Beaverton Discrimination Complaints (collected in one document by OPB)

Discrimination Complaint

Date Submitted: Monday, February 13, 2017

Person Filing Complaint: Beaverton Community for Education

School/Activity Identified in Complaint: Aloha High School Softball

Type of Discrimination: Gender

Submitted by:
Mike Chamberlain
Beaverton School District
Executive Administrator

Description of Complaint:

As described on the Discrimination Complaint Form:

Female softball athletes have unequal access and opportunity to off-season workouts focused on conditioning, agility, and softball specific training to respective male baseball athlete's off-season opportunities.

Female softball athletes have optional open gym work out conditioning opportunities 1-2 days a week in the winter months that are primarily run by other students due to 'school district rules' on coaches working with students during the off season with no individual coaching. Furthermore, these opportunities are primarily held late nights/weekends while respective male baseball athletes have consistent coach supported optional work out conditioning opportunities five days a week, right after school, during the off season, with individual coaching beginning December 2nd.

Per softball athletes, due to 'school district rules' on limited contact with coaches, opportunities for off season fundraising is limited to primarily the regular season, and softball athletes have less opportunity to maintain and clear their fields for the regular season.

Investigation:
Information was gathered from Aloha's Athletic Director, Tom Bendt, the Aloha head softball coach, Jim Marron, and the Aloha head baseball coach, Tige McSwain.

The following points address this complaint:
• No "school District rules" apply regarding the amount of time coaches spend with athletes during the off-season for individual coaching. The rule that applies directly to coaches and athletes is an Oregon School Activities Association (OSAA) rule titled Rule of Two, which you have referenced in your *Remedy Request*. This OSAA rule states that during the off-season, a coaching staff (team sports only) may work with a maximum of 2 athletes at a time, per day, on skill development. This rule applies to sport specific activities. For example, a basketball coach can work with two student athletes on shooting form during a September gym workout.
• To clarify the Rule of Two, the same basketball coach can open the weight room on Tuesday and Thursday afternoons in April and May for off-season workouts. 25 student athletes can attend at one time, as long as no individual skill development related to basketball occurs. In addition, during this time the weight room would be open for other student athletes so members of the football, volleyball, wrestling and soccer teams, for example, could attend for workouts.
• The Rule of Two does not address student-led workouts. If students gather on their own to coordinate workouts, it is not an OSAA violation.
• The Aloha Baseball coaches have followed the Rule of Two for off-season workouts.
• The Aloha weight room has been opened for lifting exercises both during the school year and in the summer by various coaches and these opportunities are open for all Aloha athletes to participate.
• To address your concern about fundraising opportunities for softball being limited to the regular season, the Aloha Softball team coaches inquired about a youth clinic fundraiser to hold during the winter season. The school gymnasiums prioritize both girls' and boys' basketball team practices and games and wrestling meets Monday-Friday and Saturday mornings during the winter sports season. The softball coaches selected a Saturday evening time slot for the clinic even though they could have held the event earlier on that day. In the investigation, there were no other examples regarding this specific complaint that we could find.
• Working on the fields during the off-season would not be an OSAA violation of the Rule of Two.
• Relating to the concern that Aloha softball athletes have less opportunities to maintain and clear their fields for the regular season, the Aloha varsity softball field drains much better than the varsity baseball field and requires less upkeep and team field work. It is simply playable more often because of this drainage. The opportunity is the same. The difference is how much field work is required so they are ready for play.

Action to be taken:

• The Aloha Athletic Director has had two discussions with the Aloha Head Softball coach about the OSAA Rule of Two to ensure understanding.

• The Aloha Athletic Director will also make sure the coaching staff understands the conditions the girls' softball team can organize during the off-season for fundraising activities, non-softball related skill workouts, and field maintenance workouts, similar to the Aloha Baseball program. He will also connect these to a clear understand of how any of these activities do/do not apply to the OSAA Rule of Two.

• The Aloha Athletic Director will ensure that both softball and baseball teams have equal access to facilities and optimum times for off-season activities.

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Report submitted by:
Mike Chamberlain
Beaverton School District
Executive Administrator

Description of Complaint:

As described on the Discrimination Complaint Form:

Softball female athletes have limited to no access to the one batting cage facility at Aloha High School.

During the off-season, the batting cage facility is limited to female softball athletes to 1-2 days a week for 1.5-2 hours between the months of October through February for work outs, and denied all access of the facility for the regular season from March-June due to male baseball athletes using the facility primarily for all their practices.

Per statement of varsity softball players, no access to a covered batting cage facility has created inconsistent regular season practice schedules and practice locations due to wet weather conditions impact on outdoor fields while varsity baseball players have consistent schedules in optimal conditions having full access to the facility.

In addition, off-season softball workout opportunities are primarily being determined on when female athletes are allowed to use the facility due to unmaintained outdoor fields in the winter months, creating less, and unequal opportunity for skill building for female softball athletes.

Investigation:
Information was gathered from Aloha's Athletic Director, Tom Bendt, the Aloha head softball coach, Jim Marron, and the Aloha head baseball coach, Tige McSwain.

The following points address this complaint:
• The school confirms that the outdoor batting cages have been used more significantly by the baseball team. The cages were originally funded and built by baseball fundraising efforts and historically the building has been used by the baseball programs. The Aloha head baseball coach has controlled the calendaring of dates/times for the outdoor batting cages and slots have favored baseball over softball.
• During the off-season, it is currently accurate the softball accesses the facility 1-2 days a week for 1 ½ - 2 hours from October-February, or the beginning of the spring season.
• Off-season field workout opportunities for softball are better than baseball at Aloha High School as the softball field drains much better and is more accessible, both during the season and during off-season times. This has been the case since the new softball playing/practice field was completed at the high school.
• When the weather does not permit baseball, softball and tennis teams to participate outside during the spring sports season, these Aloha coaches have, for a number of seasons, agreed to the following practice plan:

Tennis: will be indoors in the main gym
Baseball: will be using the outdoor batting cages
Softball: will be inside the second gymnasium where a batting cage exists

Both the outdoor batting cage and the indoor gymnasium batting cage have two hitting stations. The coaches like this arrangement because their hitting equipment (pitching machines) are set for lengthy periods of time and don't require break down and set up in different locations. The indoor gymnasium is also larger than the outdoor batting cages and this additional room allows the softball team to practice in a number of ways; take ground balls on the hard floor, practice base running, infield situation practice, pitching practice, and catchers working on form for blocking techniques. If the girls were located in the outdoor batting cages, less space would be available for these events to occur. The softball coaches look at this arrangement as an advantage for the girls and their program.

Action to be taken:

• A discussion with the head baseball coach has occurred and he understands that it does not matter where the money came from to build the batting cage. These cages are school property and will be shared evenly by both baseball and softball programs.

• Calendaring dates and times for the outdoor batting cages both during the regular season and the off-season will be done through School Dude, our District's on-line calendaring program. This new program will be monitored by the building athletic director so that he can balance optimum time slots and overall opportunities. Equal access will be monitored by a third party.

• The athletic director will continue discussing with the softball coaches the practice arrangement when weather doesn't permit teams to be outdoors during the regular season. If softball wants to use the outdoor batting cages, on a rotating basis with baseball, this arrangement will be made. This discussion will be ongoing between coaches, players, and the building athletic director.

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Type of Discrimination: Gender

Report Submitted by:
Mike Chamberlain
Beaverton School District
Executive Administrator

Description of Complaint:
As described on the Discrimination Complaint Form:

Aloha High School female softball athletes have less opportunities to participate in the regular season of the softball program that respective male baseball athletes.

Female softball athletes have two teams during the regular season, JV and varsity, while respective male baseball athletes have three; freshman, JV, and varsity.

Current demand for female softball is high, with cuts to both teams, but no equal access has been provided due to possible staffing and coaches.

Investigation:
Information was gathered from Aloha's Athletic Director, Tom Bendt, and the Aloha head softball coach, Jim Marron.

The following points address this complaint:
• The Aloha High School baseball program traditionally has enough boys turning out to field three teams; varsity, junior varsity, and freshman (JVII).
• The Baseball team did cut a few athletes from the program last spring. This pattern is not uncommon for the program.
• The Aloha softball program has two teams, varsity and junior varsity, simply because of the number of girls who turn out for the sport each spring. If they had more girls, fielding a 3rd team would be welcomed by the coaches and girls.

• A softball team needs to 16-18 girls in order to successfully field a team. Smaller numbers will undoubtedly lead to game forfeitures as injuries, sickness, appointments, and ineligibility issues surface during the course of the season. Last spring the program had 40 girls try out for softball. This simply isn't enough to successfully field 3 full teams. The program did cut 6 of these girls because they needed an additional 8-12 girls wanting to play in order to field a 3rd team.

Action to be taken:

The Aloha High School administration, athletic director, softball coaches, physical education teachers, activities director, and other Aloha coaches will continue to encourage girls to turn out for softball. The program would be delighted to field another team.

The school is always interested in hiring staff who work and coach in the building and they will continue to seek out both certified and classified staff with this is mind. This "school connection" helps to recruit students to engage and participate in extra-curricular activities. Currently there are 6 coaches in the Aloha High School softball program and 2 of them are working on the instructional staff. Increasing this percentage is a goal. The Aloha High School baseball program has 8 total coaches (1 more team) and they only have 1 of their coaches on staff. This is a goal for both spring programs.

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Description of Complaint:
As described on the Discrimination Complaint Form:

Primarily, female softball athletes conduct practice off-site with no transportation provided while respective male baseball athletes all conduct practices on site at Aloha High School.

While the Aloha Softball program has less opportunity for participation as it relates to the number of teams to respective male baseball, only varsity is allowed to practice on site to ensure all male baseball athletes are able to stay on site.

Investigation:
Information was gathered from Aloha's Athletic Director, Tom Bendt, and the Aloha head softball coach, Jim Marron.

The following points address this complaint:
• The varsity and junior varsity baseball teams at Aloha practice together on the varsity baseball field. This head baseball coach has selected this practice schedule for the program.
• Freshman (or JVII) baseball practices at Mt. View Middle School. Because of current construction at the Mt. View site, this spring the freshman (or JVII) team will practice at Meadow Park Middle School. All Aloha baseball teams do not practice at the school site.
• A District school bus picks up the baseball team at 3:30 and transports the Freshman (JVII) team to their off-site practice location.
• Baseball practice begins at roughly 4:00 pm.
• The Aloha varsity softball team practices at Aloha High on the varsity field. The head coach has chosen to separate the varsity and junior varsity team for practice.

• The Aloha junior varsity team practices at the International School of Beaverton (ISB). The girls walk to ISB from Aloha immediately after school. ISB is a safe walk within our District's safe walking zone and it is about ½ to ¾ of a mile away.
• The coach has transportation available to ISB at 3:30, just as the baseball team does. But, the junior varsity coach prefers an earlier practice of 3:00 or 3:15 as he wants to get the girls home earlier in the evening. If District transportation were used, practice would start around 3:50-4:00 pm. The varsity coach has supported this decision to accommodate the request.

Action to be taken:
Prior to each season, Athletic Director Tom Bendt will continue to monitor this request to ensure that this issue is a clear choice for the softball program.

Discrimination Complaint

Date Submitted: Monday, February 13, 2017

Person Filing Complaint: Beaverton Community for Education

School/Activity Identified in Complaint: Sunset Girls Soccer

Type of Discrimination: Gender

Report Submitted by:
Mike Chamberlain
Beaverton School District
Executive Administrator

Description of Complaint:
Although the complaint is identified as Southridge High School Girls soccer, it is actually Sunset Girls soccer. The District's response will be based on this adjustment.

As described on the Discrimination Complaint form:

The Sunset Head Girls Soccer Coach released names and contact information of potential female soccer athletes and families to all interested parties without parental consent or knowledge of the identified students. Releasing of primary female information or those of their families without consent and no knowledge of who the party the information is going to can potentially put those females/families at risk for unwanted solicitation and exploitation of female athletes.

Investigation:
First, it should be noted that this complaint does not fall within Title IX guidelines.

The Sunset Athletic Director, the Head Girls Soccer coach and the Sunset principal have all been informed about this specific Discrimination Complaint to gather this background information.

When students enroll in the Beaverton School District, all parents/guardians must complete a **Student Enrollment Form**. Attached is a copy of the 6-page form. On page 4 of this document is a section titled **Student/Parent Permission Information** with a reference to Directory Information. It also includes an explanation of how to opt out of having Directory Information published for your child. Referenced in this explanation is the **Student Family Handbook** (also attached) which includes a detailed definition of Directory Information on pages 14-15. Also

attached is the **Parental Privacy – Annual Notification of FERPA Rights Form** referenced within this description.

Annually, schools gather pertinent information for all students prior to the beginning of the school year. Included within this collection is the Student Enrollment Verification Form so that parents/guardians can update specific information from the enrollment form; new address, phone number, emergency contacts, etc. Parents/guardians also have the opportunity to discuss and change their option regarding the section titled **Student/Parent Permission Information.** School personnel update these Student Enrollment Verification Forms in our student information system as requested changes are received.

Attached to this response are two Beaverton School Board Policies, JOA and JOB.

Policy JOA is titled **Directory Information**
Policy JOB is titled **Personally Identifiable Information**

Within Policy JOB is the section, **Exceptions to Prior Consent.** Number 12 in this list states; *Because information has been identified as "directory information".*

The communication distributed by the Sunset Girls Soccer coach qualifies as Directory Information. The school sent me a list of every Sunset student/family who has submitted a request to not have their Directory Information shared. This master list was cross-referenced with every name against the e-mail forwarded by the soccer coach. Two students included on the soccer list have submitted a Parent Privacy form to Sunset to withhold directory information.

Action to be taken:

The Athletic Director at Sunset High School, as well as the Athletic Directors at the other six comprehensive high schools, will review the definition of Directory Information with all school coaching staffs. In addition, all athletic directors and head coaches will check with school secretarial staff for updated names of students whose parents/guardians have requested that they not have directory information shared.

The Sunset principal and the Athletic Director have also had a discussion with the girls' soccer coach with clear guidance about Directory Information expectations.