



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

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July 31, 2020

Via e-mail only to: mrussell@msd.k12.or.us

Dr. Maryalice Russell
Superintendent
McMinnville School District No. 40
800 NE Lafayette Ave.
McMinnville, Oregon 97128

Re: McMinnville School District No. 40
OCR Reference No. 10201041

Dear Dr. Russell:

This letter is to inform you of the disposition of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the McMinnville School District No. 40 (district). The complainant alleged that the district discriminates against female student athletes in its interscholastic athletic program at McMinnville High School (school), on the basis of sex, by not providing them equal athletic opportunities with respect to the provision of locker rooms, and practice and competitive facilities. Specifically, the complainant alleged that the boys' baseball team has superior locker rooms, and practice and competitive facilities to the girls' softball team.

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 has the authority to enforce Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex discrimination in programs and activities receiving federal financial assistance. The district receives federal financial assistance from the Department. Therefore, it is required to comply with Title IX.

The regulation implementing Title IX, at 34 C.F.R. § 106.41, requires that a recipient provide equal athletic opportunity for male and female athletes with respect to locker rooms, and practice and competitive facilities.

During the course of OCR's investigation, OCR identified a concern that the girls' softball facilities may be inferior to the boys' baseball facilities at the school and that additions,

improvements, and repairs may be required to ensure that the facilities are comparable. The district requested voluntary resolution prior to the conclusion of OCR's investigation.

In accordance with Section 302 of the OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before OCR issues its final determination, the recipient expresses an interest in resolving the complaint allegations and OCR determines that it is appropriate to resolve the issues under investigation with an agreement. In light of the district's willingness to address the concern identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate.

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 October 30, 2020.

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Thank you for the cooperation that you and your staff 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

Cc: The Honorable Colt Gill, Deputy Superintendent of Public Instruction (e-mail only)

Enclosure: Voluntary Resolution Agreement