



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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January 31, 2017

Mr. Rico Munn, Superintendent
Aurora Public Schools
Educational Services Center 1
15701 East 1st Avenue
Aurora, Colorado 80011

Re: Aurora Public Schools
Case Number: 08-16-1428

Dear Superintendent Munn:

On October 18, 2016, we notified you that we had accepted for investigation the above-referenced complaint alleging Aurora Public Schools (District) discriminated on the basis of disability when it did not permit the Complainant's son (the Student) to re-enroll in the District after his hospitalization.¹

We initiated an investigation of this allegation under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations Part 104, 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 U.S. Department of Education, the District is subject to these laws and regulations. Additional information about the laws OCR enforces is available on our website at <http://ed.gov/ocr>.

During the course of the investigation, before OCR had obtained sufficient evidence to make a finding, the District indicated its desire to voluntarily enter into an agreement to resolve this concern 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 January 17, 2017, we received the District's signed Resolution Agreement (enclosed). When the Agreement is fully implemented, the allegation will have been resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. We will monitor implementation of the Agreement through periodic reports demonstrating the terms of the

¹ We initially understood the allegation to be that the District made a unilateral change in placement without first convening a team of persons knowledgeable about the Student. During the course of our investigation, we learned that the Student's home district, not Aurora Public Schools, is responsible for developing and implementing the Student's Individualized Education Program. Accordingly, we shifted the focus of our investigation to whether the District treated the Student differently on the basis of disability when it required the Complainant to provide additional medical documentation before re-admitting the Student to school.

Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with respect to 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, which may include enforcement actions, as described in the Agreement.

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, 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.

This concludes OCR's investigative phase of this complaint. We are closing the investigative phase of this case effective the date of this letter. This letter addresses only the issues above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504, Title II, and their implementing regulations in any other respect.

If you have any questions regarding this matter, please contact XXX, at 303-844-XXXX, or me at 303-844-5942.

Sincerely,

/s/

Sandra J. Roesti
Supervisory General Attorney

Enclosure

Cc: Brandon Eyre, Legal Counsel, Aurora Public Schools