



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 31, 2017

Dr. James R. Veitenheimer, Superintendent
Deer Valley Unified School District
7000 Happy Valley Road
Peoria, Arizona 85383

Re: **Deer Valley Unified School District**
Case No. 08-17-1243

Dear Dr. Veitenheimer:

On March 13, 2017, we received a complaint alleging Deer Valley Unified School District, through Terramar Elementary School, discriminated on the basis of disability. Specifically, the Complainant alleges that the District failed to provide the Student a free, appropriate, public education (FAPE) when it failed to implement the following specific components of the Student's Individualized Education Programs (IEPs) dated approximately January 28, 2016, and January 11, 2017: (1) provide notes of key ideas; (2) ensure that the Student's backpack weight did not exceed five (5) pounds; (3) break assignments down into smaller parts; (4) ensure that the Student was seated near the source of instruction; (5) provide the Student with notice of specific questions to be asked in a large group setting; (6) adjust the Student's homework; and (7) allow the Student access to books online through the Book Share program.

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; and 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. Section 504 and Title II prohibit discrimination on the basis of disability by recipients of Federal financial assistance and by public entities, respectively. 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 investigation of this complaint, OCR reviewed the Student's January 2016 and January 2017 IEPs as well as other documents provided by the parent. OCR also communicated with the parent, the Complainant, and a District representative. On August 3, 2017, the District informed OCR that it wished to voluntarily resolve the complaint allegation. 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 OCR's *Case Processing Manual* (CPM), the provisions of the Agreement signed by the District on August 18, 2017 are aligned with the complaint allegation 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, the Complainant 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 Jennifer Bergsieker, the attorney assigned to this case, at (303) 844-4524 or by email at Jennifer.Bergsieker@ed.gov.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement

cc (without enclosure): Diane Douglas, State Superintendent of Public Instruction
Kimberly R. Davis, Esq., Udall Shumway PLC