



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
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VIA MAIL
VIA EMAIL (XXXX)

Scotty H. Whittington, Superintendent
Amite County School District
533 Maggie Street
Liberty, MS 39645

Re: OCR Complaint No. 06-17-1399

Dear Mr. Whittington:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint. The complaint was filed against the Amite County School District (District), in Liberty, Mississippi. The complainant alleged that the District discriminated against XXXX XXXX (Student) on the basis of sex (female), including nonconformance with gender stereotypes. The complainant also alleged retaliation.

OCR is responsible for determining whether entities 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 of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, *et seq.*, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. Because the District is a recipient of Federal financial assistance from the Department, OCR has jurisdictional authority to process this complaint for resolution under Title IX.

Based on the complainant's allegations, OCR opened for investigation the following legal issues:

1. Whether the District discriminated against the Student on the basis of sex by failing to take prompt and effective responsive action to address sexual and gender-based harassment by other students and District staff members, including harassment based on nonconformance with gender stereotypes, which was sufficient to constitute a hostile environment, of which it had or should have had notice during the 2015-2016 and 2016-2017 school years, in violation of Title IX, at 34 C.F.R. § 106.31; and
2. Whether the District retaliated against the Student and XXXX, including by yelling at the XXXX, the Student, and the XXXX XXXX; being physically aggressive toward the XXXX and the XXXX XXXX; and treating the Student differently from other students, during the 2016-2017 school year, because the XXXX alleged that the District had

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discriminated against the Student based on sex, including nonconformance with gender stereotypes, in violation of Title IX, at 34 C.F.R. § 106.71.

Based on additional information that the complainant provided during the course of the investigation, OCR also investigated the following issue:

3. Whether the District treated the Student differently on the basis of sex (i.e., not allowing the Student to practice with the male members of the XXXX XXXX during XXXX) in the context of an educational program or activity without a legitimate, nondiscriminatory reason and thereby interfered with or limited the ability of the Student to participate in or benefit from the services, activities or privileges provided by the District during the 2016-2017 school year, in violation of Title IX, at 34 C.F.R. § 106.31.

During its investigation, OCR reviewed information that the District and the complainant provided. OCR also visited the District and conducted interviews with relevant witnesses, including District personnel and students, the complainant, and the Student.

Prior to the completion of OCR's investigation as to Issue 2, the District informed OCR that it was interested in resolving the complaint. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving it. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved the District's request to resolve the complaint as to Issue 2 prior to the conclusion of the investigation.

A finding that a recipient has violated one of the laws that OCR enforces must be supported by a preponderance of the evidence (i.e., sufficient evidence to prove that it is more likely than not that unlawful discrimination or retaliation occurred). Based on OCR's careful review and analysis of the information obtained, we have determined that there is sufficient evidence to support a finding of noncompliance with Title IX as to Issues 1 and 3. The basis for this determination regarding Issues 1 and 3 is set forth below.

I. Issue 1 (Alleged Harassment):

A. *Legal Standard*

Title IX and its implementing regulations prohibit discrimination based on sex, including nonconformance with gender stereotypes. Sexual harassment of students is a form of prohibited sex discrimination. To investigate or otherwise resolve issues of sexual harassment of students, OCR considers whether: (1) the recipient has a disseminated policy prohibiting sex discrimination under Title IX and effective grievance procedures; (2) the recipient appropriately investigated or otherwise responded to allegations of sexual harassment; and (3) the recipient has taken immediate and effective correction action responsive to any harassment that the investigation determined took place, including effective actions to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects.

In accordance with the Title IX regulations, each recipient is required to “implement specific and continuing steps to notify . . . students and parents of elementary and secondary school students . . . that it does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by Title IX . . . not to discriminate in such a manner.” 34 C.F.R. § 106.9(a). The Title IX regulations also require that each recipient “adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by [Title IX].” 34 C.F.R. § 106.8(b). Finally, Title IX requires that each recipient “designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under [Title IX], including any investigation of any complaint communicated to such recipient alleging its noncompliance with [Title IX] or alleging any actions which would be prohibited by [Title IX].” 34 C.F.R. § 106.8(a). Recipients are further required to notify all of their students and employees of the name, office address, and telephone number of the employee or employees designated as their Title IX Coordinator(s). 34 C.F.R. § 106.8(a).

Regardless of whether the student who was allegedly harassed, or his or her parent, decides to file a formal complaint or otherwise request action on the student’s behalf, upon receiving notice of alleged sexual harassment, the recipient must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. The specific steps in an investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. However, in all cases the inquiry must be prompt, thorough, and impartial. If OCR determines that a recipient has responded promptly and appropriately to notice of alleged sexual harassment, OCR will find insufficient evidence of a violation of Title IX.

B. Findings of Fact

1. The Complainant’s Allegations

During the 2016-2017 school year, the Student was a XXXX at Amite County High School (ACHS). The complainant informed OCR that the Student does not XXXX like a typical girl. During an interview with OCR, the complainant described the Student as XX—to end of sentence redacted—XX. According to the complainant, many people who see the Student and do not know the Student think that the Student XXXX XXXX XXXX.

The complainant alleged that, during the 2015-2016 and 2016-2017 school years, District personnel and other students harassed the Student based on her sex, including her nonconformance with gender stereotypes. The complainant identified the following specific incidents as occurring during the course of the alleged harassment and informed OCR that XXXX reported each incident to school or District administrators.

- The complainant alleged that in XXXX XXXX, an ACHS administrator (Administrator 1) asked the Student why she was using the girls’ XXXX. The complainant alleged that XXXX spoke with Administrator 1 about the incident, but he said that it did not happen.

- The complainant alleged that, in late XXXX or early XXXX XXXX, a student (Student 1) told the Student, “I didn’t know XXXX XXXX were girls,” when a teacher (Teacher 1) told the boys to let the girls go first in the XXXX XXXX. The complainant alleged that XXXX reported the incident to an ACHS administrator (Administrator 2), but Student 1 was not punished.
- The complainant alleged that, in late XXXX or early XXXX XXXX, a student (Student 2) told the Student to XX—quotation redacted—XX and XX—quotation redacted—XX while they were XX—to end of sentence redacted—XX. The complainant informed OCR that XXXX reported the incident to Administrator 2, but the Student informed the complainant that Student 2 was XX—to end of sentence redacted—XX.
- The complainant alleged that students told the Student to XXXX XXXX XXXX XXXX XXXX, on an ongoing basis, and that the XXXX informed Administrator 2 of the comments.
- The complainant alleged that, on XXXX XXXX, XXXX, XXXX, the Student, and the XXXX XXXX met with Administrator 1 regarding the Student receiving XXXX XXXX XXXX. According to the complainant, Administrator 1 asked the Student, XX—quotation redacted—XX when the Student asked to serve XXXX with a female instructor rather than XXXX male instructors. The complainant informed OCR that XXXX reported the matter to the Superintendent.
- The complainant alleged that an ACHS staff member (Staff Member 1) told other female students not to talk to the Student because she was XX—quotation redacted—XX and said that Staff Member 1 would tell their parents if they talked to the Student, on an ongoing basis. The complainant alleged that XXXX has made multiple reports about Staff Member 1 to Administrator 1 but that the District has no record of her complaints.
- The complainant alleged that, since XXXX XXXX, XXXX, a school staff member (Staff Member 2) has called the Student XXXX. The complainant alleged that XXXX made a report about Staff Member 2 to the Superintendent.

In addition to these individual complaints, the complainant alleged that XXXX spoke at a meeting of the District’s Board of Trustees on XXXX XXXX, XXXX, about the incidents of harassment and the fact that the Student’s Title IX rights were not being protected. The complainant alleged that the Board of Trustees referred the matter to the Superintendent, who did nothing. The complainant also alleged that XXXX wrote a letter outlining XXXX allegations that the District had violated Title IX and delivered a copy to the Superintendent, each Board member, and Administrator 1. OCR reviewed that letter, which is dated XXXX XXXX, XXXX, and touches on all of the allegations outlined above, except the allegations regarding other students telling the Student to XXXX XXXX XXXX XXXX XXXX and Staff Member 2 calling the Student XXXX:

- “Asked by [Administrator 1] why she was going into the XXXX XXXX with other girls as if she was supposed to go to another XXXX or as if she was going in the XXXX to do something inappropriate with the other girls, this happened on one occasion.
- “XXXX XXXX called her a XXXX and a XXXX These students were not punished for these actions. Although they were reported.
- “XXXX XXXX cornered her and told her to XX—to end of sentence redacted—XX. He continued with XX—to end of sentence redacted—XX. This student was not punished for these actions, only talked to about his behavior. I reported this myself to [Administrator 2].
- “Certain staff member telling other students, ‘don’t talk to her (XXXX XXXX), she is XXXX XXXX XXXX XXXX, and I am going to tell your mother if you don’t stop.[.] Why is XX—to end of sentence redacted—XX?”
- “After [Administrator 1] placed [the Student] in XXXX, she asked if she could go to the female XXXX teacher instead of the XX—phrase redacted—XX with XXXX male teachers. XXXX and XXXX XXXX witnessed [Administrator 1] telling XX—to end of sentence redacted—XX. This occurred on XXXX XXXX, XXXX.”

The letter calls on the Superintendent to take action and explicitly references Title IX.

The complainant alleged that, despite the fact that XXXX reported these incidents to ACHS and District administrators on multiple occasions, the District has not conducted thorough and impartial investigations of XXXX complaints. According to the complainant, XXXX attempted to follow the grievance policies in the *Amite County High School & Amite County Vocational Complex Student/Parent Handbook* (Student Handbook) when making XXXX complaints to the District, but the Student Handbook did not provide adequate information about Title IX, and the District seemed not to follow the procedures in the Student Handbook. The complainant provided documentation showing that XX—to end of sentence redacted—XX.

2. The District’s Policies

i. Designation of Title IX Coordinator & Notification of Title IX Coordinator and Contact Information

In response to OCR’s request for the name and contact information for the District’s Title IX Coordinator, the District stated that its Director of Special Programs serves as the District’s Title IX Coordinator. OCR reviewed the District’s website and publications and could not locate any materials identifying the Director of Special Programs as the District’s Title IX Coordinator. The Student Handbook incorrectly identifies the Assistant Superintendent as the District’s “Title IX Compliance Officer.”

During an interview with OCR, the Title IX Coordinator stated that she had served in that role for the last ten years. The Title IX Coordinator was unaware if the Assistant Superintendent had

ever served as the District’s Title IX Coordinator. The Title IX Coordinator confirmed that the District’s website and Student Handbook do not identify her as the Title IX Coordinator and provide her contact information, but she stated that the District posted that information at the schools and in the District’s central office.

ii. Notice of Nondiscrimination

In response to OCR’s request for the District’s notice of nondiscrimination, the District provided a section from the Student Handbook entitled “Operation of the School District on a Non-Discriminatory Basis.” The notice of nondiscrimination provides, in relevant part,

The Amite County School District offers educational/vocational opportunities on a non-discriminatory basis in compliance with the requirements of the following federal civil rights legislation ... Title IX Further, the Amite County School District offers equal educational and employment opportunities to all persons without regard to sex Upon request, a copy of the Amite County School District Board of Education’s policy regarding compliance with these federal legislative mandates may be obtained from the Office of the Superintendent or any other school district administrative office.

iii. Grievance Procedures

The District maintains at least four grievance procedures that, on their face, could apply to complaints of sexual harassment on behalf of students. In response to OCR’s request for the District’s policies and procedures for handling allegations of discrimination on the basis of sex, the District provided a policy entitled “Students [sic] Complaints of Sexual Discrimination/Harassment – Title IX Procedures” (Title IX Harassment Policy).^{*} That policy states, “[U]nwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited. This complaint procedure shall provide a process for filing, processing and resolving complaints on such matters.”

The Student Handbook includes three additional relevant policies. First, the “Amite County School District Student Complaints of Bullying or Harassing Behavior” policy (Bullying or Harassing Behavior Policy) states that it applies to “bullying or harassing behavior.” Second, the Student Handbook also includes a “District Grievance Policy and Conflict Resolution,” which applies to “all grievances filed by parents or guardians on behalf of the student.” Third, the Student Handbook includes “Title VI & Title IX Grievance Procedures” that apply when “any person believes that his or her rights under Title VI or Title IX have been violated.” Immediately above the “Title VI & Title IX Grievance Procedures,” under the heading “Title IX,” the Student Handbook directs individuals to “[r]efer to the Amite County School District Title IX Grievance Procedures that follow in the event that you wish to file a possible inequity in respect to the School District’s sports offerings.” The Student Handbook does not provide any additional

^{*} The District also provided a policy entitled “Sexual Harassment,” which applies to sexual harassment of employees. OCR does not discuss that policy here because it clearly does not apply to the situation at issue.

information regarding the scope of Title IX.

During an interview with OCR, the Superintendent stated that the District would apply both the Bullying or Harassing Behavior Policy from the Student Handbook and the Title IX Harassment Policy to a complaint alleging sexual harassment of a student. The Superintendent explained that the District had never implemented the policies to a sexual harassment complaint to his knowledge because the XXXX was the first person to raise such an issue. The Superintendent explained that the District developed the policy in the Student Handbook based on the Title IX Harassment Policy, so they should not conflict, but the Title IX Harassment Policy would trump the Student Handbook if there were an inconsistency. According to the Superintendent, the District issues Student Handbooks to all students, and copies of the Student Handbook are available at every school and at the District's central office. The Superintendent stated that the District maintains the Title IX Harassment Policy and other Board policies on flash drives, which members of the Board of Trustees and several people in the District's central office have. The Superintendent indicated that there are also policy handbooks in each of the schools. The Superintendent explained that a person would have to specifically request the Title IX Harassment Policy to receive a copy, and the District does not publish the Board policies because they are voluminous. The Superintendent stated that the XXXX never requested a copy of the Title IX Harassment Policy, but he had provided it to two other people who had requested it.

OCR also interviewed the Title IX Coordinator regarding the District's grievance policies. According to the Title IX Coordinator, the District follows the Bullying or Harassing Behavior Policy and will also use the Title IX Harassment Policy if the other policy is not sufficient under the circumstances. The Title IX Coordinator believed that the two policies were the same and was unable to comment on how the Title IX Harassment Policy would function in practice, because she had never had to use the policy. For example, the Title IX Coordinator could not explain how a complainant could obtain the "Title IX Report" form that the Title IX Harassment Policy requires for submission of complaints, specify what training the members of the "Title IX Hearing Panel" referenced in the policy would receive, or identify the standard of review the District used in adjudicating complaints of sex discrimination. The Title IX Coordinator was not aware of whether the Title IX Harassment Policy was available anywhere other than on the flash drive that she had. According to the Title IX Coordinator, a parent could receive a copy of the Title IX Harassment Policy by requesting a copy from her or an administrator.

OCR interviewed Administrator 1, Administrator 2, an administrator from the Amite County Vo-Tech Campus (Vo-Tech Administrator), an AHCS XXXX (XXXX), and the Student's six teachers for the 2016-2017 school year. Only two of these individuals—the Vo-Tech Administrator and one teacher—seemed to be aware that there was a standalone policy dealing with sexual harassment. The teacher informed OCR that he became aware of the policy only a couple days before the interview with OCR, because he received a packet of information at a special Title IX training that the District held for witnesses in this investigation. Administrator 1, Administrator 2, the XXXX, and two teachers believed the sexual harassment policies and procedures appeared in the Student Handbook. The remaining three teachers incorrectly identified other sources as providing the District's sexual harassment policies and procedures, such as the District's website.

3. The District’s Response to the XXXX Allegations

i. *Allegation that Administrator 1 Asked the Student Why She Was Using the Girls’ XXXX*

During an interview with OCR, Administrator 1 stated that the XXXX did not come to him with the allegation that he had asked the Student why she was using the girls’ XXXX. Administrator 1 denied that the incident occurred. Administrator 1 explained that he became aware of that allegation through the XXXX XXXX XXXX, XXXX letter. As discussed in greater detail below, Administrator 1 explained that the District did nothing in response to the XXXX letter.

OCR reviewed an audio recording of a XXXX XXXX, XXXX meeting between the XXXX, the Student, and the Superintendent, regarding the Student receiving XXXX. The XXXX alleged at that meeting that Administrator 1 had asked the Student why she was using the girls’ XXXX. The Superintendent stated during an interview with OCR that he spoke with Administrator 1 about the incident, and it did not happen. The Superintendent stated that he had worked with Administrator 1 for a long time and believed that he did not lie.

The Title IX Coordinator informed OCR during an interview that she was not familiar with this allegation or any of the complainant’s allegations of sexual harassment.

ii. *Allegation that Student 1 told the Student, “I Didn’t Know XXXX XXXX Were Girls,” When Teacher 1 Told the Boys to Allow the Girls to Go First in the XXXX XXXX*

During an interview with OCR, Administrator 2 stated that, contrary to the complainant’s allegation to OCR, the XXXX never reported to him that any student had used slurs when speaking to the Student. Administrator 2 stated that the XXXX complained to him about XX—to end of sentence redacted—XX. Administrator 2 informed OCR that he spoke with XX—to end of sentence redacted—XX. According to Administrator 2, during those discussions with XXXX XXXX XXXX, Administrator 2 found out about an unrelated incident involving Student 1 and the Student.

Administrator 2 explained that he told the XXXX that he had “taken care of” the matter and that she had nothing to worry about, and he believed she was satisfied with the outcome. Administrator 2 stated that he did not keep any notes or records from his investigation or take any interim measures to protect the Student while the complaint was pending.

The Superintendent stated during his interview with OCR that the XXXX alleged that a student told the Student, XX—quotation redacted—XX, or said something similar. The Superintendent explained that the XXXX alleged that a XXXX XXXX or XXXX XXXX had made the comment, so Administrator 2 spoke with the XXXX XXXX, and Administrator 1 spoke with the XXXX XXXX. The Superintendent stated that the District did not follow any particular policy when looking into the incident, because they could not substantiate the XXXX allegation. OCR reviewed a recording of a XXXX XXXX, XXXX meeting between the XXXX, the Student, and the Superintendent, regarding the Student receiving XXXX. According to the recording, during

that meeting, the XXXX broadly alleged that Student 1 (whom she identified by name) XXXX XXXX XXXX XXXX and was not punished, and the Superintendent stated that he did not know what that allegation had to do with the matter at hand and that he knew nothing about it.

OCR also interviewed Teacher 1. Teacher 1 stated that he did not recall a comment in the XX—to end of sentence redacted—XX. Teacher 1 also stated that XX—to end of sentence redacted—XX.

OCR interviewed a group of students enrolled in Teacher 1’s class with the Student, and those students stated that they had not heard anyone calling the Student inappropriate names.

iii. Allegation that Student 2 Told the Student to XX—quotation redacted—XX While They XXXX XXXX XXXX XXXX

During an interview with OCR, Administrator 2 indicated that he was aware of an incident involving the Student and Student 2, related to some gossip. Administrator 2 explained that XX—to end of sentence redacted—XX. Administrator 2 indicated that he spoke with Student 2 about the incident. Administrator 2 stated that no one informed him that Student 2 had used slurs. According to Administrator 2, he did not punish Student 2 but would have taken action if there had been a subsequent incident. Administrator 2 stated that he did not keep any notes or records from his investigation or take any interim measures to protect the Student while the complaint was pending.

As the complainant alleged that this incident occurred while the Student was XX—to end of phrase redacted—XX, OCR interviewed a group of students from the class that the Student took at that campus. The students stated that they XX—to end of sentence redacted—XX. Two of the students heard about XX—to end of sentence redacted—XX. One of the students thought that XX—to end of sentence redacted—XX. One student was XX—to end of phrase redacted—XX, and another student XX—to end of sentence redacted—XX. None of the students had XX—to end of sentence redacted—XX.

iv. Allegations that Students told the Student to XX—to end of heading redacted—XX

As explained above, Administrator 2 stated during his interview with OCR that he was aware of an incident during which Student 2 allegedly confronted the Student because the Student told XX—to end of sentence redacted—XX. Administrator 2 did not indicate that he was aware of other instances of XX—to end of sentence redacted—XX. As detailed above, XX—to end of sentence redacted—XX. Those students recounted that incident when OCR asked them if XX—to end of sentence redacted—XX.

v. Allegation that Administrator 1 Asked the Student, XX—quotation redacted—XX

During an interview with OCR, Administrator 1 stated that, at the meeting regarding XXXX on

XXXX XXXX, XXXX, the Student said she would XXXX XXXX but not with XXXX male instructors. Administrator 1 explained that he told XX—to end of sentence redacted—XX. Administrator 1 denied that he made the comment about XXXX XXXX.

The Superintendent stated during an interview with OCR that the XXXX complained to him that Administrator 1 said, XX—quotation redacted—XX. OCR reviewed a recording of that meeting, which showed that the XXXX alleged to the Superintendent that Administrator 1 said the following in response to the Student’s assertion that she would feel uncomfortable XXXX XXXX with male instructors: XX—to end of sentence redacted—XX.

The Superintendent explained to OCR that XX—to end of sentence redacted—XX. The Superintendent stated that he originally planned to confront Administrator 1 about his comment, because he thought Administrator 1 made the comment to the Student, but he later found out that Administrator 1 directed the comment to the XXXX. The Superintendent stated that he told Administrator 1 that he XX—to end of sentence redacted—XX. The Superintendent informed OCR that he did not conduct any investigation of the matter beyond speaking to Administrator 1, and he did not keep any records from the investigation or take any action in response to the incident.

vi. Allegation that Staff Member 1 Told Other Female Students Not to Talk to the Student Because She Was XX—quotation redacted—XX

During an interview with OCR, Administrator 1 stated that the XXXX had alleged to him that Staff Member 1 made comments to the effect that female students should not talk to the Student because she was XX—quotation redacted—XX and that she would tell their parents if they talked to the Student. Administrator 1 explained that the XXXX made those allegations during the XXXX XXXX semester. Administrator 1 stated that he talked to Staff Member 1 several times, and Staff Member 1 denied making the comments. Administrator 1 also explained that he facilitated a meeting between Staff Member 1 and the XXXX to XXXX XXXX XXXX. According to Administrator 1, he believed the matter had been resolved through XX—to end of sentence redacted—XX. Administrator 1 stated that he did not maintain any records regarding this matter and did not take any interim measures to protect the Student while the matter was pending. Administrator 1 explained that the XXXX could have brought up witnesses, but she did not do so.

OCR interviewed Staff Member 1 regarding the XXXX allegations. Staff Member 1 denied making the comments but said that the Student or complainant may have misinterpreted a comment directing the Student not to interact with XXXX XXXX XXXX student. Staff Member 1 stated that neither Administrator 1 nor any other school administrators asked her about the XXXX allegations.

No students in the two student groups that OCR interviewed indicated that that they had heard a staff member say that the Student was XX—quotation redacted—XX or that the staff member would tell their parents if they talked to the Student. OCR also interviewed an individual student, who stated that XXXX had not heard those comments. The complainant identified another individual student who allegedly heard the comments, but OCR was unable to interview

that student because the student’s parent would not consent to the interview.

vii. Allegation that Staff Member 2 Called the Student XXXX

OCR reviewed an audio recording of a XXXX XXXX, XXXX meeting between the XXXX, the Student, and the Superintendent, regarding the Student receiving XXXX. The XXXX alleged at that meeting, while relaying the course of events that led to the Student receiving XXXX, that Staff Member 2 had called the Student XXXX that day. When OCR asked the Superintendent during an interview about the District’s general response to the complainant’s allegations of harassment, he did not mention this allegation or indicate that the District had investigated it.

During an interview with OCR, Staff Member 2 admitted that he had called the Student XXXX. Staff Member 2 stated that he made the comment because XX—to end of sentence redacted—XX. Staff Member 2 explained that he often XXXX XXXX XXXX XXXX XXXX and would have called a boy XXXX under similar circumstances. Staff Member 2 said that, on the day in question, the Student was XX—to end of sentence redacted—XX.

viii. The XXXX Presentation to the Board of Trustees, XXXX XXXX, XXXX Letter, and Subsequent Events

During an interview with OCR, the Superintendent stated that he attended the Board of Trustees meeting on XXXX XXXX, XXXX, where the XXXX spoke to the Board. The Superintendent stated that the XXXX complained about the ACHS administrators and mistreatment of XXXX XXXX at the Board meeting and may have mentioned XXXX XXXX being mistreated because she does not XXXX like a typical girl. According to the Superintendent, the Board referred the matter back to him, but the XXXX never followed up with him because she knew that the District would say it could find no proof to support her allegations.

The Superintendent, Administrator 1, and Administrator 2 confirmed during interviews with OCR that they received the XXXX XXXX XXXX, XXXX letter, outlining her allegations of sexual harassment. Administrator 2 stated that he realized for the first time when he received the letter that the XXXX was alleging sex-based discrimination, and he was not sure how the District responded. The Superintendent and Administrator 1 stated that the District did not respond to the letter. The Superintendent explained that the District had already concluded that no sexual harassment occurred, based on the inquiries discussed above. The Superintendent reiterated that the District did not maintain any records from its investigations, adding that he took notes on a notepad when the XXXX spoke with him but he “do[es not] keep that junk.” The Superintendent also stated that the District did not take any interim measures to protect the Student while the allegations were pending.

OCR reviewed XXXX XXXX XXXX regarding this matter, both of which quoted the Superintendent. XX—to end of paragraph redacted—XX

C. Analysis

1. Whether the District Has a Disseminated Policy Prohibiting Sex Discrimination and Effective Grievance Procedures

i. Designation of Title IX Coordinator & Notification of Title IX Coordinator and Contact Information

The Title IX regulation, at 34 C.F.R. § 106.8(a), requires that a recipient designate at least one employee to coordinate its responsibilities to comply with and carry out its responsibilities under that law. The recipient is further required, by the Title IX implementing regulation at 34 C.F.R. § 106.9(a), to notify all students and employees of the name (or title), office address, and telephone number of the designated employee(s).

The District indicated that it has designated the Director of Special Programs as its Title IX Coordinator. However, the evidence does not indicate that the District notified students and employees of the name (or title), office address, and telephone number of the designated employee, through the Student Handbook, District’s website, or otherwise. In fact, the Student Handbook incorrectly identifies the Assistant Superintendent as the Title IX Coordinator. OCR therefore concludes that the District has not satisfied its obligations under Title IX with respect to notifying the District community of the Title IX Coordinator’s identity and contact information.

ii. Notice of Nondiscrimination

The regulation implementing Title IX, at 34 C.F.R. § 106.9, requires that recipients notify applicants for admission and employment, students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of sex in its education programs or activities and that it is required by Title IX not to discriminate in such a manner. Such notification shall state at least that the requirement not to discriminate in the education program or activity extends to employment. The notice must also state that questions regarding Title IX may be referred to the recipient’s Title IX coordinator or to OCR.

The District’s notice of nondiscrimination notifies individuals that it does not discriminate based on sex with regard to “educational and employment opportunities.” However, the notice does not state that questions regarding Title IX may be referred to the Title IX Coordinator or to OCR. OCR therefore concludes that the notice of nondiscrimination does not comply with the requirements of Title IX.

iii. Grievance Procedures

The Title IX regulation, at 34 C.F.R. § 106.8(b), requires recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX. In evaluating whether a recipient’s grievance

procedures are prompt and equitable, OCR reviews all aspects of a recipient’s policies and practices, including the following elements that are critical to achieve compliance with Title IX:

1. notice to students, parents of elementary and secondary students, and employees of the procedures, including where complaints may be filed;
2. application of the procedures to complaints alleging discrimination and harassment carried out by employees, other students, or third parties;
3. provision for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and other evidence;
4. designated and reasonably prompt timeframes for the major stages of the complaint process;
5. notice to both parties of the outcome of the complaint and any appeal; and
6. assurance that the recipient will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred and to correct its discriminatory effects on the complainant and others, if appropriate.

OCR’s review of the six elements that are critical to achieve compliance with Title IX and additional considerations are outlined below. In this review, OCR focuses on the Title IX Harassment Policy because the Superintendent indicated that the Title IX Harassment Policy would trump the applicable policies in the Student Handbook, to the extent that there was a conflict among the policies.

- a. Notice to students, parents of elementary and secondary students, and employees of the procedures, including where complaints may be filed

The Title IX Harassment Policy includes “Procedures for Processing a Complaint.” According to the Title IX Harassment Policy, complainants may file complaints with the Title IX Coordinator by submitting a “Title IX Report” form, which is available from all principals’ offices and the Title IX Coordinator. The Title IX Harassment Policy does not identify the Title IX Coordinator or provide her contact information.

Although the Title IX Harassment Policy includes grievance procedures, including information regarding filing complaints, the evidence shows that the District did not publish the Title IX Harassment Policy. The Superintendent and Title IX Coordinator informed OCR that the policy was available on flash drives in the District’s central office, and the Superintendent stated that there were policy handbooks available in each of the schools. According to the Superintendent, an individual would have to specifically request the Title IX Harassment Policy to receive a copy of it, and, despite the XXXX repeated complaints, the Superintendent never provided her a copy of the policy because she did not request it. During interviews, OCR asked Administrator 1, Administrator 2, the Vo-Tech Administrator, the XXXX, and six teachers to identify the

District’s Title IX policies and procedures, and only the Vo-Tech Administrator and one teacher were aware that a standalone policy existed. In short, the Title IX Harassment Policy does not provide any meaningful notice to the District community of the Title IX grievance procedures, including where individuals may file complaints.

The existence of at least three other grievance policies in the Student Handbook that, on their face, could apply to complaints of sexual harassment on behalf of students compounds the confusion that the District’s failure to publish the Title IX Harassment Policy has caused. In contradiction to the Title IX Harassment Policy, the Bullying or Harassing Behavior Policy directs complainants to file complaints with a “teacher, principal, counselor or other school official,” rather than the Title IX Coordinator. The “District Grievance Policy and Conflict Resolution” states that “[a]ll grievances must be presented orally to the principal.” Finally, the “Title VI & Title IX Grievance Procedures” directs individuals to file Title IX complaints with the “Title IX compliance officer,” who the Student Handbook incorrectly identifies as the Assistant Superintendent. That policy also inaccurately suggests that Title IX applies only to the District’s sports offerings.

In sum, by failing to publish the Title IX Harassment Policy and instead publishing contradictory policies that are seemingly applicable to Title IX complaints, the District failed to provide notice to students, parents, and employees of the District’s grievance procedures, including where complaints may be filed.

b. Application of the procedures to complaints alleging discrimination and harassment carried out by employees, other students, or third parties

The Title IX Harassment Policy provides that “[a] ‘complaint’ is a report by any student, a parent, legal guardian or custodian of a student or any employee which alleges that a policy or practice of the District or a practice or act of any of its employees or students has discriminated against a student on the basis of sex, including sexual harassment.” Accordingly, on its face, the Title IX Harassment Policy applies to complaints alleging discrimination and harassment carried out by employees or other students but not by third parties. The Title IX Coordinator could not clarify during an interview with OCR whether the District uses the Title IX Harassment Policy for complaints of discrimination and harassment by third parties because the District has never utilized the policy.

OCR concludes that the Title IX Harassment Policy does not comply with the requirements of Title IX in that it does not apply to complaints alleging discrimination and harassment by third parties.

c. Provision for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and other evidence

The Title IX Harassment Policy provides respondents the opportunity to respond in writing to the complainant’s allegations during the first stage of the complaint process. After this first stage, the complainant or respondent may request a hearing on the matter, at which time the Title IX

Coordinator must notify the complainant, respondent, student’s principal or employee’s supervisor, superintendent, and other appropriate witnesses of the hearing. At the hearing, the complainant and respondent are permitted to submit written evidence and bring witnesses before the hearing panel, which is “an unbiased panel of 3-5 district employees.” The complainant and respondent may make a statement before the panel and may examine their witnesses and cross-examine the other party’s witnesses, and the hearing panel members may question any witnesses. If the complainant or respondent is not satisfied with the hearing panel’s decision, he or she may request review by the superintendent, who will receive the record of the case. The complainant and respondent can also request that the Board of Trustees review the superintendent’s decision and related records, and Board must do so at a Board meeting. The Board may, in its discretion, require that the review take place in closed or executive session. The Board may permit statements from the complainant and respondent, also in its discretion. The Board’s decision is final.

OCR concludes that the Title IX Harassment Policy, on its face, provides for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and other evidence. However, some aspects of the District’s grievance procedures and surrounding circumstances give OCR cause for concern with respect to whether the procedures provide for adequate, reliable, and impartial investigation of complaints in practice. First, the evidence indicates that the people involved in implementing the Title IX Harassment Policy do not have training or experience in handling complaints of sexual harassment, the Title IX Harassment Policy, and applicable confidentiality requirements. Notably, during an interview with OCR, the Title IX Coordinator was unable to explain how the Title IX Harassment Policy functions in practice and seemed unfamiliar with the policy. The Title IX Coordinator did not know how a complainant could obtain the “Title IX Report” form that the Title IX Harassment Policy requires for submission of complaints and could not specify what training the members of the hearing panel would receive regarding Title IX.

Second, the Title IX Harassment Policy forbids “[r]epresentation of the complainant or respondent by other individuals” during the hearing process. OCR does not require schools to permit parties to have lawyers at any stage of the proceedings, as long as the restriction on lawyers applies equally to both parties. However, OCR strongly discourages schools from allowing the parties to personally question or cross examine each other during the hearing. By prohibiting representation, the Title IX Harassment Policy may force an alleged victim to submit to questioning by an alleged perpetrator, thereby possibly escalating or perpetuating a hostile environment. It is also problematic that the Title IX Harassment Policy does not have a provision to bypass the Superintendent if he or she is the alleged harasser.

d. Designated and reasonably prompt timeframes for the major stages of the complaint process

The Title IX Harassment Policy sets forth the following timeframes for each stage of the complaint process:

- “Within 5 days from the time a complaint becomes known, the complainant must complete and submit to the Title IX Coordinator a written ‘Title IX Report’ form”;

- “Within 2 days from receipt of the written complaint, the Title IX Coordinator shall notify the respondent”;
- “Within 5 days, the respondent shall be required to respond in writing to the Title IX Coordinator”;
- “Within 5 days of receipt of the respondent’s response, the Title IX Coordinator shall provide an initial response to the complainant and respondent”;
- “Within 5 days of receiving the initial response, the complainant or respondent may request, in writing, a hearing on the matter”;
- “Upon receipt of a written request for hearing, the Title IX Coordinator shall schedule a hearing to be held within 5-10 days before an unbiased panel”;
- “Within 5 days after the hearing, the Title IX Hearing Panel shall issue a written decision”;
- “The request for such review [by the superintendent] must be made in writing to the Title IX Coordinator within 5 days of receipt of the Panel’s decision”;
- “Within 10 days of notice of request for review, the superintendent shall review the record and Panel decision and shall issue a decision”;
- “Within 5 days of receipt of the superintendent[’]s decision, if dissatisfied with the decision, the complainant or respondent must submit a written request for review by the school board to the Title IX Coordinator”;
- “Upon receipt of the request for review, the Title IX Coordinator must schedule a review before the governing school board to be held at the Board’s next regular or special meeting, but in no event more than 30 days from such request”; and
- “Within 10 days of the review, the board shall issue a final written decision.”

According to the Title IX Harassment Policy, “Since it is important that complaints be filed and processed as rapidly as possible, the number of days indicated at each step are considered to be maximum and every effort will be made to expedite the process.” The policy further provides that “[i]n no event shall these procedures be extended for more than a 90 day period.” If the District took the maximum time for each step after receiving a complaint, and the parties utilized each step of the appeal process, the policy would allow 92 days to process the complaint. The policy allows 32 days from the receipt of a complaint for the hearing panel to issue its decision.

Based on OCR experience, a typical investigation takes approximately 60 days following receipt of the complaint. The 60-day timeframe does not include appeals, but an unduly long appeals process may impact whether a school’s response was prompt and equitable under Title IX. Whether OCR considers resolutions to be timely will vary depending on the complexity of the investigation and the severity and extent of the harassment. OCR concludes that the Title IX Harassment Policy sets forth designated and reasonably prompt baseline timeframes for the major stages of the complaint process, following receipt of a complaint.

However, OCR also concludes that the District’s deadline for complainants to submit a complaint is unreasonable. The Title IX Harassment Policy allows only “5 days from the time a complaint becomes known” for a complainant to submit a complaint. OCR concludes that it is unreasonable for the District to require complainants to file their complaints in such a short timeframe after the harassment occurs.

e. Notice to both parties of the outcome of the complaint and any appeal

At the first stage of the grievance process, the Title IX Coordinator is required to “provide an initial response to the complainant and respondent, stating initial conclusions of fact and proposed action, if any.” If the complainant or respondent requests a hearing, the hearing panel must “issue a written decision which shall include findings of fact and recommended action.” If the complainant or respondent requests that the superintendent review the hearing panel’s decision, the superintendent must provide his decision to the Title IX Coordinator, complainant, respondent, and principal or supervisor. The Title IX Harassment Policy requires the Board of Trustees to issue a final written decision, if the complainant or respondent requests that the Board review the superintendent’s decision.

OCR concludes that the Title IX Harassment Policy requires notice to both parties of the outcome of the complaint and any appeal.

f. Assurance that the recipient will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred and to correct its discriminatory effects on the complainant and others, if appropriate

The Title IX Harassment Policy states, “It is the intent of the Board to maintain an environment free from sexual harassment of any kind.” However, apart from this general statement, the Title IX Harassment Policy includes no assurance that the District will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred and to correct its discriminatory effects on the complainant and others, if appropriate. The Title IX Harassment Policy includes no references to disciplinary action against a harasser, beyond the statement that “[f]acts elicited during the complaint procedure that result in adverse disciplinary action against an employee become part of that employee’s personnel file.” The Title IX Harassment Policy also includes no references to remedies for the complainant or other possible corrective actions, such as changes to the school’s overall services or policies. Instead, the Title IX Harassment Policy places the initial burden on the complainant to “request[] action” and allows the decision maker to recommend “action” at each step of the grievance process, without including even a minimal explanation of what that “action” may be. Finally, the Title IX Harassment Policy makes no reference to the District’s obligation to protect the complainant as necessary, including taking interim steps before the final outcome of the investigation.

OCR concludes that the Title IX Harassment Policy does not include adequate assurance that the District will take steps to prevent the recurrence of any sex discrimination found to have occurred and to correct its discriminatory effects on the complainant and others, if appropriate.

2. Whether the District Appropriately Investigated or Otherwise Responded to Allegations of Sexual Harassment

OCR’s interviews of the Title IX Coordinator, Superintendent, Administrator 1, and Administrator 2 showed that the District has never utilized the Title IX Sexual Harassment policy and did not apply that policy—or any policy—when investigating the XXXX allegations of sexual harassment of the Student. As the District did not maintain any records regarding the

XXXX allegations, OCR must rely only on its interviews with school personnel to elucidate the District’s awareness of and response to those allegations.

The evidence shows that the XXXX made verbal complaints to District administrators about each of the allegations at issue in XXXX OCR complaint, although District personnel questioned the XXXX characterization of some of XXXX allegations. For example, Administrator 2 disputed that the XXXX alleged to him that any student had used slurs when speaking to the Student, although he was aware of other aspects of the incidents that the complainant informed OCR involved slurs. The XXXX memorialized her allegations of sexual harassment in a XXXX XXXX, XXXX letter to the Superintendent, Administrator 1, Administrator 2, and Board of Trustees. The letter included all of the complainant’s allegations to OCR, except her allegations regarding other students telling the Student to XXXX XXXX XXXX XXXX XXXX and Staff Member 2 calling the Student XXXX. That letter explicitly referenced Title IX. In sum, the evidence shows that the District received ample notice of the alleged sexual harassment.

The witnesses indicated during their interviews with OCR that, in response to some of the XXXX allegations, the District followed up with some of the individuals involved in the events at issue. First, according to the Superintendent, he asked Administrator 1 about the XXXX allegation that Administrator 1 had asked the Student why she was using the girls’ XXXX, and the Superintendent concluded that the incident did not happen because Administrator 1 denied it. Second, Administrator 2 stated that he spoke with Teacher 1 and XX—to end of phrase redacted—XX, in response to the XXXX allegation that XX—to end of sentence redacted—XX. Third, Administrator 2 stated that he spoke to Student 2 about confronting the Student about XXXX XXXX XXXX XXXX. Fourth, the Superintendent stated that he spoke with Administrator 1 about the meeting during which Administrator 1 said that the Student XX—to end of sentence redacted—XX. However, the Superintendent stated that he did not question Administrator 1 about his comment and viewed the comment as acceptable because Administrator 1 directed it to the XXXX, even though the Student was present. Fifth, although Administrator 1 stated that he spoke with Staff Member 1 about the XXXX allegation that Staff Member 1 said the Student was XX—quotation redacted—XX, Staff Member 1 stated that Administrator 1 never did so. Sixth, the evidence does not show that the Superintendent took any action in response to the XXXX allegation that Staff Member 2 called the Student XXXX, although a recording indicates that the XXXX made that allegation in an offhand way during an unrelated meeting. Finally, the Superintendent and Administrator 1 both stated that the District took no action in response to the XXXX XXXX XXXX, XXXX letter.

OCR has determined based on its witness interviews that the District responded to most—but not all—of the XXXX allegations by having informal conversations with some of the individuals involved as those individual complaints arose. However, the District never responded to the XXXX allegations pursuant to its policies or made any formal findings, even after the XXXX made her allegations in writing and explicitly alleged that the District had violated Title IX in her XXXX XXXX, XXXX letter. Although that letter collected all of the XXXX formerly piecemeal allegations of sexual harassment into a single complaint, the District did not conduct a hostile environment analysis under Title IX after receiving the letter. In other words, even if the District previously did not understand that the XXXX was alleging sexual harassment as it received her individual complaints over the course of the school year, the XXXX XXXX, XXXX

letter clearly put the District on notice of the nature of the XXXX allegations. OCR therefore concludes that the District failed to conduct a thorough investigation or otherwise respond appropriately to the XXXX allegations of sexual harassment under Title IX.

3. Whether the District Took Immediate and Effective Corrective Action

The evidence shows that the District took no corrective action in response to the XXXX complaints of sex-based discrimination and harassment. The District also took no interim measures to protect the Student while the complaints were pending.

II. Issue 3 (Alleged Different Treatment):

A. *Legal Standard*

The Title IX implementing regulations, at 34 C.F.R. § 106.31, prohibit recipients from excluding an individual from participation in, denying an individual the benefits of, or otherwise subjecting an individual to discrimination with respect to the services, activities, or privileges provided by the recipient because of the individual's sex. In considering allegations that a recipient has discriminated on the basis of sex, OCR looks for evidence of discriminatory intent. Discriminatory intent can be established either through direct evidence (i.e., statements, documents, or actions that clearly evidence a discriminatory intent) or through indirect (also known as circumstantial) evidence (i.e., a set of facts from which one may infer a discriminatory intent). Absent direct evidence that a recipient discriminated on the basis of sex, OCR applies a disparate treatment analysis under which OCR must determine whether the facts support a *prima facie* case of sex discrimination. A *prima facie* case exists if a preponderance of the evidence indicates that a recipient treated one person differently than one or more similarly situated persons of another sex. If a *prima facie* case of different treatment is established, OCR must then determine whether the recipient had a legitimate, non-discriminatory reason for its action(s) that would rebut the *prima facie* case against it. If one or more legitimate, non-discriminatory reasons for the different treatment are identified, OCR must then determine whether the recipient's asserted reasons for its actions are pretext for sex discrimination. Ultimately, however, the weight of the evidence must support a finding that actual discrimination occurred.

B. *Findings of Fact*

The complainant informed OCR that the Student XX—phrase redacted—XX, but the XXXX XXXX does not allow her to XXXX XXXX with the male students. The complainant further alleged that the XX—to end of phrase redacted—XX, because she cannot XXXX XXXX with the male students. OCR reviewed a recording of a XXXX XXXX, XXXX meeting between the Superintendent, XXXX, and Student, and the XXXX alleged during that meeting that the Student cannot XXXX with the other XXXX and has to remain in the XXXX XXXX because she is the only female XXXX.

OCR interviewed the XXXX XXXX regarding the complainant's allegations. The XXXX XXXX stated that it was normal for XX—to end of sentence redacted—XX. The XXXX XXXX explained that he will allow the Student to XXXX XXXX with the male students if he has an

aide available to accompany them. According to the XXXX XXXX, if an aide is not available, he will send the male students out to XXXX with a XXXX XXXX, but he will not allow the Student to join them because she is a girl. The XXXX XXXX explained that the male students XXXX without the Student two or three times per month on average, although it occurs more often during XXXX XXXX in the spring, when he has less help, than during XXXX XXXX in the fall. The XXXX XXXX stated that he does not allow the Students to XXXX with the male students because he is worried about putting himself in jeopardy by allowing her to XXXX without supervision.

C. Analysis

As explained above, in considering allegations that a recipient has discriminated on the basis of sex, OCR looks for evidence of discriminatory intent. Here, the XXXX XXXX stated that he did not allow the Student to XXXX with the male XXXX students because she is a girl. OCR therefore concludes that the District discriminated against the Student based on sex when it did not permit her to XXXX with the male XXXX students.

III. Conclusion:

In conclusion, OCR has approved the District's request to resolve the complaint prior to the conclusion of the investigation as to Issue 2.

With respect to Issue 1, OCR has determined that, although the District designated a Title IX Coordinator, it failed to notify students and employees of her identity and contact information. OCR has also concluded that the District's notice of nondiscrimination does not comply with Title IX, in that it does not state that questions regarding Title IX may be referred to the Title IX Coordinator or to OCR. Additionally, OCR has determined that the District's grievance procedures do not meet Title IX's requirements because (1) the District has failed to notify students, parents, and employees of the procedures; (2) the procedures do not apply to complaints alleging discrimination by third parties; (3) the procedures include an unreasonably short timeframe for complainants to file complaints of harassment with the District; and (4) the procedures do not include adequate assurance that the District will take steps to prevent the recurrence of any sex discrimination found to have occurred and to correct its discriminatory effects on the complainant and others, if appropriate. Finally, the evidence indicates that, although the District had notice of the XXXX allegations of sexual harassment, it failed to conduct a thorough investigation of those allegations or take appropriate corrective action.

With respect to Issue 3, OCR has determined that the District treated the Student differently based on her sex when the Band Director did not allow her to XXXX with the male XXXX students.

The District submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the District's representative signed the Agreement on July 11, 2017. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance the District will fulfill its obligations under Title IX with respect to this complaint. The dates for

implementation and specific actions are detailed in the enclosed Agreement. OCR will actively monitor the District's implementation of the Agreement. Please be advised that if the District fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

There are no further complaint allegations appropriate for resolution; therefore, OCR is closing the investigation of the above-referenced complaint as of the date of this letter. The complainant has been notified of this action. This letter is not intended, nor should it be construed to cover, any other matters may exist and 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.

Please be advised 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. 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 cooperation with OCR during our efforts to resolve this complaint.

If you have any questions regarding this letter, please contact Katherine Fearn, the attorney assigned to the matter, at (214) 661-9653 or katherine.fearn@ed.gov, or the Team Leader, Melissa Huling Malonson, at (214) 661-9600.

Sincerely,

/s/

Taylor D. August, Director
Office for Civil Rights
Dallas Office

Enclosure: Resolution Agreement