



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
DIRECTOR  
NEW YORK OFFICE

November 6, 2013

Dr. Joel Klein  
Superintendent  
East Ramapo Central School District  
105 South Madison Avenue  
Spring Valley, New York 10977

Re: Case No. 02-13-1250  
East Ramapo Central School District

Dear Dr. Klein:

This letter is to notify you of the determination made by the U.S. Department of Education, New York Office for Civil Rights (OCR) in the above-referenced complaint filed against the East Ramapo Central School District (the District). The complainant alleged that the District discriminated against disabled students who attended Boards of Cooperative Education Services (BOCES) programs during school year 2012-2013, by failing to provide them with bus transportation to their respective BOCES schools on November 6, 2012, February 20, 2013, and May 24, 2013.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs or activities receiving financial assistance from the U.S. Department of Education (the Department). OCR also is responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Under the ADA, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District is a recipient of financial assistance from the Department, and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under Section 504 and the ADA.

In its investigation, OCR interviewed the complainant. OCR also reviewed documentation that the complainant and the District submitted.

The complainant alleged that the District discriminated against disabled students who attended BOCES programs during school year 2012-2013, by failing to provide them with bus

transportation to their respective BOCES schools on days that District schools were closed but BOCES schools were open; namely, November 6, 2012, February 20, 2013, and May 24, 2013. The complainant alleged that her daughter (the Student) and other disabled students were unable to attend school on those days, unless they secured another means of transportation.

Pursuant to 34 C.F.R § 104.33(a), a recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified individual with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability. Further, pursuant to 34 C.F.R § 104.33(c)(2), if a recipient places a disabled person or refers such person for aid, benefits, or services not operated or provided by the recipient as its means of carrying out the requirements of 34 C.F.R. Part 104, the recipient shall ensure that adequate transportation to and from the aid, benefits, or services is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the aid, benefits, or services operated by the recipient.

OCR determined that on November 6, 2012, BOCES schools were closed because of Election Day; therefore, the District had no obligation to transport the students to their respective BOCES schools on that day.<sup>1</sup> OCR determined that the District transported students to their respective BOCES schools on February 20, 2013.<sup>2</sup> The District acknowledged to OCR that it failed to transport students to their respective BOCES schools on May 24, 2013.

Based on the above, OCR determined that there was insufficient evidence to substantiate the complainant's allegation that the District discriminated against disabled students who attended BOCES programs by failing to provide them with bus transportation to their respective BOCES schools on November 6, 2012, and February 20, 2013. On November 5, 2013, the District voluntarily entered into the attached resolution agreement to resolve the allegation, in accordance with Section 302 of OCR's Case Processing Manual. OCR will monitor implementation of the resolution agreement. If the District fails to comply with the terms of the resolution agreement, OCR will resume its investigation.

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 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.

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<sup>1</sup> The complainant subsequently acknowledged that the BOCES schools were closed on November 6, 2012.

<sup>2</sup> OCR made this determination based upon information provided by the County's Assistant Superintendent of Student Services of BOCES.

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.

If you have any questions regarding OCR's determination, please contact Gary Kiang, Senior Attorney, at (646) 428-3761, or [Gary.Kiang@ed.gov](mailto:Gary.Kiang@ed.gov); or Coleen Chin, Senior Attorney, at (646) 428-3809, or [Coleen.Chin@ed.gov](mailto:Coleen.Chin@ed.gov).

Sincerely,

/s/

Timothy C.J. Blanchard

Encl.