



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
ARIZONA
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WYOMING

October 14, 2015

Ms. Karen Brofft
Superintendent
Lewis Palmer School District
P.O. Box 40
146 Jefferson Street
Monument, CO 80132

Re: Lewis Palmer School District
OCR Case Number: 08-15-1200

Dear Ms. Brofft:

On April 27, 2015, we received a complaint alleging that the Lewis Palmer School District (the District) discriminated on the basis of disability and sex. Specifically, the Complainant alleged that the District discriminated against him and his son (the Student) by:

- Failing to provide the Complainant with a notice of procedural safeguards;
- Failing to address disability and sexual harassment complaints raised by the Student during the 2014-2015 school year;
- Failing to allow the Student to submit a statement as evidence regarding a XXXX disciplinary incident for which he was suspended and expelled;
- Failing to provide the Student with educational services during the time of his suspension; and,
- Failing to provide the Complainant with the time and location that the expulsion hearing would be held so that he and the Student could attend.

We initiated an investigation of the complaints under the authority of Section 504 and its implementing regulation, at 34 Code of Federal Regulations Part 104, 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 in programs or activities that receive Federal financial assistance from the Department and by public entities respectively, and 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. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to these laws.

Initially, during the District's summer break, the Complainant and the District agreed to attempt to resolve the Complainant's allegations through our Early Complaint Resolution process, but the attempt was not successful. Subsequently, prior to the delivery of the data we requested regarding the allegations raised in the complaint, the District expressed an interest and willingness in resolving the complaint through a voluntary agreement with OCR. Pursuant to Section 302 of OCR's *Case Processing Manual*, resolution options were discussed with the District. The District has entered into the enclosed Agreement, which, when fully implemented, will resolve the concerns raised by the complaint. The provisions of the Agreement are aligned with the issues and allegations raised in the complaint and are consistent with the applicable regulations.

Upon completion, these steps will ensure the District meets Section 504, Title II, and Title IX obligations to provide a non-discriminatory educational environment. Additionally, the actions will ensure the District has provided a free appropriate public education (FAPE) to the Student.

We will monitor the District's implementation of the terms of the Agreement until all provisions have been satisfied. OCR has notified the Complainant that the District has entered into this Agreement, and we will provide the Complainant a copy of the Agreement. We will also keep the Complainant apprised of monitoring activities related to this case.

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

OCR routinely advises recipients of Federal funds and public educational entities 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.

Thank you for your cooperation and the District's attention to this matter. If you have any questions regarding this matter, please contact XXXX, Equal Opportunity Specialist and the primary contact for this case, at XXXX, or by email at XXXX.

Sincerely,

Angela Martinez-Gonzalez
Supervisory General Attorney

Enc. Resolution Agreement

cc: Kelly Dude, Esquire
District Legal Counsel

Dr. Elliot Asp
Interim Commissioner of Education
Colorado Department of Education