



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
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June 11, 2009

Ms. Mary Ellen Elia
Superintendent
Hillsborough County School District
901 E. Kennedy Blvd.
Tampa, Florida 33602

Re: Docket #04-09-5002

Dear Ms. Elia:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has selected the Hillsborough County School District (District) for a compliance review. Specifically, OCR will examine the District's policies and grievance procedures related to the District's handling of incidents of sexual harassment and the training of Title IX Coordinators. OCR provided the District with an initial notification of this compliance review by letter dated January 5, 2009.

This review is being conducted pursuant to OCR's authority under Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681, and its implementing regulation, 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. The District is a recipient of Federal financial assistance from the Department and, therefore, subject to the requirements of Title IX.

In order to conduct this compliance review, it is necessary for OCR to obtain information from the District. The following data is requested pursuant to the Title IX implementing regulation at 34 C.F.R. § 106.71, which incorporates by reference the regulation implementing Title VI at 34 C.F.R. § 100.6(b) and (c). The Title VI regulation requires a recipient of Federal financial assistance to make available to OCR information that may be pertinent to ascertain compliance. 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. Accordingly, we request that you provide the following information to our office within 15 days of your receipt of this letter:

1. A copy of the District's nondiscrimination policy under Title IX
2. A copy of any other applicable policies regarding sexual harassment.
3. A copy of the District's Title IX notice of nondiscrimination.
4. The date the Title IX notice of nondiscrimination and any anti-harassment policies were disseminated. A description of how and to whom the District disseminates its Title IX notice of nondiscrimination. Please indicate if the policies were made available in any other format, such as Braille.

5. A copy of the District's student and faculty handbooks for the 2007-2008 and 2008-2009 school years. If available on-line, please provide the URL.
6. A copy of the publications containing the District's Title IX notice of nondiscrimination.
7. A copy of the District's grievance procedures that address student and employee complaints of discrimination on the basis of sex in education programs and activities (Title IX grievance procedures)
8. A description of how and to whom the District disseminates its Title IX grievance procedures.
9. A copy of the publications containing the District's Title IX grievance procedures.
10. The name and contact information for the District's Title IX Coordinator(s), a description of each coordinator's background and experience related to the Title IX Coordinator responsibilities, and information regarding the Coordinator's Title IX training.
11. A description of the how the District notifies students and employees of the name, address, and telephone number of the District's Title IX coordinator.
12. A copy of the District's policies and procedures for responding to complaints of sexual harassment, sex discrimination and/or sexual assault, including, oral, written, informal and formal complaints; documents describing or setting forth the services the District provides to the victims of sexual harassment, sex discrimination and/or sexual assault; documents describing or setting forth sanctions that may be imposed on students who have engaged in such sexual harassment, sex discrimination and/or sexual assault. Include a detailed description of the complaint process, including each level of the process, the length of the process, and the types of records maintained. Also, identify the names and titles of District staff at each level of the process responsible for handling complaints of sexual harassment, sex discrimination and/or sexual assault.
13. Copies of any informal or formal complaints of sexual harassment, sex discrimination and/or sexual assault, including records of oral complaints, made during the 2007-08 and 2008-09 school years. For each complaint, provide a detailed description of the allegations raised; the complaint processing procedures followed and the length of the process; the names and titles of the individuals involved in the handling of the complaint; the final outcome of any investigation; and all actions taken by the District in response to the concerns raised. Provide copies of logs, forms, letters, notes incident reports and other documents maintained concerning these complaints.
14. Copies of all correspondence relating to the allegations raised in the complaints encompassed by item 13 above, including emails, telephone logs, internal memoranda and letters.
15. Provide the date of the most recent training provided to staff district-wide regarding sexual harassment. State who conducted the training and their qualifications. Also, provide documentation describing the content of the training (e.g., PowerPoint presentation notes, pamphlets, training materials) and a list of who attended and was invited to attend.

If you find that any item in our request is unclear, please contact us at the phone number provided below. If you experience any difficulty complying with this request, you should notify us prior to the expiration of the due date. Please be aware that it may be necessary for us to make additional requests for information in the future. We will be visiting the District to review student files and interview staff, and will notify you in advance of this visit.

We appreciate your cooperation in this compliance review. If you have any questions regarding this data request or the compliance review in general, please feel free to have a member of your staff contact Scott Sausser, Esq., at (404) 562-4284 or via e-mail at scott.sausser@ed.gov.

Sincerely,

/s/

Doris V. Maye
Team Leader

cc: Chief State School Officer