



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VIII  
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WYOMING

November 4, 2013

Dr. Jacob A. Chávez, Superintendent  
Cartwright School District #83  
3401 North 67th Avenue  
Phoenix, Arizona 85033

Re: Cartwright Elementary School District  
Case Number: 08-13-1172

Dear Superintendent Chávez:

On July 9, 2013, we accepted for investigation the above-referenced complaint alleging Cartwright Elementary School District discriminated against the Complainant's daughter (Student) on the basis of disability, race, and sex and retaliated against the Student during the 2012-13 school year. Specifically, the Complainant alleged the District (1) discriminated on the basis of disability by failing to promptly and equitably resolve the Complainant's complaints of peer-on-peer disability harassment regarding incidents that occurred both at school and on the bus; (2) discriminated on the basis of sex by failing to promptly and equitably resolve the Complainant's complaints of peer-on-peer sexual harassment regarding incidents that occurred both at school and on the bus; (3) discriminated on the basis of race by failing to take appropriate steps to address peer-on-peer racial harassment; (4) discriminated against the Student on the basis of disability and race by disciplining her more harshly than Hispanic, non-disabled students involved in the same altercations; and (5) retaliated against the Student by withdrawing her from school on approximately XXX.

We initiated an investigation of these allegations under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, Title VI of the Civil Rights of 1964, and their implementing regulations at 34 Code of Federal Regulations Part 104, 28 C.F.R. Part 35, 34 C.F.R. Part 106, and 34 C.F.R. Part 100, respectively. Moreover, individuals filing a complaint, participating in an investigation, or asserting a right under Section 504, Title II, Title IX, and Title VI are protected from intimidation or retaliation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e); 28 C.F.R. § 35.134; 34 C.F.R. § 106.71, which incorporates 34 C.F.R. § 100.7(e); and 34 C.F.R. § 100.7(e), respectively. As a recipient of Federal financial assistance from the U.S. Department of Education and a public entity, the District is subject to these laws and regulations. Additional information about the laws OCR enforces is available on our website at <http://ed.gov/ocr>. During the course of processing these complaints, the District approached us and 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.

On November 4, 2013, we received the District's signed Resolution Agreement (enclosed). When the Agreement is fully implemented, the allegations will have been resolved consistent with the requirements of Section 504, Title II, Title IX, Title VI, and their implementing regulations. We will monitor implementation of the Agreement through periodic reports demonstrating 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.

OCR routinely advises recipients of Federal funds and public educational entities 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.

Additionally, 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. If OCR receives such a request, we will protect personal information to the extent provided by law.

This concludes OCR's investigative phase of this complaint. We are closing the investigative phase of this case effective the date of this letter. This letter addresses only the issues above and should not be interpreted as a determination of the District's compliance or noncompliance with Section 504, Title II, Title IX, Title VI, and their implementing regulations in any other respect.

| If you have any questions regarding this matter, please contact XXX-, at 303-844-XXXX, or me at 303-844-4506.

Sincerely,

/s/

Thomas E. Ciapusci  
Supervisory Team Leader

Enclosure

cc: Denise Lowell-Britt, Esq.

Honorable John Huppenthal  
Superintendent of Public Instruction