



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

July 18, 2013

Reverend Jarrett Maupin, II
P.O. Box 2165
Phoenix, Arizona 85001

Re: Queen Creek Unified School District
Case Number: 08-13-1214

Dear Reverend Maupin:

On May 23, 2013, we received your complaint alleging the Queen Creek Unified School District (District) discriminated on the basis of race. Specifically, you allege that the District discriminated by creating a racially hostile environment at the "redneck day" event on May 1, 2013, at Queen Creek High School and by failing to take action to correct the racially hostile environment. We have determined that we have the authority to investigate this allegation consistent with our complaint procedures and applicable law. We note, however, that the display of the confederate flag concerns rights protected by the First Amendment of the United States Constitution. Therefore, the scope of OCR's investigation will be limited to whether a racially hostile environment was created due to language and actions that were not protected by the First Amendment.

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. As a recipient of Federal financial assistance from the Department, the District is subject to this law and regulation. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Because we have jurisdiction and the allegation above was filed timely, we are opening this allegation for investigation. Please note that opening the allegation for investigation in no way implies that we have made a determination regarding its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of the *Case Processing Manual*.

Our procedures also provide for investigations to be terminated if the District has taken actions that completely resolve the issues in the complaint or if the District and Complainant reach an agreement through Early Complaint Resolution (ECR). If you are interested in this process, please contact the investigator assigned to this case as soon as possible. Please note that we will

designate staff to facilitate an agreement between you and the District. To the extent possible, staff assigned to conduct ECR of a complaint shall not be staff assigned to the investigation of that complaint.

We intend to conduct a prompt investigation of this complaint. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

If our investigation establishes that there has been a violation of law, we will attempt to negotiate a remedy. If we are unable to secure appropriate remedial action, we must initiate formal enforcement action by commencing administrative proceedings seeking the termination of Federal funds to the District or a referral to the Department of Justice. These enforcement procedures will be initiated only if a violation is found and then only if we are unable to negotiate voluntary remedial action.

In your complaint and during our conversations, you also discussed potential discrimination related to ethnic studies programs at other school districts in Arizona and the impact of Arizona Revised Statutes (ARS) § 15-112. As we discussed, we are still waiting to hear from you about additional information regarding those allegations. Because your ethnic studies allegations are separate from the allegation identified in the beginning of this letter and do not involve the Queen Creek Unified School District, they will be addressed separately and will be assigned a different case number once OCR receives the additional information we discussed with you. Thus, at this time, OCR is only proceeding with the investigation of the racially hostile environment allegation identified in the beginning of this letter.

We are committed to prompt and effective service. If you have any questions regarding this case, please contact Jacob Smiles, Attorney Advisor and the primary contact for this case, at (303) 844-0745 or by e-mail at Jacob.Smiles@ed.gov. You may also contact me at (303) 844-6083.

Sincerely,



Angela Martinez-Gonzalez
Supervisory General Attorney