



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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January 24, 2023

Franklin Narducci, Superintendent
Chandler Unified School District
1525 West Frye Road
Chandler, Arizona 85224

by email only to XXXX@XXXX

Re: **Chandler Unified School District**
OCR Case 08-23-1100

Dear Superintendent Narducci:

We write to inform you of the resolution of the above-referenced complaint, filed on November 15, 2022, against Chandler Unified School District (District). The Complainant alleged that the District, at [redacted content] (School), discriminated against her son (Student) on the basis of disability. Specifically, the Complainant alleged that, during the 2022-23 school year, the District failed to provide the Student with accommodations specified in his individualized education program (IEP).

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 based on disability in any program or activity operated by recipients of 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 based on disability by public entities, regardless of whether they receive federal financial assistance. As a recipient of federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations and OCR's jurisdiction.

OCR has the authority to investigate the allegation consistent with OCR's complaint procedures and applicable laws. On December 6, 2022, we notified the District that OCR was opening an investigation of the allegation and OCR sent the District a data request. Prior to the data response deadline, the District expressed an interest in taking voluntary action to resolve the allegation in the complaint.

Section 302 of OCR's *Case Processing Manual* (CPM) reads, "Allegation(s) under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegation(s) and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement." OCR determined that, pursuant to CPM Section 302, resolving the allegation with an Agreement, without conducting further investigation, was appropriate.

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

Legal Standard

The Section 504 regulations, at 34 C.F.R. § 104.33, require public school districts to provide a free appropriate public education (FAPE) to all students with disabilities in their jurisdictions. An appropriate education is defined as regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of students without disabilities are met, and that are developed in accordance with the procedural requirements of 34 C.F.R. §§ 104.34-36 pertaining to educational setting, evaluation and placement, and due process protections. Implementation of an IEP developed in accordance with the procedural requirements cited above is one means of meeting the FAPE requirement. OCR interprets the Title II regulations, at 28 C.F.R. §§ 35.103(a) and 35.130(b)(1)(ii) and (iii), to require districts to provide a FAPE at least to the same extent required under the Section 504 regulations.

Timeline of Relevant Facts Established by OCR to Date

During the relevant time period, the Student had an IEP dated November 29, 2021, with an addendum dated May 9, 2022. The IEP included 24 accommodations. The Complainant alleged that, from the beginning of the 2022-23 school year (July 20, 2022) until at least December 5, 2022, the District failed to provide the Student with three accommodations:

- “Allow [the Student] to take pictures of the whiteboard in place of writing in his agenda; with teacher prompting to remind him to do so;”
- “Provide [the Student] with a hard copy of teacher notes for each class;” and
- “Provide [the Student]’s parents with weekly updates regarding his academic and behavioral progress.”

Conclusion

On January 4, 2023, OCR sent the District a proposed Agreement with terms that are tied to the allegation and evidence OCR obtained to date, and that are consistent with applicable regulations. The District sent OCR a fully executed Agreement on January 24, 2023. Attached is a copy of the signed Agreement. The Agreement requires the District to convene an IEP team meeting to discuss compensatory services or other remedial measures for the Student; disseminate the Student’s IEP to School staff; and send a training memorandum to School staff.

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 reports from the District demonstrating that the terms of the Agreement have been fulfilled. OCR will promptly provide written notice of any deficiencies with respect to the implementation of the Agreement terms and will promptly require actions to address such deficiencies. The Complainant will receive a copy of OCR’s monitoring letters. If the District fails to implement the Agreement, OCR 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.

The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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. If OCR receives such a request, OCR 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 the District's prompt attention to this matter and cooperation. If you have any questions or concerns, you may contact me, the attorney assigned to this case, at XXX-XXX-XXXX or XXXX@XXXX).

Sincerely,

/s/

Daniel Contreras
Supervisory Attorney

Attachment: Resolution Agreement

cc (via email): Kymberly Marshall, Executive Director of Student Personalized Learning
Heather Pierson, Attorney for the District