



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

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July 23, 2019

Dr. Thomas S. Tucker, Superintendent
Douglas County School District
620 Wilcox Street
Castle Rock, CO 801041739

Sent via email to tstucker@dcsdk12.org

Re: Douglas County School District
OCR Case Number: 08-19-1192

Dear Superintendent Tucker:

We have completed our investigation of the above-referenced complaint, filed on February 5, 2018. The complaint alleged Douglas County School District (District) at XX School (School) discriminated on the basis of disability. Specifically, it alleged that the District denied the Student a Free and Appropriate Public Education (FAPE) when it failed to implement the following accommodations in her Section 504 plan:

- Frequent hand washing will be encouraged for [the Student] and the entire class, before and after eating and in all learning environments;
- Confidential teacher check-ins for gauging how [the Student] is feeling;
- Classroom desks, tables, countertops shall be cleaned after each project and/or activity that utilizes gluten containing supplies and/or tools;
- Encourage [the Student] to share concerns through an open line of communication with the teacher;
- Provide access for [the Student], upon her request, to work through concerns with a supportive adult in the building;
- All staff members involved in the care and education of the Student must receive training in the management and understanding of Celiac Disease; and
- The School staff shall support the Student as she manages Celiac Disease, by minimizing the stress and anxiety related to chronic illness.

We are responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation 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; 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.

The Student was in the XX grade during the time period relevant to the complaint. The Student was found eligible for a Section 504 plan on XX due to her diagnosis of Celiac Disease and need for accommodations related to her diagnosis. The Complainant withdrew the Student from the School and District in XX, due to the School's alleged failure to implement the above accommodations and enrolled in her another school district.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues raised in this

investigation pursuant to Section 302 of OCR's Case Processing Manual. To resolve the issues of this investigation, the District agreed to train staff and administrators at the School on the legal requirement to provide a free appropriate public education (FAPE) to students with disabilities, and fully implement students' Section 504 plans and Individual Education Programs. Training materials will also include information about Celiac Disease and appropriate accommodations for students with Celiac Disease.

A copy of the signed Resolution Agreement is enclosed. When the Agreement is fully implemented, this 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 District about the status of the Agreement terms. We will provide the District written notice of any deficiencies regarding implementation of the terms of the Agreement and will require prompt actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

Please note a complainant may have the right to file a private suit in federal court whether or not OCR finds a violation. Please also 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 individual may file another complaint alleging such treatment.

This letter sets forth OCR's determination in an 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.

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.

If you have any questions or concerns about our findings, you may contact XX, the attorney assigned to this complaint, at XX. You may also contact me at (303) 844-6083.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure – Copy of Resolution Agreement

cc: Wendy Jacobs, Deputy General Counsel, Douglas County School District (via email);
Paula Teel, Paralegal, Douglas County School District (via email);
Katy Anthes, Commissioner, Colorado Department of Education (via email)