



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 03, 2019

In response, please refer to case number: 03181367

Mr. Richard Mextorf
Superintendent
Hamburg Area School District
701 Windsor Street
Hamburg, PA 19526

Dear Mr. Mextorf:

This is to advise you of the resolution of the above referenced complaint filed with the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) on September 27, 2018 against the Hamburg Area School District (the District). The Complainant alleged the District discriminates on the basis of sex in its interscholastic sports in the component of Locker Room, Practice, and Competitive Facilities.

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. Title IX prohibits discrimination on the basis of sex by recipients of Federal financial assistance. Because the District receives Federal financial assistance from the Department, the District is subject to these laws.

To date, OCR has investigated this complaint by reviewing information provided by the Complainant and District. Prior to the completion of OCR's investigation, the District asked to resolve this complaint. On December 20, 2018, the District submitted the enclosed signed resolution agreement (the Agreement) to OCR. When fully implemented, the Agreement will resolve the issues in the complaint.

Legal Standard

The Title IX regulation, at 34 C.F.R. § 106.41(a), provides that no 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, club, or intramural athletics offered by a recipient. The Title IX regulation, at 34 C.F.R. § 106.41(c), states that a recipient which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both sexes.

In order for OCR to finish its investigation, OCR would need to obtain additional documentation, conduct interviews of District administrators and conduct a site visit of the District's athletic facilities.

Conclusion

As noted above, prior to the completion of our investigation, the District signed an agreement with OCR. In light of the commitments the District has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the District's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Title IX with regard to the issue raised.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and 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.

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, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions, please contact me at (215) 656-8595 or by email at gina.depietro@ed.gov.

Sincerely,

/s/

Gina DePietro
Acting Team Leader

Enclosure