



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VIII  
ARIZONA  
COLORADO  
NEW MEXICO  
UTAH  
WYOMING

January 11, 2018

Ms. Melody Ward, Site Director  
Paramount Academy  
11039 West Olive Ave  
Peoria, Arizona 85345

Re: Paramount Academy  
OCR Case Number: 08-17-1419

Dear Director Ward:

We write to advise you of the resolution of a complaint that was filed with our office against Paramount Academy (School) alleging discrimination on the basis of race. Specifically, the Complainant alleged that the School retaliated against her and her XXX-grade son (Student) with respect to (1) its response to an incident between the Student and a classmate on or about XXX, 2017, including but not limited the discipline imposed on the Student and the circumstances under which it was imposed; (2) its response to her and the Student's complaint on or about XXX, 2017 of potential racial harassment of the Student by a different classmate.

The Office for Civil Rights (OCR) of the U.S. Department of Education (Department) is responsible for enforcing Title VI of the Civil Rights Act of 1964, and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) part 100, which prohibit discrimination based on race, color, or national origin in programs or activities receiving Federal financial assistance. In addition, individuals filing a complaint, participating in an investigation, or asserting a right under Title VI are protected from intimidation or retaliation by 34 C.F.R. § 100.7(e). As a recipient of Federal financial assistance from the Department, the School is subject to this law and regulations.

During the course of our investigation, the School indicated its desire to voluntarily enter into an agreement to resolve the allegation pursuant to Section 302 of our *Case Processing Manual*. We reviewed this request and determined that it was appropriate to enter into an agreement without completing a full investigation. This letter details our factual findings, the status of our investigation prior to receiving the School's request to enter into an agreement to resolve the allegation in this case, and the reasons for our determinations that an agreement pursuant to Section 302 of our *Case Processing Manual* was appropriate in this case.

**I. Legal Standard**

The Title VI regulations, at 34 C.F.R. §100.7(e), prohibit schools from intimidating, coercing, or retaliating against individuals because they engage in activities protected by Title VI. In analyzing a retaliation claim, we first determine whether: the individual experienced an adverse action caused by the school; the school knew an individual engaged in activity protected by Title

VI or believed the individual might engage in such activity in the future; and a causal connection existed between the adverse action and the protected activity. If OCR determines that a causal link exists between any adverse action and any protected activity, we next determine whether the school has a legitimate, non-retaliatory reason for its action; and whether such reason is a pretext for retaliation.

## **II. OCR's Investigation**

The School is a kindergarten through eighth grade public charter school in Peoria, Arizona. The Complainant is African-American and the mother of XXX sons enrolled at the School. The Complainant filed a previous complaint with OCR alleging racial discrimination against her XXX son during the 2016-2017 school year, in which he was a XXX-grader. OCR docketed this complaint as OCR Case No. 08-17-XXXX and sent a notification letter and data request to the School on XXX, 2017.

The Complainant filed this complaint at the start of the 2017-2018 school year, alleging that the School retaliated against her and her XXX son, a XXX-grader (Student), in two separate instances. The School does not dispute that the two instances occurred, but disputes that its response to either was in any way retaliatory.

It is undisputed that the first incident occurred on XXX, 2017, involving XXX and ensuing discipline. The Complainant alleged that the discipline, and the circumstances under which it was imposed, was inappropriate, ad hoc, and made more severe after the fact, and therefore retaliatory. The School responded that the discipline was imposed after investigation, pursuant to its written Discipline Procedure (published in its Student Handbook) and Discipline Matrix, and did not change over time, and therefore was not retaliatory.

It is undisputed that the second incident occurred on XXX, 2017, when the Complainant and the Student reported to the School's Assistant Principal a potential racially-based comment that a different classmate made to the Student. The Complainant alleged that the School retaliated by not following up on this report. The School responded, and provided records, that it had investigated and disciplined the classmate, but had not shared the discipline with the Complainant owing to student privacy.

## **III. Conclusion**

OCR's investigation comprised interviewing the Complainant and reviewing documents provided by both parties. In order to reach a compliance determination, OCR would need to interview multiple School staff and review additional documents. At this stage, OCR has determined that it is appropriate to resolve the allegation through a Resolution Agreement.

We thank the School for being willing to voluntarily address the issues raised by the Complainant. A copy of the signed Resolution Agreement is enclosed for your records.

OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. OCR will monitor implementation of this Agreement through periodic reports from the School demonstrating that the terms of the Agreement have been

fulfilled. We will provide the School with written notice of any deficiencies regarding implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. The monitoring phase will be completed when OCR determines that the School has fulfilled all of the terms of the Agreement. When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Title VI and its implementing regulations. When the monitoring phase of this case is complete, OCR will close this case and send a letter to the School, copied to the Complainant, stating that this case is closed. If the School fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

This letter addresses only the issues listed previously and should not be interpreted as a determination of the School's compliance or noncompliance with Title VI or any other federal law in any other respect.

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

The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law. Please be advised that the School may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint investigation. If this happens, the individual may file another complaint alleging such treatment.

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.

Thank you for the courtesy and cooperation extended to us during the investigation of this case. If you have any questions, please contact XXX.

Sincerely,

/s/

XXX

Supervisory General Attorney

Enclosure:	Resolution Agreement
cc (w/ enclosure):	XXX, outside counsel for School
cc (w/o enclosure):	Diane Douglas, Arizona Superintendent of Public Instruction