



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 7, 2019

Ms. Karen Brofft, Superintendent  
Lewis-Palmer School District 38  
146 North Jefferson Street  
Post Office Box 40  
Monument, Colorado 80132

*via email only at XXXX@XXXX.XXX*

Re: **Lewis-Palmer School District 38**  
OCR Case Number 08-19-1021

Dear Superintendent Brofft:

We have completed our investigation stemming from the complaint alleging that Lewis-Palmer School District 38 ("District") discriminated on the basis of disability. Specifically, the Complainant alleged that the District, at Monument Academy ("School"):

1. removed her daughter ("Student 1") from a Section 504 plan without following required placement procedures;
2. failed to provide the Complainant with procedural safeguards for Student 1;
3. failed to properly evaluate her step-son ("Student 2") in a timely manner; and
4. failed to provide the Complainant with procedural safeguards for Student 2.

We found insufficient evidence to support the first three allegations. Our investigation established, by a preponderance of the evidence, that the School failed to provide procedural safeguards for Student 2 after Student 2's parents requested an evaluation in spring 2018. Upon being advised of the violation finding, the District and School (collectively, "Recipients") entered into a resolution agreement ("Agreement") to resolve the matter. A signed copy of the Agreement is enclosed with this letter. The reasons for our conclusion are set forth in this letter.

#### **I. Jurisdiction**

The Office for Civil Rights (OCR) of the U.S. Department of Education ("Department") is responsible for enforcing: Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination based on disability in any program or activity operated by recipients of Federal funds; and Title II of the Americans with Disabilities Act of 1990 ("Title II"), and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination based on disability by public entities, regardless of whether they receive Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the Recipients are subject to these laws and regulations.

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

## II. Legal Standard

The Section 504 regulations, at 34 C.F.R. Section 104.33, require recipient school districts to provide a free appropriate public education (FAPE) to all students with disabilities in their jurisdictions. An appropriate education is defined as regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of students without disabilities are met, and that are developed in accordance with the procedural requirements of 34 C.F.R Sections 104.34-36 pertaining to educational setting, evaluation and placement, and due process protections. Implementation of an individualized education program (IEP) developed in accordance with the procedural requirements cited above is one means of meeting the FAPE requirement. OCR interprets the Title II regulations, at 28 C.F.R. Sections 35.103(a) and 35.130(b)(1)(ii) and (iii), to require districts to provide a FAPE at least to the same extent required under the Section 504 regulations.

### A. Evaluation and Placement

Section 104.35(a) of the regulations requires school districts to conduct an evaluation of any student who needs or is believed to need special education or related aids and services because of disability before taking any action with respect to the student's initial placement and before any subsequent significant change in placement. Under Section 104.35(b), tests and other evaluation materials must be administered by trained personnel, reliable, and valid for the purpose for which they are being used. Under subsection (c), placement decisions (*i.e.*, decisions about whether any special services will be provided to the student and, if so, what those services are) must be made by a group of persons knowledgeable about the student, evaluation data, and placement options. Placement decisions must be based on information from a variety of sources, with information from all sources being carefully considered and documented. School districts must also establish procedures for the periodic reevaluation of students who have been provided special education and/or related services. A procedure consistent with the Individuals with Disabilities Education Act (IDEA) is one means of meeting this requirement.

### B. Procedural Safeguards

Section 104.36 of the regulations requires school districts to have a system of procedural safeguards with respect to any action taken by the district regarding the identification, evaluation, or placement of the student. Such safeguards must include notice of the action, an opportunity to examine relevant records, an impartial hearing with opportunity for participation by parents or guardians and representation by counsel, and a review procedure.

## III. Investigation

Our investigation focused on obtaining the evidence necessary to determine whether the Recipients complied with these legal standards. Specifically, our investigation consisted of requesting and reviewing documents and information from the Complainant and the School, and providing the Complainant with an opportunity to rebut information provided by the School.<sup>1</sup>

---

<sup>1</sup> The Complainant did not provide a rebuttal to OCR.

#### **IV. Evidentiary Standard**

OCR applies a preponderance of the evidence standard to determine whether the evidence is sufficient to support a particular conclusion. Specifically, OCR examines the evidence in support of and against a particular conclusion to determine whether the greater weight of the evidence supports or is insufficient to support the conclusion.

#### **V. Evidence**

##### **A. Student 1**

On XXXX, 2015, a Section 504 plan was created for Student 1, after a hearing exam showed mild to moderate hearing loss and her parent reported that Student 1 was experiencing visual processing issues. During the 2017-2018 school year (SY), Student 1 was in XXXX grade at the School.

On XXXX, 2017, the School convened a meeting of the following individuals to review Student 1's Section 504 plan: the Complainant; the School's principal/chief academic officer ("Principal"); Student 1's XXXX grade social studies teacher ("Social Studies Teacher"); and the School's nurse ("Nurse"). They discussed Student 1's progress and exited her from Section 504 (*i.e.*, took her off of a Section 504 plan), writing, "Needs can be met in other ways. Student does not have a disability that significantly impacts her ability to access the educational setting. Student needs help w/ emotional regulation, and continue growth with self advocacy. Student does not have hearing aids – plan was written when it was expected that she would have aids. Student will continue to get preferential seating." At the bottom of the form for the meeting is a section titled, "Parent/Legal Guardian Statements." Below the section title are two lines, with handwritten checkmarks next to them, which read, "I have received a copy of Student and Parent Rights under Section;" and "I agree with the recommendations made during this review." Then, below the two lines is the Complainant's signature and a handwritten date of XXXX, 2017.

According to the School's narrative response to OCR: (a) the group discussed Student 1's academic performance, including information from standardized tests, classroom grades, parent feedback, and teacher feedback; (b) everyone in attendance agreed with exiting Student 1 because she "does not have a disability that significantly impacts her ability to access the educational setting;" and (c) the Complainant was given a copy of the procedural safeguards. The School added: "Between January 1, 2018 and the date of this report, XXXX, 2018, the school has no requests from the parents to reconvene the 504 team and there is no indications on the part of the school staff that the Student ... requires or would benefit from the reimplementation of a 504 plan. The student engages actively in the educational program and is able to access the educational program successfully." The Complainant confirmed that she has not requested a Section 504 plan for Student 1 since the XXXX meeting.

##### **B. Student 2**

###### **i. Spring 2018**

During the 2017-2018 SY, Student 2 was in XXXX grade at the School. On XXXX, 2018, the Complainant,<sup>2</sup> Student 2's father ("Father"), and Student 2's mother ("Mother") emailed Student 2's XXXX grade

---

<sup>2</sup> The Complainant is Student 2's XXXX.

teacher (“XXXX Grade Teacher”) and the School’s director of exceptional student services (“ESS Director”):<sup>3</sup>

As [Student 2]’s parents we have noticed a considerable decline in [Student 2]’s performance over the year and are concerned that he is struggling considerably. He is missing the basic understanding of concepts and information that is being taught in class.

We are worried that his current state will not be sufficient as he looks to go to XXXX grade. We realize that most special needs assessments are done at the beginning of the year but are requesting it be done now to determine if he should be placed on an IEP or 504 to accommodate his learning challenges he is facing.

We would like to set up a meeting prior to testing to discuss what we are seeing with him. Then we will be able to discuss a course of action for [Student 2] for the rest of the year.

Between XXXX, 2018 and XXXX, 2018, the ESS Director and Complainant exchanged emails to set up a meeting.

On XXXX, 2018, the XXXX Grade Teacher, the ESS Director, the Father, and the Complainant met. Regarding the meeting, the School’s narrative response to OCR read:

His current performance was reviewed including his grades, Dibels, and NWEA scores. After reviewing the information, the team concluded that [Student 2]’s academic performance as measured by standardized assessments indicated that he was functioning within the average range. It was explained that when looking at academics in special education, we are looking for scores below the 12<sup>th</sup> percentile. [Student 2]’s lowest score on the district assessment, NWEA, was the 22<sup>nd</sup> percentile in language usage. At this time, the team, including parents, stated a desire to meet with the full team to explore options to set [Student 2] up for success in XXXX grade and delay the special education evaluation in order to not interrupt [Student 2]’s end of the year classroom activities and beginning summer plans as the legal requirement for completion would have been set sixty days from this request (approximately/before XXXX, 2018). Since [Student 2] had also been receiving support through the Response to Intervention (RtI) format and had a READ plan in place to address his needs, the team spoke about holding another meeting with more members of his educational team to review additional information that was being collected in the RtI setting. This would allow the team to discuss [Student 2]’s performance in greater depth and determine ways to help him succeed moving into XXXX grade next year.

On XXXX, the ESS Director emailed the XXXX Grade Teacher and the School’s director of literacy and intervention (“Intervention Director”):

---

<sup>3</sup> The Complainant mistakenly used the wrong email address for the Director; however, the XXXX Grade Teacher forwarded the Complainant’s email to the Director on XXXX, 2018, and the Complainant re-sent it to the Director on XXXX, 2018.

I met with [Student 2]’s parents this morning as they had originally requested an evaluation. We dissected his grades, Dibels, and NWEA scores. After discussion, it was noted that [Student 2] is not close to having possible qualifiable scores, especially on his most recent NWEA. We spoke about holding another meeting with more members of his educational team to talk about how his year has been and ways to help succeed moving into XXXX grade next year. What days could you be available ...

On XXXX, 2018, the ESS Director wrote to the XXXX Grade Teacher, “I met with the parents, and we reviewed data that showed he does not have scores that are near qualifiable for special education services.”

Between XXXX, 2018 and XXXX, 2018, the XXXX Grade Teacher and Complainant exchanged emails to set up another meeting.

On XXXX, the Complainant, Father, ESS Director, XXXX Grade Teacher, and School’s literacy interventionist (“Interventionist”) met. A summary of the meeting, emailed from the Interventionist to the Literacy Director on the same day, read, in part:

The parents were pretty focused on [Student 2]’s weaknesses: disorganization, handwriting issues, possible attention issues (they mentioned possible ADHD—but [the XXXX Grade Teacher] didn’t ‘bite’), and they said [Student 2] has difficulty expressing himself in whole sentence (which neither [the XXXX Grade Teacher] nor I have seen).

[The XXXX Grade Teacher] assured parents she would be sharing with next year’s teacher, and [the ESS Director] shared some good ideas to help [Student 2] next year. I encouraged the parents to use this summer to have him work on his handwriting, set up some systems for organization AT HOME, and to celebrate this year’s victories (he went from XX to XX in his NWEA scores!!). [I’m so proud of him!!]

Regarding the meeting, the School’s narrative response to OCR read:

At this meeting, the classroom teacher reading interventionist providing READ plan services, the father, and the stepmother attended. The reading interventionist explained the reading services [Student 2] was receiving and provided progress monitoring graphs showing his reading progress. The parent informed the team that they were going to see how [Student 2] did at the beginning of the following school year before anyone would pursue formal testing for ESS.

**ii. Fall 2018**

During the 2018-2019 SY, Student 2 was in XXXX grade at the School. On XXXX 2018, the Complainant and Father emailed the ESS Director and Student 2’s XXXX grade teacher (“XXXX Grade Teacher”):

We are in receipt of [Student 2]’s end of the year state test scores. We were shocked that he was below the 5th percentile for reading and language arts.

We advocated for testing for [Student 2] at the end of the last year as we felt he was severely deficient and was not getting enough support through XXXX grade. Specifically,

we from [sic] [the ESS Director] we requested that he be fully tested to ensure that he was getting the assistance needed. You explained to us that he wouldn't "qualify" and it would not be beneficial for him to have additional testing as he was not "low" enough to qualify for special education so there was no point doing the testing it would be a waste of time.

At this point I am overly concerned that he is unable to achieve his academic goals because he doesn't have someone who advocates for him at school.

We are requesting this again this year to assist our son. If you again think this is not worth the time to test him, please provide us your reasoning in writing.

On XXXX, 2018, the ESS Director emailed the Father and Complainant (and others), in part, "In hearing your request for special education, we will move forward with evaluation." The following day, the ESS Director emailed the Complainant, "I do see how he fell low, but we always look at a body of evidence to see how a student performs across different settings and through different mediums."

The School's narrative response to OCR indicated that, on XXXX, 2018, "Prior Notice and Consent for Evaluation documentation was created and sent home with the student in the student's backpack along with the Student and Parent Rights in Special Education and Procedural Safeguards."

The School's narrative response to OCR indicated that, on XXXX, 2018, "Paperwork was received by ESS team with signatures stating parents received Student and Parent Rights in Special Education and Procedural Safeguards and consented to evaluation." At the bottom of paperwork provided by the School to OCR, is a section titled, "Consent for Special Education Evaluation." Below the title are the Mother's signature and a hand-written date of XXXX, 2018. Below the signature is a box marked with an "X," next to the following sentence: "For initial evaluations, a copy of the Notice of Procedural Safeguards has been given to the parents."

On XXXX, 2018, the School invited the Complainant to attend an eligibility meeting on XXXX, 2018. The Complainant accepted the invitation on the same day.

On XXXX, 2018, the Complainant emailed the ESS Director, in part, "Sorry for so many questions but the impression is that this has not been handled with a high degree of concern. As I am sure you are aware this is our second request (the first you independently denied) and are concerned with your departments lack of urgency in assisting our son."

At the bottom of paperwork provided by the School to OCR, is a section titled, "Consent for Special Education Evaluation." Below the title are the Mother's signature and a hand-written date of XXXX, 2018. Below the signature is a box marked with an "X," next to the following sentence: "For initial evaluations, a copy of the Notice of Procedural Safeguards has been given to the parents."

The School's narrative response to OCR indicated that, on XXXX, 2018:

The Eligibility Meeting was held at 8:00 with the [Mother], [Father], [Complainant], [XXXX Grade Teacher], and [ESS Director]. The meeting began with introductions, an overview of the process and testing, and detailed reports giving visuals of all academic testing, related data, and work samples with the evaluation report. Once the report was

reviewed, [the Complainant] stated that the parents of the team [sic] had concerns that were not addressed within the report. A Prior Written Notice and Consent for Evaluation was drawn up to include the [the Complainant]'s shared concerns regarding further academics, language, working memory, executive functioning, and organization. Assessment was written to include formal and/or informal testing in the areas of cognitive, social/emotional/behavioral, speech language, occupational therapy, academics, and health history. This was signed and dated at the meeting alongside another copy of Student and Parent Rights in Special Education and Procedural Safeguards given to parents.

On XXXX, 2018, another eligibility meeting was scheduled for XXXX, 2018.

## **VI. Analyses and Findings**

### **A. Allegation 1: The District removed Student 1 from a Section 504 plan without following required placement procedures.**

It is undisputed that Student 1 was removed from a Section 504 plan on XXXX, 2017, and thus experienced a significant change in placement. The key question is, therefore, whether the School met Section 504's requirements for doing so. The first requirement was met because the placement decision was made by a group of knowledgeable persons – specifically, the Complainant, Principal, Social Studies Teacher, and Nurse. The second requirement – that the group consider information from a variety of sources – is in dispute.

According to the Complainant, at the XXXX meeting, the Principal said that Student 1 did not need a Section 504 plan, that Student 1 could have the same accommodations without a plan, and that the Complainant was required to sign a document indicating that she agreed with the Principal's decision. On the other hand, the School asserted in its narrative response to OCR that, at the XXXX meeting: (a) the group discussed Student 1's academic performance, including information from standardized tests, classroom grades, parent feedback, and teacher feedback; and (b) everyone in attendance agreed with exiting Student 1 because she "does not have a disability that significantly impacts her ability to access the educational setting." Notably, the Complainant checked "I agree with the recommendations made during this review" and signed just underneath the statement.

In short, the Complainant and School provided OCR with very different accounts of the December 19th meeting; the Complainant signed a form indicating her agreement with the decision; and the Complainant has not pursued a Section 504 plan for Student 1 since the December 19th meeting. Therefore, we found insufficient evidence to support Allegation 1.

### **B. Allegation 2: The District failed to provide the Complainant with procedural safeguards for Student 1.**

The Complainant alleged that she was not given procedural safeguards for Student 1. The School's narrative response to OCR indicated that the Complainant was given a copy of the procedural safeguards at the meeting on XXXX, 2017. In support of its claim, the School submitted to OCR a document with a checkmark next to the following statement: "I have received a copy of Student and Parent Rights under Section 504." Just below the checkmark and statement are the Complainant's

signature and a handwritten date of XXXX, 2017. Therefore, we found insufficient evidence to support Allegation 2.

**C. Allegation 3: The District failed to properly evaluate Student 2 in a timely manner.**

For the reasons explained below, we found insufficient evidence to support Allegation 3.

**i. Spring 2018**

The Complainant alleged that the District failed to properly evaluate Student 2 in Spring of 2018 when it only considered one test score in assessing whether further evaluation and placement was necessary. In making placement decisions (including eligibility decisions), recipients must “draw upon information from a variety of sources[.]”<sup>4</sup>

On XXXX, 2018, the Complainant, Father, and Mother requested, via email, an evaluation of Student 2. Then, on XXXX, 2018, the XXXX Grade Teacher, ESS Director, Father, and Complainant met. According to the Complainant, the ESS Director said Student 2 had not scored low enough on his standardized testing (specifically, he was not in the fifth percentile or below on the DIBELS test), and thus, evaluating him for a Section 504 plan or an IEP would be a “waste of time.” According to the School, everyone, including the Complainant, agreed to delay testing in order to gather more data and not disrupt end-of-year classroom activities or summer plans. The XXXX email from the ESS Director to the Intervention Director indicates that the group reviewed Student 2’s grades and multiple standardized test scores, but the email also implied that the decision was primarily driven by whether Student 2 had “qualifiable scores,” as did the ESS Director’s XXXX email to the XXXX Grade Teacher. The notes from the November 1 eligibility meeting read, “His current performance was reviewed including his grades, Dibels, and NWEA scores.”

Then, on April 20, 2018, the Complainant, Father, ESS Director, XXXX Grade Teacher, and Interventionist met. The Interventionist’s summary of the meeting (emailed to the Literacy Director) did not mention discussion of evaluating Student 2. However, the School’s narrative response to OCR read, “The parent informed the team that they were going to see how [Student 2] did at the beginning of the following school year before anyone would pursue formal testing for ESS.”

To summarize, the Complainant alleged that the April 6th evaluation was based on a single test score, while the School asserted that the evaluation was based on multiple test scores and other considerations, such as grades and the Complainant’s wishes. The documentary evidence supports the School’s position. Therefore, we did not find a preponderance of evidence that the District failed to draw upon information from a variety of sources.

**ii. Fall 2018**

On XXXX, 2018, the Complainant and XXXX again requested, via email, an evaluation of Student 2. On XXXX, 2018, the Mother provided consent for Student 2 to be evaluated. On XXXX, the School convened an eligibility meeting for Student 2.

---

<sup>4</sup> 34 C.F.R. 104.35(c).



Section 504 does not provide a specific amount of time for recipients to complete an evaluation. However, under the IDEA, an initial evaluation must be conducted within 60 days of receiving parental consent for the evaluation or if the State has established a different timeframe for conducting the evaluation, within that timeframe. OCR generally looks to the IDEA timeline, or if applicable, to state requirements or local district policy to assess the reasonableness of the time it takes the school to evaluate the student once parental consent has been obtained.<sup>5</sup> Here, the School conducted an evaluation of Student 2 and convened an eligibility meeting within 60 days of receiving parent consent for evaluation. Additionally, records show that the evaluation complied with the requirements of 34 C.F.R. Section 104.35

**D. Allegation 4: The District failed to provide the Complainant with procedural safeguards for Student 2.**

The Complainant alleged that she was not given procedural safeguards for Student 2. The evidence shows that Student's parents were not given a copy of procedural safeguards in spring 2018, but were given a copy of procedural safeguards in fall 2018.

**i. Spring 2018**

The School did not provide the Complainant with a copy of procedural safeguards in spring 2018. Regarding the April 6th meeting, the School explained to OCR:

Because Monument Academy's understanding was that no formal assessment would be initiated at this time, no evaluation paperwork was initiated during the XXXX, 2018 meeting. There was no prior written notice of procedural safeguards signed at the XXXX, 2018 meeting. It was the Monument Academy's understanding that this meeting was an informational meeting with the parents to discuss possible courses of action for the remainder of the year and moving forward. The Monument Academy team at that meeting regarded this as the "meeting prior to testing to discuss what [the parents] were seeing with him."

Regarding the XXXX meeting, the School explained to OCR:

On XXXX, an additional meeting was held with the reading interventionist to review the services the student was receiving under Colorado's READ Act. The student's parent has signed the Colorado READ plans for the 17-18 SY and the 18-19 SY. The interventionist providing services explained the plan and the student's progress under the plan. ... Both of those plans indicate that the parent received and understood the interventions Monument Academy was providing for the student throughout each school year and which continue up to today. The classroom teacher and reading interventionist also both recall that the parents wanted to wait and not pursue formal evaluation for a possible IEP at this time in order to not disrupt the student's end of year and summer activities. As a result, no evaluation paperwork was initiated or signed at this meeting. This would include the prior written notice of procedural safeguards.

---

<sup>5</sup> The timeframe in Colorado is the same as the timeframe in the IDEA.

However, the School should have provided Student 2's parents with notice of the procedural safeguards in spring 2018 when it decided not to evaluate the Student. On XXXX, Student 2's parents clearly requested an evaluation. They wrote to the School, "We realize that most special needs assessments are done at the beginning of the year but are requesting it be done now to determine if he should be placed on an IEP or 504 to accommodate his learning challenges he is facing." Then, on XXXX, 2018, a team made a decision regarding an evaluation of Student 2. The School wrote to OCR, "At this time, the team, including parents, stated a desire to ... delay the special education evaluation..." For purposes of the District's obligation to provide procedural safeguards, the outcome of the evaluation request and the team's specific decision (here, to delay the evaluation) is largely irrelevant. What matters is that a request and decision (*i.e.*, actions) were made regarding the identification and evaluation. See 34 C.F.R. Section 104.36.

## ii. Fall 2018

The School's narrative response to OCR indicated that Student 2's parents were twice given a copy of the procedural safeguards – the first time in Student 2's backpack on XXXX, 2018, and the second time in-person at the November 1st meeting. In support of this claim, the School submitted to OCR "Consent for Special Education Evaluation" forms. On the bottom of the forms is a marked box next to the following statement: "For initial evaluations, a copy of the Notice of Procedural Safeguards has been given to the parents." Just above the statement are the Mother's signatures; one form is dated XXXX, 2018, and the other is dated XXXX, 2018. The evidence tends to show that notice of procedural safeguards were provided to the Mother and Father for Student 2. Therefore, we found insufficient evidence to support Allegation 4.

## VII. Conclusion

We thank the Recipients for being willing to voluntarily address the violation found. A copy of the signed Agreement is attached. When the Agreement is fully implemented, the allegation will be resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. OCR will monitor implementation of this Agreement through periodic reports from the Recipients about the status of the Agreement terms. We will provide the Recipients written notice of any deficiencies regarding implementation of the terms of the Agreement and will require prompt actions to address such deficiencies. If the Recipients fail to implement the Agreement, we will take appropriate action, as described in the Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the Recipients' compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The case is now in the monitoring phase. The monitoring phase of this case will be completed when OCR determines that the Recipients have fulfilled all terms of the Agreement. When the monitoring phase of this case is complete, OCR will close this case and send a letter to the Recipients, copied to the Complainant, stating that this case is closed.

The Complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and it 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 Recipients may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint investigation. If this happens, the individual may file another complaint alleging such treatment.

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, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We thank you and your staff for the patience and cooperation extended to us during the resolution of the case. If you have any questions, please contact Jason Langberg, the attorney assigned to this complaint, at (XXX) XXX-XXXX or XXXX@XXXX.

Sincerely,

/s/

Angela Martinez-Gonzalez  
Supervisory General Attorney

cc (via email): Rick Frampton, District's Director of Exceptional Student Services  
Don Griffin, School's Executive Director  
Elizabeth Davis, School's Principal  
Kathy Anthes, Colorado Superintendent of Public Instruction