



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII
ARIZONA
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July 28, 2016

Mr. Tom Boasberg
Superintendent
Denver Public School District
Emily Griffith Campus
1860 Lincoln St., 12th Floor
Denver, CO 80203

Re: Denver Public School District
Case Number: 08-16-1083

Dear Mr. Boasberg:

This letter provides notice of our resolution of the above-referenced complaint against the Denver Public School District (District). The Complainant alleged that the District discriminated on the basis of disability when it failed to provide the Student with 10 hours of homebound service as required by his IEP since October 9, 2015.

We initiated an investigation of the complaint under the authority of 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. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to these laws.

Prior to the conclusion of OCR's investigation, the District expressed an interest in resolving the complaint through a voluntary agreement with OCR. The District signed an Agreement which, when fully implemented, will address the issue that OCR accepted for investigation. In accordance with Section 302 of OCR's *Case Processing Manual*, the provisions of the Agreement are aligned with the complaint allegations 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 will monitor the District's implementation of the Agreement. A copy of the Agreement is enclosed. OCR has also provided written notification to the Complainant that the District has entered into this Agreement, and we provided the Complainant a copy of the Agreement.

This concludes our investigation of this complaint. This letter addresses only the allegation raised in this complaint and should not be interpreted as a determination of the District's

compliance or noncompliance with Section 504 and Title II or any other federal law in any other respect.

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 may have 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.

If you have any questions, you may contact XXXXXXXX, Equal Opportunity Specialist, at XXXXXXXXXXXX, or by E-mail at XXXXXXXXXXXX.

Sincerely,

/s/

Sandra J. Roesti
Supervisory General Attorney

Enclosures – Resolution Agreement

Cc: (With Enclosure): XXXXXXXXXXXXXXXX