

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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



Dr. Nivea L. Torres, Superintendent
Connecticut Technical High School System
25 Industrial Park Road
Middletown, Connecticut 06457-1520

Re: Complaint Nos. 01-13-1169 & 01-13-1232
CT Technical High School System

Dear Dr. Torres:

This letter serves to inform you that the U.S. Department of Education's Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaints filed against the Connecticut Technical High School System (CTHSS) alleging discrimination on the basis of disability in its admissions process.

Complaint No. 01-13-1169 alleged that CTHSS' admissions criteria create an unjustifiably disparate impact against students with disabilities by requiring the Standard version of the Connecticut Mastery Test (CMT) or a CTHSS Alternative Test, and rejecting the Modified version of the CMT that is available to students with severe disabilities. This complaint also alleged that Student A was wrongfully rejected from a CTHSS school as a result of this admissions criteria, which CTHSS resolved and OCR formally dismissed in March 2014. Complaint No. 01-13-1232 alleged that CTHSS rescinded Student B's spring 2013 acceptance to the Emmett O'Brien Technical School stating that his disability-related needs could not be met in the CTHSS environment. Finally, we stated in a February 13, 2015 letter to you that the rescission of Student C's acceptance and placement, for the 2014-2015 school year, at the Oliver Wolcott Technical High School would be addressed through the above-referenced complaints because it raised similar systemic issues regarding CTHSS' admissions process.

OCR opened the complaints for investigation pursuant to our 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 of which prohibit discrimination based on disability. CTHSS is subject to Section 504 because it receives Federal financial assistance from the U.S. Department of Education, and it is also subject to Title II because it is a public entity operating an education system.

Prior to the conclusion of OCR's investigations and pursuant to Section 302 of OCR's Case Processing Manual, CTHSS expressed an interest in resolving the complaints. Subsequent discussions between OCR and CTHSS resulted in CTHSS signing the enclosed resolution agreement (Agreement), which, when fully implemented, will resolve the issues raised in these

complaints. The terms of the Agreement are aligned with the complaint allegations and are consistent with Section 504 and Title II.

As memorialized in the Agreement, OCR will monitor CTHSS' 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 CTHSS has satisfied the terms of the Agreement. Consistent with OCR's monitoring requirements and the Agreement provisions, CTHSS agrees to provide OCR the first monitoring report on October 1, 2015.

This letter is not intended nor should it be construed to cover any other matters that may exist regarding compliance with Section 504 and Title II that are not specifically discussed in this letter.

We thank you and your staff for working with OCR to bring about this resolution. If you have any questions about this letter, you may contact Civil Rights Investigator Patricia Cox at (617) 289-0042 or Patricia.Cox@ed.gov, or Civil Rights Attorney Ramzi Ajami at (617) 289-0086 or Ramzi.Ajami@ed.gov. You may also contact Compliance Team Leader/Attorney Allen Kropp at (617) 289-0120 or me at (617) 289-0111.

Sincerely,

/s/ Joel J. Berner
Joel J. Berner
Regional Director

Enclosure

cc: Beatrice Tinty, CTHSS Legal Counsel