



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 05 2011

Ms. Maria Geryk  
Superintendent, Amherst Regional Public Schools  
170 Chestnut Street  
Amherst, MA 01002

Re: Complaint No. 01-11-1098  
Amherst Regional School District

Dear Superintendent Geryk:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) is closing the above-referenced complaint against the Amherst Regional School District (District), alleging discrimination on the basis of disability, because the matter was resolved during the course of OCR's Early Complaint Resolution (ECR) process.

As you know, the Complainant alleged that staff at the District's high school (School) are failing to implement a provision in her daughter's (the Student) Section 504 Plan providing for 100% extended time on standardized tests, by refusing to cooperate with the Complainant and/or Student in making this request to, and obtaining this service from, the ACT Board. The Complainant also alleged that School staff may have refused to cooperate with her and/or the Student in securing 100% extended time on the ACT to retaliate against the Complainant for filing an earlier complaint with OCR.

While evaluating the complaint, OCR staff spoke with the District and the Complainant about the availability of ECR as a resolution option, whereby OCR would suspend its investigation and facilitate a voluntarily resolution directly between the parties. The District and Complainant agreed to participate in ECR after OCR staff explained the terms described in OCR's "Agreement to Participate in Early Complaint Resolution" and "Confidentiality Agreement."

OCR commenced the ECR process with the District and Complainant in March 2011, which ultimately resulted in a signed agreement between the parties dated April 27, 2011 (copy enclosed). Because this agreement resolves the allegations that OCR accepted for investigation, we are closing the complaint as of the date of this letter.

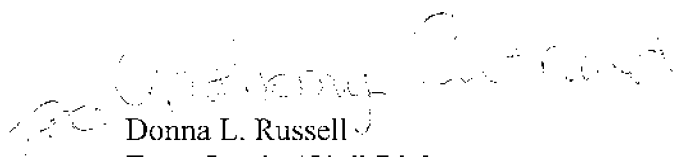
As OCR staff discussed with both the District and the Complainant, OCR will not monitor and is not a party to the resolution agreement in this case. Furthermore, a breach of that agreement alone does not present a potential compliance issue under the regulations we enforce. However, if the District fails to honor the agreement, the Complainant may file a new complaint with OCR for that breach. If a new complaint is filed, OCR will not address the alleged breach of the agreement. Instead, OCR will determine whether to investigate the original allegation. When making this determination, OCR will consider the nature of the breach, its relation to the alleged discrimination and any other factors as appropriate. To be considered timely, the new complaint must be filed either within 180 days of the date of the original act of alleged

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discrimination, or within 60 days of the date the Complainant obtains information that a breach of the ECR agreement occurred, whichever date is later.

I wish to thank you, Attorney Regina Tate, Dr. Marta Guevara, and other District staff for the cooperation extended to OCR during the course of this investigation and the ECR process. If you have any questions about the information contained in this letter, please contact Senior Investigator Mary-Anne Khouliani at (617) 289-0036 or by e-mail at [Mary-Anne.Khouliani@ecr.gov](mailto:Mary-Anne.Khouliani@ecr.gov); or Attorney Ramzi Ajami at (617) 289-0086 or by e-mail at [Ramzi.Ajami@ecr.gov](mailto:Ramzi.Ajami@ecr.gov). You may also contact me directly at (617)289-0019.

Sincerely,

  
Donna L. Russell  
Team Leader/Civil Rights Attorney

Enclosure

cc: Regina Tate, Esq.