



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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September 26, 2017

Mr. Tom Boasberg
Superintendent
Denver Public Schools
1860 Lincoln Street
Denver, CO 80203

Re: **Denver Public Schools**
Case No. 08-16-1385

Dear Mr. Boasberg:

On June 28, 2016, we received a complaint alleging the Denver Public Schools discriminated against the Complainant's daughter (the Student) on the basis of sex. Specifically, the Complainant alleges the District failed to promptly and equitably respond to a sexual assault at McAuliffe International School in which the Student was the alleged victim.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 and its implementing regulation at 34 Code of Federal Regulations Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the U.S. Department of Education. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX and its implementing regulation. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

During the investigation of this complaint, OCR reviewed documents provided by the Complainant. OCR also communicated with the Complainant and a District representative. On August 3, 2017, the District informed OCR that it wished to voluntarily resolve the complaint allegation. At that time, prior to OCR making any findings of fact, the District agreed to sign an Agreement which, when fully implemented, will address the issue raised in the complaint.

In accordance with Section 302 of OCR's *Case Processing Manual* (CPM), the provisions of the Agreement signed by the District on September 21, 2017, are aligned with the complaint allegation and the information obtained during OCR's processing of this case, and consistent with the applicable regulations. Therefore, OCR is closing this complaint investigation effective the date of this letter. OCR, however, will actively monitor the District's implementation of the Agreement until the District fulfills the terms of the Agreement and is in compliance with the statute and regulation at issue in this case. If the District fails to implement the Agreement as specified, OCR may initiate administrative or judicial proceedings as described in the Agreement or resume its investigation of the initial allegations. A copy of the Agreement is enclosed.

Please be advised that the District 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. 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 Jennifer Bergsieker, the attorney assigned to this case, at (303) 844-4524 or by email at Jennifer.Bergsieker@ed.gov.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement

cc (without enclosure): Dr. Katy Anthes, Commissioner Colorado Dept of Education
Amber Elias, Esq., District Counsel