



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII

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January 27, 2021

Dr. Jill Gildea
Superintendent, Park City School District
2700 Kearns Boulevard
Park City, UT 84060
jgildea@pcshools.us

Via email only

Re: OCR Complaint #08201121-Park City School District

Dear Superintendent Gildea:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Denver Office, has resolved the above-referenced complaint, filed against the Park City School District (PCSD, District, or Recipient), in Park City, UT. The Complainant alleged that personnel at a PCSD school, Parley's Park Elementary School (School), discriminated against him on the basis of race when it required him to have an escort while visiting his son (Student) during lunch.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R 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 Department. 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 District is subject to these laws and regulations. Additional information about the laws OCR enforces is available on the OCR website at <http://www.ed.gov/ocr>.

On September 3, 2020, OCR opened an investigation into the above allegation.

As part of the investigation, OCR reviewed information provided by the Complainant and District, conducted a preliminary interview with the Complainant, reviewed written data provided by the District, and discussed the allegation with counsel for PCSD. A statement provided by the District indicates that several staff and faculty members had complained that they were "intimidated" or "felt threatened" by the Complainant on at least six occasions. No further information was provided by the District regarding these alleged actions by the Complainant, though the District at no time issued a trespass warning to the Complainant. OCR reviewed the District's non-discrimination policy, including policy number 1000, which states in relevant part:

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

“Park City School District's policy is to provide a work and school environment free from harassment or discriminatory treatment on the basis of the following prohibited characteristics: race, religion, national origin/ethnicity, color, sex/gender (including sexual orientation and gender identity), pregnancy, age, disability, or any other legally protected classification. Park City School District does not discriminate in its educational programs, activities, admissions, access, treatment, or employment practices. Unlawful discrimination or harassment is strictly prohibited.”

Subsection III(E) of policy number 1000, titled “Prohibited Harassment Based on Race, Religion, National Origin, Color, Age, or Disability,” states in relevant part:

“District employees, students and third parties (including agents and patrons) are prohibited from engaging in harassment on the basis of other prohibited characteristics on district time and district premises and when prohibited conduct interferes with school or district operations.”

OCR reviewed District policies regarding visitor access to PCSD campuses, including policy number 11103, which states in relevant part:

“The District has the right and responsibility to control access to its schools, campuses, and other buildings and facilities during the school day. Visitor access, including by parents and guardians, may be limited or denied at any time if, in the reasonable judgment of the District Superintendent or school/building administrator, the visitor's presence may be disruptive to the educational or learning environment or otherwise poses a threat to the well-being of the District's students or employees.”

Further, policy number 11103 outlines the basic procedure for all visitors to PCSD campuses:

“All visitors...must report to the front office to sign in...present photo identification...be given a visitor badge, which must be worn in a visible location... [and] check out at the front office...to turn in their visitor badge...”

Policy number 11103 indicates that “[t]hese procedures shall apply to school events and assemblies held during the school day such as performances, ceremonies, and field days.”

OCR also reviewed policy number 11002 which states that “[a]uthorization [to be present at a District campus] shall not be given if the Principal or his or her designee determines in his or her discretion that...[the visitor's] presence will likely cause fear for the safety of another.”

Before OCR completed its investigation, the District asked to voluntarily resolve the allegation under investigation pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), which provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. Although OCR had identified concerns regarding the issue

under investigation, OCR had not yet reached a full compliance determination. On December 15, 2020, OCR determined that a resolution under CPM Section 302 was appropriate.

On January 27, 2021, the District voluntarily signed and submitted to OCR a Resolution Agreement (Agreement) to resolve the issue under investigation. A copy of the Agreement is enclosed. OCR determined that the provisions of the Agreement are aligned with the issue under investigation and appropriately resolves it. Further, OCR accepts the Agreement as an assurance that the District will fulfill its obligations under Title VI with respect to the issue under investigation. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the District's implementation of the Agreement.

Effective the date of this letter, OCR concludes its investigation of the above referenced allegation. This letter should not be interpreted to address any issues other than those addressed therein.

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

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 resolution process. If this happens, an 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 OCR receives such a request, OCR will seek to protect to the extent provided by law personal information that if released, could constitute an unwarranted invasion of privacy. Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law.

In addition, the Department has developed guidance to support recipients, as well as the students, families, staff, and community served therein, through the unprecedented challenges faced by COVID-19. For more information, see the Department's [*COVID-19 \("Coronavirus"\) Information and Resources for Schools and School Personnel*](#). If you are in need of assistance from the Department or OCR as a result of COVID-19, please don't hesitate to reach out.

If you have any questions about this letter, please contact Mr. Craig Nydick, the attorney assigned to this complaint, by telephone at (303) 844-7104 or by email at craig.nydick@ed.gov. You may also reach me at (303) 844-6086 or via email at michael.todd@ed.gov.

Sincerely,

Michael D. Todd
Supervisory Attorney
Office for Civil Rights
Denver Office

Enclosure: Resolution Agreement

Cc: xxx (xxx), Outside Counsel