



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

February 2, 2015

XXXXXX X. XXXXXX  
XXXXXX XXXXXX XXXXXX XXXXXXXX  
XXXXXX XX XXXXXXXX XXXXXX  
XXXXXX, XXXXXX XXXXXX

Re: OCR Docket # 07141191  
DOJ # 169-29-0

Dear Ms. XXXXXX:

On August 7, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination against female athletes on the basis of sex by your client the Paola U.S.D. #368 School District (District), Paola, Kansas. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the complaint alleged the District is discriminating on the basis of sex in its interscholastic athletics program at the high school by failing to provide equivalent athletic benefits and services to male and female athletes in the area of travel and per diem allowances.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681, and its implementing regulation, 34 Code of Federal Regulations (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 (FFA).

As a recipient of FFA from the Department, the District is subject to Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Summary of Investigation

OCR gathered travel and per diem information from the District for all high school athletic teams. On January 12 and 13, 2015, OCR interviewed District athletic coaches, the athletic director and other administrative staff. OCR also interviewed the complainant. The

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complainant alleged that the District treated the high school girls' basketball team differently than the boys' high school basketball team with regard to travel and per diem at the state championship in March 2014.

District staff told OCR that the high school boys' basketball team made it to the state competition for the first time in many years. The District indicated that the high school girls' team had participated in the state tournament for two years in a row. The girls' first game at the state tournament was Wednesday, March 12, 2014 at 4:45 p.m. The travel plan for the girls' team required the girls to travel to the state tournament on the same day as their game and travel back home immediately after their game whether they won or lost. The state tournament was held in Salina, Kansas which is approximately a three hour drive from the District.

The boys' first game at the state tournament was Thursday, March 13, 2014 at 8:15 p.m. The travel plan for the boys required the boys to travel to the state tournament on Wednesday, March 12, 2014 to watch the girls play and then stay the night to play their first tournament game on Thursday at 8:15 p.m. The travel plan for the boys' team was to stay overnight whether they won or lost on Thursday.

Although not raised as an allegation in this complaint against the District, during our investigation of the complaint, OCR reviewed the District's Notice of Nondiscrimination and Complaint/Grievance Procedures. OCR's review of the District's Student/Parent handbooks on the District's website revealed that the handbooks do not contain the Notice of Nondiscrimination or Complaint/Grievance Procedures. The District's Notice of Nondiscrimination does not reference the Age Act and the Boy Scouts Act and does not provide the correct address for OCR. The Notice of Nondiscrimination and Complaint/Grievance Procedures are addressed in the Agreement.

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on February 2, 2015, that, when fully implemented, will address the allegations of this complaint.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume the investigation.

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.

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OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXX.XXXXX@ed.gov.

Sincerely,

/s/ Maria North

Maria North  
Supervisory Attorney

Enclosure

cc: Brad Neuenswander  
Kansas Commissioner of Education

U.S. Department of Justice  
Civil Rights Division