



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

July 17, 2015

Andrew L. Rogers, EdD
Superintendent
Liberty Elementary School District
19871 West Fremont Road
Buckeye, Arizona 85326

Re: Liberty Elementary School District
Case Number: 08-15-1079

Dear Superintendent Rogers:

On December 22, 2014, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint alleging Liberty Elementary School District (District) discriminated against the Complainant's son (Student) on the basis of disability. Specifically, the Complainant alleged that the District failed to evaluate the Student for special education services after she made several requests since 2012.

We began investigating the complaint 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 this complaint, the District indicated its desire to voluntarily enter into an agreement to resolve the allegation and additional compliance concerns 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.

On July 16, 2015, we received the signed Resolution Agreement (Agreement), which is enclosed. When the Agreement is fully implemented, the allegation and compliance concerns 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 a copy of each piece of formal correspondence we issue to the District during the monitoring. We thank the District for voluntarily entering into an Agreement to resolve the issues raised in this complaint. This concludes OCR's investigation of the 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. 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 08-15-1079 and will send a letter to the District stating that the case is closed.

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 individual may file another complaint alleging such treatment.

Please also note the Complainant has 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.

Thank you for the courtesy and cooperation you and your staff extended to us during the investigation of this case. If you have any questions, please contact xxxxxx, Equal Opportunity Specialist, at (xxx) xxxxx. I can be reached at (303) 844-4506.

Sincerely,

/ s /

Thomas E. Ciapusci
Supervisory Team Leader

Enclosure – Resolution Agreement

cc (without enclosure): Diana Douglas, Superintendent of Public Instruction

(with enclosure): Kristena Vanica, Assistant Superintendent Educational Services