



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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October 13, 2019

Dr. Don Haddad, Superintendent
St. Vrain Valley School District
395 South Pratt Parkway
Longmont, Colorado 80501

Sent via email to haddad_don@svvsd.org

Re: St. Vrain Valley School District
OCR Case Number: 08-19-1323

Dear Superintendent Haddad:

We have completed our investigation of the above-referenced complaint, filed on April 17, 2019. The complaint alleged that the St. Vrain Valley School District (District) at Timberline Elementary School (School) discriminates against students on the basis of national origin and disability. Specifically, the Complainant alleged that the District:

1. Discriminates against English Language Learners (ELLs) on the basis of national origin when the School fails to: (a) offer ELL students an educationally sound language assistance program; (b) provide qualified staff and sufficient resources to instruct ELL students; (c) monitor the progress of ELL students in learning English and accessing the academic curriculum; (d) remedy any academic deficits ELL students incur while in a language assistance program; (e) move ELL students out of language assistance programs only when they are proficient in English; and (f) monitor ELL students to ensure they were not prematurely exited; and
2. Discriminates against students with disabilities at the School when it fails to implement their Individualized Education Programs (IEPs) and Section 504 Plans.

The Office for Civil Rights (OCR) is responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education; 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. Additional information about the laws OCR enforces is available on our website at www.ed.gov/ocr.

The Complainant alleged that English Learner (EL) students at the School were placed in the School's "newcomer program" for one year without receiving adequate EL services. After a year, EL students at the School were placed in the general education classroom without any EL supports or services, essentially being prematurely exited before proficient in English. The Complainant also alleged that several students at the School who had Section 504 plans and Individualized Education Programs (IEPs) were not provided the supports and services required by their IEPs and Section 504 plans. The Complainant reported that the parents of these students did not feel comfortable raising their concerns with the School, and language was a barrier for many of the parents.

Pursuant to Section 302 of OCR's *Case Processing Manual*, OCR discussed resolution options with the District. During the course of OCR's investigation, the District expressed an interest in resolving the complaint through a voluntary resolution agreement. To resolve the issues of this investigation, the District agreed to review the School's existing language assistance program(s); the School's existing staffing levels; how the School makes and documents placement decisions; the objective criteria the School relies on to measure EL students' language proficiency; and the objective criteria the School relies on to monitor whether reclassified students are meaningfully accessing the regular curriculum without EL services. The District also agreed to send a letter to the parents/guardians of all students at the School inviting them to request a Section 504 or IEP meeting to discuss any concerns they may have regarding the implementation of their student's Section 504 plan or IEP during the 2018-2019 and 2019-2020 school years. The District further agreed to train staff at the School on its legal obligations to English Learner students under Title VI. Training materials will also include information about the School's legal requirement to provide a free appropriate public education (FAPE) to students with disabilities, as well as the identification and placement of students with disabilities.

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 Title VI, 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.

Thank you for your and the District's cooperation in this matter, and the assistance of Ms. Tallerico. If you have any questions or concerns, you may contact XXXX or XXXX, the attorneys assigned to this case, at XXXX or XXXX, respectively.

Sincerely,



Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure – Copy of Resolution Agreement

cc: Catherine Tallerico, District's attorney, Lyons Gaddis (via email); Katy Anthes, Commissioner, Colorado Department of Education (via email)