



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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May 1, 2018

Shane McCord
Superintendent
Gilbert Public Schools
140 S. Gilbert Rd.
Gilbert, AZ 85296

Re: Gilbert Public Schools
OCR Case Number: 08-18-1116

Dear Superintendent McCord:

On January 30, 2018, we notified you of a complaint alleging Gilbert Public Schools discriminated on the basis of race. We accepted for investigation the allegation that the District at Highland Junior High School failed to adequately address allegations of a racially hostile environment, including incidents of students using the “N-word” and other derogatory or racially stereotypical remarks.

OCR enforces Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit 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. The District is a recipient of Department funds and thus is subject to this law and regulations.

The Student is an African American female who began the school year at Highland Junior High School. During the first two weeks of school, the Complainant alleged there were two separate incidents where male students used racially derogatory terms in the Student’s science class. As a result the Student and her friend were moved to another table, and the Science teachers also spoke with the male student that made n-word comments. Another incident occurred in November 2017 in the Student’s creative writing class with a different male student calling the Student “Nigger.” The Student informed her Creative Writing Teacher (CW Teacher) and the teacher had the male student apologize to the Student and gave him an in-school suspension. The Assistant Principal (AP) investigated the second incident. During the investigation, we learned that the Complainant removed the Student from the District.

During the investigation, but before we concluded interviews and obtained sufficient evidence to support findings, the District expressed a willingness to resolve the complaint. Pursuant to Section 302 of OCR’s Case Processing Manual (CPM), resolution options were discussed with the District. The District indicated an interest in resolving the matter voluntarily, which will appropriately address the Title VI issue and allegation raised by the complaint. We have, therefore, determined that the matter is appropriate for resolution pursuant to Section 302 of the CPM.

The District has entered into the enclosed Agreement. Accordingly, we are closing the investigation of this complaint effective the date of this letter. When the Agreement is fully implemented, the issue will be resolved consistent with the requirements of Title VI and its implementing regulations. OCR will monitor implementation of the Agreement through periodic reports from the District demonstrating that 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. The Complainant will be copied on our monitoring letters. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and it 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.

Please be advised that the District 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, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for your attention to this matter, the District's cooperation, and the assistance of Ms. Cathleen Dooley. If you have any questions, please contact Ms. Heidi Kutcher, the primary contact for this case, at 303-844-4572 or by email at heidi.kutcher@ed.gov.

Sincerely,



Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure: Signed Resolution Agreement

Cc Cathleen Dooley, Attorney for the District (via email)

cc (w/o enclosures): Diane Douglas, Arizona Superintendent of Public Instruction