



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
DELAWARE
KENTUCKY
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January 11, 2017

IN RESPONSE, PLEASE REFER TO: 03161073

Dr. Kevin M. Maxwell
Office of the Chief Executive Officer
Sasser Administration Building
14201 School Lane
Upper Marlboro, MD 20772

Dear Dr. Maxwell:

This is to notify you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), against the Prince George's County Public Schools (the District). XXXXXX (the Complainant) alleged XXXXXX:

1. XXXXXX.
2. XXXXXX

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit 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 these laws.

Legal Standards

Section 106.31 (a) of Title IX, in general, provides that no person shall on the basis of sex, be excluded from participation in or be denied the benefits of, any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance.

A recipient's failure to respond promptly and effectively to complaints of severe, pervasive or ongoing sexual harassment that it knew or should have known about, creates a hostile environment for a complainant and is a form of discrimination prohibited by Title IX.

Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; physical conduct; or other conduct that may be physically threatening, harmful, or humiliating. Such harassment is sufficiently severe, pervasive or ongoing when the conduct interferes with or limits a student's ability to participate in or

benefit from the recipient's programs, activities, or services. When such harassment is based on sex, it violates Title IX.

To determine whether a hostile environment exists, OCR considers the totality of the circumstances from both an objective and subjective perspective and examines the context, nature, scope, frequency, duration, and location of incidents, as well as the identity, number, and relationships of the persons involved. Harassment must consist of more than casual, isolated incidents to constitute a hostile environment.

When responding to harassment, a recipient must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in an investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial. If an investigation reveals that discriminatory harassment has occurred, a recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Factual Background

xx – paragraphs redacted – xx

Conclusion

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, the information obtained during the investigation, and be consistent with applicable regulations. Such a request does not constitute an admission of a violation on the part of the School, 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). On October 3, 2016, the District signed an Agreement to address the allegations in this complaint. 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 the allegation as of the date of this letter.

This letter is not intended nor should it be construed to cover any other issues regarding the School'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. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

Please be advised that Federal regulations prohibit recipients of Federal financial assistance from taking actions that intimidate, threaten, coerce, interfere, or discriminate against any individuals who exercise their statutory rights under the laws that OCR enforces, including filing a complaint with our office or taking part in the complaint resolution process.

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If you have any questions, please contact Josh Galiotto, investigator, at (215) 656-8587 or by email at joshua.galiotto@ed.gov.

Sincerely,

/s/

Nancy E. Potter
Team Leader

Enclosure