



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

September 16, 2015

Dr. Colleen Bowman
Superintendent
Central Consolidated School District
PO Box 1199
Shiprock, New Mexico 87420

Re: Central Consolidated School District
Case Number: 08-15-1280

Dear Dr. Bowman:

On June 26, 2015, the Office for Civil Rights received a complaint of discrimination filed against Central Consolidated School District (the District). The Complainant alleges that the District discriminated against her client (the Student), a qualified individual with a disability, through its actions following the unexpected death of one of the District's Speech Language Pathologists (SLP) in the middle of the 2014-2015 school year. Specifically, the Complainant alleges that the District discriminated against the Student when it: (1) failed to implement the Student's IEP by not providing 30 minutes of speech language therapy each week from the start of the 2014 school year until the Student was exited from speech therapy on XXXXXX, 2015; (2) failed to provide compensatory speech therapy services for missed services as agreed to at the Student's XXXXXX, 2015 IEP meeting; (3) denied a free appropriate public education to other similarly situated students eligible for speech language therapy throughout the 2014-2015 school year, including but not limited to the duration of time that XXX Elementary School did not have a speech therapist; and (4) failed to provide the Student's parents with information as to how to schedule and pay for an approved Independent Expert Evaluation (IEE) in a timely manner.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits 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 Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

During the evaluation of this complaint, OCR confirmed that one of the District's SLPs had unexpectedly passed away in October 2014. The Complainant stated that the District was not immediately able to hire another SLP, but OCR had not yet investigated whether the District was able to make other arrangements to provide for speech or language services during this time. On July 29, 2015 the District informed OCR that it wished to resolve the complaint allegations. At that time, prior to OCR beginning its investigation or making any findings of fact, the District agreed to sign an Agreement which, when fully implemented, will address the issues raised.

In accordance with Section 302 of the CPM, the provisions of the Agreement signed by the District on September 3, 2015 are aligned with the complaint allegations and the information obtained during OCR's evaluation, and consistent with the applicable regulations. Therefore, OCR is closing this complaint investigation effective the date of this letter. OCR, however, will actively monitor the District's implementation of the Agreement until the District fulfills the terms of the agreement and is in compliance with the statutes and regulations at issue in this case. If the District fails to implement the Agreement as specified, OCR may initiate administrative or judicial proceedings as described in the Agreement or resume its investigation of the initial allegations. A copy of the Agreement is enclosed.

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

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment. In addition, the Complainant may have the 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.

If you have any questions, you may contact XXX XXX XXX, the attorney assigned to this case, at (XXX) XXX-XXXX or by email at XXX.XXX@ed.gov.

Sincerely,

/s/

Stephen Chen
Supervisory Attorney

Enclosure