



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

December 19, 2014

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Dr. Richard D. Cole
Superintendent
Sunnyside School District No. 201
1110 South 6th Street
Sunnyside, Washington 98944-2119

Re: Sunnyside School District No. 201
OCR Reference No. 10141390

Dear Superintendent Cole:

This is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced discrimination complaint against Sunnyside School District No. 201. As explained below, prior to completion of OCR's investigation, the district expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

The complaint alleged that the district is discriminating against girls, on the basis of sex, in the district's high school interscholastic athletics program by failing to provide them with equivalent facilities. OCR accepted this complaint for resolution under the authority of title IX of the Education Amendments of 1972 and its implementing regulation at 34 CFR Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the U.S. Department of Education. The district receives federal financial assistance from this Department.

The regulation implementing Title IX at 34 CFR 106.41(c)(7) states that a recipient which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available, OCR considers, among other factors, the provision of locker rooms, practice and competitive facilities. The Title IX Athletics Policy Interpretation, issued December 11, 1979, states that if a comparison of program components indicates that benefits, opportunities, or treatment are not substantially equivalent in quality, availability, or kind, such disparities may deny equality of athletic opportunity.

The investigation, to date, indicated that the district had already identified issues with regard to its current girls' softball facility that the agreement is intended to address, including: (1) access to school locker rooms in proximity to the practice and competition facilities; (2) seating, including accessible handicap seating, for games; (3) announcer's box; (4) dugouts; (5) protective fencing around practice and competition facilities; (6) field maintenance and preparation for games and practices; (7) warm-up areas for pitchers (bull pen); (8) designated coaches boxes for base coaches; (9) concessions facilities; (10) storage areas adjacent to the fields used for practice and competition; (11) restrooms located adjacent to the fields used for practice and competition; (12) outfield fences; and (13) bases and plate used for practice and competition.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

The actions the district will take under the agreement include: (1) the completion, in consultation with OCR, of an assessment of the locker rooms, practice and competitive facilities utilized by all boys' and girls' high school interscholastic athletics teams; (2) a determination by the district regarding whether there are any significant disparities between girls' and boys' teams with respect to practice and competitive facilities; and (3) the development of a plan of action that identifies specific steps to be taken to address inequities that are identified as a result of the district's assessment if the district determines that locker rooms, practice and competitive facilities are not equivalent for girls' and boys' teams. Regarding the girls' softball facility, where the district has already identified the issues enumerated above, the district will develop a plan of action that identifies the specific steps to be taken to replace the current girls' softball facility, including a time table for acquisition of a site, allocation of funding, design, construction, and completion of the facility by February 1, 2016. That plan will include interim steps, to be completed by March 1, 2015, to address those issues. The agreement also includes dates for implementation of the steps that are to be taken.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by February 1, 2015.

Thank you for the cooperation that you, your staff, and the district's legal counsel extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Timothy L. Sell, attorney, by telephone at (206) 607-1639 or by e-mail at timothy.sell@ed.gov.

Sincerely,

/ s /

Kelli Lydon Medak
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Randy Dorn, Superintendent of Public Instruction
XXXXXX XXXXXX, Attorney, XXXXXXXX, X.X.