



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

March 20, 2015

Mr. Roger Campbell
Superintendent
Coalinga-Huron Joint Unified School District
657 Sunset Street
Coalinga, CA 93210-2927

(In reply, please refer to # 09-14-1425.)

Dear Superintendent Campbell:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against Coalinga-Huron Joint Unified School District (District). The complaint alleged that the District engaged in discrimination based on sex. Specifically, OCR investigated (1) whether the District discriminated against female student athletes in its interscholastic program at Coalinga High School (School) in its provision of locker rooms, and practice and competitive facilities; and (2) whether the District failed to designate a Title IX Coordinator for its athletics programs.¹

OCR investigated the complaint under the authority of Title IX of the Education Amendments of 1972 and its implementing regulations. Title IX prohibits discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance. The District receives funds from the Department, is a public education entity, and is subject to the requirements of Title IX and its regulations.

To investigate this case, OCR interviewed the complainant, District administrators, the head coaches of the School's athletics teams, male and female athletes, and facilities employees regarding the School's locker rooms, practice and competitive facilities. OCR also reviewed documents and records submitted by the District and conducted a visual inspection of the School's athletic facilities and locker rooms. OCR concluded that the evidence was sufficient to support a conclusion of noncompliance with Title IX. The

¹ OCR did not initially open on the allegation that the District failed to designate a Title IX Coordinator for its athletics programs. OCR expanded the scope of its investigation in light of interviews with District witnesses and athletes.

District, without admitting to any violation of law, entered into a Resolution Agreement that, when fully implemented, will resolve noncompliance issues identified by OCR.

The facts OCR gathered relevant to the allegation, the applicable legal standard, and the reasons for OCR's determinations are summarized below.

Legal Standards

The Title IX regulations provide that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic athletics offered by a recipient district, and no recipient district shall provide any such athletics separately on such basis.²

A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available, OCR will consider, among other factors: provision of locker rooms, practice and competitive facilities.³

As a means of assessing compliance under the regulations, OCR follows the Policy Interpretation issued by the Department on December 11, 1979.⁴ The Policy Interpretation clarifies the meaning of "equal opportunity" in athletics and states that recipients that operate or sponsor interscholastic, intercollegiate, club or intramural athletics "provide equal athletic opportunities for members of both sexes." Title IX compliance in the provision of locker rooms, practice and competitive facilities will be assessed by examining, among other factors, the equivalence for men and women of:

- (1) Quality and availability of the facilities provided for practice and competitive events;
- (2) Exclusivity of use of facilities provided for practice and competitive events;
- (3) Availability of locker rooms;
- (4) Quality of locker rooms;
- (5) Maintenance of practice and competitive facilities; and
- (6) Preparation of facilities for practice and competitive events.

OCR examined whether the availability and quality of benefits, opportunities, and treatment provided were equivalent for members of both sexes. Equivalent is defined as

² 34 C.F.R. § 106.41.

³ 34 C.F.R. § 106.41(c)(7).

⁴ 44 Fed. Reg. 71413, et seq. (1979).

equal or equal in effect.⁵ In accordance with the 1979 Policy Interpretation, OCR compared components of the men's program and the women's program on an overall basis, not on a sport-by-sport basis.

Where differences in treatment within the program component were noted, OCR considered whether the differences were negligible. Where the differences were more than negligible, OCR examined whether they created a negative impact on one sex. If a negative impact was found, OCR determined if it was the result of nondiscriminatory factors. Identified disparities for both sexes were then compared. If the sexes had disadvantages of similar impact, they were offset. Finally, OCR determined whether disparities resulted in the denial of equal opportunity to male or female athletes, either because the disparities collectively were of a substantial and unjustified nature or because the disparities in individual program areas were substantial enough by themselves to deny equality of athletic opportunity.⁶

The Title IX regulations establish procedural requirements that are important for the prevention and correction of sex discrimination. These requirements include issuance of a policy against sex discrimination⁷ and adoption and publication of grievance procedures providing for the prompt and equitable resolution of complaints of sex discrimination.⁸ The regulations also require that recipients designate at least one employee to coordinate compliance with the regulations, including coordination of investigations of complaints alleging noncompliance.⁹

Factual Findings

Our investigation showed the following:

- According to records provided by the District and interviews with District administrators, athletic facilities at the School were constructed between 1939 and 1984, and each facility has had at least one renovation since opening. The School's sports facilities include the large gym, small gym, varsity baseball field, J/V baseball field, Bill Young Field, Swim Complex, Baker Field, Baker Library, Memorial Bowl, weight room, and Boys' and Girls' locker rooms.
- The School has one Boys' locker room and one Girls' locker room.
- Male athletes and coaches rate the Boys' locker room as adequate to poor. Many of the lockers in the Boys' locker room are broken. The Boys' locker room has metal

⁵ Policy Interpretation: 44 Fed. Reg. 71413, *et seq.* (1979) at VII.B.2

⁶ Policy Interpretation: 44 Fed. Reg. 71413, *et seq.* (1979) at VII.B.5

⁷ 34 C.F.R. § 106.9

⁸ 34 C.F.R. § 106.8(b)

⁹ 34 C.F.R. § 106.8(a)

benches. The Boys' locker room also has a lot of broken showers, but male athletes said there are enough to use for those who take showers, including a functioning physically accessible shower.

- Female athletes rated the Girls' locker room as between adequate and poor as well. Some female athletes complain that they get splinters from the wooden benches in the Girls' locker room. Female athletes also complain that the showers leak and the bathrooms are in bad condition.
- OCR's on-site facilities inspection found that Varsity and J/V softball have their own practice facilities. Varsity softball uses Bill Young Field for games and practice. J/V softball uses Bill Young Field for games, but practices on the "rudimentary" softball practice field near Baker Campus ("J/V softball practice field"). Both teams share Bill Young Field with Coalinga Middle School (CMS) softball and Youth Baseball. Softball athletes reported that when CMS is competing on Bill Young Field, Varsity softball uses the weight room, practices on the empty field near the batting cage, or cancels practice. The Athletic Director schedules team use of Bill Young Field. When J/V softball plays on Bill Young Field, Varsity plays away games.
- Varsity and J/V baseball have their own practice and competitive fields. Varsity baseball uses the same facility for both practice and games, and does not usually share the field with other teams. J/V baseball competes and practices on the J/V baseball field, except when the CMS baseball team or the Babe Ruth little league team use the J/V field for a game. When this occurs, J/V practices on the CMS practice field or practices with Varsity baseball on the Varsity field.
- Bill Young Field is chalked and raked adequately for softball. However, Bill Young Field has holes in the outfield because it is used so frequently, and trash is often left behind after Youth Baseball games. The J/V softball practice field has dirt, rocks, and is generally in "bad shape" according to coaches, administrators, and players. Athletes reported that rocks hit them in the face when balls strike the practice field's infield, the practice field is not maintained well, and the J/V softball team uses a bucket to collect rocks from the infield before every practice. The J/V team digs out dirt around the holes to put in bases, and athletes cannot slide at the field due to rocks.
- Bill Young Field has concession stands, but they are primarily used for Youth Baseball and are not usually open for School softball games. The field has two spectator stands (one on the visitor's side and one on the home team side), lights for night games, an electronic scoreboard, a batting cage, and a public address system. The baseball fields do not have concession stands, lighting, or public address system.

- In the past decade, the District has made several unsuccessful attempts to secure outside funding for a new softball facility. District administrators have conceded that the J/V softball practice field is inadequate and the School needs a new facility.
- Girls' soccer practices in the area adjacent to the J/V softball practice field. In interviews, OCR was told that Girls' soccer does not have their practice field marked in a timely manner, and the field is not watered adequately during the summer. The Girls' soccer practice field is mostly dirt, and there are patches of grass. OCR was told that you can hardly see the lines for the practice field most of the time. Girls' soccer players explained that using Roundup to burn lines into the field doesn't work due to the lack of much grass. District administrators report to OCR that any deficiencies in the quality of the Girls' soccer practice field were due to the mandatory 50% water rationing that the District has been under due to drought. Girls' soccer players say that there have been ankle and knee injuries due to the poor condition of the practice field. Girls' soccer players describe the Boys' soccer practice field as a much better maintained practice field, with lines, better grass, and without holes in it. Girls' soccer reports that the Boys' practice field is watered more regularly. District administrators contend that the fields are watered on the same interval.
- Boys' soccer practices on the football practice field. It is watered and maintained adequately. The lines for the field are burned into the field using Roundup, so they last the entire season. During Football season, the Boys' soccer team practices at the far end of the space and said they have enough space to practice.
- During the investigation, the District did not have a designated Title IX Coordinator.

Analysis

Based on a review of the evidence, OCR concluded that the District's athletics program has significant disparities in the provision of locker rooms, practice and competitive facilities for female athletes in violation of Title IX. Specifically, OCR determined:

- While the negative attributes of the Boys' and Girls' locker rooms were mostly offsetting, the poor condition of the wooden benches in the Girls' locker room that result in splinters for some female athletes presents a disparity without an offset.
- The District acknowledged that Girls' J/V softball lacks an adequate softball field and that Varsity and J/V softball must share Bill Young Field with Youth Baseball and CMS softball. The District also acknowledged that Varsity and J/V baseball each have adequately maintained fields and that Varsity baseball does not share its field with other teams. The lack of an adequate J/V softball field is a disparity.

- The lack of an adequately maintained practice field for Girls' soccer constitutes a disparity because Boys' soccer has adequately maintained practice facilities.

Conclusion

Accordingly, based on a preponderance of the evidence, OCR concluded that the District had not provided benefits to female athletes that are equivalent to those provided to male athletes, in violation of Title IX. In addition, OCR concluded that the District had failed to designate a Title IX Coordinator.

To resolve OCR's findings of noncompliance in this case, the District agreed to take the actions described in the enclosed Resolution Agreement. Before the close of OCR's investigation, the District designated a Title IX Coordinator and replaced the benches in the Girls' locker room with benches that are equivalent to the benches provided in the Boys' locker room.

OCR will monitor the District's implementation of the Resolution Agreement. Based on the commitments made in the Resolution Agreement, OCR is closing the investigation of this complaint as of the date of this letter. The complainant is being notified by concurrent letter.

This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. 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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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, such individuals may file a complaint with OCR alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that, if released could reasonably be expected to constitute unwarranted invasion of privacy.

OCR would like to thank you for your cooperation and assistance with this matter. If you have any questions please contact Yohance Edwards, OCR Attorney, at (415) 486-5585 or Alvaro Soria, OCR Attorney, at (415) 486-5580.

Sincerely,

/s/

Zachary Pelchat
Team Leader

Enclosure