



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

September 5, 2014

Dr. Don Haddad  
Superintendent  
St. Vrain Valley School District  
395 South Pratt Parkway  
Longmont, CO 80501

Re: St. Vrain Valley School District  
OCR Case Number: 08-14-1107

Dear Superintendent Haddad:

We completed our investigation of the above-referenced complaint filed on March 10, 2014, against the St. Vrain Valley School District. The Complainant alleges that the District:

- Does not provide students in wheelchairs physical accessibility to its classrooms and lunch room, including:
  - movement within classrooms and lunch room,
  - accessible computer desks,
  - accessible tables,
  - accessible lunch room tables, and
  - accessible classroom desks.
- Does not provide English language instruction to English language learners and instead places them in special education classrooms.

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; 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 public entity that receives Federal financial assistance from the Department, 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 (CPM)*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

We noted concerns regarding the reclassification and monitoring of English language learners (ELL), provision of dual services for students with disabilities and ELL students, direct ELA

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

services to all ELL students, and training for language acquisition teachers. These concerns are the subject of another District agreement, in OCR case number 08-10-1230, which is currently being monitored. Information obtained during this investigation will be shared with the team for OCR case 08-10-1230 and OCR will follow-up with the District regarding these areas in future monitoring of OCR case number 08-10-1230. In accordance with *CPM* § 110(k), we will dismiss allegations when the same issues involving the same recipient have been addressed in a recent OCR compliance review. Therefore, we will not address the ELL issues we note in this paragraph.

We received a 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 Section 504, Title II, Title VI 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.

We thank the District for voluntarily entering into an Agreement to resolve the issues raised in this complaint. 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. 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 08-14-1107 and will send a letter to the District, copied to the Complainant, stating that the case is closed.

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, the Complainant may file another complaint alleging such treatment. In addition, 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. If OCR receives such a request, we will protect personal information to the extent provided by law.

Thank you for the courtesy and cooperation extended to us throughout the investigation. If you have any questions about this letter, you may contact Heidi Kutcher at 303-844-4572 or me at 303.844.6083.

Sincerely,

/s/

Angela Martinez-Gonzalez  
Supervisory Attorney Advisor

cc: Catherine A. Tallerico  
Counsel for District

Commissioner Dwight D. Jones  
Colorado Department of Education