



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VIII
ARIZONA
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UTAH
WYOMING

February 28, 2019

Dr. Kristi Sandvik, Superintendent
Buckeye Elementary School District #33
25555 West Durango Street
Buckeye, Arizona 85326

via email only to XXXX@XXXX

Re: **Buckeye Elementary School District #33**
OCR Case Number 08-19-1183

Dear Superintendent Sandvik:

We write to inform you of the resolution of the above-referenced complaint, filed on February 4, 2019, against Buckeye Elementary School District #33 ("District"), alleging discrimination based on disability. Specifically, the Complainant alleged that the District, at XXXX ("School"), failed to implement her daughter's Section 504 plan during a field trip that took place on or about XXXX, 2019.

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 ("Section 504"), and its implementing regulation, at 34 Code of Federal Regulations (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 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.

OCR opened an investigation of the allegation and sent the District a data request on February 13, 2019. Before the data response was provided, the District expressed an interest in taking voluntary action to resolve the Complainant's allegation. We determined that it was appropriate, pursuant to Section 110(b) of OCR's *Case Processing Manual* (CPM), to resolve the allegation with an agreement without completing a full investigation of the allegation. Therefore, we then drafted a Resolution Agreement ("Agreement") and sent it to the District. On February 26, 2019, we received a signed Agreement from the District. Enclosed is a copy of the signed Agreement.

When the Agreement is fully implemented, the allegation will be resolved consistent with the requirements of Section 504 and Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports from the District demonstrating that the terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with respect to the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. The Complainant will be copied on our monitoring letters. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

This concludes OCR's investigation of the allegation and should not be interpreted to address the District's compliance with any law or regulatory provision, or to address any issues other than those addressed in this letter.

Please note that the Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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 individual may file another complaint alleging such treatment.

This letter sets forth OCR's determination in an individual case. 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.

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, personal information, which, if released, could constitute an unwarranted invasion of privacy.

Thank you for your attention to this matter, and for the assistance of the District's attorney. If you have any questions or concerns, you may contact Jason Langberg, the attorney assigned to this case, at (XXX) XXX-XXXX or XXXX@XXXX.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Attachment: Resolution Agreement

cc (via email): Kimberly Davis, Attorney for the District, Udall Shumway
Kathy Hoffman, Arizona Superintendent of Public Instruction