

April 10, 2015

RE: OCR Complaint No. 06-15-1040

Dr. Joseph White, Superintendent
Forest Municipal School District
325 Cleveland Street
Forest, MS 39074

Dear Dr. White:

This letter is to notify you of the determination made by the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, regarding the above-referenced complaint received on October 22, 2014, against the Forest Municipal School District (FMSD), Forest, Mississippi. The complainant alleged that the FMSD discriminated against female athletes on the basis of sex. Specifically, the complainant alleged that the FMSD failed to provide equal athletic opportunities to female student athletes at Forest High School with regard to the provision of locker rooms, practice and competitive facilities, primarily with respect to the softball field and related facilities.

OCR is responsible for the enforcement of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department. As the FMSD is a recipient of Federal financial assistance from the Department, OCR had jurisdiction to process this complaint for resolution under Title IX.

On November 25, 2014, OCR notified the FMSD that it would investigate the legal issue of whether the FMSD discriminates against female student athletes at Forest High School on the basis of sex by failing to provide them equal athletic opportunity with respect to the provision of locker rooms, practice, and competitive facilities, in violation of Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(7).

Prior to the completion of OCR's investigation, the FMSD informed OCR that it was interested in resolving the complaint. Section 302 of OCR's Case Processing Manual 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. The provisions of the resolution agreement will be aligned with the complaint allegations and issues investigated and will be consistent with applicable law and regulations.

The FMSD voluntarily submitted to OCR a Resolution Agreement, which was signed by the Superintendent, Dr. Joseph White, on March 27, 2015. A copy of the Resolution Agreement is enclosed. OCR has determined that the provisions of the Resolution Agreement are aligned with the issue investigated and appropriately resolve it. Further, OCR accepts the Resolution Agreement as an assurance that the FMSD will fulfill its obligations under Title IX with respect to the issue. The dates for implementation of specific actions are detailed in the Resolution Agreement. OCR will monitor the implementation of the Resolution Agreement. Please be advised that if the FMSD fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This concludes OCR's investigation of the complaint and should not be interpreted to address the FMSD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

Please be advised that the FMSD 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, the complainant may file another complaint alleging such treatment.

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.

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 cooperation you and your staff extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Marvin Macicek, Investigator, at 214-661-9636 or by email at marvin.macicek@ed.gov, or you may contact Justin Evans, Team Leader, at 214-661-9676 or by email at justin.evans@ed.gov.

Sincerely,

Taylor D. August
Director, Dallas Office
Office for Civil Rights

Enclosure