

December 9, 2013

Brian L. Conboy
Superintendent
Seaford Union Free School District
1600 Washington Avenue
Seaford, New York, 11783

Re: Case No. 02-13-1375
Seaford Union Free School District

Dear Superintendent Conboy:

This letter is to notify you of the determination made by the U.S. Department of Education, New York Office for Civil Rights (OCR), in the above-referenced complaint filed against the Seaford Union Free School District. The complainant alleged that the District discriminated against her son (the Student), on the basis of disability, by failing to provide him with wheelchair accessible transportation.

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 (the Department). OCR also is responsible for enforcing Title II of the Americans with Disabilities Acts of 1990 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Under the ADA, 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 Department and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under Section 504 and the ADA.

The District communicated its willingness to voluntarily resolve the complaint prior to the conclusion of OCR's investigation, pursuant to Section 302 of the Case Processing Manual. Accordingly, to resolve this allegation, the District voluntarily has entered into a resolution agreement (attached) with OCR. OCR will monitor implementation of the resolution agreement. If the District fails to implement the terms of the resolution agreement, OCR will resume its investigation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

The complainant may file a private suit in federal court whether or not OCR finds a violation.

There may be state and local laws relevant to the complainant's complaint. The complainant may wish to consult with a private attorney, local legal aid organization, and/or state or local bar association, which may be able to assist the complainant further.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions regarding OCR's determination, please contact Gina Damasco, Compliance Team Attorney, at (646) 428-3924 or gina.damasco@ed.gov, or me, at (646) 428-3801 or nadja.r.allen.gill@ed.gov.

Sincerely,

Nadja Allen Gill
Compliance Team Leader

cc: Chris Venator, Esq.