

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

November 19, 2002

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

This is to notify you that the Office for Civil Rights (OCR) has ended its investigation of the above-referenced case against Lake Pend Oreille School District No. 84 based on the enclosed agreements signed by you on October 28 and November 13, 2002.

The provisions of the agreements, when implemented, will fully resolve the allegations raised in this case. Our closure of this case is contingent upon the district's successful completion of the agreements, which includes monitoring provisions. Under the monitoring provisions, the district will provide OCR with its first report by February 1, 2003.

We appreciate the cooperation that you and your staff extended to OCR in working to achieve a satisfactory resolution of this case. If you have any questions regarding this letter, please feel free to contact me at (206) 220-7935.

Sincerely,

Levin Karovsky
Equal Opportunity Specialist

Enclosures: Agreement to Resolve (2)

cc: Honorable Marilyn Howard, Superintendent of Public Instruction

AGREEMENT TO RESOLVE ALLEGATIONS

I. INTRODUCTION

To resolve the allegations raised by Case No. 10021100, Lake Pend Orcille School District No. 84 agrees to take the steps described in sections III and IV of this Agreement. The allegation in this complaint is the district is discriminating against girls in interscholastic athletics in the following areas: (a) interest and abilities; (b) equipment and supplies; (c) scheduling of games and practice times; (d) travel; (e) coaching; (f) facilities; (g) medical and training; (h) housing and dining; and, (i) publicity.

II. GENERAL PROVISIONS

- A. This agreement shall become effective upon the district's receipt of a letter from the Office for Civil Rights (OCR) acknowledging receipt of the finalized agreement and advising the district that the actions it has committed to take, as specified in the agreement, when fully implemented, will resolve the issue in the above-referenced case.
- B. This agreement voluntarily resolves the allegations raised in case No. 10021100 and is not intended to constitute, nor should be deemed to constitute, an admission by the district of any violation of title IX of the Education Amendments of 1972, or any other law.

III. ACTION STEPS TO ADDRESS THE ALLEGATIONS

To ensure that male and female student/athletes within the district are provided equal opportunity in the areas of interest and abilities, equipment and supplies, scheduling of games and practice times, travel and per diem, coaching, facilities, medical and training, housing and dining, and publicity, consistent with the requirements of Title IX, the district agrees to take the following actions:

A. Interest and Abilities

By February 15, 2003, the district will complete a review and make a determination regarding whether the district's athletic program is currently providing opportunities that meet the interests and abilities of male and female students consistent with Title IX standards. The evaluation will include, but need not be limited to, a review of student athletic participation and enrollment data, completed student interest surveys, whether any sports were added to the district's programs in the past five years, whether any students are cut from teams, and any requests to add sports or levels of sports made by students.

Page 2 - Agreement to Resolve, Case No. 10021100

In making its determination regarding whether the district's interscholastic sports offerings provide equal athletic opportunity for members of both sexes, the district will follow the standards in section 106.41(c) and applicable OCR policy.

If the district determines that it is not providing equal athletic opportunity for members of both sexes, the district will develop a plan with a timetable for implementing steps to ensure that boys and girls receive equal athletic opportunity. This plan will be developed by March 15, 2003 and implementation will be completed by the end of the 2003-2004 school year.

OCR will be available to provide on-site and telephonic consultation to the district throughout the review process.

B. Equipment and Supplies, Scheduling of Games and Practice Times, Travel and Per Diem, Coaching, Facilities, Medical and Training Facilities and Services, Housing and Dining, and Publicity:

1. By February 15, 2003, the district will, in consultation with OCR, complete a fair and comprehensive evaluation and comparison of equipment and supplies, scheduling of games and practice times, travel and per diem, coaching, facilities, medical and training, housing and dining, and publicity provided to boys and girls interscholastic athletic squads by the district high schools. OCR will provide on-site and telephonic consultation to the district throughout the evaluation process as requested by the district, and the first meeting with the district to provide consultation will take place on or before November 1, 2002.
2. By March 15, 2003, the district will review and analyze the evaluation and make a determination regarding whether male and female athletes within the district are provided equal opportunity with respect to equipment and supplies, scheduling of games and practice times, travel and per diem, coaching, facilities, medical and training, housing and dining, and publicity.
3. If the district determines that the boys' and the girl's interscholastic athletic squads are not receiving comparable treatment in any of the areas reviewed, the district will develop and implement a plan with a timetable for promptly addressing the area in question in a manner that provides equal athletic opportunity for male and female student athletes. This plan will be developed by April 15, 2003 and

Page 3 - Agreement to Resolve, Case No.10021100

implementation of the plan will be completed by the end of the 2003-2004 school year.

IV. INFORMATION SHARING WITH OCR

The district agrees to provide the following:

- A. By March 1, 2003, the district will submit a report on its evaluation regarding interest and abilities, equipment and supplies, scheduling of games and practice times, transportation and per diem, coaching, facilities, medical and training, housing and dining, and publicity, pursuant to sections III.A and B. of the agreement. This report will include a description of the process followed in conducting the evaluations, the information considered, and the conclusions reached.
- B. By April 30, 2003, if the district determines that it has failed to provide equal athletic opportunity for members of both sexes as it relates to interest and abilities, equipment and supplies, travel and per diem, coaching, facilities, medical and training, housing and dining, and/or publicity, the district will provide OCR with a copy of the plan developed to correct the inequities identified in the report, pursuant to sections III.A. and III.B., above.
- C. By November 30, 2003 and June 30, 2004, the district will provide OCR with a report on the implementation of any plan implemented pursuant to sections III.A. and III.B. of this agreement.

Signed:


Mark Berryhill
Superintendent

Lake Pend Oreille School District No. 84

10-28-02
Date

AGREEMENT TO RESOLVE ALLEGATIONS

I. INTRODUCTION

To resolve the second allegation raised by Case No. 10021100, Lake Pend Oreille School District No. 84 agrees to take the steps described in sections III and IV of this Agreement. The second allegation in this complaint is that the district discriminated against the complainant by failing to take action in response to a grievance she filed with the Superintendents office regarding her advocacy.

II. GENERAL PROVISIONS

- A. This agreement shall become effective upon the district's receipt of a letter from the Office for Civil Rights (OCR) acknowledging receipt of the finalized agreement and advising the district that the actions it has committed to take, as specified in the agreement, when fully implemented, will resolve the issue in the above-referenced case.
- B. This agreement voluntarily resolves the allegations raised in case No.10021100 and is not intended to constitute, nor should be deemed to constitute, an admission by the district of any violation of title IX of the Education Amendments of 1972, or any other law.

III. ACTION STEPS TO ADDRESS THE ALLEGATIONS

- A. By December 1, 2002, the district will review and revise, as necessary, its grievance procedures. The review will ensure that the district's Title IX policies and procedures clearly identifies to whom concerns should be brought, the process which will be followed in addressing such concerns, and the district's obligation to respond in a timely and appropriate manner.
- B. By December 15, 2002, the district will take steps to ensure that all staff members, parents, and students are notified of the policies and procedures and the name (or title) and phone number of the Title IX coordinator.
- C. By March 1, 2003, the district will provide notice and training to all principals and counselors, about the district's Title IX policies and grievance procedures.

Training for staff will include:

- a. information about how implementation of the procedures relates to the district's obligation to ensure that students are not subjected to discrimination protected by Title IX in any district-sponsored program or activity; and

Page 2 - Agreement to Resolve, Case No. 10021100

- b. information that failure to respond to written or verbal concerns of discrimination or harassment, or failure to report observed incidents of discrimination or harassment to appropriate personnel, are not consistent with Title IX.

- D. By April 1, 2003, the Title IX Coordinator will develop a system for tracking Title IX grievances that are filed with the district. The Title IX Coordinator will similarly track all activities on the part of the district aimed at notifying and informing the staff, students, and parents of the district's Title IX policies.

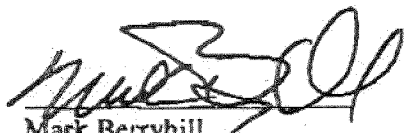
IV. INFORMATION SHARING WITH OCR

- A. By February 1, 2003, the district will provide OCR with a report including the following:
 - 1. a copy of the district's policies and procedures for addressing Title IX;
 - 2. the name of the district's coordinator for Title IX grievances; and
 - 3. notice of the ombudsman who will respond to any future Title IX grievances.

- B. By April 1, 2003, the district shall provide OCR with a report including a list of employees and agents who received training by title or relationship to the district and any additional notices, training, or materials related to Title IX used by the district.

- C. By June 1, 2003, the district shall provide a summary of any incidents of Title IX grievances brought to the district's attention during the school year along with a description of the procedure followed and action taken related to the incidents.

Signed:


Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84

11-11-02
Date

TAB F

MONITORING DOCUMENTS



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

January 12, 2006

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

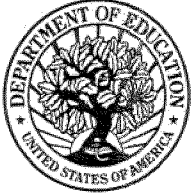
Thank you for your September 27, 2005, letter in which you provided information regarding the actions that the district has chosen to take to address equity issues that were identified by the district regarding the locker room facilities at Sandpoint High School in the agreement to resolve the above-referenced case. This was the only outstanding issue regarding the monitoring of the facilities portion of the agreement with OCR. Based on the information provided by the district to date, we conclude that the district has fulfilled the reporting requirements of the agreement in this case regarding facilities. No further reporting on this issue is needed.

In our previous letters to the district dated May 19 and October 27, 2004, we informed the district that, with the exception of interests and abilities, the remaining commitment addressed in the agreement had been satisfied. With respect to the district's evaluation of athletic interests and abilities of male and female students, we will be sending the district separate correspondence.

If you have any questions about this letter, please do not hesitate to contact Levin Karovsky equal opportunity specialist, at (206) 220-7935, or by e-mail at levin.karovksy@ed.gov.

Sincerely,

Gary D. Jackson
Director, Seattle Office
Western Division



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

January 12, 2006

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

This responds to information provided to the Office for Civil Rights (OCR) by the district under the October 28, 2002, agreement that resolved this case. Pursuant to the agreement, the district agreed to take steps to ensure that it is providing interscholastic athletic opportunities that meet the interests and abilities of male and female students consistent with Title IX standards. We have determined that the district has met the terms of the agreement with respect to the issue of interests and abilities.

OCR uses a three-part test to determine whether an institution is effectively accommodating student athletic interests and abilities. An institution is in compliance with the three-part test if it has met any one of the following three parts of the test: (1) the percent of male and female athletes is substantially proportionate to the percent of male and female students enrolled at the school; or (2) the school has a history and continuing practice of expanding participation opportunities for the underrepresented sex; or (3) the school is fully and effectively accommodating the interests and abilities of the underrepresented sex.

With respect to student athletic participation and enrollment data, the most recent information does not reflect that the participation of female athletes is substantially proportionate to their enrollment. However, the district has provided extensive information regarding the steps taken to effectively accommodate the athletic interests and abilities of girls. The district currently offers all sports sanctioned by the Idaho High School Activities Association. In addition, the district offers all sports offered by the other high schools within their conference and geographical area. Since the complaint was filed with OCR, the district has added a "C" level girls volleyball team and a freshman level girls' soccer team and the district follows a "no cut" policy for all of its sports teams.

The most recent athletic interest survey conducted by the district did not indicate sufficient interest by female students to sustain a viable team in any sport not currently offered by the district. Also, the district surveyed students to determine their reasons for not participating in sports.

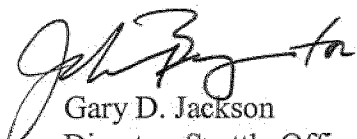
Page 2 - Mr. Mark Berryhill

Of those who responded, most female students indicated that they had conflicting after school responsibilities, cost issues, conflicts at home or parent wishes not to participate in sports. The district has not received any requests since the agreement was signed from female students or other interested persons regarding the addition of a sports team at the high school level.

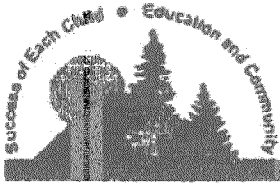
Based on the information provided by the district, we have determined that the district has fully complied with the agreement with respect to the issue of interests and abilities. We have determined that the district has submitted sufficient information for OCR to conclude that the district is fully and effectively accommodating the interests and abilities of girls under part three of the three-part test. No further reporting is necessary regarding this section of the agreement. We will be addressing the monitoring of the facilities portion of the agreement through separate correspondence.

If you have any questions, please do not hesitate to contact Levin Karovsky, equal opportunity specialist, at (206) 220-7935, or by e-mail at levin.karovsky@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary D. Jackson".

Gary D. Jackson
Director, Seattle Office
Western Division



Lake Pend Oreille School District #84

Administration Office • 901 N. Triangle Drive • Ponderay, Idaho 83852

Phone: 208/263-2184 • Fax: 208/263-5053

Web: www.sd84.k12.id.us

September 27, 2005

Levin Karovsky
 United States Department of Education
 Office of Civil Rights
 Western Division
 915 Second Ave., Rm. 3310
 Seattle, WA 98174-1099

Re: Lake Pend Oreille School District #84
 OCR Reference No. 10021100

Dear Mr. Karovsky,

Pursuant to your letter dated July 27, 2005, two approved options were identified regarding the locker room facilities at Sandpoint High School. It is the intent of the Lake Pend Oreille School District to convert the existing boys school locker rooms to girls (including the training rooms) and to convert the existing girls school locker rooms to boys (including the training rooms).

Thank you for your attention to this matter. Please feel free to contact me should you have any questions as to these actions. I can be reached at (208) 263-2184 ext. 218 or by e-mail at mark.Berryhill@lposd.org.

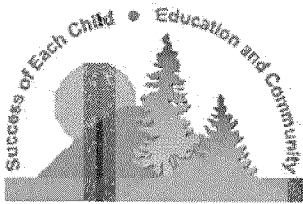
Sincerely,



Mark Berryhill
 Superintendent

MB/mva

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 ED/OPR
 REGIONAL



Lake Pend Oreille School District #84

Administration Office • 901 N. Triangle Drive • Ponderay, Idaho 83852

Phone: 208/263-2184 • Fax: 208/263-5053

Web: www.sd84.k12.id.us

September 27, 2005

Levin Karovsky
United States Department of Education
Office of Civil Rights
Western Division
915 Second Ave., Rm. 3310
Seattle, WA 98174-1099

ED/OCR
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RECEIVED


Re: Lake Pend Oreille School District #84
OCR Reference No. 10021100

Dear Mr. Karovsky,

Pursuant to your letter dated July 27, 2005, two approved options were identified regarding the locker room facilities at Sandpoint High School. It is the intent of the Lake Pend Oreille School District to convert the existing boys school locker rooms to girls (including the training rooms) and to convert the existing girls school locker rooms to boys (including the training rooms).

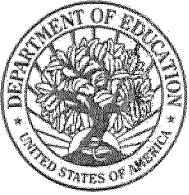
Thank you for your attention to this matter. Please feel free to contact me should you have any questions as to these actions. I can be reached at (208) 263-2184 ext. 218 or by e-mail at mark.Berryhill@lposd.org.

Sincerely,



Mark Berryhill
Superintendent

MB/mva



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

July 27, 2005

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

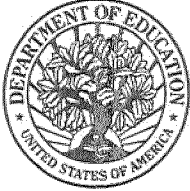
This is in reference to your July 12, 2005, telephone call, in which you discussed what options the district was considering to address equity issues that have been identified regarding the locker room facilities at Sandpoint High School. Specifically, you identified two options that included the conversion of the existing boys' school locker rooms to girls (including the training rooms), or converting one side of the Project 92 locker room (the football team's locker rooms) and assigning it for use by the girls for two of the three sports seasons. We do not have a preference between the two options developed by the district.

We would appreciate receiving a report on what actions the district intends to take in this regard by September 23, 2005. If you have any questions, please do not hesitate to contact me at (206) 220-7935 or by e-mail at levin.karovksy@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Levin Karovsky".

for
Levin Karovsky
Equal Opportunity Specialist



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

March 16, 2005

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

This is in response to your January 10, 2005, e-mail regarding the monitoring activities in the above-referenced case. In your e-mail, you stated that there were cuts from the 2003-2004 girls' basketball team at Sandpoint High School. This information was consistent with the information provided to this office by several parents who were concerned about students being cut from the girls' freshman team. In your e-mail, you stated that a new athletic director has been hired at the high school and that no girls were cut from any 2004-2005 teams. You also indicated that the high school has added a "C" girls' volleyball team and a girls' freshman soccer team for the 2004-2005 school year.

Given the increased participation among girls, we would like updated information regarding the high school student enrollment for males and females and athletic participation numbers for all interscholastic sports offered at the high school during the 2004-2005 school year. Please list this information by gender and individual teams (i.e., football varsity, JV, freshman; and basketball varsity, "C", JV, freshman). Please provide this data to us by April 29, 2005.

Also, with respect to the facilities issue in this case, we need information from student athletes regarding their views on the suitability of the facilities for their sports. We understand that the earlier survey responses were lost but that the district will conduct an additional survey of the students on this issue. We would appreciate receiving a copy of the students' responses by April 29, 2005.

Page 2 - Mr. Mark Berryhill

Thank you for your continuing cooperation. If you have any questions, please contact me at (206) 220-7935 or by e-mail at levin.karovsky@ed.gov, on or before April 15, 2005, before the next report is due.

Sincerely,



Levin Karovsky
Equal Opportunity Specialist



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

November 19, 2004

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

This letter addresses the actions being taken by the district to address the athletic interests and abilities of students. The district's June 25 report included copies of the responses from all high school females who responded to the athletic interest survey. Our review of the survey responses indicates that a number of girls responded that they did not play because they either did not make the team or there were not enough squads. In addition, we have received information from other interested sources, which suggests that several girls were cut from girls' freshman basketball during the 2003-2004 school year.

In order to further evaluate the district's efforts under the agreement with our office, please send us the qualifications and criteria used for the most recent try-outs for each of the girls' teams and any documentation which specifies the number of girls that tried out for each of the sports teams, and the number of girls who did not make the respective teams. Please include data from the 2003-2004 school and through the fall season of the 2004-2005 school year. Please provide this information by December 13, 2004.

Thank you for your continuing cooperation. If you have any questions, please do not hesitate to contact me at (206) 220-7935 or by e-mail at levin.karovksy@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Levin Karovsky", written over a horizontal line.

Levin Karovsky
Equal Opportunity Specialist



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

October 27, 2004

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

This is in response to the information provided in your letter dated June 25, 2004, and the additional data that was received by this office on June 28, 2004. The data included information requested in our May 19, 2004, letter to you regarding the actions taken by Lake Pend Oreille School District pursuant to the agreement to resolve the above-referenced case.

In our May 19 letter, we informed the district that with regard to equipment and supplies, travel and per diem, coaching, medical and training, housing and dining, and publicity, we concluded that the district had fulfilled the reporting requirements for these areas pursuant to the agreement.

Regarding scheduling, our May 19 letter noted that there was a concern with the girls' softball facilities regarding the lack of lighting which prevents softball games from being scheduled in "prime-time." In your June 25 letter, you stated that all boys and girls baseball and softball games will start at either 3:00 p.m. or 4:00 p.m. and therefore lighting would not be an issue. Based on our review of this information, we conclude that no further monitoring reports are necessary regarding the issue of scheduling.

With respect to facilities, our May 19 letter requested that the district forward to our office copies of the student council's surveys regarding previously noted concerns regarding the district's use of the Project 92 building as it related to the apparent exclusive use of locker rooms by the boys' football team. The district's most recent submission did not include these copies. Please forward these copies to our office by November 12, 2004.


With respect to the district's evaluation of athletic interests and abilities of male and female students, we are in the process of analyzing the information provided in the district's report

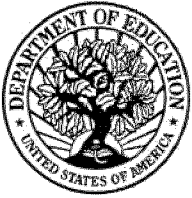
Page 2 - Mr. Mark Berryhill

concerning this area. Once we have completed our review of this information, we will contact the district to discuss any additional information that may be necessary in this regard.

Thank you for your continuing cooperation. If you have any questions, please do not hesitate to contact me at (206) 220-7935 or by e-mail at levin.karovksy@ed.gov.

Sincerely,


for Levin Karovsky
Equal Opportunity Specialist



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

May 19, 2004

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

Thank you for the information in your letter dated March 29, 2004, which was received by this office on April 5, 2004. This letter described the actions taken by Lake Pend Oreille School District pursuant to section III.A. of the agreement to resolve the above-referenced case. In the agreement, the district agreed to take steps to ensure that male and female student/athletes within the district are provided equal opportunity consistent with the requirements of Title IX in the areas of interest and abilities, equipment and supplies, scheduling of games and practice times, travel and per diem, coaching, facilities, medical and training, housing and dining, and publicity.

We have reviewed this information as well as the reports submitted by the district to date under the agreement. Below is a summary of our review of the information provided by the district under the agreement. The items in bold are those where additional information is being requested.

Equipment and Supplies, Scheduling of Games and Practice Times, Travel and Per Diem, Coaching, Facilities, Medical and Training Facilities and Services, Housing and Dining, and Publicity

With respect to section III.B. of the agreement, the district agreed to complete a comprehensive evaluation and comparison of equipment and supplies, scheduling of games and practice times, travel and per diem, coaching, facilities, medical and training, housing and dining, and publicity, provided to boys and girls interscholastic athletic squads at the district high schools. The district also agreed to review and analyze the evaluation and make a determination regarding whether male and female athletes within the district are provided equal opportunity with respect the areas in the evaluation.

The district's previous reports dated June 25, and October 21, 2003, described the results of the district's evaluations conducted in accordance with section III.B. of the agreement. In these evaluations, the district reviewed equipment and supplies, travel and per diem, coaching, medical and training, housing and dining, and publicity. As a result of these evaluations, the district determined that there were no disparities found with respect to the provision of equal opportunity for boys and girls in these areas. Based on our review of the district's information regarding equipment and supplies, scheduling of games and practice times, travel and per diem, coaching, medical and training, housing and dining, and publicity, we conclude that the district has fulfilled the reporting requirements for these areas regarding section III.B. of the agreement.

With respect to facilities, OCR previously noted concerns regarding the district's use of the Project 92 building as it related to the apparent exclusive use of locker rooms by the boys' football team. The district's most recent report dated March 29, 2004, included the Sandpoint High School Student Council's survey of locker rooms and Project 92. In order for us to fully evaluate the district's compliance with section III.B. as it relates to facilities, we would like to review copies of the student council's surveys in their entirety. **Please forward these copies to our office by June 4, 2004.**

Regarding scheduling, the district and OCR previously noted a concern with the girls' softball facilities regarding the lack of lighting which prevents softball games from being scheduled in "prime-time." **Please include a proposal in your June 4 report on how the district plans to address this issue.**

Interest and Abilities

With respect to section III.A. of the agreement, the district agreed to complete a review and make a determination regarding whether the district's athletic program is currently providing opportunities that meet the interests and abilities of male and female students consistent with Title IX standards. In accordance with the agreement, the evaluation was to include a review of student athletic participation and enrollment data, completed student interest surveys, whether any sports were added to the district's programs in the past 5 years, whether any students were cut from teams, and whether any requests were made by students to add sports or levels of sports.

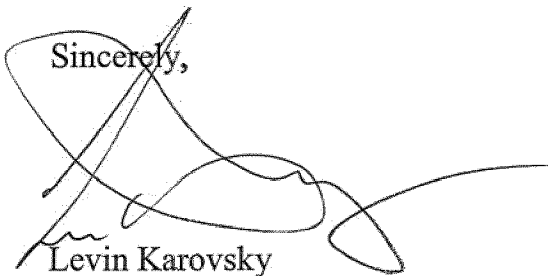
As we have discussed previously, we have not determined whether the district has fully complied with this provision of the agreement and we would like additional information before our office can make a determination regarding this section of the agreement. Specifically, the district's March 29 report summarized the results of the follow-up survey of the high school students to determine why girls are not participating in

Page 3 - Mr. Mark Berryhill

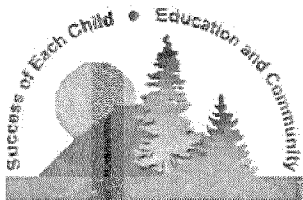
sports currently offered by the district. We would like to review the actual survey responses from all high school females who responded to the survey. **Please provide this information in your June 4 report. In addition, we would like a list of the names of all high school girls who were cut from sports teams during the 2003-2004 school year; and the most recent enrollment and participation information for high school students for the 2003-2004 school year.**

Thank you for your continuing cooperation. If you have any questions, please do not hesitate to contact me at (206) 220-7935 or by e-mail at levin.karovksy@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Levin Karovsky', with a large, sweeping flourish extending to the right.

Levin Karovsky
Equal Opportunity Specialist



Lake Pend Oreille School District #84

Administration Office • 901 Triangle Drive • Ponderay, Idaho 83852

Maryann J. Boseth District Bookkeeper

Phone: 208/263-5053 Ext. 206 • Fax: 208/263-5053

Web: www.sd84.k12.id.us

March 29, 2004

Levin Karovsky
United States Department of Education
Office for Civil Rights
Western Division Seattle Office
Henry M Jackson Federal Building
915 Second Avenue Room 3310
Seattle, Washington 98174-1099

RECEIVED
04 APR -5 AM 9:12
ED/OCR
REGION X

Dear Levin:

Enclosed you will find the Title IX committee's results for the questions that were sent to us. A copy of the survey questions that we issued to the schools is enclosed for you to be able to reference.

If you have any further needs please do not hesitate to let us know.

Sincerely,

Maryann Boseth
District Bookkeeper

CC: Mark Berryhill

Report for Title IX

1. The results of the follow-up survey of high school students to determine why girls are not participating in sports currently offered by the district and whether the district need to take any steps to address the reasons.

The survey and the summary sheets of the survey are being sent with this report. Please note the following:

- The survey showed that a higher percentage of girls participate in middle school sports than high school sports. However, actual participation numbers show that there is an increase in the number of girls that participate in 9th grade sports at the high school than participated in 8th grade sports.

- At grades 9, 10, and 11 a higher percentage of girls than boys said that their participation in Club Sports affected their ability to participate in school sports (Question #3). The percentages for girls are as follows: 9th - 34%, 10th - 30%, 11th - 23%, 12th - 17%.

- At all grade levels, in response to question #4, girls responded "no" more frequently than the boys. The reason given most for not being able to participate in athletics at the high school was conflicting after school responsibilities.

- (Question #6) At grades 9 and 12, a higher percentage of boys were recruited by teachers and coaches than girls. However, at grade 10 the percentage was equal and at grade 11 a higher percentage of girls were recruited.

The following steps will be taken by the district:

- The following procedure will be adopted by the district: If, in any given sport, girls are cut from a squad, and if there are enough players to adequately field another squad, and if a competitive schedule of games can be scheduled, LPOSD will field such a team.

- The following procedure will be adopted by the district: Rosters will continue to be filled at the highest level possible, according to ability.

- Every attempt will be made by the district to employ coaches who are district employees (for example, teachers, counselors.) This allows for coaches to know more students and to recruit students into athletics.

2. A description of the actions taken by the district to promote athletic opportunities for girls at the high school level.

The following changes were made to Project 92 Weight Room:

ED/OCR
REGISTRATION

04 APR - 5 AM 9:12

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- Reserved the weight room for girls only on Tuesday and Thursdays 3-4:30pm. Supervised by a qualified instructor.
- Utilized the weight room for girls in Aerobics PE every Wednesday (90 girls total).
- Record boards for girls have been built and displayed that are identical in # and size to the boys record boards.
- Upgrades in the weight room to make the facility more female-friendly.
 - a. Towels and disinfectant sprays available for use.
 - b. Machines have been serviced and repaired providing weights and machines very suitable for female use.
 - c. Free weights that are lighter were purchased for female use.
 - d. Decorative wall painting is in process.

3. An itemized worksheet sport by sport for personal supplies purchased by both male and female athletes.

Personal Supplies Purchased by Student Athletes at Sandpoint High School

All students must purchase their own underclothing and shoes.

- Girls Volleyball – shorts and socks**
- Girls and Boys Cross Country – socks**
- Girls and Boys Swimming – swimsuits and caps**
- Girls and Boys Soccer – shorts and socks**
- Girls and Boys Football – socks**
- Girls and Boys Wrestling – socks**
- Girls and Boys Basketball – socks**
- Girls and Boys Golf – khaki shorts and trousers, socks, gloves, tees, hats, and raingear**
- Boys Baseball – hats, sleeves, and socks**
- Girls Softball – sleeves and socks**
- Girls and Boys Tennis – racket, shorts, and socks**
- Girls and Boys Track – socks**

4. Sandpoint High School Student Council's survey of locker rooms and Project 92, and their report back to the building administration.

Student Council survey was split 50% boy and 50% girls.

Of the girls surveyed (64) they found no problems with the lockers or Project 92, everything was fine. 4 girls did not like Project 92 but wouldn't use it anyway.

Sports Survey Jr High 2004

School:	SMS _____	CFJrHS _____	Grade: _____
Gender:	Male _____	Female _____	

This survey contains no information that identifies you. Please do not print your name anywhere on the survey sheet.

1. Did you participate in Junior High Sports?

Yes _____ No _____

If yes, please check which sport (only one per season) and whether it's boys or girls

Fall		Winter		Spring	
Boys	Girls	Boys	Girls	Boys	Girls
_____ Dance Team	_____	_____ Dance Team	_____	_____ Track & Field	_____
_____ Cheerleading	_____	_____ Cheerleading	_____	_____ Golf	_____
_____ Volleyball	_____	_____ Wrestling	_____		
_____ Cross Country	_____	_____ Basketball	_____		
_____ Football	_____				

2. Does participation in club sports effect your ability to participate in current school sports?

Yes _____ No _____

3. Are you able to participate in the sports in which you are interested that your school offers?

Yes _____ No _____

If no, please check all that apply

- ___ Not enough squads
- ___ Tried out but did not make team
- ___ Conflicting after school responsibilities
- ___ Two of the sports are offered at the same time

Which ones? _____

- ___ Parent Wishes
- ___ Low Grades
- ___ Conflict with coach
- ___ Cost, too expensive
- ___ Conflict with Club Sports
- ___ Conflict with home life

4. Have you been asked and/or recruited by a coach or teacher to play a school sport?

Yes _____ No _____

If yes, which sport:

- ___ Volleyball
- ___ Cross Country
- ___ Football
- ___ Wrestling
- ___ Basketball
- ___ Track & Field
- ___ Golf
- ___ Cheerleading
- ___ Dance Team

Sports Survey Sr High 2004

School:	SHS _____	CFHS _____	Grade _____
Gender:	Male _____	Female _____	

This survey contains no information that identifies you. Please do not print your name anywhere on the survey sheet.

1. Do you participate in current sports? (please check one)

Yes _____ No _____

If yes, please check which sport (only one per season) and whether it's boys or girls

Fall		Winter		Spring	
Boys	Girls	Boys	Girls	Boys	Girls
_____ Dance Team	_____	_____ Dance Team	_____	_____ Baseball	_____
_____ Swimming	_____	_____ Basketball	_____	_____ Fast Pitch Softball	_____
_____ Volleyball	_____	_____ Cheerleading	_____	_____ Track & Field	_____
_____ Cheerleading	_____	_____ Wrestling	_____	_____ Golf	_____
_____ Cross Country	_____			_____ Tennis	_____
_____ Soccer	_____				
_____ Football	_____				

2. Did you participate in Junior High Sports?

Yes _____ No _____

If yes, please check which sport (only one per season) and whether it's boys or girls

Fall		Winter		Spring	
Boys	Girls	Boys	Girls	Boys	Girls
_____ Dance Team	_____	_____ Dance Team	_____	_____ Track & Field	_____
_____ Cheerleading	_____	_____ Cheerleading	_____	_____ Golf	_____
_____ Volleyball	_____	_____ Wrestling	_____		
_____ Cross Country	_____	_____ Basketball	_____		
_____ Football	_____				

3. Does participation in club sports effect your ability to participate in current school sports?

Yes _____ No _____

4. Are you able to participate in the sports in which you are interested that your school offers?

Yes _____ No _____

If no, please check all that apply

- ___ Not enough squads
- ___ Tried out but did not make team
- ___ Conflicting after school responsibilities
- ___ Two of the sports are offered at the same time
- Which ones?* _____
- ___ Parent Wishes
- ___ Low Grades
- ___ Conflict with coach
- ___ Cost, too expensive
- ___ Conflict with Club Sports
- ___ Conflict with home life

5. If you did not participate in sports at the Junior High level but are participating now, what factor's) changed that made you interest in playing sports in high school?

Sports Survey Jr High 2004

School:	SMS _____	CFJrHS _____	
Gender:	Male _____	Female _____	

This survey contain no information that identifies you. Please do not print your name anywhere on the survey she

1. Did you participate in Junior High Sports?

Yes _____ No _____

If yes, please check which sport (only one per season) and whether it's boys or girls

Fall		Winter		Spring
Boys	Girls	Boys	Girls	Boys
_____ Dance Team	_____	_____ Dance Team	_____	_____ Track & Field
_____ Cheerleading	_____	_____ Cheerleading	_____	_____ Golf
_____ Volleyball	_____	_____ Wrestling	_____	
_____ Cross Country	_____	_____ Basketball	_____	
_____ Football	_____			

3. Does participation in club sports effect your ability to participate in current school sports?

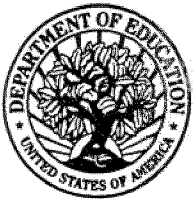
Yes _____ No _____

4. Are you able to participate in the sports in which you are interested that your school offers?

Yes _____ No _____

If no, please check all that apply

- _____ Not enough squads
- _____ Tried out but did not make team
- _____ Conflicting after school responsibilities
- _____ Two of the sports are offered at the same time
- Which ones?* _____
- _____ Parent Wishes
- _____ Low Grades
- _____ Conflict with coach
- _____ Cost, too expensive
- _____ Conflict with Club Sports
- _____ Conflict with home life



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

Henry M. Jackson Federal Building
915 Second Avenue, Room 3310
Seattle, Washington 98174-1099

December 2, 2003

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

On August 14, 2003, staff from the Office for Civil Rights and members of your Title IX committee met to review the district's efforts to comply with the agreement in this case. This letter responds to the information provided by the district during that meeting and identifies information to be submitted by the district.

During the August 14 meeting, we reviewed with you the district's most recent survey results. We discussed the significant difference between the large number of high school girls expressing an interest in the sports offered by the district and the actual level of participation of girls in these sports. We also discussed the factors that were expressed by some of the girls in the survey that may be limiting their participation in sports, such as "not enough squads" and "conflict with coach." The district has committed to gather additional information regarding why girls are not participating in sports and will determine whether there are any actions that the district needs to take to address the reasons.

In addition to gathering additional information regarding the participation of girls, we discussed other steps that the district can take to ensure that interested students were aware of the athletic opportunities at the high school level. These included sharing information about the sports currently offered by the district and who to contact if a student wants to participate or wants to request that a new sport be added.

Based on our discussions, please provide the following information on your progress to our office by February 6, 2004:

1. The results of the follow-up survey of high school students to determine why girls are not participating in sports currently offered by the district and whether the district needs to take any steps to address the reasons.

Page 2 - Mr. Mark Berryhill

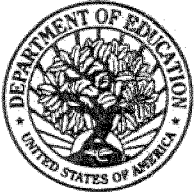
2. A description of the actions taken by the district to promote athletic opportunities for girls at the high school level.

Thank you for your continuing cooperation. If you have any questions, please do not hesitate to contact me at (206) 220-7935 or by e-mail at levin.karovksy@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Levin Karovsky', with a long, sweeping flourish extending to the right.

Levin Karovsky
Equal Opportunity Specialist



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

Henry M. Jackson Federal Building
915 Second Avenue, Room 3310
Seattle, Washington 98174-1099

September 5, 2003

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

Thank you and the members of the Title IX committee for meeting with me and Tania Lopez on August 14, 2003, to review the status of the district's efforts to comply with the Agreement to Resolve in the above-referenced case. Specifically, we discussed the information provided to our office in your report dated July 16, 2003. In addition, we discussed the general standards of title IX of the Education Amendments of 1972 as it applies to interscholastic athletics. The intent of this letter is to summarize the follow-up information that the district agreed to provide our office following our on-site visit.

During our August 14 meeting, we also reviewed with you the district's survey results that were submitted. With respect to the Title IX requirements as it relates to the interests and abilities of male and female athletes within the district, we will be addressing this area in a separate letter.

With respect to equipment and supplies, we discussed the general standards under Title IX to ensure that there is no significant disparity between boys and girls teams in the availability, quality, suitability, maintenance and replacement of uniforms, other apparel and sport-specific equipment. There were some questions from the district's Title IX committee about the quality and suitability of some teams' uniforms, and whether there is a consistent practice among the teams for determining when a team member is financially responsible for purchasing a particular team-related item. It is our understanding that the district would be discussing this matter further through the Title IX committee, and that there will be some guidelines developed by the district for coaches and students to ensure that there are no significant disparities in the provision of equipment and supplies for male and female athletes in this regard.

With respect to scheduling of games and practice times, the district's report indicated that girls' softball is not given equivalent opportunity to compete during "prime time" (i.e. some evening games) because their field does not have lights. The start times for competitive events are set by the league conference, rather than the district, and the league has set all softball games for a time period that does not necessitate field lights. Given that the league's allocation of "prime time" game times for girls' softball may be affected by the lack of field lights, this factor should be considered by the district's Title IX committee members in determining whether girls' facilities are equivalent to boys' facilities. Thus, the existence of field lights should be part of the district's final determination regarding equity for boys and girls in both prime time play as well as facilities.

With respect to travel and per diem, the district committed to reviewing and revising its current policies and procedures to allow for flexibility in the provision of travel and per diem while ensuring that both males and females are treated equitably. In particular, the district suggested that the provision regarding "athletes per hotel room" be revised to allow more athletes per room if there is a documented voluntary request by student athletes to do so. In addition, the district suggested revising the procedures to ensure that the most cost-efficient method of transportation is used. This provision would not specify either ground or air transportation but would instead focus on the least expensive mode of travel under the particular circumstances.

With respect to facilities, we discussed the Title IX requirements regarding the provision of locker rooms and practice and competitive facilities. We visited the various district and city-owned facilities used by male and female athletes. We understand that there have been discussions among committee members about the quality of the track field and baseball/softball facilities, but that no determinations have yet been reached at this time. With respect to locker rooms, the district acknowledged that there was some concern about the perceived exclusive use of the locker room that is used by the football team during the football season and by those same student athletes when football is no longer in season. There was also some concern raised by the Title IX committee regarding whether students other than football players were aware of the existence of these lockers and, if so, whether the use of these lockers would be desirable to other male and/or female student athletes. In this regard, the district committed to (a) educating the general student population about the existence of these lockers; (b) evaluating whether there is an interest in using these lockers by other male and female student athletes during the football off-season; and (c) if so, developing policies and procedures for ensuring that male and female athletes are provided with an equivalent opportunity to benefit from these lockers.

During the on-site, the district and OCR also visited the respective meeting rooms for student athletes outside the boys' and girls' locker rooms. It was noted by both the district and OCR that the boys' meeting room has a refrigerator and sink, while the girls' meeting room does not. We discussed that this disparity should be included in the district's overall review of locker room facilities.

We also discussed the weight training facilities. Committee members agreed that female athletes do not use the weight room as regularly as male athletes because the weight room is perceived as a facility predominantly for use by the football team. The district agreed that it would look into the changes that might be made increase the opportunities for female athletes to use the facility. These changes included adding a variety of free weights for use by female students and scheduling specific times during the day wherein female students could use the facilities exclusively.

With regard to booster clubs and fund raising, the committee members agreed that policies and procedures would be developed to ensure that contributions for student athletes would not be used in a manner that does not ensure equal athletic opportunity to both male and female athletes.

During our meeting, we also discussed the importance of educating the general student population about their rights to equivalent athletic opportunities under Title IX, and to identify the appropriate contact person within the district to respond to any concerns that may be raised in the future.

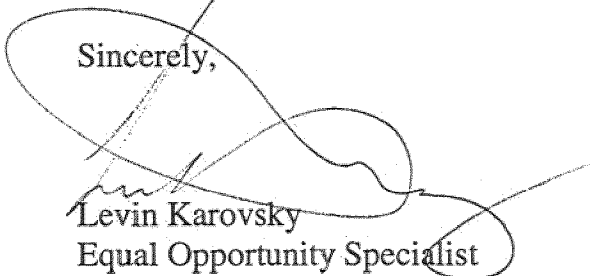
In summary, the committee members agreed that additional steps will be taken to gather information, analyze information, make determinations, and to develop policies to ensure that the district's athletic program is in compliance with Title IX. In this regard, please provide OCR a report by October 24, 2003, which includes the following information:

1. A description of the district's determination regarding issues that were raised by the Title IX committee about the quality and suitability of some teams' uniforms. In addition, please provide a copy of the district's policy for determining when a student athlete is financially responsible for purchasing a particular team-related item, and any other guidelines developed by the district for coaches and students to ensure that there are no significant disparities in the provision of equipment and supplies for male and female athletes in this regard.
2. A copy of the district's procedures regarding travel and per diem of student athletes.

3. A description of the actions taken by the district to inform student athletes about the existence of the oversize locker rooms currently used exclusively by the football team, a description of the input received by students regarding the use of these locker rooms, and a copy of any policies and procedures developed to ensure that male and female athletes are provided with an equivalent opportunity to benefit from these lockers. Also, please include a description of the district's review and determination made regarding the meeting rooms adjacent to the boys' and girls' locker rooms.
4. A description of any modifications to the weight training facility that were made increase the opportunities for female athletes to use the facility, such as the addition of free weights for use by female students and or policies regarding the scheduling specific times during the day wherein female students could use the facilities exclusively.
5. A copy of the district's policies and procedures with respect to booster clubs and fund raising.

We appreciate the efforts put forth by the district to ensure that its interscholastic athletics program is consistent with the requirements of Title IX. If you have any questions, please do not hesitate to contact me at (206) 220-7935, or by e-mail at levin.karovsky@ed.gov.

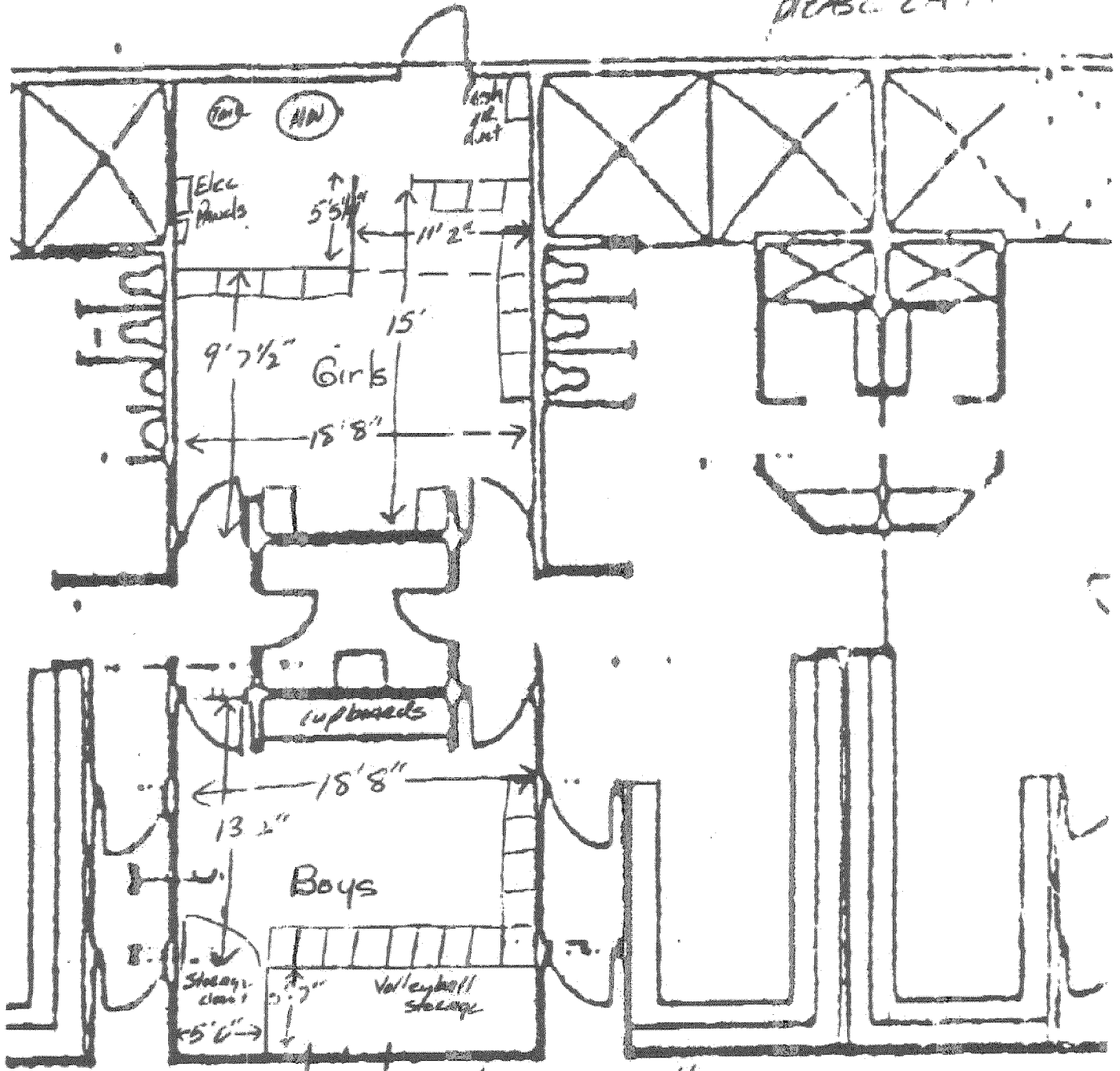
Sincerely,



Levin Karovsky
Equal Opportunity Specialist

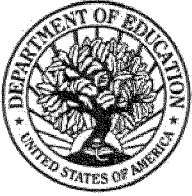
SHS 240.358 SF
TEAM ROOMS

Any questions
please call



Lockers are the same size
even though drawing doesn't
reflect that

245.788 SF



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

July 17, 2003

Mr. Mark Berryhill
Superintendent
Lake Pend Oreille School District No. 84
901 Triangle Drive
Sandpoint, Idaho 83864

Re: Lake Pend Oreille School District No. 84
OCR Reference No. 10021100

Dear Superintendent Berryhill:

Thank you for the district's report dated June 25, 2003, regarding the actions under the agreement in the above-referenced case. Pursuant to section IV.A. of the agreement, the report included the district's evaluation of the following areas: (a) interests and abilities; (b) equipment and supplies; (c) scheduling of games and practice times; (d) travel; (e) coaching; (f) facilities; (g) medical and training; (h) housing and dining; and (i) publicity.

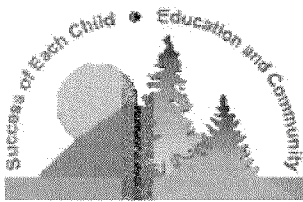
With respect to the district's evaluation of athletic interests and abilities of male and female students, we are in the process of analyzing the information provided in the district's report concerning this area. Once we have completed our review of this information, we will contact the district to discuss any additional information that may be necessary in this regard.

Regarding the other program components included in the district's report, we have some areas of clarification that are needed before we can complete our review of this information. During a telephone conversation on July 10, 2003, you agreed to send us copies of the worksheets and surveys completed by district staff and students by July 21, 2003. We also tentatively planned an on-site visit for August 14, 2003.

OCR appreciates the cooperation and efforts of you, your staff, and the district's Title IX Committee working to implement the agreement. We look forward to receiving the worksheets and surveys on or before July 21. If you have any questions regarding this letter, please feel free to contact me at (206) 220-7935.

Sincerely,

Levin Karovsky
Equal Opportunity Specialist



Lake Pend Oreille School District #84

Administration Office • 901 Triangle Drive • Ponderay, Idaho 83852

Phone: 208/263-2184 • Fax: 208/263-5053

Web: www.sd84.k12.id.us

June 6, 2003

Mr. Levin Karovsky
U.S. Department of Education
Seattle Office for Civil Rights
Henry M. Jackson Federal Building
915 Second Avenue Room 3310
Seattle, Washington 98174-1009

RE: Lake Pend Oreille School District no. 84
OCR Reference No. 10021100

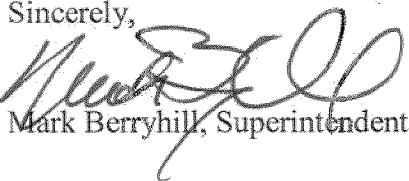
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REGION X
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Dear Mr. Karovsky:

Enclosed you will find our preliminary district reports in reference to complaints alleging that Lake Pend Oreille School District #84 has violated Title IX of the Education Amendments of 1972. Through telephonic conversations with you, it has been determined that our district's "review process" has been placed on hold by your office. The many months of work by our committee is compiled in these preliminary reports.

We are anxiously waiting your assessment and subsequent recommendations of the enclosed documents.

Sincerely,



Mark Berryhill, Superintendent