



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

October 3, 2018

Dr. Robert J. Gerardi, Jr.
Superintendent
Maynard Public Schools
c/o Alisia St. Florian, esq.
Sent via e-mail to: XXXXXX

Re: Complaint No. 01-17-1118
Maynard Public Schools

Dear Superintendent Gerardi:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) has completed its investigation of the complaint we received against Maynard Public Schools (the District). The Complainant alleged the District discriminated against the Student on the basis of disability when, during the 2016-2017 school year, it did not implement the following accommodations contained in the Student's Individualized Education Program (IEP): (i) break down lengthy written information and directions into smaller chunks; (ii) word banks or word wall for lengthy text; (iii) visual anchor charts displaying spelling rules for Spanish (that can be photographed and sent home); (iv) personalized spelling dictionary for both Spanish and English; (v) option to type; (vi) graph paper as necessary; (vii) exposing the Student to a variety of texts; (viii) direct instruction in answering open-response and short answer type questions; (ix) reading material is to be presented at the Student's instructional reading level (or above if an adult is assisting him); (x) opportunity to listen to text on audio CD; (xi) repeated practice of new concepts and skills; (xii) use of graphic organizers; (xiii) strategy based approach for English and Spanish; (xiv) extra time to complete reading tasks; (xv) frequent check-ins for understanding when reading; (xvi) and pull-out services in September 2016. As explained further below, before OCR completed its investigation, the District expressed a willingness to resolve the complaint 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 programs and activities that receive 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.

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 this complaint. Subsequent discussions between OCR and the District resulted in the District signing the enclosed

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

Agreement which, when fully implemented, will address all of the allegations raised in the complaint. OCR will monitor the District's implementation of the Agreement.

This concludes OCR's investigation of the complaint. 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 Investigator Molly O'Halloran at (617) 289-0058 or by e-mail at Molly.OHalloran@ed.gov.

Sincerely,

/s/

Ramzi Ajami
Compliance Team Leader