



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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March 8, 2019

Ms. Linda Palles Thompson  
Superintendent  
Peoria Unified School District  
6330 West Thunderbird Road  
Glendale, Arizona 85306

Sent via email only to designated representative: [ssavoy@pusd11.net](mailto:ssavoy@pusd11.net)

Re: Peoria Unified School District  
OCR Case Number: 08-18-1581

Dear Superintendent Palles Thompson:

On October 3, 2018, we notified you of a complaint alleging that Peoria Unified School District (the District) discriminated on the basis of race and disability. Specifically, the Complainant alleges that the District, at Alta Loma Elementary School (School), has failed to adequately respond to reports of racial and disability harassment of her son (Student).

OCR is 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. The District is a recipient and a public entity, and thus is subject to these laws and their implementing regulations.

The Student is African American, a student with a disability, and was enrolled in the sixth grade at the School during the 2018-19 school year. The Complainant alleged that during several incidents in the fall 2018, the Student was called names, including the n-word and “dumb”, during recess. The complaint indicates that the Student reported the allegations to teachers at the time of each incident. The Complainant later clarified that the Student did not report the incidents to the teachers at the time of incidents because he felt no one would do anything. The Complainant informed the School of the incidents in a meeting with the Principal and Assistant Principal on September 10, 2018. Following the meeting, the Assistant Principal conducted an investigation. The District’s investigation included interviews with a number of students. The District could not substantiate that any students used the n-word, but that students heard the word “Dxxx.” The District concluded that it did not find discrimination occurred. The Complainant reported that another harassment incident may have occurred on September 28, 2018.

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 the course of the investigation, we reviewed the District's grievance procedures for disability discrimination complaints and its notice of non-discrimination and Section 504/Title II compliance officer. Based on the review, we noted several procedural concerns. The notice of compliance officer does not include a contact telephone number. The notice of non-discrimination does not have any information regarding the compliance officer for Title VI, Section 504, and Title II. The grievance procedures do not include information for contacting the compliance officer, requires a written complaint on the District form, does not describe what is included in an investigation, does not include interim measures, and only requires written notification of the findings if no violation of the policy is found.

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 and appropriately addressing 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 issues 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 regarding 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.

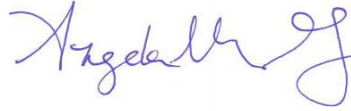
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and it should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

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 the assistance of Steve Savoy. If you have any questions, please contact Ms. Allison Morris at 303-844-2558 or by email at [allison.morris@ed.gov](mailto:allison.morris@ed.gov).

Sincerely,



Angela Martinez-Gonzalez  
Supervisory General Attorney

cc (w/o enclosures):

Superintendent of Public Instruction (via email only)