



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII
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August 26, 2019

Ms. Cindy Segotta-Jones, Superintendent
Glendale Elementary School District
7301 North 58th Avenue
Glendale, Arizona 85301

via email only to XXXX@XXXX

Re: **Glendale Elementary School District**
OCR Case 08-19-1435

Dear Superintendent Segotta-Jones:

We write to inform you of the resolution of the above-referenced complaint, filed on July 9, 2019, against the Glendale Elementary School District (“District”), alleging discrimination based on disability. Specifically, the Complainant alleged that the District, at Discovery School, treated seventh grade students with disabilities who were in a self-contained classroom differently by not allowing them to attend a fieldtrip to an amusement park with other students in April or May 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 prohibits discrimination based on disability in any program or activity operated by recipients of Federal funds; and Title II of the Americans with Disabilities Act of 1990 (“Title II”), and its implementing regulation, at 28 C.F.R. Part 35. 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 August 8, 2019. On August 12, 2019, before the data response was due, the District expressed an interest in taking voluntary action to resolve the Complainant’s allegation. We determined that it was appropriate, pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM), to resolve the allegation with an agreement without completing a full investigation. On August 14, 2019, OCR sent the District a proposed Resolution Agreement (“Agreement”). The District sent OCR a fully executed Agreement on August 21, 2019. 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, 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 prompt 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): Jennifer N. MacLennan, Gust Rosenfeld P.L.C., Attorney for the District
Kathy Hoffman, Superintendent of Public Instruction