



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

April 13, 2015

Douglas County School District RE 1
Attn: Dr. Elizabeth Celina-Fagen – Superintendent
620 Wilcox Street
Castle Rock, CO 80104

Re: Douglas County Public School District
Case Number: 08-15-1025

Dear Superintendent Celina-Fagen:

This is to advise you of the disposition of the complaint filed with our office against Douglas County School District (District). The Complainant alleged the District discriminated on the basis of disability. Specifically, the Complainant alleged the District has failed to provide her with effective communication in the form of qualified American Sign Language (ASL) interpreters for evaluations, trainings, and IEP meetings. The Complainant also alleged the District has failed to accommodate her for intercom and emergency announcements. Additionally, the Complainant alleged the District has treated her differently in its implementation of its “Restorative Justice” policy.

OCR is responsible for enforcing 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 Department; 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 entities¹.

Prior to the conclusion of OCR’s investigation, during discussions with OCR, the District requested to resolve the complaint and signed an Agreement which, when fully implemented, will address the issues raised. In accordance with Section 302 of OCR’s *Case Processing Manual*, the provisions of the Agreement are aligned with the complaint allegations in each case and the information obtained during OCR’s investigation, and consistent with the applicable regulations. Therefore, OCR is closing this complaint effective the date of this letter. OCR, however, will monitor the District’s implementation of the Agreement. A copy of the Agreement is enclosed.

¹ OCR’s jurisdiction under the ADA is limited to Title II. OCR notes that the 10th Circuit Court has determined that Title II does not provide for a cause of action for discrimination in employment. *Elwell v. Oklahoma ex rel. Bd. of Regents of Univ. of Oklahoma* (10th Cir. 2012), *cert denied*, 133 S.Ct. 1255 (2013). Colorado is within the boundaries of the 10th Circuit Court. Thus, OCR investigated this complaint only under Section 504 of the Rehabilitation Act of 1973.

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

OCR has provided written notification to the Complainant that the District has entered into this Agreement, and we provided the Complainants a copy of the Agreement.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information, which if released, could constitute an unwarranted invasion of privacy.

If you have any questions, please contact XXXXXXXX, Attorney Advisor and the primary contact for this case, at XXX-XXX-XXXX. Thomas Rock, Supervisory Team Leader can also be reached at XXX-XXX-XXXX.

Sincerely,

Thomas M. Rock
Supervisory General Attorney
Denver Enforcement Office

Cc: (With Enclosure) XXXXXXXX – Legal Counsel

Enclosure