



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII

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February 14, 2018

Ms. Donna Little-Kaumo
Superintendent
Sweetwater County School District No. 2
320 Monroe Avenue
Green River, Wyoming 82935

By email only to little@swcsd2.org

Re: Sweetwater County School District No. 2
Case Numbers: 08-17-1363 & 08-17-1493

Dear Ms. Little-Kaumo:

On June 13, 2017, we received a complaint alleging that Sweetwater County School District No. 2 (District) discriminated against the Complainant's daughter (Student) on the basis of disability. Specifically, the Complainant alleged that the District discriminated by failing to implement the Student's Section 504 Plan, failing to provide an education designed to meet the Student's individual needs, treating the Student differently from her non-disabled peers, unilaterally determining what types of accommodations could be included in the Student's Section 504 Plan, failing to appropriately respond to reports of ongoing harassment, denying the Student an equal opportunity to participate in an extracurricular activity, and retaliating against the Student in May 2017. On September 8, 2017, we received a second complaint from the Complainant; this complaint alleged that the District retaliated against the Complainant and/or the Student in August 2017.

OCR is 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; 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. Individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II are protected from intimidation or retaliation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e), and 28 C.F.R. § 35.134. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations. Consequently, OCR opened the Complainant's allegations for investigation.

During the course of the investigations, before OCR had obtained sufficient evidence to make findings with respect to the issues in these cases, the District indicated its desire to voluntarily enter into an agreement to resolve the allegations pursuant to Section 302 of OCR's CPM. We

reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

On February 12, 2018, the District signed a Resolution Agreement. When the Agreement is fully implemented, the allegations in the above identified complaints will have been resolved consistent with the requirements of Section 504 and Title II and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. OCR will 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, OCR will take appropriate action, as described in the Agreement.

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 XXX XXX, the attorney assigned to this case, at (XXX) XXX-XXXX or by email at XXX.XXX@ed.gov.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Attachment: Signed Resolution Agreement

cc (without attachment): Honorable Jillian Balow, State Superintendent of Public Education
O’Kelley H. Pearson, Managing Partner, Hickey & Evans, LLP