



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS—REGION VI

SEP 1 2010

Ref: 06101484

Ms. Christine Jackson



Dear Ms. Jackson:

The U. S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has completed its evaluation of the above referenced complaint, received on August 2, 2010, filed against the Birdville Independent School District (BISD), Haltom City, Texas. You allege that BISD discriminated against your son on the basis of sex (male). Specifically, you allege the following: On March 4, 2010 your son was sexually harassed while showering in athletics class when another student made physical contact with your son that was of a sexual nature and threatened him with rape, but the district did not sufficiently respond upon receiving notice of the incident (i.e., the athletics class coach failed to sufficiently respond to the incident; the district did not notify you of the incident; the student was not separated from your son during the investigation; the vice principal hindered the investigation).

This agency is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department of Education (Department) or an agency that has delegated investigative authority to this Department are in compliance with 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 (2009), which prohibits discrimination on the basis of sex. BISD is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdictional authority to process allegations of sex discrimination filed against BISD under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening your complaint allegation for investigation. Please note that opening this allegation for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of OCR's *Case Processing Manual*.

OCR will investigate the following issue: whether your son was discriminated against on the basis of sex when he was subjected to sexually harassing incidents, sufficient to create a hostile environment, of which BISD had notice and failed to appropriately respond. BISD has been informed of your complaint allegation, and the issue to be investigated, and information and documentation have been requested. I am the investigator/attorney who has been assigned to this complaint. I will contact you regarding the next step in the resolution process after we receive

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the district's response to our request for documentation. If you have any questions or concerns regarding this matter, you may contact me at (214) 661-9683.

Please note that OCR's case resolution processes include Early Complaint Resolution (ECR). ECR allows the parties (the complainant and the institution that is the subject of the complaint) an opportunity to resolve the complaint allegations quickly; generally, soon after the complaint has been opened for investigation although ECR may take place at any time during the investigative process. If both parties are willing to try this approach, and if OCR determines that ECR is appropriate, OCR will facilitate settlement discussions between the parties and work with the parties to help them understand the legal standards and possible remedies. More information about the ECR process may be found in OCR's *Complaint Processing Procedures* that accompanied OCR's August 10, 2010 letter to you acknowledging our receipt of your complaint. Please let me know if you are interested in the ECR process.

Under OCR procedures we are obligated to advise the complainant and the institution against which the complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing held in connection with a complaint.

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, it 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 or concerns regarding this letter, please call me at the number provided above, or Ms. Sandra Stephens, Team Leader, at (214) 661-9600.

Sincerely,

A handwritten signature in blue ink that reads "Sandra Stephens for". The signature is written in a cursive style.

Brandon M. Carey
General Attorney
Dallas Office