



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

May 2, 2016

XXXXXX X. XXXXX, XXXXXXXX
XXXXXXXXXXXX, XXXX & XXXXXXXX
XXX X. XXXX, XXXXX XXX
XXXXX, XXXXXXXX XXXXX

Re: Docket # 07161035

Dear Ms. XXXXX:

On November 4, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of race and gender by your client, the Stilwell Public Schools (District), Stilwell, Oklahoma. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the complainant alleged the District:

1. discriminated against the complainant's daughter on the basis of race (Hispanic) when she was dismissed from the cheerleading squad because of the demerits she received and was not reinstated, whereas a white female student was also dismissed based on the demerits she had received, but the white student was allowed to be reinstated to the cheerleading squad; and
2. discriminated against the complainant's daughter on the basis of sex (female) when it dismissed her from the cheerleading squad based on minor infractions by holding her to a stricter code of conduct than the code of conduct applied to male students who commit more serious infractions and are not dismissed from the football team.

OCR is responsible for enforcing:

- Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d et seq., and its implementing regulation, 34 Code of Federal Regulation (C.F.R.) Part 100. Title VI prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance (FFA).
- Title IX of the Education Amendments of 1972 (Title IX), 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 FFA.

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

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

On February 18, 2016, OCR sent notification letters to the complainant and the District, including a data request to the District. On March 4, 2016, the District provided OCR with a response to OCR's data requests. On March 21, 2016, OCR sent the District a supplemental data request. The District provided data in response to OCR's supplemental data request on March 23, 2016. On April 7, 2016, OCR interviewed District employees.

The investigation established that a student whose race is different than the complainant's daughter's race was dismissed from the cheerleading team during the 2014-2015 school year but was allowed to try out for the 2015-2016 cheerleading team. The investigation also revealed that the District's athletic teams' rules governing student-athlete conduct are inconsistent, the cheerleading team is the only team that has a constitution, and the cheer team was the only team in the last two years that removed team members based on an accumulation of minor offenses.

On April 8, 2016, the District expressed to OCR an interest in engaging in resolution negotiations pursuant to Section 302 of OCR's *Case Processing Manual*.¹

Prior to the completion of OCR's investigation, on May 1, 2016, the District submitted a signed Agreement that, when fully implemented, will address the allegations of this complaint and any concerns raised during the course of the investigation. The Agreement requires the District to: 1) remove a provision of the cheer team constitution that prohibits students who are pregnant or have children to participate in the team; 2) develop and implement a plan of action to ensure equal opportunity for membership and participation in the sports teams offered by the District; and 3) provide training to District faculty, staff, and administrators regarding the changes to District sports participation rules and the District's policies and procedures prohibiting discrimination, harassment, and retaliation. The District will further remove all reference to the complainant's daughter's (Student) XXXXXXXXX from the XXX-XXX XXXXXXXXXXXXX team from the Student's record and the District's records and the District will segregate from the Student's records the District's investigative file relating to the complaint filed by the Student's XXXXX.

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.

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, please be advised 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

¹ OCR's *Case Processing Manual* is online at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrepm.html>.

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.

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.

If you have any questions, please contact XXXXXX XXXXX, Equal Opportunity Specialist, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXX,XXXXX@ed.gov. You may also contact XXXXXXXXXX XXXXXX-XXXXXX, Attorney, at (816) 268-XXXX or email at XXXXXXXXXX.XXXXXX-XXXXXX@ed.gov.

Sincerely,

/s/ J. Earlene Gordon

J. Earlene Gordon
Supervisory Attorney

cc: XXX XXXXXXXXXXXX, State Superintendent of Public Instruction