



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VIII  
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February 20, 2015

Mr. Joe Quintana  
Superintendent  
Glendale Elementary School District  
7301 North 58<sup>th</sup> Avenue  
Glendale, Arizona 85301

Re: Glendale Elementary School District  
Case Number: 08-14-1271

Dear Superintendent Quintana:

This is to advise you of the resolution of the above-referenced complaint that was filed with our office where the Complainant alleged Glendale Elementary School District discriminated against individuals with disabilities (mobility impairment). Specifically, the Complainant alleged that the playgrounds, athletic fields - in particular the baseball and soccer fields - and outdoor seating areas at Don Mensendick Elementary School are inaccessible to individuals with mobility disabilities.

We began investigating this complaint pursuant to Section 504 of the Rehabilitation Act of 1973, 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 or activities that receive Federal financial assistance from the U.S. Department of Education; 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 in programs or activities of a public entity. The District receives Federal financial assistance from the Department and is a public entity, and is therefore subject to these laws and regulations.

During the course of processing this complaint the District indicated its desire to voluntarily enter into an agreement to resolve the allegations pursuant to Section 302 of the *Case Processing Manual*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

We have received the signed Resolution Agreement, which is enclosed. We note that the Agreement does not address allegations as initially raised by the Complainant regarding the baseball and soccer fields at Don Mesendick Elementary School because the District has advised OCR that those fields are closed and are not used except when the soccer field is used for PE classes. When the Agreement is fully implemented, the allegations 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 demonstrating the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding

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, as described in the Agreement. We will provide the Complainant with a copy of formal correspondence we issue to the District during the monitoring.

We thank the District for voluntarily entering into an Agreement to resolve the allegations raised in this complaint. This concludes OCR's investigation of this complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This case is now in the monitoring phase. The monitoring phase of this case will be completed when OCR determines that the District has fulfilled all of the terms of the Agreement. When the monitoring phase is complete, OCR will close Case Number 08-14-1271 and will send a letter to the District, copied to the Complainant, stating that the case is closed.

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.

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 Complainant may file another complaint alleging such treatment. In addition, 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.

We thank you for the courtesy and cooperation you extended to us during the processing of this case. If you have any questions regarding this matter, please feel free to contact XXXXXXXXXXXX, the Equal Opportunity Specialist and the primary contact for this case, at XXXXXXXXXXXX, or by email at XXXXXXXXXXXXXXXXXXXX.

Sincerely,

/s/

Angela Martinez-Gonzalez  
Supervisory General Attorney

Enclosure

Cc: Diane Douglas  
Superintendent of Public Instruction