



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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July 15, 2021

Ms. Tracy Dorland, Superintendent  
Jefferson County School District  
1829 Denver West Drive #27  
Golden, Colorado 80401

*via email only to XXXX@XXXX*

Re: **Jefferson County School District**  
OCR Case 08-21-1231

Dear Superintendent Dorland:

We write to inform you of the resolution of the above-referenced complaint, filed on April 29, 2021, against Jefferson County School District ("District"), alleging discrimination based on disability. Specifically, the Complainant alleged that the District, during the 2020-2021 school year (SY): (a) discriminated against the Complainant's son ("Student") based on disability by denying him a free appropriate public education (FAPE); and (b) retaliated against the Complainant in response to her advocacy for the Student's disability-related rights.

The Office for Civil Rights (OCR) of the U.S. Department of Education ("Department") is responsible for enforcing: Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination based on disability in any program or activity operated by recipients of federal funds from the Department; and Title II of the Americans with Disabilities Act of 1990 ("Title II"), and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination based on disability by public entities, regardless of whether they receive federal financial assistance. As a recipient of federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

We determined that OCR has the authority to investigate the allegations consistent with our complaint procedures and applicable laws. On May 19, 2021, we notified the District that OCR was opening investigations of the allegations and we sent the District a data request. Prior to the data response deadline, the District expressed an interest in taking voluntary action to resolve the Complainant's allegations.

OCR had obtained the following facts prior to conducting a full investigation and negotiating the resolution agreement ("Agreement") in this case:

- On or about August 28, 2020, the fifth day of the 2020-2021 SY, the District either filed a truancy report against the Complainant and the Student or contacted Jefferson County Human Services to report that the Complainant had declined to enroll the Student in school.
- On or about September 3, 2020, the Student's doctor submitted a statement for the District in which the doctor recommended that the Student receive homebound services due to the Student's medical issues and COVID-19.

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

- On or about September 18, 2020, the Student's Individualized Education Program (IEP) team met and changed the Student's placement to homebound or agreed to provide homebound services for the Student.
- In October 2020, the District's Chief Student Success Officer ("Officer") put homebound services on hold.
- On November 4, 2020, the Officer wrote, "... I fully intend to ensure that any services missed will be made up. Our goal is not to keep [the Student] from services, but rather to ensure we have a good working plan that serves [the Student] and protects our folks from frivolous claims."
- On November 6, 2020, the Officer wrote, "Again, the reason [homebound] was put on hold was because of the behavior [the Complainant] was exhibiting and my commitment to keep my team safe. This is not a stretch, but based on our extensive experience with [the Complainant]."
- On January 11, 2021, the Student received 90 minutes of homebound services. The Complainant alleges that the homebound services provided on January 11, 2021 were the only homebound services the Student received during the 2020-2021 SY.
- On January 13, 2021, the Officer wrote to the Complainant, "I am in receipt of your text message from last night and I understand that you are no longer comfortable with having [the Student]'s homebound sessions recorded. If you recall, I offered you three options for serving [the Student], including: Recording the sessions; Having an additional staff member present for sessions; Serving [the Student] separately (in a separate classroom with no other students) at a neighborhood school that was convenient for you[.]" Additionally, the Officer wrote, "If you would like to revisit one of the other above options, we are happy to accommodate that. I've also said several times but want to reiterate that we will absolutely make up any services that were missed." Finally, the Officer wrote, "Unfortunately, I will put the teacher on hold again until we have a plan for moving forward."

Section 302 of OCR's *Case Processing Manual* (CPM) reads, "Allegations under investigation may be resolved at any time when, prior to the point when OCR issues a draft letter of findings under CPM Section 303(b), 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 concerns that can be addressed through a resolution agreement." We determined that, pursuant to CPM Section 302, resolving the allegations with an Agreement, without conducting any further investigation, was appropriate.

On June 9, 2021, we sent the District a proposed Agreement with three terms that are tied to the allegations and evidence OCR obtained to date, and that are consistent with applicable regulations. The District sent OCR a fully executed Agreement on July 15, 2021. Attached is a copy of the signed Agreement.

When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Section 504 and Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through reports from the District demonstrating that the terms of the Agreement have been fulfilled. OCR will promptly provide written notice of any deficiencies with respect to the implementation of the Agreement terms and will promptly require actions to address such deficiencies. The Complainant will be copied on OCR's monitoring letters. If the District fails to implement the Agreement, OCR will take appropriate action, which may include enforcement actions.

This concludes OCR's investigation of the allegations and should not be interpreted to address the District's compliance with any law or regulatory provision, or to address any issues other than those addressed in this letter.

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

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 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. If 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 the District's prompt attention to this matter and cooperation. If you have any questions or concerns, you may contact the attorney assigned to this case: Jason Langberg (XXX-XXX-XXXX or XXXX@XXXX).

Sincerely,

/s/

Angela Martinez-Gonzalez  
Supervisory General Attorney

Attachment: Resolution Agreement

cc (via email): Susan Leach, Chief Student Success Officer (XXXX@XXXX)  
Alyssa Burghardt, District Associate Legal Counsel (XXXX@XXXX)  
Katy Anthes, Colorado Commissioner of Education (XXXX@XXXX)