

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

5 POST OFFICE SQUARE, 8<sup>TH</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921



Dr. John Tuffy  
Superintendent  
Silver Lake Regional School District  
Superintendency Union #31  
250 Pembroke Street  
Kingston, Massachusetts 02364

Re: Complaint No. 01-13-1277

Dear Superintendent Tuffy:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint against the Kingston Public School District (District) of the Silver Lake Regional School Superintendency Union #31. The complaint alleged that the District failed to conduct a timely evaluation under Section 504 of the Rehabilitation Act of 1973 for two students (Students) who attend school within the District, failed to provide the students with accommodations to address their disabilities and failed to provide parents/guardians due process rights under Section 504. OCR is closing this complaint because, prior to OCR completing its investigation, the District entered into a voluntary resolution agreement (Agreement) that resolves the complaint allegations. A copy of the Agreement is enclosed.

OCR enforces 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, which prohibit discrimination on the basis of disability. The District is subject to the requirements of Section 504 because it receives Federal financial assistance from the Department, and it is subject to the requirements of Title II because it is a public entity operating an elementary and secondary school system.

OCR opened the following legal issue for investigation:

- Whether the District denied the Students a free appropriate public education (FAPE) by failing to a) timely evaluate the Students who needed or were believed to be in need of special education and/or related aids and services, b) provide accommodations for the Students to address their disabilities, and c) provide parents /guardians with due process rights under Section 504, in violation of 34 C.F.R. Sections 104.33, 104.35, and 104.36, and 28 C.F.R. Section 35.130.

After OCR's initial contact to the District and prior to OCR completing its investigation of the allegations presented in this complaint, the District offered to resolve this complaint voluntarily, as is permitted in Section 302 of OCR's Complaint Processing Manual. After negotiating with OCR, the District agreed to take a number of steps to resolve the complaint allegations. These steps are set out in the Agreement, signed by you on November 22, 2013, and include commitments by the District to provide training to staff and administrators on the District's obligations under Section 504. The Agreement further requires the District to send a notice to parents/guardian describing student rights and District responsibilities under Section 504, including contact information for the District's Section 504 Coordinator(s) should parents/guardians have questions/concerns. Finally, the Agreement requires the District to review all individualized health plans (IHPs) and to promptly initiate Section 504 evaluations for any and all such

students who need or are believed to be in need of services under Section 504. OCR has discussed the terms of the Agreement at length with the Complainant.

OCR finds that the resolution offered by the District is aligned with the Complainant's allegation and with information obtained by OCR. In addition, the resolution offered is consistent with Section 504 and Title II. Accordingly, we are closing this investigation as of the date of this letter. Consistent with our usual practice, OCR will monitor the District's implementation of the Agreement. OCR will close the monitoring of this matter, and will notify the parties in writing of the monitoring closure, once it determines that the District has satisfied the terms of the Agreement. The District has agreed to provide OCR with an initial monitoring report by December 15, 2013.

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 the regulations implementing Section 504, Title II, or the other laws enforced by OCR, that may exist but are not discussed here. This letter is a resolution letter issued by OCR to address an individual OCR case. Resolution letters contain fact-specific investigative findings and dispositions of individual cases. Resolution letters are not formal statements of OCR policy and they 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.

Please note that the Complainant may have the right to file a private lawsuit regarding the matters raised in this case, whether or not OCR identified compliance concerns. Also, under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect all personal information to the extent provided by law that, if released, could constitute an unwarranted invasion of privacy.

OCR thanks the District for the cooperation afforded us during this resolution process. If you have any questions or concerns about the information contained in this letter, please feel free to contact Eric Olick, Senior Civil Rights Attorney at (617) 289-0021, or via email at [Eric.Olick@ed.gov](mailto:Eric.Olick@ed.gov). You may also contact me directly at (617) 289-0040

Sincerely,

Nicole M. Merhill  
Acting Compliance Team Leader/Civil Rights Attorney

Enclosure

cc: Andrea L. Bell J.D.