



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VIII
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April 18, 2014

Dr. Denton Santarelli, Superintendent
Peoria Unified District
6330 W. Thunderbird Rd
Glendale, AZ 85306

Re: Peoria Unified School District
Case Number: 08-14-1008

Dear Dr. Santarelli,

We are notifying you of our decision in this case. The Complainant alleged Peoria Unified School District (District) discriminated on the basis of disability¹. Specifically, the Complainant alleged the District denied the request for continuing open enrollment status of two disabled students without complying with the District's policy requiring the District hold a meeting with the students' parents prior to a decision regarding the student's open enrollment status. Additionally, the Complainant alleged the District's open enrollment renewal policy has a disparate impact on students with disabilities.

We initiated an investigation of this complaint pursuant to 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 and a public entity, the District is subject to these laws and regulations.

During our investigation and before we had made findings, the District indicated its desire to voluntarily enter into an agreement to resolve the allegations and to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations.

¹ We take this opportunity to clarify that we incorrectly placed the District on notice that the Complainant also alleged retaliation as part of this complaint but had not.

On April 16, 2014, we received the District's signed Resolution Agreement (enclosed). OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. OCR will closely monitor the recipient's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively and that the recipient's policies and practices are administered in a nondiscriminatory manner. When the Agreement is fully implemented, the allegations will have been resolved consistent with the requirements of Section 504 and Title II, and their implementing regulations. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions, as described in the Agreement.

OCR routinely advises recipients of Federal funds that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints 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 also 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.

Thank you for the courtesy and cooperation you and your staff extended to us during the investigation of this case. If you have any questions or concerns, please feel free to contact XXXX, Equal Opportunity Specialist and primary contact for this case, at XXXX or by email XXXX, or me at XXXX.

Sincerely,

/s/

Thomas M. Rock
Supervising General Attorney

cc: Honorable John Huppenthal
Superintendent of Public Instruction