



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

January 16, 2014

IN RESPONSE, PLEASE REFER TO: 03-13-1197

Dr. Joshua E. Powell
Superintendent
Montgomery County Schools
640 Woodford Drive
Mt. Sterling, KY 40353

Dear Dr. Powell:

This letter is to notify you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Montgomery County Public Schools (the District), alleging discrimination on the basis of sex. Specifically, the Complainant alleged that the District discriminates against female athletes at XXXXXXXXXXX XXXXX XXXX XXXXX (XXX XXXX XXXXX) XX XXXXXXX XXXXXXX XXXXXXX XXXXX XXXXXX XX XXX XXXXXXXXXXX XXXXXXXX XXXXXXXX XX XXX XXXXX XXXXX.

Our procedures for the investigation of interscholastic athletics required that OCR review the following components of the High School's athletic program:

1. XXXXXXXXXXXX XX XXXXXXXX XXX XXXXXXXX XXXXXXXXXXXX XXX XXXXXXXX.

The Complainant also alleged that the District discriminates against female students by:

2. XXX XXXXXXXXXXX X XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXX XXXXXXX XX XX XXXX XXX XXXX XXXXXXXX XX XXX XXXX XXXXXXX..

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, 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. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX and its implementing regulations.

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a Voluntary Resolution Agreement. The provisions of the agreement must be aligned with the complaint allegations and be consistent

with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the District requested to resolve the complaint through a Voluntary Resolution Agreement (the Agreement), which was executed by the District and received in our office on January 14, 2014. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the District's implementation of the Agreement.

Accordingly, OCR is concluding its investigation of this allegation and closing this complaint as of the date of this letter.

This letter is a letter of findings issued by OCR to address an individual OCR case. Letters of findings contain fact-specific investigative findings and dispositions of individual cases. Letters of findings are not formal statements of OCR policy and they 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. This letter is not intended nor should it be construed to cover any other issues regarding the District's compliance with Title IX, which may exist and are not discussed herein. 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. Please be advised that the District 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.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact Andrea DelMonte, Team Attorney, at (215) 656-8554, or by email at Andrea.DelMonte@ed.gov.

Sincerely,

/s/

Joseph P. Mahoney
Program Manager
Philadelphia Office

Enclosure

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cc: Phil Rison, Assistant Superintendent