



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VIII  
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WYOMING

September 10, 2021

Mr. Corey Wise, Superintendent  
Douglas County Public Schools  
620 Wilcox Street  
Castle Rock, Colorado 80104

*via email only to XXXX@XXXX*

Re: **Douglas County School District**  
OCR Case 08-21-1300

Dear Superintendent Wise:

We write to inform you of the resolution of the above-referenced complaint, filed on June 14, 2021, against Douglas County School District ("District") and American Academy – Lincoln Meadows ("School"), collectively "Recipients," alleging discrimination based on disability. Specifically, the Complainant alleged that the School failed to: (a) properly respond to peer harassment of her daughter ("Student"); and (b) implement the Student's individualized education program (IEP), thereby denying the Student a free appropriate public education (FAPE).<sup>1</sup>

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 prohibits discrimination based on disability in any program or activity operated by recipients of federal funds; and Title II of the Americans with Disabilities Act of 1990 ("Title II"), and its implementing regulation, at 28 C.F.R. Part 35. As recipients of federal financial assistance from the Department and public entities, the Recipients are subject to these laws and regulations.

OCR opened an investigation of the allegations and sent the Recipients a data request on June 28, 2021. On July 23, 2021, before the data response was due, the School expressed an interest in taking voluntary action to resolve the Complainant's allegations. We determined that it was appropriate, pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), to resolve the allegations with an agreement without completing a full investigation. On August 5, 2021, OCR sent the Recipients a proposed Resolution Agreement ("Agreement"). The Recipients sent OCR a fully executed Agreement on September 9, 2021. Enclosed 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, Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports from the School demonstrating that the

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<sup>1</sup> Specifically, the Complainant alleged that School staff have not: (a) gone through the Student's desk; (b) provided the Student with the accommodations; or (c) monitored the Student's progress.

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 require actions to address such deficiencies. The District and Complainant will be sent a copy of OCR's monitoring letters. If the Recipients fail to implement the Agreement, we 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 Recipients' compliance with any law or regulatory provision, or to address any issues other than those addressed in this letter.

Please note that the Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Recipients may not harass, coerce, intimidate, or discriminate against any individual because he, she, or they 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. In the event that 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 prompt attention to this matter, and for the assistance of the School's attorney. If you have any questions or concerns, you may contact Jason Langberg, the attorney assigned to this case, at (XXX) XXX-XXXX or XXXX@XXXX.

Sincerely,

/s/

Angela Martinez-Gonzalez  
Supervisory General Attorney

Attachment: Resolution Agreement

cc (via email): Laurie Neil, Middle School Principal  
Sarah Cannon, Director of Personalized Learning  
Wendy Jacobs, Attorney for the District  
Mary Gray, Attorney for the School  
Katy Anthes, Colorado Commissioner of Education