



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

June 23, 2015

Ms. Julie Hall-Panameño  
Director  
Los Angeles Unified School District  
Educational Equity Compliance Office - 20th Floor  
333 South Beaudry Avenue  
Los Angeles, CA 90017

(In reply, please refer to OCR Case No. 09-15-1347.)

Dear Director Hall-Panameño:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) has concluded its investigation of the above-referenced complaint against the Los Angeles Unified School District (District). The Complainant<sup>1</sup> alleged discrimination on the basis of sex in the District's interscholastic athletics program. Specifically, the Complainant alleged that (1) the District's interscholastic athletics program discriminates against female students at Hamilton High School (School) by not providing equivalent locker rooms and practice and competitive facilities to female students; and (2) that when the Complainant notified the District about this, the District failed to conduct a prompt and equitable investigation.

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 June 12, 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.

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<sup>1</sup> OCR previously notified the District of the name of the Complainant. We are withholding the Complainant's name from this letter to protect the Complainant's privacy.

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 Complainant filed a Uniform Complaint Procedure (UCP) complaint with the District alleging (1) the School's baseball team would not allow the softball team to use the field with a diamond resulting in the softball team practicing in an area with no pitching mound or bases; (2) the baseball coach locks the batting cage to prevent the softball team from utilizing the area; and (3) the baseball program has exclusive rights and use to the facilities and school administration has not appropriately responded.
- The District's Educational Equity Compliance Office conducted an investigation into the UCP complaint and provided the Complainant with its findings on April 13, 2015. The District concluded that the School was in noncompliance with Title IX and identified corrective actions for the School to implement.
- The corrective actions implemented by the District include having the School, in cooperation with relevant District and Facilities personnel, develop and implement a master plan to address how the softball team can be equally accommodated and brought into compliance with Title IX. The master plan was to include: exploration of the use of a softball field in close proximity to the School; consideration of use of a grass field on campus for some softball exercises; survey of softball players and families regarding their needs; consultation with the District's Interscholastic Athletics Department; an action plan with reasonable/meaningful target dates; and a reminder to coaching staff of respectful treatment of sports running concurrently.
- The District has begun implementing the remedial actions identified above, including the creation of a planning document for the softball field at the School. As required by the UCP remedies, the District conducted a survey with the softball team. The District has also reviewed proposals of ways to accommodate the needs of the softball team and the benefits and challenges identified with each proposal. The proposals were conducted with the feedback and consideration from the staff in the District's Interscholastic Athletics and Facilities departments.
- Based on OCR's review the District's UCP investigation and report, it appears that the District only examined whether the School's softball and baseball facilities were comparable. The District did not conduct a comprehensive review

of all the locker rooms, practice and competitive facilities in the School's interscholastic athletics program.

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.

Thank you for your cooperation in resolving this case. If you have any questions about this letter, please contact Kana Yang at (415) 486-5382 or me at (415) 486-5404.

Sincerely,

/s/

Anamaria Loya  
Team Leader

Enclosure