



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

July 15, 2021

XXXXXXXXXX  
XXXXXXXXXX  
714 24 1/2 Road,  
Grand Junction, CO 81505

*By email only to XXXXXXXXXXXXXXX*

Re: OCR Complaint No. 08-21-1091  
Caprock Academy

Dear XXXXXXX:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has resolved the above-referenced complaint. On January 27, 2021, OCR received a complaint against Caprock Academy (Academy or Recipient). The Complainant alleged that the Academy discriminated against her son (Student) on the basis of disability. Specifically, the Complainant alleged that the Academy failed to implement the accommodations in the Student's Section 504 Plan when it did not provide the Student hard copies of notes.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Additionally, individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II are protected from intimidation or retaliation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e), and 28 C.F.R. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II. Additional information about the laws OCR enforces is available on OCR's website at <http://www.ed.gov/ocr>.

On June 23, 2021, OCR opened an investigation into the above allegations. As part of its investigation, OCR reviewed information provided by the Complainant and the Academy. OCR conducted a preliminary interview with the Complainant, and reviewed written data provided by the Academy.

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

OCR's review indicates that the Student was enrolled at the Academy during the 2020-2021 school year. The Student is a qualified individual with a disability and required a Section 504 plan. The Complainant alleges that the Academy failed to implement Student's Section 504 Plan when it did not provide hard copy noted to the Student during his 2020-2021 Science class. During its investigation, OCR learned that the teacher in question placed notes on a table in class where students could gather them at their convenience but did not keep records of which students took the notes. Accordingly, OCR developed a concern as to whether the Student actually received class notes as required by his Section 504 Plan.

Before OCR completed its investigation, the Academy requested to voluntarily resolve the allegations under investigation pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), which provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. Although OCR had identified concerns regarding the issue under investigation, OCR had not yet reached a full compliance determination. On July 12, 2021, OCR determined that a resolution under CPM Section 302 was appropriate.

On July 15, 2021, the Academy voluntarily signed and submitted to OCR a Resolution Agreement (Agreement) to resolve the issue under investigation. A copy of the Agreement is enclosed. OCR determined that the provisions of the Agreement are aligned with the allegations under investigation and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that the Academy fulfill its obligations under Section 504 and Title II with respect to the allegations under investigation. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the Academy's implementation of the Agreement.

Effective the date of this letter, OCR concludes its investigation of the above referenced allegation. This letter should not be interpreted to address any issues other than those addressed therein.

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.

Please be advised that a recipient 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, an individual may file another 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. In the event OCR receives such a request, OCR will seek to protect to the extent provided by law personal information that if released, could constitute an unwarranted invasion of privacy. Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law.

Page 3 – OCR Reference No. 08-21-1091 XXXXXXXXXX

If you have any questions, please contact XXXXXXXX, the OCR investigator assigned to this complaint, at XXXXXXXX or XXXXXXXX.

Sincerely,

/s/