



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

March 10, 2015

XXXX XXXX  
XXXXX XXXXX XXXXX, XXXXX  
XXXXX  
XXXXX, XXXXX XXXXX

Re: OCR Docket # 07071195

Dear Mr. XXXXX:

On August 2, 2007, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Springfield R-XII School District (District), Springfield, Missouri alleging discrimination on the basis of sex. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the Complainant alleged the District discriminates against female students on the basis of sex by failing to provide the girls' softball teams with equivalent locker rooms, practice facilities, and competitive facilities for all five high schools in the District.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.

As a recipient of Federal financial assistance from the Department, the District is subject to Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on February 18, 2015, that, when fully implemented, will address the allegation of this complaint. The following is a summary of the information obtained to date regarding OCR's investigation of the District's athletic program.

The Complainant filed this Title IX complaint on behalf of all the girls' fast pitch softball teams in the District. The Complainant told OCR none of the five high schools in the District has softball facilities.

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The Complainant told OCR the boys' baseball teams in the District have on-campus facilities. The Complainant stated girls' softball has been played in the District for about seven years and the softball teams have to use church or city park softball facilities that are away from the high school campuses.

In a February 12, 2013 letter to the District, OCR requested accurate updated information regarding the District's athletic facilities, and whether transportation was being provided for high school athletes to practice facilities and to competition venues. On March 7, 2013, the District provided information on the District's five high schools (Central, Glendale, Hillcrest, Kickapoo, and Parkview). The number of students at each high school ranges between 1,100 and 1,735 students. The District provided updated information regarding softball facilities on December 11, 2014.

### **Central High School**

There are no baseball or softball fields at Central High School because it is in an older section of the city and there is no room for expansion. The baseball team practices at the Nichols Park baseball field which is owned and maintained by the Springfield-Greene County Parks Department and is located approximately two miles from the Central High School campus. The softball team practices at the Grant Beach Park softball field which is owned and maintained by the Springfield-Greene County Parks Department and is located approximately one-half mile from the Central High School campus.

The baseball team plays its home games at the Nichols Park baseball field. The softball team plays its games at the Cooper Complex located approximately 2.5 miles from the Central High School campus.

There are no locker room facilities available to the baseball team at Nichols Park. The players can maintain an athletic locker and/or use the locker room facilities at Central High School. For the softball players, Grant Beach Park and the Cooper Complex do not have locker room facilities available. The softball players can maintain an athletic locker and/or use the locker room facilities at Central High School.

### **Glendale High School**

*March 7, 2013 information:*

The baseball team practices at Provance Field on the Glendale High School campus. The Glendale High School softball team practiced at the Meador Park softball field, which is owned and maintained by the Springfield-Greene County Parks Department. The Meador Park softball field is located approximately 3 miles from the Glendale High school campus.

The baseball team plays its home games at Provance Field on the Glendale High School campus. The softball team plays its home games at the Cooper Complex, located approximately 5 miles from the Glendale High School campus.

*December 11, 2014 information:*

The District has constructed a softball field on the Glendale High School campus.

### **Kickapoo High School**

The baseball team practices at Pittman Field which is located on the Kickapoo High School campus. The softball team practiced at the Meador Park Softball Complex which is owned and maintained by the Springfield-Greene County Parks Department. The Meador Park Softball Complex is located approximately two miles from the Kickapoo High School campus.

The baseball team plays its home games at Pittman Field on the Kickapoo High School campus. The softball team plays its home games at the Cooper Complex which is located approximately seven miles from the Kickapoo High School campus.

*December 11, 2014 information:*

The District has constructed a softball field on the Kickapoo High School campus.

### **Hillcrest High School**

*March 7, 2013 information:*

The baseball team practices at Birmingham Field on the Hillcrest High School campus. The softball team practices at the Central Bible College (CBC) softball field (located adjacent to the Hillcrest High School campus). The CBC softball field is located directly across the street from the Hillcrest High School campus.

The baseball team plays its home games at Birmingham Field on the Hillcrest High School campus. The softball team plays its home games at the CBC softball field or at the Cooper Complex. The Cooper Complex is located approximately five miles away from the Hillcrest High School campus. There are no lockers or locker room facilities available to the baseball team at Birmingham Field. The players may maintain an athletic locker and/or use the locker room facilities in Hillcrest High School. For the softball players, the CBC softball field and the Cooper Complex do not have lockers or locker room facilities available. The players may maintain an athletic locker and/or use the locker room facilities Hillcrest High School.

*December 11, 2014 information:*

The CBC merged with Evangel University, which are both operated by the Assemblies of God Church (AGC). The AGC is currently attempting to sell the CBC campus. The District has spoken with AGC about the use/lease/purchase of the CBC softball field. AGC has informed the District that it is currently evaluating an offer for the purchase of the CBC campus. If the purchase is completed, it is unknown whether the District will be able to continue to use the CBC softball field. There are other purchasers who are also interested in purchasing the CBC campus and AGC indicated these other purchasers may be willing to lease the softball field to the District. The District will continue to use the softball field, with the agreement of AGC, until determined otherwise.

### **Parkview High School**

*March 7, 2013 information:*

The baseball team practices at the Parkview Baseball Field on the Parkview High School campus. The softball team practices at the Fassnight Park Softball Field which is owned and maintained by the Springfield-Greene County Parks Department. The Fassnight Park Softball Field is located across the street from the Parkview High School campus.

The baseball team plays its home games at the Parkview Baseball Field on the Parkview High School campus. The softball team plays its home games at Cooper Complex, which is located approximately five miles from the Parkview High School campus.

There are lockers, but no locker room facilities, available to the baseball team at Parkview Baseball Field on the Parkview High School campus. The players may maintain an athletic locker and/or use the locker room facilities Parkview High School. For the softball players, Fassnight Park and the Cooper Complex do not have lockers or locker room facilities available. The players may maintain an athletic locker and/or use the locker room facilities Parkview High School.

*December 11, 2014 information:*

A draft license agreement for use of the softball field at Fassnight Park (Springfield Park Board), which is used by the Parkview High School softball team, was approved by the District's Board of Education on December 9, 2014. The draft agreement provides for the use of the field by the District and the District pledges to make improvements to the field. The improvements will be designed to make the field comparable to the baseball field at Parkview.

## **Interview with Coaches**

On May 22, 2013, OCR conducted interviews with the baseball and softball coaches in the District. The coaches confirmed the information provided by the District. All of the coaches believed that the District treated the baseball and softball teams as equally as possible in terms of facilities, travel, equipment, and funding. The coaches explained that the coaching staff or parents were responsible for maintaining the baseball fields that were on a high school campus. The schools were not responsible for maintaining the fields at the City parks or the Cooper Complex.

The softball coaches stated that they were satisfied with the practice and playing facilities and that it was easier for them to use City facilities than having to maintain District facilities. The baseball coaches acknowledged that the proximity of the baseball facilities to the schools was favorable, but believed that the maintenance of the facilities was a significant burden on their time and energy.

## **RESOLUTION AGREEMENT**

As noted above, prior to the conclusion of OCR's investigation and before OCR made a finding regarding whether the District was in compliance with Title IX, the District requested to resolve the complaint. On February 18, 2015, the District signed the enclosed voluntary Resolution Agreement (Agreement) which, when fully implemented, will resolve the complaint. The provisions of the Agreement are aligned with the complaint allegation and the information obtained during OCR's investigation, and are consistent with the applicable regulations.

By March 13, 2015, the District will develop, and submit to OCR for review and approval, a draft plan of action that identifies the specific steps to be taken to ensure equivalent benefits, treatment, and services in the provision of practice and competitive facilities. The draft plan of action will include a time table for allocation of funding, design, construction and completion of improvements to the practice and competitive facilities. OCR will review the plan and provide feedback to the District. Within 30 days of receiving OCR's feedback, the District will provide a revised plan to OCR.

The draft action plan will include actions to address the following issues with regard to the District's softball facilities:

(1) the District will build softball fields on the campuses of Glendale High School and Kickapoo High School for the softball teams to use for practices and home games which are equivalent to the facilities provided for baseball at the same school;<sup>1</sup> (2) the District will obtain a lease agreement for use of the softball facilities located on the former campus of the

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<sup>1</sup> The District has provided information demonstrating that the construction of the softball fields at Glendale and Kickapoo High Schools is complete. However, OCR has not determined whether the softball facilities are equivalent to the baseball facilities at these campuses.

CBC. The District's draft action plan shall identify what steps the District will take to provide equivalent benefits, treatment, and services in the provision of practice and competitive facilities for the softball team at Hillcrest High School if it is unable to obtain a lease for the former CBC softball facility; and (3) the District will obtain a lease agreement to allow the Parkview High School softball team to use the Fasnigh Park softball field for practices and home games. The District's draft action plan shall identify what steps the District will take to provide equivalent benefits, treatment, and services in the provision of practice and competitive facilities for the girls' softball team at Parkview if it is unable to obtain a lease for use of and improvement of Fasnigh Park softball field.

OCR considers the allegation of this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume the investigation.

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.

OCR is committed to high quality resolution of every case. If you have any questions, please contact XXXXX XXXXX, Equal Opportunity Specialist, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at [XXXXX.XXXXX@ed.gov](mailto:XXXXX.XXXXX@ed.gov).

Sincerely,

/S/

Cedric D. Brown  
Acting Supervisory Attorney

Enclosure