



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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September 20, 2019

Mr. Fatih Karatas  
Chief Executive Officer  
Sonoran Schools  
1489 W. Elliot Road, Suite D103  
Gilbert, AZ 85233

Sent via email only to the designated representative: [dgarner@omlw.com](mailto:dgarner@omlw.com)

Re: Sonoran Science Academy - Phoenix  
OCR Case Number: 08-19-1277

Dear Mr. Karatas:

On June 11, 2019, we notified you of a complaint alleging that Sonoran Science Academy – Phoenix (Academy) discriminated on the basis of race. Specifically, the Complainant alleged that:

- the Phoenix campus does not have comparable facilities and services within the Sonoran Schools organization, including heating/air condition systems, cafeteria, library, gym, and playground; and
- the Academy failed to provide English Learner (EL) students with English language development instructional services and failed to have an English Learner program.

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. Further, 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 regulation.

*English Learners Allegation*

The complaint alleged that EL students were not receiving instruction from a qualified teacher and there was no program for the students to learn English. The Academy provided general information regarding its program, reporting that when there was a sufficient number of EL students at a school, students would receive English language instruction in a pull-out program. However, the Academy's data indicated that the students at the Phoenix campus were receiving instruction in their classroom, but that EL students were not assigned to classrooms with teachers who have certification or training in providing English instruction to EL students.

### *Facilities Allegation*

The complaint alleged that the Phoenix campus was majority African American students and the rest of the Academy schools were majority white students, and that the School was the oldest in the Academy system, did not have an indoor lunchroom, the air conditioning was not maintained, and the Academy did not have a gymnasium or a library. The Academy provided information that it had recently purchased a new facility for the School, and starting in the 2019-20 academic year students K-6 would move to the new facility and a second building would be built for the remaining 7-12 grade students to use starting SY 2020-2021. The Academy indicated that the new building has an indoor gymnasium for PE, recess, and lunch.

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 Academy. The Academy indicated an interest in resolving the matter voluntarily and appropriately addressing the Title VI issues raised by the complaint. We have, therefore, determined that the matter is appropriate for resolution pursuant to Section 302 of the CPM.

The Academy 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 and its implementing regulations. OCR will monitor implementation of the Agreement through periodic reports from the Academy 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 Academy fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

This letter should not be interpreted to address the Academy'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.

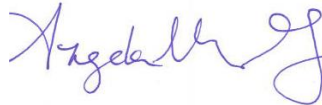
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and it should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the Academy 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 and the School's cooperation in this matter, and the assistance of Dr. Gregory McFann, Mr. Christopher Felton, and Mr. David Garner. If you have any questions, please contact Ms. Heidi Kutcher at 303-844-4572.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angela Martinez-Gonzalez".

Angela Martinez-Gonzalez  
Supervisory General Attorney

cc: (w/o enclosures):

Kathy Hoffman, Arizona Superintendent of Public Instruction (via email only)