



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 7, 2014

Dr. Robin Gooldy
Superintendent
Canon City Schools
101 N 14th Street
Canon City, Colorado 81212

Re: Canon City Schools
Case Number: 08-14-1106

Dear Superintendent Gooldy:

On March 7, 2014, we accepted for investigation a complaint filed against Canon City Schools. The complaint alleged that the District discriminated against a Student on the basis of disability and retaliated. Specifically, the complaint alleged that the District failed to timely evaluate the Student for a suspected disability, and failed to implement the Student's Section 504 Plan in January 2014. The complaint also alleged that the District retaliated against the Student by not accepting or grading assignments, resulting in bad grades.

We initiated an investigation of these allegations pursuant to Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively. The District is subject to Section 504 and Title II because it is a recipient of Federal financial assistance from the U.S. Department of Education and is a public entity.

During the course of processing this complaint, the District indicated its desire to voluntarily enter into an Agreement to resolve the allegations 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.

We received the District's signed Resolution Agreement (enclosed). When the Agreement is fully implemented, the allegations will have been resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. We will monitor the 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 action.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

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, he or she may file another complaint alleging such treatment.

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, personal information, which if released, could constitute an unwarranted invasion of privacy.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

We appreciate the District's attention to this matter, and appreciate the assistance of xxxx. If you have any questions, please contact xxxx, Equal Opportunity Specialist, and the primary contact for this case, at xxxx. I can be reached at xxxx.

Sincerely,

Angela Martinez-Gonzalez
Supervisory Attorney

Enclosure – Resolution Agreement

Cc: xxxx
xxxxx

xxx
xxxxx