



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

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921

MAY 10 2011

Ms. Maria Geryk
Superintendent
Amherst Regional Public Schools
170 Chestnut Street
Amherst, Massachusetts 01002

Re: Complaint No. 01-11-1019

Dear Superintendent Geryk:

We are writing to inform you that the Office for Civil Rights (OCR) of the U.S. Department of Education (Department) has closed its investigation of the above-referenced complaint that was filed on October 25, 2010, against the Amherst Regional School District (District), alleging discrimination on the basis of gender. The Complainant alleged that the Regional High School discriminates against female student-athletes by denying them an equivalent share of prime-time game times for interscholastic athletic competition. After interviews with the Complainant, the Athletic Director, and negotiations with District counsel, the District committed to resolve the Complainant's allegations, as set forth in the attached agreement (Agreement).

OCR accepted this complaint for investigation because the allegations fell under the jurisdiction of Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX). Title IX prohibits discrimination on the basis of sex by recipients of Federal financial assistance from the Department. In this case, the District is subject to the requirements of Title IX because it receives such financial assistance.

Title IX requires that female student-athletes be provided with aids, benefits and services equivalent to those provided to male student-athletes, and that female student-athletes not be limited on the basis of their gender in the enjoyment of any right, privilege, advantage or opportunity provided under any educational program or activity operated by the District. Athletics programs are specifically addressed at 34 C.F.R. 106.41 of the Title IX regulation which provides that no person shall, on the basis of sex, be denied benefits or be treated differently from another person in any interscholastic athletics program offered by a recipient.

As we began investigating the issue of whether the District is providing equal opportunity for male and female athletes in the scheduling of games and practice times, the District expressed an interest in resolving this case without further investigation. In the Agreement signed on May 4, 2011, the District agreed to take a number of steps, including increasing the number of competitive events provided to the girls' soccer, volleyball and tennis teams, and providing an equal number of boys' and girls' teams with the same percentage of their competitive events at "prime-time." The District also agreed to schedule the girls' soccer and other teams with the

same percentage of their total competitive events for any “night games” on lighted fields (where such fields are considered “prime time” or an advantage), if they are provided to the boys’ teams, including but not limited to boys’ soccer. The District agreed to ensure that the time of day for practices are the same for teams of both genders and to continue to provide the majority of its teams in both programs with practice times immediately after school. Finally, the District agreed to comply with OCR’s monitoring or reporting requirements and to demonstrate its compliance with the Agreement.

Based on the District’s commitments, OCR has determined that the provisions of the Agreement are aligned with the complaint allegations and the information OCR has obtained during the investigation thus far, and are consistent with the requirements of Title IX. Therefore, we are closing this complaint investigation as of the date of this letter and, consistent with our normal practices, we will monitor the District’s implementation of the Agreement.

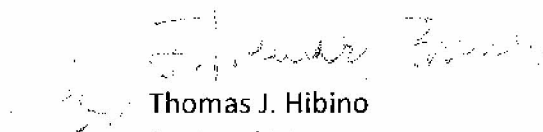
The determinations contained in this letter are not intended, and should not be construed, to cover any other issues that may exist regarding the District’s compliance with the regulations implementing Title IX, or any of the other laws enforced by OCR.

This letter is a letter of findings issued by OCR to address an individual OCR case. Letters of findings contain fact-specific investigative findings and dispositions of individual cases. Letters of findings are not formal statements of OCR policy and they 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.

We would like to thank you and your staff, especially Ms. [REDACTED] Athletic Director, and District counsel Regina Tate for your time and assistance with the resolution of this case. If you have any questions, please contact Ms. Mary-Anne Khouhani, Senior Investigator, at (617) 289-0036, or by email at Mary-Anne.Khouhani@ed.gov. You may also contact Ms. Beth Downs, Senior Attorney, at (617) 289-0015 or at Beth.Downs@ed.gov. You may also contact me at (617) 289-0111.

Non Responsive

Sincerely,



Thomas J. Hibino
Regional Director

Enclosure

Cc: Regina Tate, Esq.