



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VIII

ARIZONA
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April 6, 2020

Dr. Deirdre Pilch
Superintendent
Greeley-Evans School District 6
1025 Ninth Avenue
Greeley, CO 80631

Via email only to dpilch@greeleyschools.org

Re: Greeley-Evans School District 6
Case Number: 08-20-1018

Dear Superintendent Pilch:

Enclosed please find the disposition of a complaint filed on October 9, 2019, against Greeley-Evans School District 6 (District) with the U.S. Department of Education (the Department), Office for Civil Rights (OCR). The Complainant alleged that the District discriminated against the Complainant's daughter (Student) on the basis of disability. Specifically, the Complainant alleged the District failed to provide the Student with a free and appropriate public education by failing to implement her Section 504 plan, such as by [phrase redacted]. The Complainant further alleged the District failed to respond appropriately to disability harassment against the Student [redacted]

OCR initiated an investigation of this complaint pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations 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, the District is subject to these laws and regulations.

During the investigation of this complaint, OCR reviewed the OCR complaint, the Student's Section 504 plan, and amendments made to the plan. OCR also interviewed the Complainant by telephone and email. [Paragraph redacted]

On April 1, 2020, the District's attorney informed OCR that the District wished to voluntarily resolve the complaint allegations. Prior to OCR making any findings of fact and before OCR completed its investigation, the District agreed to sign a resolution agreement (Agreement) which, when fully implemented, will address the allegations raised in the complaint.

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

Pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), allegations under investigation may be resolved at any time when, prior to issuing a final determination under CPM Section 303, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified issues that can be addressed through a resolution agreement. Further, in accordance with Section 302 of the CPM, the provisions of the Agreement signed by the District are aligned with the complaint allegations and the information obtained during OCR's processing of this case, and consistent with the applicable regulations.

On April 6, 2020, OCR received the District's signed Agreement. 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. 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, OCR will protect personal information to the extent provided by law.

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

If you have any questions, please contact [redacted], the Equal Opportunity Specialist assigned to this complaint, at (303) 844-XXXX, or by email at [redacted]. You also may contact me at (303) 844-6086.

Sincerely,
/s/

Michael D. Todd
Supervisory Attorney

Enclosure: Signed Resolution Agreement

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cc (w/o enclosures, via email only): Katy Anthes, Commissioner of Education
Melissa L. Barber, Attorney