



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

July 12, 2018

Renee Williams
Superintendent
Prince George County Public Schools
6410 Courts Drive, Prince George, Virginia 23875

RE: OCR Complaints Nos. 11-18-1308
and 11-18-1398
Resolution Letter

Dear Superintendent Williams:

This letter is to advise you of the outcome of the above-referenced complaints that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on April 30 and June 19, 2018, respectively, against Prince George County Public Schools (the Division). The Complainants filed the complaints on behalf of two students (Student 1 and Student 2, respectively) at XXXXXX School (the School). The complaints alleged that the Division discriminated against the students based on sex. Specifically, the complaints alleged that the Division failed to respond promptly and equitably to the Complainants' reports in the spring of 2018 that Student 1 and Student 2 were sexually harassed by other students.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the Division receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

Legal Standard

A Division's failure to respond promptly and effectively to sex-based harassment that it knew or should have known about, and that is sufficiently serious that it creates a hostile environment, is a form of discrimination prohibited by Title IX. A Division may also violate Title IX if an employee engages in sex-based harassment of students in the context of the employee carrying out his/her responsibility to provide benefits and services, regardless of whether the Division had notice of the employee's behavior. Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; physical conduct; or other conduct that may be physically threatening, harmful, or humiliating. Harassment creates a hostile environment when the conduct is sufficiently severe or pervasive as to interfere with or limit a student's ability to participate in or benefit from the

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

Division's programs, activities, or services. When such harassment is based on sex, it violates Title IX.

To determine whether a hostile environment exists, OCR considers the totality of the circumstances from both an objective and subjective perspective and examines the context, nature, scope, frequency, duration, and location of incidents, as well as the identity, number, and relationships of the persons involved. Harassment must consist of more than casual, isolated incidents to constitute a hostile environment.

When responding to harassment, a Division must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in an investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial. If an investigation reveals that discriminatory harassment has occurred, a Division must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Summary of Investigation

During the investigation, OCR reviewed documents provided by the Complainants and the Division; interviewed the Complainant in OCR Complaint No. 11-18-1308 (Complainant 1); and listened to audio recordings of a meeting between the principal of the School and the Complainant in complaint no. 11-18-1398 (Complainant 2) discussing the incidents giving rise to the complaint.

Prior to the completion of OCR's investigation, the Division expressed an interest in engaging in a voluntary resolution agreement pursuant to Section 302 of OCR's Case Processing Manual (CPM), which states: [a]llegations and issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation. On July 11, 2018, the Division signed an Agreement (copy enclosed) that, when fully implemented, will resolve the allegation and issues in this investigation. The Division agreed to: conduct a thorough investigation of the allegations of sexual harassment and take all appropriate measures necessary to eliminate any hostile environment and prevent it from reoccurring; conduct Title IX training for staff; and provide individual remedies to Student 1 and Student 2, including compensatory and/or remedial educational services for Student 1, who did not attend school from April 16 through the end of the school year because she felt the school would not protect her from the ongoing harassment, and an evaluation of both students by a Division-level psychologist to determine what, if any, mental health services are needed as a result of the Division's failure to respond appropriately to the ongoing harassment.

The provisions of the Agreement are aligned with the allegations and issues raised by the Complainants and the information obtained during OCR's investigation, and are consistent with applicable law and regulation. OCR will monitor the Division's implementation of the

Agreement until the Division has fulfilled the terms of the Agreement. Failure to implement the Agreement could result in OCR reopening the complaint.

This concludes OCR's investigation of these complaints. This letter should not be interpreted to address the Division's compliance with any other regulatory provision or to address any issues other than those addressed 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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Division must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We appreciate the Division's cooperation in the resolution of this complaint. If you have any questions, please contact Sara Clash-Drexler, the OCR attorney assigned to this complaint, at 202-453-5906 or sara.clash-drexler@ed.gov.

Sincerely,

Michael Hing
Team Leader, Team I
District of Columbia Office
Office for Civil Rights

Enclosure

cc (via email): Pakapon Phinyowattanachip, Reed Smith