



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII

ARIZONA
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April 13, 2018

Superintendent Reid Newey
Davis School District
45 E. State St., P.O. Box 588
Farmington, NM 84025

Via email only to rnewey@dsdmail.net

Re: Davis School District
Case Number: 08-18-1154

Dear Superintendent Newey:

On January 8, 2018, we received a complaint alleging Davis School District (District) discriminated against the Complainant's son (Student) on the basis of disability. Specifically, the Complainant alleged the District failed to implement the Student's Section 504 plan.

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 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 and medical documentation, correspondence between the Complainant and District representatives, and other related documentation. OCR also communicated with the Complainant and District representatives. On March 21, 2018, the District informed OCR that it wished to voluntarily resolve the complaint allegations. Prior to OCR making any findings of fact, the District agreed to sign an Agreement which, when fully implemented, will address the allegations 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 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. 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.

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

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, Equal Opportunity Specialist, at (303) 844-XXXX. You also may contact me at (303) 844-XXXX.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement

cc (w/o enclosures, via email only): Sydnee Dickson, Superintendent of Public Instruction
XXXXXX