



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

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

September 14, 2018

Vernadette Broyles, Esq.
5425 Peachtree Parkway
Suite 110
Norcross, Georgia 30092

Re: OCR Complaint No. 04-18-1576
Notification

Dear Ms. Broyles:

On June 1, 2018, the Office for Civil Rights (OCR) of the U.S. Department of Education (Department) received your complaint against the Decatur City School District (District). You filed the complaint on behalf of [REDACTED] (Student), a student in the District.

Specifically, you made the following allegations:

1. The District subjected the Student to discrimination on the basis of sex when it failed to provide a prompt and equitable response to the Parent's report that the Student had been sexually assaulted in the girls' restroom by a male student who identified as gender fluid and who was permitted access to the girls' restroom pursuant to the District policy (Policy) that permits students access to facilities, including restrooms, that correspond to their gender identity.
2. Several aspects of the Policy, including permitting students access to facilities, including restrooms, that correspond to their gender identity, create a hostile environment for girls.
3. The District retaliated against the Student's Parent, for reporting the sexual harassment incident, by identifying the Parent as the "responsible party" in the District's referral of the sexual harassment incident to the Georgia Division of Family and Children Services (DFCS).

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), as amended, 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 receiving Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation of the issues set forth below. Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.html>.

Accordingly, OCR will investigate the following legal issues:

- Whether the District failed to provide a prompt and equitable response to a report that the Student was subjected to sexual assault, and, as a result, was subjected to a sexually hostile environment, including whether the District implementation of the Policy contributed to creation of a hostile environment for the Student and other girls, in noncompliance with Title IX and its implementing regulations at 34 C.F.R. §§ 106.8, 106.31.
- Whether the District retaliated against the Student's Parent for reporting the sexual harassment incident, in noncompliance with Title IX and its implementing regulation at 34 C.F.R. § 106.71.

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, 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.

If you have any questions, please contact [REDACTED].

Sincerely,



Arthur Manigault
Compliance Team Leader