

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

51 FORSYTH ST. S.W., SUITE, 19170, ATLANTA, GA 30303  
404-562-6350. Fax: 404-562-6455, [www.ed.gov](http://www.ed.gov)

Mr. David Huss  
Obion County School District  
316 South Third Street  
Union City, TN 38261

OCT 05 2009

RE: OCR Complaint No. 04-09-1540

Dear Mr.Huss:

On September 1, 2009, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Obion County School District (District) alleging discrimination on the basis of sex. We have determined that we have the authority to investigate this complaint consistent with our complaint procedures and applicable law. Specifically, the Complainant, *Tennesseans for Nonviolent School Discipline*, alleged that the District may be discriminating on the basis of sex with respect to the use of corporal punishment as a form of discipline.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to the provisions of Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR will proceed with an investigation of the following issue:

Whether the District applies different criteria in the administration of corporal punishment as a means of disciplining male and female students in noncompliance with the Title IX implementing regulation at 34 C.F.R. Sections 106.31 (a) and (b)(4).

Please read the enclosed document entitled "Information about OCR's Complaint Resolution Procedures," which includes information about:

- OCR's complaint evaluation and resolution procedures, including the availability of Early Complaint Resolution (ECR);
- Regulatory prohibitions against retaliation, intimidation and harassment of persons who file complaints with OCR or participate in an OCR investigation; and

- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.71. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. Accordingly, OCR is requesting that you forward the following information to us within fifteen (15) calendar days of the date of this letter.

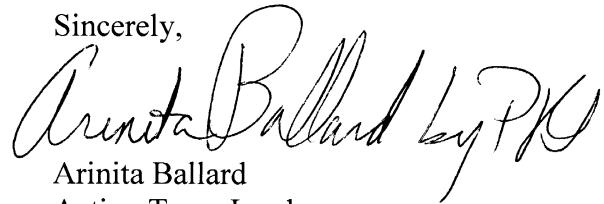
1. Does the District administer corporal punishment as a disciplinary measure in any of its schools, elementary, middle or high? If so, please provide the following:
  - a. A copy of the District's Code of Conduct, which includes all offenses for which corporal punishment may be administered and applicable sanctions.
  - b. A statement indicating whether the District requires written parental consent before corporal punishment is administered.
  - c. Prior to administering corporal punishment, are students given alternative disciplinary options, such as detention or in-school suspension, etc?
2. For the 2008-2009 and 2009-2010 school year, please provide discipline records from each school for each offense listed in response to item 1.a., above, showing the sex of the student, the offense committed, the disciplinary sanction administered, whether the student was provided a disciplinary option as an alternative to corporal punishment, and if applicable whether corporal punishment was not administered because of parental objection or non-consent.
3. The District's response to the complaint allegations, and any other documents or information the Districts deems relevant to this matter.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is determined to be necessary, you will be contacted to schedule a mutually convenient time for the visit.

Please notify OCR of the name, address, and telephone number of the person who will serve as the District's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter.

OCR is committed to prompt and effective service. If you have any questions, please contact me at (404) 562-6377 or via email at [Arinita.ballard@ed.gov](mailto:Arinita.ballard@ed.gov).

Sincerely,

A handwritten signature in black ink that reads "Arinita Ballard by PK". The signature is written in a cursive, flowing style.

Arinita Ballard  
Acting Team Leader

Enclosure