



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

August 22, 2019

Dr. Bruce Ravage, Director
Park City Prep Charter School
1550 State St
Bridgeport, CT 06605
Via e-mail: bravage@parkcityprep.org

Re: Complaint No. 01-19-1010
Park City Prep Charter School

Dear Director Ravage:

This letter is to advise you of the outcome of the investigation of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against the Park City Prep Charter School (School). The complaint alleges that the School's Grievance Procedures and Notice of Non-Discrimination do not comply with Title IX of the Education Amendments of 1972 (Title IX).

OCR enforces Title IX, as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity receiving federal financial assistance from the Department. Because the School receives financial assistance from the Department, OCR has jurisdiction to investigate this complaint pursuant to Title IX.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR opened the following legal issues for investigation:

- Whether the School failed to adopt and publish grievance procedures that provide for the prompt and equitable response to complaints of sex discrimination, in violation of 34 C.F.R. Section 106.8 (b).
- Whether the School failed to adopt and publish an adequate notice of non-discrimination, in violation of 34 C.F.R. Section 106.9.

Background

Park City Prep Charter School is located in Bridgeport, Connecticut. It is a publicly funded charter school that focuses on math, science, and technology. It serves about 380 students from the fifth through eighth grades. There are no individual allegations at issue in this investigation.

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

Legal Standards

The Title IX regulation, at 34 C.F.R. § 106.8(b), requires recipients to adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints of Title IX violations.

The Title IX regulation, at 34 C.F.R. § 106.9(a)(1), states that each recipient shall implement specific and continuing steps to notify specified parties that it does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by Title IX and this part not to discriminate in such a manner.

OCR's Investigation to Date

Upon learning that OCR had opened an investigation into the School's Title IX Grievance Procedures and Notice of Non-Discrimination, the School promptly expressed an interest to work collaboratively with OCR to remedy any problems that may exist. During the initial telephone call with the School's Director and Title IX Coordinator, OCR staff informed the School that the Title IX Grievance Procedures and Notice of Non-Discrimination posted online raised concerns regarding compliance with Title IX. In response, the Title IX Coordinator stated that she would send OCR the School's complete Title IX materials as part of its data response. OCR reviewed the materials provided in the School's data response as part of this investigation. Before OCR completed its investigation, the School expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement (Agreement). A description of OCR's investigation to date follows.

1. The School's Title IX Grievance Procedures

OCR noted the following in its initial review of the School's written Title IX Grievance Procedures:

- The Grievance Procedures offer very few details about how the School processes and investigates complaints, including whether or how the School will ensure an equitable process for the complainant and the respondent.
- The Grievance Procedures do not designate any timeframes for the major stages of the investigative process.
- The Grievance Procedures do not indicate whether or how the complainant and respondent may provide information and identify witnesses for the investigation.

During the investigation, the Title IX coordinator stated to OCR that when she gets a complaint of sexual harassment, or any other type of harassment, she has a procedure she follows, but it is not set forth in any of the School's written materials. She stated that the procedure includes collecting information from both the complainant and the respondent, identifying witnesses or other evidence, resolving the allegation, and informing the parties of the outcome.

Because the School requested a voluntary resolution, and OCR deemed such a resolution appropriate, OCR has not fully evaluated the School's Title IX Grievance Procedures to assess

their compliance with Title IX. The Agreement will ensure that the School's Grievance Procedures meets the requirements of Title IX.

2. The School's Title IX Notice of Non-Discrimination

OCR reviewed the School's Notice of Non-Discrimination as posted on its website and included in the School's data response. OCR noted that the School's Notice of Non-Discrimination does not state that the School is required by Title IX and its implementing regulation not to discriminate on the basis of sex, as required by the regulation.

Because the School requested a voluntary resolution, and OCR deemed such a resolution appropriate, OCR has not fully evaluated whether the School has a Notice of Non-Discrimination that complies with Title IX. The Resolution Agreement will ensure that the School's Notice of Non-Discrimination meets the requirements of Title IX.

Conclusion

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the School expressed an interest in resolving this complaint and OCR determined that a voluntary resolution was appropriate. Subsequent discussions between OCR and the School resulted in the School signing the enclosed Agreement which, when fully implemented, will address all of the allegations OCR opened for investigation. OCR will monitor the School's implementation of the Agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the School'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 School 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 Benita Brahmhatt at (617) 289-0055 or by e-mail at Benita.Brahmbhatt@ed.gov.

Sincerely,

Abra Francois
Compliance Team Leader

Enclosure