



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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April 1, 2022

*Sent via e-mail only to: [hiu@gresham.k12.or.us](mailto:hiu@gresham.k12.or.us)*

James Hiu  
Superintendent  
Gresham-Barlow School District 10J  
1331 NW Eastman Parkway  
Gresham, 97030-3825

Re: Gresham-Barlow School District 10J  
OCR Reference No. 10211188

Dear Superintendent Hiu:

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 Gresham-Barlow School District 10J. The complainant alleged that the District discriminates against female student athletes in its interscholastic athletic programs at Gresham High School and Sam Barlow 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. Specifically, the complainant alleged that the boys' baseball teams have superior practice and competitive facilities compared to the girls' softball teams.

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.

OCR's investigation to date indicated that the District may not be providing practice and competitive facilities to the girls' softball teams that are comparable to those offered to the boys' baseball teams. The District provided OCR with information indicating that it has taken steps to resolve some issues that the District identified with the quality of the softball fields at Gresham High School and Sam Barlow High School, but the information also indicated that the District has not completed all the work it identified as needed to provide the girls' softball teams with an equal athletic opportunity compared to the boys' baseball team with respect to the provision of locker rooms, practice and competitive facilities.

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.

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 July 29, 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 Colt Gill, Superintendent of Public Instruction  
(via email only to: [Colt.gill@ode.state.or.us](mailto:Colt.gill@ode.state.or.us))

Enclosure: Voluntary Resolution Agreement