



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

October 24, 2018

Mr. James T. Russell
Superintendent
Volusia County School District
Post Office Box 2118
DeLand, Florida 32721-2118

RE: Complaint No. 04-16-1204

Dear Superintendent Russell:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received on February 1, 2016, alleging discrimination on the basis of sex against Volusia County School District (District). Specially, the Complainant alleged that the District discriminated against her son (Student), a student at Spruce Creek High School (School), by denying him entry into the female only chorus class, and by forcing him to choose between taking his required language course for his International Baccalaureate (IB) program or take the only male chorus option which is a coed chorus class offered at the same time as his required language course. The Complaint also alleged that the District discriminated against male students at the School, by providing two single-sex (female only) choir classes and no equivalent male chorus class.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 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 and 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>.

OCR initiated an investigation of the following legal issues:

1. Whether the District discriminates against males at the School with respect to chorus offerings, in violation of Title IX and its implementing regulation at 34 C.F.R. §§ 106.31(a)-(b) and 106.34(a)-(c).
2. Whether the District subjected the Student to different treatment on the basis of sex when it denied him enrollment in its female chorus course, in violation of the Title IX regulation at 34 C.F.R. §§ 106.31(a)-(b) and 106.34(a)-(c).

Prior to the completion of OCR's investigation, the District requested to voluntarily resolve the allegations in this complaint under Section 302 of OCR's *Case Processing Manual (CPM)*, and OCR determined that it is appropriate to do so. Pursuant to the CPM, a complaint may be resolved at any time when, prior to the conclusion of OCR's investigation, the recipient expresses an interest in resolving the complaint and OCR determines that it is appropriate to resolve the complaint with an agreement.

On October 18, 2018, the District signed the attached Resolution Agreement (Agreement), which once fully implemented, will resolve the complaint allegations in accordance with Title IX and its implementing regulation.

The Agreement requires the District to: (1) Discontinue offering any chorus courses or extracurricular activities to students of only one sex unless it complies with the requirements of 34 C.F.R. Section 106.34(b), and revise the title and description of the courses to remove any reference to sex and specify the vocal range or quality required for participation in the course. If the District chooses to offer chorus courses or other opportunities that have requirements based on vocal range or quality, both male and female students will be allowed to demonstrate whether they meet the requirements and will be allowed to participate if they meet the requirements; and (2) Provide training to the School's Principal, Assistant Principal, guidance counselor(s), and instructors of chorus and vocal courses regarding Title IX's prohibition of different treatment based on sex.

OCR will monitor the District's implementation of the Agreement to ensure that it is fully implemented and that the District is in compliance with the statutes and regulations at issue in this complaint.

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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

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, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation that your staff provided to the staff of OCR. If you have any questions, please contact, Edget Betru, General Attorney, at (404) 974-9351, or Wendy Gatlin, Team Leader, at (404) 974-9356.

Sincerely,

Melanie Velez
Regional Director

Enclosure