



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

May 4, 2016

Steve Anton, Interim Director
Colorado Department of Human Services
Division of Vocational Rehabilitation
1575 Sherman Street, 4th Floor
Denver, CO 80203

Re: Colorado Division of Vocational Rehabilitation
OCR Case Number 08-15-3004

Dear Director Anton:

On March 19, 2015, we received a complaint alleging that the Colorado Division of Vocational Rehabilitation (DVR) failed to comply with procedural requirements under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, discriminated against her and others on the basis of disability, and retaliated against her for engaging in protected activities. 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. DVR is subject to these laws and regulations.

We began investigating the Complainant's allegations. Prior to the conclusion of the investigation, DVR expressed an interest in voluntarily resolving the allegations 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 DVR has voluntarily entered into the enclosed Agreement. The provisions of the Agreement are aligned with the allegations and are consistent with 34 C.F.R. part 104 and 28 C.F.R. part 35.

We will monitor DVR'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 DVR to promptly address any identified deficiencies.

This concludes OCR's investigation of this complaint and should not be interpreted to address DVR'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 date of this letter. The monitoring of this Agreement will only be concluded when OCR determines that DVR has

fulfilled all of the requirements of the Agreement. When our monitoring of the Agreement is complete, we will advise DVR and the Complainant by letter, and the case will be closed.

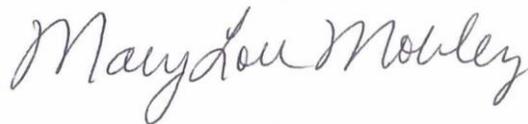
This letter sets forth OCR's determination in individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that DVR 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.

Thank you for the courtesy and cooperation extended to us throughout the investigation, and we especially appreciate the assistance of Theodore McCombs. If you have any questions regarding this matter, please contact me at 303-844-4480 or by email at mary.lou.mobley@ed.gov.

Sincerely,

A handwritten signature in cursive script that reads "Mary Lou Mobley".

Mary Lou Mobley
National Disability Expert

Enclosure: Resolution Agreement

cc: Mr. Theodore McCombs (by email)
Assistant Attorney General