



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

January 16, 2015

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Dr. Josephine Moccia
Superintendent
South Whidbey School District No. 206
5520 Maxwellton Road
Langley, Washington 98260

Re: South Whidbey School District No. 206
OCR Reference No. 10151009

Dear Superintendent Moccia:

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 the South Whidbey School District. 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 that the district discriminated against female students, on the basis of sex, by failing to provide practice and competition facilities for the girls' interscholastic softball teams at XXXXXX that are comparable to the facilities provided for boys' baseball.

OCR accepted this complaint for resolution under the authority of title IX of the Education Amendments of 1972 and its implementing regulation. Title IX prohibits discrimination on the basis of sex in programs and activities that receive federal financial assistance from the U.S. Department of Education. The district is a recipient of federal financial assistance from this Department.

The regulation implementing Title IX, at 34 CFR 106.41 states, "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, and no recipient shall provide any such athletics separately on such basis."

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 providing the girls' and boys' interscholastic athletic teams at XXXXXX with equivalent benefits, treatment, and services in the provision of practice and competitive facilities. Specifically, the district agreed to undertake actions to address concerns raised regarding the following softball facilities:

1. scoreboard;
2. clubhouse;
3. dugouts;
4. batting cages;
5. maintenance and preparation for games and practices;
6. warm-up areas for pitchers (bull pen); and
7. access to restrooms (or Port-O-Pot) adjacent to the girls' field.

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 January 15, 2015.

Thank you for the cooperation that you and your staff extended to OCR in resolving this complaint. If you have any questions, please feel free to contact Samuel Garcia, equal opportunity specialist, by telephone at (206) 607-1676, or by e-mail at samuel.garcia@ed.gov.

Sincerely,

/ s /

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Randy Dorn, Superintendent of Public Instruction