



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
ARIZONA
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July 21, 2014

Dr. Elizabeth Celania-Fagen
Superintendent
620 Wilcox Street
Castle Rock, Colorado 80104

Re: **Douglas County School District**
OCR Case Number: **08-14-1187**

Dear Superintendent Celania-Fagen:

On May 22, 2014, we received a complaint alleging that Douglas County School District (the District) discriminated on the basis of disability. The complaint alleged that the Ben Franklin Academy (the School) failed to implement her son's 504 Plan with regard to his toileting needs.

We began investigating the complaint pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

During the course of processing this complaint, the District indicated its desire to voluntarily enter into an agreement to resolve the allegations pursuant to Section 302 of OCR's *Case Processing Manual*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

On July 14, 2014, we received the signed Resolution Agreement, which is enclosed. When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Section 504 and Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

We thank the District for voluntarily entering into an Agreement to resolve the 504 Plan implementation issues. OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. The monitoring phase of the case will be completed when OCR determines that the District has fulfilled all of the terms of the Agreement. When the monitoring phase of the case is complete, OCR will close Case Number 08-14-1187 and will send a letter to the District and to the Complainant stating that the case is closed.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

