



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

Peter Garbus, Principal
Four Rivers Charter Public School
248 Colrain Road
Greenfield, MA 01301

Re: Complaint No. 01-14-1288

Dear Principal Garbus:

The U.S. Department of Education's Office for Civil Rights (OCR) is closing its investigation of the above-referenced complaint filed against the Four Rivers Charter Public School (School), because the School has agreed to voluntarily resolve the allegations. The complaint stemmed from the School's alleged refusal and/or delay to appropriately evaluate the Student to determine what services she required to guarantee her a free appropriate public education (FAPE). The complaint also stemmed from the School's alleged application of an attendance policy that predicates course credit on physical attendance regardless of disability.

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

Based on the information presented, OCR opened the following legal issues:

- Whether the School denied the Student a FAPE, in violation of 34 C.F.R. Section 104.33 and 28 C.F.R. Section 35.130.
- Whether the School's attendance policy discriminates against students whose disabilities prevent them from physically attending class, in violation of 34 C.F.R. Section 104.4 and 28 C.F.R. Section 35.130.

Prior to completion of the investigation, the School expressed an interest in voluntarily resolving the allegations through the enclosed Section 302 Resolution Agreement. Accordingly, OCR is closing the investigative phase of this complaint effective the date of this letter. Consistent with OCR's practice, we will monitor the School's implementation of the Resolution Agreement.

We thank you for your efforts to resolve this complaint. If you have any questions about this letter or the monitoring of the Resolution Agreement, please contact Investigator Molly O'Halloran at (617) 289-0058 or Molly.O'Halloran@ed.gov; or Attorney Ramzi Ajami at (617) 289-0086 or Ramzi.Ajami@ed.gov. You may also contact me at (617) 289-0111.

Sincerely,

/s/ Joel J. Berner

Joel J. Berner
Regional Director

Enclosure