



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
THE WANAMAKER BUILDING, SUITE 515  
100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3323

REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
WEST VIRGINIA

**September 29, 2016**

**IN RESPONSE, PLEASE REFER TO: 03151200**

Dr. Kevin M. Maxwell  
Chief Executive Officer  
Prince George's County Public Schools  
Sasscer Administration Building  
14201 School Lane  
Upper Marlboro, MD 20772

Dear Dr. Maxwell:

This is to notify you of the determination made by the U.S. Department of Education (Department), Office for Civil Rights (OCR), regarding the above-referenced complaint filed against the Prince George's County Public School (the District). XXXXXX (the Complainant) alleged that the District discriminated against her XXXXXX, XXXXXX, (the Student) on the bases of XXXXXX and sex and XXXXXX. Specifically, she alleged that the District:

1. XXXXXX;
2. Discriminated against the Student on the basis of XXXXXX sex by XXXXXX; and
3. XXXXXX.

OCR enforces:

- Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance. Title VI also prohibits retaliation.
- 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. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Title IX also prohibits retaliation.

As a recipient of Federal financial assistance from the Department, the District is subject to Title VI, Title IX and their implementing regulations.

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

OCR applies a preponderance of the evidence standard to determine whether the evidence is sufficient to support a particular conclusion. Specifically, OCR examines the evidence in support of and against a particular conclusion to determine whether the greater weight of the evidence supports the conclusion or whether the evidence is insufficient to support the conclusion.

OCR's investigation of this complaint included a careful review of information gathered through written documentation provided by the Complainant and the District. OCR also interviewed the Complainant and the Student as well as several District staff members. After a careful review of all information obtained, OCR has determined there is sufficient evidence to support a finding that the District violated Title IX XXXXXX. In order to resolve this violation, the District entered into a Resolution Agreement with OCR (enclosed). XXXXXX. An analysis of the information obtained by OCR in its investigation and its findings are detailed below.

xxx – paragraphs redacted – xxx

### **Legal Standards – Allegation 2 - XXXXXX**

The Title IX implementing regulation, at 34 C.F.R. §106.31 (a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance. Specific obligations are set forth at 34 C.F.R. §106.31 (b), including a recipient's obligation to ensure that its students are not denied or limited in their ability to participate in or benefit from the recipient's programs or activities on the basis of sex.

Harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or receive benefits, services, or opportunities in the school's program. Title IX prohibits discrimination resulting from harassment that is sexual in nature and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping. Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination.

A recipient may be found in noncompliance with Title IX and its implementing regulation as a result of such harassment if the recipient knew, or had reason to know, of the harassment and failed to respond adequately. The recipient will be considered to have responded adequately to knowledge of harassment if it has conducted a thorough and objective investigation and has taken immediate effective action to fully remedy any harm that may have occurred and to prevent sexual harassment from occurring in the future.

### **Factual Background - Allegation 2**

xxx – paragraphs redacted – xxx

**Legal Analysis - Allegation 2**

With regard to the XXXXXX, the District conducted an investigation consisting of interviews with the Student and XXXXXX. XXXXXX.

In addition, the Complainant met with the District’s Title IX Coordinator on XXXXXX, XXXXXX.

Because Title IX requires recipients to provide complainants with written notice of the outcome of a Title IX investigation within a reasonably prompt timeframe, OCR finds that the District did not comply with Title IX with regard to its investigation of the reports of XXXXXX.

xxx – paragraphs redacted – xxx

**Conclusion**

XXXXXX.

With regard to allegation #2, OCR engaged in negotiations with the District to resolve the Title IX violations in this case. The District entered into an agreement with OCR on September 19, 2016. When fully implemented, the resolution agreement will address all of OCR’s compliance concerns; OCR will monitor the implementation of the agreement until the District is in compliance with the regulation implementing Title IX regulation, at 34 C.F.R. § 106.8(b), which was at issue in this complaint. The District’s first monitoring report is due to OCR on October 31, 2016.

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 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, the Complainant may file another complaint 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.

OCR is committed to a high-quality resolution of every case. If you have questions or concerns about OCR's finding, you may contact Ms. Cynthia Wesley at 215-656-8548 or [cynthia.wesley@ed.gov](mailto:cynthia.wesley@ed.gov). Thank you for your cooperation with this matter.

Sincerely,

/s/

Nancy E. Potter  
Team Leader

Enclosures