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Female Athletes Reach Agreement with Clayton Valley Charter High School in Title IX Case

(Concord, CA) A settlement has been reached between Clayton Valley Charter High School (Clayton High) and its female athletes to increase equality in high school athletic opportunities, treatment and benefits. Clayton High has agreed to: improve and maintain equitable athletic facilities for girls and boys; offer additional girls' athletic teams; increase outreach to girls to participate in sports; and provide additional Title IX training to its coaches and administrators, among other things.

Many charter schools, including Clayton High, receive federal funding and Title IX prohibits educational institutions that receive federal funding from discriminating against female students, including with respect to athletic facilities and programming. Title IX is crucial to efforts to create gender equity in schools.

The settlement is thought to be the first of its kind in the nation involving a charter school and serves as a guidepost for Title IX compliance in the charter school setting. Currently, little precedent exists regarding charter school Title IX athletics. Yet there are over 6,000 charter schools nationwide and over 1,000 in California alone – all subject to Title IX's mandates.

Once notified of the issues, Clayton High sought to work with the claimants' counsel to address concerns and make facilities improvements while implementing best practices. As a conversion charter school, Clayton High inherited its campus from Mount Diablo Unified School District, which had operated the facility until July 1, 2012. According to Clayton High Executive Director Dave Linzey, "most, if not all, of the facilities issues pre-existed the conversion."

The Legal Aid Society-Employment Law Center (LAS-ELC), California Women's Law Center (CWLC), and Simpson Thacher & Bartlett (Simpson Thacher) represented the claimants, who alleged that Clayton High failed to comply with Title IX because the school provided more sports-participation opportunities to male students than to female students, and alleged the provision of better treatment and benefits, such as greater resources devoted to boys' sports.

Prior to the settlement, Clayton High's girls' softball program had facilities that were not comparable to the boys' baseball program, including having no dedicated batting cages or storage areas, and having a lower quality field. Girls playing sports had smaller lockers inadequate for storing athletic gear and fewer team rooms in comparison to the larger boys' lockers and their multiple team rooms. And the sports opportunities offered to girls were not proportionate to the number of female students enrolled.

Because of the settlement, the girls' softball program now has a fully-functioning dedicated batting cage and pitching machine in addition to equal batting pavilion access and softball field improvements. The

girls' locker room will be renovated to offer girls appropriate athletic locker space in addition to more team rooms. Further, many more girls will be able to participate in sports in light of newly-added teams and facilities improvements.

"Title IX requires that girls be treated equally," said Kim Turner, an LAS-ELC attorney for the claimants. "We are pleased with the steps the school has agreed to take to ensure that girls have a level playing field. Clayton High's agreement to this settlement demonstrates that any high school in California can comply with Title IX, which has been law for over 40 years. Charter schools are subject to Title IX mandates, just like every other public school."

"This settlement is a big win for girls at Clayton High and beyond who are entitled to the benefits of equal athletic opportunities," said Laura Riley, a California Women's Law Center attorney. "Not only will girls at Clayton High now have adequate facilities and equipment, but they will also have greater opportunity to play sports through the recent addition of girls' teams."

"We are thrilled with this settlement guaranteeing girls at Clayton High the athletic opportunities afforded under Title IX," said Simpson Thacher's Jayma Meyer. Ms. Meyer also noted, "This settlement shows that, even in challenging budget times, our schools recognize how important it is to maintain equal access and provide equal benefits to and treatment of girls' and boys' sports teams."

The benefits of participation in sports for young girls extend beyond fitness and competition. Girls who play sports earn better grades and demonstrate higher self-esteem than non-athletes. And those who play sports are also more likely to graduate from high school and attend college. Female athletes are less likely to smoke, abuse drugs or become pregnant during their teenage years. Skills gained from sports participation, including teamwork, leadership and discipline, are crucial as women progress in the corporate world at higher levels than ever before. It has been reported that eighty-percent of female managers of Fortune 500 companies have played organized sports on some level.

Clayton High has denied any violation of Title IX and is committed to a course of action to promote and develop female athletics. This settlement represents an amicable resolution of the disputes between Clayton High and the claimants—an important victory for female students at Clayton High and beyond.

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About the Legal Aid Society-Employment Law Center

The Legal Aid Society-Employment Law Center (LAS-ELC), founded in 1916, is committed to protecting the rights and economic self-sufficiency of low-income workers and their families. LAS-ELC's Fair Play for Girls in Sports project aims to ensure girls in grades K-12 participate equally in school and community sports so they may reap the lifelong rewards of athletic involvement such as improved health and higher wages as adults.

Simpson Thacher & Bartlett LLP

Simpson Thacher & Bartlett LLP is one of the world's leading international law firms. The Firm was established in 1884 and has more than 850 lawyers in 11 global offices. Simpson Thacher has an abiding commitment to public service and devotes tens of thousands of hours each year to pro bono projects.

The California Women's Law Center

The California Women's Law Center (CWLC) breaks down barriers and advances the potential of women and girls through transformative litigation, policy advocacy and education. Founded in 1989, CWLC focuses on the following issue areas: gender discrimination, women's health, violence against women, reproductive justice and the unique concerns of women veterans. CWLC continues to be a leader in Title IX enforcement in California schools.