



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII

ARIZONA
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June 20, 2017

Dr. A. Denise Birdwell
Interim Superintendent
Scottsdale Unified School District
7575 East Main Street
Scottsdale, Arizona 85251

Re: Scottsdale Unified School District
Case Number: 08-17-1182

Dear Dr. Birdwell:

On February 9, 2017, the Office for Civil Rights received a complaint of discrimination filed against the Scottsdale Unified School District (District). The Complainant alleged that the District discriminated against her son (the Student) on the basis of disability by failing to implement provisions of his Individualized Education Program (IEP) since January 2017.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

During the processing of this complaint, OCR reviewed the Student's IEP that was in place during the 2016-2017 school year and correspondence between the Complainant and the District. OCR also spoke with the Complainant and District representatives. OCR's investigation was focused on establishing whether the District failed to provide required transportation services for the Student and if the student was denied access to a free appropriate public education. On April 27, 2017, the District informed OCR that it wished to resolve the complaint allegations. At that time, prior to OCR making any findings of fact, the District agreed to sign an Agreement which, when fully implemented, will address the issues raised in the complaint.

In accordance with Section 302 of the CPM, the provisions of the Agreement signed by the District on June 7, 2017 are aligned with the complaint allegations and the information obtained during OCR's processing of this case, and consistent with the applicable regulations. Therefore, OCR is closing this complaint investigation effective the date of this letter. OCR, however, will actively monitor the District's implementation of the Agreement until the District fulfills the terms of the agreement and is in compliance with the statutes and regulations at issue in this case. If the District fails to implement the Agreement as specified, OCR may initiate administrative or judicial proceedings as described in the Agreement or resume its investigation of the initial allegations. A copy of the Agreement is enclosed.

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 Complainant may file another complaint alleging such treatment. In addition, you may have 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. If OCR receives such a request, we will protect personal information to the extent provided by law.

If you have any questions, you may contact Allison Morris, the attorney assigned to this case, at XXX or by email at XXX.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement
cc (without enclosure): Diane Douglas, State Superintendent of Public Instruction