



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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NEW MEXICO
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November 23, 2018

Mr. Brian Capistran, Superintendent
Glendale Union High School District
7650 North 43rd Avenue
Glendale, Arizona 85301

via email only to XXXX@XXXX

Re: **Glendale Union High School District**
OCR Case Number 08-18-1272

Dear Superintendent Capistran:

We write to advise you of the resolution of the above-referenced complaint that was filed with our office alleging that Glendale Union High School District ("District") discriminated on the basis of national origin, age, and disability. Specifically, the Complainant alleged that, and we opened an investigation into whether, the District:

1. discriminates against English-language learner (ELL) students, including the Complainant's client ("Student"), on the basis of national origin by refusing to enroll immigrant or refugee students age 17 or older who require ELL services;
2. discriminates against students, including the Student, on the basis of age by refusing to enroll immigrant or refugee students age 17 or older who require ELL services; and
3. discriminated against the Student on the basis of disability by refusing to enroll him until he provided a psychological evaluation.

The Office for Civil Rights (OCR) of the U.S. Department of Education ("Department") is responsible for enforcing:

- Title VI of the Civil Rights Act of 1964 ("Title VI"), and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) 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 Department;
- the Age Discrimination Act of 1975 ("Age Discrimination Act"), and its implementing regulation at 34 C.F.R. Part 110, which prohibit discrimination on the basis of age in programs or activities that receive Federal financial assistance from the Department;
- Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 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; and

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Title II of the Americans with Disabilities Act of 1990 (“Title II”), 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 allegations pursuant to Section 302 of our *Case Processing Manual* (CPM). We reviewed this request and determined that it was appropriate to enter into an agreement without completing a full investigation.

We thank the District for being willing to voluntarily address the allegations raised by this case. A copy of the signed Resolution Agreement (“Agreement”) is enclosed for your records. When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Title VI, the Age Discrimination Act, Section 504, Title II, and their respective implementing regulations. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

This concludes OCR’s investigation of this complaint and should not be interpreted to address the District’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The case is now in the monitoring phase. The monitoring phase of this case will be completed when OCR determines that the District has fulfilled all terms of the Agreement. When the monitoring phase of this case is complete, OCR will close this case and will send a letter to the District, copied to the Complainant, stating that this case is closed.

This letter sets forth OCR’s determination in an individual OCR cases. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public.

The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law.

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.

Thank you, your staff, and Ms. O'Brien for the courtesy and cooperation extended to us during the investigation of this case. If you have any questions, please contact Jason Langberg, the attorney assigned to this case at (XXX) XXX-XXXX or by email at XXXX@XXXX.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Attachment: Resolution Agreement

cc (via email): Carrie O'Brien, Gust Rosenfeld P.L.C., outside counsel for District
Diane Douglas, Arizona Superintendent of Public Instruction