



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD., SUITE 310  
DENVER, CO 80204-3582

December 16, 2021

REGION VIII

ARIZONA  
COLORADO  
NEW MEXICO  
UTAH  
WYOMING

Mr. Steven Carlsen, Superintendent  
Box Elder School District  
960 South Main  
Brigham City, Utah 84302

*Sent via email only to: steve.carlsen@besd.net*

Re: Box Elder School District  
OCR Case Number: 08-21-1304

Dear Superintendent Carlsen:

On June 21, 2021, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint of discrimination against Box Elder School District (District). The Complainant alleges that the District discriminated on the basis of sex. Specifically, the Complainant alleges the District discriminates against female athletes at Bear River High School by failing to provide the girls' softball team, girls' basketball team, and girls' volleyball team equal opportunities in the following areas:

- (1) locker rooms, practice and competitive facilities;
- (2) equipment and supplies that includes apparel and sport-specific equipment;
- (3) support services;
- (4) publicity; and
- (5) the scheduling of games and practice times.

The Complainant further alleges that (6) the District failed to respond to complaints that he raised in spring 2021 regarding the same issues identified above.

OCR enforces 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, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

On August 20, 2021, we formally notified the District that OCR was opening an investigation of the allegations and requested information. In the initial stage of investigating this case, OCR reviewed documents provided by the District and the Complainant. In reviewing the information, OCR learned the following:

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

- Bear River High School's (School) girls basketball team plays competitions on weekdays Mondays through Thursdays but not on Fridays, while the boys basketball team plays competitions on Fridays.
- Both the School and a school-wide booster club purchased a "HUDL" account during the 2021-22 school year for all teams' use.
- During Summer 2021 the school created another girls locker room for wrestling (winter) and spring sports.
- The School is currently converting the visitors' locker room into a girls team room.
- The School is planning a number of renovations to the softball field, including: a new scoreboard, installation of a concrete pad for the bleachers, and renovation of the backstop area.
- All girls coaches (two total coaches) share one office space and all boys sports coaches share another office space.
- Each sports team receives a budget from the School, and each coach has discretion as to what equipment to purchase, including uniforms.

After the Complainant brought to the District's attention the same allegations at issue in this OCR complaint, the District began to take action to address some of the allegations.

After reviewing the information, the District indicated it wanted to take voluntary action to resolve the remaining allegations. Based on the information provided by the District and Complainant, we determined that it was appropriate, pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), to resolve the allegations with an agreement (Agreement) without completing the investigation. On December 3, 2021, we sent the District a proposed Agreement. The District sent OCR a signed Agreement on December 13, 2021. A copy of the signed Agreement is enclosed.

When the Agreement is fully implemented, the above-listed allegations will be resolved consistent with the requirements of Title IX and its implementing regulation. OCR will monitor implementation of the Agreement through periodic reports from the District demonstrating that the terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with respect to the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

OCR is closing the investigative phase of the case effective the date of this letter. The case is now in the monitoring phase. The monitoring phase of the case will be completed when OCR determines that the District has fulfilled all of the terms of the Agreement. When the monitoring phase of the case is complete, OCR will close case number 08-21-1304 and will send a letter to the Complainant and the District stating that the case is closed.

This letter sets forth OCR's determination in an individual 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.

Recipients of Federal funds are prohibited from intimidation, harassment, or retaliation against individuals filing a complaint with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Please note 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.

If you have any questions, please contact XXXXX, Attorney, at 303-844-XXX or XXXXX@ed.gov.

Sincerely,

XXXXX  
Supervisory Attorney

cc: Sydnee Dickson, Utah State Superintendent of Public Instruction, *by email only*  
Attorney Carol B. Lear, *by email only*

Enclosure: Resolution Agreement