



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

January 6, 2017

Superintendent Scott Cooper
Dolores School District RE-4A
17631 Highway 145
Dolores, Colorado 81323

Re: Dolores School District RE-4A
OCR Case Number: 08-16-1395

Dear Dr. Cooper:

On July 12, 2016, we received a complaint alleging Dolores School District RE-4A discriminated (District) on the basis of disability. Specifically, the Complainant alleged (1) the District subjected her son (Student) to inappropriate restraint and seclusion; and (2) the District subjected the Student to disparate treatment by placing him with an aide instead of a teacher for most of the school day.

We initiated an investigation of this allegation under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, and their implementing regulations. The District is subject to Section 504 and Title II because it is a recipient of Federal financial assistance from the U.S. Department of Education and is a public entity.

During the course of OCR's processing of this complaint, the District expressed an interest in resolving the allegation. Pursuant to Section 302 of our *Case Processing Manual*, we determined that it was appropriate to enter into an agreement without completing a full investigation of the allegation.

On January 3, 2017, we received the District's signed Resolution Agreement (copy enclosed). When the Agreement is fully implemented, the allegation will be resolved consistent with the requirements of Section 504, Title II, and their regulations. OCR 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.

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 and participants may file another complaint alleging

such treatment. The complainant may also have a right to file a private suit in Federal court whether or not OCR finds a violation.

OCR will closely monitor the recipient's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively and that the recipient's policies and practices are administered in a nondiscriminatory manner.

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.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an 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.

We thank you and your staff for the cooperation and assistance provided throughout the resolution of this complaint. If you have any questions regarding this or other civil rights matters, please feel free to contact me at XXXX.

Sincerely,

/s/

Danee Attebury
Acting Team Leader

Enclosure – Resolution Agreement

cc: Dr. Katy Anthes
Commissioner of Education

Mr. Robert Montgomery, Attorney at Law (via email)