



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

April 24, 2018

Pamela Beaudoin
Superintendent
Manchester Essex Regional School District
Sent via email: BeaudoinP@mersd.org

Re: Complaint No. 01-17-1129
Manchester Essex Regional School District

Dear Superintendent Beaudoin:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against the Manchester Essex Regional School District (the District). The Complainant alleged that the District failed to implement certain provisions of her son's (the Student's) Section 504 plan, specifically concerning the provision of xxxxx xxxxx, xxxxx xxxxxx, and xxxxx xxxx xxxxx xxxxxx, during the 2016-2017 school year (Allegation 1).¹ The Complainant also alleged that the District discriminated against the Student based on disability when it failed to promptly and equitably respond to the allegation that in xxxxx 2016, a teacher announced to the Student's class that he was not allowed to xxxx xxxxx, which embarrassed the Student (Allegation 2). 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. The District is subject to Section 504 and Title II because it is a recipient of financial assistance from the Department and is a public entity.

During the course of its investigation, OCR reviewed documents provided by the Complainant and the District. OCR also interviewed the Complainant and the principal of the Student's school. 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.

¹ During the course of its investigation, OCR learned that the written Section 504 plans that were in effect for the 2016-2017 school year do not include an accommodation for the provision of xxxxx xxxxx.

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

Subsequent discussions between OCR and the District resulted in the District signing the enclosed Agreement which, when fully implemented, will address 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 Attorney Melissa Kirby at (617) 289-0067 or by e-mail at Melissa.Kirby@ed.gov.

Sincerely,

/s/

Ramzi Ajami
Compliance Team Leader

Enclosure

cc: Amy Rogers, Esq.