



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

September 30, 2020

Superintendent David Baugh
Aspen School District
0235 High School Road
Aspen, CO 81611

Via email only to Superintendent@aspenk12.net

Re: Aspen School District
OCR Case Number: 08-20-1330

Dear Dr. Baugh:

On April 3, 2020, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint alleging Aspen School District (District) discriminated on the basis of disability. Specifically, the complainant alleges the District failed to evaluate her client's son (Student) in a timely manner and failed to implement the Student's Section 504 plan.

OCR is responsible for enforcing 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 and a public entity, the District is subject to these laws and regulations. Additional information about the laws OCR enforces is available on its website at <http://www.ed.gov/ocr>.

During the investigation of this complaint, OCR reviewed the Student's Section 504 plan, emails between the Student's parents and District staff, and other related documentation provided by the Complainant. OCR also communicated with the Complainant and District representatives.

[Paragraph redacted][Paragraph redacted]
[Paragraph redacted]

On July 30, 2020, the District informed OCR that it wished to voluntarily resolve the complaint allegations. Prior to OCR making any findings of fact, the District agreed to sign an Agreement which, when fully implemented, will address the allegations 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 are aligned with the complaint allegations and the information

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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. 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.

In addition, the Department has developed guidance to support recipients, as well as the students, families, staff, and community served therein, through the unprecedented challenges faced by COVID-19. For more information, see the Department’s *COVID-19 (“Coronavirus”) Information and Resources for Schools and School Personnel*. If you are in need of assistance from the Department or OCR as a result of COVID-19, please do not hesitate to reach out.

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

Sincerely,

Michael D. Todd
Supervisory Attorney

Enclosure: Signed Resolution Agreement

cc (w/o enclosures, via email only): Katy Anthes, Commissioner of Education
Alyssa C. Burghardt, Attorney at Law