



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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November 13, 2024

*Sent via electronic mail only to: [margaret.coates@owassops.org](mailto:margaret.coates@owassops.org)*

Dr. Margaret Coates, Superintendent  
Owasso Public Schools  
1501 North Ash Street  
Owasso, Oklahoma 74055

Re: Owasso Public Schools  
OCR Complaint No. 05-24-1363

Dear Dr. Coates:

This letter is to inform 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 Owasso Public Schools (the District). OCR received this complaint after the death of Student A, who attended the tenth grade at a District high school during the 2023–2024 school year and was allegedly subjected to sexual harassment. The complaint alleged that the District discriminated against students by failing to respond to sexual harassment, of which it had notice, at Owasso High School during the 2023–2024 school year.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination based on sex in programs or activities receiving federal financial assistance. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance from the Department. Additionally, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Because the District receives federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Title IX, Section 504, and Title II.

OCR investigated the following issues:

1. Whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Title IX.
2. Whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Section 504 and Title II.

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OCR investigated the complaint by interviewing over twenty, current and former, District teachers, administrators, students, and parents, and by reviewing documentation from the District including two Title IX investigations and over sixty online bullying reports during the 2021–2022, 2022–2023, and 2023–2024 school years, 24 of which OCR identified as reports of possible sexual harassment.

For the reasons set out below, OCR finds that the District violated the operative Title IX regulations, as amended in 2020 ([2020 Title IX regulations](#)):

- by failing to respond as required by the Title IX regulations at 34 C.F.R. § 106.44(a) to notice that students, including Student A, were subjected to sexual harassment;
- by not adopting a grievance process that contains the basic requirements stated in 34 C.F.R. § 106.45(b); and
- by not fulfilling the District’s Title IX recordkeeping obligations, as required by 34 C.F.R. § 106.45(b)(10)(ii).

Lastly, OCR finds insufficient evidence to establish a violation of Section 504 or Title II with regard to how the District responded to alleged harassment of students on the basis of disability.

### **Legal Standards**

- Title IX

Title IX and the 2020 Title IX regulation at 34 C.F.R. § 106.31(a) prohibit recipients of federal financial assistance from subjecting students to discrimination based on sex under any of the recipient’s education programs or activities. Sexual harassment is a form of discrimination based on sex under Title IX.

The regulation at 34 C.F.R. § 106.30 defines “sexual harassment,” in relevant part, as “conduct on the basis of sex” that includes “unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity.” This definition of sexual harassment may include harassment based on sex or sex stereotyping if a reasonable person would determine that the harassment is so severe, pervasive, and objectively offensive that it denies a person equal educational access. *See* 85 Fed. Reg. 30179.

The Title IX regulation at 34 C.F.R. § 106.44(a) requires a recipient to respond promptly to actual knowledge of sexual harassment in the recipient’s education program or activity against a person in the United States in a manner that is not deliberately indifferent. In the elementary and secondary school context, the regulations define “actual knowledge” as notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any employee of an elementary or secondary school. *Id.* § 106.30(a). The regulations state that a recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. *Id.* § 106.44(a).

When the Title IX Coordinator or an employee of an elementary or secondary school has actual knowledge of sexual harassment in a recipient's education program or activity, the Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. 34 C.F.R. § 106.44(a).

The regulation defines "supportive measures" as "non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed." 34 C.F.R. § 106.30(a). Supportive measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. *Id.* Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. *Id.*

When a complainant or Title IX Coordinator files a formal complaint alleging conduct that could constitute sexual harassment as defined in § 106.30, the recipient must investigate the allegations and follow a grievance process that complies with 34 C.F.R. § 106.45. The only exceptions are if the recipient must dismiss the formal complaint because the alleged conduct would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in a recipient's education program or activity, or did not occur against a person in the United States, *id.* § 106.45(b)(3)(i), or the recipient exercises its discretion to dismiss the complaint because the complainant withdrew their complaint, the respondent is no longer enrolled or employed by the recipient, or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein, *id.* § 106.45(b)(3)(ii).

Upon receipt of a formal complaint, a recipient must provide the following written notice to parties who are known: (A) Notice of the recipient's grievance process that complies with this section, including any informal resolution process; (B) Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in § 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. 34 C.F.R. § 106.45(b)(2). Sufficient details include the identities of the parties involved in the incident, if known, the conduct constituting sexual harassment under § 106.30, and the date and location of the incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under § 106.45(b)(5)(iv), and may inspect and review evidence under § 106.45(b)(5)(vi) of this section. The written notice must inform the parties of any provision in

the recipient's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. *Id.*

The Title IX regulation, at 34 C.F.R. § 106.45(b)(1)(iii), requires a recipient to ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including, if applicable, hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

When a recipient has actual knowledge of sexual harassment under § 106.44(a), the recipient must maintain for seven years records of any action, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. 34 C.F.R. § 106.45(b)(10)(ii). In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. *Id.* If a recipient does not provide a complainant with supportive measures, then the recipient must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. *Id.* The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken. *Id.* A recipient also must maintain for seven years records of each sexual harassment investigation, including any determination of responsibility, any audio or audiovisual recording or transcript required by §106.45(b)(6)(i), any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant. *Id.* § 106.45(b)(10)(i)(A).

- Section 504/Title II

The regulation implementing Section 504, at 34 C.F.R. § 104.4(a), provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a recipient, or be subjected to discrimination by a recipient of federal financial assistance. The Title II implementing regulation, at 28 C.F.R. § 35.130(a), provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

The Section 504 regulation, at 34 C.F.R. § 104.33(a), states that a recipient that operates a public elementary or secondary education program or activity shall provide a free and appropriate public education (FAPE) to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability. The Section 504 regulation at 34 C.F.R. § 104.33(b)(1) defines an appropriate education as the provision of regular or special education and related aids and services that are designed to meet individual educational needs of persons with disabilities as adequately as the needs of non-disabled persons are met.

Disability harassment is a form of disability discrimination prohibited by Section 504 and Title II. Disability harassment under Section 504 and Title II is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under the Section 504 and Title II regulations. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program.

When disability harassment limits or denies a student's ability to participate in or benefit from an educational institution's programs or activities, the institution must respond effectively. Where the institution learns that disability harassment may have occurred, the institution must investigate the incident(s) promptly and respond appropriately. If a school's investigation reveals that harassment based on disability created a hostile environment—i.e., the conduct was sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school—the school must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects.

Harassment of a student with a disability that results in the student not receiving meaningful educational benefits constitutes a denial of FAPE that must be remedied, regardless of the nature of the harassment. Section 504 imposes on a recipient an ongoing obligation to provide FAPE to students with disabilities, and that obligation exists whether or not school officials know or should know about harassment of a student with a disability that may be causing a denial of FAPE.

## **Facts**

According to the [Oklahoma School Report Card](#), the District consists of 13 schools, including ten elementary schools, two middle schools, and one high school—Owasso High School (the High School). In the 2023–2024 school year, the District enrolled 9,802 students, including 2,986 students at the High School.

- District's Title IX Coordination and Policies

The District informed OCR in its data response to the complaint and during the Superintendent's interview that it has two dedicated staff members who are responsible for coordinating the District's obligations under Title IX: the Title IX Coordinator and the Title IX Investigator. The District identified its Assistant Superintendent for Teaching & Learning as the Title IX Coordinator and identified its Director of Human Resources (HR Director) as the Title IX Investigator.

Multiple staff members were unable to identify the Title IX Coordinator during their OCR interviews, despite receiving annual Title IX training from the District. The Title IX Coordinator told OCR that he is not confident determining whether a matter implicates Title IX and consults an outside attorney he perceives as an expert when issues arise that may constitute sex discrimination, including sexual harassment. The HR Director told OCR that the Title IX Coordinator follows the outside attorney's opinion on whether an incident falls under Title IX. The HR Director maintained during her OCR interview that she is not the Title IX Investigator and said that there is no such role in the District, despite the fact that she served in that capacity in one of the District's two Title IX investigations as described below.

The District maintains two policies governing its response to Title IX matters: Policy 1.22 (grievance procedures) and 1.45 ("Discrimination, Harassment, and Retaliation"). Both policies prohibit discrimination, harassment, and retaliation based on sex (real or perceived) and gender identity or expression. Policy 1.22 also states that "sexual harassment may occur between persons of the same gender or sex."

The policies encourage students who have been harassed or discriminated against, or who witness such conduct, "to report the offensive conduct to any teacher, counselor, administrator, or board member." The policies state that "[e]mployees who witness, suspect or receive a report of harassment or discrimination must immediately report the incident to the superintendent or a board member—even if that report must be made after hours," and that "any employee who receives a harassment, discrimination, or retaliation report will immediately refer the matter to the Title IX coordinator, an administrator, human resources, or the superintendent."

OCR reviewed the District's policies and procedures and determined that they do not contain the basic requirements of a grievance process for complaints of sexual harassment as required under the 2020 Title IX regulations.

The District informed OCR that it has conducted two formal Title IX investigations under policies 1.22 and 1.45 in the past three school years. OCR requested all records associated with both investigations. The District did not provide a formal, written Title IX complaint for either investigation. Neither Title IX matter came to the District's attention through the filing of a report through the District's "Stop Bullying" reporting system, which is the District's electronic mechanism to receive reports of bullying.

- The District's Two Title IX Investigations

*[Redacted Content] Coach Investigation (2022–2023 School Year)*

In [redacted content], the Title IX Coordinator met with the mother of a District high school student, Student J, who played on the girls' [redacted content] team. Student J's mother complained orally that the male [redacted content] coach, Coach A, had [redacted content] during a team meeting earlier that month. Coach A had been discussing [redacted content]. The Title IX Coordinator told OCR that, based on the report, the District opened a formal Title IX investigation.

Documents provided by the District show that the Title IX Coordinator and Title IX Investigator—the HR Director identified above—jointly investigated the complaint, interviewing Student J, Coach A, and fourteen student witnesses. At the conclusion of the investigation, the Title IX Coordinator and Title IX Investigator submitted investigative notes to the decision makers, two District administrators who were not involved in the investigation itself. The Title IX Coordinator told OCR that he and the Title IX Investigator did not make a determination or a recommendation, but rather presented their factual findings. Policy 1.22 and 1.45 state that the decision maker in Title IX investigations is “the superintendent, in conjunction with the Title IX Coordinator.”

The decision makers concluded that sexual harassment had not occurred. OCR requested all records associated with the investigation, but the District did not provide OCR with the written determination that it said it had issued to Student J's mother and Coach A. The Superintendent said that Student J's mother did not appeal pursuant to Policy 1.22. When asked whether the District offered supportive measures to Student J, the Title IX Coordinator said that District did not document any supportive measures, and that counseling was not offered. The Title IX Coordinator recalled speaking with Student J's mother about ensuring that Student J was comfortable in the locker room and around the coach.

*Student H Investigation (2023–2024 School Year)*

Assistant Principal A told OCR that in [redacted content] she received a report that several students were “bothering” Student H. She investigated the report and learned that Student H had been called a “fag” or “faggot” by another male student, Student I. Assistant Principal A told OCR that she issued a [redacted content] out-of-school suspension and moved Student H to a different [redacted content] class to separate him from Student I. Student H's mother was dissatisfied with the investigation. She spoke at a school board meeting and on [redacted content], met with the Superintendent. The Superintendent—who described the conduct to OCR as a “bantering statement” that involved “he-said/he-said” allegations—told OCR that she informed Student H's parent that the District would investigate formally. The Superintendent directed the Title IX Coordinator to open a Title IX investigation.

The Title IX Coordinator told OCR that he and another administrator conducted a Title IX investigation in [redacted content]. The District provided written notice of the investigation to the families of Student H and Student I on [redacted content]. The Title IX Coordinator interviewed students but did not find a witness to corroborate Student H's allegations. Student H confirmed the conduct and Student I denied it.

OCR reviewed the District's notes and investigative report. The Title IX investigative report quotes Student H's mother as describing how Student I harassed Student H over the course of approximately one year, including by using other sexually harassing language in addition to "fag," such as "daddy" and "little bitch." She noted that Student H is a member of the LGBTQ+ community. Student H's mother asserted that Student I's conduct made her son feel persistently unsafe at school. Student H's mother took exception to the District's decision to move Student H from his [redacted content] class, stating that this was the only solution offered and characterizing the intervention as "victim shaming."

The District issued its formal Title IX determination on June 6, 2024. In a written decision issued to the parties, the District concluded "that this incident does not reach the threshold required to constitute a Title IX violation." The decision noted that there were no witnesses to corroborate the allegations and stated that Student H was less affected by the alleged conduct than his mother. The decision offered a right to appeal. The Title IX Coordinator said he did not offer supportive services beyond those already offered by the High School—i.e., Student H's move to a different [redacted content] class.

- District's Sexual Harassment Bullying Reports

The District informed OCR that 60 reports of bullying were submitted electronically through its "Stop Bullying" reporting system for the 2021–22, 2022–23, and 2023–24 school years. OCR requested copies of all 60 bullying reports.

OCR reviewed the 60 "Stop Bullying" reports and found 24 reports that identified conduct that could constitute sexual harassment. These included 15 reports related to Student A, as described below. Conduct alleged in some of the reports include the following:

- An [redacted content] report involving a very young elementary student, Student F, cited persistent verbal sexual harassment when "repeated remarks which were sexual in nature and mainly referring to acts of sodomy" and other matters were directed toward Student F. "This has happened multiple times last school year with the same named individuals."
- A report citing "sexual harassment" from [redacted content] involved unwelcome comments by a male student to a female elementary school student, Student E. The male student "is always hitting and saying inappropriate things to my daughter," the parent wrote, at "school and on the bus. I have called the vice principal on him several times and nothing is ever done."



- A report from [redacted content] stated that a fellow student had called an elementary school student, Student D, "gay" in addition to other names, as well as slamming his head onto a table. The report cited this as an ongoing issue and answered "yes" as to whether Student D had missed school or changed his routines because of the bullying.

The Title IX Coordinator informed OCR that he receives a copy of all reports submitted through the Stop Bullying reporting system. OCR asked the Title IX Coordinator whether he assessed the reports received after he became Title IX Coordinator on July 1, 2022, for potential Title IX issues or explained to the students or their parents the availability of supportive measures or the process for filing a formal Title IX complaint. The Title IX Coordinator could not recall any of the reports or whether those steps were taken but stated he would not have contacted any person who filed a bullying report unless a formal Title IX investigation was conducted.

OCR asked the District to provide all documents associated with these three bullying reports. The District had no documents with respect to the reports filed on behalf of Student F. With respect to Student D and Student E, the District provided documents showing that the reports were investigated at the building level but not as Title IX matters. The District could not substantiate the report about Student D and documented no supportive measures. The District substantiated the report regarding Student E, finding that "Bullying or Harassment was verified" but did not make a formal finding about sexual harassment. Student E received "Follow up/Monitoring" as well as a conference with the principal. The student found to have harassed her received a suspension, counseling, a student contract, and a change in class schedule. The District's records show no indication that the District explained the process of filing a Title IX complaint to the parents of Student D or Student E.

- Other Reported Sexual Harassment Incidents

OCR obtained information about additional incidents of alleged sexual harassment reported to the District between the 2021–2022 and 2023–2024 school years, but OCR did not find information to indicate that the District involved the Title IX Coordinator in any of these incidents. The information OCR has received reflects that the District did not contact the complainant to explain how to file formal Title IX complaints alleging conduct that could constitute sexual harassment for any of these reports or offer Title IX supportive measures in all instances.

Student A

Student A's mother told OCR that Student A was assigned the female sex and given a female name at birth. In approximately the eighth grade, Student A began expressing a different gender identity. One of the teachers at the District's Eighth Grade Center, Teacher A, told OCR that on multiple occasions during the 2021–2022 school year, Student A told him that other students had harassed him by calling him names like "fag" and "queer." Teacher A told OCR that he reported these incidents to the building's then principal, orally and in emails. Teacher A was unaware

whether the Eighth Grade Center or District personnel took any action in response to his reports. The District's counsel informed OCR that it had no record of any reports of harassment of Student A.

After beginning the 2022–2023 school year outside of the District, Student A reentered the District halfway through the spring semester of the school year. Student A's mother told OCR that when registering Student A as a ninth grader at the High School in March 2023, she met with Student A's counselor (Counselor A), the High School principal (Principal), and an assistant principal (Assistant Principal A) to discuss Student A's name and pronouns. Student A's mother told OCR that she identified Student A as non-binary and transgender during their conversation. The Principal and Assistant Principal A—who was Student A's assigned assistant principal—denied attending this meeting. Counselor A confirmed to OCR that she discussed with Student A's mother the use of Student A's preferred name at this time but said they did not discuss Student A's pronouns or gender identity.

Counselor A told OCR that, at this time, she “assumed but did not know” Student A's gender identity, and she used “they/them” pronouns for Student A. Similarly, Assistant Principal A told OCR that Student A was known by his preferred name at the High School. Assistant Principal A told OCR that although no one told her specifically, she assumed based on Student A's preferred name and pronoun use that Student A was transgender.

Student A's mother informed OCR that Student A began to experience sexual harassment by other students at the High School in the spring of 2023. She said that in April or May, during an assembly in the school gymnasium, Student A was sitting with a group of friends when other students began calling the group names such as “dyke,” “queer,” and “fag.” Student A told the other students to “shut up.” Student A's mother told OCR that as a result of Student A's response to the name-calling, he was sent home from school. Student A's mother stated to OCR that she told an assistant principal that Student A had been responding to bullying, but that no one followed up with her about her report. Both Assistant Principal A and Assistant Principal B—who also oversees freshmen and sophomores—denied that Student A's mother told them in spring 2023 that other students bullied or harassed Student A. There is no reference in Student A's formal disciplinary record to his having been sent home due to his response to the name-calling during the assembly.

Student A's mother told OCR that during the 2023–2024 school year, Student A used “he/him” pronouns and no longer used his female birth name, instead using a gender-neutral name. Student A's mother told OCR that Student A was transgender and non-binary, had a mostly LGBTQ+ friend group at school, and expressed his gender identity “through the way he dressed, his hairstyle, the pronouns and name that he used, and his mannerisms.”

On August 16, 2023, Student A sent an email to Counselor A, in which he proposed to change an art class and also asked Counselor A to request that Student A's teachers use he/him pronouns and his preferred name. Counselor A told OCR that, although she received the message in her inbox, she did not read it because it was regarding a class change request. Counselor A explained

that students are not permitted to request class changes over email, and that such emails generate an automatic “bounce-back” message directing students to see their counselors in person. OCR reviewed Counselor A’s automatic bounce-back reply, which confirmed her statement. Counselor A said that Student A spoke with her in person around this time but discussed only the request for a class change and did not raise the matter of names or pronouns. Counselor A also told OCR that she met again in August 2023 with Student A’s mother, who informed her of Student A’s preferred name.

According to Student A’s mother, during the fall 2023 semester Student A began to experience more frequent sexual harassment from peers. She characterized the harassment to OCR as “relentless” and said it occurred at times on a daily basis. Student A’s mother told OCR that multiple students called Student A “faggot,” “dyke,” and “queer,” in the cafeteria, auditorium, hallways, and classrooms. Students also threw paper balls and water bottles at Student A. Student A’s mother told OCR, “it was getting really, really bad,” toward the end of the fall 2023 semester and that Student A spoke at home about the harassment approximately three times per week. She indicated that Student A did not want to report the harassment to High School personnel but did not expressly state why.

Student A’s mother told OCR that, against Student A’s wishes, she notified Counselor A and an assistant principal (she could not recall which assistant principal) of the harassment between three and five times during the fall 2023 semester. Student A would not tell his mother who the harassing students were, so his mother told OCR that she asked the District for help identifying them. She told OCR that she described the harassment, including the slurs used, and asked the staff members to use video cameras to identify who had been harassing Student A. She said High School staff took no action in response to her verbal reports, did not offer resources such as class changes or academic support to Student A, although the harassment was affecting his grades, and did not explain how to file a Title IX complaint. Student A’s mother said that although she was told that Student A could speak with Counselor A, he did not do so because Counselor A had failed to respond to prior reports of harassment.

Neither Assistant Principal A nor Assistant Principal B recalled speaking with Student A’s mother about the alleged incidents of harassment of Student A in fall 2023. Counselor A also denied that Student A’s mother spoke to her about alleged harassment of Student A.

*Incident of February 7, 2024, involving Students A, B, and C*

School records show that Student A and two [redacted content] (Student B and Student C) were [redacted content] in-school placement (ISP) from [redacted content], for [redacted content]. According to Student B’s parent, Student A, Student B, and Student C were gender nonconforming. Student A’s mother told OCR that Student A, Student B and Student C were harassed by three students (Students 1, 2, and 3), who were also [redacted content] at that time. Student A’s mother explained that the students laughed at how Student A, Student B and Student C were dressed, threw paper at them, and used names like “faggot” and “queer” toward them. She said that Student A told her what was happening but persuaded her not to inform the High

School. Student A's mother said that Student A told her, "I can't take much more of it." Student B's parent similarly told OCR that, throughout the week of ISP, Students 1, 2, and 3 "were harassing [Students A, B, and C] and making comments about how they dressed, how they acted, how they laugh." Student A's mother [redacted content] did not report the harassment to the District. They also stated that, to their knowledge, Student A and Student B did not report the harassment to the District.

On February 7, 2024, an altercation between Student A and Students 1, 2, and 3 took place in a restroom at the High School during school hours. Assistant Principal B told OCR that a coach working as an ISP teacher broke up the fight. The Principal called Assistant Principal B over her radio to come to the office, where Students A, B, C, 1, 2, and 3 were gathered; Students B and C had tried to stop the fight. Student A sustained injuries and received treatment from the school nurse. Assistant Principal A arrived as well, and the two assistant principals began interviewing students and taking written statements from them.

The Principal told OCR that Assistant Principals A and B investigated to determine what occurred in the restroom. The Title IX Coordinator told OCR that he did not participate in the investigation, and the Assistant Principals and Principal all stated that it was not a Title IX investigation because nobody at the District was aware that the fight or conduct leading up to the fight constituted potential sexual harassment. [redacted content] Student C's written statement uses "they/them" pronouns for Student A; Student B's statement says that Students 1, 2, and 3 had been "talking smack" and "running their mouths" throughout ISP, including making fun of the way Student A laughed. Student A's statement said in full, "Girls have been antagonizing and calling names all week. Got sick of it. Poured water on them and started fighting. It was 3 on 1. Pulled hair and hit."

Assistant Principal B's notes from her interview with Student A record the lines, "all 3 have been calling names. Snickering, laughing, pointing." When asked whether the District established what specific names were used toward Students A, B, and C, Assistant Principals A and B said they did not know and could cite only the term "furries." Assistant Principal B told OCR that she did not know why Students 1, 2, and 3 were bothering Students A, B, and C, and thought they were simply being "hateful."

The two Assistant Principals informed OCR during interviews that the fight was not video recorded because it took place in a restroom, where there are no cameras. They received emailed statements from other students who witnessed the altercation. They established that the fight involved antagonism on both sides. Student A received an eight-day suspension for his role in the fight, while [redacted content]. Assistant Principal B contacted Student A's mother to inform her of the fight and to ask her to pick up Student A from school. Student A's mother told OCR that she spoke with the Principal, an Assistant Principal, the school resource officer (SRO), and the nurse, and expressed that she "was very, very upset." She said she told them that Student A had been attacked because of his gender and asked for the police to be called. Assistant Principal B did not confirm to OCR that Student A's mother said Student A had been attacked because of his gender but told OCR that Student A's mother alleged during this conversation that Student A

had been bullied by Students 1, 2, and 3. Assistant Principal B said she did not request details about the nature of the bullying from Student A's mother because this conduct had not been reported prior to the restroom incident.

Documentation provided by the District shows that the District offered to contact law enforcement on Student A's behalf but recommended to Student A's mother that he first receive medical treatment. The mother took Student A to an area hospital. After receiving treatment, Student A gave an interview from his hospital bed to an officer of the Owasso Police Department. Student A told the officer, "I got jumped." Student A acknowledged starting the confrontation by pouring water on one of the other students, after which a fight ensued. He said that at a certain point the fight became two- or three-on-one, and that he was "on the receiving end" of multiple students' blows. Student A told the police officer that "they got my legs out from under me and got me on the ground and started beating the shit out of me." Student A told the officer that he eventually blacked out. He described how "three girls...have been antagonizing" him [redacted content] the week prior to February 7, stating that Students 1, 2, and 3 mocked the way Students A, B, and C laughed and dressed, and talked about them and pointed at them. Student A's mother also told the officer that Student A reported to her that Students 1, 2, and 3 were "calling us names, they're throwing stuff at us," and "won't leave me" alone.

On February 8, 2024, one day after the altercation in the High School restroom, Student A died. Publicly available information, including police records and the autopsy report of the Chief Medical Examiner of Tulsa, indicate that Student A died by suicide.

In the two weeks following the February 7 incident, 15 reports of harassment and/or bullying of Student A were submitted to the District through its electronic reporting system. The reports were filed by community members as well as a student. Most of the reports listed the type of bullying or harassment that Student A experienced as based on sex or gender. One report described "a school environment and culture that promotes bullying and abuse especially when it comes to LGBTQ+ students." Another report stated that Student A's mother had publicly asserted that Student A had been "repeatedly subject[ed] to anti-trans bullying."

The District informed OCR that it has not at any time conducted a Title IX investigation of the circumstances leading to the incident of February 7, 2024, including the reports filed after Student A's death, or informed Student A's mother how to file a Title IX complaint. The District noted that some of the complaints it received after Student A's death were "accusatory in nature" and that others did not contain contact information. The District also confirmed that it has not explained to Student B, Student C or their parents how to file a Title IX complaint. [redacted content]

### Other Reports

*Students Q and R*

Two students, Student Q and Student R, informed OCR that they reported being subjected to a sexually harassing slur [redacted content]. They stated that another student [redacted content], Student S, said, “I don’t want to be [redacted content] with all these fags.” Both students said that they learned about the comment through another student rather than hearing it first-hand. They reported the slur to [redacted content] Teacher E. According to Students Q and R, Teacher E responded by asking, “Well, *are* you gay?” and by saying, “I don’t know why that’s such a thing nowadays.” In an interview with OCR, Teacher E acknowledged receiving Student Q’s report but denied making these comments.

Teacher E told OCR that she spoke with Student S and her parents. Student S denied using the slur. [redacted content] Teacher E said she did not report the matter to any District employee, such as a principal or the Title IX Coordinator, nor did she explain to the students the process for filing a Title IX complaint or offer supportive measures. She told OCR that she believed [redacted content] would handle the matter by speaking with Student S. Her understanding was that [redacted content] did so, and that the student decided to leave the [redacted content] team soon thereafter.

#### *Student K*

A student, Student K, informed OCR that someone wrote what he perceived to be an alleged slur against transgender individuals on the white board of Teacher C’s classroom at the High School. According to Student K, in [redacted content] a list of cars was written and ranked on the white board. Next to the Subaru car brand were written the words, “that’s a tranny car.” Student K, who is a member of the LGBTQ+ community, told OCR that he and a friend reported what they had seen to another teacher. Student K told OCR that, several days later, the slur had been erased but that language appeared on the board stating, “Don’t read this if you’re sensitive.”

Teacher C gave OCR a different account of this incident and denied that the phrases, “that’s a tranny car,” and “Don’t read this if you’re sensitive” were written on his white board. He noted that he allows students to write “tiered lists” on his white board to get to know his students and prompt conversation. On the day in question, a student who was interested in auto mechanics, Student L, wrote out a list of car brands. Teacher C encouraged Student L to give reasons for his rankings, and next to the Jeep brand, Teacher C said, Student L wrote, “notorious for bad trannies.” In this context, Teacher C said he understood “trannies” to refer to transmissions, not transgender individuals.

Teacher C said that Assistant Principal C came to speak with him about Student K’s and his friend’s report and accepted this explanation. The High School granted the request of one of the two reporting students to transfer out of Teacher C’s class as a result of the incident. The District provided no information that it offered other supportive measures and did not explain how to file a Title IX complaint to either of the two students who reported the alleged slur. The Title IX Coordinator told OCR that he was not informed of this incident at the time.

#### *Student M*

Teacher C told OCR during an interview that [redacted content], one of his students, Student M, reported that another student, Student N, had been calling him “gay.” Teacher C told OCR that he reported the conduct to Assistant Principal B by email on [redacted content]. Assistant Principal B told OCR that she investigated the situation at the building level. She did not inform the Title IX Coordinator; she did not view the situation as a Title IX matter. OCR reviewed a written summary that Assistant Principal B provided of her investigation, dated [redacted content]. Assistant Principal B also provided OCR with written statements by two students. One student witness wrote that Student N “makes fun of [Student M] more than anyone I’ve ever seen when it comes to someone getting bullied” and called him a “faggot” among other names. In her investigative summary, Assistant Principal B wrote that Student N admitted to “saying things that he shouldn’t have.”

Student N received discipline of [redacted content] and was assigned a seat away from Student M in class. Assistant Principal B also told OCR that she directed Teacher C to keep an eye on the students to make sure no additional bullying or harassment occurred. Assistant Principal B did not explain to Student M how to file a Title IX complaint or offer other supportive measures.

#### *Student O*

Counselor A informed OCR that in [redacted content] she learned that Teacher D had been sending frequent messages over social media to a female high school student (Student O). The messages concerned such topics as what type of drink she liked, which Teacher D offered to bring to school. Counselor A said that she believed this messaging could constitute “grooming behavior,” so she reported it to Assistant Principal A, who in turn reported the matter to the HR Director.

The HR Director confirmed to OCR that she was notified of the situation and that the District immediately [redacted content] pending an investigation. Documents provided by the District show that Teacher D sent more than 130 direct messages over social media to three female students. Teacher D’s messages, which OCR reviewed, referred to such topics as his t-shirt size, students’ physical appearance, and Teacher D’s requests for student photographs. A student also reported observing Teacher D taking photographs of students. The HR Director said she interviewed Teacher D and reviewed screenshots of his text exchanges with Student O as well as other students. Teacher D acknowledged that he texted with female students more frequently than with male students. The HR Director told OCR that any one message may not have been a concern, but the scope and the number of messages created a problem from the District’s perspective. Teacher D resigned at the conclusion of the meeting with the HR Director and is not eligible for rehire in the District.

The HR Director told OCR that the Title IX Coordinator was aware of her investigation but did not participate in it. The HR Director and Title IX Coordinator told OCR that they did not conduct a Title IX investigation or contact the outside attorney the Title IX Coordinator typically consults on Title IX matters. The HR Director told OCR that she did not know whether the

District offered any supportive measures to students affected by Teacher D's conduct, and that any contact to students and their parents would have been handled by building staff. OCR found no evidence that the District offered supportive services or explained to the students or their parents the process for filing a formal Title IX complaint.

*Student P*

Counselor A told OCR that in [redacted content], a High School student, Student P, told her that multiple students were calling him a "fag" in class. Student P also reported this conduct to Assistant Principal A. Counselor A additionally told Assistant Principal A about the student's report.

The District provided documents showing that it investigated the matter at the building level, without involving the Title IX Coordinator. Investigative notes provided by the District show that in an interview with Assistant Principal A on [redacted content], Student P identified three male students who he said repeatedly called him gay, asked him whether he was transgender, and asked him about his pronouns. Student P said that the "teacher knows because she sees the stuff going on." The students who allegedly harassed Student P admitted to some misconduct in their interviews, and a student witness also substantiated some bullying and harassment, including related to gender.

The District's investigative record shows that it removed two of the harassing students from Student P's [redacted content] class [redacted content] and called their parents. The District notified Student P's guardian of the findings of its investigation. In addition, the District offered Student P [redacted content]. The District did not provide evidence that it explained the process for filing a Title IX complaint to Student P or his guardian.

The District's notes state that it received a follow-up report from Student P's guardian on [redacted content] that one of the three students continued to harass Student P by "making fun of him in the hallway." An assistant principal investigated but could not substantiate the additional harassment.

- Section 504/Title II Coordination and Policies

District Policies 1.22 and 1.45 also govern the District's response to discrimination based on disability. Both policies prohibit discrimination, harassment, and retaliation based on disability (real or perceived). The policies designate the District's Director of Special Services as the District's Section 504/Title II Coordinator and identify her as the point of contact for questions or complaints concerning disability discrimination.

- Disability Discrimination

Student A's mother told OCR that Student A did not have a disability, and OCR's investigation found no evidence indicating Student A was perceived as having a disability. OCR's



investigation did not reveal evidence to indicate that Student A or other students were harassed based on an actual or perceived disability from the 2021–2022 through the 2023–2024 school years. Additionally, no evidence was produced or discovered to suggest that the District did not respond to reports of bullying or harassment based on a student’s actual or perceived disability status, including Student A.

## **Analysis**

District documents as well as admissions from the Title IX Coordinator confirm that the District generally failed to fulfill its Title IX obligations during the 2021–2022, 2022–2023, and 2023–2024 school years. These documents reflect that the District repeatedly investigated allegations of sexual harassment about which it had actual knowledge entirely outside the Title IX process, failed to fulfill Title IX regulatory requirements that the District notify complainants about how to file a formal complaint, offer them individualized supportive services whether or not they file formal complaints, and, if they do file formal complaints, investigate pursuant to a compliant Title IX process. 34 C.F.R. §§ 106.30, 106.44(a), 106.45. For example, when a counselor reported in [redacted content] that a teacher had been grooming female high school students through frequent social media messages, multiple District administrators including the Title IX Coordinator admitted to not having conducted a Title IX investigation and reported that the District instead addressed the issue as a personnel matter that resulted in the accused teacher’s resignation. With respect to the sexual harassment allegations regarding this teacher, the District did not fulfill its Title IX obligation to notify complainants how to file formal complaints or to offer supportive services to affected students.

In addition, in at least four cases OCR reviewed (Students H, D, E, and P), the District investigated sexual harassment allegations at the building level without involving the Title IX Coordinator and without notifying families how to file a formal complaint, and without notifying three of the four affected students (Students H, D, and E) of the availability of supportive measures. For two of these cases (Students D and E), the Title IX Coordinator admitted that he would not have contacted any person who filed a bullying report unless a formal Title IX investigation was conducted, notwithstanding the regulatory requirement that he himself inform those persons how to file such a formal Title IX complaint for investigation. In the case of Student H, it was only after his mother expressed dissatisfaction with the building-level investigation that the District then directed the Title IX Coordinator to conduct a formal investigation. And even when the District conducted that formal investigation, the Title IX Coordinator admitted to OCR that he did not offer “individualized” supportive services as required under 34 C.F.R. §§ 106.30 and 106.44(a).

The District also investigated the February 7, 2024, incident involving Students A, B, and C outside the Title IX process, at the building level only. The District asserts that it had no information that the incident involved sexual harassment allegations and instead administrators reported to OCR that they believed the harassing students in that incident were being “hateful.” OCR notes that, according to Student A’s mother, Students A, B and C experienced harassment that week from the same perpetrators during an in-school placement, in which the perpetrator

students called Students A, B, and C “faggot” and “queer,” threw paper at them, and laughed at how Students A, B, and C dressed, which could have been due to their gender nonconformity. That this harassment of gender-nonconforming students occurred within the context of an in-school placement, supervised by High School staff, suggests that the District did have actual knowledge of conduct that could meet the regulatory definition of sexual harassment for Students A, B, and C.

But even without resolving those contested facts, OCR’s investigation confirmed that when the District received notification after Student A’s death by suicide that Students A, B, and C experienced conduct that could meet the regulatory definition of sexual harassment, the District still did not fulfill its obligation under 34 C.F.R. § 106.44(a) to notify Students B and C and their parents, as well as Student A’s parent, how to file a formal sexual harassment complaint or to offer supportive, individualized, services [redacted content].

Other evidence reflects further District violations of its obligation to inform families how to file formal Title IX complaints and to offer individualized supportive services to affected students when the District has actual knowledge of conduct that could meet the regulatory definition of sexual harassment. For example, for Students Q and R, who reported that [redacted content] another student said, “I don’t want to be [redacted content] with all these fags,” a District teacher reported to OCR having investigated the allegations at the building level only without the involvement of the Title IX Coordinator or any District effort to inform the students how to file a formal complaint or to offer supportive services. After Student M reported to a teacher in [redacted content] that another student had been calling him “gay,” his Assistant Principal again investigated at the building level without involving the Title IX Coordinator. Moreover, even though a student witness reported that the harassing student “makes fun of [Student M] more than anyone I’ve ever seen when it comes to someone getting bullied” and called him a “faggot,” among other names, again no one told Student M how to file a formal complaint or offered Student M supportive services.

District records and administrator interviews reflect a pattern of inconsistent District responses to reports under Title IX, further reflecting the District’s violation of its Title IX nondiscrimination obligations. The District opened a formal Title IX investigation based on a mother’s report that a male coach [redacted content] (Student J) and ultimately—after a parent spoke at a school board meeting and to the District Superintendent to express dissatisfaction with a school-level investigation not conducted under Title IX—opened another Title IX investigation of allegations that a student had called another student “fag” or “faggot” (Student H). However, the records show that the District neither opened an investigation nor even described to families how to file a formal complaint when it received 24 reports of conduct that met the definition of sexual harassment. These 24 reports described conduct such as “repeated remarks which were sexual in nature and mainly referring to acts of sodomy” directed at a very young elementary school student (Student F), repeated sexually harassing comments from a male student to a female elementary school student at school and on the bus (Student E), and calling a student “gay” and slamming his head into a table causing the student to miss school or change his routines (Student D).

The Title IX regulation at § 106.44(a) states that a recipient is deliberately indifferent if its response to sexual harassment is clearly unreasonable in light of the known circumstances. Based on the established pattern of inconsistency in District responses to reports of sexual harassment, OCR determined that the District responded with deliberate indifference to some families' sexual harassment reports, in violation of Title IX.

In addition, the District did not adopt a grievance process that contains the basic requirements, as stated in 34 C.F.R. § 106.45(b).

Finally, the District did not maintain adequate documentation of sexual harassment reports, as required by 34 C.F.R. § 106.45(b)(10)(ii). For example, the District was unable to produce copies of its determination in Student J's formal Title IX complaint, or any record of supportive measures offered to Student J. The District also did not maintain adequate or consistent records of sexual harassment reports that it investigated informally rather than as Title IX complaints.

### *Section 504/Title II Findings*

OCR found insufficient evidence to establish a violation of Section 504 or Title II with respect to Student A. Student A's mother informed OCR that Student A was not a student with a disability, and OCR's investigation revealed no evidence to indicate that the District regarded Student A as a student with a disability. Additionally, the evidence was insufficient to establish that the District failed to respond to reports of alleged bullying or harassment based on an actual or perceived disability in violation of Section 504 or Title II.

### **Conclusion**

The attached Resolution Agreement, when fully implemented, will remedy the District's failure to comply with the requirements of Title IX. The Agreement requires the District to:

- Fulfill its Title IX obligations to the families of students who reported experiencing sexual harassment during the three school years OCR evaluated;
- Issue a public anti-harassment statement and a notice of nondiscrimination;
- Review and, where necessary, revise the District's Title IX grievance procedures to ensure compliance with Title IX;
- Provide notice to the District community of the District's Title IX Coordinator and that individual's current contact information;
- Train staff who implement Title IX, as well as students, and perform an assessment of the training;
- Conduct a climate survey and a complaint assessment to gauge the environment for students who attend schools in the District and to ensure that no complaints of sexual harassment go unaddressed;
- Develop and establish a recordkeeping system for complaints of sexual harassment; and

- Perform an audit of two school years with respect to the consistency of application and compliance of the District's Title IX procedures.

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. OCR would also 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.

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. 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.

If you have any questions, you may contact Michael O'Donnell, Senior Attorney, at [michael.odonnell@ed.gov](mailto:michael.odonnell@ed.gov), or Jason Frazer, Senior Attorney, at [jason.frazer@ed.gov](mailto:jason.frazer@ed.gov).

Sincerely,

/s/

Karen E. Mines  
Regional Director

cc: Bo Rainey  
Counsel to the District