



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 16, 2018

Rob Anderson
Superintendent
Boulder Valley School District
6500 Arapahoe
Boulder, Colorado 80303
(Via email only at: rob.anderson@bvsd.org)

Re: Boulder Valley School District
Case Number 08-18-1365

Dear Superintendent Anderson,

This letter is to inform you of the disposition of the above-referenced complaint, filed on May 1, 2018, alleging the Boulder Valley School District (District) discriminated on the basis of disability. Specifically, the Complainant alleged that the District failed to follow appropriate evaluation and placement procedures in its handling of his request that his daughter (Student) be retained in 4th grade. The Complainant also alleged that the District did not provide him with appropriate procedural safeguards.

We are responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementation regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department; Title II of the Americans with Disabilities Act of 1990 and its implementing regulations at 28 C.F.E. Part 35. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

Through OCR's Rapid Resolution Process (RRP), the District expressed an interest in voluntarily entering into an agreement to resolve the allegations. Pursuant to Section 302 of OCR's *Case Processing Manual (CPM)*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations.

On August 8, 2018, we received the District's signed Resolution Agreement (enclosed) which resolves the allegations. OCR is closing the investigative phase of these allegations effective the date of this letter. This case is now in the monitoring phase. 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. When the Agreement is fully implemented, the allegations will have been resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions, as described in the Agreement.

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

This concludes OCR's investigation of this 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 this 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.

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 Complainants may file another complaint alleging such treatment. In addition, the Complainants 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. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal information, which if released, could constitute an unwarranted invasion of privacy.

We thank you for your cooperation in this matter. If you have any follow up questions, please contact x- *sentence redacted*-x.

Sincerely,

/s/

xxxxxxx

Supervisory General Attorney

Enclosure

cc: x *sentence redacted* x