



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION II

32 OLD SLIP, 26th FLOOR
NEW YORK, NY 10005-2500

REGION II
NEW JERSEY
NEW YORK
PUERTO RICO
VIRGIN ISLANDS

November 22, 2016

Richard Tardalo
Superintendent
Clifton School District
745 Clifton Avenue
Clifton, New Jersey 07013

Re: Case No. 02-17-1030
Clifton Public Schools

Dear Superintendent Tardalo:

On October 17, 2016, the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint filed against the Clifton Public Schools (the District). The complainant alleged that the District discriminated against her son (the Student) on the basis of his disability, by excluding him from a field trip on or about XXXXXX, 2016.

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 and 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 (the 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 both Section 504 and the ADA.

On November 2 and 10, 2016, OCR contacted the District to provide notice of the complaint and discuss OCR's Rapid Resolution Process (RRP). The District communicated its willingness to voluntarily resolve the OCR complaint through RRP. On November 21, 2016, the District voluntarily entered into the attached resolution agreement to resolve the complaint, 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 processing of the complainant's complaint.

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 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.

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 Janet Pfeffer, Compliance Team Investigator, at (646) 428-3833 or janet.pfeffer@ed.gov; Alexander Artz, Compliance Team Attorney, at (646) 428-3901 or alexander.artz@ed.gov; or me, at (646) 428-3826 or anna.moretto.cramer@ed.gov.

Sincerely,

/s/

Anna Moretto Cramer
Compliance Team Leader

Encl.