



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

April 21, 2021

Interim Superintendent Dwight Jones
Denver Public Schools
900 Grant Street
Denver, CO 80203

Via email only to dps_superintendent@dpsk12.org

Re: Denver Public Schools
OCR Case Number: 08-21-1056

Dear Mr. Dwight Jones:

On December 6, 2020, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint alleging Denver Public Schools (District) discriminated against the Complainant's son (Student) on the basis of disability. Specifically, the Complainant alleges the District failed to reevaluate the Student after he had [X-words redacted-X].

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; 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; and Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department. 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 OCR's website at <http://www.ed.gov/ocr>.

During the investigation of this complaint, OCR reviewed the Complainant's OCR complaint and communicated with the District's counsel. On March 19, 2021, the District informed OCR that it wished to voluntarily resolve the complaint allegation. Prior to OCR making any findings of fact, the District agreed to sign an Agreement which, when fully implemented, will address the allegation raised in the complaint.

In accordance with Section 302 of OCR's *Case Processing Manual*, the provisions of the Agreement signed by the District are aligned with the complaint allegation and the information obtained during OCR's processing of this case, and consistent with the applicable regulations.

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

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 allegation. 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 harmed individual may file a complaint alleging such treatment.

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 [X-words redacted-X], the Equal Opportunity Specialist assigned to this complaint, at (303) 844-XXXX, or by email at [X-words redacted-X]@ed.gov. You also may contact me at (303) 844-6086.

Sincerely,

/s/

Michael D. Todd
Supervisory Attorney

Enclosure: Signed Resolution Agreement
cc (w/o enclosures, via email only): Katy Anthes, Commissioner of Education
Georgia L. Montoya, Deputy General Counsel