

Receipt Date: 8/11/2023

Docket Number: 08-23-1632

1. Enter information about yourself

First Name: (b)(6); (b)(7)(C)

Last Name: (b)(6); (b)(7)(A)

Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A)

State: (b)(6); (b)(7)(A)

Zip Code: (b)(6); (b)(7)(A)

Best Time to Call You: Evening

Primary Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Alternative Phone Number: {Empty}

Your Email Address: (b)(6); (b)(7)(A); (b)(7)(C)

2. Who else can we call if we cannot reach you?

Contact's Name: (b)(6); (b)(7)(A); (b)(7)(C)

Daytime Phone Number: (b)(6); (b)(7)(A); (b)(7)(C)

Relationship to you: spouse and father to child

3. Who was discriminated against?

Yourself or Someone else Someone else?

If someone other than yourself please include:

Injured Person's Name: (b)(6); (b)(7)(A); (b)(7)(C)

Daytime Phone Number: {Empty}

Evening Phone Number: {Empty}

Relationship to You
(eg. son or daughter) son

Injured Person's Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A)

State: (b)(6);

Zip Code: (b)(6);

4. What institution discriminated?

Institution Name: (b)(6); (b)(7)(A); (b)(7)(C)

Address: (b)(6); (b)(7)(A); (b)(7)(C)

City: (b)(6); (b)(7)(A)

State: (b)(6); (b)(7)(A)

Zip Code: (b)(6); (b)(7)(A)

School or department involved: Principal, (b)(6); (b)(7)(A) teacher, Dean all involved

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint? No

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? race or color, national origin, disability, retaliation because you filed a complaint or asserted your rights

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) bullied physically and emotionally. Told he was a "fucking loser" , "fucking weak," and (b)(6); (b)(7)(A); (b)(7)(C) He was (b)(6); (b)(7)(A); (b)(7)(C) 2 days later by same child. His teacher, (b)(6); (b)(7)(A); (b)(7)(C) called me several times last year to tell me my son should be (b)(6); (b)(7)(A); (b)(7)(C) He was then diagnosed with (b)(6); (b)(7)(A); (b)(7)(C) We got a 504 plan in place for him, but the bullying continued into (b)(6) grade. Students called him a (b)(6); (b)(7)(A); (b)(7)(C) and said "it was impossible to be (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C)

The school blamed (b)(6) for retailating. His (b)(6); (b)(7)(A); (b)(7)(C) and he came

home from school [redacted]

On [redacted] my son was [redacted] and not one teacher saw him [redacted]. They called us and [redacted] because he reacted and said he would [redacted].

[redacted] 504 plan asks for [redacted] and he is getting bullied at those periods. None of his 504 plan accommodations were met. I also emailed the teacher, principal, [redacted] and Dean several times since [redacted] on all the cases of bullying. And that [redacted] came home and told us the kids told him they were [redacted].

My child asked me if he has to [redacted]

I have been taking my son to [redacted] since he was diagnosed with [redacted] for help with big feelings and emotions. Sending him to [redacted] with these terrible bully children and inadequate school administration has made his [redacted]. I am now sending him to another [redacted] in addition to further [redacted].

I am outraged at this treatment of my son because he is [redacted] and has a 504 plan for his [redacted].

Do you have written information that you think will help us understand your complaint?
yes or no Yes

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date: [redacted] - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no No

Reason for not filing complaint before 180 days: {Empty}

8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? I may file suit. I have and a very difficult future ahead due to the of my child instead of the school accommodating his 504 plan. They tried pinning him as a problem child and instead of helping him with the resources he needs. Teachers are not allowed to tell me my child should be - this is an outrage

9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation: No



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

December 18, 2023

Superintendent Franklin R. Narducci
Chandler Unified School District
1525 West Frye Road
Chandler, AZ 85224

By email only to narducci.frank@cusd80.com

Re: OCR Complaint No. 08-23-1632 - Chandler Unified District

Dear Superintendent Narducci:

On August 11, 2023, the United States Department of Education (the Department), Office for Civil Rights (OCR) received a complaint against the Chandler Unified School District (the District). The Complainant alleges that the District discriminated against her son (the Student) on the basis of sex, shared ancestry (b)(6); (b)(7)(A)), and disability. Specifically, the Complainant alleges the District discriminated:

- 1) based on sex by failing to respond promptly and effectively to her report that a classmate sexually harassed the Student in (b)(6); (b)(7)(A)),
- 2) based on the Student's national origin (shared (b)(6); (b)(7)(A)) ancestry) by failing to appropriately respond after two other classmates harassed the student in (b)(6); (b)(7)(A)) and
- 3) based on disability by failing to comply with the provisions set forth in the Student's Section 504 plan during the (b)(6); (b)(7)(A); (b)(7)(C)) school year and the start of the (b)(6); (b)(7)(A)) school year.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department; Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin by recipients of federal financial assistance from the Department; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Because the District receives federal financial assistance from the Department and is a public entity, OCR has jurisdiction over the District pursuant to these laws.

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

OCR will investigate the following three legal issues:

- (1) whether the District responded to notice of alleged sexual harassment of the Student as required by Title IX;
- (2) whether the District responded to alleged harassment of the Student on the basis of national origin (shared (b)(6);
b6, b7C, D, E) ancestry) in a manner consistent with the requirements of Title VI; and
- (3) whether the District failed to implement the Student's Section 504 Plan in violation of Section 504, Title II, and their implementing regulations.

OCR is opening these three issues for investigation because OCR has jurisdiction over them, the complaint allegations were timely filed, and they are appropriate for investigation under the laws and regulations enforced by OCR. Please note that opening these issues for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of Article III of OCR's Case Processing Manual (CPM) (July 18, 2022).

OCR is committed to resolving complaints as promptly as possible. To reach an efficient and timely resolution of this matter, OCR is providing you an opportunity to present the University's response to these allegations and to submit supporting documentation. Please provide the information described in the attached data request by the date indicated at the top of this letter. OCR has determined that the information itemized in the attached data request is necessary to investigate the allegations. OCR requests that this information reach our office as soon as possible but no later than **15 days from the date of this letter**. If any of the required items are available to the public on the Internet, you may provide the website address. You also may send documents to us by email to nicolas.mittnacht@ed.gov or by other electronic means.

The regulation implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), which is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.81, and the Section 504 regulation at 34 C.F.R. § 104.61, require that a recipient of federal financial assistance make available to OCR information that may be pertinent to reaching a compliance determination. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulations implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. OCR will take all proper precautions to protect the identity of any individuals named in the documents.

Please notify OCR of the name, email address, and telephone number of the person who will serve as the District's contact person during the resolution of this complaint. OCR would like to talk with this person as soon as possible regarding this matter. OCR will continue to address letters to your attention with a courtesy copy to the District's designated contact.

Thank you for your cooperation in this matter. In addition to the information request enclosed, OCR may need to request additional information and interview pertinent personnel. If an on-site

visit is determined to be necessary, you will be contacted to schedule a mutually convenient time for the visit.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions, please contact Nico Mitnacht, the OCR attorney assigned to this complaint, at 303-844-0745 or nicolas.mitnacht@ed.gov.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

Thomas M. Rock
Supervisory Attorney

Enclosure – Data Request

cc: Superintendent of Public Instruction Tom Horne
Arizona Department of Education
By email only to madelyn.loftus@azed.gov

Data Request

OCR Case Number: 08-23-1632

Recipient: Chandler Unified School District
School: (b)(6); (b)(7)(A); (b)(7)(C)
Complainant:
Student:

OCR requests that this information reach our office within **15 days from the date of the attached letter**. If any of the required items are available to the public on the Internet, you may provide the website address. While OCR prefers electronic submissions, you may send documents by any of the following means:

Mail: Office for Civil Rights
César E. Chávez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, Colorado 80204

Email: nicolas.mittnacht@ed.gov

Fax: (303) 844-4303

SharePoint: OCR may create an external sharing site through a browser-based portal in which the requested documents and information may be uploaded. Please contact Nico Mittnacht to receive online portal information to upload data.

Please do *not* provide the information via an electronic cloud format such as Google Docs. Because email is not reliably secure, please do not email any document that contains personally identifiable or private information without first encrypting this information. You may upload this information using the SharePoint option described above.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the allegation(s) under investigation. To ensure that OCR can assess the recipient's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for the time-frame specified in these requests and going forward until OCR closes this case. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case. *See* 34 C.F.R. §§ 100.6(b) and (c) incorporated by reference at 34 C.F.R. § 106.81 and 104.61.

Please provide the following information:

1. A narrative response to the issues opened for investigation.

2. A copy of or link to the District’s policies and procedures, and a description of its practices, governing the investigation of and response to reports and complaints of discrimination, including harassment, against students, teachers, and staff on the basis of sex and national origin (shared (b)(6); (b)(7)(A); ancestry and/or (b)(6); (b)(7)(A)). Please also provide the name(s), job title(s), and contact information of the District’s employees responsible for handling such reports and complaints at the District at each level of the process.
3. An explanation of the means by which the District informs students, teachers, and staff of the policies and procedures referred to in Item 2. Please provide copies of all materials disseminated to students, teachers, and staff or provide links to the webpages where these materials are posted.
4. Copies of the District’s policies and procedures, and a description of the District’s practices, governing: (a) disciplinary or corrective actions that may be taken to address harassment of and other discrimination against students on the basis of sex and national origin, including shared ancestry; and (b) the provision of supports and remedies to students, employees, and other individuals found to have been discriminated against/harassed on the basis of sex and national origin, including shared ancestry.
5. A copy of the complete investigative file for the alleged incident occurring in (b)(6); (b)(7)(A); in which a classmate, (b)(6); (b)(7)(A); (b)(7)(C) (Classmate A) allegedly (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); (b)(7)(C) Incident). Include complaints/reports, all unredacted interview notes, all correspondence by email, text, or chat regarding the allegations and/or investigation of the allegations, all documents reviewed in connection with the investigation, all audio or video recordings reviewed in connection with the investigation, and all draft and final reports and/or findings made by the District.
6. Documents reflecting any supportive measures or corrective actions taken in response to the (b)(6); (b)(7)(A) Incident, including but not limited to any discipline imposed.
7. All notes of telephone conversations or meetings with the Complainant and the Student, regarding the (b)(6); (b)(7)(A) Incident.
8. All complaints or reports, including any communication that could be construed as a complaint or report, concerning alleged sexual harassment by Classmate A.
9. A copy of the complete investigative file for the alleged incident occurring on (b)(6); (b)(7)(A) in which a classmate (Student B) (b)(6); (b)(7)(A); (b)(7)(C) Incident). Include complaints/reports, all unredacted interview notes, all correspondence by email, text, or chat regarding the allegations and/or investigation of the allegations, all documents reviewed in connection with the investigation, all audio or video recordings reviewed in connection with the investigation, and all draft and final reports and/or findings made by the District.

10. Documents reflecting any supportive measures or corrective actions taken in response to the (b)(6); (b)(7)(A) Incident, including but not limited to any discipline imposed.
11. All notes of telephone conversations or meetings with the Complainant and the Student, regarding the (b)(6); (b)(7)(A) Incident.
12. All complaints or reports, including any communication that could be construed as a complaint or report, concerning alleged harassment based on shared ancestry or ethnic characteristics involving Classmate B.
13. A copy of the Student's Section 504 Plan(s) in place at the end of the (b)(6); (b)(7)(A) school year and the start of the (b)(6); (b)(7)(A) school year.
14. A list of all witnesses for the District in this matter, including the individual's name, position/title, telephone number, and the reasons the District would like OCR to interview him/her.