



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 28, 2018

Dr. Donna Lewis
Superintendent
Creighton School District
2702 East Flower Street
Phoenix, AZ 85016

Only via email: dlewis@creightonschools.org

Re: Creighton School District
OCR Case Number: 08-18-1313

Dear Superintendent Lewis:

On May 21, 2018, we notified you of a complaint alleging Creighton School District discriminated on the basis of national origin and disability. We accepted for investigation the allegation that the District failed to communicate in a language a national origin minority parent who is limited English proficient (Parent) understands about education-related matters, including notices of procedural safeguards, parent portal, EL program matters involving the parent's two children (Students), and the District's policies (including disability discrimination procedures). We also accepted the allegations that the District does not have a Section 504 Coordinator, and failed to timely evaluate the Students for a suspected disability.

We are responsible for enforcing 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; 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; and 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. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

The complaint was filed on behalf of the mother of two children. The Mother's primary language is Spanish. The complaint raised that the District did not consistently provide school information in a language she understands and that the District's website with the District's policies was not available in Spanish, the parent portal was not available in Spanish, and some of the paperwork regarding English learner services for her sons was only in English. The complaint also raised concerns that the Students were not evaluated for potential emotional disabilities and the Mother was not notified who to contact to raise a complaint with the District.

During the investigation, but before we 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, Section 504, and Title II issues 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, Section 504, and Title II and their 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. Jennifer MacLennan. 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,

/s/

Angela Martinez-Gonzalez

Supervisory General Attorney

Enclosure: Signed Resolution Agreement

cc: Jennifer MacLennan, Attorney for the District (via email maclennan@gustlaw.com)

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