



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

October 24, 2016

Dr. Christina M. Kishimoto
Superintendent
Gilbert Public Schools
140 S. Gilbert Rd.
Gilbert, AZ 85296

Re: Gilbert Public Schools
OCR Case Number: 08-16-1322

Dear Dr. Kishimoto:

On September 1, 2016, we accepted for investigation a complaint alleging that Gilbert Public Schools is not implementing the Student's Individualized Education Program (IEP) at Desert Ridge High School regarding oral examination in math and English classes and extended time on assignments in Chemistry class. The Complainant also alleged that the District failed to adequately respond to the Complainant's January 21, 2016 complaint of disability discrimination regarding different treatment by the Student's Chemistry teacher in the stamping of his notebook.

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

During the investigation, and before we received the District's data response or conducted interviews, 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 that the Complainant raised in the complaint. The provisions of the agreement are aligned with the issues raised in the complaint and are consistent with the applicable regulations. The agreement requires the District to revise its Section 504 and Title II grievance procedures and notice of its compliance officer; provide training to staff on the requirements for implementing students' educational plans, investigate the Complainant's internal grievance, meet to determine if the Student should receive compensatory services, and ensure the implementation of students' educational plans at the high school.

We will monitor the District's implementation of the Agreement until all provisions have been satisfied. We will keep you 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 issues listed above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504 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, complainants 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.

We thank you for the District's cooperation in this matter, and the assistance of Erin Walz. 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.

Sincerely,

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure – Copy of Resolution Agreement

Cc: Erin Walz, Counsel for the District

Diane Douglas, Arizona Superintendent of Public Instruction