

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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



Ms. Tari Thomas
Superintendent of Schools
Orange School District/
Ralph C. Mahar Regional School District
P.O. Box 680
507 South Main Street,
Orange, MA 01364

Re Complaint No. 01-14-1123

Dear Superintendent Thomas:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), is closing the above-referenced complaint that was filed against the Orange School District /Ralph C. Mahar Regional School District (District). The Complainant alleged that the District discriminated against XXXXXXXXXXXX, based on her disability, by failing to provide the quantity of home tutoring services during the winter and spring of 2014 as specified in her Individualized Education Program. OCR is closing this complaint because the District signed a Resolution Agreement (Agreement) that resolves the allegations presented in the complaint.

OCR accepted this complaint for investigation 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). Section 504 and Title II prohibit discrimination based on disability. The District is subject to Section 504 because it is a recipient of Federal financial assistance from the Department. The District is also subject to Title II because it is a public entity operating an education system.

On July 8, 2014, OCR discussed the complaint with the Complainant and she indicated a willingness to work with the District to find a resolution. Following the call with the Complainant, OCR contacted you to discuss the allegations raised. In that call, you also indicated a willingness to find a resolution to the Complainant's concerns.

On August 20, 2014, the District, without admitting to any violations of the laws enforced by OCR, voluntarily signed the Agreement (copy enclosed), which addresses the Complainant's allegations. Based on the District's assurance that the provisions contained in the Agreement will be implemented, OCR considers the above-referenced case resolved as of the date of this letter. OCR is informing the Complainant of this resolution by concurrent letter. OCR will monitor the District's full implementation of the commitments contained in the Agreement.

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 have the right to file a private suit in Federal court whether or not OCR finds a violation.

We would like to thank you for the cooperation extended to OCR. If you have any questions regarding this letter, please contact OCR Senior Investigator Mary-Anne Khouhani at (617) 289-0036 or by email at Mary-Anne.Khouhani@ed.gov, or you may contact me at (617) 289-0120.

Sincerely,

/s/ Eric D. Olick for

Allen L. Kropp
Team Leader/Civil Rights Attorney

Enclosure

cc: Rebecca Phillips, Director of Special Education