



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

REGION VIII
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May 15, 2018

Dr. Curtis Finch, Superintendent
Deer Valley Unified School District
20401 N. 15th Ave.
Phoenix, AZ 85027

Sent via email only to superintendent@dvusd.org

Re: Deer Valley Unified School District
Case Number: 08-18-1080

Dear Dr. Finch:

We write to advise you of the resolution of a complaint that was filed with our office against Deer Valley Unified School District (the District) alleging discrimination on the basis of disability.

Specifically, we opened the following allegations for investigation:

- 1) that the District discriminated against her son (the student) by implementing plans regarding bathroom use without following the procedural requirements of Section 504, which resulted in different treatment of the student based on disability;
- 2) that the District retaliated against the complainant by refusing to allow her to volunteer in the student's classroom; and
- 3) that the District retaliated against the student punishing the student for normal behavior.

The Office for Civil Rights (OCR) of the U.S. Department of Education (Department) is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulation Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education; 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. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

During the course of our investigation, the District indicated its desire to voluntarily enter into an agreement to resolve the complaint allegations pursuant to Section 302 of our *Case Processing Manual*. On May 15, 2018, prior to OCR completing its investigation or making any findings of fact, the District signed 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 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, 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 XXX XXX, the attorney assigned to this case, at (303) 844-XXXX or XXX@ed.gov. You also may contact me at (303) 844-XXXX.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Enclosure: Signed Resolution Agreement

cc: Heather Pierson, Esq. (via email)
Diane Douglas, State Superintendent of Public Instruction (via email)