



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

October 28, 2015

Pojoaque Valley School District
Attn: Dr. Mel Morgan – Superintendent
1574 State Road 502 West
Santa Fe, NM 87506

Re: Pojoaque Valley School District
Case Number: 08-15-1210

Dear Superintendent Morgan,

This is to advise you of the disposition of the complaint filed with our office against Pojoaque Valley School District (District). The Complainant alleged the District discriminated on the basis of disability. Specifically, the Complainant alleged the District discriminated:

- When it subjected her son (Student) to a significant change in placement by suspending him for more than 10 days during the 2014-2015 school year without first determining whether his conduct was a manifestation of his disability;
- By disciplining the Student differently than non-disabled students for a fight around X – Date Redacted - X;
- When it would not permit the Student to participate in a field trip on X – Date Redacted - X unless the Complainant accompanied him; and
- By failing to implement the Student's Section 504 Plan.

OCR is 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 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.

Prior to the conclusion of OCR's investigation, during discussions with OCR, the District requested to resolve the complaint and signed an Agreement which, when fully implemented, will address the issues raised. In accordance with Section 302 of OCR's *Case Processing Manual*, the provisions of the Agreement are aligned with the complaint allegations in each case and the information obtained during OCR's investigation, and consistent with the applicable regulations. Therefore, OCR is closing this complaint effective the date of this letter. OCR, however, will monitor the District's implementation of the Agreement. A copy of the Agreement is enclosed.

OCR has provided written notification to the Complainant that the District has entered into this Agreement, and we provided the Complainants a copy of the Agreement.

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 we receive 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.

If you have any questions, please contact XXXXXXXXXXXX, Attorney Advisor and the primary contact for this case, at XXX-XXX-XXXX. XXXXXXXXXXXX, Supervisory Team Leader can also be reached at (XXX) XXX-XXXX.

Sincerely,

/s/

Thomas M. Rock
Supervisory General Attorney
Denver Enforcement Office

Cc: (With Enclosure) XXXXXXXXXXXX – Special Education Director - PVSD

Enclosure