



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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KANSAS CITY, MO 64106

REGION VII  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

November 16, 2017

XXXX XXXXXXXX XXXXX, XXXXXXXX

Instructional Planning Center  
201 East 38<sup>th</sup> Street  
Sioux Falls, South Dakota 57105

Re: Sioux Falls School District 49-5  
OCR Case Number: 07161224

Dear XX XXXXXXXX XXXXX:

On June 14, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received this complaint against the Sioux Falls School District 49-5 (District), Sioux Falls, South Dakota, alleging discrimination on the basis of sex (male). Specifically, the Complainant alleged that the District discriminated against her son (Student) on the basis of sex (male) by failing to take prompt and effective action to end the harassment of the Student by other students, prevent it from recurring, and remedy its effects. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

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 (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>.

On October 17, 2016, OCR sent a notification letter to the District informing it that OCR was opening this complaint for investigation. The notification letter included a data request. Via email sent on November 16, 2016, the District attached a letter, also dated November 16, 2016 responding to OCR's data request. In the November 16, 2016 email, the District's counsel expressed an interest in resolving this complaint pursuant to Section 302 of OCR's Case Processing Manual.<sup>1</sup>

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on (November 15, 2017) that, when fully implemented, will address the allegation of this complaint and any concerns raised during the course of the investigation. OCR considers the

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<sup>1</sup> The Case Processing Manual is available online at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

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

allegation 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 its 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.

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.

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

Sincerely,

/s/ J. Earlene Gordon

J. Earlene Gordon  
Supervisory Attorney

Enclosure