



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII
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November 5, 2013

Dr. Bruce K. Messinger
Superintendent
Boulder Valley School District
6500 Arapahoe Road
Boulder, Colorado 80303

Re: **Boulder Valley School District**
OCR Complaint 08-13-1156

Dear Dr. Messinger:

We are notifying you of the resolution of this case. In this case filed on April 4, 2013, the Complainant alleged that the District failed to provide national-origin minority students who are English language learners with English language development services that allow them to meaningfully participate in the District's program at Broomfield Heights Middle School, Sanchez Elementary School, Crestview Elementary School, Creekside Elementary School, and Escuela Bilingüe Pioneer.

We are responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education. As a recipient of Federal financial assistance from the Department, the District is subject to this law and regulation.

Before the completion of the investigation in this complaint, the District indicated its willingness to voluntarily take steps needed to ensure its compliance with Title VI, and its implementing regulation. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint can be resolved when, before the conclusion of an investigation, a recipient agrees to resolve the allegations and OCR has determined that the case is appropriate for resolution during the investigation and has been approved by the Office Director or his designee. OCR has determined that this case is appropriate for a 302 Agreement. The District has voluntarily entered into this Agreement. The Agreement addresses the allegations in this case related to the provision of alternative language services for language minority students.

We will monitor the District's implementation of the Agreement until all provisions have been satisfied. Included here is a copy of the Agreement. We will also keep you and the complainant apprised of monitoring activities related to this case.

OCR routinely advises recipients of Federal funds that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR. Additionally, complainants may have a right to file a private suit in Federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will protect personal information to the extent provided by law.

This concludes our investigation of this complaint and 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. Accordingly, we are closing the investigation of this complaint effective the date of this letter. We will continue to monitor the District's compliance with the Agreement until all the terms are satisfied.

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.

If you have any questions regarding this letter, please feel free to contact xxxxxxxx xxxxxx-xxxxxx, the attorney assigned to this case` at xxx xxx-xxxx or by email at xxxxxxxxx.xxxxxx-xxxxxxxxx.xxx. I can also be reached at 303-844-6086.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervising General Attorney

Cc: xxxxxxxx xxxxxxxx, General Counsel

Robert Hammond, Commissioner of Education
Colorado Department of Education