



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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December 11, 2015

Ms. Denille LePlatt, Interim Superintendent
Primero Reorganized School District
20200 State Highway 12
Weston, Colorado 81091

Re: Primero Reorganized School District
Case Number: 08-15-1273

Dear Ms. LePlatt:

On August 4, 2015, we notified you that we had accepted for investigation the above-referenced complaint alleging Primero Reorganized School District discriminated against the Complainant's daughter (the Student) on the basis of disability by failing to evaluate the Student for a suspected disability. Additionally, the Complainant alleges that the District treated the Student differently because of her disability when it prohibited her from enrolling in an Introduction to Business course offered at the School in approximately Fall 2014.

The Student is a high school student XXXXXXXX. The Student transferred to another district at the beginning of the 2014-15 school year, then transferred back to the District in October 2014, after which time the events at issue allegedly transpired. The Complainant then withdrew the Student from the District on or about XXXXX and did not re-enroll the Student for the 2015-16 school year. On the other hand, according to the District, while the Student was enrolled, it implemented a Section 504 that was developed on February 9, 2013. The Section 504 Plan states that the Student's primary impairment is, "medical issues XXXXX due to past history/illness."

The Complainant further states that the Principal told the Student that there was no space for her in the School's Introduction to Business class. The Complainant believes that the only reason the Student was prohibited from enrolling in the course was because she is disabled. In contrast, the District states that the Complainant did not notify the District of the Student's desire to enroll in the course until the end of the Fall 2014 semester, at which time it permitted the Student to enroll in an Accounting course during the Spring 2015 semester despite the fact that the Student did not meet the qualifications for the course.

We initiated an investigation of these allegations under Section 504 of the Rehabilitation Act of 1973 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. As a recipient of Federal financial assistance from the U.S. Department of Education and a public entity, the District is subject to these laws and regulations. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

During the course of investigating this complaint, and before OCR had gathered sufficient evidence to make a compliance determination in this matter, 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.

On December 7, 2015, 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 and Title II and their implementing regulations. We will monitor 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 actions, as described in the Agreement.

OCR routinely advises recipients of Federal funds 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 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. If OCR receives such a request, we will protect personal information to the extent provided by law.

This concludes OCR's investigative phase of this complaint. We are closing the investigative phase of this case effective the date of this letter. This letter addresses only the issues above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504 and Title II and their implementing regulations in any other respect.

If you have any questions regarding this matter, please contact Ms. XXXXX, at 303-844-XXXX, or me at 303-844-2557.

Sincerely,

Stephen Chen
Program Manager and Supervisory
General Attorney

Enclosure

cc: Kristin Edgar, Esq., Caplan and Earnest LLC