



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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November 12, 2021

*Sent via e-mail only to: [gordon.paul@wenatcheeschools.org](mailto:gordon.paul@wenatcheeschools.org)*

Dr. Paul Gordon  
Superintendent  
Wenatchee School District No. 246  
P.O. Box 1767  
Wenatchee, WA 98807

Re: Wenatchee School District No. 246  
OCR Reference No. 10211120

Dear Dr. Gordon:

This letter is to inform you of the disposition of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), against the Wenatchee School District. The complainant alleged that the District discriminates against female student athletes in its interscholastic athletic program at Wenatchee High 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, and publicity. Specifically, the complainant alleged that (a) the boys' baseball team has superior practice and competitive facilities and publicity compared to the girls' softball team; and (b) the boys' soccer team has superior practice and competitive facilities compared to the girls' soccer 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 to address the complaint allegations.

OCR investigated this case under the authority of Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex 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, practice and competitive facilities, and publicity.

OCR's investigation to date indicated that the District may not be providing practice and competitive facilities to the girls' softball and soccer teams that are comparable to those offered to the boys' baseball and soccer teams. In addition, the information indicated that the girls' softball team may not be receiving publicity services comparable to the boys' baseball team.

In accordance with Section 302 of the OCR's *Case Processing Manual* (CPM), a complaint may be resolved at any time when, prior to OCR issuing a draft letter of findings under CPM Section 303(b), 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 this case, the District requested to resolve the complaint with an agreement. In light of the District's willingness to comprehensively address the concerns identified by OCR without further investigation, OCR determined that entering into a voluntary resolution agreement is appropriate. Subsequent discussions with the District resulted in the District signing the enclosed agreement.

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 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.

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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 March 1, 2022.

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 Charlotte Cunningham, Attorney, at (206) 607-1610 or at [charlotte.cunningham@ed.gov](mailto:charlotte.cunningham@ed.gov).

Sincerely,

Tania Lopez  
Acting Chief Attorney

Cc: Honorable Chris Reykdal, State Superintendent of Public Instruction  
(via email only to: [superintendent@k12.wa.us](mailto:superintendent@k12.wa.us))

Enclosure: Voluntary Resolution Agreement