



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII

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December 8, 2017

Superintendent Erin Kane
Douglas County School District
620 Wilcox Street
Castle Rock, CO 80104

Sent by email only

Re: **Douglas County School District**
OCR Case Number: 08-17-1360

Dear Ms. Kane:

This letter is to inform you of the disposition of the above-referenced complaint, filed on June 12, 2017, against Douglas County School District (District) alleging discrimination on the basis of disability. Specifically, the Complainant alleged the District failed to fully implement his daughter's (Student) Section 504 plan when it did not provide the Student with notice of a fire drill and did not provide the Student with extended time for an assignment in an online course.

We are responsible for enforcing 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 U.S. Department of Education (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 a public entity, the District is subject to these laws and regulations. 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 the Student's Section 504 plan from the 2016-2017 school year, the Student's schedule, and records for the Student's online classes. OCR also communicated with the Complainant and District representatives. On October 23, 2017, the District informed OCR that it wished to voluntarily resolve the complaint allegations. 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 issues 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 December 6, 2017 are aligned with the complaint allegations 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

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

statutes and regulations 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 XXXX, the Equal Opportunity Specialist assigned to this case, at (303) 844-XXXX or by email at XXXX@ed.gov.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement

cc (without enclosure): Katy Anthes, State Superintendent of Public Instruction, via email only
Robert P. Montgomery IV, Attorney, via email only