guide.

- **Suspension:** The student is removed from school for specified period, usually between 1-10 days. The days the student is suspended are recorded as attendance days. [OAC § 3301-18-01 \(G\)\(1\)](#).
- **In-School Suspension:** The student is allowed to attend school; however, they are not permitted in their regular classroom. [OAC § 3301-18-01](#).
- **Out-of-School Suspension:** The student is not permitted to enter school property, for any reason. A student may be suspended up to 10 days, with a meeting for the accompanying school infraction.
 - The school must conduct a manifestation hearing for students identified as special education to determine if the student's behavior is a result of their disability. [OAC § 3301-51-05\(K\)\(20\)\(e\)](#).
- **Expulsion:** The student is permanently removed from their school generally for the remainder of the school year. The school board must hold a hearing, where the student will be provided with the evidence against them as well as afforded the opportunity for rebuttal. [ORC § 3313.66 \(B\)\(2\)\(b\)\(4\)](#).
 - When a child transfers from one school to another, any previous disciplinary action against the child is also transferred. [OAC 3301-51-04\(Q\)\(2\)](#).

Special Education and Due Process

OVERVIEW

Federal and state laws have enacted specific provision to ensure the rights of children with educational disabilities are protected. These rights include making sure students and parents can work in tandem with the school district when major decisions are being formulated for the student.

- The following steps must be done in order:
 - (1) Referral/Identification
 - (2) Evaluation
 - (3) Eligibility
 - (4) Individual Education Program Planning
 - (5) Placement
 - (6) Implementation and Progress Monitoring
 - (7) Review
 - (8) Re-Evaluation

INDIVIDUAL STEPS: BRIEF SYNOPSIS¹

- **Step 1:** Request for evaluation
 - ☐ Schools must identify and evaluate children with disabilities. [OAC § 3301-51-03](#).
 - Under the “child find” provision of the Individuals with Disabilities Education Improvement Act (IDEIA), each school district has an obligation to (1) adopt policies and procedures to identify, locate, and evaluate all children with disabilities in the state and (2) develop and implement a practical method to determine which children are currently receiving needed special education and related services. [OAC § 3301-51-03\(B\)](#).
 - When parents, school staff, or someone who has extensive knowledge of a student notices that a child might need special help in school, they should provide that information in writing to the school system.
 - ☐ If the school district is proposing an initial evaluation, it must obtain consent from the parents of the child before conducting the evaluation. [OAC 3301-51-05 \(C\)\(1\)\(a\)](#).
 - ☐ The school district must make a reasonable effort to obtain the parents’ consent for an initial evaluation of the child, but if the parents do not provide consent or fails to respond to

a request to provide consent, the school district may pursue the initial evaluation of the child. [OAC § 3301-51-05\(C\)\(1\)\(e\)](#). [OAC § 3301-51-05\(C\)\(7\)\(b\)](#).

- When the school receives a request for evaluation, the school has 30 days to either:
 - Meet with the parent to begin planning the evaluation and get parent consent to begin the evaluation process, or
 - Provide parents with Prior Written Notice explaining why they are not going to begin the evaluation at this time. [OAC § 3301-51-06 \(B\)\(3\)](#).
 - Prior notice must be written in language understandable to the child's parent and must include:
 - (a) A description of the action and an explanation of why the school district proposes or refuses to take that action;
 - (b) A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;
 - (c) A statement notifying the parents of protections under the procedural safeguards of this rule
 - (d) Sources for parents to contact to obtain assistance in understanding the provisions of this rule;
 - (e) A description of other options that the IEP team considered and the reasons why those options were rejected; and
 - (f) A description of other factors relevant to the school district's proposal or refusal.

- **Step 2: Evaluation**

- A variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child are used to determine whether a child is a child with a disability. [OAC § 3301-51-01\(B\)\(10\)](#).
- General Applicable Laws and Rights:
 - The child/youth will be individually evaluated at no cost to the parent. [OAC § 3301-51-06 \(G\)\(1\)\(b\)](#).
 - A team or group of people who are trained to give the tests and procedures and interpret the results must do the full and individual evaluation. [OAC § 3301-51-06 \(G\)\(1\)\(a\)](#).
 - The evaluation must assess all areas related to the child's suspected disability. [OAC § 3301-51-06 \(G\)\(3\)\(a\)\(i\)](#).
 - At least one of the people on the multidisciplinary team must be qualified to conduct individual diagnostic examinations of children (School psychologist, speech-language pathologist, or remedial reading teacher). [OAC 3301-51-06 \(H\)\(2\)\(d\)](#).

- All tests must be given in the language a child speaks, and in a way that the child can best answer. This is a non-discriminatory test. [OAC 3301-51-06 \(E\)\(3\)\(a\)](#).
- **Evaluation Team Report.** When the evaluation is complete, the evaluation team must produce a written report summarizing the information obtained during the evaluation and containing signatures of each team member, including the child's parent. [OAC 3301-51-06 \(G\)\(1\)\(b\)\(ii\)](#).
- Following the evaluation, a parent is invited to an IEP meeting no later than 14 days from the date of eligibility determination. [OAC 3301-51-06 \(G\)\(1\)\(b\)\(ii\)](#).

- **Step 3: Eligibility**

- When determining eligibility, the IEP team must include individuals knowledgeable about the evaluation procedures and results. [OAC 3301-51-06 \(G\)\(1\)\(a\)](#).
- The IEP team will use full and individual evaluation results to determine if the child has a disability. [OAC 3301-51-06 \(G\)\(3\)\(a\)\(i\)](#).
- If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with rule 3301-51-07 of the Administrative Code. [OAC 3301-51-06 \(G\)\(3\)\(b\)](#).
- If the IEP team decides that the child is NOT eligible for a specially designed instruction and related services, the parent is given written explanation (conference summary) of the decision. [OAC 3301-51-06 \(H\)\(5\)\(a\)](#).
- If the child is eligible, the parent must give informed consent for the child to receive the services. [OAC 3301-51-05 \(C\)\(2\)\(a\)](#).
- If a student is not found eligible for an IEP, they may still qualify for a 504 Plan.
 - Section 504 of the Rehabilitation Act stipulates that no student with a disability may be excluded from federally funded activities, such as school.
- Common Special Needs Include:
 - Challenges with learning
 - Communication challenges
 - Emotional and Behavioral Disorders
 - Physical Disabilities
 - Developmental Disorders

See generally, [3301-51-06\(H\)\(3\)\(a\)\(i\)](#).
- Reasons why children struggling in school may qualify for support services, which would allow them to be taught in a special way:²

- Autism
- Developmental delay
- Hearing impairment
- Speech impairment
- Learning Disabilities
- Attention Deficit Hyperactivity Disorder
- Visual Impairment
- Mental Retardation
- Emotional/Behavioral Disorders

[OAC § 3301-51-01\(B\)\(10\).](#)

- **Step 4:** Individualized Education Program (IEP) Planning

- After the evaluation team has determined that the child has a disability that impacts his/her education, the team develops a written Individualized Education Program (IEP) for the child. [OAC 3301-51-06 \(G\)\(3\)\(b\).](#)
- An IEP team is comprised of the following people:
 - The parents or guardians of the child;
 - At least one regular education and one special education teacher of the child;
 - A representative of the school district who is knowledgeable about the general education curriculum and available resources who can supervise the provision of specially designed instruction to meet the needs of the child;
 - Someone who can interpret the instructional implications of the evaluation results;
 - At the discretion of the parents and school district, anyone else who has knowledge or special expertise regarding the child; and
 - When appropriate, the child with a disability.
- The IEP team may review the material, determine eligibility, develop the IEP, and determine where the child will receive services all in one meeting. [OAC 3301-51-07 \(K\)\(2\)\(a\)-\(c\).](#)
 - The IEP must be developed within whichever of the following time periods is the shortest:
 - Within 30 calendar days of the determination that the child is qualified for special education;
 - Within 90 calendar days of receiving parental consent for an evaluation; or

- Within 120 calendar days of the receipt of a request for an evaluation from a parent or school district.
- An IEP is written especially for the child. The IEP is a written, individualized plan of action describing the specially designed instruction and related services needed to meet the needs of the child. [OAC 3301-51-07 \(H\)\(1\)](#).
- The IEP team decides the present educational performance by reviewing the most recent evaluation data, receiving parent/guardian input, as well as progress data. [OAC 3301-51-06\(G\)\(3\)\(a\)\(i\)](#). [OAC 3301-51-07 \(H\)\(1\)\(b\)\(i\)](#).
- Goals and objectives are created annually. The goals and objectives must be comprised of specific, measurable meters which are monitored throughout the school year. [OAC 3301-51-07 \(H\)\(1\)\(c\)\(d\)](#).
- Implementers are the parties involved that will be working with the child to attain their goal or objective. [OAC 3301-51-07 \(L\)\(1\)\(a\)-\(b\)](#).
- The IEP team will describe what services the student will receive, when those services will start, and when those services are expected to end. [OAC 3301-51-07 \(H\)\(1\)\(c\)-\(e\)](#).
- The IEP team will further stipulate how much time the student is to spend in their general educational setting, noting that the child is entitled to be educated in the least restrictive environment deemed appropriate. [OAC 3301-51-07 \(H\)\(1\)\(e\)\(i\)-\(iii\)](#).
- Transition plans help students graduate from primary to secondary school as well as prepare them for life after school. Additionally, when a student transfers schools they are entitled to a transition plan. [OAC 3301-51-07 \(H\)\(2\)](#).
- The student's placement identifies where they will receive their specially designed instruction, as well as other related services. [OAC 3301-51-07 \(D\)\(1\)\(2\)](#).
- **Step 5: Placement**
 - The IEP team decides where the services will be provided after the IEP is written, which is called placement.
 - The child has the right to receive instruction and to take part in school activities in the least restrictive environment (LRE), which means the child has a right to be with children who do not have educational disabilities to the maximum extent appropriate. [OAC 3301-51-09 \(B\)\(1\)\(2\)](#).
 - The LRE is not the same for each child and will be determined by the child's IEP. [OAC 3301-51-09 \(D\)\(2\)](#).
 - The following questions are key determining factors when deciding on the least restrictive environment. [OAC 3301-51-09 \(D\)\(1\)\(b\)](#).
 - What does the IEP say the child needs?
 - Where can the child receive what the IEP says he or she needs?

- Where can the child receive what the IEP says and be with other children who do not have educational disabilities?
- The IEP must always consider a regular education class in a regular school as the first option for placement. [OAC 3301-51-09 \(A\)](#).
- The school must obtain written consent from the parent or guardian before the child can receive IEP services. [OAC 3301-51-05 \(C\)\(2\)](#).
- **Step 6: Implementation**
 - Once the parent or guardian has given informed consent the IEP services will begin. [OAC 3301-51-05 \(C\)\(2\)\(a\)](#).
 - Each school district is responsible for adopting ODE-approved policies and procedures to ensure that an IEP is developed and implemented for each child with a disability in the district. [OAC 3301-51-07\(A\)](#).
 - The county boards of developmental disabilities are responsible for ensuring that special services identified in a child's IEP are provided as agreed upon with the child's residential school district. [OAC 3301-51-07\(B\)](#).
 - A child's residential school district is responsible for ensuring parental involvement and for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. [OAC 3301-51-07\(C\)](#).
 - The school district must ensure that all teachers and service providers who are involved with the education of a child with a disability are informed about the child's IEP and understand their responsibilities for implementing the IEP. [OAC 3301-51-07 \(K\)\(4\)](#).
 - Before a child's residential school district can refer or place the child in a nonpublic school or facility, the district must initiate and conduct an IEP meeting in which the nonpublic school or facility participates. [OAC 3301-51-07 \(M\)](#).
 - If a child with a disability is placed in a nonpublic school or facility, the ODE is responsible for ensuring that the child receives special education services in conformance with the child's IEP and that the child has all of the rights of a child with a disability in a public school. [OAC 3301-51-07 \(F\)](#).
- **Step 7: Review**
 - Federal and state regulations require the IEP team to review the child's IEP within one calendar year of the date of the IEP meeting when the current IEP was completed, this is called the annual review. [OAC 3301-51-07 \(L\)\(2\)\(a\)\(i\)](#).
 - Even though the IEP has to be reviewed at least once a year, a review may be requested by the parent or any member of the IEP team at any time. [OAC 3301-51-07 \(L\)\(2\)\(a\)\(i\)](#).
 - At the annual meeting, the IEP team reviews the child's IEP data to decide if the goals have been met. [OAC 3301-51-07 \(L\)\(2\)\(a\)\(i\)-\(ii\)](#).

- ☐ The IEP also decides if the child still needs specially designed instruction and related services. [OAC 3301-51-07 \(L\)\(2\)\(a\)\(i\)-\(iii\)](#).
 - ☐ If the services are still needed, the ARC develops a revised IEP and decides where services will be provided. [OAC 3301-51-07 \(L\)\(2\)\(a\)](#).
 - ☐ The IEP team provides the parent with a written summary (conference summary) of all the decisions made. [OAC 3301-51-07 \(L\)\(1\)\(f\)](#).
 - ☐ During the IEP meetings parents may suggest changes or voice their concerns to items in the student's IEP. [OAC 3301-51-07 \(L\)\(1\)\(d\)](#).
- **Step 8: Re-evaluation**
 - ☐ The school district must re-evaluate the child on or before the third anniversary of the meeting when the IEP determined the child eligible.
 - ☐ A new evaluation is not required if parents and the district agree that no additional information is needed to determine the child's continued eligibility. [OAC 3301-51-06 \(D\)\(2\)\(b\)](#).
- **Disagreements**
 - ☐ If at any point a disagreement arises with regards to the student's IEP or 504, parents/guardians have the following recourse.
 - **IEP Meeting:** The forum allows the parent to have their concerns and disagreements formally documented into the student's record.
 - **Mediation:** An impartial third party attempts to settle the conflict.
 - **Filing a Formal Complaint:** The complaint must address the specific IDEA violation, it must be filed within a year of the cause, and the complaint must be resolved within 60 calendar days of filing.
 - **504 Complaint:** A 504 complaint with the school or with the Office of Civil Rights must be filed within 180 days of the cause of action.
 - **Due Process Complaint:** This complaint serves a similar function to a trial. Evidence is presented, witnesses are called, and a decision must be made within 45 days of the trial. The Due Process Complaint must be filed within 3 years of the cause of action.

FREQUENTLY ASKED QUESTIONS:

1. May I Take Notes at the IEP Meeting?

- ☐ YES, it is a good idea to take notes during the meeting. These can be for your own use, or in case there are disagreements down the line.

- ☐ If you think that it will be hard for you to take notes and participate in the IEP meeting, you can bring someone along with you for the purpose of taking notes. The school will also probably have a note taker.
- ☐ To make sure that you get good notes, you will want to review the draft of your child's IEP before the meeting, that way you will be familiar with how the meeting will go.
- ☐ In your notes make sure that you note the time, date, location, and who is attending (include names and titles). Also, include the full name, address and phone number of the school's note taker.
- ☐ You can summarize what is being said in the meeting, do not focus on getting everything word for word.
- ☐ Notes are especially good for when disagreements arise between you and the school. If you make a request to the school during the meeting and they refuse, make sure that you take note of this and the reason they gave for the refusal.

2. May I Record the Meeting?

- ☐ Ohio law neither prohibits nor explicitly permits the use of an electronic recording device during an IEP meeting. Different school districts may have specific policies permitting, prohibiting, limiting, or regulating the use of an electronic recording device during an IEP meeting.³
 - ☐ Ohio is a "one party consent state," meaning that conversations may be audio-recorded so long as one person who is a party to the conversation consents. [ORC 2933.52 \(B\)\(4\)](#).
- ☐ You can get permission from the school to record by simply asking them, and if the school agrees to allow you to record, make sure that you get that consent in writing.
- ☐ If the school refuses, you still may be able to use a recording device. However, this would be an issue of state law, so you may want to consult an attorney.

3. May I Bring an Outside Professional to the Meeting?

- ☐ YES. Federal regulations state that the IEP team can include "other individuals who have knowledge or special expertise regarding the child."
- ☐ In Ohio, outside individuals who have knowledge or special expertise regarding the child may be included in the IEP meeting at the discretion of the parent or the school district. [OAC 3301-51-07 \(I\)\(1\)\(f\)](#).
- ☐ You should let the school know at least one day ahead that you are bringing an outside professional to the meeting, but this notification is not a requirement.

4. Does the School Have to Reschedule the IEP Meeting if I Cannot Attend? [OAC 3301-51-07\(J\)](#).

- ☐ YES. If you cannot attend the meeting the school has to reschedule the meeting—a parent has a right to be at the child’s IEP meeting. [OAC 3301-51-07 \(J\)](#).
- ☐ Federal law state that schools “must ensure that the IEP Team.... includes.... the parents of the child.”
- ☐ Schools must give the parents enough notice about the meeting that they have an opportunity to attend. The school must also schedule the meeting for a mutually agreed time. [OAC 3301-51-07 \(J\)\(1\)](#).
- ☐ If you are given notice that the meeting is scheduled for a time that you know you cannot attend, notify the school immediately.
- ☐ Explain to the school why you cannot attend and give them some alternative dates.
- ☐ Make sure that you keep record of this correspondence, because it is important to show that you are cooperating with the school to set an agreed upon meeting time. [OAC 3301-51-07\(J\)\(4\)\(a\)](#).
- ☐ If you cannot attend the meeting in person, with your consent, the school can do the meeting via phone call. [OAC 3301-51-07 \(J\)\(3\)](#).
- ☐ The school may hold an IEP meeting without the parent, only if the school can show that it could not persuade the parent to attend. Therefore, it is important to keep record of your correspondence with the school. [OAC 3301-51-07 \(J\)\(4\)](#).

5. May I Ask for a Recess During the Meeting?

- ☐ The law has some very strict guidelines for the school on the time frame for when IEP meetings must be held. [OAC 3301-51-07\(K\)](#) and [OAC 3301-51-07\(L\)\(2\)\(a\)\(i\)](#).
- ☐ The school will make every effort to meet this required time frame, even if you feel you are not prepared for the meeting. So, the school might pressure you to agree to a specific date.
- ☐ There is nothing in the law that says the IEP meeting must start and conclude in one session.
- ☐ IEP team members can agree to break and reconvene at a later date and time.
- ☐ If during the meeting you think the team needs more information or that someone else should be there, you can ask that the meeting be stopped.
- ☐ Explain why and try to get a rescheduled time and date before you leave.
- ☐ If your request is denied, you should explain that you will stay at the meeting but that you will request to have another one at another time when you have the additional information or attendee you desire.
- ☐ The most important thing when you request a recess is to be clear about your reasons, and to stay calm and firm.
- ☐ You can also leave the meeting and immediately send a letter explaining your reasons for wanting a “recess.” The team will likely complete the IEP without your input. But you can

request another meeting to amend the IEP with the new information you will be presenting. There's no time limit on when this meeting occurs.

TIPS FOR A SUCCESSFUL IEP MEETING

- **Prepare for Meetings**
 - ☐ You should treat the IEP meeting as if it is the first step to a Due Process hearing by preparing for the meeting and building a record.
- **Request a copy of the draft IEP several days before the scheduled meeting⁴**
 - ☐ The draft IEP is not a final document, but serves as a guide for the IEP team during the meeting
 - ☐ Reviewing the draft before the meeting will give you time to consider additional issues you may want to raise during the meeting
- **Prioritize you Child's Needs**
 - ☐ Make a list of what your child really needs, what you want for your child (but may be willing to compromise on), and what would be nice to have but that you would be willing to give up
 - ☐ Think about the evidence you may have to support each requested item (ex: reports, assessments, experts, other documents)
- **Build Good Relationships**
 - ☐ Ask questions
 - ☐ Ask your child's team to explain things to you that you do not understand
 - ☐ Take the high road, be polite and courteous even though it may be hard
 - ☐ If a meeting is deteriorating with nasty comments and behavior from any team member, ask for a break or ask that the meeting be continued at a later date and time
- **Document Issues and Concerns**
 - ☐ Ask that items and issues you feel strongly about be documented in the meeting summary or notes.
 - ☐ Review the summary before you leave the meeting.
 - ☐ Know your rights about amending your child's records.
 - ☐ Get Expert Assistance
 - ☐ Always find qualified people to help.
 - ☐ It is important for your child to have the best expert available to help.
- **Remember**

- ☐ Parents should not assume that the school is out to get their child.
- ☐ You should treat the professionals with whom you deal with as if they have your child's best interest at heart.
- **Have an Open Mind**
 - ☐ You need to have an open mind at the IEP meetings.
 - ☐ If your child's team suggests a placement with which you disagree, do not dismiss it, or refuse to consider it.
 - ☐ The IEP meeting is important for record building purposes.
 - ☐ If the case goes to a due process hearing, it is important that you are present as a cooperative person who thoughtfully considered the team's program, personally observed the program, and can explain why you believe the program does not meet your child's needs.

DISAGREEING WITH THE IEP TEAM WITHOUT HOSTILITY

- **Advise**
 - ☐ Advise the team that you do not think that the IEP is appropriate, that it does not provide your child enough help or the right kind of help.
 - ☐ Use facts to support your position.
- **Be Polite but Firm**
- **Your Consent to Implement Inappropriate IEP**
 - ☐ When the team ask you to sign the IEP, write this statement on the IEP: "I consent to this IEP being implemented but I object to it for reasons stated during the meeting."
- **Sign Your Name⁵**
 - ☐ Do not be surprised if someone gets upset and claims that you are not allowed to write on the IEP because it is a legal document.
 - ☐ This is not true – you can write on your child's IEP.
 - ☐ You are a member of the team and a participant in the IEP process.
 - ☐ The law requires you make your objection clear.
 - ☐ If someone tries to stop you, write your objection on a separate sheet and ask that it be attached.
 - ☐ Sign after you write your objection.
- **Stay Calm**

- ☐ Take your copy of the IEP, or whatever may be left of it, say “Thank you”, gather your belongings and leave.
- ☐ The IEP team now has a problem because you advised them in writing that their proposed program is not appropriate for your child, and you also consented to their implementing the program, so they should implement it.
- **When to Tape-Record Meetings and Why**
 - ☐ If you expect a dispute or disagreement.
 - ☐ The recorder should be out in the open.
 - ☐ Always ask permission and reschedule the meeting if necessary.
- **Re-state your Position**
 - ☐ You consented to the school implementing the IEP because something is better than nothing.
 - ☐ You believe that an inadequate program is better than no program.
 - ☐ However, you believe the proposed program is not appropriate for your child.

9 STEPS TO TAKE IF THE REQUEST FOR EVALUATION IS DENIED

1. **Make sure your request was in writing.**
 - ☐ Make sure that you sent a written letter requesting a formal evaluation and listing the reasons your child needs one.
2. **Ask the school why it refused to evaluate.**
 - ☐ If the school refuses to evaluate, it must tell you why in writing. [OAC 3301-51-06\(B\)\(3\)](#) and [OAC 3301-51-05\(H\)\(2\)](#).
 - ☐ Ask for details for why they refused.
 - ☐ Remember: the school cannot deny evaluating your child because they want to use “response to intervention” first. [OAC 3301-51-05\(H\)\(3\)\(d\)](#).
3. **Call a meeting with the school.**
 - ☐ Discuss your concerns with school officials face-to-face and on record
4. **Consider an independent educational evaluation. [OAC 3301-51-05\(G\)\(3\)](#).**
 - ☐ This can help show that your child does have a disability, but the school is not required to pay for this.
5. **Request an administrative review. [OAC 3301-51-05\(K\)\(1\)](#).**

- ☐ A parent or education agency other than the school may request an opportunity to present complaints to the superintendent. The superintendent, or a superintendent's designee, shall conduct a review and/or administrative hearing within twenty days of receipt of a complaint. The superintendent shall notify all parties of the decision in writing. OAC 3301-51-05(K)(1)(b).
- 6. File a due process complaint. [OAC 3301-51-05\(K\)\(3\)](#).
 - ☐ If the school won't budge, then you can file a written complaint saying that the school was wrong to refuse.
- 7. Request mediation. [OAC 3301-51-05\(K\)\(3\)](#).
 - ☐ You can ask for mediation with the school, which is when a third party works with you and the school to reach an agreement.
- 8. Talk to an advocate or lawyer
 - ☐ For a fee, an advocate or lawyer can help you navigate your communication with the school.
- 9. Consider filing a state complaint. [OAC 3301-51-05\(K\)\(6\)](#).
 - ☐ If the school violated special education law, you may want to file a written complaint to the Ohio Department of Education.

School Discipline for Children with Disabilities

IDEIA STUDENT VIOLATES A SCHOOL CODE OF CONDUCT

Beginning the 11th day of a student's disciplinary removal during the school year, or if the removal amounts to a change in placement, the student must be provided free appropriate public education (FAPE) services during the removal to allow the student to continue to participate in the general education curriculum and progress toward the IEP goals.

If the conduct the student is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances, or serious bodily injury, school personnel may remove the student to an interim alternative educational setting (IAES) for up to 45 school days, regardless of the manifestation determination ([34 CFR § 300.530\(g\)](#)). The IEP team determines the IAES.

RELEVANT STATUTES

- If disciplinary removal for current misconduct is for less than 10 consecutive school days and removals total less than 10 cumulative school days in the year. [34 CFR §300.530\(b\)](#).
 - District may exclude student from their current placement without having to provide a Free Appropriate Public Education (FAPE), unless the district provides service for children without disabilities during the time they are removed. [34CFR §300.530\(d\)\(3\)](#).
 - The types of exclusions may be: suspension, removal and assignment to an interim alternative educational setting, or an “in-house” suspension may be considered.
- If disciplinary removal for current misconduct is for less than 10 consecutive school days but removals total more than 10 school days in the school year. [34 CFR §300.530\(b\)\(2\)](#).
 - If the disciplinary removal is not a change of placement, then the school district must consult with at least one of the student’s teachers by the 10th cumulative day of removal to determine what services are required for the student to continue to participate in the curriculum.
 - If the removal does constitute a change of placement the district must notify the parents immediately. Within 10 school days of the decision, the parents and relevant members of the IEP must make a manifestation determination.
- Discipline Procedures. [OAC 3301-51-05\(K\)\(20\)](#).
 - The IEP team can consider how to handle placement of a child with disability who violates the code of student conduct on a case by case basis [OAC 3301-51-05\(K\)\(20\)\(a\)](#).
 - A student with a disability who violates the student code of conduct can be removed from the student’s placement to an appropriate interim alternative education setting, another setting, or suspension, for not more than 10 consecutive school days. [OAC 3301-51-05\(K\)\(20\)\(b\)\(i\)](#).
 - A student with a disability can be removed from their placement for additional period of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, if the removal does not constitute a change in placement because of disciplinary removals. [OAC 3301-51-05\(K\)\(20\)\(b\)\(i\)](#).
 - If the behavior of the student is not a manifestation of their disability the school may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as applied to children without disabilities for removals that would exceed 10 consecutive school days [OAC 3301-51-05\(K\)\(20\)\(c\)](#).
 - After a child with a disability has been removed from the child’s current placement for ten school days in the same school year, if the current removal is for not more than ten consecutive school days and is not a change of placement, school personnel in consultation with at least one of the child’s teachers, must determine the extent to which services are needed. [OAC 3301-51-05\(K\)\(20\)\(d\)\(iv\)](#).

- ☐ If the current removal is a change in placement due to disciplinary problems, the child's IEP team shall determine the appropriate educational services for the child. OAC 3301-51-05(K)(20)(d)(ii).
- Manifestation Determination Reviews. [OAC 3301-51-05\(K\)\(20\)\(e\)](#).
 - ☐ A manifestation determination review meeting is held to determine whether a student's behavior was a result of their disability. They are usually held when there is a change in placement due to disciplinary reasons. The IEP team is the body which holds a manifestation review. [OAC 3301-51-05\(K\)\(20\)\(e\)\(i\)](#).
 - ☐ Within 10 school days of any decision to change the placement of a child with a disability because of a violation of code of student conduct, the school district, the parent, and relevant members of the child's IEP team (as determined by the parent and school district), will convene a meeting to review all relevant information in the student's file to determine if the child's conduct was caused by, or directly related to, their disability or if the conduct was the direct result of the school district's failure to implement the IEP. [OAC 3301-51-05\(K\)\(20\)\(e\)\(i\)](#).
 - ☐ If the school district, the parent, and relevant members of the IEP team determine that that the behavior was a manifestation of the child's disability they will conduct a functional behavioral assessment, or review the behavioral intervention plan and return the child to placement from which the child was removed, unless parents and district agree to change in placement as part of the modification of the behavioral intervention plan. [OAC 3301-51-05\(K\)\(20\)\(f\)](#).
 - ☐ School personnel may remove a child with a disability to an interim alternative educational setting for not more than 45 school days without regard for whether the behavior is a manifestation of the child's disability, if the child:
 - Carries or possesses a weapon on school premises or at a school function
 - Knowingly possesses, uses, sells, or solicits illegal drugs on school premises or at a school function
 - Inflicts serious bodily injury upon another person on school premises or at a school function[OAC 3301-51-05\(K\)\(20\)\(g\)](#)
 - ☐ Parents will want to prove that the student's behavior was a manifestation of the child's disability and/or that the school failed to implement the IEP properly.
 - ☐ Parents May Prepare by Doing the Following:
 - Immediately request the referral from the school, as well as all other documentation that will be used at the manifestation determination review

meeting, including witness statements. Parents should also request the student's disciplinary record for the year.

- Parents should have a folder with the student's medical documentation, well-regarded reference material about how the student's disability is manifested, as well as the student's IEP and conference summary notes, a BIP, and functional behavioral assessment; and finally, any correspondence that the parents have had with the school.
- **What Will Happen at The Manifestation Determination Review: A Checklist**
 - ☐ You may want to request that the meeting be recorded.
 - ☐ There will be a discussion about the child's disability. The parent should get the school to agree that the child has a disability.
 - ☐ The parent should afterwards put the psychologist on record as agreeing that the DSM V is the accepted diagnostic tool.
 - ☐ The parent should then distribute any handouts they may have regarding the behavioral manifestations of the disability.
 - ☐ Read the list out loud, ask for any questions.
 - ☐ Review and match the behavior of the student with the handouts you provided, including present levels of performance regarding the student's IEP.
 - ☐ Ask the school district and relevant members of the IEP team individually for their opinion, as well as the justification for the opinion.
 - ☐ Don't be afraid to explain to the school leader, if they try to cut your time short that you are only ensuring that a careful and thorough deliberative examination is completed, for the student's benefit.
 - ☐ Ensure that the summary note is read out loud and take this opportunity to correct any missing or misstated information.
 - ☐ Sign that you were in attendance. However, if you do not agree with outcome you may write by your signature line that "I do not agree with the..."
 - ☐ Ensure that you receive a copy for your records.
 - ☐ After the manifestation determination, request, if the school does not, to discuss your child's placement, accommodations, etc.

APPEALS PROCESS FOR DISCIPLINARY PLACEMENT DECISIONS

- **Who May File an Appeal?**
 - ☐ The parent of a child with a disability who disagrees with any decision regarding their child's disciplinary placement, or the manifestation determination, or a school district that believes

that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision. [OAC 3301-51-05\(K\)\(22\)\(a\)](#).

- Reasons for an appeal often include disagreements with the following: the student's removal to an Interim Alternative Educational Setting (IAES), the manifestation determination, or whether the removal is a change of placement, etc.

- **How Does an Appeal Function?**

- The student remains in the interim alternative education setting while the appeal is pending unless the parent and district agree to another placement while the appeal is pending. If the time period for disciplinary placement expires while the appeal is pending the child is returned to original placement. [OAC 3301-51-05\(K\)\(23\)](#).
- If a parent requests an expedited due process hearing, the child's school district of residence will contact the ODE office for exceptional children by the end of the next business day. The office for exceptional children will appoint an impartial hearing officer and the expedited due process hearing will be held within twenty school days of the date the hearing was requested. If change in placement is not the result of a disciplinary removal, the child remains in his/her present placement unless the parent and district agree otherwise. [OAC 3301-51-05\(K\)\(22\)\(c\)](#) and [OAC 3301-51-05\(K\)\(23\)](#).
- If the parties agree in writing to waive a resolution meeting, then a Due Process Hearing is held, [OAC 3301-51-05\(K\)\(22\)\(c\)\(iii\)](#). The hearing officer (HO) must make a determination within 10 days of the hearing. If the hearing officer finds a violation or determines that maintaining the current placement is substantially likely to result in injury to the student or others and orders a change in placement for not more than 45 school days, or if no violation is found, the student may remain in disciplinary placement until the placement period expires or the parent and district agree otherwise. [OAC 3301-51-05\(K\)\(22\)\(d\)\(iv\)](#) and [OAC 3301-51-05\(K\)\(22\)\(d\)\(v\)](#).
- The parties may also agree to use a voluntary mediation process, while still maintaining the right to a due process hearing should the mediation fail. [OAC 3301-51-05\(K\)\(3\)\(b\)\(i\)\(b\)](#).
- Finally, the parties may call for a resolution session before a due process hearing is held. The session must be held within 7 days of notice of the due process complaint, [OAC 3301-05-05\(K\)\(22\)\(c\)\(iii\)\(a\)](#). If the parties reach an agreement, and the matter is resolved within 15 days of the notice of the complaint, then the due process hearing request is withdrawn, [OAC 3301-05-05\(K\)\(9\)\(a\)\(i\)](#).

Bullying

INTRODUCTION

Broadly defined, bullying occurs when there is an unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance, and the behavior is repeated, or has the potential to be repeated over time.⁶ In Ohio law, bullying, harassment, or intimidation is defined as “[a]ny intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student more than once [that] [c]auses mental or physical harm to the other student [and] [i]s sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student,” [ORC 3313.666\(A\)\(2\)\(a\)](#). In addition, any form of dating violence is considered a form of bullying, harassment or intimidation under Ohio Law, [ORC 3313.666\(A\)\(2\)\(b\)](#).

To be considered bullying, the behavior must be aggressive and include an imbalance of power, such as physical strength, access to embarrassing information, or popularity. Power imbalances may change over time and in different situations, even if they involve the same people.⁷

Bullying may include making threats, spreading rumors, attacking someone verbally or physically, excluding someone from a group on purpose. Bullying is distinct from conflict because children in conflict usually self-monitor their behavior. Children are often adept at monitoring behavioral and social cues which inform them if they have crossed a line with their negative behavior. However, in bullying the parties involved have disparate power, whether socially or physically, with the bully exploiting the dynamic, often to a measure of their own satisfaction.

In Ohio, school districts may enact discipline for bullying if it takes place at school, near school grounds, at a school sponsored event, or in some cases, if it occurs between students of the same school, even if it occurred in a setting unrelated to school. For more detailed information about bullying, you should consult the student code of conduct at your child’s school.

COMMON TYPES OF BULLYING BEHAVIOR⁸

- Verbal
 - ☐ Verbal bullying, saying or writing mean things, is the most common and easiest to inflict type of bullying.
 - ☐ It Includes:
 - Teasing
 - Name calling

- Inappropriate sexual comments
- Making threats against the target
- Taunting
- Threatening to cause harm
- Spreading rumors
- **Physical**
 - This is often the easiest type of bullying to recognize since it's the most visible.
 - Physical bullying includes hitting, kicking, pushing, taking or damaging property, and forced or unwelcomed contact (spitting, pulling hair, and throwing objects).
 - There is a perceived intent to harm.
 - Can begin in children as young as 4 or 5 years old but is not considered bullying until the child realizes his or her actions cause another person pain.
- **Emotional (Social)**
 - This is the most sophisticated of all the types of bullying, because it is generally very calculated and is often done in groups.
 - Children who are targets of this type of bullying may not identify that this is bullying.
 - Emotional aggression is just as harmful to a student's ability to learn, grow, and succeed. It also encompasses behaviors that harm others by damaging, threatening to damage, or manipulating one's relationships with his or her peers, or by injuring one's feelings of social acceptance.
 - Examples include:
 - Alienating or excluding others from groups.
 - Manipulating others to prevent someone's acceptance into a group
 - Damaging another reputation.
 - Publicly humiliating others or making fun of their appearance or behavior.
 - Creating a sense of unease for the target.
 - Emotional abuse tends to peak during the middle school years when children began to experiment with social boundaries and learning the power of inclusion and exclusion.
 - The behavior becomes bullying when the intent is to cause another person pain and to assert social control.
- **Sexual**
 - Most difficult for children and parents to discuss.

- Examples of sexual bullying: sexually charged comments; inappropriate or lewd glances; inappropriate physical contact; exhibitionism (indecent exposure); sexual assault.
- **Cyberbullying⁹**
 - Defined by the National Crime Prevention Council as, “When the Internet, cell phones, or other devices are used to send, or post text or images intended to hurt or embarrass another person.”
 - Cyberbullying can encompass a range of activities from sending e-mails or text messages to someone who has requested no further contact with the sender, but may also include threats, sexual harassment, hate speech, and ridiculing someone publicly in online forums
 - Boys are more likely to post mean photos or videos; while girls are more likely to spread rumors or post mean or hurtful comments.
 - Cyberbullying is dangerous because:
 - It can be done anonymously. The bully doesn’t have to “face” the target.
 - Children using technology often lack impulse control
 - Children often don’t realize that once something is posted, it can stay there forever
 - It is there 24/7. There is no getting away from it.

HOW ADULTS AND PARENTS CAN MAKE A DIFFERENCE

- **Recognizing Bullying**
 - The basic rule is: Let children know if the behavior hurts or harms them, either emotionally or physically, it is bullying.
 - If a child is not willing to communicate about being bullied, or does not have the ability to effectively communicate, you will need to watch for your child’s behavior changes.
 - Indicators that your child is being bullied include:
 - A desire to stay home from school.
 - Increased anxiety.
 - Unexplained stomachaches or headaches.
 - Withdrawal.
 - Damage to personal belongings.
 - Change in sleep routine.
 - Changes in temperament.
- **Action Steps for Parents¹⁰**

☐ Keep A Record:

- If your child is a target of bullying, it is important to document the events and develop a record, or history, of what is happening to your child. A record helps to keep a concise, accurate timeline of events. This can also help in tracking whether the bullying behavior has increased or decreased over time. The record should be factual and based on actual events; do not state opinions or make emotional statements. Content of written account should include: ¹¹
 - Date of the event
 - People involved
 - Names of potential witnesses (staff, students, etc.)
 - Child's account of the event
 - Discussion (summary) of the event
 - Communication with professionals (teachers, administrators, etc.)
 - Include date of the communication
 - Responses of the professional(s)
 - Action taken
 - Reports filed by school in accordance with the school district policy or state law

☐ Inform the School in Writing

- You should contact the school every time your child tells you they have been bullied. You should send them a letter to alert them of the bullying and your desire for intervention against the bullying. This letter may also be added to your written record. The letter should be factual and absent of opinions and emotions. Ensure that you keep a copy of the letter for your records
- Talk to your child about bullying, making sure that you pay attention to and acknowledge your child's reactions, always ensuring that you focus on the issue and not the emotion.

☐ Parents should be prepared to:

- Listen
- Believe
- Be Supportive
- Be patient
- Provide Information
- Explore options for intervention strategies

• When Your Child Chooses to Tell You That They Are Being Bullied

- Parents often react in one of three ways to their children telling them that they have experienced bullying.
 - The first, telling the child to stand up for themselves, often leads the child to believe that they are on an island and must survive the tribulation alone. Instead parents should talk to their children about how both parent and child can solve the problem as a team.
 - The second response, telling the child to ignore and avoid the bully is often impractical and the child most likely already tried this method. It may also lead the bully to escalate their behavior.
 - Finally, the third response is that the parent wants to take matters into their own hands. However, confronting the parent of the bully is often ineffective, and the most fruitful method is usually just to work through the school.
- Helping Your Child Become a Self-Advocate
 - Self-Advocacy involves your child learning the skills necessary to speak up for themselves and communicating what actions they need adults to take.
 - As a parent, you should affirm your child by providing messages such as, they're not alone, and that no one deserves to be bullied, and that you'll work with them to find a solution, and finally, that it is not their fault they are being bullied.
- Let your child know that all students have a right to be safe at school, expect adults to keep them safe, and assert that right when they are being bullied. Your child should know that if one adult isn't able to help, they should not give up. It is everyone's right to talk with another adult.

Bullying: Children with Disabilities

INTRODUCTION

Studies have shown that children with disabilities are two to three times more likely to be bullied than their nondisabled peers.¹²

Disability harassment may be defined under Section 504 and Title II as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

When harassing conduct is sufficiently severe, persistent, or so pervasive that it creates a hostile environment, it can violate a student's rights under Section 504 and Title II regulations. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program.¹³

EXAMPLES

- a. Several students continually remark out loud to other students during class that student with dyslexia is "retarded" or "deaf and dumb" and does not belong in the class; as a result, the harassed student has difficulty doing work in class and her grades decline.
- b. A student repeatedly places classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the classmates' ability to enter the classroom.
- c. A school administrator repeatedly denies a student with a disability access to lunch, field trips, assemblies, and extracurricular activities as punishment for taking time off from school for issues related to the student's disability.
- d. Students continually taunt or belittle a student with mental retardation by mocking and intimidating him, so he does not participate in class. [From the July 25, 2000, Dear Colleague letter from the Office of Civil Rights]
- e. A teacher subjects a student to inappropriate physical restraint because of conduct related to his disability, with the result that the student tries to avoid school through increased absences.

APPLICABLE FEDERAL LAWS

States and school districts also have a responsibility under Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA), which is enforced by the Office of Special Education and Rehabilitative Services (OSERS), to ensure that a free appropriate public education (FAPE) is made available to eligible students with disabilities. Disability harassment may result in a denial of FAPE under these statutes.

THE SCHOOLS' RESPONSIBILITIES

Schools must provide immediate and appropriate action to investigate or otherwise determine what happened. They must provide a prompt, thorough, and impartial inquiry. They must interview targeted students, offending students, and witnesses, as well as maintain written documentation of investigation. Schools must communicate with targeted students regarding

the steps they've taken to end harassment check in with targeted students to ensure that harassment has ceased.

FILING A COMPLAINT¹⁴

Depending on the situation, a complaint related to disability bullying and harassment may be filed with the Office for Civil Rights (OCR), the Department of Justice (DOJ), or the State Education Agency (SEA).

THE IEP'S ROLE

If your child has an IEP, it can be a helpful tool in a bullying prevention plan. Every child receiving special education is entitled to a free, appropriate public education, and bullying can sometimes become an obstacle to receiving that education.

The IEP team can identify strategies that may be written into the IEP to help stop bullying. It may be helpful to involve your child, when appropriate, in the decision-making process. The following are examples of helpful strategies.

- Identifying an adult in school whom your child can report to or go to for assistance
- Determining how school staff will document and report incidents
- Allowing your child to leave class early to avoid hallway incidents
- Holding separate in-services for school staff and classroom peers to help them understand your child's disability
- Educating peers about school district policies on bullying behavior

OHIO SPECIFIC LAWS (Anti-Harassment, Anti-Intimidation, and Anti-Bullying MODEL POLICIES)

Students are required to speak and behave in a civil manner toward staff members, and visitors to the schools. The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.

The policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. As provided in the District Code of Acceptable behavior and discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action.

Parents should contact law enforcement directly if they believe a threat to their student's safety is not being addressed by school staff. If school officials are not reporting bullying to the local county attorney or law enforcement agency, as required by KRS 158.156, then the parent may want to report the allegations directly to the county attorney, Kentucky State Police or local law enforcement agency

¹ "10 Basic Steps in Special Education," *Center for Parent Information & Resources*, (April 9, 2017).

² "Categories of Disability Under IDEA," *Center for Parent Information & Resources*, (March 14, 2017).

³ *Horen v. Board of Educ. Of City of Toledo Public School Dist.* 655 F.Supp.2d 794, 803 (USDC N.D. Ohio Western Division 2009).

⁴ Ohio Coalition for the Education of Children with Disabilities (OCECD). Draft IEP Tips (2015).

⁵ OCECD. Signature Tips (2016).

⁶ "What is Bullying?" *Stop Bullying*, U.S. Department of Human Services, 26 July 2018.

⁷ *Id.*

⁸ *Id.*

⁹ "What is Cyberbullying?" *Stop Bullying*, U.S. Department of Health and Human Services, 26 July 2018.

¹⁰ Pacer Center: Champions for Children with Disabilities. Beyond Sticks & Stones: How to Help your Child Address Bullying. 2013.

¹¹ Ohio Department of Education. § 6.1.1 of the Anti-Harassment, Anti-Intimidation or Anti-Bullying Model Policy, 9 November 2010.

¹² "Bullying and Youth with Disabilities and Special Health Needs" *Stop Bullying*, U.S. Department of Human Services, 23 July 2018.

¹³ Lhamon, Catherine E. "Dear Colleague Letter: Responding to Bullying of Students with Disabilities," 21 October 2014.

¹⁴ Office for Civil Rights. "How to File a Discrimination Complaint with the Office for Civil Rights," U.S. Department of Education, 25 September 2018.