

Dr. Betsy M. Webb  
Superintendent  
Bangor School Department  
73 Harlow Street  
Bangor, Maine 04401

Re: Complaint No. 01-15-1033  
Bangor School Department

Dear Superintendent Webb:

This letter serves to inform you that the U.S. Department of Education's Office for Civil Rights - Boston (OCR) is closing the investigative phase of the above-referenced complaint that the Complainant filed against the Bangor School Department (District) alleging discrimination based on disability. Specifically, the Complainant alleged that the District discriminated against the Student by: failing to evaluate the Student prior to making a significant change in placement following the Student's violating a school rule; failing to follow procedural placement requirements by not drawing upon information from a variety of sources and ensuring that the placement decision was made by a group of knowledgeable people; failing to provide the Student an education in the least restrictive environment when it prolonged the Student's suspension and restricted him to homebound tutoring based on a prior diagnosis; and failing to provide the parent/guardian procedural safeguards.

OCR opened the complaint for investigation pursuant to our jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found 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 receives Federal financial assistance from the U.S. Department of Education, and it is subject to Title II because it is a public entity that operates an educational system.

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 the complaint. Subsequent discussions between OCR and the District resulted in the District signing the enclosed resolution agreement (Agreement), which, when fully implemented, will resolve the issues raised in the complaint. The terms of the Agreement are aligned with the complaint allegations and are consistent with Section 504 and Title II.

As memorialized in the Agreement, OCR will monitor the District's compliance with the agreed upon terms. OCR will close the monitoring of this matter and will notify the parties in writing, once it determines that the District has satisfied the terms of the Agreement. If the District fails

to comply with the terms of the Agreement, OCR will resume its investigation. Consistent with OCR's monitoring requirements and the Agreement provisions, the District has agreed to provide OCR the first monitoring report on November 20, 2015.

This letter is not intended nor should it be construed to cover any other matters that may exist regarding compliance with Section 504 and Title II that are not specifically discussed 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 file a private suit in Federal court whether or not OCR finds a violation.

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, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We would like to thank you and Ms. Patti Rapaport, Director of Pupil Services, for the District's cooperation. If you have any questions about this letter, you may contact Civil Rights Investigator Patricia Cox at (617) 289-0042 or Patricia.Cox@ed.gov. You may also contact Team Leader/Attorney Ryan Milligan at (617) 289-0189, or me at (617) 289-0111.

Sincerely,

Allen L. Kropp  
Acting Regional Director

Enclosure