



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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December 6, 2013

Ms. Sue Holmes  
Superintendent  
Cripple Creek-Victor School District  
410 North B Street  
Cripple Creek, CO 80813

Re: Cripple Creek-Victor School District  
OCR Case Number: 08-13-1063

Dear Superintendent Holmes:

We are notifying you of the resolution of this case. On December 17, 2012, we received a complaint alleging Cripple Creek-Victor School District (District) discriminated against her client's son (the Student) on the basis of disability.

Specifically, the complainant alleges the District:

- Failed to provide a free appropriate public education for the Student when it did not pay for a visual tracking evaluation and assistive technology;
- Failed to implement the Student's Individual Education Plan regarding use of homework folders from the start of school year 2012-13 through October 18, 2012; and
- Subjected the Student to harassment based on disability when teachers and staff called the Student XXXX and prevented the Student from completing the STEP-UP program.

We initiated an investigation under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 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 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.

Before the completion of the investigation in this complaint, the District indicated its willingness to voluntarily take steps needed to ensure its compliance with Title VI, and its implementing regulation. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint can be resolved when, before the conclusion of an investigation, a recipient agrees to resolve the allegations and OCR has determined that the case is appropriate for resolution during the investigation and has been approved by the Office Director or his designee. OCR determined that this case is appropriate for a 302 Agreement, and the District has voluntarily entered into this Agreement. The provisions of the Agreement are aligned with the allegations raised in the complaint, and are consistent with the applicable regulations.

We will monitor the District's implementation of the Agreement until all provisions have been satisfied. Included here is a copy of the Agreement. We will also keep you and the complainant apprised of monitoring activities related to this case.

OCR routinely advises recipients of Federal funds that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints 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. Additionally, complainants may have a 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. If OCR receives such a request, we will protect personal information to the extent provided by law.

This concludes our investigation of this complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. Accordingly, we are closing the investigation of this complaint effective the date of this letter. We will continue to monitor the District's compliance with the Agreement until all the terms are satisfied.

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.

If you have any questions regarding this letter, please feel free to contact XXX, the attorney assigned to this case at XXX or by email at XXX. I can also be reached at 303-844-6086.

Sincerely,

/s/

Angela Martinez-Gonzalez  
Supervising General Attorney

cc (w/o enclosures): Commissioner Robert Hammond