



UNITED STATES DEPARTMENT OF
EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310

July 7, 2015

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

Dr. Steven Hirase
Superintendent
Murray City School District
147 East 5065 South
Murray, Utah 84107

Re: Murray City School District
Case Number: 08-15-1070

Dear Superintendent Hirase,

On December 15, 2015, we received a complaint alleging the Murray City School District (District) discriminated on the basis of disability and sex. On March 17, 2015, we notified you that we were opening the complaint for investigation. Specifically, we opened for investigation allegations that the District discriminated by:

- Failing to adequately respond to the Complainant's allegations of sexual harassment starting in December 2014, which resulted in an ongoing hostile environment for her son;
- Failing to provide accommodations to the Complainant for her disability so that she may advocate for her son, a student with a disability;
- Retaliated against the Complainant for her advocacy by communicating with the son's Social Worker instead of the Complainant; and
- Failing to implement the Complainant's son's health plan when on January 5, 2015, a teacher denied his request to get water and to go to the nurse's office to get medication.

We initiated an investigation under the authority of 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; 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; 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. Individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II are protected from intimidation or retaliation by 34 C.F.R. § 104.61, which incorporates 34 C.F.R. § 100.7(e), and 28 C.F.R. § 35.134. As a recipient of Federal financial assistance and a public entity, the District is subject to these laws and regulations.

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

During an Early Complaint Resolution (ECR) meeting, the District and the Complainant reached an Agreement to resolve all but the first allegation. The ECR Agreement did not address the allegation of failure to respond to a complaint of sexual harassment. Following the completion of the ECR meeting, the District expressed an interest in voluntarily resolving this issue. 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 and the OCR Office Director believes that doing so is appropriate, so long as the remedies align with the allegations. On July 2, 2015, the District's Superintendent, signed the enclosed 302 Resolution Agreement, which when fully implemented will resolve the first allegation identified in OCR's notification letter and not resolved in the ECR Agreement. The provisions of the Agreement are aligned with the first allegation raised in the notification letter and are consistent with the applicable regulations.

We will monitor the District's implementation of the 302 Agreement until all provisions have been satisfied. 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. We will also keep the Complainant apprised of monitoring activities related to this case.

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 Section 504, Title II, 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.

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. The Complainant and participants who feel that such actions have occurred may file a separate complaint with OCR. Additionally, the Complainant has a 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.

Thank you for your cooperation and the District's attention to this matter. If you have any questions regarding this letter, please feel free to contact Athena Quezada, Equal Opportunity Specialist, at 303-844-3355 or by email at athena.quezada@ed.gov. I can also be reached at (303) 844-6083.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure – Copy of Resolution Agreement

cc (w/o enclosures): Dr. Martell Menlove
State Superintendent of Public Instruction