



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

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August 27, 2015

Mary Anne Harvey, Executive Director
Disability Law Colorado
455 Sherman Street, Suite 130
Denver, CO 80203

Re: Disability Law Colorado
OCR Case Number 08-15-4004

Dear Ms. Harvey:

Earlier this year, we received a complaint alleging that Disability Law Colorado (“the Center”) discriminated against the Complainant on the basis of disability. Specifically, the Complainant alleged, in relevant part, that the Center failed to provide her with appropriate auxiliary aids and services leading to effective communication. 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. The Center is subject to this law and regulation.

We began our investigation of the Complainant’s allegation. Prior to the conclusion of the investigation, the Center expressed an interest in voluntarily resolving this matter to ensure its compliance with Section 504 and its implementing regulation. 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 Center has voluntarily entered into the enclosed Agreement. The provisions of the Agreement are aligned with the Complainant’s allegation and are consistent with 34 C.F.R. §§ 104.51 *et seq.*

We will monitor the Center’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 Center to promptly address any identified deficiencies.

This concludes OCR’s investigation of this complaint and should not be interpreted to address the Center’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 the Center has fulfilled all of the requirements of the Agreement. When

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our monitoring of the Agreement is complete, we will advise the Center 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 Center 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 Ms. Katharine Jensen. If you have any questions regarding this matter, please contact me at 303.844.XXXX or by email at XXXX.

Sincerely,

XXXX
National Disability Expert

Enclosure: Resolution Agreement

cc: Ms. Katharine Jensen (by email, without enclosure)
Counsel for the Center

Honorable Elliott Asp.
Colorado Commissioner of Education Instruction