



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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May 1, 2015

Dr. Scott Crane
Superintendent
Grand County School District
264 S 400 E
Moab, Utah 84532-2630

Re: **Grand County School District**
OCR Case Number 08-15-1036

Dear Dr. Crane:

On November 3, 2014, we received a complaint alleging that Grand County School District discriminated on the basis of disability. Specifically, the Complainant alleged that the District failed to evaluate her son (the Student) for a suspected hearing disability. We are notifying you of the resolution of this case.

We initiated our investigation pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations 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. The District is subject to these laws and regulations.

We began our investigation of this complaint; however, prior to the conclusion of the investigation the District expressed an interest in voluntarily resolving the complaint allegation to ensure its compliance with Section 504, Title II, and their implementing regulations. Pursuant to Section 302 of our *Case Processing Manual*, a complaint can be resolved when, before the conclusion of an investigation, a recipient agrees to resolve the allegations and OCR has determined that the case is appropriate for resolution during the investigation. OCR has determined that this case is appropriate for a Section 302 Agreement and the District has voluntarily entered into the enclosed Agreement. The provisions of the Agreement are aligned with the allegations raised in the complaint and are consistent with 34 C.F.R. § 104.35.

We will monitor the District's implementation of the Agreement until all provisions have been satisfied. A copy of the Agreement is enclosed. We will also keep you and the Complainant informed of monitoring activities related to the case, including any identified deficiencies regarding the implementation of the Agreement. We will also require action by the District to promptly address any identified deficiencies.

This concludes OCR's investigation of this 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. Accordingly, we are closing the investigation of this complaint effective the

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date of this letter. The monitoring of this Agreement will only be concluded when OCR determines that the District has fulfilled all of the requirements of the Agreement. When our monitoring of the Agreement is complete, we will advise the District and the Complainant by letter, and the case will be closed.

This letter sets forth OCR's determination in 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, and we especially appreciate the assistance of Ms. Sherrie Buckingham and Ms. Joan Andrews. If you have any questions regarding this matter, please contact XXX XXX, Equal Opportunity Specialist at X or by email at X. You may also contact me at 303.844.6083.

Sincerely,

/S/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure: Resolution Agreement

cc: Ms. Sherrie Buckingham
Designated Representative for the for District

Ms. Joan Andrews
Counsel for the District

Honorable Brad C. Smith
Utah Department of Education