
MEMORANDUM

DATE: April 7, 2015
TO: School Board
FROM: Camellia Osterink
SUBJECT: Outline for District-wide Title IX Compliance Audit

Title IX - What it is:

Title IX is a federal law, passed in 1972, that prohibits discrimination by gender in educational institutions receiving federal funding. It covers *all educational activities and applies to the entire school*. Specifically, it covers sexual harassment, sexual discrimination, and athletics/activities in an educational setting.

What the Title IX requires:

Title IX requires school districts to maintain policies, practices and programs that do not discriminate against anyone based on their gender. It requires districts to appoint a Title IX coordinator to oversee compliance. It may be recommended that the district empower employees at each district school to oversee compliance at that level.

Compliance Audit:

An audit would involve three phases of inquiry:

1. Athletics and Activities
2. Sexual Harassment and Sexual Discrimination
3. Training and Professional Development – Title IX Coordinator

Areas subject to the audit would be 1) Athletics and Activities; 2) Sexual Harassment and Sexual Discrimination; and 3) Training and Professional Development to support Title IX compliance by staff. These are further broken down below:

- I. Athletics and Activities
 - A. Participation Opportunities
 - B. Levels of Competition
 - C. Financial Support
 - D. Equivalence in other Athletic Benefits & Opportunities
- II. Sexual Harassment and Sexual Discrimination
 - A. Policies
 - B. Notices
 - C. Complaint Procedures
 - D. Collection and analysis of Data Annually
 - E. Remedies and Enforcement
 - F. Education and Prevention
- III. Training, Professional Development, and Defining Responsibilities
 - A. Title IX Coordinator
 - B. School Compliance Officials
 - C. Training

Completion Plan:

An audit of this size and scope will involve considerable staff time and resources to complete. Initially, a rubric for gathering baseline data will need to be developed. Using that tool, data will be gathered from schools and departments. After gathering all of the data points, the results must be analyzed to create a baseline for District-wide compliance.


The timeline for commencement of this work is dependent on the capacity of staff and resources. Assuming that the work could begin in the 2014-2015 school year, completion could be anticipated during the 2015-2016 school year. Based upon the data generated by the audit, recommendations would be made to staff and/or the Board regarding compliance.



March 20, 2015

MEMORANDUM

To: Jeff Rose, Superintendent

From: Dick Steinbrugge, Executive Administrator for Facilities 

Subject: TITLE IX REPORT

This report provides background information on the high school athletic facilities Title IX inequities and provides a plan of action and milestones for addressing them. The attached narrative section includes the historical background and context which is relevant to understanding where we are today. It also has a summary of the facilities-related Title IX compliance issues that the School District needs to address.

The root causes for the existing Title IX inequities appear to be two-fold: (1) some pre-Title IX high school building designs and site layouts do not conform to current standards, and (2) some well-intentioned donor projects accomplished over many years have unwittingly created Title IX inequities by adding or improving facilities that benefitted only one gender. To address the second issue a new School Board policy is being drafted to address donor projects and their compliance with Title IX. It is anticipated that a draft will be available for entering the pipeline review process in April. In addition, to ensure that new Title IX inequities are not inadvertently created with the design and construction of the new high school, a Title IX conformance review of the project design drawings will be conducted by a qualified expert.

Appendices:

1. Title IX Narrative Report
2. 2014 Bond Project Document: High School Title IX Compliance, Sunset and Aloha High Schools
3. Adele Ridenour, Ball-Janik LLP Attorney; Title IX Qualifications
4. Ball-Janik LLP Title IX Facilities Review Report, June 27, 2014
5. Title IX Facilities Projects Plan of Action and Milestones
6. Beaverton High School JV Baseball Field Map Overlays
7. Data on Participation in Athletic Programs

District Goal: All students will show continuous progress toward their personal learning goals, developed in collaboration with teachers and parents, and will be prepared for post-secondary education and career success.

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.

Title IX Narrative Report

Oregon Department of Education Civil Rights Review, 2010

In 2010, the Oregon Department of Education performed a civil rights audit of the Beaverton School District. A portion of the scope of this audit included a Title IX review at three high schools: Sunset, Westview, and Southridge. The audit report contained 28 findings including one Title IX finding at Sunset High School which was:

"It [Sunset] also has a Boys Team locker room and a Girls Team locker room which are not comparable; the Girls Team locker room does not have toilet or shower facilities and is much smaller than the Team locker room for the boys. Sunset High School was built in 1959 under the existing [at that time] facilities standard."

Action Required:

"Implement ... long term plan to make the Boys and Girls Team Locker Rooms comparable"

In response to the audit report and findings, the School District committed to including a renovation project for Sunset in the next capital bond program, the schedule for which had not been established in 2010.

Development of the 2014 Bond Program

During the development of the candidate projects in 2013 for the new Bond program, the Facilities Department utilized the services of an architectural firm to develop the design concept and cost estimate for the needed alterations at Sunset to resolve the team room inequity; the scope of work eventually included renovations to the locker rooms as well. At the same time, suspecting that a similar issue might exist at Aloha High School, Facilities requested that a Title IX review be conducted of the school team rooms, which in fact confirmed that to be the case. The results of all this work was inclusion of the *High School Title IX Compliance, Sunset and Aloha High Schools* project in the 2014 Bond program with an estimated cost of \$4 million, Appendix 2.

Title IX Review of all High Schools

Initially, Beaverton High School was not similarly reviewed because a project in the 2006 Bond program had already constructed a building addition correcting the team room inequity at that school; similarly Westview and Southridge were not reviewed since the civil rights audit reviewed those buildings and had no findings and the fact that these are Beaverton's newest high schools. However, later in 2013 Facilities determined that a more comprehensive review of all the high schools' athletic facilities, including outdoor fields and supporting facilities, should be conducted. Attempts to find knowledgeable architects to perform a compliance analysis were not successful and finally the District requested Ball-Janik to consider providing this service. Unfortunately, it took a considerable amount of time to work through the false starts with the effort to get a qualified architect and to finally settle upon using Ball-Janik. The attorney who conducted this work was Adele Ridenour; a brief summary of her qualifications is

at Appendix 3. In early 2014, when the parent group at Westview High School raised the issue of the inadequacies of the softball batting practice and concessions building, which had been built with donations and by volunteers, Ball-Janik was first asked to focus on a comprehensive review of Westview High School. That review confirmed there were issues with the softball building, the most pressing being safety concerns with the electrical service. The District responded by installing permanent code-compliance electrical service; that work was completed in July 2014. Meanwhile, Ball-Janik completed the review of all five high schools and issued a report on June 27, 2014 (Appendix 4). A summary of the findings is at Table 1 below.

Table 1
Title IX Review for Beaverton School
District High School Athletic Facilities ¹

| | | A | B | C | D | E |
|----------|---------------------------------------|---|--|---|--|---|
| | | Aloha | Beaverton | Sunset | Southridge | Westview |
| 1 | Team Rooms | Needs remodel & expansion; project in 2014 Bond | | Needs remodel & expansion; project in 2014 Bond | Inequities; need study for best solution | Inequities; need study for best solution |
| 2 | Baseball & Softball Fields | | JV SB has own field; JV BB does not (uses Varsity field) | Donor project eliminates JV SB field | | |
| 3 | Batting Cages | | | | Inequities in BB batting cage; BB lacks enclosed structure & electricity | Inequities in SB batting cage; Needs electricity & proper lighting. Not fully enclosed. Has team room w/o lockers or restroom |
| 4 | Dugouts | | | | JV SB lacks covered dugouts and fixed benches | Varsity SB lacks fixed benches & storage. JV SB lacks covered dugouts and fixed benches |
| 5 | Press Box | | | SB has no press box | | SB has no press box |
| 6 | Concessions | SB has no dedicated concessions facility | | SB has no concessions facility | | BB has water but no drainage. SB has no power, water, or drainage |
| 7 | Scoreboards | | | | | Varsity SB is lesser quality. JV SB has no scoreboard |

¹ Ball-Janik report June 27, 2014, page 6

Appendix 5 contains the status and plan of action for the items in this table and are coordinated with the Column and Row grid markers shown on Table 1. The priorities for the remaining work have been developed in consultation with the high school athletic directors and school principals. In summary;

- Group I. Facilities projects needed to address these items have been completed or have budgeted 2014 Bond funding and are in the architectural design or planning stage. The cost of these projects is about \$5.6 million.
- Group II. Others are relatively small items and are being planned for work this summer and can be completed before the start of school in September provided that funding is made available for the projects. It is estimated that this work will cost about \$1 million. Funding could be provided from the 2014 Bond Program Contingency.
- Group III. Projects to resolve the locker room and team room inequities at Southridge and Westview could cost several millions of dollars and are not budgeted in the Bond or General Fund. Facilities is proposing to begin developing building alteration alternatives, scopes of work and cost estimates at a time that would support decision-making toward the end of the 2014 Bond program when the availability of Bond funding can be best determined.
- Group IV.
 - Item B2 in Table 1 has no available facilities solution without acquiring more property at Beaverton High School. An analysis of the high school site has demonstrated that a JV baseball field cannot fit anywhere on the property. An illustration of this problem is at Appendix 6. Should this become a Title IX complaint, an operational solution may be necessary, or alternatively development of a JV baseball practice field off-site, perhaps at Highland Park Middle School could be considered.
 - Item C2 has been resolved because the JV baseball practice field is not used by the school.

Title IX Inequity Root Causes

These appear to be two-fold: (1) some pre-Title IX school building designs and site layouts do not conform to current standards, and (2) some well-intentioned donor projects have unwittingly created Title IX inequities by adding or improving facilities that benefitted only one gender. The Ball-Janik report (page 7) included this general conclusion and recommendation:

*"In addition to directly addressing and correcting the imbalance associated with the above athletic facilities, we recommend that the District discuss further the **creation of a District-wide policy regarding funding from outside donors**, including booster and/or other similar parent organizations. Several of the facility inequities noted above stem from a historical imbalance in the amount and availability of private donations to sponsor particular sports program and athletic facilities"*

A new School Board policy is being drafted to address donor projects and their compliance with Title IX. It is anticipated that a draft will be available for review in April. To ensure that new Title IX inequities are not inadvertently created with the design and construction of the new high school, Ball-Janik will be asked to review the design drawings.

Participation in Athletic Programs

Gender participation in athletic programs in the District has also been gathered. Appendix 7 contains data assembled by the high school athletic directors.

Status Reports

Status reports addressing the remaining items in Table 1 can be provided to the School Board using the format of Appendix 6 at Board meetings or via email at whatever frequency desired; it is recommended that this be quarterly. The Executive Administrator for Facilities will be coordinating the facilities projects and is responsible for the status reporting.

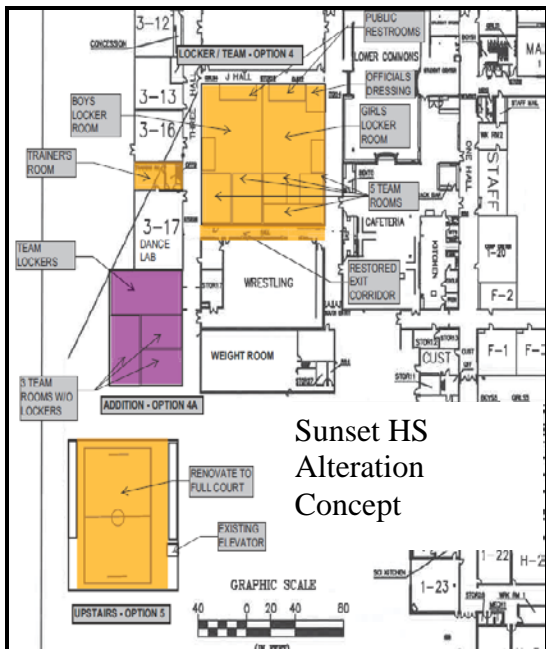
2014 Bond High School Title IX Compliance Projects

| | | | |
|---------------|--------------------------------------|----------------------|-----------------------|
| Site/School | Aloha and Sunset High Schools | | |
| Project Title | High School Title IX Compliance | Cost Estimate | Cost Est. Date |
| | | \$ 4,000,000 | 2013 |

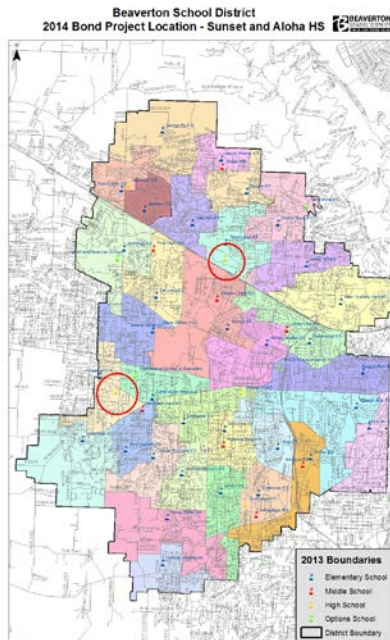
| |
|---|
| Description of Project Purpose / Problem to be Corrected |
| <p>Title IX compliance in high school athletics requires that the District upgrade athletic facilities. Facility compliance reviews at Aloha HS and Sunset HS have identified issues that need to be addressed to achieve gender equity with consideration to the participating sports programs. Physical education programs will also benefit from these improvements.</p> |

| |
|--|
| Project Scope |
| <p>Modify existing team/equipment rooms, trainer rooms, and locker areas to achieve equality between genders for sports programs. The estimated cost is based upon a study at Sunset HS, where a solution was developed and is estimated to cost about \$2,100,000. A sketch is shown below for Sunset HS is a prototype for the work needed at both high schools.</p> |

Project Photo / Illustration: Sunset High School Alteration Plan; Sunset HS & Aloha HS Locations Shown on Map



This diagram illustrates the proposed alterations to Sunset High School. The main floor plan shows various rooms including Locker/Team areas (Options 3-12, 3-13, 3-16, 3-17), Boys Locker Room, Trainers Room, Team Lockers, Wrestling, Weight Room, Restrooms, Officials Dressing, Girls Locker Room, Team Rooms, Cafeteria, Restored Exit Corridor, and Staff areas. A large orange-shaded area indicates the primary alteration zone. An inset shows a basketball court to be renovated to full court size, with an existing elevator nearby. A graphic scale bar at the bottom indicates distances from 0 to 80 feet. The title "Sunset HS Alteration Concept" is prominently displayed.



This map shows the Beaverton School District with various colored zones representing different school types. A red circle highlights the location of Sunset and Aloha High Schools. A legend at the bottom right identifies the 2013 boundaries for Elementary School, Middle School, High School, Options School, and District Boundary. The title "Beaverton School District 2014 Bond Project Location - Sunset and Aloha HS" is at the top.



Adele Ridenour

Adele Ridenour's primary experience and background is in construction law, which she used to assess Beaverton School District's various high school layouts and planned facility updates last year. Both Adele and partner Jack Orchard have researched and reviewed the relevant case law and literature on facility-related Title IX issues, including the relevant federal statutes, and case law from around the country commenting on facility-related Title IX violations.

As a construction litigator, Adele has interviewed hundreds of witnesses concerning technical issues relating to statutory and code compliance matters. Both Jack Orchard and Adele have tracked developments in the Title IX area, including familiarization with current case law and trends in this expanding and rapidly developing field. Adele's focus, because of her construction law expertise, remains on Title IX facility issues, but Title IX's use as an anti-discrimination and gender/sexual orientation remedy is clearly emerging. Title IX's increased use impacts many aspects of facilities construction and usage in ways not previously envisioned.

MEMORANDUM

TO: Richard Steinbrugge
FROM: Ball Janik, LLP
DATE: June 27, 2014
CLIENT: Beaverton School District No. 48
RE: **Title IX Facilities Review**

The attached school-by-school report has been prepared for the purpose of identifying major athletic facilities at high schools located within Beaverton School District No. 48 (hereafter "School District" or "District") which may raise Title IX implications. The following report was designed as a qualitative assessment of major athletic facilities at each of the District's high schools and should not be considered an overall Title IX audit.

Overview

Title IX's basic premise is that programs and facilities should be generally equivalent between genders. This is relatively easy to state but sometimes difficult to implement. There are at least two reasons for this:

- (1) Participation levels in men's and women's athletics vary, yet they drive the need for facilities. Some sports require more extensive facilities. The School District's objective is always to provide safe and adequate facilities, affording opportunities for participation regardless of gender. Title IX is about opportunity, not about mandated statistical levels of participation. Participation follows from equality of opportunity. Participation drives facility needs.
- (2) Financial resources provided to support athletic facilities vary by sport and sources. This creates a conundrum between using dedicated or donated funds and the likely existence of some sports programs benefitting more than others.

Title IX is applied to athletics facilities on a "full program" basis – meaning that a school's entire athletic program is considered, not just a single sport. However, clearly "second class" treatment, particularly on a same sport (men's basketball vs. women's basketball) or comparable sport (baseball vs. softball) basis raises Title IX concerns.

The District's facilities issues under Title IX reflect the desirable and healthy evolution of women's interscholastic sports within the District. The

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reality is that in some cases, facilities were built to accommodate an emphasis from an earlier era on men's sports. Increased women's sports participation requires new or retrofitted facilities, as noted in the individual school analyses. Yet, this is not a simple solution because matters of design, construction, and cost come into play, as well as the impacts on the overall school building and on academic and student services functions.

The following individualized reports focus exclusively on Title IX facility reviews. Title IX is far broader, reaching into matters regarding coaching, the promotion of student participation, and the creation of opportunities for students to benefit from athletics, whether for physical fitness, team building, or eligibility for recognition and college scholarships.

We note, through contacts with school administrators, athletic directors and coaches, that there is both a recognition and commitment in the Beaverton schools to gender equality. This includes an awareness that comparable facilities need to exist. There appears to be equal pride and support for women's and men's sports. The question repeatedly posed was "How do we achieve comparability?" not "Why do we need to achieve comparability?" Court cases illustrate that the latter question is still being asked directly or implicitly in other public school districts.

In District 48, we found that many of the facility issues implicating Title IX stemmed from the availability and use of financial resources. While the District can equalize its construction expenditures among athletic facilities, it has less control, but yet is still responsible for generally equalizing the use of non-District revenues among men's and women's sports. As reported to us, non-District revenues come from two primary sources – school or individual sport booster or support organizations, and individualized private donations designated for specific sports or facilities, e.g., a new scoreboard or a sophisticated piece of training equipment.

These financial matters influence the District's Title IX compliance. They are matters well beyond our facilities analysis. They raise District policy and administrative considerations which are the purview of the School Board and senior central office and school administrative staff. Fitting these finance pieces into the broader Title IX mosaic is a key process in achieving a continuing commitment to Title IX's aspirations and requirements.

The District's policy to offer a full complement of OSAA-sanctioned men's and women's sports (plus encouraging participation in sports like lacrosse, water polo and skiing) carries the responsibility to do so on a gender-comparable basis under Title IX. The opportunities created for the District's athletes also create the challenges discussed in the report.

Title IX Standards

Title IX prohibits an educational institution that receives federal financial support from engaging in sex-based discrimination. Title IX's implementing regulation, 34 C.F.R. § 106.41(a), states 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 intercollegiate, interscholastic, club or intramural athletics offered by a recipient,

and no recipient shall provide any such athletics separately on such basis.”

Process for Evaluating Facilities

The Title IX implementing regulation, 34 C.F.R. § 106.41(c), requires a recipient to provide equal athletic opportunities for members of both genders, including in the provision **of training facilities and services, publicity, and locker rooms, practice and competitive facilities.** 34 C.F.R. § 106.41(c)(7),(8),(10).

In accordance with the Intercollegiate Athletics Policy Interpretation issued on December 11, 1979¹, compliance is 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.

It is important to note that Title IX compliance is assessed based upon an overall comparison of male and female athletic programs. The provision of field and practice facilities, along with locker rooms and other facilities is a sub-category of that assessment. A disparity in one program component can alone constitute a Title IX violation if it is substantial enough in and of itself to deny equality of athletic opportunity to students of one gender at a school. However, a disparity in one program component for a specific gender (for example, practice areas/locker rooms) can be offset by a comparable advantage to that sex in another area. Although Title IX’s focus is often at the intercollegiate level, it applies equally to public school districts.

Furthermore, the Eight Circuit Court of Appeals recently held that a public institution cannot ignore a Title IX issue simply because the issue was brought about via a private donation or funding source. *Chalenor v. Univ. of N.D.*, 291 F3d 1042, 1048 (2002). According to the Court, once a public institution receives a private funding source, those funds become public money. *Id.* “A school may not skirt the requirement of providing both sexes equal opportunity in athletic programs by providing one sex more than substantially proportionate opportunity through the guise of ‘outside funding.’” *Id.* quoting *Chalenor v. Univ. of N.D.*, No. 2-99cv-170, slip op at 8 (Aug. 22, 2000).

Moreover, the 1990 Title IX Investigator’s Manual issued by the Department of Education’s Office of Civil Rights (“Investigator’s Manual”)² states:

¹ The provisions of the Intercollegiate Athletics Policy Interpretation issued on December 11, 1979 are generally applicable to interscholastic athletic programs.

² *Ollier v. Sweetwater Union High School*, 858 F. Supp. 2d 1093, 1110 (S.D. Cal. 2012)(court took judicial notice of the Investigator’s Manual in deciding Title IX compliance issue); *see also Cohen v. Brown University*, 809 F. Supp. 978, 988 (1992).

[The Office of Civil Rights] usually has no authority to investigate independent booster clubs. However, institutions must ensure that equivalent benefits and services are provided to members of both sexes. Therefore, where booster clubs provide benefits or services that assist only teams of one sex, the institution shall ensure that teams of the other sex receive equivalent benefits and services. If booster clubs provide benefits and services to athletes of one sex that are greater than what the institution is capable of providing to athletes of the other sex, then the institution shall take action to ensure the benefits and services are equivalent for both sexes. (emphasis added).

The Office of Civil Rights is the governmental agency responsible for investigating and addressing Title IX violations. Several federal courts have taken judicial notice of the manual in the context of reviewing Title IX complaints. See e.g., *Ollier v. Sweetwater Union High School*, 858 F. Supp. 2d 1093, 1110 (S.D. Cal. 2012)(court took judicial notice of the Investigator's Manual in deciding Title IX compliance issue); see also *Cohen v. Brown University*, 809 F. Supp. 978, 988 (1992).

Methodology for Reviewing Major Athletic Facilities Within the District

In order to evaluate the above factors, our firm performed an on-site tour of each high school. Each tour consisted of a review of the number and condition of locker rooms, lavatories, training rooms, gymnasiums, weight rooms, athletic storage areas, and outside athletic facilities, including the school's football stadium, soccer field(s), track(s), baseball field(s) and batting cage, and softball field(s) and batting cage.

Our firm also conducted brief interviews of each school's current athletic director and, in the case of Westview High School, the current head softball coach. The purpose of these interviews was to get a better sense of the type and number of sports each high school offers, as well as the history of any funding sources for the construction of on-site athletic facilities.

General Findings

In general, potential Title IX facility issues were noted at each of the high schools we reviewed. None of the issues we identified appear to be caused by an intentional discrimination on the basis of gender. In most cases, the issues identified either arose out of issues associated with how the high school or facility was originally constructed, and/or application of private donations/outside funding sources to the donor's preferred athletic program. Specific findings regarding each school are set forth in the attached exhibits to this report. In summary, the issues noted are as follows:

Westview High School (Exhibit A)

- Inequity in the number and quality of team rooms for men v. women
- Inequity in the quality of batting cage, scoreboard, concessions, announcement, and dugout facilities for baseball v. softball

Southridge High School (Exhibit B)

- Inequity in the quality of batting cages for softball v. baseball
- Inequity in the number and quality of team rooms for men v. women
- Inequity in the availability of a dedicated coaches room in the men's locker room for coaches to watch film and meet with players that does not exist in the women's locker room
- Inequity in the quality of dugout facilities for JV baseball v. JV softball

Beaverton High School (Exhibit C)

- Inequity in the availability of an onsite field for JV baseball (please note that there does not appear to be an available space to build such a field onsite)

Sunset High School (Exhibit D)

- Inequity in the number and quality of team rooms for men v. women (this is being addressed as part of the recent May bond capital improvements)
- Inequity in the availability of a concession stand/announcements booth for women's softball
- Potential upcoming inequity in the availability of practice field space for JV baseball versus JV softball

Aloha High School (Exhibit E)

- Inequity in the number and quality of team rooms for men v. women (this is being addressed as part of the recent May bond capital improvements)
- Softball does not have its own dedicated concessions stand, unlike baseball.

Matrix of Title IX Issues

For ease, the above noted issues are set forth in the following matrix:

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| Topic | Aloha | Beaverton | Sunset | Southridge | Westview |
|---------------------------------------|---|--|---|--|---|
| Team Rooms | Needs remodel & expansion; project in 2014 Bond | | Needs remodel & expansion; project in 2014 Bond | Inequities; need study for best solution | Inequities; need study for best solution |
| Baseball & Softball Fields | | JV SB has own field; JV BB does not (uses Varsity field) | Donor project eliminates JV SB field | | |
| Batting Cages | | | | Inequities in BB batting cage; BB lacks enclosed structure & electricity | Inequities in SB batting cage; Needs electricity & proper lighting. Not fully enclosed. Has team room w/o lockers or restroom |
| Dugouts | | | | JV SB lacks covered dugouts and fixed benches | Varsity SB lacks fixed benches & storage. JV SB lacks covered dugouts and fixed benches |
| Press Box | | | SB has no press box | | SB has no press box |
| Concessions | SB has no dedicated concessions facility | | SB has no concessions facility | | BB has water but no drainage. SB has no power, water, or drainage |
| Scoreboards | | | | | Varsity SB is lesser quality. JV SB has no scoreboard |

General Conclusions and Recommendations

We understand that some of the Title IX concerns raised above are in the process of being addressed, or will be addressed in the next few months, by the District. In addition to directly addressing and correcting the imbalance associated with the above athletic facilities, we recommend that the District discuss further the creation of a District-wide policy regarding funding from outside donors, including booster and/or other similar parent organizations. Several of the facility inequities noted above stem from a historical imbalance in the amount and availability of private donations to sponsor particular sports programs and athletic facilities. Furthermore, it appears that each high school within the District has a different way of handling such funding sources. Making the process more streamlined and universal could go a long way towards insuring Title IX compliance before any outside funding sources are accepted and/or put to use within the District.

Exhibit A - Westview High School Site Review

On March 18, 2014, we reviewed the athletic facilities at Westview High School. Westview's Athletic Director was in attendance during the review along with the District's Executive Administrator for Facilities. A follow-up site review was conducted on March 21, 2014, which included an interview of the Varsity Softball Coach. The primary focus of this report is a review of the softball and baseball program-related facilities. A detailed review of men's and women's facilities throughout the school was not performed.

1. General Comments

The onsite review and interviews were conducted in response to parent complaints of potential Title IX compliance issues involving the softball versus baseball facilities at Westview. The particular items noted in the parents' complaints were as follows: (1) lack of electrical power in the softball batting cage, (2) lack of covered dugouts for the JV softball team, and (3) inequities in the quality of scoreboard between the varsity baseball and varsity softball team.

Westview does not have a booster club. It was reported that all athletic programs either fundraise independently or receive private donations to supplement their annual budgets. As explained in further detail below, the majority of the disparities between the softball and baseball program appear to stem from a historic inequity in the availability of outside funding resources to the softball program.

2. Batting Cages

The baseball and softball batting cages differ in size, quality, and amenities.

A. Softball Batting Cages

The softball batting cages do not have any electricity making it difficult to see and use the structure for its intended purpose. It was reported that the softball program has plans to finish the facility and add garage door panels, but the lack of electricity has put that project on hold. The addition of garage door panels would make it currently too dark to see inside the structure. For now, the softball program is using clear tarps to enclose the side panels of the batting cages, which allows additional light into the structure.

The softball batting cage has a designated team room inside the facility for players to meet in between games and practice. The team room has wood benches but no lockers or lavatory.

When the batting cages require further light, the softball team strings an extension cord outside the batting cage over to an exterior power outlet located behind the varsity backstop. This presents a potentially unsafe fire hazard in

inclement weather. Additionally, the softball program cannot run both lights and their pitching machines through the extension cord otherwise the system shorts out. It was reported that this occurred at least once during the 2014 try-outs.

B. Baseball Batting Cages

The baseball batting cages are larger in size, which is not unusual given the pitching distance in baseball versus softball, and that hit baseballs tend to travel farther than softballs. However, the baseball batting cages are fully enclosed with garage doors and electricity. The electricity used to provide lighting for the facility is reportedly run through the school's electrical panel.

Both the softball and baseball batting cages were constructed through fundraising by their respective teams. The baseball batting cage is older and was built at a time when the school was relatively new. At the time the baseball batting cage was constructed, it was reported that the head coach for the baseball teams had been a long-time coach within the district with numerous construction and fundraising connections. In comparison, at the time the baseball batting cage was erected, it was reported that the head softball coach was a relatively new coach with little to no connections and/or ties to the community.

3. JV Dugouts

There is a disparity in the quality of dugouts between the JV baseball and JV softball teams.

A. JV Softball Dugouts

The JV softball dugouts are uncovered with a simple metal bleacher for use as a team bench (both on the home and away team side).

B. JV Baseball Dugouts

The JV baseball team has covered dugouts equivalent to those of the varsity baseball and softball teams.

Reportedly the JV baseball dugouts were built quickly after the school opened in 1994 and the construction labor and materials were donated by the former baseball head coach, along with donations from parents and possibly local businesses.

4. Softball v. Baseball Pressbox

A. Softball Concessions/Pressbox

The softball field has no covered pressbox area. It was reported that the softball program utilizes an extension cord and an exterior electrical outlet behind home plate at the varsity softball field to plug in a microphone and provide announcements. It was further reported that the lack of a covered pressbox has impacted the softball team's ability to find volunteers to announce their games.

The softball batting cages have a designated space for concessions that is covered. However, because the batting cages do not have power or water, the softball program is limited in what concessions they can serve and sell. The money generated from the concession stand is used to fundraise for the softball program's future games and needs.

B. Baseball Concessions/Pressbox

Baseball has a two-story covered concession stand/pressbox. The structure was reportedly constructed at the same time as the baseball batting cage facility and has water and power but no drainage. The construction labor and materials for the concession stand/pressbox were reportedly paid for through parent and local business donations, as well as the connections of the baseball program's former head coach. Similar to softball, any money generated from the concession stand is used to help fund future projects and needs of the baseball program.

5. Scoreboard

A. Varsity Softball Scoreboard

The varsity softball team has a functioning scoreboard that is equivalent in size and quality to the JV baseball scoreboard.

B. Varsity Baseball Scoreboard

The varsity baseball team recently installed a large, updated scoreboard that has the capacity to report on the number of hits/runs per inning, as well as flash player information. The scoreboard was reportedly paid for through private donations and several years of baseball team fundraising.

C. JV Softball Scoreboard

The JV softball team has no scoreboard and is unable to utilize the Varsity softball scoreboard unless they are playing on the varsity field.

D. JV Baseball Scoreboard

The JV baseball team has a scoreboard equivalent in size and quality to that of the varsity softball team. The scoreboard is reportedly the old varsity baseball scoreboard.

6. Team Rooms



A. Women's Team Rooms



The women's locker rooms include 4 small team rooms and one medium-sized team room. A portion of the softball batting cages also has a designated team room for the softball team. The batting cage team room has benches but no lockers or electricity as specified above.

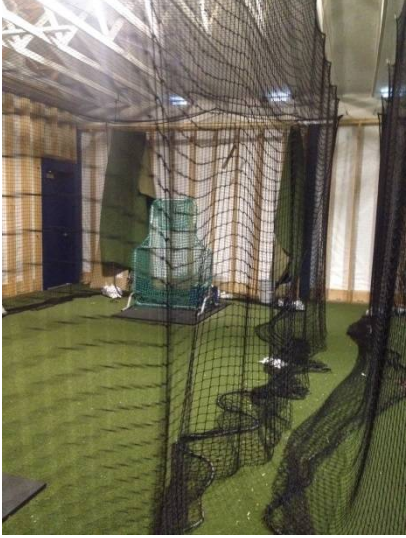


B. Men's Team Rooms




The men's locker room has 3 small team rooms and 3 large team rooms. The large team rooms are complete with whiteboards, painted walls with the school colors, and fixed wood benches. The large team rooms are used by the men's sports teams on a seasonal basis (football, basketball, and baseball). There is no equivalent to these three large team rooms in the women's locker room.




Photos of each of the above conditions are set forth below:

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| <p><u>Softball Batting Cages:</u></p> |  |
| <p><u>Softball Batting Cages:</u></p> <ol style="list-style-type: none">1. Clear/semi-clear tarps used to let in additional light.2. Structure not fully enclosed. |  |



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| <p>3. LED lights supplied by parent and require running extension cord to building from behind softball home plate.</p> |  |
| <p><u>Baseball Batting Cages:</u></p> <p>1. Electricity and garage doors to open but also fully enclose structure in winter/rain.</p> |  |

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| <p><u>JV Softball Dugouts:</u></p> <ol style="list-style-type: none"> 1. Uncovered with metal bleacher bench. |  |
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| <p><u>JV Baseball Dugouts:</u></p> <ol style="list-style-type: none"> 1. Covered with fixed wood bench. |  |
| <p><u>Varsity Softball Dugouts:</u></p> <ol style="list-style-type: none"> 1. No fixed benches. |  |
| <p><u>Varsity Baseball Dugouts:</u></p> <ol style="list-style-type: none"> 1. Fixed wood benches, hangers for jackets. |  |

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| <p>2. Storage shelving</p> |  |
| <p><u>Softball Concession Stand/Pressbox:</u></p> <ol style="list-style-type: none"> 1. Electrical outlet behind home plate. 2. Concession stand is inside batting cages and has no water or electricity. |  |
| <p><u>Baseball Concession Stand/Pressbox:</u></p> <ol style="list-style-type: none"> 1. Has electricity and water, no drainage. |  |



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| <p><u>Softball Varsity Scoreboard:</u></p> |  |
| <p><u>Baseball Varsity Scoreboard:</u></p> |  |
| <p><u>JV Softball Scoreboard:</u></p> | <p>None</p> |

JV Baseball Scoreboard:

1. Old Varsity baseball scoreboard.



Women's Small Team Rooms:

1. Four small team rooms in total.

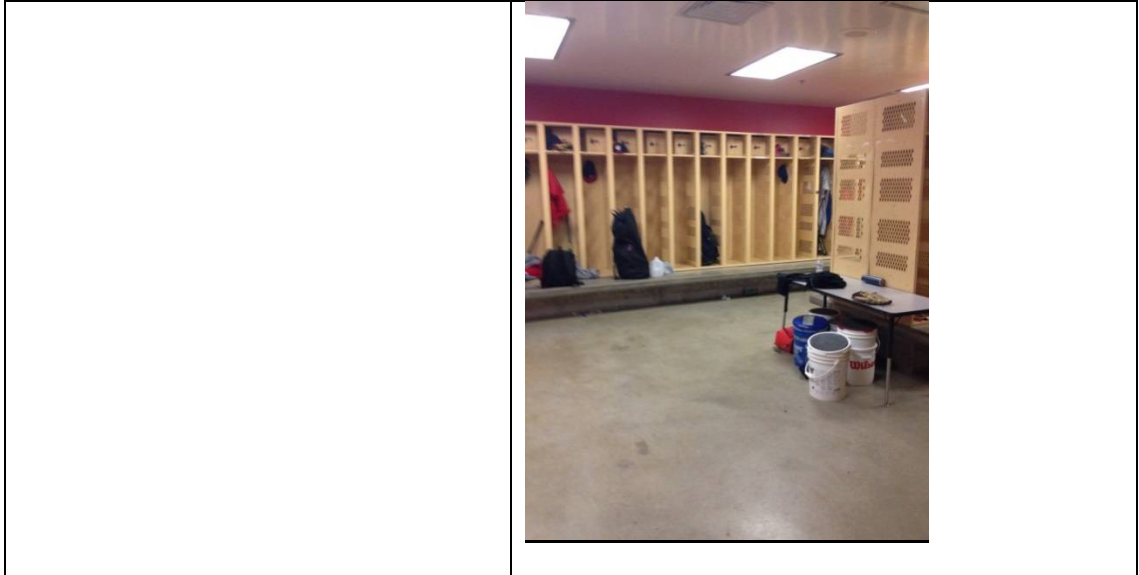


Women's Softball Team Room:

1. Dedicated softball team room inside batting cages and located close to field.
2. No electricity or heat.
3. Benches but no lockers.



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| <p><u>Men's Small Team Rooms:</u></p> <ol style="list-style-type: none"> 1. Three small team rooms in men's locker room. 2. Roughly equivalent in size to 4 small team rooms in women's locker room. |  |
| <p><u>Men's Large Team Rooms:</u></p> <ol style="list-style-type: none"> 1. Three large team rooms used by male sports (football, basketball, and baseball on seasonal basis). 2. Located inside men's locker room inside the school with heat and electricity but is not close to field. |  |
| |  |



Conclusions and Recommendations:

Based upon all of the above, it is our conclusion that there are potential Title IX facility compliance issues associated with the (1) softball batting cages, (2) JV dugouts, (3) lack of enclosed pressbox/announcement booth for softball, (4) lack of JV scoreboard and quality of scoreboard to varsity softball, and (5) number, size, and quality of team rooms provided for male and female athletes at Westview.

Lastly, the lack of electricity to the softball batting cages, and the current use of an extension cord to provide electricity is also a serious concern from a safety/fire hazard standpoint. We recommend immediate steps be taken to eliminate this safety hazard.

Exhibit B - Southridge High School Site Review

On April 21, 2014, we reviewed the athletic facilities at Southridge High School. Southridge's Athletic Director served as our tour guide and provided information regarding the history of the school's facilities and funding for various athletic programs. The following are our preliminary findings:

1. General Comments

Southridge currently has 3 levels of baseball (varsity, JV, and freshman) but only two levels of softball. It appears that the lack of a third level of softball is due to interest and participation. We did not conduct a statistical review of whether the lack of participation in women's softball is reflective of the number of female athletes within the school.

There is an active boosters club which is run by parents of former and current students at the high school. The booster club runs an in-school store daily and also sells concessions at basketball (men's and women's), wrestling, football, and volleyball games, and occasionally track meets. The funds from the concessions stand and in-school store are used to respond to requests from athletic programs and activities for supplemental funding to their programs. Any athletic program requesting funds from the booster club must go through the current athletic director. This protocol was put into place after it became apparent that long-standing coaches more familiar with the booster club and their process were receiving an exorbitant amount of funds in comparison to other programs where the coach and/or program were relatively new.

It was reported that the school will be putting in new bathrooms and a concession stand by the track field. Reportedly it was a community effort to raise the funds and services necessary to construct this new structure.

2. Batting Cages

The baseball and softball batting cages differ in quality and amenities.

A. Softball Batting Cages

The softball batting cage facility is an enclosed structure with electricity, substantial storage, and a dedicated concession stand located directly next to the varsity softball field. The softball batting cage facility appears to have been constructed through outside fundraising by the softball program and requests to the high school's booster club.

B. Baseball Batting Cages

The baseball batting cage is not enclosed and does not have any electricity. In order to provide adequate lighting, the baseball team strings an

electrical cord from an outlet several feet away (behind home plate). This is both a Title IX concern as well as a potential fire safety hazard. Reportedly the baseball program uses the extension cord to provide electricity to its batting cage facility even in inclement weather.

3. Team Rooms

A. Men's Team Rooms

The men's locker room has 3 regular sized team rooms and 3 large team rooms. The large team rooms are complete with benches, large lockers, and are decorated in school colors. There is no equivalent to these three large team rooms in the women's locker room.

B. Women's Team Rooms

The women's locker room has 4 regular sized team rooms comparable to the 4 regular sized team rooms in the men's locker room. The 4th team room is used purely for storage. There are no comparable large team rooms to those found in the men's locker room.

4. Coaches Room

The men's locker room has converted a large storage area into a coaches room that is reportedly used by the football and men's basketball coaches to store equipment and meet with their teams to review game film. There is no equivalent to this room in the women's locker room.

5. JV Dugouts

There is a disparity in the quality of dugouts between the JV baseball and JV softball teams.




A. JV Softball Dugouts

The JV softball dugouts are uncovered with a simple metal bleacher for use as a team bench (both on the home and away team side).





B. JV Baseball Dugouts




The JV baseball team has covered dugouts equivalent to those of the varsity baseball and softball teams.

Photos of each of the above conditions, as well as other facilities at Southridge, are set forth below:





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| <p><u>Softball Batting Cages:</u></p> <ol style="list-style-type: none"> 1. Dedicated concession stand located within batting cage facility. 2. Has both electricity and running water 3. Fully enclosed structure |  |
| |  |
| <p><u>Baseball Batting Cages:</u></p> <ol style="list-style-type: none"> 1. No electricity or running water 2. Not fully enclosed 3. Electrical cord is strung from behind home plate to provide electricity to facility |  |





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| <p><u>Baseball Batting Cages:</u></p> <ol style="list-style-type: none"> 1. Wire mesh and tarps are placed on the outside to allow light into the structure |  |
| <ol style="list-style-type: none"> 1. Electrical cord strung from behind home plate to light the batting cage area. |  |
| <p><u>Men's Locker and Team Rooms</u></p> <ol style="list-style-type: none"> 1. 656 lockers 2. 2 bathrooms 3. 3 urinals 4. 6 showers |  |





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| <p><u>Men's Locker Room</u></p> |  |
| <p><u>Men's Locker Room</u></p> |  |
| <p><u>Men's Locker Room</u></p> |  |
| <p><u>Men's Team Rooms</u></p> <ol style="list-style-type: none"> 1. Total of 6 team rooms. 2. Four team rooms of similar size to those in women's locker room (as depicted to the right). The 4th team room is used purely for storage. 3. There are also an additional 3 large team rooms. |  |




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| <p><u>Men's Large Team Room:</u></p> <ol style="list-style-type: none"> 1. 3 Larger team rooms. No equivalent on women's side. 2. 47-51 lockers. |  |
| <p><u>Coaches Room</u></p> <ol style="list-style-type: none"> 1. Utilized by football and men's basketball coaches to review game tape. 2. No equivalent coaches room on women's side. |  |
| <p><u>Women's Locker and Team Rooms</u></p> |  |

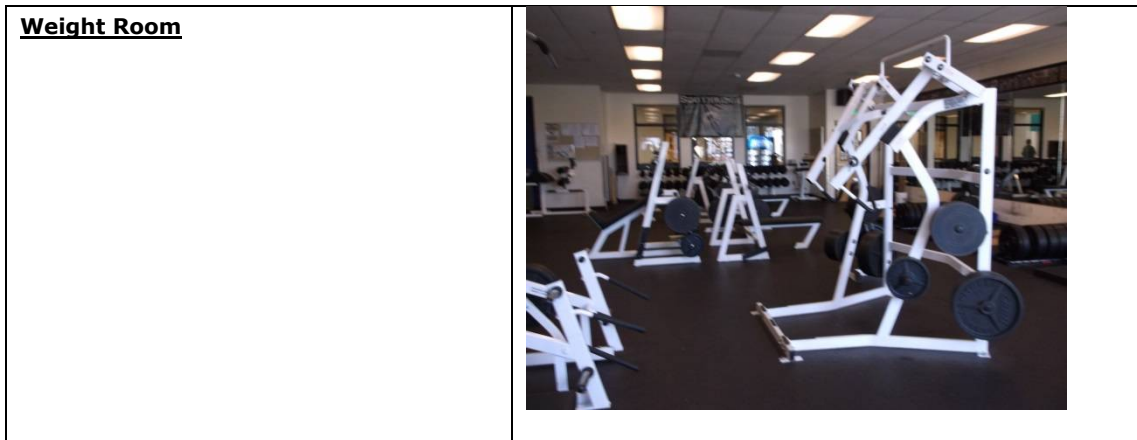
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| <p><u>Women's Locker Room</u></p> <ol style="list-style-type: none"> 1. 768 lockers |  |
| <p><u>Women's Locker Room</u></p> <ol style="list-style-type: none"> 1. 5 bathroom stalls 2. 6 showers |  |
| <p><u>Women's Locker Room</u></p> |  |
| <p><u>Women's Team Room</u></p> <ol style="list-style-type: none"> 1. Approx. 14 lockers in each room 2. 4 team rooms, each the same approximate size 3. The 4th team room is used only for storage. |  |

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| <p><u>Wrestling Room</u></p> |  |
| <p><u>Training Room</u></p> |  |
| <p><u>Football and Track Field</u></p> <ol style="list-style-type: none"> 1. New bathrooms and concession stand slated for construction next to football and track field this summer. 2. Reportedly project is being funding and construction through outside private donations |  |
| <p><u>Varsity Baseball Field</u></p> <ol style="list-style-type: none"> 1. Used by both Varsity and JV for games. 2. Separate JV field for practice and some games. |  |

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| <p><u>Varsity Baseball Field</u></p> <ol style="list-style-type: none"> 1. Covered dugouts with fixed benches on home dugout and removable bleachers on away-side dugout 2. Shelving located behind benches on home dugout. |  |
| <p><u>Varsity Baseball Field</u></p> |  |
| <p><u>Varsity Baseball Field</u></p> |  |
| <p><u>JV Baseball Field</u></p> |  |

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| <p><u>JV Baseball Field</u></p> <ol style="list-style-type: none"> 1. Covered dugouts with removable bleachers for benches. |  |
| <p><u>Baseball Concession Stand</u></p> <ol style="list-style-type: none"> 1. Dedicated concession stand located behind home plate. 2. Staffed by parents of baseball program and all funds from concessions go to the baseball program. |  |
| <p><u>Varsity Softball Field</u></p> <ol style="list-style-type: none"> 1. Concession Stand depicted above with batting cage. |  |
| <p><u>Varsity Softball Field</u></p> <ol style="list-style-type: none"> 1. Covered dugouts with fixed wooden benches. |  |

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| <p><u>Varsity Softball Field</u></p> |  |
| <p><u>JV Softball Field</u></p> <p>1. No covered dugouts or fixed benches.</p> |  |
| <p><u>JV Softball Field</u></p> |  |



Conclusions and Recommendations:

Based upon all of the above, it is our conclusion that there are potential Title IX compliance issues associated with the (1) baseball batting cage, and (2) number, size, and quality of team rooms provided for male and female athletes at Southridge High School.

The team room situation has existed since original construction of the school. The difference in quality and availability of amenities to the batting cage facilities appears to stem from inequities in the amount of private donations/funding the softball program has received from the booster club and other parent groups versus baseball. Past inequities in the distribution of funds from the booster club appear to have been addressed via the athletic director and principal's new policy that any request to the booster club for funds require their oversight and approval before submission to the boosters.

Lastly, the lack of electricity to the baseball batting cages, and the current use of an extension cord to provide electricity is a serious concern from a safety/fire hazard standpoint. We recommend immediate steps be taken to eliminate this safety hazard.

Exhibit C – Beaverton High School Site Review

On April 21, 2014, we reviewed the athletic facilities at Beaverton High School. Beaverton's Athletic Director served as our tour guide and provided information regarding the history of the school's facilities and funding for various athletic programs. The school principal also joined us for a portion of the tour. The following are our preliminary findings.

1. General Comments

Beaverton High School appears to have the least potential Title IX facility issues of all the high schools we toured. The locker and team rooms were recently remodeled. Although the men's locker room includes a large team room that does not exist on the women's side, the women have more individual team rooms to accommodate the inequity in size of the men's larger team room. The large team room on the men's side is used to accommodate the football team and their football equipment.

The high school has identical varsity baseball and varsity softball field seating. The fields and seating were recently built. Construction was funded through a large private donation. It was reported that the donor originally wanted to fund construction of just the baseball field. The school principal and athletic director stepped in and told the donor that if the baseball team was going to get a new facility/field, an equivalent facility would need to be constructed on behalf of the softball program. The donor reportedly understood and decided to fund both facilities (it is unclear whether the donor doubled their initial gift or the scale of the baseball field and seating was reduced to accommodate a similar facility for softball. In any event, the fields and seating appear to be equal in quality and amenities).

The baseball and softball teams also share a batting cage facility which is located in a converted shop class building adjacent to the school. The baseball and softball programs jointly fundraised to convert the space to suit their needs.

Beaverton has an active boosters club which is run by current and former parents of students of the high school. Both the athletic director and principal attend the booster club meetings fairly regularly. Any group wishing to receive funds submits a form to the principal who then reviews the request before submitting it to the booster club. Reportedly, teams that help the booster club with concessions and/or other fundraising receive favorable treatment in their funding requests.

Softball and baseball run their own concessions. The booster club holds concessions for track, football, soccer (men and women), basketball (men and women), and wrestling.

2. JV Baseball and Softball

The only potential Title IX issue which was noted during our visit has to do with the fact the JV baseball team does not have its own dedicated practice and game field located on-site and near the school. It was reported that there is no land space to create a separate JV baseball field onsite. Moreover, the JV baseball team reportedly is able to utilize the varsity team's stadium and field when the varsity team is not using it. The Varsity baseball field is superior to the JV softball field, likely eliminating any potential balance in the amenities provided to both JV teams.

A. JV Baseball Field

The JV baseball team reportedly utilizes the varsity field/stadium and an off-site field when the varsity field is already in use.

B. JV Softball Field

In contrast, the JV softball team has its own dedicated practice and game field. The field is situated at the front entrance of the school. The JV softball field does not have covered dugouts, only metal benches situated behind metal fencing.



C. Freshman Baseball



The freshman baseball team utilizes an offsite field to practice and play.




JV Softball Field:

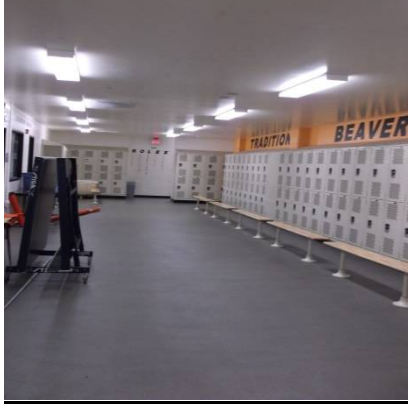


1. Dedicated JV softball field.
2. Dugouts are uncovered.









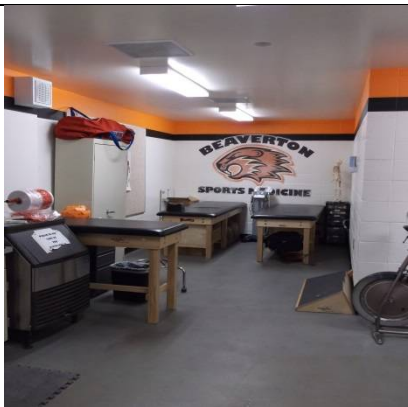
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| <p><u>JV Baseball Field:</u></p> <ol style="list-style-type: none"> 1. No dedicated practice and/or game field for JV baseball. 2. Some practices and games are forced to be held offsite others are held in the men's varsity stadium/field. 3. Reportedly there is no space to create a separate JV field onsite. | <p>None.</p> |
| <p><u>Men's Locker and Team Rooms:</u></p> <ol style="list-style-type: none"> 1. Locker room has 537 lockers which are the same size as found in the women's locker room 2. 2 Team rooms (1 large and 1 medium-sized room) 3. The large team room has 100 lockers and medium-sized has another 98 lockers |  |

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| <p><u>Men's Locker Room</u></p> <ol style="list-style-type: none"> 1. 3 bathroom stalls 2. 4 urinals 3. 3 showers 4. 1 sink w/ dryer |  |
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| <p><u>Men's Medium Sized Team Room</u></p> <ol style="list-style-type: none"> 1. 98 medium-sized lockers 2. 3 bathrooms 3. 3 urinals 4. 3 showers 5. 1 sink w/ dryer |  |
| <p><u>Men's Medium Sized Team Room</u></p> |  |

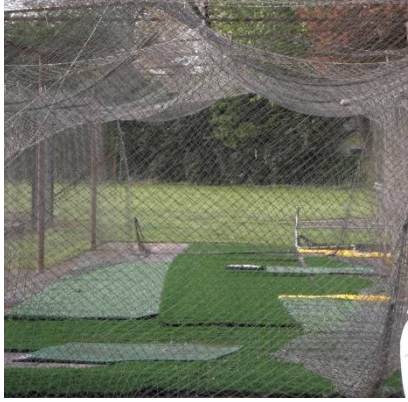



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| <p><u>Men's Large Team Room:</u></p> <ol style="list-style-type: none"> 1. Located directly off the coaches and PE office. 2. 100 medium-sized lockers |  |
| <p><u>Women's Locker and Team Rooms:</u></p> <ol style="list-style-type: none"> 1. Locker room has 418 lockers of equivalent quality and size to that of the men's locker room 2. 3 Team Rooms (1 large and 2 medium-sized) 3. Large team room has 80 lockers and medium sized team rooms each have another 52 |  |
| <p><u>Women's Locker Room:</u></p> <ol style="list-style-type: none"> 1. 6 bathroom stalls 2. 6 showers 3. 1 sink w/ dryer |  |

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| <p><u>Women's Large Team Room</u></p> <ol style="list-style-type: none"> 1. Located directly off women's locker room and mostly used for visiting teams |  |

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| <p><u>Women's Medium Team Room #1</u></p> |  | |
| <p><u>Women's Medium Team Room #2</u></p> <ol style="list-style-type: none"> 1. 3 bathroom stalls 2. 2 showers 3. 1 sink w/ dryer |  | |
| <p><u>Weight Room</u></p> |  | |
| <p><u>Training Room</u></p> |  | |

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| <p><u>Track and Football Field</u></p> <p>1. District recently installed new turf.</p> |  |
| <p><u>Track and Football Field</u></p> <p>1. New pressbox and bleachers.</p> |  |
| <p><u>Outdoor Concessions and Bathrooms</u></p> |  |
| <p><u>Tennis Courts</u></p> |  |

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| <p><u>Varsity Softball Field</u></p> <ol style="list-style-type: none"> 1. Softball has a dedicated team room inside the field seating area 2. 30-31 open lockers in the team room. |  |
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| <p><u>Varsity Baseball Field</u></p> |  |

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| <p><u>Baseball Outdoor Batting Cages</u></p> <ol style="list-style-type: none"> 1. Reportedly not frequently used now that indoor facility is available |  |
| <p><u>Indoor Baseball and Softball Batting Cages</u></p> <ol style="list-style-type: none"> 1. Shared by both baseball and softball 2. Converted workshop/shop class area. 3. Baseball and softball jointly fundraised to convert facility. |  |
| |  |
| <p><u>Main Gymnasium</u></p> <ol style="list-style-type: none"> 1. Softball uses this gym for practice in the Spring and baseball uses the auxiliary gym. 2. Men's and women's basketball trade off use of main gym during winter sports. |  |

Conclusions and Recommendations:

Based upon all of the above, it is our conclusion that the only potential Title IX compliance issue is the lack of an onsite JV baseball practice and game field. However, there does not appear to be a workable solution to this issue

other than continuing with the status quo due to a lack of space. Moreover, when varsity baseball is not using their field, the JV team is able to use the area to practice/play, which is far superior to the field the JV softball team uses.

In light of the above, the lack of a dedicated JV baseball field is unlikely to trigger a Title IX violation at this time.

Exhibit D – Sunset High School Site Review

On May 20, 2014, we reviewed the athletic facilities at Sunset High School. Sunset's Athletic Director served as our tour guide and provided information regarding the history of the school's facilities and funding for various athletic programs. The following are our preliminary findings:

1. General Comments

The school recently received a large donation to install turf on what is now the baseball and softball outfields (and soccer practice field). As part of this work, the Varsity softball field will be moved. The move of the Varsity softball field will eliminate the JV softball field entirely. The JV and Varsity baseball fields will remain intact. The JV baseball field is reportedly rarely used and only for additional practice area space.

At the moment, the women's softball teams do not have either a concession stand or an announcements booth. Preliminary plans have been drawn up to install such facilities at a later time on the newly renovated/moved softball field. However, the actual construction of such facility was not confirmed as of the date this report was authored.

The locker rooms for both the men and women inside the school are outdated and in need of remodeling. Both locker rooms are scheduled to be renovated following the recently passed May 2014 bond. The inequities in the team rooms discussed below are reportedly being addressed as part of the remodel.

Construction on the locker and team rooms as well as the installation of the new turf and movement of the softball field is scheduled to commence summer 2014.

2. Team Rooms

A. Women's Team Rooms

The women's locker room includes 1 storage area that has been converted into a small team room just outside the entrance to the main locker room area. The room had a musty smell and the lockers were old and outdated.

B. Men's Team Rooms

The men's locker room has 1 large team room which is used by various male athletic sports, but primarily football in the fall. There is no equivalent to this team room in the women's locker room.

The locker and team rooms for both the men and women are scheduled to be renovated following the passage of the May 2014 bond. Inequities in the

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team rooms are reportedly being addressed as part of the work scheduled to be completed under the bond.


3. Softball Fields/Concessions/Announcements




As indicated above, the planned installation of a new turf field will result in the elimination of the JV softball field. The JV baseball team will still have its own dedicated field, however, it is reportedly rarely used for practice and never for games.





The women's softball team does not have a concession stand/announcement booth. The JV and Varsity men's baseball do have such a facility, which is used during games.

Photos of each of the above conditions as well as other facilities we toured are set forth below:





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| <u>Men's Locker and Team Room:</u> |  |
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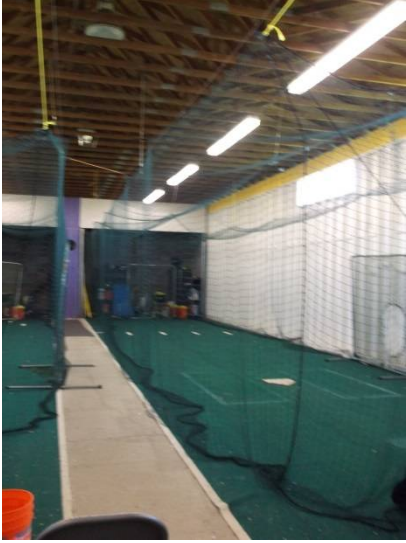

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| <u>Men's Team Room:</u> |  |
| <u>Women's Locker and Team Room:</u> |  |

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| <p><u>Women's Team Room</u></p> <ol style="list-style-type: none"> 1. Musty smell 2. Reported as not frequently used. |  |

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| <p><u>Main Gymnasium</u></p> |  |
| <p><u>Auxiliary Gymnasium</u></p> |  |
| <p><u>Varsity Baseball Field</u></p> <ol style="list-style-type: none"> 1. More professional wire mesh to block hit baseballs going onto Cornell Road (reportedly the construction of this wire mesh was a requirement of the City) |  |
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| <p><u>Baseball Concessions/Announcements</u></p> <ol style="list-style-type: none"> 1. There is no equivalent currently for softball. |  |
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| <p><u>JV Baseball Field</u></p> |  |
| <p><u>Varsity Softball Field</u></p> <ol style="list-style-type: none"> 1. Less professional backstop mesh. Improvements to this issue are planned as part of the move and construction of the relocated Varsity softball field. |  |

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| <p><u>JV Softball Field</u></p> <ol style="list-style-type: none"> 1. This field is being eliminated with the new turf improvements. |  |

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| <p><u>Joint Baseball and Softball Batting Cages</u></p> <ol style="list-style-type: none"> 1. One-half the building is used by baseball and the other half by softball. 2. Fully enclosed and electricity on both sides. |  |
| |  |
| <p><u>Football and Soccer Field</u></p> |  |

| | |
|---|--|
| <p><u>Outdoor Concessions and Lavatory for Football and Soccer</u></p> |  |
| <p><u>Track</u></p> |  |
| <p><u>Auxiliary Practice Football and Soccer Field</u></p> |  |
| <p><u>Weight Room:</u></p> |  |

Conclusions and Recommendations:

Based upon all of the above, it is our conclusion that the potential Title IX compliance issues associated with the facilities at this high school are: (1) the lack of similar quality and quantity of team rooms for women versus men, and (2) the lack of a concession/announcement booth for women's softball. The team room inequity is reportedly being addressed this summer during a large remodel of the men's and women's locker rooms. Although it is our understanding that a location and plans for a future softball concessions stand/announcements booth have been made by the District, currently the concessions stand/announcements booth is not part of the summer improvements to the field facilities at the school.

It also appears that the improvements to the softball and baseball fields will result in the elimination of the current JV softball field. Reportedly both JV fields are rarely used, and when they are used, it is reportedly for practice only, not official games. While JV baseball will maintain its own dedicated field, given the fact it is rarely used and only for practice, as well as the fact there appears to be adequate space located nearby for JV softball to practice, this is likely not too serious a Title IX issue at this time. However, the District may wish to look into providing a comparable space for JV softball to practice in the future. Alternatively, the District may want to eliminate the JV baseball field entirely, to provide better equality as to the availability of practice field space for both programs.

Exhibit E - Aloha High School Site Review

On August 16, 2013, we reviewed the athletic facilities at Aloha High School. Aloha High School's Principal, Vice Principal, and Athletic Director were in attendance during the review along with the Athletic Director of Sunset High School and the District's Administrator for Facilities Development. A report was prepared regarding the facility review which was previously circulated to the District and is dated September 9, 2013.

A follow-up review of additional indoor and outdoor facilities was conducted on May 20, 2014. The current Athletic Director served as the tour guide for this on-site review. The focus of the follow-up review was to assess all other facilities not originally addressed in the site review which took place in 2013.

1. General Comments

The locker rooms for both the men and women are outdated and in need of remodeling. Both locker rooms are scheduled to be renovated under the recently passed May 2014 bond. The inequities in the team rooms discussed below are reportedly being addressed as part of this remodel. Construction on the locker and team rooms is reportedly scheduled to commence summer 2014.

Aloha High School does have an active boosters club which contributes some funding toward the various athletic programs at the school. The boosters are staffed by parents of former and current students of the school. The athletic director reportedly does not have much involvement with the boosters club. Reportedly the boosters club will only fund a program a maximum of \$500/year for their sport, regardless of the need for further funds or the number of requests submitted. According to the current Athletic Director, the boosters club provides very little funding to athletics.

2. Team Rooms

The male athletic team rooms differ in size and quality from the female athletic team room.

A. Female Team Room

The only team room on-site at Aloha High School that appears to be designated exclusively for female athlete use is a converted storage area adjacent to the female locker room. As depicted in the photographs below, the female athlete team room has approximately 18-21 full-length lockers and a large chalk board. The female team room does not have shower facilities separate from the shower facilities located within the female locker room.

B. Male Athletic Team Rooms

The male athletes have the following two team rooms:

(1) The first team room is a designated team room on the Aloha High School plans and is located adjacent to the male locker room. It may be approximately 5 times as large (or more) as the female athlete team room and has lockers that are designated for male athlete usage. The lockers in the male athlete team room (totaling approximately 160 half-size lockers) are sufficient to meet the needs of the various male athletic teams. This team room also has shower facilities that are separate from the shower facilities located in the male locker room. As set forth in the photographs below, it appears, though, that the separate shower facilities are currently used for storage of football equipment. In addition, there are a number of storage rooms located adjacent to the team room, which provides greater storage area for athletic equipment than currently available to the female athletic teams. Some storage space differences, however, can be attributed to the necessity of increased storage space for football equipment (the type of and amount of football equipment relates to the nature of the sport).

(2) The second team room (depicted below) is for use by the baseball players and is located adjacent to the baseball field concession stand. There is no comparable team room for use by the softball players.

3. Varsity Softball/Baseball Fields

As depicted in the photographs below, the Varsity baseball and softball fields are comparable in quality and are comparably maintained by volunteers on behalf of the respective programs. The noted differences between the fields are as follows: (1) the baseball field has a designated concession stand, and (2) the baseball team has a designated team room. The softball field shares a concession stand with the football/soccer/track field.

4. JV Softball/Baseball Fields

As depicted in the photographs below, the Junior Varsity softball and Junior Varsity/Freshman baseball fields are comparable in quality and are comparably maintained by volunteers on behalf of the respective programs. We understand that the Junior Varsity/Freshman baseball field may be adjusted in the future in accordance with Tualatin Hills Park & Recreation District's current planned improvements. As long as the quality and availability of the fields remain generally equivalent, the planned change in location of the baseball field at Mountain View (as set forth on the enclosed plan) will not likely change the analysis.

Women's Locker Room





Storage Facilities in Women's Locker Room:



Men's Locker Room



Men's Locker Room



Men's Locker Room



Storage Facilities in Men's Locker Room



Storage Facilities in Men's Locker Room



**Storage Facilities in Men's
Locker Room**



**Storage Facilities in Men's
Locker Room**



Women's Team Room
(located adjacent to
locker room)



Women's Team Room



Women's Team Room



Men's Team Room
(located adjacent to
locker room)



Men's Team Room
(located adjacent to
locker room)



Men's Team Room



Storage in Men's Team Room (converted shower facilities)



Storage in Men's Team Room



Storage in Men's Team Room



Varsity Baseball Field



Varsity Baseball Dugout



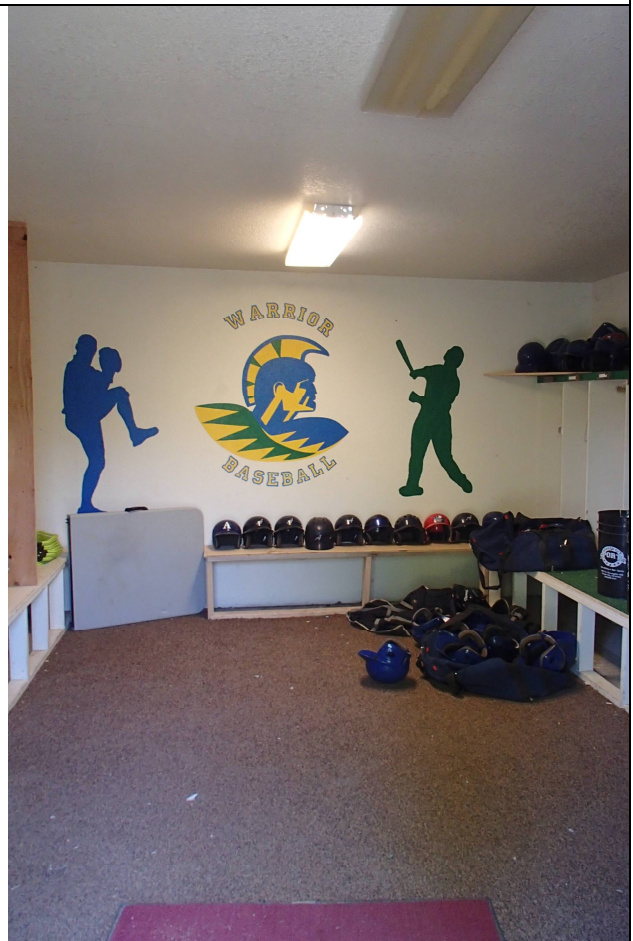
Varsity Baseball Bleachers (concession stand and team room in background)



Concession Stand (team room located in back of this building)



Varsity Baseball Team Room



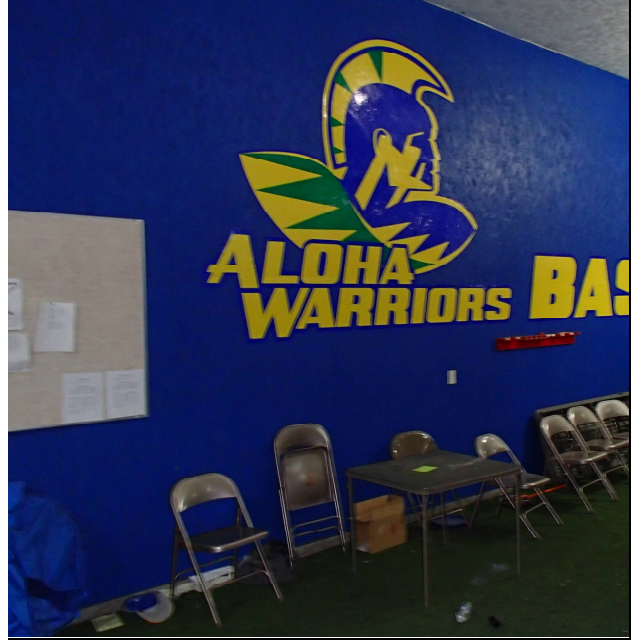
Varsity Baseball Storage (located next to team room)



Batting Cage Facility (paid for by baseball team)



Batting Cage Facility



Batting Cage Facility



Varsity Softball Dugout



Varsity Softball Bleachers





Softball Concessions Stand Located Near Softball Field (Reportedly Used by Several Athletic Programs)



JV Baseball Field: Located at Mountain View Middle School (.8 miles from Aloha High School)



| | |
|---|--|
| <p>JV Softball Field: Located at International School of Beaverton (.8 miles from Aloha High School)</p> |  |
| <p>Track and Field</p> |  |
| <p>Upper Gymnasium</p> |  |

| | |
|-------------------------------|---|
| <p>Lower Gymnasium</p> |  |
| <p>Weight Room</p> |  |

Conclusions and Recommendations:

Based upon all of the above, it is our conclusion that the potential Title IX compliance issues associated with the facilities at this high school are: (1) the lack of similar quality and quantity of team rooms for women versus men, (2) the lack of a dedicated concession/announcement booth for women's softball, and (3) the lack of a dedicated team room for softball. The team room inequity within the school building is reportedly being addressed this summer during the large remodel of the men's and women's locker rooms. Furthermore, although the softball team does not have its own concessions stand, a nearby concessions stand is available and located nearby to the field which can be accessed by softball in addition to other sports (e.g. football, soccer, and track).

Title-IX Project Tracking



| GROUP | TABLE-1 REF. | PROJECT | SCHOOL | FUNDING SOURCE | CONSTRUCTION | | CURRENT STATUS | COST EST. |
|-------|-----------------|---|------------|-------------------|--------------|------------|---|-------------|
| | | | | | START | COMPLETE | | |
| I | E-3 | SB Batting Cage- electricity & lighting | Westview | Const. Excise Tax | Complete | Complete | Project was completed in 2014 | \$71,990 |
| | C-1 | Locker Rooms, Team Room Addition, SB Press Box & Concession Stand * | Sunset | 2014 Bond | June '15 | August '15 | Design Development in progress | \$3,600,000 |
| | A-1 | Locker/Team Rooms | Aloha | 2014 Bond | May '16 | August '16 | RFP to architects in Winter 2015 | \$2,000,000 |
| II | A-6 | SB Concessions- new | Aloha | Proposed '14 Bond | June '15 | August '15 | RFP to architects in Spring 2015 | \$145,000 |
| | D-3 | BB Batting Cage- electricity | Southridge | Proposed '14 Bond | March '15 | March '15 | TSC's executed, work scheduled for spring break | \$20,000 |
| | E-7 | V SB Scoreboard- new | Westview | Proposed '14 Bond | June '15 | July '15 | PO-Process drafted, waiting for approvals | \$35,000 |
| | E-7 | JV SB Scoreboard- relocated | Westview | Proposed '14 Bond | June '15 | July '15 | RFP to electricians in Spring 2015 | \$5,000 |
| | E-6 | SB Concessions- water + drainage | Westview | Proposed '14 Bond | June '15 | August '15 | RFP to civil engineers in Spring 2015 | \$40,000 |
| | E-6 | BB Concessions- drainage only | Westview | Proposed '14 Bond | June '15 | August '15 | Included in SB Concessions project | \$25,000 |
| | E-3 | SB Batting Cage- finish enclosure | Westview | Proposed '14 Bond | June '15 | August '15 | RFP to general contractors in Spring 2015 | \$65,000 |
| | D-3 | BB Batting Cage- enclosure | Southridge | Proposed '14 Bond | June '15 | August '15 | Included in SB Batting Cage project | \$65,000 |
| | E-5 | SB Press Box- new + electrical | Westview | Proposed '14 Bond | June '15 | August '15 | RFP to architects in Spring 2015 | \$70,000 |
| | E-4 | JV SB Dugouts + Benches | Westview | Proposed '14 Bond | June '15 | August '15 | RFP to architects in Spring 2015 | \$250,000 |
| | E-4 | V SB Fixed Benches | Westview | Proposed '14 Bond | June '15 | August '15 | Included in JV SB Dugouts + Benches project | \$20,000 |
| | E-4 | V SB Storage | Westview | Proposed '14 Bond | June '15 | August '15 | Included in JV SB Dugouts + Benches project | incl. |
| | D-4 | JV SB Dugouts + Benches | Southridge | Proposed '14 Bond | June '15 | August '15 | RFP to architects in Spring 2015 | \$250,000 |
| III | D-1 | Locker/Team Rooms | Southridge | TBD | TBD | TBD | Plan to begin scoping by 2019 | TBD |
| | E-1 | Locker/Team Rooms | Westview | TBD | TBD | TBD | Plan to begin scoping by 2019 | TBD |
| IV | B-2 | JV BB Practice Field ** | Beaverton | N/A | N/A | N/A | Not feasible on BHS campus | - |
| | C-2 | JV SB Practice Field | Sunset | N/A | N/A | N/A | Not required for Title IX; JV BB field not used | - |

TOTAL: \$6,590,000

Notes:

* Cost estimate includes only the Title IX portion of the overall budget for "Sunset HS Title IX Compliance & Upgrades + Auditorium" project

** See site overlay map, Exhibit 6, of Title-IX Report

March 18, 2015

Appendix-6: BHS JV Baseball Field



Orange field overlays show the approximate space needed to replicate the size of a baseball field for a new JV baseball practice field on the BHS campus

NEW**Athletes counted multiple times**

4/1/2015

2013-2014

Athlete Numbers**SCHOOL POPULATION Stats**

| | <u>Male Athletes</u> | <u>Female Athletes</u> | <u>Total Athletes</u> | <u>Male Athletes</u> | <u>Female Athletes</u> | | <u>Male Students</u> | <u>Female Students</u> | <u>Total Students</u> | <u>Male Students</u> | <u>Female Students</u> |
|--------------|----------------------|------------------------|-----------------------|----------------------|------------------------|--|----------------------|------------------------|-----------------------|----------------------|------------------------|
| | | | | 60.5% | 39.5% | | | | | 52.0% | 48.0% |
| AHS | 467 | 305 | 772 | | | | 1,110 | 1,023 | 2133 | | |
| BHS | 439 | 306 | 745 | 58.9% | 41.1% | | 860 | 791 | 1651 | 52.1% | 47.9% |
| SRHS | 502 | 328 | 830 | 60.5% | 39.5% | | 878 | 840 | 1718 | 51.1% | 48.9% |
| SHS | 561 | 373 | 934 | 60.1% | 39.9% | | 1154 | 1066 | 2220 | 52.0% | 48.0% |
| WHS | 519 | 400 | 919 | 56.5% | 43.5% | | 1318 | 1163 | 2481 | 53.1% | 46.9% |
| Total | 2021 | 1407 | 3428 | 59.0% | 41.0% | | 5,320 | 4,883 | 10203 | 52.1% | 47.9% |