



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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December 11, 2014

Dr. Jacob A. Chavez
Superintendent
Cartwright Elementary School District
3401 N. 67th Ave
Phoenix, Arizona 85033

Re: Cartwright Elementary School District
Case Numbers: 08-14-1203 & 08-14-1239

Dear Superintendent Chavez:

This is to advise you of the resolution of the above-referenced complaints that were filed with our office where the Complainant alleges Cartwright Elementary School District discriminated against individuals with disabilities (mobility impairment). Specifically, the Complainant alleges the playgrounds and outdoor seating areas at Frank G. Davidson Elementary School and Starlight Park Elementary School are not accessible to students with mobility impairments. The Complainant also alleges that the designated accessible parking spaces at Frank G. Davidson Elementary School are not located on the shortest accessible route. The Complainant further alleges that the baseball fields, soccer fields, and outdoor seating areas at Estrella Middle School and Starlight Park Elementary School are not accessible to students with mobility impairments.

We began investigating these complaints pursuant to Section 504 of the Rehabilitation Act of 1973, 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 or 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 in programs or activities of a public entity. The District receives Federal financial assistance from the Department and is a public entity, and is therefore subject to these laws and regulations.

During the course of processing these complaints, the District indicated its desire to voluntarily enter into an agreement to resolve the allegations pursuant to Section 302 of the *Case Processing Manual*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation of both complaints.

We have received the signed Resolution Agreement, which is enclosed. 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 demonstrating the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, as described in the Agreement. We will provide the Complainant with a copy of formal correspondence we issue to the District during the monitoring.

We thank the District for voluntarily entering into an Agreement to resolve the allegations raised in these complaints. This concludes OCR's investigation of these complaints and should not be interpreted to

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address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. These cases are now in the monitoring phase. The monitoring phase of these cases will be completed when OCR determines that the District has fulfilled all of the terms of the Agreement. When the monitoring phase of these cases is complete, OCR will close Case Numbers 08-14-1203 and 08-14-1239 and will send a letter to the District, copied to the Complainant, stating that these cases are closed.

This letter sets forth OCR's determination in an individual OCR cases. 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.

Please be advised that 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 Complainant may file another complaint alleging such treatment. In addition, 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.

We thank you for the courtesy and cooperation you extended to us during the processing of this case. If you have any questions regarding this matter, please feel free to contact Rachel Phillips-Cox, the Equal Opportunity Specialist and the primary contact for this case, at 303-844-4559, or by email at Rachel.phillips-cox@ed.gov.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure

Cc: Mr. John Huppenthal
Superintendent of Public Instruction