



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

May 13, 2020

Superintendent Daniel J. Warwick
By email: warwickd@springfieldpublicschools.com

Re: Complaint No. 01-20-1169
Springfield Public Schools

Dear Superintendent Warwick:

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 the Springfield Public Schools (District). The Complainant alleges that the District discriminated against her daughter, a student-athlete (Student A), on the basis of sex when it harshly disciplined Student A for engaging in a fight during a basketball game, while it did not harshly discipline male student-athletes for similar conduct. Specifically, the complaint alleges that the Athletic Director (AD) suspended Student A for the remainder of the basketball season for engaging in a physical altercation during a game on XXXXX, but he did not suspend any of the male student-athletes who engaged in a physical altercation that resulted in a melee during a basketball game on XXXXX. 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 (Agreement).

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 *et seq.*, 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. Because the District receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

Summary of Preliminary Investigation

During the investigation, OCR reviewed documents provided by the Complainant and the District; interviewed the Complainant and District athletic staff, including three coaches and the AD; and reviewed a video clip provided by the Complainant.

OCR's investigation established that Student A is a middle-school student at XXXXX (School A) in the District. Student A was playing in a basketball game on XXXXX, when she became involved in a physical altercation. Specifically, Student A was thrown to the ground by a player on the opposing team during a tussle for a loose ball, at which time she got up and hit the player in the face or head. The referee blew the whistle, and Student A ran off the court into the bathroom. The AD informed the Complainant that Student A would likely be suspended for two games, as required by Massachusetts Interscholastic Athletic Association (MIAA) regulations, and the District would conduct an additional investigation to determine next steps. The AD

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investigated the matter, which included a review of a video recording of the game, and, in consultation with School A's Principal, decided that Student A would be suspended for the remainder of the basketball season.

In response to OCR's request for information, the District asserted that, during the 2019-2020 academic year, the District suspended four students from the remainder of their respective athletic seasons for engaging in physical altercations during athletic games. Of those four students, two were girls and two were boys. Regarding the incident during the boys basketball game on XXXXX involving a team from another District school (School B), on which the Complainant has based her allegation of unfair discipline, the District explained that only one student (Student B) was involved in the fight that triggered the melee, and he was suspended for the rest of the season. The District asserted that a review of the video recording of the XXXX game by District staff demonstrated that the other players on School B's team were attempting to stop the melee by pulling players apart, but they were not fighting themselves.

The District explained that most conduct that arises during a game is handled in the moment by the MIAA referee, and the District generally defers to the referee's judgment. For conduct involving particularly aggressive behavior, the referee blows the whistle and fills out a MIAA Student Disqualification Form, which documents the details of the incident and automatically suspends the offending student for two games. The District further explained that, for the safety of District and opposing team players, the District's Code of Conduct has zero tolerance for physical altercation of a hitting, striking or punching nature. Students who engage in such behavior are suspended for the rest of the season, in addition to the two-game suspension imposed by MIAA regulations. To determine if a student engaged in a physical altercation of a hitting, striking or punching nature, the school principal and the AD investigate the incident by, among other things, conducting witness interviews, including officials and coaches, and reviewing any videos.

The District provided documentation for students involved in physical or verbal altercations during a game that required the referee to fill out a MIAA Student Disqualification Form, which resulted in an automatic two-game suspension. There were seven student-athletes in total for whom MIAA Student Disqualification Forms were issued. Of those, the District noted that three were female student-athletes involved in altercations that did not involve hitting, striking, or punching, and therefore they were not issued any additional discipline other than the two-game suspension required by MIAA regulations. The District also provided MIAA Student Disqualification forms for four students, including Students A and B, who were involved in physical altercations of a hitting, striking, or punching nature. The District asserted that those four students were suspended by the District for the remainder of their respective seasons in addition to the two-game suspension required by MIAA.

The information provided by the District does not support the Complainant's allegation that female athletes are disciplined more harshly than male athletes for engaging in physical altercations during play. Moreover, the District refuted the Complainant's assertion that no students from School B were suspended from play following the melee on XXXX because Student B was in fact suspended. Specifically, Student B's coach clarified that following the game on XXX, Student B was automatically suspended for two games pursuant to MIAA

regulations because the referee issued a MIAA Student Disqualification Form against him. During Student B's two-game suspension, while the District was still investigating Student B's conduct during the XXXX game, Student B became involved in another physical altercation while he was observing his team play on XXXX. As a result of this physical altercation, while he was already suspended pursuant to MIAA regulations, the District suspended Student B from playing during the remainder of the basketball season.

In a rebuttal interview with OCR, the Complainant countered the District's position that Student B had been suspended and insisted that Student A had seen Student B play in a basketball game in the days following the XXXX game. Shortly thereafter, the Complainant provided OCR with a short, undated video-clip from SnapChat allegedly showing Student B playing in a basketball game during the time that the District asserted that Student B was suspended. OCR provided the video clip to the District to determine whether the District could identify the students in the clip and the date of the game.

Following its review of the video-clip, the District indicated that District staff, including the AD, were surprised to see that the clip in fact showed Student B playing in a basketball game on XXXX, during which time he was formally suspended pursuant to MIAA regulations. The District asserted that apparently Student B had been allowed to play by mistake.¹ The District provided emails documenting that the AD had emailed Student B's coach on XXXX informing him that Student B was not to play for the next two games as a result of the MIAA-mandated suspension. The District explained that Student B's coach did not read the email in time, and therefore Student B played during the game on XXXXX. However, Student B did not play in the game on XXXX, which was the second game of his two-game suspension during which he was involved in the subsequent altercation that led to his suspension for the rest of the season.

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 and OCR determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and the District resulted in the District signing the enclosed Agreement which, when fully implemented, will address all of the allegations raised in the complaint. OCR will monitor the District's implementation of the Agreement.

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.

¹ The District promptly acknowledged its error and asserted that it would immediately report its lapse to MIAA.

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.

Sincerely,

Abra Francois
Compliance Team Leader