



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
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June 29, 2018

IN RESPONSE, PLEASE REFER TO: 03181021

Prince George's County Public Schools
Dr. Kevin M. Maxwell, Superintendent
14201 School Lane
Prince George's County, Maryland 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 (Department), Office for Civil Rights (OCR), against the Prince George's County Public Schools (the District) by XXXXXX, the Complainant. She alleged that XXXXXX (the Student), was discriminated against on the basis of sex when XXXXXX.

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 by recipients of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX and its implementing regulations.

Legal Standards

Under Title IX, at 34 C.F.R. § 106.31(a), discrimination on the basis of sex in education programs and activities is specifically prohibited. Based on that regulatory provision, a recipient has a general duty to provide a nondiscriminatory educational environment.

In order to establish a violation of Title IX, OCR would have to find that the Student was treated differently than similarly-situated students on the basis of sex in a way that limited the Student's opportunity to participate in or benefit from a school program or activity, and that either the District cannot articulate a legitimate nondiscriminatory reason for the different treatment or that the District has articulated a legitimate nondiscriminatory reason for the different treatment, but the reason is pretext for discrimination. Additionally, OCR examines whether the District treated the Student in a manner that was consistent with established policies and practices and whether there is any other evidence of discrimination based on sex.

Factual Background

XX – paragraphs redacted – XX

The District provided its Code of Conduct, which reflects that Code 3 violations require one to three days of suspension. It does not specify whether suspensions should be in-school or out-of-school for Code 3 violations. The Code states that students with Code 2 violations could receive in-school suspensions, but it does not indicate the length of time required. The District stated that the Level 3 violation required it to be a one to three day suspension. XXXXXX.

XX – paragraph redacted – XX

On January 18, 2018, the District requested to resolve this complaint prior to the conclusion of OCR’s investigation.

Request to Resolve Complaint through a Voluntary Resolution Agreement

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 and OCR determines that such a resolution is appropriate. The provisions of the Resolution Agreement must be aligned with the complaint allegations, the information obtained 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 January 18, 2018, the District requested to resolve the complaint through a Resolution Agreement. On June 27, 2018, 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 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 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.

Page 3 – Dr. Kevin M. Maxwell, Superintendent

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 or concerns, please call me at (215) 656-8522.

Sincerely,

/s/

Vicki Piel
Team Leader/Supervisory Attorney
Philadelphia Office

Enclosure

cc: Shauna Garlington Battle, General Counsel