



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

November 14, 2017

Jeffrey Mulqueen
Superintendent of Schools
Pentucket Regional School District
By email: jmulqueen@prsd.org

Re: Complaint No. 01-16-1298
Pentucket Regional School District

Dear Superintendent Mulqueen:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against Pentucket Regional School District (the District). The complaint alleged that the District discriminated against female athletes on the basis of sex at the Pentucket Regional High School (School). Specifically, the Complainant alleged that the District's selection of sports and levels of competition at the School do not effectively accommodate the interests and abilities of members of both sexes (Allegation 1). The Complainant also alleged that the District is not providing an equal opportunity for female athletes at the School in the following areas: the provision of equipment and supplies (Allegation 2); locker rooms, practice and competitive facilities (Allegation 3); and publicity (Allegation 4).

As explained further below, before OCR completed its investigation, the District expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. The following is a discussion of the relevant legal standards and information obtained by OCR during the investigation that informed the development of the Resolution Agreement.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. The District is a recipient of financial assistance from the Department.

Legal Standards

The Title IX regulation, at 34 C.F.R. § 106.41(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics offered by a District. The Title IX regulation, at 34 C.F.R. § 106.41(c), states that a District which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both sexes.

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

In determining whether a district is in compliance with Title IX with respect to its athletics program, OCR assesses whether the District provides equivalent treatment, services, and benefits regarding athletic program components.¹ The overall equivalence standard allows District to achieve their own program goals within the framework of providing equal athletic opportunities. To determine equivalency for men’s and women’s athletic programs, program components assessed by comparing the following: availability, quality, kind of benefits, kind of opportunities, and kind of treatment.

Under this equivalency standard, identical benefits, opportunities, or treatment are not required. If a comparison of program components indicates that benefits, opportunities, or treatment are not equivalent in quality, availability, or kind, the District may still be in compliance with the law if the differences are shown to be the result of nondiscriminatory factors. Compliance concerns will exist only if disparities are of a substantial and unjustified nature in a school’s overall athletic program; or if disparities in individual program areas are substantial enough in and of themselves to deny equality of athletic opportunity.

Factual Background

As of the 2016-2017 school year, the District offered the following sports²:

<u>Boys’ Sports</u>	<u>Girls’ Sports</u>	<u>Co-ed Sports</u>³
Basketball	Basketball	Wrestling
Baseball	Softball	Golf
Football	Field Hockey	Cheerleading ⁴
Track	Track	Swimming
Cross Country	Cross Country	
Soccer	Soccer	
Indoor Track	Indoor Track	
Lacrosse	Lacrosse	
Ice Hockey	Ice Hockey	
Tennis	Tennis	
	Volleyball	

¹ See “A Policy Interpretation: Title IX and Intercollegiate Athletics” (the Policy Interpretation), 44 Federal Register No. 239, December 11, 1979.

² OCR last received data regarding the sports offered by the School during the 2016-2017 school year. Accordingly, OCR is not addressing any changes that may have been made to the School’s athletic offerings during the 2017-2018 school year.

³ The District informed OCR that the sports in this column were co-ed. OCR notes that during the 2014-2015 and 2015-2016 school years, the wrestling team had only boys and the swimming team had only girls. During the 2016-2017 school year, however, the swimming team had one boy.

⁴ Cheerleading may be a “sport” for the purposes of Title IX, depending upon the activity’s structure, administration, team preparation, and competition. Because the District requested a voluntary resolution, OCR did not undertake this analysis with regard to the School’s cheerleading team.

Five of the above sports were co-op sports⁵: girls’ volleyball, girls’ ice hockey, boys’ ice hockey, co-ed swimming, and co-ed wrestling. The School was the “host” school for boys’ ice hockey and co-ed wrestling. The boys’ ice hockey team also had players from Georgetown High School and the co-ed wrestling team also had players from Newburyport High School. The School was the “guest” school for girls’ volleyball, girls’ ice hockey, and co-ed swimming, which are hosted by Georgetown High School, Triton High School, and Haverhill High School, respectively.

The levels at which these sports were offered changed from year-to-year. For example, both the baseball and softball teams fielded a freshman team during the 2014-2015 school year, but neither fielded one during the 2015-2016 school year. Similarly, the District did not field a freshman field hockey team during the 2014-2015 school year, but it did field such a team during the 2015-2016 school year.

Despite this variation from year-to-year, the District continues to field a roughly comparable number of girls’ and boys’ teams at each level:

	2016-2017	2015-2016	2014-2015
Boys’ Varsity Teams	10	10	10
Girls’ Varsity Teams	11	11	11
Boys’ Junior Varsity Teams	10	10	10
Girls’ Junior Varsity Teams	9	10	10
Boys’ Freshman Teams	4	3	3
Girls’ Freshman Teams	2	2	2
<u>Total Boys’ Teams</u>	<u>24</u>	<u>23</u>	<u>23</u>
<u>Total Girls’ Teams</u>	<u>22</u>	<u>23</u>	<u>23</u>

Additionally, most comparable sports⁶ offered teams at the same level of competition (e.g., boys’ and girls’ lacrosse field varsity and junior varsity teams, but no freshman teams). The only exceptions were ice hockey and basketball. During the 2014-2015 and 2015-2016 school years, the District fielded a junior varsity ice hockey team for boys but not for girls. Likewise, during the same years, the District fielded a freshman basketball team for boys but not for girls.

⁵ Under the Massachusetts Interscholastic Athletic Association’s (MIAA) cooperative sports guidelines, a “host” school is the school that provides the physical space and coaching for a sport. A “guest” school is one whose students are allowed to join the team hosted by the other school. The co-op system was designed to allow students additional athletic opportunities, since two schools that do not have sufficient student interest to field separate teams can combine their teams into one.

⁶ When comparing whether or not equivalent opportunities or equipment are given to the boys’ and girls’ teams, OCR used the following pairs of comparator sports: (i) softball and baseball, (ii) boys’ and girls’ basketball, (iii) boys’ and girls’ ice hockey, (iv) boys’ and girls’ spring track, (v) boys’ and girls’ indoor track, (vi) boys’ and girls’ cross country, (vii) boys’ and girls’ lacrosse, (viii) boys’ and girls’ soccer, and (ix) boys’ and girls’ tennis.

Based on OCR's preliminary investigation, the girls' and boys' teams also had comparable numbers of games or matches per season. Looking at comparable sports, the teams either (i) had the same number of games, (ii) the boys had slightly more games one year and the girls had slightly more games the next year, or (iii) the difference was only one game.⁷ The only exception was the varsity girls' basketball team during the 2014-2015 season, which had more games than the boys' basketball team because it participated in two multi-game tournaments; the following year (2015-2016) the girls played only one more game than the boys.⁸

Interests and Abilities

In assessing whether the interests and abilities of the members of both sexes are being effectively accommodated to the extent necessary to provide equal opportunity to participate in intercollegiate athletics, OCR uses the three-part test set forth in the Policy Interpretation. The three-part test provides the following three compliance options:

1. Whether interscholastic level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or
2. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the District can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex; or
3. Where the members of one sex are underrepresented among interscholastic athletes, and the District cannot show a history and continuing practice of program expansion as described above, whether the District can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.

If a District has met any part of the three-part test, OCR will determine that the District is meeting this requirement.

OCR investigated whether the number of participation opportunities for boys and girls were available in a number substantially proportionate to their respective enrollments. During the 2015-2016 school year, boys constituted approximately 48% of the student body at the School and girls constituted approximately 52%. In contrast, 58% of the School's athletic opportunities were provided to boys and only 42% to girls.⁹ The School has roughly 180 fewer opportunities

⁷ OCR did not include scrimmages or playoff games in these calculations. OCR also was not able to assess the schedules of the girls' hockey team because, according to the District, the host district did not respond to its request for the schedule.

⁸ As described above, during both the 2014-2015 and 2015-2016 school years, the boys fielded a freshman basketball team while the girls did not. Therefore, during both school years, the boys' basketball program had more games overall than the girls'.

⁹ These numbers do not include any athletes on the girls' volleyball team, which is a co-op team hosted by Georgetown High School. The School reported that the host school did not respond to its request for rosters. As a result, it did not provide OCR with evidence regarding the number of athletic opportunities. However, even if such information were provided, it would be unlikely to change the percentage of

for girls than it would if the athletic opportunities for girls were substantially proportionate to their enrollment numbers.¹⁰ This is a sufficient number of opportunities to sustain a viable team.¹¹ Based on the above, the evidence indicates that the interscholastic participation opportunities provided by the District were not substantially proportionate to male and female enrollments.

OCR's investigation indicated that, since 2013, the District added slightly more athletic opportunities for girls (girls' hockey and girls' volleyball) than boys (boys' indoor track).¹² However, the District acknowledged that it has not conducted any surveys or other assessments of student interest and ability in athletic participation over the past ten (10) years. Because the District expressed a desire to engage in a resolution, and OCR found it appropriate to proceed with a resolution under Section 302 of OCR's *Case Processing Manual*, OCR has not completed its investigation regarding whether the District complies with the other two prongs of the three-part test, i.e., whether the District can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of girls and whether it can be demonstrated that the interests and abilities of the girls have been fully and effectively accommodated by the present program. To complete its investigation, OCR would need to obtain additional information, through documentation and interviews, regarding the expansion of the District's program, as well as the interests and abilities of female athletes in the program.

In addition to looking at the three-part test broadly, OCR also examined whether the opportunities provided to athletes on the girls' hockey team are true opportunities, and whether they are afforded in an equal manner. For the 2016-2017 school year, XXXXXXXXXX asserted the fee for athletes on the girls' hockey team was \$1,300; the District and XXXXXXXXXXXXX agreed the fee for the boys' hockey team was \$425.¹³ Further, the boys' fee counted towards the "family cap," which ensured that no family pays more than \$500 per year for its children to participate in athletics; the girls' fee did not count towards the family cap. As a result, a family with a player on the boys' hockey team would not have paid more than \$500 a year, but a family with a player on the girls' hockey team could have paid up to \$1,800 (i.e., \$1,300 + \$500 for other sports).

opportunities because the District stated that, during the 2016-2017 school year, it had only four girls on the volleyball team.

¹⁰ As described below, the opportunities for athletes on the girls' hockey team may not have been full opportunities, or may not have been provided in a manner equitable to boys' hockey. However, for the purposes of these calculations, the number of athletes on the girls' hockey team is included.

¹¹ Whether or not cheerleading is included, the difference in athletic opportunities was still high enough to sustain a viable team. During the 2015-2016 school year, the cheerleading team had 13 girls and one boy; during the 2014-2015 school year, the team had 18 girls and no boys.

¹² The District also added a co-ed swimming team, which, for 2014-15 and 2015-16 seasons, had only girls. During the 2016-2017 season, the team had one boy.

¹³ The District did not provide information regarding the fee for the girls' hockey team. Instead, it wrote "With regard to those District students participating in coop sports, please be advised that those students pay the full fee established by the host district."

This disparity in the family cap stemmed from the District’s policy of not counting fees spent on co-op sports hosted by other districts towards its family cap. This policy primarily affected girls because the only co-op sports hosted by other districts are girls’ ice hockey, volleyball, and swimming. For the past two seasons, the girls’ ice hockey team and the volleyball team had no boys. The swimming team had only girls during the 2014-2015 and 2015-2016 school years, and one boy during the 2016-2017 school year. To complete its investigation regarding fees, OCR would need to obtain additional information regarding the specific impact of the family cap as applied to boys compared to girls.

Equipment and Supplies

OCR examines the following factors when determining whether the District is in compliance with Title IX with respect to the provision and maintenance of equipment and supplies:

- (1) The quality of equipment and supplies;
- (2) The amount of equipment and supplies;
- (3) The suitability of equipment and supplies;
- (4) The maintenance and replacement of the equipment and supplies; and
- (5) The availability of equipment and supplies.

According to the information provided by the District, all boys’ and girls’ teams received new uniforms since 2014, purchased by either the District or the boosters. Because the District expressed an interest in voluntary resolution, OCR did not complete its review of the District’s equipment and supplies for all girls’ and boys’ teams to determine whether there was a disparity in the equipment and supplies.

OCR determined that the boys’, girls’ and co-ed teams at the District have a booster club that paid for the teams’ expenses, which included equipment and supplies. Although OCR usually has no authority to address the actions of independent booster clubs, if a booster club is providing benefits and services that benefit one sex more than the other, a district must take steps to ensure that inequality is corrected. According to the District, each Pentucket High School team has a booster account that is maintained by the Pentucket Athletic Association (PAA).¹⁴ During the 2014-2015 school year, according to documents provided by the District, the boosters spent roughly \$55,000 on boys’ sports, \$50,000 on girls’ sports, and \$44,000 on co-ed expenses.¹⁵ During the 2015-2016 school year, the boosters spent roughly \$20,000 on boys’ sports, \$20,000 on girls’ sports, and \$22,000 on co-ed expenses. Based on the resolution of the case under Section 302 of OCR’s *Case Processing Manual*, OCR did not complete its investigation of the provision of equipment and supplies by requesting additional documentation

¹⁴ According to its website, the Pentucket Athletic Association (PAA) is “a nonprofit volunteer parent organization that supports the athletic mission of the Pentucket Regional High School.” See About Us, Pentucket Athletic Association, <http://pentucketathleticassn.org/about-the-paa/> (last visited November 13, 2017).

¹⁵ These co-ed expenses include funds spent by booster clubs that supported both girls’ and boys’ teams (e.g. the Boys’/Girls’ Soccer Boosters) and funds spent towards equipment that benefited sports played by both sexes (e.g. portable scoreboard, ice machine).

and interviews to determine whether any of the “co-ed” expenses benefited boys’ teams more than girls teams, and whether the District had additional expenditures which offset some or all of the disparity in booster club spending during the 2014-2015 school year.

Locker Rooms, Practice and Competitive Facilities

OCR examines the following factors when determining whether the District is in compliance with Title IX with respect to the provision of locker rooms, practice, and competitive facilities:

- (1) Quality and availability of the facilities provided for practice and competitive events;
- (2) Exclusivity of use of facilities provided for practice and competitive events;
- (3) Availability of locker rooms;
- (4) Quality of locker rooms;
- (5) Maintenance of practice and competitive facilities; and
- (6) Preparation of facilities for practice and competitive events.

Locker Rooms

According to the District, most teams used the locker rooms on campus: either the “new” or “old” boys’ locker room or the “new” or “old” girls’ locker room. The “old” locker rooms were built in 1954. The “old” girls’ locker room had 175 lockers, no working showers, and two commodes; the “old” boys’ locker room had 230 lockers, a shower room with ten shower heads, one urinal, and two commodes. The “new” locker rooms were built in 1993. The “new” girls’ locker room had 66 lockers, ten private shower stalls, and two commodes; the “new” boys’ locker room had 80 lockers available, a shower room with nine shower heads, two urinals, and two commodes. For most sports that have practice or matches on the high school’s campus, if the boys used the old boys’ locker room, the girls used the old girls’ locker room. The only exception was soccer. The boys used the new boys’ locker room and the girls’ used either the new or the old girls’ locker room.

Some sports did not use the locker rooms on the School’s campus. Notably, the boys’ and girls’ hockey teams both practiced and had their home games at the Haverhill Veteran’s Memorial Ice Rink (the Rink). Parents interviewed by OCR indicated that the locker room at the Rink used by the girls’ hockey team did not have bathroom and shower facilities comparable to those in the locker room used by the boys’ hockey team; OCR determined that this description of the Rink’s locker rooms was consistent with information provided by the District. OCR also noted that only the football team was given assigned lockers in the locker room. To complete its investigation, OCR would need to conduct an on-site visit to the District’s locker rooms, and those at the Rink, to examine the facilities.

Competitive and Practice Facilities

Based on the data provided by the District, the boys and girls teams appear to have comparable facilities with some exceptions.¹⁶ The District informed OCR that the boys’ varsity baseball

¹⁶ Because the decision was made to pursue a Section 302 resolution, OCR did not visit these facilities. All comparisons are based on the District’s descriptions of the facilities.

team had its home games and practices on the School’s Varsity Fields, which had bleachers for 800 spectators, a scoreboard, a portable public address (PA) system, a bullpen, a batting cage, and locker rooms for home and visiting teams, but are in “adequate/poor condition.” The District further informed OCR that the girls’ varsity softball team had its home games and practices at the Pentucket Regional Middle School’s Outdoor Athletic Facility (Middle School Field), which had portable stands for a few hundred spectators, no scoreboard, no PA system, no bullpen, no batting cage, and only portable restrooms, but is in “excellent” condition.

The District did not have a girls’ junior varsity softball team during the 2016-2017 school year. However, the District informed OCR that in prior years, the girls’ junior varsity softball team played its games at Groveland Pines (Groveland) and practiced at either Groveland or the Middle School Field. During the 2016-2017 school year, the boys’ junior varsity baseball team had its games at Pipestave Hill Recreational Facility (Pipestave) and its practices at either Pipestave or the Varsity Fields. The information provided by the District indicated that Groveland had more amenities than Pipestave: it has batting cages, a PA system, and lights for the softball team, while Pipestave had none of those features for the baseball team. For after-school practices and games, the District provided shuttle buses to both Groveland and Pipestave. The District described the fields at both facilities as “above average.” The information provided by the District suggested that the boys’ practice facilities are somewhat better than the girls’ practice facilities, because while Groveland had more amenities than Pipestave, the Varsity Fields had many more amenities than the Middle School Field. However, most of those differences are not typically important for practices (e.g., PA system, scoreboard, bleachers).

While these differences in the facilities raised potential concerns, OCR has not completed its investigation by, for example, conducting an on-site review to examine the facilities. OCR also has not investigated whether disparities in facilities for one sport are offset by disparities in facilities for another sport.

Publicity

OCR examines the following factors when determining whether the District is in compliance with Title IX with respect to the provision of publicity:

- (1) Availability and quality of sports information personnel;
- (2) Access to other publicity resources for men's and women's programs; and
- (3) Quantity and quality of publications and other promotional devices featuring men's and women’s programs.

OCR’s investigation looked at four types of publicity for the District ‘s sports teams: the athletics Twitter feed (@SachemAthletics), the Facebook page for the PAA booster club, the morning announcements given at the School, and the programs offered at some games/matches.

Twitter Feed

According to the District, the @SachemAthletics Twitter feed was published by the Athletic Director. The account tweets announcements of upcoming matches, pictures from sporting events and practices, and the scores of games in progress or recently completed. OCR analyzed

this feed from the beginning of the 2014-2015 school year through February 2017, a sample of almost 5,000 tweets. Of these, roughly 1,500 were for co-ed teams or were general and not related to a specific team (e.g., tweets about snow days, graduation, or prom). Roughly 2,000 of the tweets, or 42%, concerned the boys teams. Roughly 1,300 of the tweets, or 26%, concerned the girls teams.¹⁷

At times, it was apparent from the Twitter feed that the Athletic Director was present at the game because he was describing the event in detail, as opposed to simply announcing the final score or retweeting another account's description of the game or match.¹⁸ This live-tweeting was sometimes only score updates at half time or at the end of a period, but sometimes included play-by-play updates, including congratulating specific athletes on their performance, or photos from the game. OCR investigated whether there was equality in this live-tweeting and found that roughly 60% of the games or matches that were live-tweeted were boys' sports, 32% were girls' sports, and 6% co-ed sports. When playoff games are excluded from this count, 59% of the live-tweeted games or matches were boys' games; only 34% were for girls' sports, and 6% were for co-ed sports.

PAA Facebook Page

OCR's investigation also included review of the publicly available¹⁹ posts on the PAA Facebook page from August 2014 to the time of the District's data response on March 3, 2017. The majority of these were general in nature (e.g., announcing a fundraiser or PAA meeting), but some contained announcements concerning, or congratulations for, a specific sports team. Of the roughly 300 posts, 80 were for boys' teams (roughly 27%) and 34 were for girls' teams (roughly 11%).

Morning Announcements

The District provided copies of morning announcements from only eight mornings, reporting that the announcements are not saved after creation and are generally discarded after use. Of the announcements provided, four concerned either co-ed sports or both boys' and girls' sports, but the remaining four concerned only boys' sports.

Game Programs

Game programs, according to the District, contain a roster for the School's team and a roster for the opposing team. These are only distributed at games with a gate fee. According to the District, gate fees are historically charged for the following sports: varsity football, varsity girls' and boys' basketball, and varsity girls' and boys' hockey.

¹⁷ This calculation, and the others below, does not change depending on whether or not cheerleading is considered a "sport" because the school considers it a co-ed sport.

¹⁸ For example, the @SachemAthletics account often retweets other school's Twitter feeds describing games.

¹⁹ OCR could only view the publicly available posts for the PAA. It is possible there are other posts viewable to persons who "like" or "follow" the page.

Website

The high school's website includes a list of sports.²⁰ This includes listings for "Hockey" and "Girls Hockey Co-Op." The other sports are described in a gender-neutral manner (e.g., "Basketball," not "Boys' Basketball" and "Girls' Basketball"). Previously (as recently as early fall 2015), the website listed only "Hockey." The girls' hockey team was formed during the 2013-2014 school year.

The website also lists the coaches for each sport. From at least September 2013 to August 2015, this information was on the main webpage for the athletics program. As of August 2015, the webpage listed only the coaches for the boys' hockey team (referring to it as the "Ice Hockey" team) and made no mention of the coaches for the girls' team. Shortly thereafter, the list of coaches was moved to a separate webpage.²¹ From at least November 16, 2015 to the present, this webpage listed the coaches for both the boys' and girls' hockey teams but it referred to the teams as "Hockey" and "Hockey-Girls-Co-Op," respectively.

Since at least 2015, the website has had a photo crawl. As of November 2017, roughly 37% of the photos in the crawl feature girls' teams, 26% feature boys' teams, and 30% feature co-ed teams or are not specific to one team (e.g., a photo of a crowd without showing the sport).

While these various forms of publicity suggest a possible disparity in how the District publicizes boys and girls' teams, OCR has not concluded its investigation by obtaining additional evidence concerning any other forms of publicity that would be relevant to its analysis.

Resolution Agreement

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the District expressed an interest in resolving this complaint. Subsequent discussions between OCR and the District resulted in the District signing the enclosed Agreement which, when fully implemented, will resolve the issues raised in this complaint. The terms of the Agreement are aligned with the complaint allegations and are consistent with the applicable laws and regulations.

Specifically, the Agreement provides that the District will provide participation opportunities for female and male students at the School that equally effectively accommodate their athletic interests and abilities. The District elected to demonstrate such accommodation by providing athletic participation opportunities for male and female students in numbers that are substantially proportional to their respective enrollments. However, if the District cannot establish substantial proportionality, it may pursue compliance by other means, so long as it can establish the interests and abilities of its students are equally accommodated by the 2020-2021 academic year. The District also agreed to continuously monitor the benefits provided to its teams, through a self-assessment. The District will look at the (i) equipment and supplies, (ii) locker rooms, practice

²⁰ See <http://prhs.prsd.org:80/athletics> (last visited November 13, 2017).

²¹ http://prhs.prsd.org/cms/page_view?d=x&piid=&vpid=1441703118296 (last visited November 13, 2017).

and competitive facilities, and (iii) publicity for all of its teams, including its co-op teams hosted by other districts, to ensure that, if there are any inequalities, they are corrected. Finally, the District will take immediate steps to ensure there are no barriers to participating in its cooperative teams, including ensuring all fees count towards the family cap and ensuring equal registration.

OCR will monitor the District's implementation of the Agreement and continue to do so until it has determined that the District has complied with the terms of the Agreement. Failure to implement the Agreement could result in OCR reopening the complaint.

Conclusion

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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 must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Civil Rights Attorney Catherine Deneke at (617) 289-0080 or by e-mail at Catherine.Deneke@ed.gov.

Sincerely,

Meena Morey Chandra
Acting Regional Director *w/p AMM*

Enclosure

cc: XXXXXXXXXXXXXXXXXXXX