



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

June 27, 2017

Mr. Anthony Sudweeks, Co-Director  
Mr. Adam Gerlach, Co-Director  
Wallace Stegner Charter School  
980 South Bending River Rd.  
Salt Lake City, UT 84104

Re: Wallace Stegner Charter School  
OCR Case Number: 08-17-1147

Dear Directors Sudweeks and Gerlach:

On March 14, 2017, we accepted for investigation a complaint alleging that Wallace Stegner Charter School (School) discriminated on the basis of disability and national origin. Specifically, the complaint alleged that the School: did not have a system in place to identify students with disabilities, otherwise known as Child Find; did not provide specially designed instruction to students with disabilities who require special education services; and did not provide English language learner students with language-based support.

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;
- 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; and
- Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education.

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

During the investigation, before we conducted interviews and obtained sufficient evidence to support findings, the School expressed a willingness to resolve the complaint. Pursuant to Section 302 of OCR's *Case Processing Manual*, resolution options were discussed with the School. To date, OCR has investigated this complaint by reviewing preliminary information provided by the School in response to our data request. To complete our investigation of the

complainant's allegations and prior to making a compliance determination, OCR requires further information from the School, in the form of additional witness interviews, and additional documents and records. The School has indicated an interest in resolving the matter voluntarily, which will appropriately address the issues and allegations raised by the complaint, and will expedite services to students. We have, therefore, determined that the matter is appropriate for resolution pursuant to Section 302 of the *CPM*.

The School has entered into the enclosed Agreement which, when fully implemented, will resolve the concerns in the complaint.

Prior to resolving the allegations through the Agreement, OCR reviewed data submitted by the School. During the review we learned that although the School had policies and procedures in place to identify students with disabilities who need or may need services through a Section 504 Plan or IEP, the School did not have a physical therapist, social worker, or nurse as part of their evaluation team. As a result, it was not clear how the School would evaluate students who needed or may need physical therapy, social work, or nursing services. Additionally, none of the service plan summaries we reviewed provided for physical therapy, social work, or nursing services. It was not clear if that was because the School was not able to evaluate for the need of those services and provide the services, or if it was because the current students under an individual service plan do not need those services.

OCR's review also found that while the School had policies and procedures in place on the implementation of Section 504 plans and IEPs, it employed a single special education teacher for students from kindergarten through 8<sup>th</sup> grade and the service delivery model was either through pushing-in services into the general education classroom or pulling students out of the general education classroom to provide services in a small group. As a result, it was not clear how the School would provide services to qualified students that needed a different service delivery model. It was also not clear how the School, with a single special education teacher for nine grade levels, could provide services to students who needed services every day, for the entire day, or the majority of the day. Most of the service plan summaries we reviewed provided eligible students with 225 minutes per week of math and/or English supports. It was not clear if that was indeed the amount of services those students needed or if it was due to the availability of a single special education teacher.

Finally, OCR found that the School's policies and procedures on English language based supports did not specify how students in need of language based supports would be identified, specifically how those students' needs would be assessed, and how those students' progress would be measured while in the program and after exiting. Additionally, the School's policies and procedures did not identify a recognizable English language support program, how the School will ensure that students in the program receive appropriate instructional services, how the School will ensure appropriate staffing and materials for the program, and how the School will measure the overall success of the program. Based on this initial information, it was not clear how the School is providing English language learner students with language-based support services.

We will monitor the School'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 School'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 School's compliance or noncompliance with Section 504, Title II, Title VI 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 School's cooperation in this matter. If you have any questions regarding this letter, please feel free to contact XX and the primary contact for this case at XX or by email at XX.

Sincerely,

/s/

Angela Martinez-Gonzalez  
Supervisory General Attorney

Enclosure – Copy of Resolution Agreement

cc: Sydnee Dickson, Utah Superintendent of Public Instruction