



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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April 12, 2022

Via email only: superintendent@nsd.org

Dr. Michelle Reid
Superintendent
Northshore School District No. 417
3330 Monte Villa Parkway
Bothell, Washington 98021-8972

Re: Northshore School District No. 417
OCR Reference No. 10221018

Dear Dr. Reid:

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 Northshore School District No. 417. The complaint alleges that the District discriminates on the basis of sex. Specifically, the complaint alleged that the Bothell High School boys' baseball team has superior 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 investigated this case under the authority of 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, 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 at Bothell High School. In particular, the investigation revealed that the competitive baseball facility had lights while the competitive softball facility did not, 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, 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 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 they have 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 June 30, 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 Andrew Jennings, Attorney, at (206) 607-1606 or at andrew.jennings@ed.gov.

Sincerely,

Tina Sohaili
Team Leader

Cc: The Honorable Chris Reykdal, State Superintendent of Public Instruction (e-mail only)

Enclosure: Voluntary Resolution Agreement