



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

50 UNITED NATIONS PLAZA  
MAIL BOX 1200; ROOM 1545  
SAN FRANCISCO, CA 94102

March 21, 2019

**VIA ELECTRONIC MAIL**

Chris Steinhauser  
Superintendent  
Long Beach Unified School District  
1515 Hughes Way  
Long Beach, CA 90810  
csteinhauser@lbschools.net

(In reply, please refer to case no. 09-16-1525.)

Dear Superintendent Steinhauser:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against the Long Beach Unified School District (the District). OCR investigated whether or not the District discriminated against female students on the basis of sex in the athletics program at Millikan High School (the School). Specifically, OCR investigated whether:

1. The interscholastic athletic program at the School discriminated against female students in the following program components:
  - a. Equipment and supplies
  - b. Scheduling of games and practice times
  - c. Opportunity to receive coaching

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The District is a recipient of financial assistance from the Department. Therefore, OCR had jurisdiction to investigate this matter under Title IX.

To investigate this complaint, OCR conducted interviews with the Complainant<sup>1</sup> and two female athletes from the School. OCR's analysis focused on the benefits and opportunities provided in the 2017-18 school year. In June 2018, OCR interviewed the head coach of each boys' and girls' team at the School during a four day visit to the School. OCR also conducted an online survey for all student-athletes at the School in April 2018, which received more than 1,100 responses. OCR also reviewed documents provided by both the Complainant and the District. Finally, OCR

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<sup>1</sup> OCR previously provided the District with the identity of the Complainant. We are not including their name in this letter for privacy reasons.

contacted two other potential witnesses suggested by the Complainant, but those witnesses were not responsive, so OCR was unable to schedule an interview with them.

Prior to OCR completing its investigation and making a compliance determination, the District expressed an interest in voluntary resolution pursuant to section 302 of OCR's Case Processing Manual (CPM), and OCR determined it was appropriate to do so. The legal standards, facts gathered to date, and the reasons for OCR's determinations are summarized below.

### **Legal Standards**

The Title IX regulations, at 34 C.F.R. §106.41, provide that 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 school district, and no recipient school district shall provide any such athletics separately on such basis. As a means of assessing compliance under the regulations, OCR follows the Policy Interpretation issued by the Department on December 11, 1979, 44 Fed. Reg. 71413, et seq. (1979).

In its investigation, OCR is examining the following areas of the School's Athletic Program: equipment and supplies; opportunity to receive coaching; and the scheduling of games and practice times.

In each of the areas, OCR examines whether the availability and quality of benefits, opportunities, and treatment provided were equivalent for members of both sexes. Equivalent is defined as equal or equal in effect. In accordance with the 1979 Policy Interpretation, OCR compares components of the men's program and the women's program on an overall basis, not on a sport-by-sport basis that would compare, for example, the men's basketball uniforms and the women's basketball uniforms. Where disparities were noted, OCR considers whether the differences were negligible. Where the disparities were not negligible, OCR determines whether they were the result of nondiscriminatory factors. Finally, OCR determines whether disparities resulted in the denial of equal opportunity to male or female athletes, either because the disparities collectively were of a substantial and unjustified nature or because the disparities in individual program areas were substantial enough by themselves to deny equality of athletic opportunity. Nondiscriminatory differences based on unique aspects of a particular sport are considered.

Using the criteria provided in the Policy Interpretation, OCR evaluated the benefits, services and opportunities provided to male and female athletes as described below.

#### **Equipment and Supplies**

In assessing compliance in this area, under the Title IX regulations, at 34 C.F.R. §106.41(c)(2), OCR considers the quality, suitability, amount, maintenance, replacement, and availability of equipment and supplies. Equipment and supplies include uniforms, other apparel, sport-specific equipment and general equipment.

### Coaching

Under the Title IX regulations, at 34 C.F.R. §106.41(c)(5) and (6), in determining compliance for the opportunity to receive coaching, OCR considers three components: (1) the relative availability of coaches, assistant coaches, and graduate assistants; (2) the training, experience, and other professional qualifications of coaches; and (3) the compensation of coaches for men's versus women's programs. Of these three factors, OCR's primary focus is on the availability of coaches.

In analyzing the availability of coaching, OCR separates the women's from the men's program, determines the full-time equivalence (FTE) of coaches in each program, computes the ratio of the FTE of coaches to the number of participants in each program, and finally compares the ratio between men's and women's programs to determine any inequity. For co-ed programs, OCR counts the men and women on the team and accords them proportional percentages.

### Scheduling of Games and Practice Times

In assessing compliance in this area, OCR considers the number of competitive events per sport, the number and length of practice opportunities, the time of day that competitive events and practice opportunities are scheduled, and the opportunities to engage in pre-season and post-season competition. 34 C.F.R. §106.41(c)(3) and 1979 Policy Interpretation.

### **Facts Gathered to Date**

The following facts are relevant to OCR's analysis:

#### *Equipment and Supplies*

Coaches and administrators at the School told OCR that each team receives a "budget" account from the District which primarily covers expenses for referees, and that coaches can use any money left over in the account for equipment. Coaches generally reported that there was only a small amount of money left over each year to provide equipment to the team. The sports with the largest amounts available to them beyond expenses for referees during the 2017-18 school year were boys' football and girls' soccer.

As a result, many teams relied significantly on money raised through fundraising to support their uniform and equipment needs. With respect to uniforms, teams were generally using one of two approaches. Some coaches loaned out uniforms at the beginning of the season and asked for them to be returned at the end of the season to be re-used the following year. Alternatively, other coaches allowed participants to receive a uniform that they could keep as part of a donation that the participants' families made to the program at the beginning of the year.

OCR did not observe any disparities by sex in the quality of uniforms. 93% of participants on girls' teams and 90% of participants on boys' teams reported that they had enough uniforms. Procedures regarding how often to get new uniforms varied by sport. For example, the boys' football team had been able to purchase new uniforms for their junior varsity team during the

2017-18 year, but the boys' soccer team's uniforms were up to 25 years old. Some of the differences in the quality of uniforms also reflected the preference of coaches. For example, the girls' soccer coach acknowledged that the girls' uniforms were nicer than the boys' uniforms because he thought it was important for the program that the team looked good, while the girls' volleyball coach reported that she used cheaper uniforms because she wanted to limit the cost that would be required for families to obtain a new uniform.

Students and coaches also reported that a number of teams allowed players and families to purchase other gear that could be used in practice or in warmups (such as sweatshirts, sweatpants, t-shirts, or other gear) through an online store. Some coaches and teams also put together a "spirit pack" that contained additional gear that players could receive by making a donation. OCR did not identify any concerns that these practices systemically benefitted one sex or the other, but rather varied from team to team among both sexes. For example, the girls' basketball coach acknowledged that she did not offer a lot of other gear because it is not a priority for her, while the tennis coach noted that the girls' team provided both shirts and a skirt for matches this year, while the boys' team only received shirts (and not shorts) because the girls' team raised more money.

As to other equipment, OCR found that the quality of equipment varied from team to team but did not identify concerns that any variations consistently benefitted one sex as opposed to the other. Approximately equal numbers of boys and girls reported that they were satisfied or very satisfied with the quality of equipment (64% of girls and 67% of boys).

OCR reviewed several individual complaints about the quality of equipment but did not find any evidence of discrimination. For example, the Complainant raised concerns about the quality of equipment available to the girls' swimming and water polo teams, but OCR found that the equipment for those teams was almost entirely shared between the girls' and boys' teams during the 2017-18 school year. Similarly, some girls' water polo players reported in the survey that the water polo balls were of low quality, but the water polo coach explained that she preferred the girls use older balls with less grip in practice, so that playing in games with newer balls would feel easier. The boys' soccer coach also acknowledged that he used balls that were of much lower quality than the girls' soccer balls, based on his personal choice.

### *Availability of Coaching*

Based on interviews with the head coach for each boys' and girls' team and documentary evidence provided by the District, OCR compiled information about the number of coaches for each boys' and girls' sport. That analysis revealed that there were 45.5 coaches for boys' teams and 33.5 coaches for girls' teams.<sup>2</sup> These figures included coaches paid directly from district funds, those paid by money raised by athletes or boosters, and those who were volunteers. The District provided a smaller list of coaches that appeared to reflect only certain coaches paid directly through the District. That list, which included several open positions, showed 35 positions for coaches for boys' sports and 25 for girls' sports.

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<sup>2</sup> For purposes of this calculation, sports where the same coaches were responsible both the girls' and boys' teams (such as cross country, track, golf and tennis), OCR allocated an equal number of coaches for each sex. For example, if there were three coaches for the sport, 1.5 were allocated to the boys' team and 1.5 to the girls' team.

Based on District records and the survey responses provided by students, OCR also compiled data about the number of participants in girls' and boys' sports. Excluding sports that operated a joint program for boys and girls like badminton, surfing and wrestling, OCR's analysis showed that during the 2017-18 school year, there were 603 participants in sports on boys' teams and 496 participants on girls' teams. Based on those figures, there was one coach for every 13 athletes on boys' teams, and one coach for every 15 athletes on girls' teams.

Survey responses provided by students indicated that participants in girls' sports were more concerned with the availability and quality of coaching they were receiving. For instance, approximately twice as many participants on girls' teams (15%) than boys' teams (8%) responded that they did not have enough coaches. Participants on girls' teams were also significantly more likely to report that all of the team's coaches were not available for practices (38%) than boys' teams (22%). Participants on girls' teams were also approximately twice as likely to report that they were unsatisfied or very unsatisfied with the quality of coaching they received (23%), compared to boys' teams (12%).

The two girls' sports where participants were most likely to report that there were not enough coaches were girls' basketball and girls' swimming. The smaller number of coaches for girls' basketball was due to the head coach's preference, in that the coach chose to have fewer coaches in order for her to be able to more directly supervise all levels of the program. For girls' swimming, however, there were between 75 and 105 participants<sup>3</sup> and three coaches. Further, interviews revealed that two of the coaches also coached outside club teams, which limited their participation, including one who was not able to attend the team's meets because of outside responsibilities. That was confirmed by the student survey, in which 68% of respondents on the girls' swimming team reported that coaches were not always available for practices, the highest number of any sport. Students reported that for part of one meet there were no girls' coaches present because the head coach had a family emergency and the other two coaches had to leave for their club teams, which was confirmed by an assistant coach.

Interviews with the coaches revealed that some of these disparities were due to different amount of money that each team was able to raise. For example, the baseball coach reported using approximately \$18,000 of money raised by boosters and the team to pay coaches. Similarly, the football coach reported paying for seven additional coaches through fundraised money, and also using approximately \$2,000 from the team's budget account provided by the District to hire additional coaches. The boys' volleyball team also used \$2,500 raised by boosters to pay for coaches to be available throughout the school year (not just during the season).

Coaches in certain boys' sports reported that having a larger number of coaches enabled them to provide position-specific support. For example, the football team had position coaches for seven specific areas (offensive line, wide receivers, running backs, quarterbacks, defensive line, linebackers, and secondary) as well as assistant coaches for some of those areas. The baseball

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<sup>3</sup> The School reported to OCR that there were 77 participants, but OCR received 104 survey responses from girls reporting to be on the swim team. Two participants on the swim team also reported that there were approximately 100 girls on the team. OCR was not able to interview the head girls' swim coach to address this discrepancy because he was no longer working for the District at the time of OCR's visit.

team also was able to divide up the varsity coaches so that one coach focused on pitching and defense, a second coach focused on catching and outfielders, and a third coach focuses on hitting and infielders. Several coaches for girls' teams (including gymnastics, softball, volleyball, and water polo) reported to OCR that they wished they had more coaches. Both the gymnastics and girls' water polo coaches also noted that having more coaches would be helpful for safety reasons, to ensure all the students were being supervised safely.

As of June 2018, five of the twelve varsity head coaches for boys' teams were walk-on coaches (meaning that they did not work for the District full-time), while eight of the twelve varsity head coaches of girls' teams were walk-ons. OCR found that the walk-on coaches had varying levels of availability. For instance, the girls' water polo coach also coached boys' water polo and swimming for another district during her offseason, so she was less available during the off season than most other coaches at the school. In interviews with the head coaches, OCR found that walk-on coaches were generally less familiar with the School's procedures, such as the procedures for obtaining equipment and raising money for their team. For example, the girls' water polo coach reported to OCR that she had not spent the money in her budget account for that year because she was not familiar with the process. Similarly, the girls' cross-country coach (who also worked with and shared equipment with the boys' team) reported that she did not use the team's budget to buy anything because she missed the deadline.

### *Scheduling of Games and Practice Times*

Because of limited facilities at the School, most of the School's teams faced significant limitations in terms of access to facilities, which affected practice times for all sports. Priority for practice times was allocated to the teams that were currently in season. For example, priority for pool time went to boys' water polo in the fall, girls' water polo in the winter, and boys' and girls' swimming in the spring. Similarly, because the boys' soccer and baseball team shared a field, the baseball team would have priority in the spring and the soccer team in the winter.

OCR did not identify concerns as to how practice time was allocated for facilities. Teams that were in season generally used the facilities at the practice times most convenient for the students, starting around 1:15 p.m. OCR did find some exceptions to that practice based on coaches' schedules or to maximize time in the facility, but this variation did not disproportionately benefit one sex or the other. For example, the girls' basketball team practiced during first and second period to enable them to have full access to the gym all year round, while the boys' volleyball team practiced fifth period for the same reason. Other sports also sometimes practiced later due to limitations in the coaches' schedules. For example, the football team generally did not start practice on the football field until 3:30, which was easier for the team's coaching staff. Similarly, the boys' volleyball team started practice at 4:00 because of the coach's availability.

The survey responses from students reflected that participants' in girls' sports were slightly more likely to be unsatisfied with the convenience of their practice times (18% of girls reported that they were dissatisfied, compared to 12% of boys). However, when OCR gathered additional information about scheduling, OCR did not find any discrimination as to how facility time was allocated. For example, the sport where students were most dissatisfied with the scheduling of practice time was girls' basketball, where many students reported that their practices went into

the evening during the season. However, the coach explained to OCR that the girls' practice schedule was driven not by the availability of court time but by her decision to coach both the varsity, junior varsity and freshman teams (described above), which meant that they did not all practice at the same time (and thus that one team sometimes did not start practicing until about 4:00).

The other sport where girls were most commonly dissatisfied with practice times was swimming. The majority of the concerns revolved around the fact that the boys' and girls' swim teams alternated practice times during the season, meaning that one day the girls would practice and 1:30 and the boys at 3:30, and then the next day they would switch. Due to this schedule, levels of satisfaction as to scheduling were similar for participants on the boys' and girls' swimming teams. The girls' swimmers also indicated that some of the girls' team did not practice until 5:30. This was due the size of the team, which led the coach to schedule a later practice for some of the less experienced swimmers.

One other scheduling concern was that the girls' gymnastics team was only scheduled for practice during seventh period but not eighth period, so some team members were scheduled for class during eighth period. Because the school operated on a block schedule, this meant that the team was only scheduled for practice every other day (when students went to periods 1, 3, 5, and 7) and were in class the alternate days (when the students went to periods 2, 4, 6, and 8). Subsequent to OCR's visit, the District reported to OCR that the District had investigated the reason for this scheduling error and would ensure that gymnasts were generally available for practice every day in the future.

The Complainant and/or his family (hereinafter the Complainant) also raised several concerns specific to the swimming and water polo programs, as discussed below.

First, the Complainant raised concerns that the girls' swimming and water polo teams did not receive priority in pool time. OCR spoke extensively with the boys' and girls' swimming and water polo coaches about practice schedules and did not find any evidence of disparities in pool time. As noted above, pool time was allocated based on priority for the sport that was in season. This meant that in the fall, the boys' water polo team practiced in the afternoons and the girls' water polo team practiced in the mornings. Then, during the winter, the girls' water polo team received priority for the afternoons and the swim teams practiced in the morning. Finally, in the spring, the boys' and girls' swim teams alternated the preferred times every other day.

The Complainant also raised concerns that pool time was not evenly allocated in the summer. OCR reviewed the pool schedule for the summer of 2017. According to that schedule, the boys' water polo team had a morning practice and an afternoon practice, whereas the girls only had a morning practice. Both the boys' and girls' water polo coaches explained that the boys' water polo team chose to separate practice for the varsity team (in the morning) and the younger players (in the afternoon), whereas the girls' team chose to practice all together in the mornings, based on the coaches' preferences. The girls' water polo coach also explained that the head coach at that time also chose to sometimes have the girls work out at a local college because of his relationship with the college. OCR found that the girls' and boys' water polo teams both had equal access to the pool.

The Complainant also raised concerns that when the boys' and girls' water polo teams shared the pool the girls were forced to be in the shallow end. The girls' water polo coach explained that this happened only in the summer when the two teams' practices overlapped briefly at the end of the girls' practice. She explained that she preferred the shallow end at that point in the practice because the team already had completed two hours of practice in the deep end at that point and she did not want the athletes working out in the deep end any longer.

Finally, the Complainant raised concerns that the boys' swim team was given the earlier warmup time before meets, meaning that the girls' team would warmup after the boys' team and thus have less time to recover between warmup and competition. The boys' swimming coach confirmed that during the 2017-18 school year the boys' team would warmup first because the boys were responsible for setting up for the meet and the girls' team was responsible for cleaning up. He reported that the schedule worked this way because the girls' swimming coach was new and was not as familiar with what was needed to set up for the meet. Before the completion of the investigation, however, the District instructed the boys' and girls' swimming coaches to alternate preferred warmup times.

OCR did not identify any disparities by sex in how games were scheduled. The most common concern raised by students was that games were scheduled in the mid-afternoon when parents were not available to come. That concern was consistent for both boys' and girls' sports. Coaches reported that game times for league contests were generally set by the league, and they did not report any significant limitations on when they could schedule games due to facility access.

### *Facilities Issues*

This complaint did not include issues about the quality of practice and competitive facilities for girls' sports, but in the course of OCR's visit to the School, two facilities issues were identified. However, as described below, after OCR's visit the District provided information showing that both of these potential inequities had been resolved in a manner that resolved OCR's potential concerns.

First, the field shared by the boys' baseball and soccer teams appeared to be approximately twice the size in square footage compared to the field shared by the girls' softball and soccer teams. This meant, among other things, that the only way to have a regulation-sized soccer field was to play on top of the dirt infield at one end of the soccer field. However, after OCR's visit, the District informed OCR that to address this issue the School had decided to rotate the soccer teams between the available fields, meaning that the smaller field would no longer be the girls' soccer field and the larger field would no longer be the boys' soccer field. Instead, the larger field would be shared equally among both teams. One of the School's Athletic Directors told OCR in September 2018 that he had communicated that change to both soccer coaches.

Second, during the 2017-18 school year, the girls' gymnastics team and wrestling team split the use of two rooms at the School. The larger room, often called the "wrestling room," was used by the wrestling team year-round except for two to three months when the gymnastics team was in



season. The smaller room (a converted classroom that also houses the staff copy room) was used by gymnastics for most of the year, except during gymnastics season, when the teams switched places and the wrestling team moved in. In the smaller room, the gymnastics team was unable to adequately prepare for their events. For example, the coach reported that she did not allow the gymnasts to attempt certain more complicated moves on the vault because the “runway” was a makeshift path that went out a door (over a lip) and across grass and concrete. The coach also noted that because of the low ceilings in the smaller room, the team was unable to practice certain moves on the bars. After OCR’s site visit, however, the District produced documentation showing a revised facility schedule where the wrestling team would have the large room for half the year, and the gymnastics team would have the large room for the other half of the year.

### **Analysis and Resolution**

#### *Equipment and Supplies*

As described above, OCR found that the District provides very limited financial support for equipment and supplies. As a result, equipment and gear for all sports at the School is pieced together through a combination of the limited funds from the District, donations from the athletes and their families, and other fundraising.

Under that system, OCR found that equipment provided to students varied from team to team based on decisions of the coaches and the specifics of each team. For example, some sports had more gear (like warmups, additional t-shirts, or sweatshirts) based on a larger donation requested for that team, but these variations were not consistent based on sex. For example, the boys’ soccer team had inferior uniforms and balls compared to the girls’ soccer team, whereas the girls’ basketball team placed less of a priority on gear than the boys’ team. As such, OCR did not identify any concerns as to disparities based on sex with respect to equipment and supplies.

#### *Coaching*

OCR did have concerns about the availability of coaching for girls’ sports.

First, OCR found that boys’ teams had 12 more coaches than girls’ teams, in that there were 45.5 coaches for boys’ teams and 33.5 for girls’ teams. Even accounting for the larger numbers of boys’ athletes, there were five extra coaches for boys’ teams at the School than there would have been if coaches were allocated proportionally based on the number of players on each team. Having those additional coaches allowed for additional instruction, safety, and supervision for boys’ athletes, such as greater position group instruction that the boys’ football and baseball teams described.

OCR also found that coaches of girls’ sports at the School were more likely to be walk-on coaches who were not employed by the District as teachers. The fact that girls’ coaches were more likely to be walk-on coaches meant that the coaches did not have the same opportunities to interact with their players at school during the day, and OCR found that the walk-on coaches were less familiar with the processes for things like obtaining equipment and raising money.

These findings were consistent with the student survey results, which showed that participants in girls' sports were more likely to be unsatisfied with the quality and availability of coaching they were receiving and more likely to report that they did not have enough coaches.

In sum, OCR identified a concern that female athletes at the School faced a pattern of disparities in the availability of coaching because there were fewer coaches per athlete for girls' sports, and because those coaches were more likely to be walk-on coaches who only showed up after school rather than being employed by the School as a teacher.

### *Scheduling of Games and Practice Times*

OCR found that scheduling of games and practice was generally conducted through a non-discriminatory process that offered priority for practice time in the facilities for teams that were currently in season. This resulted in both boys' and girls' teams being able to practice at their preferred times during the season, and having to practice at alternate times or locations in the off-season.

OCR did not find that any schedule differences constituted discrimination on the basis of sex. Instead, OCR found that a few teams had practices that started later in the day, but those teams included both girls' and boys' teams. For example, teams with later practices included the boys' football, volleyball, and swimming teams, and the girls' basketball and swimming teams. OCR found that variations in scheduling were most often related to finding a time that the coaches were available.

With respect to the Complainant's assertions, OCR did not find that the girls' swimming or water polo team were denied equal access to the pool. During the school year, the girls' teams equally shared pool time with the boys. During the summer, the boys' water polo team used more pool time because the coaches decided to separate practice for the older and younger students. This option was available to the girls' coaches, but they chose to have one practice in the morning for the whole team. OCR also did not find any evidence that the girls' swimmers or water polo players were disproportionately forced to practice in the shallow end of the pool.

OCR did find that during the 2017-18 school year, the boys' swim team did get to warm up before the girls. However, OCR found that this issue has now been addressed. Similarly, as noted above, OCR found that the School has addressed the issue with the scheduling of gymnastics practice during a period when some girls had class. As noted above, OCR found that the girls' gymnastics' team was only practicing every other day because some of the girls on the team were scheduled for class on the alternate days.

As such, OCR did not find any continuing concerns as to disparities in the scheduling of games and practice times.

### Overall Analysis

OCR bases its compliance determination under the Title IX regulation upon an examination of the following:

- (a.) Whether the policies of an institution pertaining to athletic opportunity are discriminatory on the basis of sex in language or effect; or
- (b.) Whether disparities of a substantial and unjustified nature exist in the benefits, treatment, services, or opportunities afforded male and female athletes in the institution's program as a whole; or
- (c.) Whether disparities in benefits, treatment, services, or opportunities in individual segments of the program are substantial enough in and of themselves to deny equality of athletic opportunity.

As described above, OCR identified a concern that there was a pattern of disparities which disadvantaged female athletes regarding the availability of coaching. In order to complete the investigation and make a determination, OCR would need to conduct additional investigation, including potentially interviewing female student-athletes on affected teams. However, prior to the conclusion of the investigation, the District articulated an interest in resolving the matter prior to the conclusion of the investigation under Section 302 of OCR's Case Processing Manual, and OCR determined that it was appropriate to do so.

#### Overall Conclusion

This concludes the investigation of this complaint.

To address the issues alleged in the complaint, the District, without admitting to any violation of law, entered into the enclosed resolution agreement which is aligned with the complaint allegations and the information obtained by OCR during its investigation. The Resolution Agreement provides that the District will develop and implement a plan to ensure that female athletes at the School have equal opportunity to receive coaching.

Based on the commitments made in the enclosed resolution agreement, OCR is closing the investigation of this complaint as of the date of this letter, and notifying the complainant concurrently. When fully implemented, the resolution agreement is intended to address the complaint allegations. OCR will monitor the implementation of the resolution agreement until the District is in compliance with the terms of the resolution agreement. Upon completion of the obligations under the resolution agreement, OCR will close the case.

OCR's determination in this matter should not be interpreted to address the District compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

Please be advised that the District may not harass, coerce, intimidate, retaliate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual 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, it will seek to protect, to the extent provided by the law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

Thank you for your cooperation in resolving this case. If you have any questions regarding this letter, please contact Blake Thompson, Civil Rights Attorney, at (415) 486-XXXX or at [blake.thompson@ed.gov](mailto:blake.thompson@ed.gov).

Sincerely,

/s/

Zachary Pelchat  
Team Leader

Enclosure

Cc: Nancy Mahan-Lamb, Counsel for the District  
Kimberly Dalton, Director of Human Resources