



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

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CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

October 7, 2022

Via e-mail only to: speters@ohioedlaw.com

Scott C. Peters, Esq.
Peters Kalail & Markakis Co., L.P.A.
6480 Rockside Woods Boulevard South, Suite 300
Cleveland, Ohio 44131

Re: OCR Docket No. 15-20-1248

Dear Mr. Peters:

This letter is to notify you of the disposition of the above-referenced complaint filed on XXXXX XXXXX, XXXXX, with the U.S. Department of Education, Office for Civil Rights (OCR), against Howland Local School District (the District) alleging discrimination based on sex. Specifically, the complaint alleged that the District:

1. does not provide the high school girls' sports teams with travel and per diem allowances (e.g., comparable transportation, meals) that are equivalent to those provided to the boys' teams;
2. does not provide the high school girls' sports teams with equipment and supplies (e.g., uniforms) that are equivalent to those provided to the boys' teams; and
3. does not provide the high school girls' sports teams with publicity (e.g., newspaper ads, pep activities) that is equivalent to those provided to the boys' teams.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 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 from the Department of Education. As a recipient of federal financial assistance, the District is subject to this law.

Based on the complaint allegations, OCR opened an investigation of the following legal issues: whether the District discriminated against female high school athletes on the basis of sex by failing to provide equal athletic opportunity to members of both sexes with respect to the provision of equipment and supplies, travel and per diem allowance, and publicity, in violation of the Title IX implementing regulation at 34 C.F.R. §§ 106.41(c)(2), (4), and (10).

During its investigation to date, OCR reviewed information provided by the Complainant (XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX)

XXXXX) and XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. OCR interviewed 19 of the coaches of the high school sports teams during the XXXXX and XXXXX school years. OCR also reviewed documentation provided by the District and the Complainant. OCR has not completed its investigation and is not issuing a finding in this letter, for reasons explained further below.

In the XXXXX XXXXX XXXXX, the high school girls' XXXXX team and the boys' XXXXX team XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX during the XXXXX XXXXX XXXXX, XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. The Complainant alleged that the District did not treat the XXXXX teams equally XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX, as well as with respect to other opportunities during the school year.

On XXXXX XXXXX, XXXXX, the Complainant filed an internal complaint with the District raising the same Title IX allegations as XXXXX OCR complaint. On XXXXX XXXXX, XXXXX, the District superintendent sent the Complainant a letter reporting the results of the investigation and enclosed the District's Title IX Investigation Report (Title IX Report). In the letter, the superintendent concluded, based on the Title IX Report, that the District had complied with Title IX in all matters raised by the Complainant regarding funding of the District athletics program. The Title IX Report explicitly excluded the following allegations that it stated did "not implicate Title IX": (a) private parties and interest groups allegedly having undue influence on the school district regarding funding; (b) parents not having access to the athletic department budget and expenditures; (c) school send-offs were unequal for XXXXX XXXXX and XXXXX and complaints about locker decoration; (d) private donations of a Board member, inability of another to donate to the girls' XXXXX team, coaches taking donations directly and not running them through the District; and (e) a private company producing athletic team shirts chose to do a fundraiser for community members to buy shirts and 10 percent would go back to the specific sport.

The District maintains that it provides equal athletic opportunity to members boys' and girls' sports teams, including with respect to the provision of equipment and supplies, travel and per diem allowance, and publicity.

The District produced documentation during OCR's investigation that included but was not limited to the XXXXX Ohio High School Athletic Association tournament regulations for XXXXX and XXXXX, team charts, competition and transportation schedules, the booster club treasurer's report, "End of Season Reports" with inventory for some of the sports teams, a "uniform rotation" chart, purchase orders and receipts, copies of weekly e-mails the activities director sends to District employees and local media, and sports programs. The District also provided OCR with a document entitled "District Tiered Protocols," which it represented was developed after receipt of the complaint about alleged inequitable treatment of the girls' XXXXX and the boys' XXXXX team. It charts how team accomplishments (XXXXX, XXXXX XXXXX XXXXX XXXXX) will be recognized by the District for each sport.

The Complainant alleged multiple ways that the publicity for the girls' XXXXX team differed from that provided to the boys' XXXXX team. First, for example, XXXXX alleged that there were two full page advertisements in the local newspaper for the boys' XXXXX team, on XXXXX XXXXX and XXXXX XXXXX, XXXXX. XXXXX alleged that, even though the girls' XXXXX team was included in the second ad, it still focused on the boys' XXXXX team. XXXXX provided OCR with a copy of the two ads. The second ad references the girls' XXXXX country team's accomplishments in writing. It includes a large photograph of the boys' XXXXX team and no photograph of the girls' XXXXX team. Multiple business ads at the bottom of the page specifically congratulate the boys' XXXXX team. The District said XXXXX XXXXX complained to the local newspaper about the first ad and the newspaper asked for a picture of the girls' XXXXX team, but the XXXXX did not provide it. It also said the activities director contacted the booster club after receiving a complaint about the ad and asked that the

next ad include the girls' XXXXX team, which the booster club paid for. The District said, the day after the girls' XXXXX XXXXX XXXXX XXXXX XXXXX, the activities director contacted the local newspaper to share information about the team and provided a team picture.

[illegible]

During OCR's investigation, multiple coaches recalled decorations in the school for the boys' XXXXX team but did not recall, or specifically remembered that there were not, decorations for the girls' XXXXX team. One coach believed there were decorations for both clap outs. The coaches that recalled the hallways being decorated to celebrate the boys' XXXXX team disagreed on which organization (e.g., pep club, girls' XXXXX team, parents) put up the decorations. The boys' XXXXX coach confirmed to OCR that there was a sendoff for the XXXXX team, but XXXXX did not know who arranged it. OCR reviewed media coverage from XXXXX XXXXX of the boys' XXXXX team's postseason, which included video from what appeared to be XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX the boys' XXXXX team's charter bus.

Under Section 302 of OCR's *Case Processing Manual*, allegations under investigation may be resolved at any time when, prior to the issuance of a final investigative determination, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In this case, the District expressed an interest in resolving the allegations prior to the conclusion of OCR's investigation and OCR determined resolution was appropriate. On XXXXX XXXXX, XXXXX, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address all of the allegations in the complaint. OCR will monitor the implementation of the Resolution Agreement.

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. Individuals who file complaints with OCR 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 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, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR looks forward to receiving the District's first monitoring report by **December 31, 2022**. For questions about implementation of the Agreement, please contact Tanya Sample, who will be overseeing the monitoring and can be reached by telephone at XXXXX or by e-mail at Tanya.Sample@ed.gov. If you have questions about this letter, please contact me by telephone at XXXXX.

Sincerely,

Sacara Miller
Supervisory Attorney/Team Leader

Enclosure