



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

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January 23, 2020

Dr. Douglas A. Wood
District Superintendent
Ball-Chatham CUSD 5
201 W. Mulberry
Chatham, IL 62629

OCR Case No. 05-19-1418

Dear Dr. Wood:

On July 30, 2019, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint against the Ball-Chatham Community Unit School District 5 (District) alleging the District discriminates against female students on the basis of sex in its interscholastic athletic program. The complaint alleges the District fails to provide equal athletic opportunities by not effectively accommodating the interests and abilities of members of both sexes in its interscholastic athletics programs at Glenwood Middle School and Glenwood High School, and in failing to provide equal opportunities with respect to the provisions of publicity, the scheduling of games and practice time, and the provision of locker rooms, practice and competitive facilities at Glenwood High School. Specifically, the complaint alleges that there are fewer participation opportunities for female students at Glenwood Middle School and Glenwood High School, and that female student athletes are given less publicity, practice and compete at less desirable times, and compete in lower quality facilities at Glenwood High School.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex in any educational program or activity operated by a recipient of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX. Therefore, OCR has jurisdiction over this complaint.

During its investigation, OCR reviewed documents provided by the Complainants and the District, interviewed the Complainants and the District's Athletic Director (AD), conducted focus groups with District student athletes, held office hours during an onsite visit to the District and spoke with District staff members, reviewed responses from District coaches to a survey administered by OCR, and inspected the athletic facilities used by the District, including its locker rooms, practice and competitive facilities. Prior to the conclusion of OCR's investigation, the District expressed interest in resolving the complaint in accordance with Section 302 of OCR's *Case Processing Manual* (CPM). On January 12, 2020, the District signed the enclosed

Resolution Agreement,¹ which when fully implemented will resolve the issues raised in the complaint. A description of OCR’s investigation to date follows.

Applicable Legal Standards

The Title IX regulation at 34 C.F.R. § 106.41(a), states, “no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.” The Title IX regulation, at 34 C.F.R. §106.41(c), states, “A recipient which operates or sponsors interscholastic, club or intramural athletics shall provide equal athletic opportunity for members of both sexes.”

The Title IX implementing regulation, at 34 C.F.R. § 106.41(c)(1), and applicable OCR policies,² require a recipient of Federal financial assistance from the Department to provide participation opportunities in its interscholastic athletics program for female and male students that equally and effectively accommodate the athletic interests and abilities of members of both sexes. OCR uses a three-part test to assess whether the interests and abilities of members of both sexes are being effectively accommodated to the extent necessary to provide an equal opportunity to participate in interscholastic athletics. A recipient is in compliance with Title IX if it has met any one part of the following Three-Part Test:

1. The recipient is providing interscholastic athletic participation opportunities for girls and boys\ in numbers substantially proportionate to their respective enrollments; or
2. The recipient can show a history and continuing practice of interscholastic athletic program expansion that is demonstrably responsive to the developing interests and abilities of the underrepresented sex; or
3. The recipient can demonstrate that the interests and abilities of the underrepresented sex are fully and effectively accommodated by the recipient’s current interscholastic athletics program.

Each part of the Three-Part Test is an equally sufficient and separate method of complying with the Title IX regulatory requirement to provide nondiscriminatory athletic participation opportunities.

In addition, the Title IX regulation at 34 C.F.R. § 106.41(c)(3), (7), and (10), require a recipient of Federal financial assistance from the Department to provide equal opportunities in the program components of the provision of scheduling of games and practice time; the provision of locker rooms, practice and competitive facilities; and the provision of publicity. OCR evaluates compliance by comparing the availability, quality and kinds of benefits, opportunities and treatment afforded members of both sexes. An institution is in compliance if the compared program components are equivalent; that is, equal or equal in effect.

¹ OCR received the signed Resolution Agreement on January 14, 2020.

² In determining compliance with the regulation, OCR uses the factors identified in the Department’s “Intercollegiate Athletics Policy Interpretation” (Policy Interpretation) issued December 11, 1979 and found at 44 *Fed. Reg.* 71413 *et. seq.*

See <http://www2.ed.gov/about/offices/list/ocr/docs/t9interp.html>.

OCR examines each factor relating to the benefits, opportunities or treatment of male and female athletes in the applicable program component, and determines whether the same or similar benefits, opportunities or treatment were provided for all students; or if not, whether the differences had a negative effect on one sex that resulted in a disparity. When OCR identifies disparities between the boys' and girls' teams (e.g., if a boys' team receives a superior benefit in some way), OCR considers whether the benefit provided to a team was offset by an unmatched benefit to any of the teams in the program of the opposite sex. In making this comparison, and before OCR concludes that a benefit to one team offsets a benefit provided to a team of the opposite sex, OCR considers whether the offsetting benefits were equivalent or equal in effect. OCR only finds the benefit offsetting if it has the same or a similar effect on the student athlete(s) or team within the program component.

If OCR finds no evidence of offsetting of disparities, OCR then considers whether the differences between the benefits provided to the boys' and girls' programs are negligible. Where the disparities are not negligible, OCR examines whether the disparities are the result of legitimate, nondiscriminatory factors. If OCR finds no legitimate, nondiscriminatory reasons for the disparities, OCR determines whether the identified disparities result in the denial of equal opportunity to male or female athletes, either because the disparities collectively are of a substantial and unjustified nature or because the disparities in the program component are substantial enough by themselves to deny equal athletic opportunity. The result of this comparison is not to ensure identical benefits, opportunities, or treatment, but rather to ensure that, overall, the athletics program provides equivalent benefits to males and females.

- Scheduling of games and practice time

The Policy Interpretation lists the following five factors to be assessed in determining whether a recipient provides equal opportunities in the provision of scheduling of games and practice time: (1) number of competitive events per sport; (2) number and length of practice opportunities; (3) time of day competitive events are scheduled; (4) time of day practice opportunities are scheduled; and (5) opportunities to engage in available pre-season and post-season competition.

- Provision of locker rooms, practice and competitive facilities

The Policy Interpretation lists six factors to be assessed in determining whether a recipient provides equal opportunities in the provision of locker rooms, practice and competitive facilities: (1) the quality and availability of the facilities provided for practice and competitive events; (2) the exclusivity of use of facilities³ provided for practice and competitive events; (3) the availability of locker rooms; (4) the quality of locker rooms; (5) the maintenance of practice and competitive facilities; and (6) the preparation of facilities for practice and competitive events.

- Publicity

The Policy Interpretation lists three factors to be assessed in determining whether a recipient provides equal opportunities in the provision of publicity: (1) availability and quality of sports

³ Exclusive use of a facility refers to exclusive use at the time of a team's practice session or competition. Thus, exclusivity of use will be affected only if other teams, classes or other groups use the facility at the same time as the team's practices or competitions.

information personnel; (2) access to other publicity resources for boys’ and girls’ programs; and (3) quantity and quality of publications and other promotional devices featuring boys’ and girls’ programs.

Facts

Complaint Allegations

The complaint alleges that the District discriminates against females in its interscholastic athletics program. The complaint alleges that there are fewer participation opportunities for female students at Glenwood Middle School and Glenwood High School, and that female students are cut from teams, despite wanting to participate. The complaint states that Glenwood Middle School offers more participation opportunities in baseball than in softball; however, females are cut from the softball team. The complaint additionally alleges that female athletes are given less publicity, practice and compete at less desirable times, and compete in lower quality facilities at Glenwood High School. Specifically, the girls’ basketball team practices start at 6pm, while the boys’ basketball team practices immediately after school. The boys’ basketball team is given preferential game times on Friday nights, while the girls’ basketball team plays on Saturday morning. Additionally, the girls’ basketball team plays twice as many weeknight games as the boys’ basketball team, including more than twice as many weeknight away games. The complaint also alleges the girls’ softball schedule is unequal to the boys’ baseball schedule. In terms of facilities, the varsity girls’ basketball team competed in a smaller gym occasionally, while the varsity boys’ basketball team did not. Furthermore, the complaint alleges inequity in publicity in that the band, cheerleaders, and dance team perform at boys’ athletics events, but do not perform at girls’ athletics events. Additional publicity concerns were the opportunity for female student athletes to participate in the “Meet the Titans” event, have their names displayed on scoreboards, and tweets about their events.

The District’s Student Enrollment

The District has one middle school, Glenwood Middle School, which serves grades 7 and 8, and one high school, Glenwood High School. The District also offers athletics opportunities to students who attend Glenwood Intermediate School, which serves grades 5 and 6, to participate on Middle School teams for some sports. The enrollment at Glenwood Middle School and Glenwood High School, by sex, is included in the tables below:

Glenwood Middle School
Enrollment, by sex

	2018-19	2019-20
Boys	355 (48.8%)	351 (49.0%)
Girls	373 (51.2%)	365 (51.0%)
Total	728	716

Glenwood High School
Enrollment, by sex

	2018-19	2019-20
Boys	718 (51.3%)	699 (49.4%)
Girls	681 (48.7%)	715 (50.6%)
Total	1399	1414

The District's Interscholastic Athletic Program

The District's high school athletes compete in the Central State Eight Conference (CS8) of the Illinois High School Association (IHSA). The District offers 10 boys' teams and 9 girls' teams at the high school level. Several girls participate on the boys' wrestling team, and the wrestling coach told OCR that they call the wrestling team "the boys' and girls' wrestling team." The District's middle school athletes compete in Division M of the Illinois Elementary School Association (IESA). The District offers 6 boys' teams and 5 girls' teams at the middle school level.

Interests and Abilities

- **Glenwood Middle School**

During the 2018-19 school year, the District offered 6 boys' and 5 girls' teams at Glenwood Middle School. There were 208 participation opportunities for females and 298 participation opportunities for males (506 total opportunities).

**Glenwood Middle School
 Athletic Participants, by Sport and Sex: 2018-19**

	Boys	Girls
Baseball (7 th /8 th)	30	n/a
Basketball (7 th /8 th) ⁴	30	29
Cross Country (6 th /7 th /8 th)	53	43
Football (7 th /8 th)	53	n/a
Softball (7 th /8 th)	n/a	20
Track & Field (6 th /7 th /8 th)	83	89
Volleyball (7 th /8 th) ⁵	n/a	27
Wrestling (5 th /6 th /7 th /8 th)	49	n/a
	298	208

During the 2018-19 school year, the Glenwood Middle School's student ratio was 51.2% female and 48.8% male and its athletic participation rate was 41.1% female and 58.9% male, indicating a minus 10.1% difference in the participation and enrollment rates for females at Glenwood Middle School. Glenwood Middle School provided 90 more participation opportunities for males than females for the 2018-19 school year.

⁴ The District is adding a 6th grade boys' and girls' basketball team for the 2019-20 school year. However, these teams will not participate in the IESA.

⁵ The District offers a 6th grade volleyball team. The team does not participate in the IESA.

- **Glenwood High School**

During the 2018-19 school year, the District offered 10 boys teams and 9 girls teams at Glenwood High School. There were 238 participation opportunities for females and 407 participation opportunities for males (645 total opportunities).

Glenwood High School Interscholastic Athletic Teams: 2018-19

Season	Boys teams	Girls teams
Fall	Cross Country Golf Football Soccer	Cross Country Golf Swimming/Diving Tennis Volleyball
Winter	Basketball Swimming/Diving Wrestling ⁶	Basketball
Spring	Baseball Track & Field Tennis	Softball Track & Field Soccer

**Glenwood High School
 Athletic Participants, by Sport and Sex: 2018-19**

	Boys	Girls
Baseball	45	n/a
Basketball	34	20
Cross Country	25	19
Football	94	n/a
Golf	9	10
Soccer	58	36
Softball	n/a	28
Swimming/Diving	24	15
Tennis	20	22
Track & Field	68	58
Volleyball	n/a	25
Wrestling	30	5
	407	238

During the 2018-19 school year, Glenwood High School’s student ratio was 48.7% female and 51.3% male, and its athletic participation rate was 36.9% female and 63.1% male, indicating a minus 11.8% difference in the participation and enrollment rates for females. Glenwood High School provided 169 more participation opportunities for males than females for the 2018-19 school year.

⁶ The District reported five female participants on the wrestling team.

Scheduling of Games and Practice Times

The Policy Interpretation lists the following five factors to be assessed in determining whether a recipient provides equal opportunities in the area of scheduling of games and practice time: (1) number of competitive events per sport; (2) number and length of practice opportunities; (3) time of day competitive events are scheduled; (4) time of day practice opportunities are scheduled; and (5) opportunities to engage in available pre-season and post-season competition.

- *Number of competitive events per sport*

According to the AD, the following Glenwood High School varsity sports teams typically are scheduled to compete in the maximum number of competitive events allowed by the IHSA: boys' and girls' basketball, boys' football, boys' and girls' soccer, boys' and girls' tennis, and boys' baseball.

According to the AD, the following Glenwood High School varsity sports teams typically do not compete in the maximum number of competitive events allowed by the IHSA: boys' and girls' cross country,⁷ boys' and girls' track and field, boys' and girls' swimming and diving, and girls' softball.

- *Number and length of practice opportunities*

All athletics teams typically practice daily for approximately two hours a day, unless they are competing. Teams did not note concerns with respect to the number and length of practice opportunities. However, during student athlete focus groups, the athletes informed OCR that the District offers "early bird PE"⁸ exclusively to male student athletes. Some student athletes also reported that certain boys' teams participate in off-campus "retreats," and that this opportunity is not offered to female student athletes.

- *Time of day competitive events are scheduled*

During the fall sports season, teams generally compete at the ideal day and times for their sports, with the exception of the girls' swimming and diving team who regularly compete during the ideal time of Saturday mornings, but also have some competitions after school on weekdays, which is less ideal.

During the winter, the boys' basketball teams primarily compete on Tuesday and Friday evenings. The girls' basketball teams primarily compete on Thursday evenings and Saturday mornings. Friday evenings are considered by the athletes to be the prime time for basketball competitions. The boys' swimming and diving team competes regularly during the ideal time of Saturday mornings, but also has some competitions after school on weekdays, which is less ideal. The ideal time for wrestling competitions is Saturday mornings, and wrestling competitions are usually held at that time. The team also competes after school during the week

⁷ The boys' and girls' cross country teams have the same competition schedule.

⁸ According to the student athletes, early bird PE starts thirty minutes before the regular school day begins, after which the male student athletes have the opportunity to utilize the cafeteria during a time when it is not open to any other students and then participate in "athletic study hall" until the end of the regularly scheduled first period.

on occasion. The boys' and girls' wrestlers compete at the same meets and have the same schedule.

During the spring sports season, teams generally compete at the ideal day and time for their sports, with the exception of the girls' track and field team. Based on the schedule provided by the District, the girls' track and field team only competed on a Saturday on one occasion, when it participated in a coed meet with the boys' track and field team. The boys' track and field team, however, regularly competes on Saturdays.

- *Time of day practices are scheduled*

All District athletic teams practice immediately after school, with the exception of girls' basketball, boys' and girls' tennis, and boys' and girls' swimming and diving. Boys' and girls' swimming and diving practice after school for half of their practices and before school for the other half of their practices due to the availability of the pool. During the 2019-20 school year, the boys' and girls' tennis teams practiced at 5:30pm due to their coach not being available immediately after school. The girls' basketball team practices start at 6pm every day except Friday, due to their coach's work schedule. On Fridays, the team practices immediately after school. Student athletes indicated that practicing in the evening was not ideal because they are unable to eat meals at appropriate times, they have to leave school and return later, which creates transportation difficulties for some students, and it makes completing homework more difficult.

- *Opportunities to engage in available pre-season and post-season competition*

No concerns were identified regarding the opportunities for student athletes to engage in available pre-season and post-season competition.

Provision of Locker Rooms, Competitive and Practice Facilities

The Policy Interpretation lists six factors to be assessed in determining whether a recipient provides equal opportunities in the provision of locker rooms, practice and competitive facilities: (1) the quality and availability of the facilities provided for practice and competitive events; (2) the exclusivity of use of facilities provided for practice and competitive events; (3) the availability of locker rooms; (4) the quality of locker rooms; (5) the maintenance of practice and competitive facilities; and (6) the preparation of facilities for practice and competitive events.

- *Practice and competitive facilities for Glenwood High School interscholastic athletics*

The District utilizes on-site facilities and rents space off-campus for its Glenwood High School interscholastic athletic programs. The Glenwood High School was built in 2001 and the indoor and outdoor athletic facilities were all constructed at that time. The high school's indoor athletics facilities are located in a separate wing of the building and include the West Gymnasium, East Gymnasium, Wrestling Room, weight room, four locker rooms, coaches' offices and storage spaces. The high school's on-site outdoor athletics facilities are located adjacent to the athletics wing of the school and include three football fields (a game field and two practice fields), a softball field, a baseball field, tennis courts, three soccer fields (a game field and two practice fields), and the track and field facility.

The Glenwood High School on-site athletics facilities all appeared to be of excellent quality and well-maintained by the District. All of the on-site athletics facilities were of regulation size for the sports that utilized them and designed specifically for those sports. The facilities all included appropriate lighting and floor surfaces. Concessions and plumbed restrooms are available for all competitive events held at Glenwood High School.

In addition to its on-site facilities, the District uses three off-site facilities: Eisenhower Pool, Piper Glen Golf Course, and a baseball field at Chatham Community Park.

The facilities are discussed in detail below, with the teams identified that utilize each facility for practices, competitive events, or both.

Indoor facilities:

- West Gym

The West Gym is a large, open space with wooden floors marked for basketball and volleyball. The West Gym can be divided into 3 separate courts (basketball or volleyball) that are parallel to each other. The space has six retractable basketball hoops and post holes for 3 volleyball nets. Curtain dividers are available to separate the courts. The main court is regulation sized for basketball and volleyball. The West Gym has an electronic PA system with speakers all around the space. A new, large overhead center scoreboard was installed in 2016. Large electronic scoreboards hang on the wall on each end of the gym. One scoreboard also includes a board that displays team member names and jersey numbers. Retractable bleachers are located on both sides of the West Gym, with 22 rows of approximately 30 seats on each side. The West Gym has a capacity of 1,748.

During the fall sports season, the girls' volleyball team uses the West Gym for practices and competitions. The girls' volleyball team has exclusive use of the West Gym during practices and competitions, and it is always available to them.

During the winter sports season, the boys' and girls' basketball teams use the West Gym for practices and competitions.⁹ The wrestling team uses the West Gym for large invitational competitions. All teams have exclusive use of the facility during practices and competitions.¹⁰ During the winter sports season, the West Gym is always available for scheduled wrestling competitions and boys' basketball games and practices. The West Gym is not always available for girls' basketball practices and competitions. Girls' basketball games and practices have been relocated to the East Gym when the West Gym has not been available.

- East Gym

The East Gym is smaller than the West Gym, with wooden floors marked for basketball and volleyball. The East Gym has six retractable basketball hoops and post holes for 3 volleyball nets. The East Gym includes one regulation-sized basketball and/or volleyball court, or can

⁹ The boys' and girls' basketball programs have three levels: freshman, Junior Varsity and Varsity. The freshman boys' basketball team primarily practices in the East Gym.

¹⁰ All levels of the girls' basketball team practice together, but the freshman boys' basketball team practices separately from the Varsity and Junior Varsity boys' basketball teams.

divided into 2 separate “short” courts for basketball and/or volleyball. The East Gym has 2 smaller electronic scoreboards, located at each end of the regulation-sized court, and an electronic PA system. A retractable batting cage can be dropped down from the ceiling at the east end of the East Gym. Retractable bleachers are located on both sides of the East Gym, with six rows of approximately 30 seats on each side. The East Gym has a capacity of 840.

During the winter sports season, the freshman boys’ basketball team uses the East Gym for practices. The Varsity and Junior Varsity boys’ basketball teams rarely use the gym for practice. The freshman, Junior Varsity and Varsity girls’ basketball teams occasionally use the East Gym for practices when a different team is practicing or competing in the West Gym during their scheduled practice time. The freshman boys’ and the freshman, Junior Varsity and Varsity girls’ basketball teams also use the East Gym for some competitions. The Varsity boys’ basketball team never competes in the East Gym. The wrestling team hosts smaller competitions in the East Gym. During the spring sports season, the boys’ baseball and girls’ softball teams use the batting cage when the weather outside is inclement. All teams have exclusive use of the East Gym during practices and competitions, and the teams did not identify any issues with the availability of the space.

- Wrestling Room

The Wrestling Room measures approximately 50 by 55 feet and is designed specifically for wrestling, with wrestling mats making up the flooring. The flooring is marked with fifteen wrestling circles. New wrestling mats were installed in fall 2018. The walls are padded. The ceiling is approximately 10 feet and the lighting is sufficient. A whiteboard hangs on a wall near the front of the room. The Wrestling Room does not have bleachers or other seating.

The wrestling team has exclusive use of the Wrestling Room for practices, and it is always available to the team. The Wrestling Room is not used for competitions.

Outdoor facilities:

- Tennis Courts

The Tennis Courts are located between the Softball Field and the Football Field and are surrounded on all sides by grassy areas. The Tennis Courts consist of 8 tennis courts with a synthetic rubber floor surface, enclosed within a metal fence that can be locked. The floor surface appeared to be in good condition with no visible cracks or other marks of disrepair on the courts. The Tennis Courts have overhead lighting, but do not have a scoreboard or PA system. Additionally, there are no bleachers and there appeared to be no designated seating area.

During the fall, the girls’ tennis teams use the Tennis Courts for practices and competitions. During the spring, the boys’ tennis teams use the Tennis Courts for practices and competitions. The boys’ and girls’ tennis teams have exclusive use¹¹ of the Tennis Courts for practices and competitions, and the Tennis Courts are always available to them.

¹¹ A female tennis player indicated that the new tennis coach sometimes allows individuals from the community to play on the courts during practice. She was unaware of whether the coach allowed similar access during boys’ tennis practices.

- Track and Field / Soccer Field Complex

A 400-meter, 8-lane track encircles a regulation-sized soccer field in the Track and Field / Soccer Field Complex. The Track and Field / Soccer Field Complex is located adjacent to the Football Field, directly to the east. A press box is located between the Track and Field / Soccer Field Complex and the Football Field and can be used by both facilities. The Soccer Field is grass and very well maintained, with no muddy patches or bald spots, and goal posts at opposite ends of the field. The track is made of rubberized material and appeared to be of high quality. A fence surrounds the track. A straightaway for jumping events and pole vault is located just outside the fenced in area, and a separate area outside the fenced in area is properly marked for field throwing events. The complex has stadium-style lights, a PA system, and a large electronic scoreboard. A new scoreboard and sound system were installed in 2018. Bleachers are located on the west side of the Track and Field / Soccer Field Complex.

During the fall, the boys' soccer teams use the Soccer Field for competitions. The boys' soccer teams have exclusive use of the facility for competitions, and it is always available to them. During the spring, the girls' soccer teams use the Soccer Field for competitions. The girls' soccer teams have exclusive use of the Soccer Field during competitions, and it is always available to them.

The boys' and girls' track and field teams use the Track and Field for practices and competitions. With the exception of sharing the space with the members of the same team of the opposite sex for practices, the boys' and girls' track and field teams have exclusive use of the facility for practices. The boys' and girls' track and field teams also have exclusive use of the facility for competitions (with the exception of sharing the facility occasionally with the team of the opposite sex). However, the Track and Field is not always available to the boys' and girls' track and field teams for practice due to the girls' soccer teams hosting competitions.

- Softball Field

The Softball Field is located adjacent to the Baseball Field. The Softball Field appeared to be very well maintained. The grass was nicely cut, with no bald spots or patches. Enclosed dugouts were located on both baselines and appeared to be in good condition. The Softball Field has a PA system and overhead flood lighting. A large electronic scoreboard was located in the outfield. The AD also stated that wireless controls were added to the scoreboard in 2018. Permanent metal bleachers were behind the home plate. The AD noted that a windscreen was added to the field in 2019.

During the spring, the girls' softball teams use the Softball Field for practices and competitions. The girls' softball teams have exclusive use of the facility for practices and competitions, and it is always available.

- Baseball Field

The Baseball Field is located adjacent to the Softball Field. The field appeared to be very well maintained. The grass was nicely cut, with no bald spots or patches. Enclosed dugouts were located on both baselines and appeared to be in good condition. A metal fence partially surrounded the field. The Baseball Field has a PA system and overhead flood lighting. A large

electronic scoreboard was located in the outfield. Permanent metal bleachers were behind the home plate.

During the spring, the Junior Varsity and freshman boys' baseball teams use the Baseball Field for practices and competitions. The Junior Varsity and freshman boys' baseball teams have exclusive use of the facility for practices and competitions, and it is always available.

- Football Field

The Football Field is adjacent to the Tennis Courts (to the north) and the Track and Field / Soccer Field Complex (to the east). As noted above, a press box is located between the Football Field and the Track and Field / Soccer Field Complex and can be used by both facilities. The Football Field was clearly and appropriately marked for football (end zones, 50-yard line, and yardage markers were visible). The grass field is well-maintained, with no patches or bald spots, and the grass was neatly cut. The field is surrounded by large stadium lights and speakers for the PA system. A new, large electronic scoreboard and sound system were installed in 2018. Bleachers are located on both the east and west sides of the field. A fence surrounds the field. The AD noted that the stadium has capacity for over 7,000 people.

During the fall, the football teams use the Football Field for competitions. The football teams have exclusive use of the facility for competitions, and it is always available. The Football Field is not used for practices.

- Practice Football Fields (North and Freshman)

The North Practice Football Field (North Field) is a regulation-sized football field, located adjacent to the athletics wing of the high school, directly to the northeast. The Freshman Football Practice Field (Freshman Field) is a regulation-sized football field, located adjacent to the North Field. Both fields had very faint football markings visible at the time of OCR's onsite visit in mid-November. The grass was adequate, with some brown spots. A goal post was located at each end of both fields and large stadium lights surrounded the fields. A small wooden film tower was built in 2017 at the north end of the North Field. These fields do not have a PA system, scoreboard, or bleachers. The fields did not have fencing around them.

During the fall, the football teams use the North and Freshman Fields for practices. They have exclusive use of the fields for practices and the fields are always available. The fields are not used for competitive events.

- Practice Soccer Fields (East and Northeast)

The East Practice Soccer Field (East Field) is a regulation-sized soccer field located adjacent to the Track and Field / Soccer Field Complex, directly to the east. The Northeast Soccer Practice Field (Northeast Field) is located behind the East Field, farthest from the high school campus, and is situated along Iron Bridge Road. The quality of the grass fields was adequate with some patches of dried grass. The Northeast Field appeared to be less well maintained than the East Field and the Soccer Field but was still in good condition. The AD stated that there are typically two soccer goal posts at opposite ends of the fields during the season, but OCR's visit did not occur during soccer season. Metal fences surrounded the fields. There were 4 small banks of

non-permanent bleachers on one side of the East Field. Neither field has a scoreboard, PA system, or lighting.

During the fall, the boys' soccer teams use the Practice Soccer Fields for practices. During the spring, the girls' soccer teams use the Practice Soccer Fields for practices. The boys' and girls' soccer teams have exclusive use of the Practice Soccer Fields for practices, and they are always available.

Off campus facilities

- Baseball Field at Chatham Community Park

The Baseball Field at Chatham Community Park is located approximately 2 miles, or less than a 10-minute drive, from Glenwood High School. The field is maintained by the Village of Chatham. The District pays an upkeep fee for use of the Baseball Field. In 2019, the District paid for a windscreen and in 2017, the District paid for dugout renovations. Players are responsible for transporting themselves to the field.

The Baseball Field at Chatham Community Park is of a high quality, with overhead lights, an electronic scoreboard, enclosed wooden dugouts, a PA system, and a media box in the bleachers. The field has approximately 16 rows of permanent metal bleachers, which appeared to be in good condition and were accessible for individuals using wheelchairs. A plumbed indoor restroom and concession stand are located adjacent to the field.

During the spring, the Varsity boys' baseball team practices and competes at the Baseball Field at Chatham Community Park. The Varsity boys' baseball team has exclusive use of the facility for practices and competitions, and it is always available to them.

- Eisenhower Pool

Eisenhower pool is located in Springfield, Illinois, approximately 12 miles or a 20-minute drive from Glenwood High School. The District rents the use of the pool. The pool is in an older building maintained by the City. The District shares the pool with 3 other area high schools and other local swim club teams. Team members are responsible for their transportation to and from Eisenhower Pool.

The facility has 2 pools: a diving pool with two 1-meter diving boards, and a 25-yards lap pool. The lap pool is 5 to 6 feet deep and has 6 swimming lanes, each with its own starting block. A large scoreboard and timer is located on a wall. A bank of retractable wooden bleachers with 8 banks of approximately 15 rows occupies one wall of the swimming pool area. There were 3 portable bleachers of 3 rows on the opposite side of the lap pool, where the teams typically sit. There is also a small office space that is available to the swimming and diving coaching staff and officials during competitive events.

During the fall, the girls' swimming and diving team uses the Eisenhower Pool for practices and competitions. During the winter, the boys' swimming and diving team uses the Eisenhower Pool for practices and competitions. The boys' and girls' swimming and diving teams do not have exclusive use of the pool for practices and share the pool with other area high schools and local

swim teams. They do, however, have exclusive use of the Eisenhower pool for competitions. The pool is available to both the boys' and girls' teams during scheduled practices, but teams noted scheduling can be difficult due to the high number of other swim teams using the pool.

- Piper Glen Golf Course

The Piper Glen Golf Course is located in Springfield, Illinois, approximately 2 miles, or less than a 10-minute drive, from Glenwood High School. The District rents out the golf course for practices and competitions. The golf course maintains the facility. The golf course is 18 holes, with a driving range and putting greens. Indoor plumbed restrooms are located in the main facility clubhouse. Team members are responsible for providing their own transportation to the golf course for practices and competitions.

During the fall, the girls' and boys' golf teams use the Piper Glen Golf Course for practices and competitions. The boys' and girls' golf teams do not have exclusive use of the golf course for practices, because it is a public course. They do, however, have exclusive use of the Piper Glen Golf Course holes they are using for competition. The course is generally available to the teams for practices and competitions. However, the girls' golf team members stated that during the current season, the golf course was not available for scheduled competitions and they were unable to complete in scheduled competitions as a result.¹²

- *Locker Rooms*

There are 4 locker rooms at Glenwood High School – 2 are designated for girls and 2 are designated for boys. The locker rooms are adjacent to both the east and west gyms, with one set of girls' and boys' locker rooms attached to the south hallway and the other set attached to the north hallway. The girls' and boys' locker rooms have identical mirror image floor plans, with the same number and sizes of lockers and benches, and the same quality of lighting and other fixtures. The boys' locker room has some urinals in lieu of some toilet stalls and fewer mirrors, but the locker rooms are otherwise similar. All locker rooms are well maintained by District custodians and of good quality.

The locker rooms are utilized by students who participate in PE classes during the day, and lockers are assigned to each PE student for the semester.¹³ If a student athlete is not enrolled in PE, the athlete can request a locker from his or her coach.¹⁴ Students and athletes have access to the locker rooms during the school day, and after school during practices and competitions. Both male and female student athletes told OCR that the locker rooms were not delineated by team, and some members of the same team had lockers in different locker rooms. Some athletes (both male and female) are displaced from the locker room during home basketball and volleyball games, when the visiting team is using the locker rooms in the north hallway. The District team participating in the competitions uses the locker room in the south hallway.

The Eisenhower Pool has boys' and girls' locker rooms, which are located just off opposite ends of the pool in the basement area. The boys' and girls' locker rooms were each accessed by going

¹² The girls' golf team members told OCR that these competitions were not rescheduled.

¹³ The PE teacher is responsible for issuing locker assignments to students enrolled in PE.

¹⁴ The AD told OCR that the locker room is available to all student athletes; however, not all teams utilize the locker rooms.

down a set of stairs, but there was a separate set of stairs to each locker room. The boys' and girls' locker rooms were of similar size and quality. These locker rooms were in fair shape and appeared significantly older than the locker rooms at Glenwood High School. The boys' and girls' swim teams have access to the pool locker rooms during practices and competitive events. Pool lockers are not assigned to student athletes but are available for the students to rent.

- *Maintenance and preparation of facilities*

All on-site facilities are well maintained by the District's custodial staff. The District's custodial staff prepares the on-site facilities for practices and games for all sports, with the exception of volleyball. The volleyball players are responsible for setting up their nets. The off-campus facilities used by the District are similarly well maintained by the facility, and the facility's staff are responsible for preparing the facilities for practices and games.

Publicity

The Policy Interpretation lists three factors to be assessed in determining whether a recipient provides equal opportunities in the provision of publicity: (1) availability and quality of sports information personnel; (2) access to other publicity resources for boys' and girls' programs; and (3) quantity and quality of publications and other promotional devices featuring boys' and girls' programs.

The District did not identify designated sports information personnel. Sports information is distributed through various social media platforms, including a twitter account run by the athletic director, various social media accounts run by the high school, and social media pages updated by coaches for specific teams. Upcoming athletics events and results are also announced during school announcements at the beginning of the day. Athletes reported that the District and AD provide more publicity to the boys' football and boys' basketball teams than other sports.

The District has cheerleading teams and a dance team. The cheerleading team performs at all home and away Varsity football and Varsity boys' basketball games, with the exception of holiday tournaments. Cheerleaders also performs at all home Junior Varsity football games and all home and away Junior Varsity boys' basketball games. The dance team performs before and at half-time of home Varsity football and boys' basketball games. During the 2018-19 school year, the cheerleading and dance teams also performed at one home Varsity girls' basketball game.

The District's band performs at all home Varsity football games and all home Varsity boys' basketball games. The band performed at one home Varsity girls' basketball game during the 2018-19 school year.

Conclusion

Based on the information gathered in OCR's investigation to date, OCR has concerns that the District does not effectively accommodate the interests and abilities of members of both sexes in its interscholastic athletics programs. Additionally, OCR has identified disparities in several factors under the components of scheduling of games and practice time, the provision of locker rooms, practice and competitive facilities, and in publicity at Glenwood High School.

In accordance with Section 302 of the CPM, a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR's investigation, the District expressed interest in resolving the complaint under Section 302. OCR determined that a resolution agreement with the District is appropriate under the circumstances presented by this case. The enclosed Resolution Agreement, when fully implemented, will address all of the allegations investigated. The provisions of the Resolution Agreement are aligned with the allegations in the complaint and the information obtained during OCR's investigation to date, and are consistent with the applicable regulations. OCR will monitor the implementation of the Resolution Agreement.

The 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.

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.

The Complainant may file a private suit in Federal court, whether or not OCR finds a violation.

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 privacy.

OCR would like to thank the District, particularly the Athletic Director, as well as the attorney for the District, Eric Grenzebach, for the courtesy and cooperation extended during the investigation. OCR looks forward to working with the District during the monitoring of the Resolution Agreement. If you have any questions or need assistance, please contact Melissa Katt at (312) 730-1617 or Melissa.Katt@ed.gov.

Sincerely,

Dawn R. Matthias
Team Leader

Enclosure

CC: Eric L. Grenzebach, esq. (via email)