



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

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December 27, 2018

Ms. Denise Juneau  
Superintendent  
Seattle School District No. 1  
2445 3<sup>rd</sup> Ave S.  
Seattle, Washington 98134

Re: Seattle School District No. 1  
OCR Reference No. 10181302

Dear Superintendent Juneau:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Seattle School District (district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). Based on the complaint, OCR initiated an investigation regarding whether the district discriminated, based on sex, against female student participants in the district's high school interscholastic athletics program, at Garfield High School, by failing to provide them with athletic facilities equivalent to those provided male student participants.

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.

OCR initiated its investigation of this case under the authority of Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex discrimination in education programs and activities receiving federal financial assistance. The district is a recipient of federal financial assistance from the Department. Therefore, it is required to comply with this law.

The regulation implementing Title IX, 34 C.F.R. §104.41 (c)(7), requires the district to provide equal athletic opportunity for members of both sexes in the provision of locker rooms, practice and competitive facilities. OCR's investigation to date indicated that there may be some disparities in the facilities used by male and female student athletes and that the facilities in question used by the student athletes are not owned by the district but are owned by the City of Seattle.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, prior to the point when OCR issues a final determination, the recipient expresses an interest in resolving the complaint allegation and OCR determines that it is appropriate to resolve the issues because OCR's investigation has identified issues that can be addressed through a resolution agreement. In light of the district's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

The actions the district will take under the agreement include conducting an assessment of the facilities in question to ensure that the school provides equivalent benefits, opportunities, and treatment to members of both sexes with respect to the provision of locker rooms, practice, and competitive facilities. Following completion of its assessment and OCR's approval of the assessment, the district will undertake a corrective action plan to address any inequities that were identified in its assessment and, upon approval by OCR of that corrective action plan, the district will implement the plan.

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.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

Please be advised that the district may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant 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.

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 June 30, 2018.

Page 3 – OCR Reference No. 10181302

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, Senior Attorney, at (206) 607-1639 or at [timothy.sell@ed.gov](mailto:timothy.sell@ed.gov).

Sincerely,

Linda Mangel  
Regional Director

Enclosure: Voluntary Resolution Agreement  
cc: Chris Reykdal, Office of the Superintendent of Public Instruction