



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I

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

March 10, 2017

Dorothy H. Galo
Superintendent
Hingham Public School District
220 Central Street
Hingham, MA 02043-2745

Re: Case No. 01-15-1266
Hingham Public School District

Dear Dr. Galo:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR) regarding the above-referenced complaint filed against Hingham Public School District (District). The Complainant alleged that the District denied her son (Student) a free appropriate public education (FAPE) and failed to provide her son with XXXXXXXXXXXXXXXXXXXXXXXXXXXX during the fall of 2015 by failing to timely implement a provision in his Individualized Education Program (IEP) calling for XXXXXXXXXXXXXXXXXXXX. As explained below, the District agreed to resolve this complaint pursuant to the enclosed resolution agreement before OCR reached a compliance determination.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs or activities receiving financial assistance from the U.S. Department of Education. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District is a recipient of financial assistance from the U.S. Department of Education and is a public elementary and secondary education system. Therefore, OCR had jurisdictional authority to investigate this complaint under Section 504 and Title II.

During its investigation, OCR interviewed the Complainant and reviewed documentation submitted by the Complainant and the District, including emails between the Complainant and District staff and the Student's IEPs.

Factual Background

The Student, who has been diagnosed with both XXXXXXXXXXXXXXXXXXXXXXXXXXXX, was in third grade during the 2015-2016 school year. His IEP in effect for first grade, second grade, and at the beginning of third grade included a provision calling for

If you have any questions, please contact attorney Sandy Lin at (617) 289-0095 or sandy.lin@ed.gov.

Sincerely,

/s/ Michelle Kalka
Michelle Kalka
Compliance Team Leader

Enclosure