



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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March 17, 2020

Via e-mail only to: superintendent@pps.net

Mr. Guadalupe Guerrero
Superintendent
Portland School District No. 1J
501 North Dixon Street
Portland, Oregon 97227

Re: Portland School District No. 1J
OCR Reference No. 10191276

Dear Mr. Guerrero:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Portland School District No. 1J (district) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). OCR initiated an investigation into whether the district discriminates against female student athletes in its interscholastic athletic program at Grant High School (school), on the basis of sex, by not providing them equal athletic opportunities with respect to the provision of locker rooms, practice, and competitive facilities.

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 investigated this case under the authority of Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation. These statutes prohibit discrimination on the basis of sex in programs and activities that receive federal financial assistance. The district is a recipient of federal financial assistance from this Department and is subject to Title IX.

The regulation implementing Title IX, at 34 C.F.R. § 106.41 (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 at the school used by male and female student athletes.

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

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 completing an action plan to ensure that the district provides comparable locker rooms, practice, and competitive facilities to the boys' baseball and girls' softball teams at the school. Following completion of the action plan and OCR's approval of the action plan, the district will implement the action plan within the specified time frames.

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 April 1, 2020.

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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 Tina Sohaili, Attorney, at (206) 607-1634 or at tina.sohaili@ed.gov.

Sincerely,

Barbara Wery
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: The Honorable Colt Gill, Office of the Superintendent of Public Instruction (*via e-mail only*)

XXXXXXXXX, Civil Rights Education Specialist (*via e-mail only*)