



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

March 18, 2014

Mr. Christopher E. Gdowski
Superintendent
Adams 12 Five Star Schools
1500 E. 128th Avenue
Thornton, Colorado 80241-2602

Re: Adams 12 Five Star Schools
Case Number 08-13-1293

Dear Superintendent Gdowski:

We are notifying you of the decision in the above captioned case. The Complainant in this case alleged that Adams 12 Five Star Schools (District) in the 2012 – 2013 school year: (1) failed to provide her XXXXX with a free appropriate public education (FAPE) by failing to consistently implement the Individualized Education Program's (IEP) required XXXX minutes of direct instruction XXXXX; and (2) failed to provide her XXXXX a FAPE by failing to implement the accommodations and modifications (for example, XXXXX) listed in the IEP. Additionally, (3) the Complainant alleged that in the current school year the District is failing to provide her XXXXX a FAPE through XXXXX IEP XXXXX.

We are 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 U.S. Department of Education; 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. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

During the course of our investigation and prior to our making any findings, the District requested to resolve the complaint and signed an Agreement on March 13, 2014, which, when fully implemented, will address the allegations raised in this complaint. Pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), a complaint can be resolved when, before the conclusion of the investigation, a recipient asks to resolve the complaint. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation. In accordance with Section 302 of the CPM, the provisions of the Agreement are aligned with the complaint allegation in the case and the information obtained during OCR's investigation, and consistent with the applicable regulations.

We will monitor the District's implementation of the Agreement until all provisions have been satisfied. We have provided written notification to the Complainant that the District has entered

into this Agreement and we provided the Complainant a copy of the Agreement. We will also keep the Complainant apprised of monitoring activities related to this case.

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 has 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.

This concludes our investigation of this complaint. This letter addresses only the issue listed above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504 and Title II or any other federal law in any other respect. Accordingly, we are closing the investigation of this complaint effective the date of this letter.

If you have any questions regarding this letter, please feel free to contact XXXXX, the Attorney assigned to this case at (303) 844-XXXXX or by email at XXXXX@ed.gov or me at (303) 844-4506 or by email at Tom.Ciapusci@ed.gov.

Sincerely,

/s/

Thomas E. Ciapusci
Supervisory Team Leader

Enclosure – Copy of Resolution Agreement

cc: Honorable Robert Hammond, Superintendent of Public Instruction
Colorado Department of Education