



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

Mr. Christopher Farmer
Superintendent of Schools
Triton Regional School District
Triton Administrative Offices
112 Elm Street
Byfield, Massachusetts 01922

Re: Complaint No. 01-13-1248

Dear Superintendent Farmer:

This letter is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) is closing the complaint filed against Triton Regional School District (District). The Complainants in this matter alleged that the District discriminated against a student (Student) based on his disability when in June of 2013 it denied the Student an opportunity to participate in a field trip to XXXXXXXX XXXX Park, like his non-disabled peers. The Complainants also alleged that the District invited the Student's parents to participate in the trip to permit the Student to attend, but did not offer any supervision of the Student, who has an aide at school during the day. As a result, the Student was unable to participate in the field trip. OCR is closing the investigation because the District has agreed to resolve the discrimination allegations on terms that OCR has found to be acceptable.

OCR opened this complaint for investigation under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Section 104 (Section 504), as well as Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II). Section 504 and Title II prohibit discrimination based on disability. Since the District receives funding from the U.S. Department of Education, it is subject to the provisions of Section 504, and as a public entity operating a public education system it is subject to the provisions of Title II.

OCR opened the following issue for investigation:

Whether the District denied the Student an equal opportunity to participate in a field trip based on his disability, in violation of 34 C.F.R. Section 104.37(a), and 28 C.F.R. Section 35.130, generally.

During the course of the investigation and before OCR reached a compliance determination, the District expressed an interest in resolving the complaint. After negotiations between OCR and the District, the District agreed to take certain steps memorialized in the enclosed Resolution Agreement (Agreement). Under the Agreement, the District agreed to reimburse the Student's parents for the cost of a family trip they took to XXXXXXXX XXXX Park in lieu of the field trip; review regulations and procedures regarding inclusion of students with disabilities in field trips; train staff with responsibility for approving field trips on the rights of students with disabilities to have equal access to extracurricular activities, including field trips; and provide the Student's parents notice of future field trips and ensure an individual determination is made regarding the Student's equal access to the trip, and any accommodations, related aids and services that will make it possible for him to participate.

OCR has determined that the terms of the Agreement address the underlying allegations in this case, as well as the other information OCR obtained during its preliminary investigation. These terms are also consistent with Section 504 and Title II. Accordingly, OCR is closing this investigation as of the date of this letter.

As memorialized in the Agreement, OCR will monitor the District's compliance with the agreed-upon terms. OCR will close the monitoring of this matter, and will notify the parties in writing, once it determines that the District has satisfied the terms of the Agreement. As also detailed in the Agreement, the District has agreed to provide OCR with a first monitoring report by February 7, 2014.

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.

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, we 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.

We wish to thank you and your staff for your cooperation in the resolution of this matter. If you have any questions regarding this letter, you may contact Civil Rights Investigator Olga Benjamin at (617) 289-0041 or by e-mail at Olga.Benjamin@ed.gov, Civil Rights Attorney Amy Hunter at (617) 289-0057, or you may also contact me directly at (617) 289-0051.

Sincerely,

Kate Upatham
Acting Team Leader/Civil Rights Attorney

Enclosure