



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

January 24, 2019

Karen Brofft
Superintendent
Lewis-Palmer School District
146 N. Jefferson Street
Monument, CO 80132
Via email only at: XXXX

Dr. Don Griffon
Executive Director
Monument Academy
1150 Village Ridge Pt.
Monument CO, 80132
Via email only at: XXXX

Re: Lewis-Palmer School District (Monument Academy)
Case Number 08-19-1020

Dear Superintendent Brofft and Dr. Griffin,

This letter is to inform you of the disposition of the above-referenced complaint, filed on October 15, 2018, alleging the Monument Academy in the Lewis Palmer School District discriminated on the basis of disability; specifically the District (at Monument Academy) failed to evaluate the Complainant's student for a free appropriate public education in a timely manner and failed to provide parents with their procedural due process rights.

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 Academy and 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 January 7, 2019, we received the signed Resolution Agreement from the Academy and District (enclosed) which resolves the allegations. OCR is closing the investigative phase of

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

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 Academy and District fail to implement the Agreement, we will take appropriate action, which may include enforcement actions, as described in the Agreement.

This concludes OCR's investigation of this complaint and should not be interpreted to address the Academy or 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 Academy and 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 XXXX, attorney advisor, assigned to this complaint, at 303-844-XXXX, or by email at XXX. You also may contact me at (303) 844-XXXX.

Sincerely,

/s/

Thomas M. Rock
Supervisory General Attorney

Enclosure

cc: Katy Anthes, Commissioner
Colorado Department of Education
Via email only at: anthes_k@cde.state.co.us
Without enclosure