



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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September 18, 2018

Dr. Quinn R. Kellis  
Superintendent  
Dysart Unified School District  
15802 North Parkview Place  
Surprise, AZ 85374

*By Email Only to [super@dysart.org](mailto:super@dysart.org)*

Re: Dysart Unified School District  
Case Number: 08-18-1506

Dear Superintendent Kellis:

This letter advises you of the resolution of this complaint alleging that the Dysart Unified School District (District) discriminated on the basis of disability. Specifically, the Complainant alleged that the District, at Marley Park Elementary (School), discriminates against the students in the School's self-contained classrooms because the School has a policy or practice to exclude these students from participating in field trips. The Complainant also alleged the District discriminated when it did not include the self-contained classroom students in the School's 2017-2018 yearbook, either as individuals or as a class.

Because we have the authority and the complaint was filed timely, we initiated an investigation of the complaint under the authority of Section 504 and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 104, 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 in programs or activities that receive Federal financial assistance from the Department and by public entities respectively. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to these laws.

During the course of our investigation, before we had made any findings, the District indicated its desire to voluntarily enter into an agreement to resolve the allegations and ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations.

On September 18, 2018, we received the District's signed Resolution Agreement (enclosed). OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. OCR will closely monitor the recipient's implementation of the

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

Agreement to ensure that the commitments made are implemented timely and effectively and that the recipient's policies and practices are administered in a nondiscriminatory manner. When the Agreement is fully implemented, the allegations will have been resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions, as described in the Agreement.

OCR routinely advises recipients of Federal funds 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.

Please also note that 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. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions or concerns, please feel free to contact XXXX, Equal Opportunity Specialist and primary contact for this case, at XXXX or by email at XXXX, or me at XXXX.

Sincerely,

/S/

Thomas M. Rock  
Supervising General Attorney

Enclosures – Copy of Resolution Agreement

cc (w/o enclosures): Honorable Diane Douglas (via email)  
State Superintendent of Public Instruction

Ms. Jennifer MacLennan, Esq. (via email)  
Gust Rosenfeld P.L.C.