



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII
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August 20 2015

Ms. Jackie Holiday
Acting Superintendent
Kayenta Unified School District
P.O. Box 337
Kayenta, AZ 86033-0337

Re: Kayenta Unified School District
OCR Case Number: 08-15-1220

Dear Ms. Holiday:

On July 7, 2015, we opened for investigation a complaint to investigate whether the District provides notice of its disability discrimination Compliance Officer.

We initiated an investigation under the authority of Section 504 and its implementing regulation, at 34 C.F.R. Part 104, 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 that receive Federal financial assistance from the Department and, respectively, public entities. As a recipient of Federal financial assistance and a public entity, the District is subject to these laws and regulations.

On July 14, 2015, the District expressed a willingness to resolve the complaint. Pursuant to Section 302 of OCR's *Case Processing Manual*, resolution options were discussed with the District. The District has entered into the enclosed Agreement which, when fully implemented, will resolve the concerns raised by the complaint. The provisions of the agreement are aligned with the issue raised in the complaint and are consistent with the applicable regulations. We note that the District's current grievance procedures are also being used to address discrimination complaint based on race, sex, and age. Please note that the grievance procedures must therefore also meet the standards required by Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and the Age Discrimination Act of 1975. If the District intends to use its revised grievance procedures to address allegations of sex discrimination, including sexual harassment and sexual violence, additional revisions from those noted above must be made in order to meet the Agreement's requirements. Please review information in our reading room at <http://www2.ed.gov/about/offices/list/ocr/publications.html#TitleIX>.

We will monitor the District's implementation of the Agreement until all provisions have been satisfied. We will also keep the Complainant apprised of monitoring activities related to this case.

This concludes our investigation of this complaint. We will continue to monitor the District's compliance with the Agreement until all the terms are satisfied. This letter addresses only the

issue listed above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504 or Title II or any other federal law in any other respect. Accordingly, we are closing the investigation of this complaint effective the date of this letter.

OCR routinely advises recipients of Federal funds and public educational entities 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, the Complainant has 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.

Thank you for your cooperation and the District's attention to this matter. If you have any questions regarding this letter, please feel free to contact Heidi Kutcher, Attorney Advisor assigned to this case at (303) 844-4572 or by email at heidi.kutcher@ed.gov. I can also be reached at (303) 844-6083.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosures – Copy of Resolution Agreement

cc: Patrice M. Hostman, Attorney for District

Superintendent Diane Douglas, AZ Department of Education