



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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January 4, 2018

XXXXX XXXXX

Attorney

XXXXXXXXXXXX XXX

XXXXX XXXX XXXX XXXXX, XXXXX XXX

XXXXXXXXXX XXXX, XXXXXX XXXXX

Re: Independence #30 School District
OCR Case No. 07171200

Dear XXX XXXXX:

On May 19, 2017 the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Independence #30 Public Schools (District), Independence, Missouri, alleging discrimination on the basis of sex. This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the Complainant alleged that her daughter's (Student) XXXXXXXXXXXX class instructor at Truman High School made inappropriate statements during class about the female students repeatedly over the course of the school year, including a statement that he did not know why the girls were in the XXXXXXXXXXXX class as they were going to grow up to be stay-at-home mothers. The Complainant also alleged that the instructor would not answer the female students' requests for assistance in class, but he would answer the male students' requests for assistance.

OCR is responsible for enforcing Title IX of the Education Amendments Act 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 Federal financial assistance.

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

OCR opened an investigation into the following issues:

1. Whether the District subjected female students to different, less favorable treatment than male students in the XXXXXXXXXXXX pathways program in violation of 34 C.F.R. § 106.31; and

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

2. Whether the District subjected female students in the XXXXXXXXXXXX pathways program to a hostile environment on the basis of sex in violation of 34 C.F.R. § 106.31.

On June 22, 2017, OCR issued notification letters to the parties and a request for information to the District. On July 28, 2017, the District responded to OCR that the XXXXXXXXXXXX teacher was no longer employed by the District. In a subsequent letter, the District stated that it was not aware of the Student's complaint of sex discrimination. On October 25, 2017, OCR interviewed the school principal (Principal), an assistant principal (Associate Principal), and the Student's English teacher (English Teacher) during an onsite visit to Truman High School (School). OCR also interviewed the Complainant and the Student. On October 30, 2017, the District expressed to OCR an interest in engaging in resolution negotiations pursuant to Section 302 of OCR's *Case Processing Manual*.¹

Preliminary Investigative Findings

The Student told OCR that on the first day of class, the XXXXXXXXXXXX teacher asked the female students why they were in an XXXXXXXXXXXX class when they would grow up to be stay-at-home wives. The Student said that the teacher shared other views over the course of the year that belittled female students. The Student also told OCR that the teacher would assist male students during class, but would not assist female students. At the prompting of the Complainant, the Student said that she complained about the XXXXXXXXXXXX teacher to a trusted adult at the School, the English Teacher. According to the Student, in a subsequent conversation, the English Teacher told the Student that she reported the Student's complaint to the assistant principal assigned to the Student.

During the onsite visit, OCR asked the English Teacher whether any student spoke to her about the XXXXXXXXXXXX teacher during the 2016-17 school year. In response, the English teacher said that the Student, accompanied by a group of classmates, complained to her that the XXXXXXXXXXXX teacher made inappropriate remarks about the female students and treated them less favorably than the male students in the class. The English teacher said that she reported the complaint to the assistant principal assigned to the Student, the Associate Principal. The English Teacher said that later that week, she informed the Student that she had made a report to the Associate Principal. The English Teacher told OCR that based upon her conversation with the Associate Principal, she thought the District was addressing the Student's allegation of sex discrimination.

OCR interviewed the Principal and the Associate Principal. The Principal told OCR that the Associate Principal told her that the Complainant had complained about the Student's XXXXXXXXXXXX grade, but that she was not aware that anyone alleged that the XXXXXXXXXXXX teacher subjected the female students to inappropriate remarks or different

¹ The *Case Processing Manual* is available on OCR's website at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

treatment. The Associate Principal said that he had received complaints about the XXXXXXXXXXXX teacher, but that the complaints were not about sex discrimination. When asked to describe the complaints he received, the Associate Principal told OCR that two freshmen female students complained to him that they no longer wanted to be engineers after being part of the XXXXXXXXXXXX teacher's class. The Associate Principal said that a male student also filed a complaint against the XXXXXXXXXXXX teacher. The Associate Principal said the students he spoke to were complaining about the XXXXXXXXXXXX teacher's in-class discussion of his partisan political beliefs. The Associate Principal told OCR that the male student did discuss concerns about the XXXXXXXXXXXX teacher's remarks to female classmates.

The Associate Principal told OCR that the District counseled the XXXXXXXXXXXX teacher about the District's policy regarding sharing political and religious beliefs. The XXXXXXXXXXXX teacher was not counseled regarding the District's nondiscrimination policy. The District's Title IX Compliance Officer was present when the XXXXXXXXXXXX teacher was counseled. Neither the Principal nor the Associate Principal informed the Title IX Compliance Officer about a possible Title IX violation. The Associate Principal told OCR that the English teacher did not notify him of any complaint made by the Student.

OCR reviewed the District's nondiscrimination policies. Board Policy 1310 states that it is the policy of the Board of Education to maintain a learning and working environment that is free from discrimination, harassment, and retaliation on the basis of race, color, religion, disability, age, sex, gender, national origin, or any other characteristic protected by law. The District policy strictly prohibits unlawful discrimination, harassment, and retaliation against employees, students, or others. Board Policy 1310 states that it shall extend not only to students with regard to educational opportunities and freedom from discrimination, harassment, and retaliation, but also to employees with regard to employment opportunities, and to individuals with whom the Board does business. The policy also requires the Board to designate an individual to act as the compliance officer, and ensure that the compliance officer's name, business address, and telephone number, as well as the Policy are published to patrons, employees, and students on an annual basis. Each of the District employees OCR interviewed stated that they received annual training on the District's nondiscrimination policy.

Resolution of the Complaint Allegations

Prior to the completion of OCR's investigation, on January 3, 2017, the District submitted a signed Agreement (copy enclosed) that, when fully implemented, will address the allegations of the complaint. The Agreement requires the District to provide training to School administrators and teachers on the requirements of Title IX. The Agreement also requires the District to counsel the students who were enrolled in the XXXXXXXXXXXX teacher's class on the District's policy against sex discrimination and to assess whether the XXXXXXXXXXXX teacher's conduct denied or limited the ability of the students to participate in or benefit from the District's education program, and if so, to take appropriate remedial steps. Please consult the Agreement for further details.

OCR considers this complaint resolved effective the date of this letter. OCR 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 or take other action.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those referred to in this letter.

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

Please be advised that 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, that individual may file another complaint with OCR 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.

If you have any questions, please contact XXXXXX XXXXXXXXXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXXXXXXXXXXXXXXXX@ed.gov.

Sincerely,

/s/ J. Earlene Gordon

J. Earlene Gordon,
Supervisory Attorney

Enclosure