



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

April 5, 2023

By email only to ian.prior@aflegal.org

Ian D. Prior
Senior Advisor
America First Legal Foundation
611 Pennsylvania Ave. SE #231
Washington, D.C. 20003

Re: Case No. 11-23-1197
Loudon County Public Schools

Dear Mr. Prior:

On January 18, 2023, the U.S. Department of Education, Office for Civil Rights (OCR) received your complaint against Loudon County Public Schools (the School Division). You raised concerns regarding the School Division's failure to respond appropriately to reports of alleged sexual assault, and you primarily identified several high school incidents in support of your allegation.

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 program or activity receiving federal financial assistance. The School Division receives federal financial assistance from the Department of Education, so OCR has jurisdiction over it pursuant to Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. Based on the information you provided, OCR will investigate the following issue:

- Whether the School Division is failing to respond as required by Title IX to notice of sexual assault in School Division high schools.

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 School Division, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the complaint in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. More information about OCR's complaint processing procedures can be found at <http://www.ed.gov/ocr/complaints-how.html>. OCR also would like to make you aware that 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.

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

www.ed.gov

When appropriate, a complaint may be resolved before the conclusion of an investigation if the school district expresses an interest to OCR in resolving the allegation(s) 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 such cases, OCR obtains a resolution agreement signed by the school district. This agreement must be supported by the evidence obtained during the investigation, and it must be consistent with the applicable statute(s) and regulation(s). Additional information about this voluntary resolution process may be found in OCR's *Case Processing Manual*.

Please be advised that the School Division 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 against the School Division 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, OCR 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.

If you have any questions, please contact one of the OCR attorneys assigned to this complaint: Sharon Goott Nissim at 202-245-7261 or sharon.nissim@ed.gov; or Sara Clash-Drexler at 202-245-8097 or sara.clash-drexler@ed.gov.

Sincerely,

for
Dan Greenspahn
Team Leader, Team 1
District of Columbia Office
Office for Civil Rights