



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII

ARIZONA  
COLORADO  
NEW MEXICO  
UTAH  
WYOMING

August 17, 2021

Superintendent Curt Wilson  
North Conejos School District RE 1-J  
17890 US Hwy 285  
La Jara, CO 81140

*By email only to XXX@northconejos.com*

Re: OCR Complaint No. 08-21-1239  
North Conejos School District RE 1-J

Dear Superintendent Wilson:

On May 4, 2021, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint against the North Conejos School District (District). The Complainant alleges that the District discriminated against his son (Student) on the basis of disability. Specifically, the Complainant alleges that, after the District received notice that the Student required special education or related services because of his disability, the District failed to conduct an evaluation and determine a placement for the Student.

OCR 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 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 (Title II), 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.

In the initial stage of investigating this case, OCR interviewed the Complainant and reviewed information provided by the Complainant. On June 4, 2021, OCR formally notified the District that OCR was opening an investigation into the allegations and requested information and records. In reviewing information from the Complainant and the District, OCR learned the following:

- The Student, a XXX grader during the 2020-21 school year, has been enrolled in the District for his entire academic career. In the Spring of 2020, when in the XXX grade, the Student was medically diagnosed with XXX XXX, a XXX XXX. Additionally, X—phrase redacted—X; however, notwithstanding many additional appointments and tests, the condition remains undiagnosed.

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

- After learning of the Student's medical diagnosis, the Student's XXX grade teachers accommodated the Student's request for a reduced workload in connection with his medical needs. The Student's doctor suggested that the Student's parents formally request the reduced workload for the Student as an accommodation through a 504 plan.
- Between September of 2020 and May of 2021, the Student's parents made multiple requests to District staff for a 504 plan for the Student.
- The District convened multiple meetings in the spring of 2021 to discuss the Student's educational needs. Following these meetings, the District developed a document titled "Response to Intervention (RTI) Plan" with an implementation date of March 1, 2021. The plan discusses the student's needs in connection with his medical conditions and contains a section titled "Accommodations and Modifications." Within this section, the plan explains that the Student would be provided extended time on all assignments when he is relapsing as well as the opportunity to opt-out of nonessential assignments and classes as needed. The plan also contains a section titled "Interventions." Within this section, the plan provides that the Student will receive play time for every two missing assignments he turns in, receive unlimited bathroom breaks, be encouraged to use the restroom at the beginning or end of each period, be encouraged to drink water, participate in remote learning during periods of relapse, be exempted from physical education, and be seated away from recently ill students.
- OCR reviewed the District's policies and procedures published on the District's website. The published policies do not provide for evaluation and placement procedures for students with disabilities under Section 504.

Prior to OCR completing its investigation, the District expressed an interest in resolving the allegations. Based on the information and records provided by the Complainant, OCR determined that it was appropriate, pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), to resolve the allegations through a resolution agreement (Agreement) without completing the investigation. On July 19, 2021, OCR sent the District a proposed Agreement. The District sent OCR a fully executed Agreement on August 2, 2021. A copy of the signed Agreement is enclosed.

When the Agreement is fully implemented, the above-listed allegations will be resolved consistent with the requirements of Section 504 and Title II. OCR will monitor implementation of the Agreement through periodic 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 terms of the Agreement and will require actions to address such deficiencies. If the District fails to implement the Agreement, OCR will take appropriate action, which may include enforcement actions.

OCR is closing the investigative phase of the case effective the date of this letter. The case is now in the monitoring phase. The monitoring phase of the case will be completed when OCR determines that the District has fulfilled all of the terms of the Agreement. When the monitoring phase of the case is complete, OCR will close case number 08-21-1239 and will send a letter to the Complainant and the District stating that the case is closed.

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.

Recipients of federal funds are prohibited from intimidating, harassing, or retaliating against individuals filing a complaint with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Please note 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. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, you may contact XXX XXX, the attorney assigned to this case at XXX or at XXX.

Sincerely,

/s/  
Thomas M. Rock.  
Supervisory Attorney

Enclosure – Resolution Agreement

Cc: Attorney Kristin C. Edgar  
Caplan & Earnest LLC  
*By email only to XXX*

Honorable Katy Anthes, Ph.D.  
Colorado Commissioner of Education  
*By email only to [commissioner@cde.state.co.us](mailto:commissioner@cde.state.co.us)*