



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

March 4, 2016

(b)(6); (b)(7)(C)

Re: Adams Public School District 12
Case Number: 08-16-1167

Dear (b)(6); (b)(7)(C)

On February 5, 2016, we received your complaint of discrimination concerning your son, a student with a disability.

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; and 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.

Our review of the correspondence you submitted to OCR, and for which we initially determined constituted a complaint, showed that the correspondence is actually a District 504 discrimination complaint form. The form is dated February 1, 2016 and under the "Complaint is" field you state you had been denied a 504 plan "review;" the informal plan in place was not being followed; and when you pushed for a meeting you were yelled at, your son was attacked, and you would have to find a new school.

Pursuant to Section 110(a) of our Case Processing Manual, we will dismiss a complaint when we learn that the same allegations have been filed against the same recipient with another Federal, state, or local agency, or through a recipient's internal grievance procedures, including due process proceedings, and we anticipate that there will be a comparable resolution process under comparable legal standards (*i.e.*, all allegations will be investigated, appropriate legal standards will be applied, the same remedies are available to you, and remedies secured will meet our standards). Because the correspondence is merely a courtesy copy of a complaint you filed with the District, we anticipate that you will receive a comparable resolution process under comparable legal standard. We are therefore dismissing your complaint effective the date of this letter.

You may re-file your complaint within 60 days of the completion of the District's action. Generally, we will not conduct our own investigation; instead, we review the results of the other

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entity's determination and determine whether it provided a comparable process and met appropriate legal standards.

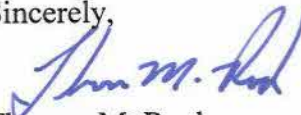
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. You may 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 OCR receives such a request, we will seek to protect, to the extent provided by law, any unwarranted invasion of privacy.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law.

If you have any questions, you may contact Mr. Daniel Kowalski, the Equal Opportunity Specialist assigned to this case at (303) 844-4537, or me at (303) 844-5927.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas M. Rock".

Thomas M. Rock
Supervisory General Attorney

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Withheld pursuant to exemption

(b)(6); (b)(7)(C)

of the Freedom of Information and Privacy Act

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WYOMING

May 16, 2016

(b)(6); (b)(7)(C)

Re: **Adams 12 Five Star Schools**
OCR Case Number **08-16-1256**

Dear

(b)(6); (b)(7)(C)

On March 28, 2016, we received the above-referenced complaint of retaliation against Adams 12 Five Star Schools. The Complainant alleged the District discriminated against her son based on disability. Specifically, she alleged the District discriminated by failing to follow appropriate evaluation and placement procedures for her son (the Student) to address his disability during the 2015-2016 school year. Further, the Complainant alleged that staff at Stargate Charter School retaliated against her and the Student after she complained about the need for a Section 504 plan for the Student, including, but not limited to, inappropriately confronting the Complainant, and by calling the Student names.

We are 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 U.S. Department of Education; and 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. 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. § 35.134, respectively.

We explained to you and the District that the parties may voluntarily agree to resolve the allegations that OCR accepted for resolution through an Early Complaint Resolution Process (ECR). Both parties were willing to proceed with this process. We met with the parties on May 16, 2016, to facilitate this process and both parties reached an agreement resolving the allegations that OCR accepted for resolution. Accordingly, OCR is closing this case effective the date of this letter.

Pursuant to OCR's Case Resolution Manual, OCR will not monitor the agreement between you and the District, but, if a breach occurs, you have the right to file another complaint. If a new complaint is filed, OCR will not address the alleged breach of the agreement. Instead, OCR's Office Director, in consultation with the Enforcement Director, will determine whether to investigate the original allegation. When making this determination, the Office Director will consider the nature of the alleged breach, its relation to any alleged discrimination and any other factors as appropriate. To be considered timely, the new complaint must be filed either within 180 days of the date of the original discrimination or within 60 days of the date you obtain information that a breach occurred, whichever date is later.

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

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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 we receive 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.

Individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II 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. § 35.134, respectively.

We appreciate you bringing this matter to our attention. If you have questions, please contact Thomas M. Rock, Supervisory General Attorney, at 303-844-5927, or me at 303-844-4488.

Sincerely,

A handwritten signature in cursive script that reads "Andrew Ramsey". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

ECR Facilitator

cc: Jack Robinson, Esq.
Spies, Powers & Robinson, P.C.
1660 Lincoln Street, Suite 2220
Denver, Colorado 80264

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2016 MAR 29 AM 8:24

08-16-1256

(b)(6); (b)(7)(C)

Mr. Daniel Kowalski
Equal Opportunity Specialist
OCR Case 08-16-1167
1244 Spear Blvd STE310
Denver, CO 80201

Dear Mr. Daniel Kowalski:

I am contacting you to re-file my complaint # 08-16-1167. I have spoken with (b)(6); (b)(7)(C) at CDE who encouraged me to renew the complaint with additional details not included in the original documents, specifically retaliation by the staff of Stargate School against my 9 year old son. A detailed list of events is enclosed.

Presently, my son is at home. The Superintendent's office of Adams 12 has moved the complaint to the District 12 office, who gave the complaint to the Star Gate Governance Board who in turn found themselves free of any harm. After creating the 504 plan (inc) my son returned to school. The first day he was made to go without eating. The second I received no less than 16 emails from the school reporting any manner of behavior, had my son suspended after being assaulted by another child and acting in self-defense and then had the school refuse to release him to my care, and when I went to get him from the office, the Principal demanded that I "listen to him" despite my request that we meet at a time when I had someone with me (he has verbally attacked me twice in the past), and then had him chase me to my car. My son is not safe at the school.

The neighborhood school is unable to meet his twice exceptional needs, which was why we placed him at a gifted school that ensured us that they were the best choice. All schools in our area, including online public options, have closed their enrollments for the year. Requests for extension of deadlines so that we might find a school for him have been declined. Requests for Homebound services were declined because the Superintendent's office stated my son was "not disabled enough."

