



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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UTAH
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April 24, 2019

Dr. Richard Patterson, Interim Superintendent
Goshen County School District
626 West 25th Avenue
Torrington, WY 82240

Via email only to XXXX@goshen1.org

Re: Goshen County School District
OCR Case Number: 08-19-1104

Dear Dr. Patterson:

This letter advises you of the resolution of this complaint, filed against Goshen County School District (District). The complainant alleged that the District failed to provide a free, appropriate public education to her son (the student), in the following ways:

- 1) failed to evaluate the student when he was placed in XXXX during the 2017-18 school year;
- 2) failed to follow the procedural requirements of the Section 504 regulations when developing the student's Section 504 plan in September 2018;
- 3) placed the student outside the regular educational environment at XXXX following a disciplinary incident in October 2018, where he has remained to the present time;
- 4) failed to provide speech services for the student after the team determined they were necessary beginning in November 2018; and
- 5) required the complainant to arrange further evaluation of the student (a psychological evaluation), before allowing the student to return to the regular educational environment.

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 and its implementing regulation at 34 Code of Federal Regulation 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. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

In the initial stage of investigating this case, OCR has reviewed information provided by the Complainant, interviewed the Complainant, and reviewed limited information provided by the District.

Based on this information, OCR learned that the student was moved to an alternative placement with a certified teacher following a disciplinary incident. After receiving notification of this

complaint, the District convened a meeting of the student's Section 504 team to develop a plan to transition the student back to the regular educational environment.

During the course of our investigation, the District indicated its desire to voluntarily enter into an agreement to resolve the complaint allegations pursuant to Section 302 of our *Case Processing Manual*. On April 23, 2019, prior to OCR completing its investigation or making any findings of fact, the District signed an Agreement which, when fully implemented, will address the issues 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, when fully implemented, will address all of the allegations investigated and are consistent with 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 and is in compliance with the statutes and regulations at issue in this case. 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.

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, the attorney assigned to this case, at (303) 844-XXXX or XXXX@ed.gov. You also may contact me at (303) 844-5942.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement

Cc: Tracy Copenhaver, Esq. (via email)
XXXX, Director of Special Services (via email)