



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200  
SAN FRANCISCO, CA 94105

REGION IX  
CALIFORNIA

September 29, 2015

Dr. Cathy Washer  
Superintendent  
Lodi Unified School District  
1305 East Vine Street  
Lodi, California 95240-3148

(In reply, please refer to Case No. 09-15-1232.)

Dear Superintendent Washer:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) has concluded its investigation of the above-referenced complaint against Lodi Unified School District (District). The complaint alleged discrimination on the basis of sex. Specifically, the complaint alleged that the District's interscholastic athletics program discriminates against female students at Tokay High School (High School) by not providing equivalent locker rooms and practice and competitive facilities to female students.

OCR opened this complaint for investigation under the authority of Title IX of the Education Amendments of 1972 and its respective implementing regulations. Title IX prohibits discrimination on the basis of sex, in programs and activities operated by recipients of Federal financial assistance. The District receives Department funds and is subject to the requirements of Title IX and the regulations.

Under Section 302 of OCR's Complaint Processing Manual, a complaint may be resolved at any time when, before the conclusion of an investigation, a District expresses an interest in resolving the complaint. Prior to the completion of OCR's investigation, the District informed OCR that it would voluntarily take steps to address the compliance concerns raised in the complaint. The District entered into an agreement to resolve the complaint on September 21, 2015. Accordingly, OCR did not complete its investigation of the complaint or reach conclusions regarding the District's compliance with Title IX.

The applicable legal standards and the facts OCR gathered during its preliminary investigation are summarized below.

OCR investigated the complaint under the authority of Title IX of the Education Amendments Act of 1972, and its implementing regulations. To assess compliance with the Title IX regulations, at 34 C.F.R. § 106.41(c)(7), OCR examines the quality and

availability of the facilities provided for practice and competitive events; exclusivity of use of facilities provided for practice and competitive events; the availability and quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events.

OCR's preliminary investigation showed the following:

- The High School is one of two comprehensive high schools in the District. As of spring semester 2015, it had 937 female students and 1027 male students, with a total enrollment of 1964 students. The High School is a member of the Tri-City Athletic League (TCAL) in the Sac-Joaquin Section of the California Interscholastic Federation. The TCAL league is a Division 1 league. The main geographic competition area for the High School is the Central Valley. The TCAL schools are in Lodi, Stockton, and Tracy, California. Sac-Joaquin Section competition, however, ranges from Napa to Sonora and from Merced to Yuba City and Marysville. The Sac-Joaquin Section is the second largest section in the state with 197 schools and covering about 14,500 square miles.
- The District has a Joint Use Agreement (JUA) between the District and the City of Lodi (City). The JUA allows the District and the City to use each other's facilities for various activities and sporting events.
- The High School offers the following sports for girls: water polo, volleyball, soccer, cross country, wrestling, basketball, track, badminton, swimming, golf, tennis and softball.
- The High School offers the following sports for boys: water polo, football, soccer, cross country, wrestling, basketball, track, badminton, swimming, golf, tennis and baseball.
- The complaint alleges that in spring 2015, the girls' soccer teams were forced to play on un-watered dirt field. The field was hazardous due to the dirt and the significant hole near the edge of the field covered by the soft rubber mat.
- The High School's principal explained that the field (stadium field) in which the girls' soccer teams played on had been seeded with Bermuda grass, a kind of grass that turned brown, or goes dormant, in the winter and does not green up until the spring, around March-April. This year, it was sprayed with weed killer which made the grass more brown; making it look like a big dead lawn. At the time of OCR's visit, the field was closed and the plan was to re-seed the lawn over the summer.

- The principal stated that after they received the complaint about the dead grass, they moved the girls' soccer teams to the east field on campus. The girls' soccer teams practiced on the east field and competed at the Grape Bowl. The east field, however, had undulations.
- The High School also informed OCR that starting in the 2016-17 academic year, the league decided that both the boys' and girls' soccer teams will be practicing and competing during the winter season. The District will have to work on how to provide and prepare field space for both the male and female soccer teams.
- OCR reviewed all the facilities used by the male and female teams on campus. All the facilities were of average quality. The main gym was below average quality due to the poor condition of the gym floor, which had cracks and uneven surfaces.
- The locker rooms were also of average quality, however, the boys' locker room had a team room that appeared to only be used by some of the boys' teams.

As noted above, under OCR's procedures, a complaint may be resolved at any time when, before the conclusion of an investigation, a District expresses an interest in resolving the complaint. Prior to the completion of OCR's investigation, the District entered into a resolution agreement to resolve the allegations in the complaint. The agreement is attached.

Because the District voluntarily resolved this complaint, OCR did not complete its investigation or reach conclusions as to whether the District failed to comply with Title IX. OCR will monitor the District's implementation of the agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. OCR is closing this complaint as of the date of this letter. 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. The Complainant 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 may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

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.

OCR would like to thank you and your staff, Ms. Dawn Vetica and Mr. Erik Sandstrom, for your cooperation in resolving this case. If you have any questions about this letter, please contact Kana Yang at (415) 486-5382.

Sincerely,

/s/

Anamaria Loya  
Team Leader

Enclosure

cc: Dawn Vetica, Assistant Superintendent (e-mail only)