

Ref: 06111022

Mr. Dennis McEntir, Superintendent
Presidio Independent School District
100 Market Street
Presidio, Texas 79845

Dear Mr. McEntire:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint alleging discrimination on the basis of sex, which was filed against the Presidio Independent School District (PISD), Presidio, Texas. OCR received the complaint on October 14, 2010. Specifically, the complainant alleged the following:

1. The PISD discriminated against female students, on the basis of sex, by that the PISD discriminates against female students on the basis of sex by failing to provide female students in the softball program equivalent athletic opportunities at Presidio High School in the following athletics components:
 - a. Equipment and Supplies;
 - b. Locker Rooms, Practice and Competitive Facilities; and
 - c. Scheduling of Games and Practice Times; and
2. The PISD treated female students differently, on the basis of sex, when officials at Presidio High School failed to provide female students participating in the athletics program an opportunity to attend enrichment camps while providing male students participating in the athletics program the opportunity to attend enrichment camps during the 2009-2010 and 2010-2011 school years.

The complaint was filed pursuant to Title IX of the Education Amendments Act of 1972, (Title IX), and its implementing regulations at 34 C.F.R. Part 106, (2010) which prohibit discrimination on the basis of sex.

This agency is responsible for determining whether organizations that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to the Department, are in compliance with Title IX, which prohibits discrimination on

the basis of sex. OCR has determined that the PISD is a recipient of Federal financial assistance from the Department. Therefore, OCR had jurisdictional authority to process this complaint for resolution under Title IX.

Regarding the complainant's complaint allegations, OCR investigated the following issues:

1. Whether the PISD discriminates against female students, on the basis of sex, by failing to provide female students in the athletics program at Presidio High School equivalent athletic opportunities in the provision of equipment and supplies, locker rooms, practice and competitive facilities and scheduling of games and practice times, in violation of Title IX and its implementing regulation at 34 C.F.R. § 106.41(c)(2)(3) and (7); and
2. Whether the PISD treated female students differently, on the basis of sex, when officials at Presidio High School failed to provide female students participating in the athletics program the opportunity to attend enrichment camps, while providing male students participating in the athletics program to attend enrichment camps, in violation of Title IX and its implementing regulation at 34 C.F.R. § 106.31(a) and (b)(2).

OCR opened this complaint for investigation because it determined that the issues raised, if proven true, would constitute discrimination on the basis of sex, in violation of Title IX. In processing the above complaint issues, OCR obtained and analyzed pertinent information provided by the complainant and the PISD. The information included school policies and procedures, athletics program budgets and other information regarding the PISD's athletics program. OCR also conducted an on-site visit to the PISD to inspect the athletic facilities. During the on-site visit, OCR conducted interviews with the complainant, PISD administrative and school personnel with pertinent knowledge of the issues, and students.

After the investigation began, but before OCR reached an investigative compliance determination, the PISD expressed a desire to voluntarily resolve the complaint. Regarding the issues accepted for resolution, and consistent with Section 302 of OCR's Complaint Processing Manual (CPM), the PISD submitted the attached voluntary Resolution Agreement (Agreement) on October 18, 2013, which OCR has determined addresses the compliance issues raised in the complaint and which when fully implemented, will resolve this complaint. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the implementation of the Agreement by the PISD to determine whether the commitments made by the PISD have been implemented consistently with the terms of the Agreement. If the PISD fails to fully implement the Agreement, as specified, OCR will resume its investigation of the above issues. If the PISD determines a need to modify any portion of the Agreement, the PISD may submit, for consideration, proposed revisions to OCR.

Therefore, based on the submission of the Agreement, and in accordance with OCR's CPM, we are closing the investigative phase of this complaint, effective the date of this letter. This letter should not be interpreted to address the PISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The complainant has been notified of this action.

Under OCR procedures we are obligated to advise the complainant and the institution against which a complaint has been filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this office. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceedings or hearing held in connection with a complaint.

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.

Under the Freedom of Information Act, 5 U.S.C. § 552, 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.

OCR appreciates the cooperation and assistance of the PISD in coordinating the complaint resolution activities. If you have questions or concerns, please contact Lisa Y. Thierry, Senior Equal Opportunity Specialist, at (214) 661-9654 or John F. Stephens, Compliance Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August
Director
Dallas Office

Enclosure