



**Dennis J. Eichelbaum**  
Managing Shareholder

December 16, 2021

Daniel Gallagher  
Superintendent  
Little Elm Independent School District  
PO Box 6000, 300 Lobo Lane  
Little Elm, TX 75068

Re: Title IX Investigation

Dear Mr. Gallagher:

Attached hereto please find our investigation summary report.

Sincerely,

**EICHELBAUM WARDELL**  
HANSEN POWELL & MUÑOZ, P.C.

Dennis J. Eichelbaum  
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## Little Elm ISD Title IX Investigation Summary Report

### Introduction

On November 19, 2021, a student walkout/protest took place at LEISD in which four students were arrested. The alleged motivation for the student walkout/protest was their concerns that students were being sexually harassed and assaulted and that LEISD administration had not taken the matter seriously or sufficiently acted. LEISD has all legally required policies and procedures for addressing Title IX and sexual harassment claims. Our firm was tasked by the superintendent to perform an investigation into the students' claims to determine if the administration followed its policies and make recommendations, as appropriate, to improve the system.

As part of the investigation, our firm interviewed students, parents, and faculty. We reviewed board policies, regulations, training materials, and other Title IX materials and forms used by LEISD. Names are included in this investigative report and can be redacted as needed and when appropriate.

### Student Interviews:

All interviews with students were recorded with permission from the student's parents. These interviews are available to administration and can be placed on a flash drive by request.

1. ██████████ – ██████████ is a friend of a few of the ██████████ who claim they were victims of sexual misconduct and that administrators did not help them. ██████████ decided to post on ██████████ Instagram account that if any ██████████ had experienced sexual misconduct at school and think the administration didn't help them to send ██████████ a direct message. ██████████ helped organize the protest, and after the protest ██████████ took the Instagram messages that ██████████ received, without investigating any of them, and wrote and disseminated a change.org petition in which ██████████ detailed 10 allegations of sexual misconduct that happened to various LEISD female students. At the end of each paragraph-long allegation, ██████████ used (as ██████████ called) "a literary device of repetition" and claimed that LEISD and the Little Elm Police Department did not help these girls.

After speaking with ██████████, it seems ██████████ does not understand the legal limitations that the school is subject to. ██████████ firmly believes that sweeping sexual misconduct allegations under the rug is a systematic problem at LEISD that goes back years before ██████████ began attending Little Elm High School. This claim was likely bolstered due to what ██████████ heard at the listening session.

The following was ██████████ explanation for each allegation ██████████ made in order of each allegation:

1.1.



*“We protested for the girl who went to an assistant principal because she was being harassed by a boy every day on their school bus. A boy who started by making comments about her body and progressed to touching it without her consent. The girl who was touched multiple times on the breasts, butt, stomach, and thighs. Without her consent. The girl who could no longer bear seeing that boy for fear of what he may do to her if they were ever alone. The girl who reported this boy's actions to an individual with the authority to protect her, but failed to. The girl who received a punishment of three days of ISS because she spoke up. Little Elm High School and Little Elm Police Department failed her.”*

This is about [REDACTED], the alleged original reason for the protest. [REDACTED] reported that [REDACTED] inappropriately touched [REDACTED] butt and told her [REDACTED] needed to lose weight by commenting on the size of [REDACTED] breasts. [REDACTED] reported these comments to Dr. Gerald Muhammed, who issued a stay-away order. Later, when pressed about the allegations, [REDACTED] alleges [REDACTED] and [REDACTED] are friends, and the only reason [REDACTED] reported this was because her father was uncomfortable with their friendship and because [REDACTED] but liked [REDACTED] too. [REDACTED] broke the stay-away order twice by sitting next to [REDACTED] on the bus, resulting in [REDACTED] being placed into in-school suspension for three days. [REDACTED] told her friends that [REDACTED] was placed into ISS for two days for breaking the stay-away order, and one day for providing misinformation about her situation. Every administrator refutes this allegation. [REDACTED] [REDACTED] alleged that [REDACTED] continuously broke the stay-away order and moved closer to [REDACTED] on the bus, but that [REDACTED] received no consequences. It appears [REDACTED] changes [REDACTED] tune depending on the day and who is speaking to [REDACTED]. [REDACTED] indicated multiple times [REDACTED] was in agreement with the district and [REDACTED] child was at fault, and even verbally agreed to sign something indicating LEISD could release [REDACTED] records, but each time [REDACTED] later did not follow through and made false allegations against LEISD.

1.2.

*We protested for the girl who was sexually assaulted by another student at a friend's house. A girl who reported it to the police. A girl whose sexual assault was proven to have happened, but because she was seen paralyzed by fear in the video taken of her assault, had her assault ignored. A girl who asked nothing from Little Elm High School but to be protected while at school from the boy who assaulted her; but in turn, was placed in a class with him. A girl who brought this to the attention of counselors and teachers she trusted just for them to do nothing about it. Little Elm High School and Little Elm Police Department failed her.*



This is about [REDACTED]. [REDACTED] did report the sexual assault which occurred in her freshman year to the school, and Officer Hollefield believes she reported to Dr. Priddy. Dr. Priddy does not recall any report to her involving [REDACTED]. LEPD later ruled that the incident was not a sexual assault. This boy has since moved away.

1.3.

*We protested for the girl who began to dread having to go to her Spanish class because of the boy who made endless comments about her body. The girl who could never be alone and always had to be near a friend because any time she was alone, he would try to grab her waist and breasts. The girl who stopped going to her Spanish class because the boy would try to convince her to lay her head in his lap and tell her that "she wouldn't want to get off" of him. The girl who couldn't leave the locker room after soccer because he'd be waiting for her outside. The girl who begged this boy to stop making these comments. Begged him to stop touching her. Begged him to leave her alone. When he wouldn't stop, she reported it to the Spanish teacher. The teacher simply moved her to a different seat and told her she was the problem. Little Elm High School and Little Elm Police Department failed her.*

This allegation is from [REDACTED]. She told her Spanish teacher, who was a long-term substitute, about [REDACTED] touching her and making a comment that if she was tired she should lay her head in his lap, and once there she'd never want to leave. We spoke to the substitute, who said she moved [REDACTED] to another seat far away from him in the room. When we spoke with [REDACTED], she was asked if she would like to move Spanish classes, and she said yes. Asheley Brown and Daniel Gallagher were informed about this request, and it appears [REDACTED] is being moved to address the issue.

1.4.

*We protested for the girl who rejected a boy at homecoming. A boy who responded by following her around school and even out to her car. The boy who repeatedly asked for her number even when she declined several times. A boy who became aggressive and began to do these things in much harsher ways. The girl whose friends tried countless times to help her get the boy to stop. The girl who had to run away from him just to be left alone. The girl who ended up being pepper sprayed while protesting for herself and other girls like her. A girl who woke up in the hospital after being denied medical attention at the riot when her legs and hands were going numb. The girl who reported the boy to the school only to watch them place him*



*on the basketball team and receive no punishment. Little Elm High School and Little Elm Police Department failed her.*

This allegation is from [REDACTED]

The boy asked her to the 2021 Homecoming dance and she rejected him. According to [REDACTED], supposedly seven different girls gave statements regarding this boy's behavior. No administrators reported this incident during the investigation, and when asked by Asheley Brown for any written statements on this matter there were none in any of the House Principals' files. The only written statements given by [REDACTED] had nothing to do with this incident. It appears [REDACTED] belief or perception that there were statements was inaccurate.

1.5.

*We protested for the girl who was sexually assaulted by another student several times on campus. The girl who was grabbed by her breasts and butt, pulled by the waist, and forcefully touched in areas such as her thighs. The girl who reported these events to the school, but was dismissed because there was "not enough evidence". The girl who began to be physically and verbally abused both inside and outside of school by the boy that the school let walk free. The girl who came back to the school's administration to show them the bruises and scars given to her by the boy who ended up raping her at his house because the school let him walk free. The girl who received out-of-school suspension because the school believed the boy was telling the truth when he said she was lying. The girl who presented the school with a video of her being assaulted by the boy on campus, but was suspended because administration "couldn't tell what was going on in the video". The girl who no longer feels safe at school. Little Elm High School and Little Elm Police Department failed her.*

This allegation was by [REDACTED] in September of 2021. The LEPD is well aware and keeping tabs on this [REDACTED] for various complaints. [REDACTED] claims [REDACTED] was given out of school suspension for continuously going to the school and making false statements about [REDACTED] could not give details about where on campus she claims she was assaulted, but only that it happened three times and that he tried to forcibly touch her. [REDACTED] reported her allegations to Dr. Muhammed. She claims Dr. Muhammed told her there was not enough evidence that this occurred on school grounds so no discipline would occur. [REDACTED] also claims that [REDACTED] gave Dr. Muhammed a video of her "being assaulted on campus." [REDACTED] is under the belief that her rape happened because of the culmination of on-campus events that she feels were not dealt with. The alleged rape, an *off campus* allegation, is still being investigated by LEPD.

1.6.



*We protested for the girl who met a boy at school. A boy who began to touch her. A boy who started by grabbing her by the arm, but then by the waist, hips, and thighs. Without her consent. The girl who expressed being uncomfortable and scared just for the boy to continue more forcefully. The boy who became aggressive with her and threatened to beat her. The boy whose grabbing her body without consent left bruises. The boy who refused to stop when she told him "No." countless times. The boy who tried to force her to lay on him. Whose attempts to do so left her with bruises on her wrists, legs, and arms from grabbing and hitting her. The girl who, at first denied it out of fear, eventually told administration about what the boy had done to her on school grounds. Had shown them her bruises and the messages between the two. The girl who was told to protect her abuser. The girl who was accused of faking it all, and told that her bruises were "self-inflicted" or "just makeup". The girl who was blamed by administration for what was done to her. Little Elm High School and Little Elm Police Department failed her.*

This allegation was from [REDACTED]. Rumors of the physical violence between the two spread, and Dr. Muhammed called [REDACTED] into his office to ask her if she was okay and if [REDACTED] was physical with her. [REDACTED] originally denied this to Dr. Muhammed. It seems her friends found out that she told Dr. Muhammed that nothing had happened and forced her to go back and recant her statement. In the statement it says that [REDACTED] was told to protect her abuser – she was asked by [REDACTED] to stop making allegations. The statement also says [REDACTED] was accused of faking her injuries – these allegations were from other students. [REDACTED] and [REDACTED] say that Dr. Muhammed told [REDACTED] he believed her. [REDACTED] never informed her parents about this incident, and neither did Dr. Muhammed. [REDACTED] said when she reported this to Dr. Muhammed she believed it to be a physical altercation, and Dr. Muhammed said it was never described as sexual.

1.7.

*We protested for the girl who dated a boy for two years. A boy would consecutively rape her. A boy who would abuse her throughout their entire relationship. The girl who was abused - sexually, physically, and emotionally. The girl who would leave the boy's house in tears and covered in bruises. The girl who, as a result of this boy's abuse, suffered immense amounts of trauma that resulted in severe memory loss, weight loss, anxiety, and several other health problems. The girl who reported this boy - one of the school's athletes who has several similar allegations against him - to administration over five weeks ago. The girl who has watched*



*administration do nothing about it, but still has to walk past him in the hallways every day. Little Elm High School and Little Elm Police Department failed her.*

This allegation is from [REDACTED]. After speaking with LEPD, they are currently in the middle of investigating this and will not be speaking with [REDACTED] until the investigation is further along. At the time the petition was published, it had been five weeks since [REDACTED] outcry to her House Principal, Mr. Ocampo. LEPD confirmed this is not enough time for their investigation to be completed, so not hearing back from the school or police department is common. [REDACTED] do not have classes together and are not in the same grade.

1.8.

*We protested for the girl brought a boy to a "Friendsgiving" event. A boy who, later that night at a bonfire, began grabbing her thighs, breasts, and butt. The girl who froze. The girl who expressed how uncomfortable she was and left the event. A boy who would do similar things to the girl's friend after she left. The girl who cut off contact with the boy. A boy who apologized because he knew what he had done wrong. The girl reported what had happened to her and the boy who had hurt her to administration with the hope that they would be able to protect her - at least while she was at school. The girl who just wanted the boy to leave her alone. Administration did nothing for the girl who still wakes up in a panic from the nightmares she has about the boy who hurt her. Little Elm High School and Little Elm Police Department failed her.*

This allegation is from [REDACTED] from Thanksgiving 2020 outside of school. The friend she mentions who also was touched inappropriately by [REDACTED] was [REDACTED]. This incident was reported to Dr. Muhammed, but was also dealt with by Marzia Infante. [REDACTED] was upset with Dr. Muhammed because after [REDACTED] filled out her statement, Dr. Muhammed read it aloud to her with his door open. [REDACTED] claims that people outside the door in the office heard her statement and began to talk about it. [REDACTED] are in different grades ([REDACTED]) and have no classes together. According to Marzia Infante, due to this and other allegations [REDACTED]

1.9.

*We protested for the girl who went to the lake with a few friends and met a boy. A boy who began groping her without her consent while in the water. A boy who continued after she told him to stop. After she tried to swim away. The girl who was left frozen and scared to move after the boy forcefully grabbed her without her*



*consent. The girl who is unable to feel comfortable in relationships with other individuals because of what the boy did to her. Without her consent. The girl who reported it to administration, again, with the hope that they would keep her safe while she was at school. A school that the boy still attends with her. The girl who is forced to watch the boy who hurt her walk the halls free of any consequences for what he did to her. Little Elm High School and Little Elm Police Department failed her.*

This allegation is by [REDACTED]. This incident occurred when [REDACTED] was in seventh grade during the summer, and [REDACTED] is now in tenth grade. [REDACTED] is unaware when [REDACTED] supposedly told the school, and is unaware to whom [REDACTED] may have spoken, and it does not appear it was reported to administration.

1.10.

*We protested for a girl who just wanted to comfortably attend her art class. The girl who couldn't get up to grab a sheet of paper without a boy making unwanted sexual comments about her body under his breath. The girl who couldn't get up to grab a sheet of paper without the boy grabbing her butt without her consent. The girl who has told the boy, on several occasions, to stop. A boy who would touch her thighs. The girl who told the boy, again, to stop. A boy who got upset with her when she placed her backpack in her lap in an attempt to stop the unwanted touching. A boy who got upset with her when she moved away from him in an attempt to stop the unwanted touching. The same boy who hurt the girl whose story fueled our protest.*

This allegation was from [REDACTED] are in a few classes together this year. [REDACTED] touched her in their art class. However, the art teacher moved them to be across the classroom from one another, and she seems to be okay remaining in her current schedule.

2. [REDACTED] was upset about the comments made about putting her head in [REDACTED] lap. She also claims he tried to touch her thighs and butt. She was extremely upset, and appeared like a timid young woman. As a result of the investigation she was offered to help her switch her schedule, and she appreciated it. She was asked if she was unable to concentrate in class or her grades have suffered because of this boy, and she said “no” to both questions.

[REDACTED] long-term Spanish substitute sent a letter which detailed [REDACTED] outcry and the sub's concerns to Juan Schmidt and Fernando Ocampo on November 17. It seems nothing was done in response to this email. The school is now communicating



currently with [REDACTED] mother to determine what supportive measures it can offer for her.

3. [REDACTED] – she said that she and [REDACTED] are friends. She said [REDACTED] made comments about girls having, “a really nice ass.” She claimed [REDACTED] touched her thigh under the table in [REDACTED] class. When she got up to get a piece of paper this October in [REDACTED] class, [REDACTED] grabbed her butt and said, “she has a juicy ass.” She told him to stop. [REDACTED] was pleased with her seat being moved in [REDACTED] said in the classes she shared with [REDACTED] her grades did not suffer and she has always been able to concentrate in class.

Overall Assessment: Many of these students seem unsure of what constitutes sexual assault versus an inappropriate touching. These students are also expecting the school to deal out consequences to boys whom they accuse whether or not the allegations turn out to be confirmed. They are under the impractical perceptions that the school can do something to make sure the complainant never sees the boy<sup>1</sup> in the hallway at the school. These girls have seemed to convince their peers that if they report sexual misconduct nothing will happen from the school. While slight errors or omissions may have occurred, this seems to be more of a perception problem than a systematic failure. Once girls realized there was a Title IX Coordinator and that they could share their concerns with her, they seemed more at ease. Asheley Brown is your current Title IX Coordinator. Whoever is the Title IX Administrator needs to get their identity out more, making it easy to communicate with her, and having a welcoming, inviting place to mirror a counselor’s office. Due to Ashely Brown’s dual role with Human Resources, this may be an obstacle.

[REDACTED] the girl from situation [REDACTED], girl from situation [REDACTED] are all close friends. It seems they became the powder keg that resulted in this situation. [REDACTED] are extremely active on social media and have inflamed the situation by posting about [REDACTED] (inaccurately), creating the idea of the protest, airing their frustrations with Dr. Muhammed and administration, and their overall reposting of the protest. They all are terrified of getting into trouble for this when speaking to administration, then turn around and post on the Internet that they’re responsible for this mayhem and are championing women’s rights. We reviewed all of [REDACTED] tik tok videos on the scenario, and it seems that she has no problem discussing the situation. We also reviewed numerous tweets of hers in which she takes responsibility for using her voice, while admitting things got out of hand. One snap uses the caption: [REDACTED]

Another says:

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<sup>1</sup> Each of the incidents investigated involved female students accusing male students of harassment or assault.



[REDACTED]

[REDACTED]

**Scenario:**

We have spoken on the phone with [REDACTED]. He verbally gave us permission to release [REDACTED] discipline record for this year. Knowing he says one thing then says the opposite later, he was asked to give his permission in writing via email. He provided his email address then never responded to our emails. [REDACTED]

[REDACTED] was originally frustrated that he was not informed that his daughter had spoken with Dr. Muhammed or the SRO (Officer Pham) regarding the [REDACTED] situation. Dr. Muhammed later called [REDACTED] to inform him of the findings via Dr. Muhammed's investigation, and [REDACTED] seemed eager to cooperate. [REDACTED] was called three additional times when [REDACTED] continuously broke the stay-away order and received disciplinary consequences. [REDACTED] was on board with these consequences. Later, when Dr. Muhammed called [REDACTED] to let him know that [REDACTED] name was circulating on social media with this information becoming public, [REDACTED] got increasingly irritated that he believed the stay-away order was also violated by [REDACTED], and that [REDACTED] seemingly received no consequences. After the protest, two calls were placed to [REDACTED] cell phone: one from Heller, and one from Gentry, checking in on [REDACTED] well-being.

Since speaking with [REDACTED] on the phone, he has made lengthy comments on Facebook airing out his frustration with the district. His frustrations mainly seem to lay with the announcement by Dr. Priddy the day of the protest. He also went to speak at the listening session and claimed nobody from the district communicated with him regarding his daughter's allegations. It seems like it may be best to leave him alone and allow him to cool off instead of continuing to engage with him, as he is inconsistent and unreliable.

**Staff Interviews:**

[REDACTED]



1. Counselors – after speaking with Adriana Beck, Michelle Gentry, Teri Smith, Juan Schmidt, and Michael Absher it seems they are unsure of how to handle issues involving sexual misconduct. They all claim they send claims of this nature either to the crisis intervention counselor (Ms. Beck) or to house principals. However, in speaking with Ms. Beck it seems that whenever she has been presented with incidents of sexual misconduct she has asked the girls to look from the boy’s perspectives and question whether or not they actually told the boys no. This may upset the girls and make them uncomfortable speaking with her in the future due to a perceived lack of support. A clear chain of command or reporting procedures to the Title IX Coordinator would be beneficial for this group. The report should go to the Title IX Administrator, not the crisis counselor.
2. Marisa Flores – Ms. Flores is the parent liaison secretary for the counselors. She claims she “triages” students to determine which counselor to go to, but also says most problems are anxiety or emotional distress. She does not often see claims of sexual misconduct. She should direct all sexual harassment matters to the Title IX Coordinator.
3. Kelly Stribling-Sutherland – Ms. Sutherland is the art teacher at Little Elm High School. [REDACTED] and was horrified at the idea she could have missed this. She had already intended to change her seating chart before the protest, and she went ahead and instituted that change the day after we spoke. She made sure that [REDACTED] were as physically far apart as they could be in her classroom. She thought the two were friends.

Overall Assessment: The counselors could benefit from additional training. Most seem to think their job is more geared toward schedule changes and college placements. The perception for students is the counselor is there for personal counseling, too. Presumably students might bring them claims of sexual harassment, bullying, etc. Counselors need to be trained to listen and *forward sexual harassment matters to the Title IX Administrator* and bullying to whomever investigates that concern. Most students find speaking with their counselors easier than speaking to their house principals.

### **Administrator Interviews:**

1. Asheley Brown – As the Title IX Coordinator Asheley has received zero complaints from the high school this year. She instituted a Title IX training for administrators this summer, which most of them remember and have stated was a very in-depth training. But almost all administrators couldn’t identify all things under the Title IX umbrella, or whether there was a clear process to handle these complaints.



2. Clint Miller – Clint is the person who handles all parent grievances at Level 2. To date, he has only handled one parent grievance regarding sexual misconduct in 2020. This year he has not received a single call from Little Elm High School regarding any sexual misconduct claims.
3. House Principals – We spoke with Fernando Ocampo, Kyle Heller, Marzia Infante, and Gerald Muhammed. Not all of the administrators recalled dealing with sexual misconduct situations, but upon further investigation from students and other colleagues, all have dealt with at least one scenario. It may be helpful to better equip them with what is considered a Title IX or sexual misconduct allegation. All of the administrators say they rely heavily on the administrative regulations Google drive set up by Clint Miller. They also all take a great number of student written statements, and will investigate all allegations of misconduct. All seem to agree that Dr. Muhammed has dealt with the most sexual misconduct scenarios to recent memory. They all say that they assign stay-away orders frequently. These orders are typically followed, have consequences if a student breaks the order, and have standardly been the most chosen means of intervention while an investigation is taking place.
4. Misty Chesnut – Ms. Chesnut seems to have the most access to student social media posts and frequently shares what she sees online with other administrators including Dr. Priddy. This could be a valuable tool for the rest of the school year.

Overall Assessment: The administrators are mostly on the same page regarding their procedures for handling student disputes. It seems stay-away orders are heavily relied upon, but the students don't have much faith that they work or solve the problems. It also seems the students don't believe that stay-away orders constitute discipline or solving the problem. Again, all Title IX matters should go to the Title IX Administrator immediately.

**Administrator Regulations Google Drive:** The Google Drive set up by Clint Miller is a subset of folders for regulations that he has taken off of "Texas School Procedures." The drive separates some of these procedures into categories such as discipline, LGBTQ, bullying/harassment, records amendment, virtual learning, and others. In the "Bullying/Harassment" folder under Tools there is a single resource titled "Sexual Harassment" which details the definition of sexual harassment. There is no other tool or template for Title IX offenses. There are folders for LGBTQ students and sex offender information, but that is all. This could be because there is a Title IX Coordinator, but it would likely be wise to add resources for Title IX in the place where all the administrators often check for resources. We are not familiar with who writes for Texas School Procedures; they appear to be written in a sterile format that does not take into consideration campus life and practicality. The District has forms and a flowchart of the new Title IX process, the information for the Title IX Coordinator, definitions of all the



misconduct which falls under the Title IX umbrella, interview tips, how to call parents, and possible intermediate measures until the investigation is finalized.

### **SRO Interview:**

1. We spoke with Officers Pham and Hollefield, as well as the Chief of Police. They helped explain the police department procedures for sexual misconduct, and their roles on campus everyday and during investigations. They explained that they're often witnesses while House Principals are questioning students or conducting investigations, and that they feel that the school is transparent with all incidents they may be involved in. The two officers also helped explain the general timeline for sexual assault allegations, and that it often takes months for a complaint to go through the police processing required before it goes before any district attorney. Officer Hollefield stated that in the time between when a complaint goes to a district attorney and the first outcry, he will never follow up with a student regarding their case. This is strictly for confidentiality and to not interfere with the sensitive process these cases go through. Officer Hollefield says he follows up with students on the status of their cases in almost all other incidents, but never for sexual assault. Both officers said they are happy to work with the house principals and other administrators on these types of cases, are comfortable being witnesses when investigations occur, and will be double checking their files for any of the above allegations from [REDACTED] petition to make sure whether or not the initial outcries were made to a District employee or to a police officer.

When asked specifically about Dr. Muhammed, they both said they felt he was the most consistent by the book administrator they work with at LEISD. Dr. Muhammed is very black and white, and if there is a procedure he follows it and does not deviate from it. It appears the SROs know the district *has* a Title IX Coordinator, but couldn't name her. The officers and Title IX Coordinator should be working closely together and at the very least know who one another are.

### **Overall Summary:**

It does not appear any of the actions of LEISD administrators or employees fell below the legal standard of deliberate indifference. There are a few changes in the investigation process we recommend for consideration, and a few other additional recommendations in order to help with parent and community relations. The changes to OCR's Title IX guidelines that occurred in August of 2020 require schools to follow carefully tailored procedures that only apply to Title IX. Therefore, past experience and practices do not necessarily meet the Title IX standards; this is an evolving problem for all school districts in the U.S. and not unique to Little Elm Independent School District.



### **Final Recommendations:**

1. We would recommend that whenever a student comes to a House Principal with any incident that requires a written statement and an investigation, that the House Principal contact the parents of the complainant within three days as is required for bullying claims. Many parents were unaware that their children had made complaints or were involved in any of these situations. This will likely help alleviate the claims that there's a lack of transparency with parents in the district.
2. We recommend the House Principals, counselors, crisis intervention counselor, and parent liaison secretary be given a definition of the types of misconduct that fall under Title IX. With this list, if any student comes to them to write a statement of these sorts of misconduct, the matter should be forwarded to and investigated by the Title IX Coordinator. This permits the trained Title IX Coordinator to follow OCR guidelines to assign a properly trained investigator and conduct the investigation consistent with Title IX.
3. Once we know what system and procedures we will be using we recommend additional training for Title IX. We are able to provide this training to the district if it prefers. This training needs to be for administrators, counselors, and your Title IX team. Additional ongoing training needs to be provided to your staff, from teachers to substitutes to food service to bus drivers, recognizing sexual harassment and who to contact when they see or experience it. Consider purchasing a video that staff can watch online (it should have a Spanish version, also). All forms should also include a Spanish version.
4. One interesting idea that came from the policy committee meeting was to include on student ID cards a QR code or the phone number or email for the Title IX Coordinator. This can be next to the required printing of the Suicide Prevention hotline.
5. Additional ideas for providing information and notice to students and staff are coming from the policy committee, and should be considered. These will include posters that explain what sexual harassment is and who the Title IX Coordinator is, and how students can communicate with the Title IX Coordinator or their house principal for any of this sort of misconduct.
6. Students and parents need more information about what violates Title IX and how to report it. A determination as to how to best present this to students is being considered by the policy committee, and those ideas might be helpful in determining how to proceed in this area.
7. Students need to be taught more about Title IX issues. Understanding what is sexual harassment, dating violence, and other prohibited acts would help reduce



the issues that are ongoing. The school will have to determine how best to “teach” this subject at each grade level.

8. The last recommendation is that the District consider creating a separate Title IX Coordinator position. This person’s main focus would be to keep up with the developing changes to Title IX. They can then be in charge of trainings on each campus, information development and notice to parents, students, and faculty. They can supervise the investigation process (and or perform the investigations). Because bullying and cyber bullying often includes sexual harassment, this central administration position could also be given the responsibility of handling bullying complaints. We could train them to understand the difference in investigating bullying and Title IX, and be a resource to this person. By not having a person who includes among the myriad of their responsibilities Title IX would also indicate to students and parents that the District makes this a priority. The independent Title IX Coordinator could also lead student talks on Social Media behavior, Title IX, etc.

If there are further questions or clarifications, please let us know.

Sincerely,

Eichelbaum Wardell  
Hansen Powell and Muñoz, P.C.

/s/Dennis J. Eichelbaum

/s/ Emma J. Darling