



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

February 1, 2022

VIA ELECTRONIC MAIL

Mr. Antonio Garcia
Superintendent
Santa Maria Joint Union High School District

(In reply, please refer to # 09-19-1262.)

Dear Superintendent Garcia:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has resolved the above-referenced complaint against Santa Maria Joint Union High School District (District). OCR investigated whether, at Righetti High School (School), the District:

- (1) Discriminates against female students on the basis of sex in its athletics program in the following program components:
 - (a) Scheduling of games and practice times;
 - (b) Travel and per diem;
 - (c) Equipment and supplies;
 - (d) Opportunity to receive coaching; and
 - (e) Locker rooms, practice, and competitive facilities.
- (2) Discriminates against male students on the basis of sex by providing a locker room for male students that is not comparable to the locker room provided to female students.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex under any education program or activity receiving Federal financial assistance. The District receives funds from the Department and is therefore subject to Title IX and the regulation.

OCR gathered evidence by interviewing the Complainant and a male student as well as by reviewing documents and statements provided by the District. Based upon the evidence gathered to date, OCR identified compliance concerns with respect to allegations 1 and 2. Before OCR had completed its investigation, the District voluntarily agreed to resolve the concerns OCR identified. The legal standards, facts gathered, and resolution of the allegations is summarized below.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Issue 1: Whether the District discriminates against female students on the basis of sex in its athletics program at the School in the following program components: (a) scheduling of games and practice times; (b) travel and per diem; (c) equipment and supplies; (d) opportunity to receive coaching; and (e) locker rooms, practice, and competitive facilities.

Legal Standard

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, intercollegiate, club, or intramural athletics offered by a recipient of federal financial assistance, and no such District shall provide any such athletics separately on such basis. As a means of assessing compliance under the regulations, OCR follows its Policy Interpretation on Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71413, et seq. (1979). Although the Policy Interpretation focuses on intercollegiate athletics, OCR applies the same general principles to high school athletic programs.

In its investigation, OCR examined the following components of the District's athletic program: scheduling of games and practice times; travel and per diem; equipment and supplies; opportunity to receive coaching; and locker rooms, practice, and competitive facilities.

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 are negligible. Where the disparities are 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. Using the criteria provided in the Policy Interpretation, OCR examines the benefits, services and opportunities provided to male and female athletes.

Factual Findings

OCR was advised that in Fall 2019, a girls basketball player complained about inequalities between the School's girls and boys basketball programs, which prompted an OCR complaint. OCR was also advised that other female student athletes and coaches have complained about inequality in the School's athletics teams with regard to equipment, competitive opportunities, and practice time.

(a) Scheduling of Games and Practices

OCR was informed that the Varsity boys basketball team had more games overall than the Varsity girls basketball team, as well as more home games and home games on Fridays. OCR reviewed information including practice and game schedules provided by the District.

With regard to preseason competitions, the District stated that it does not have an official written policy, and that whether a team participates in preseason competition is at the discretion of the team's coach. According to the information provided to OCR by the District, in 2017-2018, the School's Varsity boys teams participated in 22 preseason competitions and its Varsity girls teams participated in 21 preseason competitions; in 2018-2019, Varsity boys teams participated in 22 preseason competitions and Varsity girls teams participated in 24 competitions.

The District told OCR that regular season competition schedules for the School's athletics teams are created by the Central Coast Athletics Association ("CCAA") Scheduler, who is appointed by the CCAA, and that the School's AD collaborates with the Scheduler to schedule all the School's team's competitions with input from the head coaches. The District provided OCR with the following information about the number of regular season competitive opportunities for its Varsity athletics teams:

2017-2018 Varsity Regular Season

Varsity Boys Team	Number of Competitive Opportunities	Varsity Girls Team	Number of Competitive Opportunities
Baseball	27	Softball	18
Basketball	17	Basketball	17
Golf	15	Golf	18
Soccer	19	Soccer	20
Swimming	11	Swimming	11
Tennis	17	Tennis	16
Volleyball	18	Volleyball	20
Water Polo	13	Water Polo	12
Wrestling	16	Wrestling	8
Total	153	Total	140

2018-2019 Varsity Regular Season

Varsity Boys Team	Number of Competitive Opportunities	Varsity Girls Team	Number of Competitive Opportunities
Baseball	28	Softball	24
Basketball	19	Basketball	14
Golf	13	Golf	15
Soccer	15	Soccer	18
Swimming	5	Swimming	5
Tennis	16	Tennis	16
Volleyball	14	Volleyball	19
Water Polo	17	Water Polo	10
Wrestling	14	Wrestling	8
Total	141	Total	129

With regard to postseason competition, the District stated that it was dictated by the California Interscholastic Federation ("CIF"), and that in order to be eligible to participate in playoffs, a team must generally win 40% of their games or be ranked in the top 16 teams. According to information provided by the District, in 2017-2018, an equal number of the School's Varsity

girls and boys teams qualified for the postseason (five each); in 2018-2019, six Varsity girls athletic teams and five Varsity boys athletic teams qualified for postseason.

With regard to game days, according to information provided by the District, in 2017-2018 the School's Varsity boys basketball team played seven home non-tournament games on five different days of the week; additionally, no games were played on a Friday. The Varsity girls basketball team also played seven non-tournament home games, but on four different days of the week including three games on a Friday. In 2018-2019, the Varsity boys basketball team played seven non-tournament home games on four days of the week, with two games on a Friday; the Varsity girls basketball team played five non-tournament home games, with three games on a Friday. With regard to game times, all boys basketball games were played at 3:45, 5:15, or 7:00 PM; and all girls basketball program games were played at 3:45, 5:15, or 6:45 PM.

OCR reviewed 2017-2018 and 2018-2019 schedules for the School's other Varsity athletics teams and found no difference with regard to the game days and game times.

With regard to practice schedules, OCR was advised that certain Varsity boys athletics teams, such as baseball and swimming, had more practice time than did the corresponding Varsity girls team. The District stated that it did not have a written policy regarding practices and that coaches submit proposed practice schedules to the Athletic Director, who prioritizes facility access for sports which are in-season. Where facilities are shared between teams, the District stated that coaches work together to determine a facilities schedule with the assistance of the Athletic Director if necessary.

According to information provided by the District, in 2017-2018 four of the School's Varsity boys teams had practice hours greater than the corresponding Varsity girls teams. One Varsity girls athletics team – the basketball team – had practice hours greater than its corresponding Varsity boys team:

2017-2018 Season

Team	Varsity Boys Weekly Practice Hours	Varsity Girls Weekly Practice Hours
Baseball/Softball	15	13.25
Swimming	15.25	14.5
Volleyball	11.25	10
Water Polo	19.5	17.5
Basketball	10.75	12

Overall, during 2017-2018, the information showed that the School's Varsity boys teams had 4% more practice hours per week than did the Varsity girls teams (120.5 hours versus 116 hours), with the Varsity baseball team practicing 12% more than the Varsity softball team, and the Varsity boys water polo team practicing 10% more than the Varsity girls water polo team.

In 2018-2019, according to information provided by the District, four Varsity boys teams had practice hours greater than the corresponding Varsity girls teams, and two Varsity girls teams had practice hours greater than the corresponding Varsity boys teams:

2018-2019 Season

Team	Varsity Boys Weekly Practice Hours	Varsity Girls Weekly Practice Hours
Baseball/Softball	17	13.25
Swimming	15.25	14.5
Volleyball	11.25	10
Water Polo	17.5	13.5
Basketball	10.75	12
Tennis	10	15

Overall, during 2018-2019, the information showed that the School's Varsity boys teams had 8% more practice hours than the Varsity girls teams (115.5 hours versus 112 hours), with the Varsity baseball team having nearly 28% more practice time than the Varsity softball team, and Varsity boys water polo team having 23% more practice hours than the Varsity girls team. The greatest discrepancy among all teams, however, was between the tennis teams, where the Varsity girls team had 50% more practice hours than the Varsity boys team.

OCR learned that the School's Varsity girls and boys basketball teams shared a gym and practiced back-to-back, from 3:00-5:00 and 5:00-7:00, and that the Varsity girls team practiced consistently in the late practice time slot during the week (i.e., did not alternate early and late practice times). OCR reviewed team schedules that indicated that the Varsity girls basketball team practiced daily during the week in the later time slot in both 2017-2018 and 2018-2019. The District told OCR that the Varsity girls basketball practice schedule was created by the team's coach, who preferred the later time slot during the week in order to accommodate team members who had a seventh period class and study hall.

OCR reviewed Varsity team schedules for the School's eight other Varsity teams, and during both 2017-2018 and 2018-2019, six teams practiced at the same or very similar (within 15 minute) time periods during the same or different seasons; additionally, the Varsity girls and boys swim teams alternated the same or similar practice times on different days during the same season; and the Varsity girls and boys soccer teams alternated yearly the early and late practice slots.

With regard to off-season practices, OCR was advised that the girls basketball program was not provided with equitable access to summer/off season gym time. The District stated that the boys and girls basketball "club teams" were each allotted four hours of practice time in the gym over the summer which was utilized at the discretion of the club coaches.

Allegation 1(a) – Analysis and Resolution

In assessing a recipient's compliance with the Title IX regulations, at 34 C.F.R. §106.41, OCR evaluates the benefits, services and opportunities provided to male and female athletes. In assessing the District's compliance with respect to scheduling of games, in particular, 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 postseason competition.¹

¹ 34 C.F.R. §106.41(c)(3) and 1979 Policy Interpretation

In this case, with respect to the number of competitive opportunities, OCR was concerned that the School's Varsity girls athletics teams may have had fewer regular season competition opportunities than its Varsity boys teams in both 2017-2018 and 2018-2019. Based upon the information gathered to date, in 2017-2018, the School's Varsity boys athletic teams had 9% more regular season competitive opportunities overall than did the Varsity girls teams (153 versus 140); in 2018-2019, the School's Varsity boys teams had 8% more regular season competitive opportunities overall than the Varsity girls teams (141 versus 129). OCR was especially concerned that in 2017-2018, the Varsity boys wrestling team had 50% more competitive opportunities than the Varsity girls wrestling team (16 versus 8), and the Varsity baseball team had 33% more competitive opportunities than the Varsity softball team (27 versus 18). OCR was also concerned that in 2018-2019, the Varsity boys wrestling team had 42% more competitive opportunities than the Varsity girls wrestling team (14 versus 8); the Varsity boys water polo team had 41% more competitive opportunities than the Varsity girls water polo team (17 versus 10); and the Varsity girls golf team had 20% more competition opportunities than the Varsity boys golf team (18 competitions for the girls; 15 for the boys). With respect to the Varsity basketball teams, specifically, the teams had an equal number of competitions in 2017-2018; in 2018-2019, however, the Varsity boys basketball team had 36% more regular season competitive opportunities (19) than the Varsity girls team (14), as well more home games (seven for the Varsity boys team; five for the Varsity girls team).

With regard to practice hours, OCR was concerned that the School's Varsity boys athletics teams may have had greater practice opportunities than its Varsity girls teams during both the 2017-2018 and 2018-2019 regular seasons. For example, based upon the information gathered to date, in 2017-2018 the Varsity baseball team had 12% more practice hours than the Varsity softball team, and the Varsity boys water polo team had 10% more practice hours than the Varsity girls team. In 2018-2019, the Varsity baseball team had 28% more practice hours than the Varsity softball team; and the Varsity boys water polo team had 23% more practice hours than the Varsity girls team. Also in 2018-2019, the Varsity girls tennis team had 50% more practice hours than the Varsity boys tennis team. With regard to basketball, specifically, the Varsity girls basketball team had 11% more practice hours than the Varsity boys team in both 2017-2018 and 2018-2019; the Varsity girls basketball team also practiced exclusively in the later time slot (4:00-6:00 PM) during both seasons and had two fewer home games in 2018-2019.

The information above raises a concern that the District may not be in compliance with Title IX and its implementing regulations with respect to whether the District offers proportionately similar numbers of Varsity male and female athletes equivalent competitive opportunities; including providing teams with equivalent competitive opportunities, practice opportunities, and practice times. However, the District expressed interest in voluntary resolution and OCR determined that voluntary resolution was appropriate. Thus, OCR's concerns are fully addressed in the enclosed Resolution Agreement provisions.

(b) Travel and Per Diem

OCR was informed that the School's student athletes traveled to games by van, school bus, or parent volunteer. OCR was also advised that the vans were seen as "better" than school buses, and the boys basketball teams overall traveled to games more frequently by van than by school bus. In addition, the Junior Varsity and Freshmen girls basketball teams were asked to have

parent volunteers drive them to games during both 2017-2018 and 2018-2019, whereas the Junior Varsity and Freshmen boys teams traveled by school bus or van.

The District stated that team coaches request transportation to games from the Athletic Director at the beginning of each season. According to the District, vans are used unless there is insufficient seating for the number of student athletes, in which case either a bus is used, or coaches request additional volunteer drivers from among parents/guardians. The District provided OCR with transportation information for the School's Varsity athletic teams during 2017-2018 and 2018-2019. The information showed that during the 2017-2018 year, the Varsity girls and boys teams had equivalent usage for vans and buses, with three exceptions:

- The Varsity girls soccer team used a van to travel to all of its away games; whereas the Varsity boys soccer team used a van once, a bus seven times, and parent volunteers once to travel to away games. The District stated that this was because Varsity girls soccer team preferred to travel using vans and requested them; whereas the Varsity boys soccer team preferred to use buses.
- The Varsity boys volleyball team traveled to all ten of its away games by van; the Varsity girls volleyball team traveled by van three times and by bus 11 times to its 14 away games. The District stated that this was because the boys volleyball program had a Junior Varsity and Varsity team whereas the girls program had Freshman, Junior Varsity, and Varsity teams and the busses were used to transport the larger number of female athletes.
- The Varsity baseball team traveled to its 12 away games by van; the Varsity softball team traveled to its nine away games by van six times and by bus three times. The District's data response did not include information about why this occurred.

In 2018-2019, Varsity girls and boys athletics teams had equivalent usage of vans and buses, except for the soccer teams (as described above), and the following exception:

- The Varsity boys water polo team traveled to 13 of its 16 away games by van and the remaining three games by bus; the Varsity girls water polo team traveled to its nine away games by van four times, and bus five times. The District's data response did not include information about why this occurred.

With regard to the basketball program specifically, OCR reviewed information provided by the District about the teams' transportation, which indicated equivalent usage of vans and buses with two exceptions: in 2017-2018, the Junior Varsity girls team had one more away game than the Junior Varsity boys team and traveled to it by parent volunteers; in 2018-2019, the girls basketball program (all team levels) traveled by bus one time more than the boys program because, according to the District, a van was broken.

With regard to per diem, OCR was informed that there were also disparities in travel funding during the 2017-2018 and 2018-2019 seasons. Specifically, that the Varsity girls basketball team was required to fundraise to pay for holiday travel, whereas the Varsity boys basketball team was not. The District stated that both the boys and the girls basketball programs were asked to fundraise to cover the accommodations for holiday tournaments. According to the District

Coach's Handbook, the School's athletics programs are responsible for paying their own travel costs to tournaments, as well as that travel to and accommodations at non-league contests generally was dependent on the School's budget.

The District provided OCR with information showing that during 2017-2018, the School's Varsity boys teams traveled to 15 away competitions including tournaments, where they stayed overnight for 27 nights, and that the School's Varsity girls teams traveled to 11 away competitions including tournaments, where they stayed overnight for 15 nights. With regard to the School's basketball programs, specifically, the District stated that during 2017-2018, the boys basketball program traveled to two competitions and stayed overnight for six nights, and that the girls basketball program also traveled to two competitions but stayed overnight for four nights.

The District also provided OCR with information showing that during 2018-2019, the School's Varsity boys teams traveled to eight away competitions, where they stayed overnight for 17 nights, and that the School's Varsity girls teams traveled to ten away competitions, where they stayed overnight for 17 nights. With regard to the School's basketball programs, specifically, the District stated that during 2018-2019, the boys basketball program traveled to two competitions where they stayed overnight for six nights, and that the girls basketball program also traveled to two competitions but stayed overnight for six nights.

Additionally, the District provided information showing that the boys and girls athletics programs stayed at comparable hotel and motel properties where, on average, the School's boys teams averaged 3.26 students per room and the girls teams averaged 3.27 students per room.

Allegation 1(b) – Analysis and Resolution

In assessing compliance with respect to travel and per diem under the Title IX regulations, at 34 C.F.R. § 106.41(c)(4), OCR considers the modes of transportation, housing furnished during travel, length of stay before and after competitive events, per diem allowances, and dining arrangements.

In this case, with regard to travel, the information provided by the District to date raises a concern that the School's Varsity girls athletics teams may not have been provided with equal opportunities as the School's Varsity boys athletics teams. Specifically, during the academic years 2017-2018 and 2018-2019 combined, the School's Varsity girls athletics teams traveled to 21 competitions at which they stayed overnight 32 times; in contrast, the Varsity boys athletics teams traveled to 23 competitions at which they stayed overnight 44 times.

With regard to transportation and based upon the information gathered to date, OCR is concerned that the School's girls athletics teams may not have been provided with equivalent transportation as the boys teams during 2017-2018 and 2018-2019. For example, during 2017-2018, the Varsity baseball team traveled to 12 away games by van, whereas the Varsity softball team traveled to nine away games by van six times and by bus three times. During 2018-2019, the Varsity boys water polo team traveled to 13 of its 16 away games by van and the remaining three games by bus; whereas the Varsity girls water polo team traveled to its nine away games by van four times and by bus five times. While the District's data response did not include

information explaining these disparities, the District expressed interest in voluntary resolution, and OCR found voluntary resolution to be appropriate.

With regard to the specific allegation that the Varsity girls basketball team was required to fundraise to travel to holiday tournaments whereas the Varsity boys team was not, Title IX does not require teams to have equivalent sources of travel funding; however, Title IX prohibits different treatment based upon sex, and OCR is concerned that the District may have treated boys and girls basketball team members different with respect to fundraising requirements. However, the District expressed interest in voluntary resolution and OCR determined that voluntary resolution was appropriate. Thus, OCR's concerns are fully addressed in the enclosed Resolution Agreement provisions.

(c) Equipment and Supplies

OCR was informed that the Varsity boys basketball team was provided with warm up tops during the 2018-2019 season, and that the Varsity girls team was not, as well as that other Varsity boys teams, including swimming and water polo, were provided with equipment and supplies while the corresponding Varsity girls teams were not.

The District stated that team uniforms and practice apparel were provided on an "as needed" basis" when needing replacement. The District provided OCR with a list of equipment and supplies purchased during the 2017-2018 and 2018-2019 seasons, which included that in 2017-2018, the District purchased uniforms for girls and boys athletics teams, as well as baseballs, softballs, "wrestling gear", and other equipment. In 2018-2019, the District purchased equipment including a dozen water polo balls for each of the boys and girls water polo teams, soccer uniforms, softball uniforms, and "Fall balls" including soccer and volleyballs. There was no information about whether warm-up tops had been purchased for the Varsity boys basketball team. Among the other athletic equipment purchased – for example, water polo goals and basketball racks – the District data did not specify whether the equipment was for the Varsity girls or boys team (or both).

Allegation 1(c) – Analysis and Resolution

In assessing compliance with respect to equipment and supplies 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 supplies, instructional devices, conditioning and weight training equipment, and general equipment.

Based upon the information provided to date, OCR has a potential compliance concern regarding the provision of equipment, including warm up gear, to the School's boys teams and not to their respective girls teams. However, the District expressed interest in voluntary resolution and OCR determined that voluntary resolution was appropriate. Thus, OCR's concerns are fully addressed in the enclosed Resolution Agreement provisions.

(d) Opportunity to Receive Coaching

Factual Findings

OCR was informed that the Varsity boys wrestling, swimming, and water polo teams have more coaches than do the corresponding Varsity girls teams.

The District told OCR that during 2017-2018 and 2018-2019 school years, the School had 21 Varsity athletic teams, 18 of which were single sex (nine each for male and female athletes), and three of which were coed (football, cross country, and track and field). The District stated that in total, 215 boys and 49 girls participated on coed teams during 2017-2018, and 229 boys and 63 girls participated on coed teams during 2018-2019. The District provided OCR with the following information about the number of male student athletes during 2017-2018 and 2018-2019:

Sport	2017-2018	2018-2019
Baseball	23	16
Basketball	12	11
Golf	11	11
Soccer	20	20
Swimming	32	22
Tennis	11	12
Volleyball	14	12
Water Polo	15	13
Wrestling	20	24
Total	158	141

The District also provided OCR with the following information about the number of female student athletes during 2017-2018 and 2018-2019:

Sport	2017-2018	2018-2019
Basketball	12	11
Golf	17	14
Soccer	18	21
Softball	19	15
Swimming	38	36
Tennis	11	19
Volleyball	13	13
Water Polo	16	12
Wrestling	10	19
Total	154	160

Additionally, the District provided OCR with information about the number of coaches for the School's Varsity teams during 2017-2018 and 2018 (See chart below.) Other than a title such as "head coach," however, the information did not differentiate between part-time and full-time coaches nor did it provide information about coaches' qualifications, part-time status, etc.

2017-2018

Varsity Boys Team	Number of Male Athletes	Number of Coaches	Varsity Girls Team	Number of Female Athletes	Number of Coaches
Baseball	23	5	Softball	12	2
Basketball	12	1	Basketball	17	2
Golf	11	2	Golf	18	2
Soccer	20	1	Soccer	19	1
Swimming	32	2	Swimming	38	2
Tennis	11	1	Tennis	11	2
Volleyball	14	2	Volleyball	13	2
Water Polo	15	2	Water Polo	16	2
Wrestling	20	2	Wrestling	10	2
Coed Team					
Football ²	156	9		3	
Cross Country	15	1		11	1
Track & Field	44	2		35	2
Total	373	30		203	20

Based upon this information, OCR calculated that in 2017-2018, the coach-to-Varsity male student ratio was approximately 1:12, and the coach-to-Varsity female student ratio was 1:10.

2018-2019

Varsity Boys Team	Number of Athletes	Number of Coaches	Varsity Girls Team	Number of Athletes	Number of Coaches
Baseball	16	5	Softball	11	2
Basketball	11	3	Basketball	14	2
Golf	11	1	Golf	21	2
Soccer	20	2	Soccer	15	2
Swimming	22	2	Swimming	36	2
Tennis	12	1	Tennis	19	1
Volleyball	12	2	Volleyball	13	2
Water Polo	13	2	Water Polo	12	2
Wrestling	24	3	Wrestling	19	2
Football	155	10		3	
Cross Country	15	1		18	1
Track & Field ³	59	3		42	2
Total	370	38		223	20

² OCR allocated coaches proportionately, with all five Varsity football coaches being allocated to the male student athletes.

³ OCR allocated the five Varsity track and field coaches proportionately, 3:2.

Based upon this information, OCR calculated that in 2018-2019, the coach-to-Varsity male student ratio was approximately 1:10, and the coach-to-Varsity female student ratio was 1:11.

Allegation 1(d) – Analysis and Resolution

In assessing compliance with respect to the opportunity to receive coaching under the Title IX regulations, at 34 C.F.R. § 106.41(c)(5) and (6), 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. Also, in analyzing the availability of coaching, OCR separates 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.

Based upon the information provided to date, OCR found that the School's overall coach-to-student athlete ratios, on their own, were not a disparity: in 2017-2018, the ratio of coaches to athletes was 1:10 for female students and 1:12 for male athletes; in 2018-2019, the ratio was 1:10 for male athletes, and 1:11 for female athletes. However, OCR was concerned, that in 2018-2019 the Varsity boys swim team had two coaches for 22 athletes, whereas the Varsity girls team has two coaches for 36 athletes. Because the information provided to date did not include whether these and other coaches in other sports were part-time or full-time, OCR has a potential compliance concern. However, the District expressed interest in voluntary resolution and OCR determined that voluntary resolution was appropriate. Thus, OCR's concerns are fully addressed in the enclosed Resolution Agreement provisions.

(e) Locker rooms, Practice, and Competitive Facilities

Team Rooms: OCR was advised that the School's gym is divided into "girls" and "boys" sides, with a "team room" on each side, and that the girls team room is smaller and doubles as a storage room for sporting and maintenance equipment, while the boys team room does not. OCR reviewed a photo of the girls team room which showed a corner of a room with lockers and fitness equipment piled on the floor, including exercise balls, goals, netting, plastic pipes, and a basketball rack with approximately ten basketballs. The room and the lockers were beige. In contrast, OCR reviewed a photo of the boys team room which showed a mural on the wall with a football helmet and navy blue lockers; there was no equipment stored in the room.

The District stated that it provides a "team room" on each side the gym for in-season boys and girls athletics teams to meet and store equipment. The District told OCR that while all teams are able to use the team rooms, currently only the girls basketball team used the girls team room, and only the football team used the boys team room. The District further stated that teams store equipment in the team rooms; that there are two boys team rooms, a Varsity boys team room that is 500 square feet and a "JV/Freshman" boys team room that is 386 square feet, and that there is one Varsity girls team room that is 336 square feet. The District stated that the Varsity boys team room has 102 lockers; the JV/Freshman boys team room has 150 lockers; and the Varsity girls team room has 74 lockers.

Softball Field/Baseball Diamond: OCR learned that the baseball program has two practice diamonds, one for the Varsity team and one for the Junior Varsity team, and that the Varsity baseball team diamond has a separate enclosed area with a workout space for pitchers and catchers, as well as a batting cage. OCR was informed that the Varsity baseball field has a fence up year-round, which enables the team to practice all year. In contrast, OCR was told that the softball program has a single diamond and no enclosed workout area for pitchers and catchers. Additionally, the softball outfield is a multi-use field that is used in other seasons by Junior Varsity football, soccer, the track team's discus and shot-put athletes, and recreational teams not affiliated with the School. As a result, OCR was advised that the softball program is unable to practice during the off-season. Furthermore, the softball team's press box is smaller than the baseball team's; and that unlike the Junior Varsity and Freshman boys baseball teams, which have their own field at the School, the JV softball team has to walk to and practice at Lakeview Junior High School, which is 1.5 miles from the School.

The District told OCR that the baseball and softball fields are used exclusively by those teams and are not shared with other teams or recreational sports. The District provided OCR with a diagram of its campus that showed a single softball field identified as "Softball Field JV/V", and two baseball fields identified as "Baseball Field JV/V" and "Practice Field Baseball F." The District also provided OCR with a photograph of the campus on which was indicated a "Varsity" baseball field was at the northeast end of campus; a "JV/Frosh" baseball field at the southeast end of campus; and a "Varsity/JV" softball field in between the two baseball fields with its outfield abutting the outfield of the Varsity baseball team.

OCR reviewed an overhead view of the School's campus. The Varsity baseball diamond appears to have an additional fenced/enclosed practice area adjacent to the field on the first base side. The Varsity softball field does not appear to have this enclosed area. The Varsity baseball diamond also appears to have a large batting cage. However, the District's data response did not include information about where the Junior Varsity softball team practiced; about whether the baseball diamond had a separate covered area for pitchers and catchers; about whether the softball team had a similar covered area for its pitchers and catchers, about whether the softball team could practice year-round; or about the size of the softball and baseball press boxes.

Other Athletics Facilities: The District provided OCR with a map of additional campus athletic facilities that indicated that the soccer, swimming, tennis, basketball, water polo, and wrestling teams shared facilities or fields on campus, and that the golf teams practiced at a nearby course.

Allegation 1(d) – Analysis and Resolution

In assessing compliance with respect to locker rooms and practice and competitive facilities under 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.

Based upon the information gathered to date, OCR is concerned that the District may not be providing its male and female student athletes with equivalent team rooms. For example, according to information provided by the District, male athletes have two team rooms totaling

approximately 966 square feet (580' for the Varsity boys team room, plus 386' for the JV/Frosh team room) with 392 total lockers; whereas Varsity female athletes had only one team room totaling 336 square feet and containing 74 lockers. Additionally, photographs showed that equipment was stored on the floor and on benches in the girls team room but not the boys team room.

OCR is also concerned that the School's Varsity softball team may not have been provided with facilities equivalent to those of the Varsity baseball team. For example, based upon photographs and diagrams provided by the District, the Varsity baseball team may have its own diamond with a covered practice area for pitchers and catchers; whereas the Varsity softball team shares a diamond with the Junior Varsity team and does not appear to have a covered practice area for pitchers and catchers. However, the District expressed interest in voluntary resolution and OCR determined that voluntary resolution was appropriate. Thus, OCR's concerns are fully addressed in the enclosed Resolution Agreement provisions.

Allegation 2: Whether the District discriminates against male students on the basis of sex by providing a locker room for male students that is not comparable to the locker room provided to female students.

Factual Findings

OCR learned that the School's gym is divided in half with the female students on the east side and male students on the west side, and that the two sides of the gym have the same square footage and each has a locker room. OCR was informed that the girls locker room has more than 1,000 lockers which are assigned to female students taking physical education (PE) classes so that they can store their gym clothes; in contrast, the majority of lockers have been removed from the boys locker room to prevent theft and inappropriate behavior. OCR learned that male students are not permitted to use any of the approximately 100 lockers remaining in the boys locker room to store their clothes during PE class, and are instead required to bring gym clothes with them to each class. Instead, male students have to change out of school clothes and put them in a gym bag; give the gym bag to the PE teacher or an aide to safeguard during PE class; and retrieve the gym bag after class and change back to school clothes, which then must be carried for the rest of the day. OCR reviewed a photograph of the boys locker room. It showed a large room mostly empty of lockers, with a table and a metal shopping cart.

The District stated that the School's locker rooms are currently not in use due to COVID-19. The District also stated that the boys and girls locker rooms are of similar size, and that the boys locker room is 546 feet from the stadium and 603 feet from the practice area; and that the girls locker room is 718 feet from the stadium and 335 feet from the practice area. The District agreed that there were fewer lockers (140) in the boys locker room than in the girls locker room (931 lockers). According to the District, lockers were removed from the boys locker room in 2013 in response to "a significant amount of theft." However, according to the District, students can store their clothing and possessions in the remaining lockers during PE class. The District stated that lockers were not removed from the girls locker room because a similar level of theft was not reported. The District did not provide documentary information regarding the thefts and whether they remained a concern eight years after the lockers had been removed.

Allegation 2 – Analysis and Resolution

Based upon the information gathered to date, OCR is concerned that the District may not be providing the School's male students with a locker room that is comparable to that which is provided to female students. For example, the girls locker room has approximately 800 more lockers than does the boys locker room, and that female students may store their gym clothes in their lockers while male student must bring their gym clothes daily (or whenever they have PE class). However, the District expressed interest in voluntary resolution and OCR determined that voluntary resolution was appropriate. Thus, OCR's concerns are fully addressed in the enclosed Resolution Agreement provisions.

Conclusion

This concludes the investigation of this complaint.

To address the issues raised in the complaint, the District, without admitting to any violation of law, entered into the enclosed Resolution Agreement (Agreement) which is aligned with OCR's compliance concerns. Under the Agreement, the District will provide its Title IX Coordinator, and the School's Athletic Director, Principal, and all coaches of interscholastic and club teams at the School with a training that includes the District's general responsibilities under Title IX with respect to athletics. The District will also ensure that the School's girls athletics teams have equivalent competitive opportunities, practice hours, equipment and supplies, opportunities to use School vans for travel, and an equivalent ratio of coaches per student as the boys athletics teams. The District also agrees that it will not treat male and female student athletes differently with respect to fundraising requirements; and that it will provide equivalent boys and girls team rooms and locker rooms; and that the School's baseball and softball facilities are equivalent in quality, availability, amenities, and usage, including travel time to their respective fields.

Based on the commitments made in the enclosed 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 Agreement is intended to address the concerns identified during OCR's investigation. 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.

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, 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 regarding this letter, please contact Matthew Wood, Civil Rights Attorney, at Matthew.Wood@ed.gov.

Sincerely,

/s/

Ava DeAlmeida-Law
Team Leader

Enclosures (1): Agreement

cc: Daniel M. McElhinney, Lozano Smith, Attorneys at Law