



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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October 30, 2013

Mr. Tom Satterly
Superintendent
Burlington School District RE-6J
P.O. Box 369
Burlington, Colorado 80807

Re: Burlington School District RE-6J
Case Number 08-13-1113

Dear Superintendent Satterly:

On February 22, 2013, we accepted for investigation the complaint XXX filed against Burlington School District RE-6J alleging that the District discriminated against XXX on the basis of sex and disability. Specifically, XXX alleged that the District failed to respond appropriately to XXXX's complaints of sexual harassment by other students and that the District subjected XXX to different treatment based on its perception of XXX having a disability.

We enforce Title IX of the Education Amendments of 1972 and its implementing regulation, which prohibit discrimination on the basis of sex in education programs and activities that receive funds from the U.S. Department of Education. We are also responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504) 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 (Title II) 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.

OCR attempted several times, including a letter giving the complainant 20 days to respond, to obtain specific information from XXX to allow us to determine whether it was appropriate for us to proceed with resolution of XXX sexual harassment allegation. As of the date of this letter, we have not received a response from the complainant. Therefore, we have determined that our ability to complete the investigation is substantially impaired by the complainant's refusal to provide information that is reasonably accessible to XXX and is necessary for investigation of this allegation. In accordance with our *Case Processing Manual* Section 110(f), we are administratively closing the sexual harassment allegation effective the date of this letter.

During the course of OCR's processing of this complaint, the District informed us of its desire to voluntarily enter into an agreement to resolve the disability discrimination allegation. Pursuant to Section 302 of our *Case Processing Manual*, we reviewed this request and determined that it justified entering into an agreement without our completing a full investigation.

On October 30, 2013, we received the District's signed Resolution Agreement (copy enclosed). When the Agreement is fully implemented, the allegation will be resolved consistent with the requirements of Section 504 and Title II, and their regulations. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the 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 and public educational entities 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. The complainant may also 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.

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This concludes OCR's investigative phase of this complaint. We thank you, your staff, and Ms. Susanne Kim for the cooperation and assistance provided throughout the resolution of this complaint. If you have any questions regarding this or other civil rights matters, please feel to contact XXX, Senior Equal Opportunity Specialist, at (303) 844-XXXX. I can be reached at (303) 844-5927.

Sincerely,

Thomas M. Rock
Supervisory General Attorney

Enclosure (Resolution Agreement)

cc: Honorable Robert Hammond
Commissioner of Education

Ms. Susanne Kim
Attorney at Law