



UNITED STATES DEPARTMENT OF EDUCATION

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CHICAGO, IL 60661-4544

June 25, 2021

Via Email Only to superintendent@doe.in.gov

Dr. Katie Jenner
Secretary of Education
Indiana Department of Education
Indiana Government Center North, 9th Floor
100 N. Senate Ave
Indianapolis, Indiana 46204

Re: OCR Docket #05-21-5901

Dear Dr. Jenner:

On January 12, 2021, the U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated a directed investigation of the Indiana Department of Education (the SEA) examining whether the SEA was excluding qualified persons with disabilities from participation in, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity on the basis of disability. This is to notify you that OCR is dismissing the directed investigation.

OCR is responsible for enforcing 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 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 - 12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the SEA is subject to these laws.

OCR's *Case Processing Manual*, at Section 108(s), requires OCR to dismiss a matter that OCR determines is moot or unripe.

OCR currently has no information indicating that IDOE is excluding or denying students with disabilities equal access to educational programs, discriminating against students with disabilities, or is otherwise acting in a manner inconsistent with its obligations under Section 504 or Title II. OCR has also determined that it did not have sufficient, specific information

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indicating that IDOE was excluding or denying students with disabilities equal access to educational programs, discriminating against students with disabilities, or acting in a manner inconsistent with its obligations under Section 504 or Title II at the time this directed investigation was opened. Therefore, OCR is dismissing the directed investigation as unripe effective the date of this letter.

Dismissing this directed investigation does not preclude OCR from opening an investigation against IDOE if at any time OCR receives a complaint or other information indicating a possible failure to comply with the Section 504 or Title II regulations or any other law or regulation OCR enforces. In addition, please do not hesitate to contact OCR for technical assistance on Section 504, Title II, or any of the laws and regulations OCR enforces.

If you have any questions, please contact Charles Bryans, OCR attorney, at 312-730-1623 or by email at Charles.Bryans@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Adele Rapport", with a long horizontal flourish extending to the right.

Adele Rapport
Regional Director

cc: Mr. Chad Ranney
General Counsel, Indiana Department of Education
(sent via email only to cranney@ido.e.in.gov)