



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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April 7, 2015

Dr. Denton Santarelli - Superintendent
Peoria Unified School District
6330 Thunderbird Road
Glendale, Arizona 85306

Re: Peoria Unified School District
Case Number: 08-15-1031

Dear Superintendent Santarelli,

On October 22, 2014, we received a complaint alleging the Peoria Unified School District (District) discriminated on the basis of disability, and we notified you on November 18, 2014, that we were opening that complaint for investigation. Specifically, we opened for investigation allegations that the District discriminated by:

1. Denying the Student a free appropriate public education (FAPE) by failing to implement his Individualized Education Plan (IEP), including failing to provide: X – individual allegations redacted X; and
4. Utilizing District Board Policy JK-EB in a manner that denies students with disabilities appropriate procedural safeguards.

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. 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. As a recipient of Federal financial assistance and a public entity, the District is subject to these laws and regulations.

During an Early Complaint Resolution (ECR) meeting, the District and the Complainant reached

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an agreement to resolve the first three issues. The ECR agreement did not address, however, the systemic issue identified in the fourth allegation. After the completion of the ECR meeting, the District expressed an interest in voluntarily resolving this issue. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint and the OCR Office Director believes that doing so is appropriate, so long as the remedies align with the allegations. On April 7, 2015, a representative for the District signed the enclosed Agreement which, when fully implemented, will resolve the systemic issue identified in OCR's notification letter and not resolved in the ECR agreement. The provisions of the agreement are aligned with the systemic issue raised in the notification letter and are consistent with the applicable regulations.

We will monitor the District's implementation of the 302 Resolution Agreement until all provisions have been satisfied. We will promptly provide written notice of any deficiencies with respect to 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, which may include enforcement actions, as described in the Agreement. We will also keep the Complainant apprised of monitoring activities related to this case.

This concludes our investigation of this complaint. This letter addresses only the issues listed above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504, 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. The Complainant 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 XX XX, the attorney assigned to this case, at 303-844-XXXX or by email at XXXX@ed.gov. I can also be reached at (303) 844-6083.

Sincerely,

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure – Copy of Resolution Agreement

cc (w/o enclosures): Steve Savoy, District Administrator

Diane Douglas, Arizona Department of Education's Superintendent for
Public Instruction