



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

May 4, 2021

IN RESPONSE, PLEASE REFER TO: 03201050

Via email only: doug.bennett@laurel.kyschools.us

Doug Bennett, Superintendent
Laurel County Schools
718 North Main Street
London, KY 40741

Dear Dr. Bennett:

This is to notify 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), against the Laurel County Schools (the District). The Complainant, XXXXXXXX, alleged that the District discriminates on the basis of sex at XXXXXXXXXXXXXXXXXXXX (the XXX School) by failing to provide equal opportunities to female athletes in its interscholastic athletic program in the following areas:

1. Assignment and Compensation of Coaches;
2. Availability, Assignment, and Compensation of Tutors;¹
3. Locker Rooms, Practice and Competitive Facilities;
4. Scheduling of Games and Practice Times;
5. Publicity; and
6. Equipment and Supplies.

XX – Paragraph Redacted – XX

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

¹ In OCR's December 20, 2019 letter to the District notifying it of this investigation, OCR framed Allegations 1 and 2 as follows: "1. Assignment and Compensation of Coaches and Tutors; and 2. Opportunity to Receive Coaching and Academic Tutoring." OCR has re-phrased Allegations 1 and 2 to be consistent with its longstanding practices for investigating Title IX athletics complaints.

connection. Additional evidence that would demonstrate a causal connection includes: a change in treatment of the individual before and after engaging in the protected activity; treatment of the individual that is different from treatment of other similarly situated individuals; and deviation from established practice or procedure.

FINDINGS OF FACT AND LEGAL ANALYSIS

XX – Paragraphs Redacted – XX

Allegations #1, and 3-#6

The XXXXXXXXXXXX School (the High School) is one of two high schools in the District. The District’s athletic teams are members of the Kentucky High School Athletic Association (KHSAA). OCR’s investigation established that the High School offers the following sports: boys & girls basketball; boys & girls cross country; boys & girls soccer; volleyball; bass fishing; baseball; softball; boys & girls track; boys & girls golf; boys & girls tennis; boys & girls archery; football; swimming; and cheerleading. During the 2018-19 school year, the most recent year for which there is data available on the KHSAA web site, the High School enrolled 1180 students; 586 or 49.66% were female and 594 or 50.34% were male. During the same school year, the High School had 680 athletic participants, of whom 269 or 39.56% were female and 411 or 60.44% were male.

OCR reviewed documentation provided by the District concerning the six athletic components that are the subject of this complaint. Budget documents reflect that during the 2019-20 school year, the District spent a total of \$14,011.07 on equipment and supplies specifically for boys’ sports, and \$6,173.21 on equipment and supplies specifically for girls’ sports. Similarly, during the 2018-19 school year, the District spent a total of \$5135 spent on equipment and supplies specifically for boys’ sports (counting the warning track sand and mound/Homeplate clay as boys’ expenses), and \$3,917.81 on equipment and supplies specifically for girls’ sports,

The District indicated that the High School has two weight rooms, both high quality, that enable the High School “to provide weight rooms that are gender friendly.” The District stated that the weight room adjacent to the gymnasium is used by male and female athletes, and that co-ed teams may use the facility simultaneously. The High School’s second weight room is at the football/soccer field, and is designated for use by male athletes only.

OCR also reviewed information concerning the number of contests and scheduled times for those contests for the High School’s sports teams. During the 2019-20 school year, the football team had 10 scheduled games, all of which were scheduled for 7:30 p.m. or later. The boys’ soccer team had 20 games on its schedule, 15 of which occurred at 6 p.m. or later, and 3 of which occurred prior to 3:30 p.m. In contrast, the girls’ soccer team had 21 games scheduled, with only 13 games being at 5:30 p.m. or later, and 3 scheduled prior to 3:30 p.m. With respect to basketball, the boys’ team had 27 games scheduled for that season, all listed at 6 p.m. or later, while the girls’ team had 23 games, including 16 at 6 p.m. or later and 4 between 3 and 4:30 p.m. Finally, girls’ volleyball had 17 games scheduled for the 2019-20 season, but the times for those contests were not listed on the documentation reviewed by OCR.

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 Voluntary Resolution Agreement. The provisions of the agreement must be aligned with the complaint allegations and the information

obtained during the investigation and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, 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), which was executed by the District on April 29, 2021. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the District's implementation of the Agreement.

XX – Paragraphs Redacted – XX

CONCLUSION

This concludes OCR's investigation of the complaint. This letter 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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

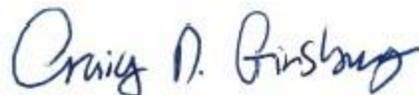
XX – Paragraph Redacted – XX

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

Thank you for your cooperation with this matter. If you have any questions, you may contact Robert Ford, Investigator, at (215) 656-8537 or by email at robert.ford@ed.gov or Lucy Glasson, Team Attorney, at (215) 656-8533 or by email at lucy.glasson@ed.gov.

Sincerely,



Craig D. Ginsburg
Supervisory Attorney
Philadelphia Office

Enclosure