

April 14, 2014

Robert E. Wall  
Superintendent  
RSU #73  
9 Cedar Street  
Livermore Falls, ME 04254

RE: Systemic Complaint Investigation #14.042CS, “**Disability Right Center v. RSU #73**”

Dear Superintendent Wall:

This request for a systemic complaint investigation was filed on March 7, 2014. The complaint alleged that your school district had a policy, practice or procedure of providing all special education students at Livermore Elementary School who ride Bus 32 with an abbreviated school day, without basing such determinations on the children’s individual needs.

A complaint investigation meeting was held in this case on March 25, 2014, resulting in the following stipulations:

1. At the beginning of the current school year and prior to 9/25/13, Bus 32 was arriving at Livermore Elementary School after 8:00 a.m. and departing before 2:10 p.m.
2. In August 2013, parents of students at Livermore Elementary School were informed that school buses would be arriving at school at 7:50 a.m. while parents who transport their children were directed to drop off their children between 7:45 and 7:55 a.m.
3. At the beginning of the current school year, Livermore Elementary School dismissal was at 2:40 p.m.; since sometime in early October 2013, dismissal has been at 2:25 p.m.

Following the complaint investigation meeting, the complaint investigator, Jonathan Braff, Esq., conducted investigative activities and made the following findings:

1. At the beginning of the current school year, Bus 32 was delivering its students to the Livermore Elementary School (the “School”) at or around 8:10 a.m. When special education administrative staff learned of this, they insisted that the bus schedule be adjusted to bring the students to the School earlier. As of September 11, 2013, the schedule for Bus 32 has it arriving at 8:00 a.m.
2. At the beginning of the current school year, students of the School who rode Bus 32 were being dismissed at or before 1:40 p.m. when special education administrative staff learned of this, they insisted that the bus schedule be adjusted to allow those students to be dismissed at a later time. Beginning on September 25, 2013, Bus 32 students boarded the afternoon bus at 2:10. Dismissal time for those students changed to 2:15 sometime in early October,

- and then to 2:20 p.m. in December.
3. Presently, buses other than Bus 32 arrive at the School by 7:50 a.m. Bus 32 (the last bus to arrive) arrives by 8:00 a.m., and students being transported by their parents arrive at the School between 7:50 a.m. and 8:05 a.m. No academic instruction is provided to students before 8:10 a.m., and only those students who arrive later than 8:10 are marked tardy.
  4. Presently, the students riding Bus 32 get ready for dismissal starting at 2:15 p.m. and board the bus between 2:15 p.m. and 2:20 p.m. Although dismissal times for the other students at the School are at 2:27 p.m. (for students being transported by their parents) and 2:30 p.m. (for students riding the bus), as a practical matter, academic instruction for those students ends at 2:15, with the exception of students in the 5<sup>th</sup> grade. The latter students prepare for dismissal prior to their final class at 1:40 p.m., and are dismissed between 2:25 p.m. and 2:30 p.m. directly from that class.

After the completion of investigative activities, you and the Department arrived at a resolution agreement. The terms of that agreement are as follows:

1. Starting on April 28<sup>th</sup>, Bus 32 will begin picking up Jay Elementary School students at their regular dismissal time of 2:14 p.m., go directly to the Middle School and High School for 2:20 p.m. pick up, and then go to Livermore Elementary School to pick up the students, arriving at 2:30 p.m.
2. Starting on April 28<sup>th</sup>, students riding Bus 32 will be dismissed to board the bus at 2:35 p.m.

The Department has agreed to accept the above terms based upon the corrective actions undertaken by your district prior to the investigation, as described in the findings listed above, and your willingness to address the remaining concern regarding dismissal times, as described in the terms of the resolution agreement. I am pleased that this matter was able to resolved in this manner.

Sincerely,

James E. Rier, Jr.  
Commissioner of Education

JER:JB:dt:sb

cc: Tina Collins, Special Services Director  
Atlee Reilly, Esq., Disability Rights Center, Complainant  
Jonathan L. Braff, Esq., Complaint Investigator  
Janice Breton, Maine DOE Special Services Director  
Pauline Lamontagne, Esq., Due Process Coordinator  
Susan J. Parks, C.A.S., Due Process Consultant