



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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June 2, 2014

Dr. Marshal R. Garrett
Superintendent of Schools
Logan City School District
101 West Center
Logan Utah, 84321

Re: Logan City School District
OCR Case Number: 08-13-1243

Dear Superintendent Garrett:

On July 31, 2013, we notified you that we received a complaint alleging Logan City School District discriminated on the bases of race and sex. Specifically, the Complainants alleged that the District discriminated when it failed to provide a prompt and equitable response after receiving a complaint of peer racial and sexual harassment.

We initiated an investigation under Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education; and Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to these laws and regulations.

First, we considered whether: (a) racial harassment occurred; (b) the District had actual or constructive notice of the racial harassment; and (c) the District failed to respond adequately to redress the racial harassment.¹

The Complainants alleged that their daughter (Student) complained to the District that a male student sent texts with racial slurs to her. The Complainants stated that they provided screen shots of the racial slurs to the District as a part of a complaint. The District states that a claim of racial harassment was not raised by the Student or the Complainants, and denies that it received a complaint by the Student or the Complainants involving racial slurs by a male student against the Student. Written documentation from the District related to concerns raised by the Student or the

¹ The applicable legal standards described herein are more fully discussed in OCR's "Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance" which is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/race394.html> (March 10, 1994): *See also*, "Education and Title VI of the Civil Rights Act of 1964: Title VI and Race, Color and National Origin Discrimination", which is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>.

Complainants, including email messages and written memoranda, relate to claims involving sexual harassment but not racial harassment. The District provided us with copies of the screen shots of the text messages sent from the male student to the Student's cell phone. The text messages contain sexual content and do not contain content related to race. The District stated that it was unaware of screen shots or text messages that address racial harassment. The Complainants stated that there were prior text messages where the male student made racial slurs toward the Student. The Complainants were unable to provide us with copies of the screen shots of the text messages that contain the alleged racial slurs. Further, the Complainants did not file a written complaint with the District. The complaint was oral and not memorialized in writing, so we were unable to confirm that racial harassment was raised with the District. As such, we were not able to determine whether racial harassment took place. Further, we had insufficient evidence demonstrating that the District had notice of a claim of racial harassment. Thus, we have insufficient evidence to determine that the District violated Title VI.

During the course of our investigation, before we had made any findings, the District indicated its desire to voluntarily enter into an agreement to resolve the sex discrimination issues and ensure compliance with Title IX. 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 issue.

On May 8, 2014, we received the District's signed Resolution Agreement (copy enclosed). When the Agreement is fully implemented, the issue regarding the allegation of sex discrimination will be resolved consistent with the requirements of Title IX and its implementing regulations. We will monitor the implementation of the Agreement until 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, as described in the Agreement.

This concludes our investigation of this complaint. This letter addresses only the issues listed above and should not be interpreted as a determination of the District's compliance or noncompliance with Title VI or Title IX, or any other Federal law in any other respect. Accordingly, we are closing the investigation of this complaint effective the date of this letter.

Please note that 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, personal information, which if released, could constitute an unwarranted invasion of privacy.

Individuals participating in an investigation or participating in the resolution process are protected under Federal law against harassment, retaliation, or intimidation.

This letter is a letter of finding issued by OCR to address an individual OCR case. Letters of findings contain fact-specific investigative findings and dispositions of individual cases. They are not formal statements 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.

We appreciate the District's cooperation and look forward to working with the District through the monitoring of this Agreement. If you have any questions, please contact xxxxxxxx xxxxxx xxxxxx, Attorney Advisor and the primary contact for this case, at xxxxxxxxxxxxxx or by email at xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. I can also be reached at 303-844-6083 or by email at angela.martinez-gonzalez@ed.gov.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure – Resolution Agreement

cc: xxxxxx xxxxxxxx, Counsel for District

Martell Menlove
Superintendent of Public Instruction, Utah Department of Education