

Congress of the United States

Washington, D.C. 20515

October 29, 2021

Delivered via Email

The Honorable Catherine E. Lhamon
Assistant Secretary for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Lhamon:

We write to ask the Department of Education's Office for Civil Rights (ED OCR) to immediately open an investigation into Loudoun County (VA) Public Schools' (LCPS) apparent violation of Title IX of the Education Amendments of 1972 (Title IX). According to multiple news reports, LCPS mishandled a female student's allegation of rape by a fellow male student at Stone Bridge High School. That mishandling led to the subsequent alleged rape of another student at Broad Run High School.

On May 28, 2021, the School Resource Officer at Stone Bridge High School received a report from a school staff member that an alleged sexual assault had taken place on the school's campus. It is unclear how events transpired after this, but ultimately the alleged victim's father, and subsequently the Loudoun County Sheriff's Office, were called to the school. It is also unclear whether the school called the sheriff's office to respond to the alleged sexual assault or to the understandably upset father. After an investigation by the sheriff's office, a 14 year-old male student at Stone Bridge High School was arrested and has since been found guilty of forcible sodomy of a fellow female student.¹

It does not appear that the school responded in any reasonable manner to the allegations. Instead, an email was sent to all parents informing them of the police presence at the school without any mention of the alleged sexual assault. Then, during a June 22, 2021, school board meeting, when questioned about sexual assault incidents taking place in LCPS, Superintendent Scott Ziegler said the following: "To my knowledge, we don't have any record of assaults occurring in our restrooms." He has since acknowledged that this was untrue and emails show that Mr. Ziegler had notified the school board of the May 28, 2021, incident on the day the incident occurred.²

¹ https://www.washingtonpost.com/local/public-safety/in-case-at-center-of-political-firestorm-judge-finds-teen-committed-sexual-assault-in-virginia-school-bathroom/2021/10/25/42c037da-35cc-11ec-8be3-e14aaacfa8ac_story.html; <https://www.nbcwashington.com/news/local/northern-virginia/teen-accused-of-sexual-assaults-in-2-virginia-high-schools/2831314/>

² https://www.loudountimes.com/news/superintendent-notified-school-board-of-may-28-sexual-assault-on-same-day-lcps-says/article_e2f09a98-32e2-11ec-a900-03b9b54d8877.html

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It was also reported that at some point Mr. Ziegler transferred the accused student to Broad Run High School. Tragically, the public has since learned that this same student allegedly committed yet another sexual assault on October 7, 2021. LCPS and Mr. Ziegler not only lied to the public but also failed to protect students from a heinous crime and failed to protect their right to equal access to education.

Title IX requires K-12 school districts to respond to allegations of sexual harassment and assault to ensure every student, regardless of sex, has equal access to education. Title IX's implementing regulations not only outline the procedures a school must take when an allegation is made, but also state that a school is in violation of Title IX when the school has failed to "respond promptly in a manner that is not deliberately indifferent." This means that LCPS and Mr. Ziegler were under an obligation to respond promptly to the May 28 incident in a manner that is not "clearly unreasonable in light of the known circumstances."

At this time, according to the available evidence, neither LCPS nor Mr. Ziegler followed any of the procedures outlined in the Title IX regulations. Instead, the only known evidence shows that LCPS and Mr. Ziegler tried to conceal the original incident, transferred the accused student while known criminal charges were pending, and created the opportunity for another student to be assaulted. While it is for your office to determine whether these actions meet the deliberate indifference standard, the victims would undoubtedly have been spared indignity and trauma had LCPS and Mr. Ziegler acted reasonably by being truthful from the beginning and not transferring the accused student while criminal proceedings were pending.

For this reason, we request that ED OCR conduct a full investigation into LCPS and Mr. Ziegler's actions surrounding the May 28, 2021, rape and the subsequent October 7, 2021, rape allegations. In addition, to the extent possible, we request my staff be updated regularly on the status of the investigation.

Sincerely,



Richard Burr
Ranking Member
U.S. Senate Committee on Health, Education,
Labor and Pensions



Virginia Foxx
Ranking Member
U.S. House Committee on
Education and Labor