



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

June 5, 2019

Dr. Jim Snapp
Superintendent
Brownsburg Community School Corporation
310 Stadium Drive
Brownsburg, IN 46112

Re: OCR # 05-17-1404

Dear Dr. Snapp:

This is to advise you of the resolution of the above-referenced complaint against the Brownsburg Community School Corporation (Corporation).

The complaint alleges that during the XXXXXX school year the Corporation subjected XXX female students (XXXXXX) at XXXX (the School) to discrimination based on sex when a male XXX XXX student (XXXX) subjected the XXXX female students to sexual harassment that created a hostile environment for each, and the Corporation failed to respond appropriately.

OCR is responsible for enforcing 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 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 Corporation is subject to Title IX. Accordingly, OCR has jurisdiction over this complaint.

During its investigation and prior to OCR making a final determination, the Corporation expressed an interest in resolving the allegation under Section 302 of OCR's *Case Processing Manual* (CPM) and OCR determined that it was appropriate to resolve the allegation with an agreement. On March 8, 2019, the Corporation signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint. OCR will monitor the implementation of the Resolution Agreement.

Applicable Legal Standards

Title IX prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. The Title IX implementing regulation, at 34 C.F.R. § 106.31(a), states that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity operated by a recipient of Federal financial assistance. The regulation implementing Title IX, at 34 C.F.R. § 106.9, requires a recipient to implement specific and continuing steps to notify all applicants for admission and employment, students and parents, employees, sources of

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The XXX XXX informed OCR that following the report on XXX, School personnel obtained statements from additional students. The statements included details from XXX which said XXX had touched them and other students inappropriately, similar to the conduct reported by XXX. Based on its review, the Corporation suspended XXX for XXXXXXXX, which ended on XXX. The discipline records said the length of the suspension was due to the large number of students affected and the number of times the conduct had occurred. The records also indicate the Administration met with XXX and his parents and explained that future incidents of XXX touching his female classmates could result in more serious disciplinary consequences.

The Corporation indicated that XXX returned to the School at the start of the 2017-2018 school year and that the School placed XXX in a different classroom from XXX and assigned him to a lunch table on the opposite end of the cafeteria from the female students. The School also offered XXX counseling. The Superintendent said XXX parent had contacted him to ask that XXX not be allowed to return to the School in the XXX school year; the Superintendent reported to OCR that he did not make the transfer because XXX received appropriate consequences and had served the discipline. The XXX also said he believed that surrounding XXX with adults who know him and can provide him support was the best option.

XXX parent said that after the first day of the school year, XXX told her XXX was seated two tables away from her, so she contacted the School the next day to complain. In response, the School moved XXX and her friends to a different table than the one they had selected at the start of the school year.

OCR notes that the Corporation's Notice of Non-Discrimination does not reference OCR.

Analysis and Conclusions

Prior to OCR issuing a final determination, the Corporation expressed an interest in resolving the allegation under Section 302 of OCR's CPM and OCR deemed it appropriate to do so. Based on its investigation to date, OCR has concerns regarding whether the Corporation took appropriate steps to investigate or otherwise determine what occurred prior to reaching its first determination regarding XXX conduct, including interviewing other students reporting harassment by XXX. OCR also has concerns regarding the Corporation's record-keeping as it relates to Title IX. Additionally, OCR notes that the Corporation's Notice of Discrimination does not meet the requirements of Title IX. On March 8, 2019, the Corporation entered into a Resolution Agreement to resolve this matter.

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 file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Corporation may not harass, coerce, intimidate or discriminate against any individual because he or she filed a complaint or participated in the complaint resolution process. If this happens, the individual 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. 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.

Thank you for your assistance and cooperation during OCR's investigation; in particular, we would like to thank Ms. Jessica Billingsley, counsel for the Corporation. If you have questions about this letter, you may contact Salina Gamboa, Senior Equal Opportunity Specialist, at (312) 730-1627 or by email at Salina.Gamboa@ed.gov.

Sincerely,

Jeffrey Turnbull
Team Leader

Enclosure

cc: Jessica Billingsley