



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
ARIZONA
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June 20, 2017

Dr. Dave Barker
Superintendent
863 Sweetwater
Lander, WY 82520

Re: Fremont County School District #1
Case Number: 08-17-1084

Dear Dr. Barker:

On November 29, 2016, we accepted for investigation a complaint alleging that Fremont County School District#1 (District) discriminated against a student (Student) on the basis of disability. Specifically, the Complainant alleged that the Student was harassed on the basis of disability and that the District has failed to take appropriate action to end the harassment.

OCR initiated an investigation under the authority of Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability by public elementary and secondary educational systems and institutions, public institutions of higher education and vocational education and public libraries.

Based on OCR's review of documentation submitted by the District and Complainant, OCR understands that throughout the 2016-2017 school year, the Complainant made multiple reports to the District that the Student was being bullied; one such report was made on November 18, 2016, when the Complainant reported that the Student was physically assaulted. The District provided OCR with documentation showing that it took some steps to investigate the alleged assault. The District and Complainant disagree regarding the procedural sufficiency of the District's investigation and responsive action.

During OCR's investigation, and before we had sufficient evidence to make any findings, the District expressed a willingness to resolve the complaint. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint allegation may be resolved when, before the conclusion of an investigation, a recipient agrees to resolve the allegation and OCR has determined that the allegation is appropriate for resolution during the investigation. OCR has determined that this allegation is appropriate for a Section 302 Agreement. The District has entered into the enclosed Agreement which, when fully implemented, will resolve the concerns that the Complainant raised in this complaint.

The provisions of the Agreement are aligned with the issues raised in the complaint and are consistent with the applicable regulations. The Agreement requires the District to revise its policies and procedures for responding to disability discrimination complaints; provide a notice of nondiscrimination; provide notice of its Section 504/Title II compliance officer; identify and train the staff members at each school who are responsible for responding to disability discrimination complaints; investigate the alleged disability harassment of the Student and provide a summary of the investigation to OCR; and, if the District determines that corrective action is appropriate, and take the steps necessary to carry out the corrective action.

This concludes our investigation of this complaint. We will continue to monitor the District's compliance with the Agreement until all the terms are satisfied. We will keep you apprised of monitoring activities related to this case.

This letter addresses only the issues listed above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504, 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, complainants 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.

We thank the District for its cooperation. We would like to specifically thank XXX for his assistance and professionalism during our investigation. If you have any questions, you may contact XXX, Equal Opportunity Specialist, at XXX, or by e-mail at XXX.

Sincerely,

XXX
Supervisory General Attorney

Enclosures – “Resolution Agreement”
cc (w/o enclosures): Ms. Jillian Balow, Superintendent of Public Instruction