



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921

Ms. Jacqueline Guillette
Superintendent
Grantham School District
75 Learning Drive
Grantham, NH 03753

Re: Complaint No. 01-13-1037
Grantham School District

Dear Superintendent Guillette:

The U.S. Department of Education’s Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint that filed against Grantham School District (District). We appreciate your patience with us throughout the investigation and apologize for the delays. As explained below, prior to OCR completing its investigation and drawing any conclusions regarding this matter, we are closing the investigative phase of this complaint because of the individual remedies the Complainant has already received and the District’s interest in entering into the enclosed voluntary resolution agreement.

OCR enforces Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II), both of which prohibit discrimination based on disability. The District is subject to Section 504 because it receives Federal financial assistance from the U.S. Department of Education. The District is also subject to Title II because it is a public entity operating an education system.

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Based on the information presented, OCR proceeded to investigate the following legal issue:

Whether the District denied the Student a FAPE XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
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XX in violation of 34
C.F.R. Section 104.33(a), (b) and (c), which incorporates by reference 34 C.F.R. Sections
104.34 through 36, and also 28 C.F.R. Section 35.130.

Although not alleged, based upon the information gathered, OCR also considered:

Whether the District failed to establish standards and procedures for the evaluation and placement of students who, because of disability, need or are believed to need special education or related services, in violation of 34 C.F.R. Section 104.35(b), (c) and 28 C.F.R. Section 35.130.

Whether the District designated at least one person who was trained and capable of coordinating its efforts to comply with Section 504, at 34 C.F.R. Section 104.7(a).

During the investigation, OCR reviewed extensive documentation provided by both the Complainant and the District regarding the events last school year. OCR also conducted interviews with both District and receiving school staff, and spoke with the Complainant throughout. In April 2013, while OCR was attempting to schedule additional interviews, the District filed for a due process hearing, asking the hearing officer to rule on everything we were investigating. The District asked OCR to close its investigation because of the hearing. OCR decided not to close the complaint based solely on the filing for a hearing; instead we decided to proceed with our investigation.

In July 2013, the hearing officer issued findings of fact and conclusions of law and ordered corrective action for the student. OCR reviewed the decision. We determined that additional concerns might remain and additional remedies might still be warranted, and we continued with our investigation. In the meantime, the Complainant and the District came to an agreement without OCR involvement. Upon reviewing the breadth of the settlement, OCR determined further individual remedies would not be necessary should we complete our findings. To address any remaining systemic concerns under Section 504, the District voluntarily agreed to take the steps in the enclosed agreement.

The agreement is aligned with the complaint allegations and the information OCR had obtained when the District proposed to resolve the complaint. Moreover, the agreement is consistent with the requirements of Section 504 and Title II. Accordingly, we are closing the investigative phase of the complaint as of the date of this letter and, consistent with our usual practice, will monitor the District's implementation of the agreement.

The matters addressed in this letter are not intended and should not be construed to cover any other issues regarding the District's compliance with Title Section 504, Title II, or any other laws enforced by OCR that may exist but are not discussed here. This letter is a resolution letter issued by OCR to address an individual OCR case. Resolution letters contain fact-specific investigative findings and dispositions of individual cases. Resolution letters are not formal statements of OCR policy and they 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 note that the Complainant may have the right to file a private lawsuit regarding the matters raised in this case, whether or not OCR identified compliance concerns.

If you have any questions, please contact to contact Civil Rights Investigator Molly O'Halloran at (617) 289-0058 or Molly.O'Halloran@ed.gov; Civil Rights Attorney LouAnn Pearthree at (617) 289-0138 or LouAnn.Pearthree@ed.gov; or me at (617) 289-0120.

Sincerely,

/s/ Thomas J. Hibino

Thomas J. Hibino
Regional Director

Enclosure