UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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March 20, 2020

Dr. Mary Kamerzell, Superintendent
Catalina Foothills Unified School District
2101 East River Road
Tucson, Arizona 85718

Via email at: mkamerzell@cfsd16.org

Re: Catalina Foothills Unified School District
OCR Case Number: 08-20-1083

Dear Superintendent Kamerzell:

We have completed our investigation of the complaint, filed on November 14, 2019 against the Catalina Foothills Unified School District (District). The Complainant alleged that the District, at Sunrise Elementary School (School) discriminated against her Son (the Student) on the basis of disability. Specifically, the Complainant alleged that the District failed to implement the Student's March 4, 2019 Section 504 Plan when it failed to consult with her about what foods would be served at a May 22, 2019 School party. In addition, during the party, the School served food and provided classroom materials that were identified as unsafe in the Student's Section 504 Plan. We determined that we have the authority to investigate the allegations consistent with our complaint procedures and applicable law.

We are responsible for enforcing Section 504 of the Rehabilitation Act of 1973 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 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.

The Student was in the 5th grade during the time period relevant to the complaint. The Student was initially found eligible for a Section 504 Plan on August 4, 2014, due to food allergies and need for accommodations related to his diagnosis.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues raised in this investigation pursuant to Section 302 of OCR's Case Processing Manual. To resolve the issues of this investigation, the District agreed to train School staff, including the nurse, teachers, administrators and paraprofessionals/aides on the legal requirement to provide a free appropriate public education (FAPE) to students with disabilities, and to fully implement students' Section

504 Plans and Individual Education Programs. Training materials will also include information about food sensitivities and allergies, and appropriate accommodations for students with food sensitivities and allergies. The District will also train staff members on prohibition against retaliation in the District's policies, Section 504 and Title II.

A copy of the signed Resolution Agreement is enclosed. When the Agreement is fully implemented, this allegation will be resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. OCR will monitor implementation of this Agreement through periodic reports from the District about the status of the Agreement terms. We will provide the District written notice of any deficiencies regarding implementation of the terms of the Agreement and will require prompt actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, as described in the Agreement. We will provide the Complainant a copy of our monitoring letters.

Please note the Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation. Please also 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, you may file another complaint alleging such treatment.

This letter sets forth OCR's determination in an individual OCR 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 working with OCR to resolve this matter. If you have any questions or concerns, you may contact XXXXXX, the Equal Opportunity Specialist assigned to this complaint, at (303) XXXXXXXX. You may also contact me at (303) XXXXXXXX.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure – Copy of Resolution Agreement

cc: XXXXXX X XXXXXXX, Counsel