



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

Superintendent Julie Hackett
Taunton Public Schools
215 Harris Street
Taunton, Massachusetts 02780

Re: Complaint No. 01-13-1227
Taunton Public Schools

Dear Superintendent Hackett:

The U.S. Department of Education's Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint filed against the Taunton Public Schools (District). The Complainant alleged the District did not follow an appropriate team process in making placement decisions for the Student during the 2012-2013 school year and did not notify the Complainant of her procedural safeguards. As explained below, prior to OCR completing its investigation and drawing any conclusions regarding this matter, the District expressed an interest in resolving the complaint and signed a resolution agreement (Agreement). A copy of the signed Agreement is enclosed.

Based on the information presented, OCR proceeded to investigate:

1. Whether the District denied the Student a free appropriate public education (FAPE) by failing to conform with the team process requirements of Section 504, in violation of 34 C.F.R. Sections 104.33 and 104.35.
2. Whether the District failed to provide the Complainant appropriate notice of her procedural safeguards, in violation of 34 C.F.R. Section 104.36.

OCR accepted this complaint for investigation because the allegations are 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.

During the investigation, OCR reviewed the District's Section 504 policies and procedures and its procedural safeguards, as well as documentation pertaining to the Student. Since the District was first notified of the complaint, it has taken proactive steps to resolve these matters by offering to meet with the Complainant, and requesting and receiving onsite Section 504 training of District employees by OCR. With regard to the complaint, prior to OCR making any findings and without an admission

of violating Section 504 and Title II, the District requested to enter into an agreement to work with OCR to continue its efforts to address the Complainant's concerns and improve its Section 504 processes.

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 Section 504 and Title II or any other laws enforced by OCR that may exist but are not discussed here.

If you have any questions about the information contained in this letter, please contact Civil Rights Investigators Patricia Cox at (617) 289-0042 or Patricia.Cox@ed.gov or Molly O'Halloran at (617) 289-0058 or Molly.O'Halloran@ed.gov; Team Leader Allen Kropp at (617) 289-0120; or me at (617) 289-0111.

Sincerely,

Thomas J. Hibino
Regional Director

Enclosure