



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

January 15, 2021

**VIA ELECTRONIC MAIL**

Janet Schulze, Ed.D.  
Superintendent  
Pittsburg Unified School District  
XXXXXXXXXXXXXX

(In reply, please refer to # 09-19-1295.)

Dear Superintendent Schulze:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has resolved the above-referenced complaint against the Pittsburg Unified School District (the District). The complaint alleged that the District discriminated against female students on the basis of sex in its athletics program. OCR investigated whether the District discriminated against female students on the basis of sex in the provision of locker room, practice, and competitive facilities in its athletics program.

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.

To investigate this complaint, OCR gathered evidence by reviewing information provided by the District and the Complainant. OCR conducted a survey of student-athletes and coaches and an onsite inspection of the School's athletic facilities. During its visit to the School OCR provided members of the School's community the opportunity to speak with OCR about the administration of the District's athletics program. OCR also conducted interviews of coaches and administration from the School's athletic program.

**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 District's athletic program's provision of locker rooms, practice and competitive facilities.

OCR examined 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.

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.

#### Facts gathered to date

The Complainant alleged that Pittsburg High School's softball facilities are inferior to the baseball facilities because they have no restrooms available for practices or competitive events, and because the baseball facility has a scoreboard, concessions stand, restrooms, and adequate seating for home and visitor spectators at games. The investigation was therefore focused on the provision of facilities provided to all sports in the athletics program overall.

During the 2018-2019 school year, the School's athletics department consisted of the following sports teams which have their seasons during the following times of the year:

- Fall Sports: co-ed cross country, girls' golf, girls' volleyball, football, girls' tennis, girls' water polo, and boys' water polo.
- Winter Sports: girls' basketball, boys' basketball, girls' wrestling, boys' wrestling, girls' soccer and boys' soccer.
- Spring Sports: boys' baseball, girls' softball, co-ed swimming, boys' tennis, boys' volleyball, boys' golf and co-ed track and field.

Based on the District's data response and OCR's onsite visit to the School, OCR found that during the 2018-2019 school year, the School utilized eight facilities for practice and competition and locker rooms. These include:

1. Tennis Complex
2. New Gym
3. Old Gym
4. Wrestling Gym
5. Pittsburg High School Stadium and Field (Stadium)
6. Arenivar Field (Baseball Diamond)
7. Varsity Softball Field (Varsity Softball Diamond)
8. Junior Varsity Softball Field (Junior Varsity Softball Diamond)

#### *Off-campus athletic facilities*

Golf, swimming, cross-country and water polo use off-campus facilities for practices and home competitions. OCR did not inspect any of these off-site facilities during the onsite visit to the School.

The girls' golf team and the boys' golf team practice and compete during different seasons. The girls practice and compete during the fall and the boys practice and compete during the spring. Both the girls' and boys' teams use Lone Tree Golf Course in Antioch, which is located approximately 20 minutes from the School by car.

The girls' swim team and boys' swim team practice and compete during the spring season. Both teams use the City of Pittsburg's Buchanan Swim Center, located about seven minutes from campus by car.

The girls' water polo team and boys' water polo team practice and compete during the fall season. Both teams also use the City of Pittsburg's Buchanan Swim Center, located about seven minutes from the campus by car.

The girls' cross-country and boys' cross-country teams practice and compete during the spring season. For competitions, both teams use the Stoneman Trailhead, located about eight minutes from the campus by car. For practice, both teams use the Pittsburg High Stadium.

### *District operated facilities*

Girls' and boys' sports teams share the following facilities: New Gym, Old Gym, Stadium , tennis courts, Varsity Softball Diamond, JV Softball Diamond, and the Wrestling Gym. Aside from facilities shared by girls' and boys' teams, the Baseball Diamond is used almost exclusively by the baseball team.

OCR learned that the coaches generally work together to share and schedule the School facilities, and the Principal in consultation with the Athletic Coordinator makes the final decision. Normally, teams that are in season get priority access to athletic facilities. Additionally, the Bay Valley Athletic League (League) constructs the schedule to avoid conflicts with girls' and boys' sports.

Below is a summary of the features, quality, and maintenance of the different athletics facilities at the School based on the information OCR has gathered to date:

### *Tennis Complex*

The Tennis Complex (Complex) consists of a group of eight tennis courts located on the School's main campus. Each of the eight tennis courts is green with a red outline, made of a hard surface, mostly even and totally fenced in. Male and female athletes responding to OCR's survey indicated that the surface of some of the courts are cracked and uneven. Each of the courts also contains two baselines, two center marks, two service lines, four singles sidelines, four doubles sidelines, two center service lines, two left service boxes, two right service boxes, two net poles, and a net. The Complex was clean but contained no spectator seating, no restroom, no public address system, no scoreboard, no lights, and no press box. Male and Female athletes stated that they had to set up the scoreboard and chairs to prepare the Complex for competition.

### *New Gym*

The New Gym is a wood surfaced, multi-use facility used to host practice and competitive events for volleyball, wrestling, and basketball located at the School. The New Gym is approximately ten years old, regularly used by PE classes, clean, has an even wood glossy surface, and has seating sufficient for at least 1000 spectators. The New Gym contains three regulation-sized basketball courts with two hoops each, space for three regulation-sized volleyball courts, two electronic scoreboards, four restrooms, public address system, and concession stand. It meets the size requirements to host competitive events for wrestling, basketball, and volleyball. A majority of wrestling, volleyball, and basketball athletes surveyed by OCR rated the New Gym as good or excellent. Both female and male wrestlers reported in OCR's survey that they were required to set up wrestling mats to prepare the facility for competitive events. Female and male volleyball players also stated in OCR's survey that they set up chairs and nets to prepare the facility for practice and competitive events. In addition, male and female basketball players informed OCR in its survey that they set up speakers and chairs to prepare the facility for competitive events.

#### *Locker rooms and Team rooms*

The New Gym also contains a boys' locker room, girls' locker room, and two Team rooms. OCR inspected each of these facilities and found them to be almost identical in terms of quality, square footage, showers, and size of lockers. The girl's locker room did contain slightly more lockers than the boys' locker room. Girls' and boys' basketball athletes reported that they were able to adequately use the team rooms and locker rooms during their respective seasons. Likewise, girls' volleyball players stated that they were able to use locker rooms and team rooms during their season. No boys' volleyball player responded to OCR's survey. Neither the male athletes for basketball nor the head varsity coaches for boys' basketball or volleyball reported any problems with locker availability. A majority of basketball and volleyball athletes rated the team rooms and locker rooms as good or excellent in OCR's survey.

#### *Old Gym*

The Old Gym is a multi-use facility, primarily used to host practice for basketball and volleyball teams located in-between the New Gym and the Wrestling Gym at the School. The Old Gym also contains the restrooms and concessions area available to softball teams during games. According to the Varsity Softball Head Coach, opposing teams and spectators have complained about the distance and accessibility of restrooms during softball games. The Head Varsity Softball Coach also informed OCR that the concessions area in the Old Gym is too far away from the JV and Varsity Softball Diamonds to be used for softball games. The Old Gym is approximately 40 years old, has wood-metal bleachers with enough seating for at least 400 spectators, two basketball hoops, four restrooms, two electronic scoreboards, two water fountains, concessions area, and a public address system. OCR noted that the Old Gym's wood surface was smooth, even with a slightly worn finish.

#### *Wrestling Gym*

The Wrestling Gym is a multi-use facility that hosts practices for the wrestling teams and is located between the Old Gym and the JV Softball Diamond. The Wrestling Gym also contains the closest restroom to the JV and Varsity Softball Diamonds and is the restroom used by softball teams during practice. During OCR's office hours, softball players reported that the restrooms in the Wrestling Gym were always locked and that they had to ask the Varsity Softball Head Coach for the key. The Wrestling Gym contains a practice area for the girls' and boys' wrestling teams, two restrooms, locker rooms for the Varsity and JV softball teams, and treatment areas for the School's athletic trainer. The main area of the Wrestling Gym has a wood surface covered by a large wrestling mat. In OCR's survey, male wrestlers stated that they had to mop the wrestling mats to prepare the facility for practice. Both male and female wrestlers expressed concerns about the condition of the Wrestling Gym. Male wrestlers complained that the wrestling mats were frequently dirty due to other athletes walking on the mats in shoes resulting in a variety of hygiene issues. Female wrestlers complained that they did not have an acceptable place to change clothes and that the mats were mopped before the boy's practices but not before the girls' practices.

### *Softball locker rooms in Wrestling Gym*

There are two small basements with entrances on two corners of the Wrestling Gym which serve as locker rooms for Varsity and Junior Varsity softball teams. The locker rooms are secured by two chain-link gates at the bottom of the stairs, and there is a gap between the top of the gate and the ceiling. The Varsity locker room contains a small changing area for players, one bench, lockers, and a batting cage. The batting cage is made of netting suspended from the ceiling, and it has one pitching machine. OCR noted during its visit that the Varsity softball locker room was dirty, small, cluttered, and generally in poor condition. In OCR's survey most of the softball players rated the softball locker rooms as poor.

During OCR's office hours, a group of softball players reported that the Varsity softball locker room was very cramped, there were not enough lockers for players, and it did not have enough space to fit the team or to store equipment. Softball players also reported the presence of rodent feces, trash that did not belong to members of the softball teams, athletic equipment disturbed when the team had not been using it, and that other students had used the locker room as a place XX XXXX XXX XXXXXX XXXXXX XXXXX.

In interviews with District personnel OCR learned that the batting cage is too small to be used safely, and that a player was hit in the face due to a hole in the netting. Additionally, she stated that rodent feces were present in the locker room, and the room gets very cramped with the number of softball players attempting to change into their uniforms at the same time. The Varsity Head Softball Coach also stated that even though practice begins at 3:30 p.m., players are delayed from practice because the coaching staff is not available to open the locker room until 3:20 p.m., which does not provide the students with enough time to change and then walk to the Junior Varsity and Varsity Softball Diamonds. She also reported that the players had been subjected to sexual harassment by male students loitering on the steps outside the Wrestling Gym after school.

The Junior Varsity softball locker room did not contain any athletic equipment, lockers, seating, or storage. OCR noted during its visit that the Junior Varsity locker room appeared to be unused and that it was empty except for debris and trash on the floor. Junior Varsity softball players reported to OCR that the locker room had no electricity, there were rodent feces on the floor, and that they had stopped using the room.

### *Pittsburg Stadium*

The Stadium is a turf and rubber surfaced, multi-use facility used to host practice and competitive events for track and field. Pittsburg Stadium also hosts practice events for the cross-country team and competitive events for the football and male and female soccer teams. The Stadium meets regulation requirements to host competitive events for football, soccer and track and field. A rubber track surrounds the Stadium's smooth and even turf. The Stadium also contains an electronic scoreboard, a public address system, four restrooms, two concessions areas, press box, two elevated coaching boxes, lighting to host night events, four water fountains, and a ticket booth. The Stadium is used regularly by PE classes throughout the year. Most football, soccer, cross-country, and track and field athletes rated the Stadium as excellent or good.

### *Arenivar Field*

The Baseball Diamond is used to host practice and competitive events for baseball on the School's campus. It consists of a regulation-sized baseball diamond, external batting cages, restrooms, and media building, which includes a concession stand under the bleachers.

The Baseball Diamond is a turf surface multi-use field used to host practices and competitive events for both Varsity and JV baseball. It also is used for an advanced PE baseball class and occasionally by the soccer teams. OCR learned that 95% of the baseball team takes the advanced PE baseball class. The advanced PE baseball class takes place during the last period of the day. The Baseball Diamond contains fencing around the home plate area approximately 50 feet high and extends horizontally down the left and right field lines. The infield is red turf and contains a distinct border from the green turf of the outfield. The surface of the entire Baseball Diamond is smooth, although players reported minor damage to the turf around second base. The baseball diamond contains a scoreboard, video recording equipment, public address system, permanent outfield fence, permanent pitching mound, four bullpen mounds, portable backstop batting cage, two foul poles, and padded backstop with the School's logo.

The video equipment is used to record and send a video of players to colleges for recruitment, for player improvement and, security. The public address system is used to announce players and to play music in-between innings and batters. The dimensions, as indicated on the outfield walls measure: 322 feet down the left field line, 379 feet in left-center field, 381 feet in right-center field, and 304 feet down the right-field line. The Baseball Diamond is completely fenced in and contains two entirely fenced in dugouts with attached storage space. Players store their equipment in the dugout and security improvements were made to the storage area after reported break-ins.

The two dugouts are made of wood with a chain-link fence in the front and back for safety. Baseball players do not use any of the School's locker rooms, instead the players change in the dugout. One player responding to OCR's survey said, "We don't have one [locker room] but [the] dugouts are good." OCR noted during its visit, the home dugout contained a metal bench, trash can, whiteboard, lockers, stool, and helmet/bat rack. The away dugout contains a metal bench, trash can, lockers and two folding chairs. Players reported having to perform minimal tasks to prepare the Baseball Diamond for practice and competition, such as picking up trash and rolling the batting cage. The bleachers are located outside the fence, behind home plate. The bleachers are made of metal, contain accessible seating to individuals with disabilities, and most seats provide an unobstructed view of the entire Baseball Diamond. Baseball players rated the overall quality of the Baseball Diamond as good or excellent.

### *External Batting Cages*

The external batting cages are located just outside the fence behind the visitors' dugout and are made of a mesh net held in place with metal frames. One of the cages contains a pitching machine, and each cage has a permeant replica of home plate.

### *Media Building*

The media building is located behind the bleachers and contains a press box upstairs and a concession area below. The press box contains the controls for the public address system and the video recording equipment. The concessions area has a food preparation space, three-compartment sink with two drainboards, microwave, two order windows, and two-compartment refrigerator.

### *Restrooms*

The restroom building is adjacent to the bleachers. It contains one men's multi-use restroom and one women's multi-use restroom.

### *Softball Diamonds*

Both the Varsity and Junior Varsity Softball Diamonds are located on the same field and are separated by the temporary outfield fence. Both the Junior Varsity and Varsity Diamonds are used frequently by PE classes and for football and boys' soccer practice.

### *Varsity Softball Diamond*

The Varsity Softball Diamond is a turf surfaced, multi-use facility located on the School's campus. It is used to host softball and soccer practices, and softball games. It also is used regularly by PE classes, and other members of the School community. Softball players reported that they regularly found trash on the Softball Diamonds. OCR noted that the Varsity Diamond is in average condition and has a smooth and even surface throughout the entire field. Softball players reported to OCR, however, that the turf is uneven, resulting in softballs bouncing in awkward directions and causing player injury. The infield is made of a light brown turf and contains a distinct border from the green turf of the outfield. The outfield has a temporary chain-link fence that remains for the duration of the softball season. Softball players and coaches informed OCR that the fence has blown over multiple times during practice, resulting in delays. The Varsity Softball Diamond contained a permanent pitching circle, padded wood/chain-link backstop, one water fountain, home dugout, and an away dugout. Each dugout was made of a chain-link fence, contained a metal bench, and the home dugout was covered by a thin black cloth. Players also stated to OCR that the water fountain did not work.

There are three sets of bleachers behind the backstop. Two of the bleachers are made entirely of metal and provide seating for about 20 spectators each. OCR noted during its visit that the metal bleachers sit very low to the ground, partially obstructing the view of the field. The third bleacher is made of wood and metal and provides seating for about 30 spectators; it provides an unobstructed view of the Varsity Softball Diamond. The Varsity Softball Diamond does not have the following: scoreboard, video recording equipment, public address system, permanent outfield fence, storage, whiteboard, bat/helmet rack, restrooms, video recording equipment, batting cage, concessions area, press box, or lockers.

### *Junior Varsity Softball Diamond*

The Junior Varsity Softball Diamond is a turf surfaced multi-use facility located on the School's campus. It is used to host practices for softball and soccer in addition to competitive events for

softball. It also is used regularly by PE classes and other members of the campus community. The Junior Varsity Softball Diamond is in average condition and has a smooth and even surface throughout the entire field. The infield is made of a light brown turf and contains a distinct border from the green turf of the outfield. As described above, the outfield has a temporary chain-link fence that remains in place for the softball season. The Junior Varsity Softball Diamond contains a permanent pitching circle, wood/chain-link backstop, home dugout, and away dugout. Each dugout is made of a chain-link fence and contains a metal bench. The Junior Varsity Softball Diamond does not have the following: scoreboard, video recording equipment, public address system, permanent outfield fence, whiteboard, bat/helmet rack, restrooms, video recording equipment, batting cage, concessions area, press box, or lockers.

#### Restroom accessibility

Softball players reported to OCR that restroom access is limited during games for players and spectators alike. First, the closest restroom to the Softball Diamonds is approximately 400 feet from either homeplate, making it difficult for home or visiting players to use the restroom and return to the game in a timely fashion. Additionally, the doors to the Old Gym and Wrestling Gym are kept locked, requiring coaches to contact School staff to have them opened. Softball players described to OCR how during a softball game, a visiting player who was the pitcher experienced menstrual bleeding during a game and stained her pants. Since the gym doors were locked, the player continued to play and, the School did not provide her with access to the restroom until the fifth inning. Players also informed OCR that family members were reluctant to attend games, and left games early because of the lack of restrooms.

#### Field preparation

Softball players stated to OCR that due to a lack of a storage facility near the field, before practices and competitions, they must transport helmets, bases, balls, bats, and other equipment to the Softball Diamonds from the Wrestling Gym. A storage facility is located next to the Junior Varsity Softball Diamond, but District personnel informed OCR that it is not used because the hatch door is broken.

#### Field orientation

Softball players reported that due to the orientation of the Softball Diamonds, sunlight frequently affected batters on the Varsity Softball Diamond and pitchers on the Junior Varsity Softball Diamond.

#### Analysis

OCR analyzed the girls' and boys' athletics program, specifically examining whether the provision of the locker room, practice, and competitive facilities provided were equivalent for members of both sexes. OCR found that girls' and boys' sports teams have joint-use of the New Gym, Old Gym, Wrestling Gym, Stadium, Tennis Complex, Buchanan Swim Center, and the Lone Tree Golf Course. The evidence showed there is equivalent use and access to these facilities for the girls' and boys' teams that use these facilities. Thus, OCR does not find a disparity for the girls' and boys' teams that use these practice and competitive facilities.

While the facilities described in the preceding paragraph are joint-use facilities by both girls' and boys' teams, the New Gym and Stadium also contain separate locker rooms and restroom facilities for boys and girls. OCR analyzed these separate-use facilities, specifically the New Gym boys' and girls' locker rooms and team rooms. OCR found these facilities to be nearly identical, and, where there are differences, they do not create a negative impact. For instance, the number of girls' and boys' lockers in the locker rooms differ, but they are both adequate for the number of athletes using them, and thus the difference has no negative effect. Additionally, based on the data gathered from OCR's surveys, boys and girls have equivalent availability and benefit from their locker rooms and team rooms. Thus, OCR found that any differences in these facilities are negligible and do not rise to the level of a disparity.

#### *Softball and Baseball*

OCR did identify disparities between the Baseball Diamond and the Junior Varsity and Varsity Softball Diamonds that rise to the level of concerns under Title IX.

First, the evidence showed that the Baseball Diamond provided easy access to restrooms for players and spectators during games. In contrast, players and spectators at the Varsity and Junior Varsity Softball Diamonds must travel at least 400 feet to use the restrooms, which are locked and only the softball coaches have the keys to access them.

Second, the infield surfaces of the Varsity and Junior Varsity Softball Diamonds contain safety hazards. The Baseball Diamond contains no safety hazards. Softball players reported that the surface of the Varsity and Junior Varsity Softball Diamonds are uneven, which causes the ball to bounce awkwardly, increasing the likelihood of players being injured while using the Softball Diamonds. OCR noted no such hazards at the Baseball Diamond during its visit, and baseball players reported no safety hazards to OCR in the survey.

Third, the view from the bleachers at the Varsity Softball Diamond is partially obstructed. OCR received no information indicating an obstructed view from the baseball bleachers.

Fourth, the Baseball Diamond has a fully functioning electronic scoreboard and a press box with a working public address system. The Softball Diamonds have no scoreboard, no press box, and no public address system.

Fifth, the Softball Diamonds use a temporary outfield fence that often falls, and softball players must stop practice or games to put back up. The baseball team has a permanent outfield fence. OCR is concerned that because baseball athletes do not have to spend time picking up the outfield fence, they can more adequately focus on athletics than softball players and they do not have safety concerns around falling fences during practices or competitions.

Sixth, the Softball Diamonds have no foul poles, whereas the Baseball Diamond has foul poles.

Seventh, the storage at the Baseball Diamond allows baseball players immediate access to athletic equipment without having to transport bases, balls, bats, and helmets a long distance for

practices and competition. Softball players must transport their equipment from the Wrestling Gym to the Softball Diamonds for practices and games, exerting energy that could be used for athletic purposes.

Eighth, the video equipment at the Baseball Diamond provides an opportunity for baseball players to compete for college scholarships nationwide and improve their performance through video review. Softball players do not have these opportunities because neither of the Softball Diamonds has video equipment, nor is there electricity on the Softball Diamonds to have the equipment installed.

Ninth, the proximity of the concessions area to the Baseball Diamond provides a fundraising opportunity for the baseball team. The Softball Diamonds do not have a concessions area located next to them. Furthermore, the distance of the Old Gym's concessions area, relative to the Softball Diamonds designated for the softball team's use by the District, is a prohibitive barrier to fundraising. If the softball teams utilized the concessions stand in the Old Gym, spectators would have to leave the game in order to use it. In contrast, the concessions building for the baseball team is located directly behind the bleachers, allowing spectators to hear the game while using it, and it is in close physical proximity.

Tenth, the baseball team's locker room facilities are superior to the softball team's locker room facilities. The baseball team uses the home and away dugouts for locker rooms. The dugouts are clean, conveniently located on the Baseball Diamond, contain sufficient player storage, have security cameras, and are used exclusively by the baseball teams. The softball teams' locker rooms are in a shared-use building, located far from the Softball Diamonds. In addition, they are cramped, littered, and not secure.

OCR also considered whether the softball teams' two Softball Diamonds and two locker rooms is a sufficient offset against the Baseball Diamond's restrooms, changing, storage, bleacher seating, concessions, and press box areas; scoreboard; public address system, video equipment, three batting cages, four bullpen mounds; and advanced baseball PE class. OCR has a concern that the extra practice space afforded by two Softball Diamonds are not a sufficient offset due to the poor condition and distance of the softball locker rooms, the distance to the restrooms which are locked, and the distance between the storage area and the Softball Diamonds. OCR is concerned that the extra practice space provided to the softball teams is substantially inferior to all of the amenities located at the Baseball Diamond. In addition to the Baseball Diamond's superior practice and competition facilities, the large number of baseball players participating in the advanced baseball PE class, plus the three batting cages, and four bullpen mounds allow for additional baseball practice time, which the softball teams do not have. The significant superiority of the practice, changing and storage areas for the baseball teams as compared to the softball teams raise concerns about the District's compliance with Title IX. OCR is concerned that the disparities between the Softball and Baseball Diamonds may result in the denial of equal opportunity to female athletes.

Prior to concluding the investigation and to address the issues alleged in the complaint, the District, without admitting to any violation of law, entered into the enclosed Resolution Agreement (Agreement) which is aligned with the complaint allegations and the information obtained by OCR during its investigation.

Under the Agreement, the District will ensure that the Softball Diamonds have equivalence with the baseball fields in terms of public address system, scoreboard, press box, outfield fence, video recording equipment, concessions area, locker room facilities, storage facilities, spectator capacity, quality of spectator seating, and ability to view the game from the sidelines.

### Conclusion

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 complaint allegations. OCR will monitor the implementation of the Agreement until the District is in compliance with the terms of the Agreement. Upon completion of the obligations under the Agreement, OCR will close the case.

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 the investigation of this complaint as of the date of this letter and notifying the Complainant concurrently.

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, 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 Gemini McCasland, Attorney, at [Gemini.McCasland@ed.gov](mailto:Gemini.McCasland@ed.gov) or Barry Jointer, Investigator at [Barry.Jointer@ed.gov](mailto:Barry.Jointer@ed.gov).

Sincerely,

/s/

James Wood  
Team Leader

Enclosure (1): Agreement

cc: Melissa Phung  
Fagen Friedman & Fulfrost LLP