



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

July 30, 2019

Dr. Steven Adamowski  
Superintendent of Schools  
Norwalk Public Schools  
[adamowskis@norwalkps.org](mailto:adamowskis@norwalkps.org)

Re: Complaint No. 01-19-1176  
Norwalk Public Schools

Dear Superintendent Adamowski:

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 Norwalk Public Schools (District). The Complainant alleged that the District discriminated against her client's daughter (Student) on the basis of disability by failing to evaluate whether the Student requires transportation as a related service. 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 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. Because the District receives federal financial assistance from the Department and is a public elementary and secondary school system, OCR has jurisdiction over it pursuant to Section 504 and Title II.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR opened the following legal issue for investigation:

Whether the District failed to evaluate the Student's need for transportation as a related service, in violation of 34 C.F.R. Section 104.35(d) and 28 C.F.R. Section 35.130.

#### Summary of Preliminary Investigation

During the investigation, OCR reviewed documents provided by the Complainant and the District and interviewed the Complainant. Before OCR completed its investigation, the District expressed a willingness to resolve the complaint on June 28, 2019.

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

The Complainant informed OCR that the Student is a resident of the District and has a Section 504 plan due to a XXXXXXXX XXXXXXXX. The Complainant stated that during the 2018-2019 school year, the Student attended XXXXX grade at the Strawberry Hill Inter-District Magnet School (the Magnet School) located in Stamford, CT, where she was voluntarily enrolled by her XXXXXXXX. The Complainant stated that because transportation is not provided by the District or the Magnet School, the Student's XXXXXXXX uses public transportation (bus) to transport the Student to and from school, which causes XXXXXXXX XX XXX XXXXXXXXXXXX XXXX XXXXXXXXXXXX XXXX XXX XXXXXXXX XXX XXXXXXXX. The Complainant stated that at the Student's Section 504 meeting on October 22, 2018, the Student's XXXXXXXX requested transportation for the Student as a related service based on her disability, and the Section 504 team referred the request to the District's Central Office. The Complainant stated that on January 7, 2019, the District-wide Section 504 Coordinator informed her by email that the District had denied the request for transportation because it was "not an equitable access issue," rather than determining whether the Student required transportation as a related service.

OCR determined that the meeting summary from the Section 504 meeting on October 22, 2018, indicated that the team discussed the Student's Section 504 plan and that the "family is seeking to get transportation services to and from school for [the] [S]tudent to support her medical needs." The meeting summary further stated that "[i]t was agreed that all parties will wait for response on next steps as provided by Central Office team." OCR determined that on January 7, 2019, the Complainant received an email from the District-wide Section 504 Coordinator, which stated that the District did not provide transportation to the Magnet School for any of its students and "if a parent makes a choice to place a student at [the] Magnet School, they have chosen to take on the responsibility to transport them." The email further stated that "this is not an equitable access issue, we are treating this student as we would any other student that attends [the] Magnet School."

The District informed OCR that it would offer accommodations if needed as it does with any student attending a magnet school, but the Section 504 team determined that "transportation was not needed due to the evaluation of the disability." The District stated that the Section 504 team subsequently contacted the Central Office to request further guidance regarding transportation and "what would be considered equitable access." Based on the above, the evidence obtained by OCR to date does not establish that the Section 504 team made a determination regarding the Student's eligibility for transportation as a related service based on her disability. In order to complete the investigation, OCR would need to conduct interviews with District personnel and request any other relevant documentation.<sup>1</sup>

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 and OCR determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and

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<sup>1</sup> During the course of the investigation, the District informed OCR that it attempted to schedule Section 504 team meetings regarding the Student's request for transportation on May 17 and June 7, 2019, which were cancelled at the request of the Student's XXXXXXXX. The District informed OCR that it planned to hold a Section 504 meeting in fall 2019 regarding the Student's transportation request.

the District resulted in the District signing the enclosed Agreement which, when fully implemented, will address the allegation 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 Emma Kim, Senior Attorney, at (617) 289-0159 or by e-mail at [emma.kim@ed.gov](mailto:emma.kim@ed.gov).

Sincerely,

/s/

Colleen Robinson  
Acting Compliance Team Leader

Enclosure

cc: Ralph Valenzisi, [valenzisir@norwalkps.org](mailto:valenzisir@norwalkps.org)