



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

May 1, 2020

Dr. Zach McLaughlin  
By email: zmclaughlin@ssdvt.org

Re: Complaint No. 01-20-1072  
Springfield School District

Dear Superintendent McLaughlin:

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 Springfield School District (District). You (Complainant) alleged that the District discriminated against the Complainant's grandson (Student) on the basis of his disability. Specifically, the complaint alleged that the District failed to implement the Student's Individualized Education Program (IEP) during the XXXX school year, resulting in numerous suspensions (Allegation #1). The complaint alleged that the District failed to appropriately re-evaluate the Student's educational needs prior to these suspensions (Allegation #2). Furthermore, the complaint alleged that the Student XXXXXXXXXXXX without appropriate services XXXXXXXXXXXX on XXXXXXXXXXXX (Allegation #3).

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), 29 U.S.C. Section 794, 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), 42 U.S.C. Section 12131 *et seq.*, 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 entity, 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 allegations for investigation:

1. Whether the District failed to implement provisions of the Student's IEP during the XXXX school year and whether doing so denied the Student a free appropriate public education (FAPE), in violation of 34 C.F.R. Sections 104.33(a) and (b), and 28 C.F.R. Section 35.130.

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

2. Whether the District failed to properly re-evaluate the Student prior to a significant change in placement, in violation of 34 C.F.R. Section 104.35(a) and 28 C.F.R. Section 35.130.
3. Whether the District is denying the Student a FAPE by XXXXXXXXXXXX XXXX XXXXXXXXXXXX, in violation of 34 C.F.R. Sections 104.33(a) and (b), Section 104.34(a), 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; interviewed the Complainant and District faculty/staff; and conducted a site visit on February 10, 2020.

For the XXXX school year, the Student was in XXXX grade at the District's XXXX XXXX XXXX School (School). His XXXX IEP required daily specialized instruction XXXXXXXXXXXXXXXX; XXXXXXXXXXXX services; XXXXXXXXXXXX services; and XXXXXXXXXXXX XXXXXXXXXXXXXXXX Health Care & Rehabilitation Services (HCRS). The behavioral interventionist was meant to supervise the Student and redirect him if he became dysregulated.

From reviewing misconduct reports, OCR learned that from the beginning of the XXXX school year, the Student was XXXXX reported for XXX XXXXX XXXXXXXX, XXXXX XXXXXXXX XXXXXXXX on occasion. The Student was XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX that day and XXXXXXXX day. On XXXX XXXX, he accrued two additional misconduct reports after XXXXXXXX.

Shortly after the first week of XXXX XXXX, the Student's XXXXXXXXXXXXXXXX XXXXXXXX unexpectedly went out on extended leave. It is undisputed that although the District made efforts to find a replacement, it was unable to do so. According to District staff, there was a meeting on XXXX XXXX at which staff developed an interim plan (XXXX plan) identifying XXXXXXXX XXXXXXXX for the Student. This plan had the Student spend the entirety of XXXX XXXX periods with his Special Education case manager, unless XXXX XXXX, at which point the Student's Special Education case manager, regular education teacher, or the Dean of Students would assist XXXX the Student.

Following an additional XXXX XXXXXXXX issued on XXXX XXXX, the Complainant requested a Coordinated Service Plan (CSP) meeting, which the District convened on XXXX XXXX. The meeting, facilitated by HCRS and attended by District staff and the Complainant, resulted in a XXXXX Plan to XXXXX XXXXXXXX the Student and District staff when the Student XXXXXXXX XXXXXXXX. It does not appear that the Student's educational needs or missed services were discussed at this meeting.

On XXXX and XXXX, the Student XXXX XXXX XXXXXXXX, physical altercations; the XXXX XXXX was XXXXXXXX.

Thereafter, the District held a XXXXXXXX XXXXXXXXXX XXX IEP meeting on XXXX, during which the team: discussed the Student’s XXXXXXXX XXXXXXX XXXXXXX ; acknowledged the XXXX XX XXXXXXXXXX XXXXXXXXXX XXXXXXX due to the XXXXXXXX XXXXXXXXXX extended leave and the inability to find a replacement; went over the XXXX plan and XXXXXXXX XXXXXXX Plans; and, from reviewing the Student’s IEP and considering his XXXXXXXX, XXXXXXX XXXXXXX, XXX XXXXXXXXXX needs, determined that the Student’s XXXXXXXX XXX XXXXXXX XXXXXXX progress had been stalled XX XXX XXXXXXXXXX XXXXXXX XXXXXXX. The team determined that the Student’s XXXXXXXX XXX XXXXXXX XXXXXXXXXX, and, recognizing the impact of the lack XXXX XXXXXXX XXXXXXX, agreed that his needs were not being met.

The District recommended that the Student be XXXXX XX XX XXX XX XXXXXXX XXXXXXXXXX, whereupon the team developed a list of characteristics of XX XXXXXXX XXXXXXXXXX, including XXXXXXXXXX XXXXXXXXXX XXX XXXXXXX XXXXXXX support. The team discussed but initially rejected XXXXX XXXXXXX options pending XXX XXX XX XXXXXXXXXX XXXXXXXXXX;<sup>1</sup> the District agreed to track the Student’s need for compensatory services until XX XXX XX XXXXXXXXXX XXXXXXXXXX was finalized and in the interim, the District provided the Student with X XXXXXXX, XXX XXXXXXXXXX, including XXXXXXX for the Complainant and Student to XXXXXXX XXXXXXX XXXXXXX covering reading, writing, and mathematics. OCR’s investigation to date did not indicate that the team evaluated the Student’s XXXXXXXXXX XXXXXXX-XXXXXXX needs at this time. Eventually, from XXXX until the Student XXXXX XXXXXXX XXX XXX XX XXXXXXX XXXXXXXXXX on XXXX, he participated in an “academic tutorial program” at XXXX, XX XXXX XXXXXXX program that included XXX XXXXXXX XX XXX XX XXX XXXXXXXXXX each day with a XXXXXXXX with whom the Student worked well.

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 the District resulted in the District signing the enclosed 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

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<sup>1</sup> For instance, the team considered but rejected XXXXXXXX XXXXXXX, determining that such XXXXXXXX XXXXXXX XX XXXXXXXXXX XXXXXXX XXXX XXXXXXXXXX for the Student

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.

Sincerely,

Meighan A.F. McCrea  
Compliance Team Leader

Enclosure

cc: Dina L. Atwood, datwood@firmspf.com