Re: Florence-Carlton School District No. 15-6
OCR Reference No. 10091310

The U.S. Department of Education, Office for Civil Rights (OCR) has completed its evaluation of your discrimination complaint against Florence-Carlton School District No. 15-6. In the complaint, you alleged that the district discriminated against female high school students, based on sex, by:

1. failing to provide them with equal athletic opportunities with respect to equipment and supplies, travel and per diem, practice and competitive facilities, and scheduling of games and practice times; and

2. failing to provide them with equal fundraising opportunities.

Based on the information you provided in your written complaint, supporting materials, and a June 22, 2009, telephone interview with OCR, we have determined that we will investigate allegation No. 1, above. As explained below, we will not investigate allegation No. 2 and are dismissing this allegation.

OCR is responsible for enforcing title IX of the Education Amendments of 1972 and its implementing regulation. Title IX prohibits a recipient of federal financial assistance from the U.S. Department of Education from discriminating on the basis of sex in any of its education programs or activities, including athletic programs. As a recipient of federal financial assistance from this Department, the district is required to comply with Title IX.

Regarding allegation No. 2, you alleged that the district allowed the coach of the boys' basketball team, who is also the district's athletic director, to conduct fundraisers to raise funds for the boys' basketball program but denied your request to conduct similar fundraising events for the girls' basketball program. According to your complaint, the district denied your request because you were not an employee of the district, a claim that you dispute since you were a school board member at the time of the request. You did not allege that the district prohibited the girls' basketball team from conducting fundraising activities or that the district denied fundraising requests made by female student athletes, their coaches, or their parents.
OCR is authorized to resolve only those complaint allegations that, if true, would constitute a violation of one of the laws that we enforce. Under the Title IX regulation, a school district that offers interscholastic athletics must provide equal athletic opportunity to members of both sexes. Because the complaint information only indicated that the district denied your individual request to fundraise for the girls’ basketball team, and did not indicate that the district, on the basis of sex, prohibited the girls’ basketball team or other girls’ teams from fundraising, denied the requests of girls’ teams to fundraise, or otherwise treated girls’ teams differently than boys’ teams with respect to fundraising, we have determined that allegation No. 2 does not raise a possible violation under Title IX. Therefore, OCR does not have the authority to take further action regarding allegation No. 2.

OCR has accepted allegation No. 1 for investigation because it raises a possible violation of Title IX. Our acceptance of the allegation does not reflect an opinion by OCR regarding the merits of the allegation or the district’s compliance status with respect to federal civil rights laws. It is our responsibility to address the allegation in a fair and impartial manner, consistent with the regulatory requirements under which we operate and in accordance with OCR’s Case Processing Manual.

Complaint allegations may be resolved in a variety of ways, including:

- an OCR-facilitated resolution between the district and the complainant (“Early Complaint Resolution”);
- the district volunteers to take remedial actions that OCR determines fully resolve the allegations consistent with applicable legal standards and are set forth in a written agreement; or
- OCR investigates the allegations, resulting in findings and a determination as to whether the district is in compliance with the applicable legal standards and, in the event non-compliance is found, a written agreement between OCR and the district in which the district commits to take specific steps to comply with applicable laws and regulations.

OCR is committed to prompt and effective service. We plan to contact you soon to discuss OCR’s complaint resolution process. If you have any questions about this letter, please contact Levin Karovsky, equal opportunity specialist, at (206) 220-7935, or by e-mail at levin.karovsky@ed.gov.

Sincerely,

Joan D. Rubin
Chief Attorney