



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL



September 5, 2023

Via First Class Mail

Sarah Catherine E. Spaulding  
230 Prospect Street  
Framingham, MA 01701

Re: Administrative Claim

Dear Ms. Spaulding,

This constitutes the U.S. Department of Education’s (“Department’s”) determination on an administrative claim you filed with the Department pursuant to the Federal Tort Claims Act (“FTCA”). The referenced claim dated “2010 and ongoing,” was presented to the Department on March 14, 2023<sup>1</sup>. The claim alleges that you exposed fraud and malfeasance of federal and state fund by the Framingham School Committee in 2010, that the Framingham and Natick School Committees excluded Sarah Catherine Spaulding from attending school, that the Department’s Office for Civil Rights (“OCR”) co-conspired with state and local officials in 2015, and that OCR closed a complaint of retaliation and denial of a free appropriate public education (“FAPE”) on February 5, 2018.

The FTCA, 28 U.S.C. § 2671, *et seq.*, constitutes a limited waiver of sovereign immunity. As such, a claim may be considered only if it concerns a matter in which the United States has consented to suit. The United States may be held liable under the FTCA for negligent or wrongful acts by federal employees committed while acting within the scope of their employment. 28 U.S.C. § 1346(b).

The Framingham and Natick School Communities are operated independently of the Department. Neither are affiliated with the Department and any injury, wrongdoing, or violation that occurred as the result of Framingham or Natick School Community employees is not the result of a negligent or wrongful act of a Department employee. *See* 28 U.S.C. § 2671. To the extent that your claim arises from the actions of Framingham or Natick School Community employees and/or its employees, your claim is denied.

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<sup>1</sup> March 14, 2023, the date the referenced claim was received in this office, is considered to be the date of presentation.



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Additionally, the statute requires that a claim be presented to the appropriate Federal agency within two years of accrual. 28 U.S.C. § 2401(b). To the extent your claim originates from events that accrued prior to February 24, 2023, your claim is untimely and is therefore denied.

Finally, according to your claim, OCR employees co-conspired with local officials to close your complaint. Under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and 42 U.S.C. §§ 12131–34, OCR has the jurisdiction over investigations into allegations filed by or on behalf of the alleged victim of discrimination committed by educational institutions that receive federal financial assistance. The referenced closure is authorized by law and by OCR's Case Processing Manual. As a result, your claim regarding this closure cannot be maintained against the Department or its employees pursuant to the FTCA and must be denied.

This letter constitutes a notice of final determination, as required by 28 U.S.C. § 2401(b). You are entitled to:

1. Request reconsideration of this final agency action from the Acting Assistant General Counsel, Division of Business and Administrative Law, U.S. Department of Education, pursuant to U.S. Department of Justice regulations set forth at 28 C.F.R. § 14.9, based on newly discovered evidence, within six months from the date of mailing of this administrative determination.
2. In the alternative, institute suit in the appropriate United States District Court within six months of the date of mailing of this administrative determination, pursuant to 28 U.S.C. § 2401(b).

Sincerely,

Jill Siegelbaum  
Acting Assistant General Counsel  
Department Claims Officer