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November 4, 2022

*Sent via e-mail only to: [perry\\_christy@salkeiz.k12.or.us](mailto:perry_christy@salkeiz.k12.or.us)*

Christy Perry  
Superintendent  
Salem-Keizer School District No. 24J  
P.O. Box 12024  
Salem, Oregon 97309-0024

Re: Salem-Keizer School District No. 24J  
OCR Reference No. 10221212

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 Salem-Keizer School District No. 24J. The complainant alleged that the District discriminates against female students in its interscholastic athletic programs at Sprague High School (school) with respect to the provision of facilities, athletic equipment, and coaching. OCR investigated whether the District discriminates against female students at the school by failing to provide equal athletic opportunities to members of both sexes relating to the provision of locker rooms, practice, and competitive facilities; equipment and supplies; and the opportunity to receive coaching.

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 education 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. § 106.31(a), states as follows: "Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance.”

The regulation implementing Title IX, at 34 C.F.R. § 106.41(c)(2), requires that a recipient provide equal athletic opportunity for female and male students with respect to the provision of equipment and supplies. The regulation implementing Title IX, at 34 C.F.R. § 106.41(c)(7), requires that a recipient provide equal athletic opportunity for male and female students regarding the provision of locker rooms, practice and competitive facilities. The regulation implementing Title IX, at 34 C.F.R. § 106.41(c)(5), requires that a recipient provide equal athletic opportunity for male and female students regarding the opportunity to receive coaching.

To determine compliance with 34 C.F.R. § 106.41(c)(2) with respect to the provision of equipment and supplies, OCR assesses (1) the quality of equipment and supplies; (2) the amount of equipment and supplies; (3) the suitability of equipment and supplies; (4) the maintenance of equipment and supplies; and (5) the availability of equipment and supplies. To determine compliance with 34 C.F.R. § 106.41(c)(5) with respect to the opportunity to receive coaching, OCR assesses (1) relative availability of full-time coaches; and (2) relative availability of part-time and assistant coaches. Finally, to determine compliance with 34 C.F.R. § 106.41(c)(7) with respect to the provision of locker rooms, practice, and competitive facilities, OCR assesses (1) the 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.

The District is comprised of 65 schools, serves over 42,000 students, and is Oregon’s second largest school district. The school is one of six comprehensive high schools within the District and has a student population of approximately 1,500 students. The school provides an opportunity for students to participate in 19 different sports including: boys’ and girls’ cross country, football, boys’ and girls’ soccer, volleyball, boys’ and girls’ basketball, boys’ and girls’ swimming, wrestling, baseball, boys’ and girls’ golf, softball, boys’ and girls’ tennis, and boys’ and girls’ track and field. During the 2021-2022 school year, the school had approximately 890 participation opportunities for students to engage in interscholastic athletic play.

OCR’s investigation to date indicated that the District may not be providing locker rooms, practice and competitive facilities to the girls’ softball teams that are comparable to those offered to the boys’ baseball teams at the school. Specifically, OCR received information reflecting that boys’ baseball at the school has superior playing fields,

dugouts, bullpens, fencing, landscaping, bleachers, batting cages, and storage compared to what is provided to girls' softball. In addition, OCR received information indicating that boys' baseball is provided with use of a team room, whereas girls' softball is not. Information provided by the District reflects that the District acknowledged that the girls' softball fields, dugouts, and scoreboard required updates and/or maintenance and that the District was planning to create a team room for girls' softball's use.

OCR also received information suggesting that the boys' baseball teams are provided with both uniform tops and bottoms, while girls' softball teams are only provided with uniform tops. The District provided OCR with a uniform replacement schedule which reflects the boys' baseball teams last received new uniforms during the 2021-2022 school and girls' softball received new uniforms in 2020.

Finally, OCR received information reflecting that the girls' softball teams also have less opportunity to receive coaching as compared to the boys' baseball teams. Information provided to OCR suggested that the girls' softball head coach is not provided with a prep period at the end of the school day, requiring the coach to prepare the fields during practice or before games and making the coach unavailable to coach the girls at those times, whereas the boy's baseball coach is provided with a prep period at the end of the school day, resulting in the coach being available to coach the boys at those times.

In accordance with Section 302 of the OCR's *Case Processing Manual*, a complaint may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution 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.

The actions the District will take in the agreement include conducting assessments of the facilities, equipment and supplies, and opportunities to receive coaching provided to the boys' and girls' interscholastic athletic teams at the school to ensure that members of both sexes are provided with equivalent benefits, opportunities, and treatment. Based on the District's assessment, the District will create and implement a corrective action plan to remedy any identified inequities between girls' and boys' interscholastic athletic teams at the school with respect to the areas of concern identified. When fully implemented, the agreement will address the evidence obtained and the allegation investigated.

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 the individual has filed a complaint or participated in the complaint resolution process. If this happens, the individual 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 monitoring of the agreement when OCR determines that the District is in compliance with the terms of the agreement and the statute and regulations at issue in this case.

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,

/s/

Paul Goodwin  
Supervisory 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))