



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII

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December 30, 2020

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

By email only to: XXXX

Re: Glendale Elementary School District
Case Number: 08-20-1398

Dear Superintendent Segotta-Jones:

On July 6, 2020, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint of discrimination against Glendale Elementary School District (District). The Complainant alleged that staff at Discovery School (School) denied a visually impaired student (Student) a free appropriate public education from January 2020 to March 2020 by not providing schoolwork in braille as required by the Student's Individualized Education Program.

We are 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.

On August 11, 2020, we formally notified the District that OCR was opening an investigation of the allegation and requested information. In the initial stage of investigating this case, OCR reviewed documents provided by the Complainant and District. In reviewing the information, OCR learned the following:

- From March 2019 to February 2020 the Student had two IEPs at the School.
- The accommodations section of the Student's IEPs as well as other sections discuss the Student's need for academic material to be provided in braille including in the general education classroom.

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

- During February 2020, the Complainant filed an internal complaint stating that two general education teachers have not provided the Student with educational materials in braille in a timely manner. The information shows that the same concern was expressed by the Director of the facility that transcribes the Student's educational materials into braille. In response, School staff had a discussion with the two general education teachers about not providing the Student with material in braille in a timely manner. However, there is no indication that further action was taken by the District or if the situation was remedied.

After reviewing the District's information, the District indicated it wanted to take voluntary action to resolve the allegation. Based on the information provided by the District, we determined that it was appropriate, pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), to resolve the allegation with an agreement (Agreement) without completing the investigation. On December 14, 2020, we sent the District a proposed Agreement. The District sent OCR a signed Agreement on December 29, 2020. A copy of the signed Agreement is enclosed.

When the Agreement is fully implemented, the above-listed 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. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

OCR is closing the investigative phase of the case effective the date of this letter. The case is now in the monitoring phase. The monitoring phase of the case will be completed when OCR determines that the District has fulfilled all of the terms of the Agreement. When the monitoring phase of the case is complete, OCR will close case number 08-20-1138 and will send a letter to the Complainant and the District stating that the case is closed.

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.

Recipients of Federal funds are prohibited from intimidation, harassment, or retaliation against individuals filing a complaint 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 note 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, please contact XXXX, Equal Opportunity Specialist, at 303-844-XXXX or XXXX@ed.gov.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

cc: XXXX, Attorney at Law, *by email only*

Enclosure: Resolution Agreement