

Reference OCR#: 06131630

Dr. Randall J. Hoyer, Superintendent
Lampasas Independent School District
207 West 8th Street
Lampasas, Texas 76550

Dear Dr. Hoyer:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its consideration of the above-referenced complaint, which was received in our office on July 182, 2013, and filed against the Lampasas Independent School District (LISD), Lampasas, Texas. The complainant alleged that the LISD discriminated against XXX (the Student) on the basis of her sex, in violation of S Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106. Specifically, the complainant alleged that the LISD: 1) changed XXX XXX XXX XXX XXX XXX XXX XXX, in order to prevent the student from participating in the event, after the complainant advised the XXX XXX XXX that the Student was pregnant; and 2) treated the sstudent differently on the basis of sex when the Student was not allowed to participate in XXX XXX XXX XXX XXX XXX XXX XXX.

This agency is responsible for determining whether organizations that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to the Department, are in compliance with Title IX, which prohibits discrimination on the basis of sex. The LISD is a recipient of Federal financial assistance from the Department. Therefore, OCR had jurisdictional authority to process this complaint for resolution under Title IX.

Based on the complaint allegations, OCR investigated the following issues to determine:

- 1) Whether the LISD discriminated against the student on the basis of sex by XXX XXX XXX XXX XXX XXX XXX XXX XXX XXX, in order to prevent the Student from participating in the event, after the complainant advised XXX XXX XXX XXX that the Student was pregnant, as prohibited by Title IX and its implementing regulation at 34 CFR § 106.40(b) (1); and**
- 2) Whether the LISD treated the Student differently on the basis of sex when the Student was not XXX XXX, as prohibited by Title IX and its implementing regulation at 34 CFR § 106.40(a).**

Under Title IX, provides 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 academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance. OCR opened this complaint for investigation because it determined that the issues raised in this complaint, if proven true, would constitute sex discrimination, in violation of Title IX.

In processing the above complaint issues, OCR obtained and analyzed pertinent information provided by the complainant, the LISD's attorney, the LISD's Title IX coordinator and other LISD administrators and staff. The information reviewed by OCR included school policies and procedures, student records, the LISD's Title IX investigative report of the issues investigated by OCR and other pertinent documents related to the issues investigated. OCR also conducted interviews with the complainant, the Student, students having knowledge or who witnessed incidents investigated, LISD administrative staff involved in the LISD's Title IX investigative process, LISD's testing personnel, and other school personnel with pertinent knowledge related to the issues.

With regard to Issue #1, the complainant indicated that in the fall of 2012, she notified XXX XXX XXX XXX that the Student was pregnant and expecting a baby on XXX XXX XXX, and in January 2013, XXX XXX informed her that the XXX XXX XXX had been rescheduled from the original dates, XXX XXX XXX XXX, to XXX XXX XXX XXX XXX XXX. The complainant further advised OCR that she believed that XXX XXX XXX XXX XXX were rescheduled near the Student's due date in order to prevent the Student from participating consequently preventing the Student from qualifying to be XXX XXX XXX XXX the following school year. The LISD's reason articulated for the rescheduling of XXX XXX XXX was for students to be afforded the opportunity for successful achievement on standardized testing occurring near and/or around XXX XXX XXX XXX; however, OCR's investigation determined that standardized testing also occurred near and/or around the XXX XXX XXX XXX XXX. In addition, documentation reviewed and information obtained during interviews conducted by OCR with administrators of the LISD revealed inconsistencies regarding when the XXX XXX XXX XXX XXX were decided and how they were determined.

With regard to Issue #2 related to different treatment experienced by the Student, the information reviewed by OCR indicated that the student was not allowed to participate XXX XXX XXX XXX XXX, nor was she allowed to XXX XXX XXX XXX after the XXX was notified that the Student was pregnant, although she was a XXX XXX XXX XXX in good standing. Information reviewed by OCR indicated various inconsistencies regarding participation in XXX XXX XXX, and the XXX XXX XXX XXX XXX.

OCR's investigation revealed information that indicated that the complainant was not provided a prompt and equitable grievance process. Information obtained revealed that school officials did not respond promptly or appropriately when provided notice of the Title IX complaint initiated by the complainant in XXX 2013 and again by XXX XXX in XXX XXX. The LISD did not

conclude its investigation into the complaint until September 2013, subsequent to the complainant filing her complaint with OCR. OCR's review of the investigation conducted by the LISD revealed that its grievance procedures did not provide an equitable process and that the investigation conducted by the LISD's Title IX Coordinator was not thorough.

Regarding the issues above, after the investigation began, but before OCR reached an investigative compliance determination, the LISD expressed a desire to voluntarily resolve the complaint. Regarding the above issues, consistent with Section 302 of OCR's Complaint Processing Manual, the LISD submitted the enclosed Resolution Agreement (Agreement) signed on May 13, 2014, which OCR has determined addresses the compliance issues raised in the complaint and which when fully implemented, will resolve this complaint. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the implementation of the Agreement by the LISD to determine whether the commitments made by the LISD have been implemented consistently with the terms of the Agreement. If the LISD fails to implement the Agreement, as specified, OCR will resume its investigation of the above issues. If the LISD determines a need to modify any portion of the Agreement, the LISD may submit, for consideration, proposed revisions to OCR.

Therefore, based on OCR's monitoring of the implementation of the Agreement, we are closing the investigative phase of this complaint in accordance with our case processing procedures. The complainant has been notified of this action. This letter is not intended, nor should it be construed, to cover any matters that are not specifically discussed herein.

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

Under OCR procedures we are obligated to advise the complainant and the institution against which a complaint has been filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this office. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceedings or hearing held in connection with a complaint.

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, it 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.

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This concludes OCR's consideration of this complaint. We would like to extend our appreciation to the LISD for the assistance provided to OCR throughout this investigation. If you have questions or concerns, please contact Treslyn Patterson, the assigned Investigator, at (214) 661-9645 or John Stephens, Compliance Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August
Director
Dallas Office

Enclosure