



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
DELAWARE
KENTUCKY
MARYLAND
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WEST VIRGINIA

March 3, 2017

IN RESPONSE, PLEASE REFER TO: 03161851

Mr. Michael Ford
Superintendent
Russell County Schools
404 S. Main Street
Jamestown, Kentucky 42629

Dear Dr. Ford:

This is to notify you of the resolution of the complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Cabell County Public Schools (the District), alleging discrimination on the basis of disability. The complaint alleges that the District discriminated on the basis of sex by failing to provide equal opportunity to its female high school students at the Russell County High School (the School) XXXXXX.

OCR is responsible for enforcing 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.

Because the District receives Federal financial assistance from the Department and is a public entity, the District is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Legal Standards

Factual Background and Analysis

The District stated that publicity is made equally available for both the girls and boys athletic teams at the School. The District stated that it does not have any sports information personnel assigned to any individual team at the School; the coaching staff is solely responsible for this duty.

The School is the only District high school. The School enrollment for 2015-2016 was 408 girls and 442 boys (total 850). Its participation was 163 girls and 256 boys (total 419). The District provided a listing of the School's sports teams and coaches.

Media

The District advised that each athletic sports team designates a representative to report scores to the local media. The local newspaper regularly publishes a fall, winter and spring sports insert that includes the schedules for all athletic sports teams. The local radio station regularly provides information about all of the athletic sports teams at the School through its newscast and website, and it broadcasts games. Social media is updated by staff, coaches, administrators and parents.

It stated that the District provides rosters and game schedules for all programs to the press and public. It creates schedule cards at the beginning of each season that it makes available to the public at the School, home games, and local banks. Additionally, the Kentucky High School Athletic Association website provides press guides for all teams in competition prior to the start of games.

Tryouts

The District stated that the School does not publicize any of the tryouts of its athletic sports teams, as each individual coach is responsible for scheduling and advertising upcoming tryouts and dates. The District stated that some coaches choose to announce the tryouts for their athletic sports via an announcement over the intercom system at the School while others may announce their tryouts via a booster club meeting.

The official start date for fall sports is July 15. They have a mandated "dead period" from June 29 until July 9, prior to tryouts. The other fall sports teams' tryout notifications occurred at various times throughout the season, with some teams being notified at the end of the prior school year, some during the summer, or when school was back in session.

XXXXXX

xx – paragraphs redacted – xx

The District stated that it is currently in the process of reviewing its policies and procedures with regard to the provision of publicity to its athletic sports teams in order to ensure that it is equitable for the girls and boys sports.

Request to Resolve Complaint through a Voluntary Resolution Agreement

OCR procedures provide that 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 gathered in the investigation to date, 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, on November 30, 2016, the District requested to resolve this complaint through a Voluntary Resolution Agreement (the Agreement). On February 28, 2017, the District signed a Voluntary Resolution Agreement with OCR to resolve the allegation in this complaint. Accordingly, OCR is concluding its investigation of this complaint. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the District's implementation of the Agreement.

This letter is not intended, nor should it be construed, to cover any other issues regarding the District's compliance with Section 504, Title II and their implementing regulations that 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.

If you have any questions, please contact Mr. Dale Leska at 215-656-8562 or Dale.Leska@ed.gov. Additionally, please also feel free to me at 215-656-8522 or Vicki.Piel@ed.gov as well.

Sincerely,

/s/

Vicki Piel
Team Leader/Supervisory Attorney
Philadelphia Office

Enclosure