



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
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July 21, 2015

IN RESPONSE, PLEASE REFER TO: 03-14-1011

Dr. Cathy Taschner
Superintendent
Coatesville Area School District
545 East Lincoln Highway
Coatesville, PA 19320

Dear Dr. Taschner:

This is to notify you of the resolution of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Coatesville Area School District (the District) alleging discrimination against female athletes on the basis of sex. Specifically, the Complainant alleges that the District discriminates against the District's female athletes on the basis of their sex by failing to provide them with equal opportunities in athletics in XXXXXX at XXXXXX (the High School).

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in educational programs and activities that receive Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to the provisions of Title IX and its implementing regulation.

The Title IX implementing regulation, at 34 C.F.R. § 106.41(a), states, in relevant part, that "[n]o 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 . . . athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis."

The Title IX implementing regulation, at 34 C.F.R. § 106.41(c), state in pertinent part: "A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes." Further clarification of the Title IX implementing regulations is provided by the Intercollegiate Athletics Policy Interpretation (Policy Interpretation) issued December 11, 1979 [44 Fed. Reg. 71413 et seq. (1979)]. Both the Title IX implementing regulations and the Policy Interpretation list ten factors that OCR may investigate in assessing a recipient's compliance with Title IX. These ten factors, in turn, have been translated into thirteen "program components" as set forth in OCR's Title IX Athletics Investigator's Manual (Title IX Manual). The Title IX implementing regulation specifically requires a recipient to provide equal athletic opportunity for members of both sexes in the provision of travel and per diem allowance, at 34 C.F.R. § 106.41(c)(4).

When investigating athletics program components, OCR examines whether the availability and quality of benefits, opportunities, and treatment provided are equivalent (equal or equal in effect)

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

for members of both sexes. OCR determines whether any disparities are the result of nondiscriminatory factors or whether these disparities resulted in the denial of equal opportunity to male or female athletes, either because the disparities collectively are of a substantial or unjustified nature, or because the disparities in individual program areas are substantial enough by themselves to deny equality of athletic opportunity. OCR's Policy Interpretation lists the following four factors to be assessed in determining whether a recipient provides equal opportunities to student athletes in the area of travel and per diem allowance: (1) modes of transportation; (2) housing and dining arrangements furnished during travel; (3) length of stay before and after competitive events; and (4) per diem allowances.

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 Resolution Agreement. The provisions of the Resolution Agreement must be aligned with the complaint allegations and be consistent with applicable regulations. Such a request does not constitute an admission of a violation on the part of the District, 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 Resolution Agreement. On July 21, 2015, the District signed this Agreement. As is our standard practice, OCR will monitor the District's implementation of the Agreement, a copy of which is enclosed. Accordingly, OCR is concluding its investigation of this complaint as of the date of this letter.

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/

Melissa M. Corbin
Team Leader

Enclosure
cc: James Musial, Esquire