

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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



Erin Nosek, Ed.D
Superintendent of Schools
Tantasqua Regional/School Union 61 Districts
320A Brookfield Road
Fiskdale, MA 01518

Re: Complaint No. 01-14-1185
Tantasqua Regional/Union 61 School Districts

Dear Superintendent Nosek:

The U.S. Department of Education's Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint the Complainant filed against the Tantasqua Regional/Union 61 School Districts (District) alleging the District discriminated against the student (Student) on the basis of disability by failing to implement aspects of her 504 plan, including provisions related to graphic organizers, weighted pencil and testing accommodations for MCAS. As explained below, prior to OCR completing its investigation and drawing any conclusions regarding this matter, the District agreed to voluntarily resolve this allegation on terms that OCR found acceptable and is explained in greater detail below.

OCR accepted this complaint for investigation because the allegation is within OCR's jurisdiction under 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 Section 504 and Title II prohibit discrimination on the basis of 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 educational program.

OCR is closing the investigative phase of the allegation that the District failed to implement the Student's 504 plan, because prior to OCR making any findings, the District requested to enter into an agreement to work with OCR to continue its efforts to improve its Section 504 processes. This request culminated in the signed resolution agreement (Agreement), enclosed. The Agreement is aligned with the complaint allegation and the information OCR obtained during its preliminary investigation. Moreover, the Agreement is consistent with the requirements of Section 504 and Title II. Accordingly, we are closing the investigative phase of this complaint allegation as of the date of this letter and, consistent with our usual practice, will monitor the District's implementation of the Agreement.

The Agreement is aligned with the complaint allegation 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 Section 504 and Title II or any other laws enforced by OCR that may exist but are not discussed here.

Thank you for your cooperation. If you have any questions about this complaint, please contact Civil Rights Investigator Patricia Cox at (617) 289-0042, or by email at Patricia.Cox@ed.gov; Civil Rights Attorney Amy Hunter at (617) 289-0057, or by email at Amy.Hunter@ed.gov. You may also contact me directly at (617) 289-0037.

Sincerely,

/s/ Anthony Cruthird

Anthony Cruthird
Team Leader/Attorney

Enclosure