



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

September 6, 2018

Michael Wright
Superintendent
By e-mail: mwright@msad41.us

Re: Complaint Nos. 01-15-1008 & 01-17-1025
MSAD #31

Dear Superintendent Wright:

This letter is to advise you of the outcome of the above-referenced complaints that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against MSAD #31 (District). In the first complaint (01-15-1008), the Complainant alleged that the District failed to respond appropriately to notice that his son was being harassed by other students based on his disability. In the second complaint (01-17-1025), the Complainant alleged that the District retaliated against him for his filing of complaints with OCR and his advocacy on behalf of his son when the District failed to respond to certain disability-related requests regarding his son, including XXXXX. As explained further below, before OCR completed its investigation, the District expressed a willingness to resolve these complaints by taking the steps set out in the enclosed Resolution Agreement (Agreement).

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance from the Department. Section 504 and Title II also prohibit retaliation against any individual who asserts rights or privileges under these laws or their implementing regulations, or who files a complaint, testifies, assists, or participates in a proceeding under these laws. The District is subject to Section 504 and Title II because it is a recipient of federal financial assistance from the Department and is a public entity.

During its investigation, OCR reviewed documents provided by the Complainant and the District and interviewed the Complainant and District administrators and staff. Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the District expressed an interest in resolving these complaints. Subsequent discussions between OCR and the District resulted in the District signing the enclosed Agreement which, when fully implemented, will address all of the allegations raised in the complaints. OCR will monitor the District's implementation of the Agreement.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

This concludes OCR's investigation of the complaints. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Civil Rights Attorney Gillian Thompson at (617) 289-0012 or by e-mail at Gillian.Thompson@ed.gov.

Sincerely,

/s/

Michelle Kalka
Compliance Team Leader

Enclosure

cc: Daniel Stockford (by e-mail: dstockford@brannlaw.com)