



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

February 4, 2014

Tom Satterly
Superintendent
Burlington School District RE-6J
2600 Rose Avenue
PO Box 369
Burlington, Colorado 80807

Re: Burlington School District RE-6J
OCR Case Number: 08-13-1259

Dear Superintendent Satterly:

On XXX, we received a complaint alleging that Burlington School District RE-6J (the District) discriminates on the basis of national origin (English Language Learner (ELL) students). The complaint alleged that the District discriminates against ELL students at XXX and XXX by implementing XXX in a way that results in a disproportionate number of ELL students being placed in XXX, which segregates ELL students from the rest of the student body, denies ELL students licensed teachers, and increases the dropout rate of ELL students.

We began investigating the complaint pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education (the Department). The information provided by the District in response to the data request potentially raises additional compliance concerns with respect to Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department, 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 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 and compliance concerns raised pursuant to Section 302 of the *Case Processing Manual*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

On February 3, 2014, we received the signed Resolution Agreement, which is enclosed. When the Agreement is fully implemented, the allegations and compliance concerns will be resolved consistent with the requirements of Title VI, Title IX, 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.

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

We thank the District for voluntarily entering into an Agreement to resolve the issues raised in this complaint. 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 08-13-1259 and will send a letter to the District and to the Complainant stating that the case is closed.

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.

Please also note 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. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the courtesy and cooperation you and your staff extended to us during the investigation of this case. If you have any questions, please contact XXX at XXX or by email at XXX. You may also contact me at (303) 844-4506.

Sincerely,

/s/

Thomas E. Ciapusci
Supervisory Team Leader

Enclosure – Resolution Agreement

cc (without enclosure): Honorable Robert Hammond
Superintendent of Public Instruction