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**UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA**

VERONICA OLLIER; NAUDIA
RANGEL, by her next friends Steve
and Carmen Rangel;
MARITZA RANGEL, by her next
friends Steve and Carmen Rangel;
AMANDA HERNANDEZ, by her next
friend Armando Hernandez; ARIANNA
HERNANDEZ, by her next friend
Armando Hernandez, individually and
on behalf of all those similarly situated,
Plaintiffs,

vs.

SWEETWATER UNION HIGH
SCHOOL DISTRICT, ARLIE N.
RICASA, PEARL QUINONES, JIM
CARTMILL, JAIME MERCADO,
GREG R. SANDOVAL, JESUS M.
GANDARA, EARL WEINS, and
RUSSELL MOORE, in their official
capacities,

Defendants.

CASE NO. 07cv714-L (JMA)

**FINAL JOINT COMPLIANCE
PLAN**

[CLASS ACTION]

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1 Pursuant to this Court’s Orders dated February 9, 2012, August 26, 2013 and
2 January 30, 2014, the parties hereby submit the following Final Joint Compliance
3 Plan.

4 **I. DEFINITIONS.**

5 A. Academic School Year.

6 “Academic School Year” means and refers to the period from the first day of
7 the new school year (in approximately July) through the last day of the school year
8 (in approximately June).

9 B. Athlete/Coach Instructional Ratio.

10 The “Athlete/Coach Instructional Ratio” is calculated by dividing the total
11 number of athletes on a team by the total number of coaches provided to the team,
12 including all assistant coaches regardless of whether they are “walk on” or
13 volunteer coaches.

14 C. Castle Park.

15 “Castle Park” means and refers to Castle Park High School in the
16 Sweetwater District.

17 D. CIF.

18 “CIF” refers to the California Interscholastic Federation, which is the
19 governing body for high school sports in California.

20 E. Class.

21 The “Class” means and refers to the class that was certified pursuant to
22 Judge Lorenz’s August 25, 2008 Order.

23 F. Class Counsel.

24 “Class Counsel” means and refers to the Legal Aid Society-Employment
25 Law Center, the California Women's Law Center, and the law firm of Manatt,
26 Phelps & Phillips, LLP including the attorneys therein.
27
28

1 G. Compliance Period.

2 “Compliance Period” means and refers to the period from the Court’s
3 approval of this Plan until December 31, 2024, or the date at least ten (10) years
4 from the entry of the Compliance Plan, or until the Court ends its jurisdiction,
5 whichever is later.

6 H. Compliance Reports.

7 “Compliance Reports” means and refers to the written reports that
8 Defendants shall provide to the Court and Class Counsel three times per year, in
9 the middle of the fall (Sept. 15), winter (Dec. 15), and spring (March 15) seasons,¹
10 during the Compliance Period starting from the Effective Date of this Compliance
11 Plan, regarding the status of the Defendants’ compliance with the terms of this
12 Plan. The reports shall include all information required by this Plan as well as any
13 and all supporting documents that evidence compliance with this Plan.
14

15 I. Effective Date of this Compliance Plan.

16 “Effective Date of this Compliance Plan,” means and refers to the date on
17 which the Court orders this Plan to take effect.

18 J. “Equal,” “Equally,” and “Equitable”

19 This Compliance Plan uses the terms equal, equally and equitable. These
20 terms are to be interpreted consistently with Title IX, its regulations, Policy
21 Interpretation and Guidance, the Title IX Athletics Investigators Manual, and case
22 law. However, Defendants may not meet their obligations to girls under this Plan
23 by summarily reducing the quality or quantity of athletic participation
24 opportunities or athletic treatment and benefits for boys. If budgetary requirements
25 necessitate a reduction in the quality or quantity of athletic participation
26 opportunities or athletic treatment and benefits for boys, before any reductions for
27

28 ¹ Should any Compliance Report due date fall on a weekend or federal holiday, the
Compliance Report shall be due the following Monday.

1 girls can be made, defendants must make a significant showing of financial
2 necessity that reductions for girls also are necessary. Such a showing must be
3 based on economic necessity, not on whim, a desire to retaliate, inappropriate
4 diversion of funds, or an alleged lack of interest in athletic participation among the
5 girls. Defendants shall comply with the notice and approval provision and
6 standards set forth in section XIV.

7 **K. Equal Access to Compete.**

8 “Equal Access to Compete” means and refers to girls’ athletic teams having
9 the same or equal opportunities to compete at the most desirable competition day
10 and times in and on the preferred athletic facilities as boys’ athletic teams, as well
11 as equal maintenance of all athletic facilities, including proper facilities preparation
12 for practice. Defendants may not meet their obligations to girls under this Plan by
13 summarily reducing the quality or quantity of athletic treatment and benefits for
14 boys.
15

16 If budgetary requirements necessitate a reduction in the quality or quantity
17 of athletic participation opportunities or athletic treatment and benefits for boys,
18 before any reductions for girls can be made, defendants must make a significant
19 showing of financial necessity that reductions for girls also are necessary. Such a
20 showing must be based on economic necessity, not on whim, a desire to retaliate,
21 inappropriate diversion of funds, or an alleged lack of interest in athletic
22 participation among the girls. Defendants shall comply with the notice and
23 approval provision set forth in section XIV.

24 The general rule is that later competition times are preferred so that parents
25 are able to attend and that Friday is the preferred competition day because athletes
26 do not have school on the day following their competition. Friday is the preferred
27 competition day for the sport of basketball. At or around 7:00 p.m. is the preferred
28 competition time for the sport of basketball.

1 L. Equal Access to Practice.

2 “Equal Access to Practice” means and refers to girls’ athletic teams having
3 the same or equal opportunities to practice at the most desirable practice times in
4 and on the preferred athletic facilities as boys’ athletic teams, as well as equal
5 maintenance of all athletic facilities, including proper facilities preparation for
6 practice. Defendants may not meet their obligations to girls under this Plan by
7 summarily reducing the quality or quantity of athletic treatment and benefits for
8 boys.

9 If budgetary requirements necessitate a reduction in the quality or quantity
10 of athletic participation opportunities or athletic treatment and benefits for boys,
11 before any reductions for girls can be made, defendants must make a significant
12 showing of financial necessity that reductions for girls also are necessary. Such a
13 showing must be based on economic necessity, not on whim, a desire to retaliate,
14 inappropriate diversion of funds, or an alleged lack of interest in athletic
15 participation among the girls. Defendants shall comply with the notice and
16 approval provision set forth in section XIV. Most desirable practice times are
17 those immediately following the end of the academic school day.

18 M. Independent Expert.

19 “Independent Expert” means and refers to the individual whom the Court has,
20 pursuant to section XIII, appointed to monitor the condition of the athletic facilities
21 at CPHS during the Compliance Period.

22 N. Maintenance.

23 “Maintenance” means and refers to having facility staff members regularly
24 examine the athletic facilities and direct or otherwise ensure that the facility is
25 clean and safe for practice and competitive play. Where the two teams play the
26 same or comparable sports, girls’ athletic teams will not be required to perform any
27
28

1 type or quantity of maintenance tasks greater than those performed by boys’
2 athletics teams.

3 O. Offer a Sport.

4 “Offer a Sport,” in reference to a girls’ sport, means that the Defendants have
5 provided a coach, have recruited athletes, have conducted an informational
6 assembly about the sport with Castle Park, have set forth a league schedule of
7 games (if the sport is part of the Metro League)² and a schedule of practices, and
8 have ensured at least two weeks of practice for the sport.

9 P. Official Sports Season.

10 “Official Sports Season” means and refers to the three high school sports
11 seasons: fall, winter and spring. The length of the “Official Sports Season” begins
12 on the first day that a particular sport is eligible to practice and runs through the
13 date of the final actual competition, including playoff contests. For sports
14 sanctioned by the California Interscholastic Federation San Diego Section (CIF-
15 SDS), CIF-SDS rules shall establish the first date of practice and the last possible
16 playoff date.

17 Q. Publicity.

18 “Publicity” means and refers to both publicity and promotional support,
19 including, but not limited to, cheerleaders, band, pep squads, printed schedules,
20 public address system announcements, electronic marquees, websites, student-
21 media, daily bulletins, yearbooks, scoreboards, scorekeepers, the gathering of
22 athletic statistics, videotaping, banquets, awards, and any other form of publicity.
23
24
25
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28 ² If a sport is added that is not part of the Metro League, the game schedule shall include a significant number of contests with other schools.

1 R. Sweetwater or Defendant.

2 “Sweetwater” or “Defendant” means and refers to the Sweetwater Union
3 High School District.

4 S. Title IX Compliance Officer.

5 “Title IX Compliance Officer” means and refers to an employee of
6 Defendants who, pursuant to the terms of this Compliance Plan, is qualified and
7 appointed to serve as the individual who monitors Defendants’ compliance with
8 the requirements of Title IX and the terms of this Plan, receives complaints with
9 regard to Title IX issues, and participates in the investigation and resolution of
10 complaints pursuant to the complaint procedure set forth herein. Defendants agree
11 to hire a “Title IX Compliance Officer” dedicated to monitoring compliance with
12 this Compliance Plan within one hundred and eighty (180) calendar days. This
13 will be a newly created administrative position with administrative support. In the
14 interim Defendants will continue to have a Title IX Compliance Officer with the
15 responsibility to monitor compliance with this plan.
16

17 **II. GENERAL PROVISIONS.**

18 A. Publicize Names and Contact Information of Compliance Staff.

19 Within ten (10) school days of the Effective Date of this Compliance Plan,
20 Defendants shall publicize the name and contact information for the Title IX
21 Compliance Officer by posting it prominently (1) on any website maintained by
22 Defendant, including, without limitation, the website located at:
23 <http://www.suhzd.k12.ca.us/>; (2) on any website maintained by Castle Park,
24 including, without limitation, the website located at
25 <http://cph.sweetwaterschools.org/default.aspx>; and (3) by requiring coaches to
26 submit the name and contact information to any website utilized by a Castle Park
27 Athletic Team (such as [http://www.maxpreps.com/high-schools/castle-park-](http://www.maxpreps.com/high-schools/castle-park-trojans-%28chula-vista,ca%29/softball/home.htm)
28 [trojans-%28chula-vista,ca%29/softball/home.htm](http://www.maxpreps.com/high-schools/castle-park-trojans-%28chula-vista,ca%29/softball/home.htm)). This information shall also be

1 included in the General Posting described in section XI. and in the Castle Park
2 Athletics Title IX Complaint Procedure posting described in section VI.

3 B. Provision of Compliance Reports.

4 The Defendants shall provide written Compliance Reports to the Court and
5 Class Counsel three times per year, in the middle of the fall (Sept. 15), winter
6 (Dec. 15), and spring (March 15) seasons during the Compliance Period starting
7 from the Effective Date of this Compliance Plan, regarding the status of the
8 Defendants' compliance with the terms of this Plan. The Title IX Compliance
9 Officer shall be responsible for coordinating and providing all reports required by
10 this Plan. The reports shall be provided to all counsel of record in this matter. The
11 reports shall include all information required by this Plan as well as any and all
12 supporting documents that evidence compliance with this Plan.

13
14 The Defendants shall submit the final report to the Court and Class Counsel
15 ninety (90) days prior to December 31, 2024, or the date at least ten (10) years
16 from the entry of the Compliance Plan. The final report shall describe the
17 Defendants' compliance with this Plan, and in particular shall set forth Defendants'
18 compliance with each and every term of this Plan and any and all supporting
19 documents that evidence compliance with this Plan.

20 At the request of Class Counsel, the Defendants and Class Counsel shall
21 meet and confer soon after the filing of the Compliance Reports to review the
22 Defendants' efforts to implement this Plan, and to resolve any disputes regarding
23 implementation or enforcement.

24 After meeting and conferring with Defendants' counsel, Counsel may revise
25 or amend reporting forms, inventories and other data collection documents
26 required under the Plan if the information collected fails to adequately or
27 efficiently collect necessary or required information as determined solely by Class
28 Counsel.

1 C. Inspections.

2 Throughout the Compliance Period, Class Counsel may, with prior notice to
3 Defendant, conduct inspections three times per year of Castle Park athletic
4 facilities to monitor compliance with this Compliance Plan, including the progress
5 of interim work. Class Counsel shall be permitted to take photographs and
6 videotape. In addition, once a year the Magistrate Judge assigned to this case may
7 conduct inspections of the Castle Park athletic facilities. Class Counsel shall be
8 permitted to accompany the Magistrate Judge during his or her visit to the school
9 and take photographs and videotape. This site visit with the Magistrate Judge is
10 separate and apart from the thrice yearly site visits Class Counsel are permitted to
11 conduct pursuant to this Plan. This site visit with the Magistrate Judge also is
12 separate and apart from the visits by the Independent Expert described in section
13 XIII.
14

15 D. Training

16 Within six weeks of the entry of this Plan (or within the first two weeks of
17 the 2014-15 Academic Year if this Plan is issued when school is not in session due
18 to summer break) and annually thereafter within the first two weeks of the
19 Academic Year during the Compliance Period, the Defendants shall provide
20 training to the Castle Park Principal, Assistant Principal(s), Athletics Director,
21 coaches, and the Title IX Compliance Officer about Defendants' Title IX
22 obligations in general and under the terms of this Plan, Title IX complaint
23 procedures, role of the Title IX Compliance Officer as well as a summary of the
24 terms of this Plan. This training shall be conducted by trainers who are
25 knowledgeable about the requirements of Title IX. Defendants shall submit to
26 Class Counsel information about the proposed Title IX trainer and the proposed
27 training curriculum thirty (30) calendar days before the training session. Class
28 Counsel shall provide comments to the Defendants regarding the curriculum.

1 Defendants shall incorporate Class Counsel’s suggestions regarding any training
2 material. The Defendants shall bear all costs for administering the training and
3 shall provide sign-in sheets to class counsel with the Compliance Reports.

4 **III. Equal Participation Opportunities.**

5 Defendants shall ensure that the Class is provided equal participation
6 opportunities in athletics at Castle Park. Defendants may not meet their
7 obligations to girls under this Plan by summarily reducing the quantity of athletic
8 participation opportunities for boys.

9 If budgetary requirements necessitate a reduction in the quality or quantity
10 of athletic participation opportunities or athletic treatment and benefits for boys,
11 before any reductions for girls can be made, defendants must make a significant
12 showing of financial necessity that reductions for girls also are necessary. Such a
13 showing must be based on economic necessity, not on whim, a desire to retaliate,
14 inappropriate diversion of funds, or an alleged lack of interest in athletic
15 participation among the girls. Defendants must comply with the notice and
16 approval provision set forth in section XIV.

17 **A. Equal Participation Standard.**

18 Defendants shall ensure that the Class is provided equal athletic participation
19 opportunities. For purposes of this Plan, equal participation opportunities shall
20 mean that the percentage of participation opportunities on all athletic teams
21 afforded to girls at Castle Park shall be substantially proportionate to the
22 percentage of total enrollment comprised of female students at Castle Park. For
23 example, if girls make up 48% of the student body and boys make up 52% of the
24 student body, then at least 48% of the athletic participation opportunities at Castle
25 Park shall be afforded to girls and at most 52% of the participation opportunities
26 shall be afforded to boys. Variation from exact proportionality is permitted where,
27
28

1 if opportunities were proportional, the number of female participants would be not
2 enough to add additional viable teams.

3 **B. Data Collection and Reporting.**

4 Beginning with the Academic School Year 2013-2014, Defendants shall, at
5 the conclusion of the competitive sports season for each Academic School Year,
6 quantify the participation opportunities afforded at Castle Park for that Academic
7 School Year for boys and for girls.³ Defendants shall determine whether and to
8 what extent the participation opportunities provided to girls were not substantially
9 proportionate to the participation opportunities provided to boys, and report its
10 analysis and results in connection with its Compliance Reports utilizing the
11 reporting form attached as Attachment A, including all relevant enrollment and
12 participation figures. Defendants also shall provide complete and accurate team
13 rosters for each and every team with each Compliance Report.
14

15 The participation opportunities afforded to girls shall be measured by
16 totaling the number of female athletes participating on all sports teams as of the
17 date of the first league contest of each sports team. The participation opportunities
18 for any sports team that does not have a league schedule shall be measured by
19 totaling the number of female athletes participating on said team as of the date of
20 the team's first contest. The participation opportunities afforded to boys shall be
21 measured by totaling the number of male athletes participating on all sports teams
22 as of the date of the first league contest. The total number of participation
23 opportunities afforded shall be measured by adding the total number of female
24 athletes participating on all sports teams and the total number of male athletes
25 participating on all sports teams.
26

27
28 ³ Nothing in this section relieves Defendants of their obligation to track
participation opportunities pursuant to Title IX or other state or federal law.

1 Defendants shall maintain a written record of any and all written or oral
2 requests by girls to participate in athletics at Castle Park and/or to form a new
3 athletic team or to add an additional athletic team level to an existing sports team,
4 such as adding a junior varsity or novice team to an existing sport that does not
5 offer that level of team. Defendants also shall maintain a record of its response to
6 any such request and report this information in the Compliance Report.

7
8 C. Additional Teams for Girls.

9 Because participation opportunities provided to girls have not been
10 substantially proportionate to the participation opportunities provided to boys,
11 Defendants shall offer the following athletic teams for girls: a novice softball
12 team, a novice girls' soccer team, a girls' lacrosse team, a girls' golf team, and a
13 girls' field hockey team. Defendants shall also either begin or continue to offer
14 girls' tennis and girls' water polo at Castle Park. These teams shall be added no
15 later than the 2014-15 Academic Year. If this Compliance Plan is entered prior to
16 the 2013-2014 Academic Year Spring Official Sports Season, Defendants shall add
17 any required Spring Sports during the 2013-2014 Academic Year. The only
18 exception to the requirement that Defendants must offer these teams for girls is if
19 defendants make a significant showing of financial necessity that requires
20 reduction in the quantity of athletic participation opportunities for boys. In that
21 unlikely event, defendants must make a significant showing of financial necessity
22 that reductions for girls also are necessary. Such a showing must be based on
23 economic necessity, not on whim, a desire to retaliate, inappropriate diversion of
24 funds, or an alleged lack of interest in athletic participation among the girls.
25 Defendants shall comply with the notice and approval provision and standards set
26 forth in section XIV.

1 Defendants shall recruit for these teams as defined in section IV.A and
2 provide quality coaching to these teams as defined in section IV.E. Moreover,
3 Defendants shall take action to ensure that there is competition secured for these
4 additional girls' athletic teams including, but not limited to, requiring other schools
5 within the Sweetwater District to sponsor additional girls' teams. In order to
6 encourage other schools in its league to sponsor additional girls' teams, Defendants
7 and their representatives shall vote in favor of increasing the number of girls'
8 athletic teams at all CIF-SDS and Metro League meetings. Moreover, in the event
9 that Defendants are unable to schedule these teams for a full league schedule,
10 Defendants shall schedule a reasonable number of opportunities for them to
11 compete, including scheduling additional non-league competition to make up for
12 the lack of league contests.

13
14 D. Monitoring and Responding to Interest in Athletics.

15 Defendants shall also determine whether there is interest and demand for
16 additional girls' sports teams at Castle Park and shall take steps to accommodate
17 that interest. Specifically, it shall (1) conduct a survey of all female CPHS
18 students about their interests in athletics. Prior to administering the survey,
19 Defendants shall share it with Class Counsel for review and approval. In the event
20 that the parties cannot reach agreement on the substance of the survey, the survey
21 must be submitted to the Magistrate Judge for review and approval. The survey
22 shall end with an open-ended question asking girls what other sports interest them;
23 (2) assess developing female athletic interests in the community by reviewing local
24 parks and recreation programs, community athletics programs, such as AYSO, and
25 club teams; (3) monitor CPHS tryout lists, cut lists and rosters to ensure that girls
26 are receiving sufficient opportunities to compete and train and to add additional
27 levels if the rosters are larger than the customary roster size for a particular sport or
28 if too many girls are being cut and/or to encourage girls who are being cut to try

1 other sports; and (4) add additional sports and levels to existing girls sports
2 programs where appropriate.

3 **IV. Equal Treatment and Benefits.**

4 Defendants shall ensure that the Class is provided equal treatment and
5 benefits in each athletic sport, program, service and facility at Castle Park.
6 Defendants may not meet their obligations to girls under this Plan by summarily
7 reducing the quality or quantity of athletic treatment and benefits for boys. If
8 budgetary requirements necessitate a reduction in the quality or quantity of athletic
9 treatment and benefits for boys, then defendants may not reduce the quality or
10 quantity of athletic treatment and benefits for girls unless defendants make a
11 showing of financial necessity that reductions for girls also are necessary. Such a
12 showing must be based on economic necessity, not on whim, a desire to retaliate,
13 inappropriate diversion of funds, or an alleged lack of interest in athletic
14 participation among the girls. Defendants shall comply with the notice and
15 approval provision set forth in section XIV
16

17 **A. Recruiting.**

18 Because there was a finding that recruiting for girls has not been comparable
19 to recruiting for boys, during the Compliance Period, Defendants shall make the
20 following efforts to recruit girls to play sports: (1) ensure that all athletic
21 opportunities for girls are announced in the Castle Park daily bulletin; (2) engage
22 in outreach to girls from middle school who might participate in athletics at Castle
23 Park; (3) publicly refer to wrestling, roller hockey, and football as co-ed sports and
24 actively recruit girls to play these sports; (4) ensure that each head coach knows
25 that he or she is responsible for recruiting at Castle Park and at middle schools and
26 that in the unlikely absence of a head coach, the Athletic Director knows that he or
27 she is responsible for recruiting at Castle Park and at middle schools; (5) ensure
28 that the head coach of each girls' sports team visits all middle schools in the

1 Sweetwater Union High School District that feed to Castle Park to discuss the
2 opportunities for girls to play sports at Castle Park, and that in the unlikely absence
3 of a head coach, the Athletic Director knows that he or she is responsible for
4 recruiting at middle schools; and (6) ensure that each year there is a girls' sports
5 demonstration assembly at the middle school to introduce them to the sports
6 offered at Castle Park. The demonstration assembly would have members from
7 each Castle Park girls' sports team demonstrate an aspect of the sport and then
8 provide the opportunity for the middle school girls to participate in the
9 demonstration (*e.g.*, a softball demonstration might highlight batting and then the
10 middle school girls would get a chance to bat, or a field hockey demonstration
11 might highlight how to hold a field hockey stick and hit the ball and then the
12 middle school girls would get the opportunity to try); (7) ensure that the head
13 coach of each girls' sports team visits all PE classes to recruit for his or her sports
14 program, and that in the unlikely absence of a head coach, the Athletic Director
15 knows that he or she is responsible for recruiting in PE classes; and (8) hold all-
16 school Assemblies at Castle Park High to recruit for girls sports prior to the
17 commencement of each sports season. All efforts made to recruit girls shall be
18 reported to Class Counsel on the reporting form attached as Attachment A.

19
20 B. Locker Room, Practice and Competition Facilities.

21 1. *General Maintenance*

22 All athletic facilities that are provided for or used by female athletes at
23 Castle Park will be maintained at a comparable level as those athletic facilities that
24 are provided for or used by male athletes at Castle Park. During the Compliance
25 Period, Defendants are not permitted to reduce or eliminate maintenance for
26 athletic facilities used by girls at Castle Park.
27
28

1 2. *Locker Rooms/Team Rooms.*

2 Because there was a finding of inequality for girls with respect to locker
3 rooms, and because Defendants have, since the trial of this action, permitted an
4 additional locker room/team room to be built for the boys' baseball team,
5 Defendants shall provide for female athletes at Castle Park a permanent athletic
6 locker room with comparable amenities and in a comparable location to that of the
7 athletic locker room provided to boys. Moreover, the Defendants shall retain and
8 maintain the girls' softball locker room/team room located in the portable class
9 room near the softball field. In addition, locker rooms for female athletes shall be
10 reserved for female athletes and shall not be used for male athletic teams at any
11 time.

12 3. *Softball Field*

13 ***Dugouts***

14 Because there was a finding of inequality for girls with respect to dugouts,
15 Defendants must provide for female athletes at Castle Park cinderblock softball
16 dugouts with comparable amenities to the cinderblock dugouts provided for male
17 athletes at Castle Park. Defendants will continue and/or begin to provide the
18 following amenities for the girls' softball dugout: storage, paint in school colors
19 with school mascot, protection from the elements, bat racks, hat racks, and storage.
20

21 ***Bullpens***

22 Subsequent to the trial, Defendants created bullpens for the softball field.
23 However, there were a number of maintenance problems with the dirt in these
24 bullpens on March 7, 2012. Therefore, Defendants will continue to and/or begin to
25 improve the maintenance of these bullpens so that the bullpens are comparable to
26 the baseball bullpens.
27
28

1 ***Batting Cage and Instructional Areas***

2 Because there was a finding of inequality for girls with respect to batting
3 cages and instructional areas, Defendants must provide for female athletes at
4 Castle Park softball batting cages and instructional areas in comparable quantity
5 and with comparable amenities to the batting cages and instructional areas
6 provided for male athletes at Castle Park.

7 ***Outfield Fence***

8 Because there was a finding of inequality for girls with respect to the
9 outfield fence, Defendants must ensure that the outfield fence and wind screen
10 surrounding the softball field at Castle Park are well-maintained. Whether the
11 outfield fence is well-maintained shall be determined by the Independent Expert as
12 described in section XII.

13 ***Spectator Seating***

14 Because there was a finding of inequality for girls with respect to spectator
15 seating, Defendants must provide for female athletes at Castle Park an additional
16 set of bleachers for softball spectators. The dimensions of this bleacher, together
17 with any changes or additions to the existing bleachers, shall be sufficient to ensure
18 that the softball field has spectator seating comparable to that of the baseball field.

19 ***Concessions***

20 Because there was a finding of inequality for girls with respect to
21 concessions, Defendants must provide for female athletes at Castle Park spectator
22 concessions comparable to the spectator concessions provided for male athletes at
23 Castle Park.

24 ***Infield Dirt***

25 Because there was a finding of inequality for girls with respect to the quality
26 and condition of the infield dirt, Defendants shall ensure that the quality and
27 condition of the infield dirt on the girls' softball field is comparable to the quality
28

1 and condition of the dirt on the boy's baseball field by installing comparable
2 maintenance amenities available on the baseball field, including but not limited to,
3 functional irrigation and drainage systems and power outlets. Subsequent to the
4 filing of this class action lawsuit, Defendants have made repeated efforts to
5 improve the quality and condition of the infield dirt. Since the trial, Defendants
6 have made noticeable improvements to the infield dirt. Although the quality and
7 condition of the infield dirt is still not comparable to the quality and condition of
8 the dirt on the baseball field, the condition of the infield dirt has improved enough
9 so that additional maintenance efforts (about 15 additional minutes a day) could
10 bring the infield dirt to a level that is comparable to the boys' baseball field.
11 Defendants shall pay particular attention to "high use" and "high impact" areas of
12 the field, like the pitching area, which require higher levels of maintenance than
13 other areas of the field. Whether the infield dirt is of appropriate quality and
14 condition shall be determined by the Independent Expert as described in section
15 XII.
16

17 The home plate on the softball field shall be of appropriate quality and
18 condition as determined by the Independent Expert as described in section XII.

19 *Outfield Grass*

20 Because there was a finding of inequality for girls with respect to the quality
21 and condition of the outfield grass, Defendants shall ensure that the quality and
22 condition of the outfield grass is well maintained, meaning maintained at a level at
23 least equal to the baseball field. During the October 11, 2013 site visit, the Court
24 noted the field to be attractive, safe and appropriate. The quality of the baseball
25 field should not be allowed to deteriorate. If Defendants allow the quality of the
26 baseball field to deteriorate, the softball field must be maintained at least as well as
27 it was maintained on September 3, 2013, as documented by photographs. Whether
28

1 the grass is of appropriate quality and condition shall be determined by the
2 Independent Expert as described in section XII.

3 ***Maintenance***

4 Because there was a finding of inequality for girls with respect to
5 maintenance, Defendants shall ensure that the girls' varsity softball facility at
6 Castle Park is fully maintained at a comparable level equal to the boys' varsity
7 baseball facility, including its proper and timely preparation for games, and in no
8 event shall the varsity softball facility be maintained at a level inferior to the
9 condition of the varsity baseball facility. Maintenance of the softball facility
10 includes regular and consistent watering, raking, dragging and scarification so that
11 the condition of the dirt can be level and safe. Similarly, the outfield needs regular
12 cutting, watering, and fertilization. Certain areas of the field, such as "high use"
13 and "high impact" areas, shall require higher levels of maintenance than other
14 areas of the field. Maintenance of the softball and baseball facilities also includes
15 maintenance of all amenities related to the softball and baseball facilities, such as
16 batting cages and bullpen areas.
17

18 With its first Compliance Report, Defendants shall provide, the following
19 maintenance schedules for the softball facility: (1) daily maintenance schedule
20 during the softball season (including maintenance before and after practices and
21 games and specific game day preparations); (2) daily maintenance plan outside of
22 the softball season; and (3) annual maintenance plan organized by the fall, winter
23 and spring athletic seasons. The maintenance schedules shall be broken down by
24 the different components or areas of the softball facility (e.g., infield, outfield, base
25 paths, etc.). During the Compliance Period, all maintenance schedules shall be
26 posted on Castle Park's website with a link to such schedules on the District's
27 website. The daily maintenance schedules shall also be laminated and posted in
28 prominent locations on the softball facility, including in both dugouts. The posting

1 of the daily maintenance schedules shall include the name and phone number of
2 the individual/department to call if maintenance has not been properly completed
3 per the maintenance schedule. During the Compliance Period, Defendants shall
4 provide with their Compliance Report a copy of the maintenance schedules,
5 including any edits or revisions.

6 Within twenty (20) calendar days of the Effective Date of this Compliance
7 Plan, Defendants shall also provide to Class Counsel written inventories utilizing
8 the reporting form provided in Attachment G, which shall include information
9 about all maintenance equipment utilized by each athletic team, including but not
10 limited to, maintenance equipment obtained from Castle Park, the Sweetwater
11 District, fundraising proceeds, and donations. Information provided shall include:
12 (a) the current location and accessibility of each item; (b) the condition of each
13 item, including any maintenance information; (c) for any item purchased after the
14 date of entry of the Compliance Plan (and where available for any item purchased
15 prior to the entry of the Joint Compliance plan), the manufacturer and date of
16 purchase of each item; (d) the date that each inventory was conducted; and (e)
17 name(s) of the individual(s) who conducted each inventory.

18 Within thirty (30) calendar days from the date each inventory was
19 conducted, Defendants shall remedy all deficiencies identified in the inventories by
20 purchasing maintenance equipment for female athletes where their equipment is
21 inferior in quality or quantity to those provided to male athletes.

22 Defendants shall conduct written inventories of all maintenance equipment
23 and include them in the next scheduled Compliance Report.

24 During the Official Sports Season for softball, it is the primary responsibility
25 of the Head Varsity coach, in conjunction with the Defendant, to ensure that the
26 infield dirt is properly maintained on a daily basis. The Head Varsity Coach shall
27 be provided with proper maintenance equipment and training. During the Official
28

1 Sports Season for softball, it is permissible for the girls' softball team members to
2 assist the Head Varsity Coach to maintain the infield dirt.

3 Defendants will provide the girls' softball team coaches with maintenance
4 training and shall provide sign-in sheets from the training with the Compliance
5 Report. The maintenance training will occur annually six (6) weeks prior to the
6 start of the regular season of the sport of softball and will be administered by a
7 qualified individual. Defendants shall provide information about the maintenance
8 trainer's qualifications to Class Counsel. The Defendants shall remain responsible
9 for ensuring that the infield dirt is properly maintained and marked for
10 competitions.

11
12 At all times outside of the Official Sports Season, Defendants bear the
13 responsibility to maintain the Castle Park varsity softball infield dirt to a level
14 comparable to the boys' varsity baseball infield dirt. At all times, Defendants shall
15 bear the responsibility for maintaining the softball outfield and grass line transition
16 between infield and outfield (ensuring that the infield is maintained with proper
17 dimensions for regulation play).

18 The varsity girls' softball facility at Castle Park shall be dedicated to the
19 girls' softball team. The girls' softball team's access to the varsity softball facility
20 shall not be restricted to any greater degree than the boys' baseball team's access
21 to the varsity baseball facility. Physical education classes shall not practice or
22 compete on the girls' varsity softball facility at Castle Park.

23 *4. Team Rooms.*

24 Within thirty (30) calendar days of the Effective Date of this Compliance
25 Plan, Defendants shall develop a schedule for use of any shared team rooms
26 ensuring that the schedule provides for gender equity. Defendants also shall
27 monitor actual usage of team rooms for gender equity. Defendants shall include
28

1 information regarding team room scheduled usage and actual usage to Class
2 Counsel in their Compliance Report.

3 *5. Other Facilities.*

4 If Defendants build or improve any athletic facilities, they shall comply with
5 the procedure set forth in section VIII. Providing additional or improved facilities
6 for male athletes triggers Defendants' duty to assess whether they are providing
7 access to the same quality athletic facilities for the same percentage of female
8 athletes.

9 C. Equipment, Uniforms and Storage.

10 *1. General Procedure*

11 Because there was a finding of inequality for girls with respect to equipment,
12 uniforms and storage, Defendants shall ensure that all female athletes shall receive
13 the same quality and quantity of sport-related equipment, practice apparel, and
14 competition uniforms as male athletes. Female athletes must have equal access to
15 instructional technology and equipment storage. Equipment and equipment
16 storage for female athletes and male athletes must be equally maintained.

17 *2. Initial Inventories*

18 Within twenty (20) calendar days of the date of this Compliance Plan,
19 Defendants shall provide information to Class Counsel all of the following using
20 the inventory forms provided in Attachment D, E and F:

21 (1) non-permanent sport-related equipment (balls, sport implements, knee
22 pads, chest protectors, batting helmets, etc.);

23 (2) permanent sport related equipment (batting cages, pitching machines,
24 water polo goals, etc.);

25 (3) access to instructional equipment (videotapes, cameras, etc.);

26 (4) storage areas or facilities utilized by athletic teams;

27 (5) practice apparel; and
28

1 (6) competition uniforms.

2 Information provided shall include all items utilized by each athletic team,
3 including but not limited to, items obtained from Castle Park, the Sweetwater
4 District, fundraising proceeds and donations, and shall include: (a) the current
5 location and location of each item; (b) the condition of each item, including any
6 maintenance information; (c) for any item purchased after the date of entry of the
7 Compliance Plan (and where available for any item purchased prior to the entry of
8 the Joint Compliance plan), the manufacturer and date of purchase of each item;
9 (d) the date that each inventory was conducted; and (e) name(s) of the individual(s)
10 conducting each inventory.
11

12 3. *Remediation*

13 Within thirty (30) calendar days from the date these inventories were
14 conducted, Defendants shall remedy all deficiencies identified in the inventories by
15 purchasing equipment and uniforms for girls where their equipment and/or
16 uniforms are inferior in quality or quantity to those provided to boys and by
17 ensuring that girls have comparable access to storage and maintenance for their
18 uniforms and equipment. As of March 7, 2012, the girls' softball team did not
19 have a sufficient number of practice balls.

20 4. *Annual Inventories*

21 Within twenty (20) calendar days after each Academic School Year,
22 including the 2013-14 school year, Defendants shall conduct annual inventories of
23 all equipment and uniforms and shall include, at a minimum, all the matters
24 addressed in section 2 above. The Defendants shall remedy any deficiencies
25 revealed by the inventories. These inventories, and the actions taken to remedy the
26 deficiencies, if any, shall be provided to Class Counsel with the next scheduled
27 Compliance Report.
28

1 5. *Non-Discriminatory Replacement Schedule*

2 Within sixty (60) calendar days of the Effective Date of this Compliance
3 Plan, Defendants shall provide a non-discriminatory replacement and maintenance
4 schedule with respect to equipment and uniforms and shall thereafter ensure that
5 the schedule is followed. Thereafter, these schedules shall be provided with the
6 Compliance Report.

7 D. Scheduling.

8 1. *General Procedure for Shared Facilities*.

9 All girls' athletic teams at Castle Park shall have equal access to compete
10 and equal access to practice as boys' athletic teams at Castle Park.

11 2. *Practice Procedure and Schedules*

12 Practice schedules shall be established with input from all of the athletic
13 sports coaches in collaboration with the Athletic Director during each Academic
14 School Year, and no later than six (6) weeks before the commencement of each
15 Official Sports Season. The above-described General Procedure shall control in
16 establishing the practice schedules for each team throughout the academic year. If
17 any boys' fall sport engages in spring practice as permitted under CIF- SDS rules,
18 then Defendants shall ensure that all fall girls' sports are provided the equivalent
19 spring practice opportunity. Defendants shall include the rosters of all fall sports
20 engaged in spring practice with the next scheduled Compliance Report.

21 When the girls' and boys' athletic teams require the use of the same or a
22 preferred facility, and cannot practice at the same or preferred facility
23 simultaneously, then practice schedules shall be rotated so that the girls' athletic
24 teams can practice in or on the preferred facility and at the most desirable practice
25 time on an equal basis as the boys' athletic teams. In setting the practice schedules
26 for the girls' and boys' athletic teams, teams of the same level will be compared to
27 each other (i.e., varsity girls to varsity boys, junior varsity girls to junior varsity
28

1 boys, etc.). A boys' athletic team with no equivalent level girls' athletic team shall
2 be compared to the next lower athletic girls' team. Teams may rotate practice times
3 on a daily or weekly basis.

4 Boys' athletic teams shall vacate the practice facility no later than the end of
5 their scheduled practice time. Each scheduled practice time shall end at least ten
6 minutes prior to the next scheduled practice time in order to ensure the timely
7 commencement of the next athletic team's practice time.

8 Any boys' athletic team that fails to vacate a practice facility in a timely
9 manner such that there is an encroachment upon the practice time of any girls'
10 athletic team is a violation of this procedure. Coaches, and/or student athletes may
11 report an infraction of the practice time procedure pursuant to the Castle Park
12 Athletics Title IX Complaint Procedure attached as Attachment B. Where it is
13 determined that there has been a violation of this subdivision, such that a boys'
14 athletic team has encroached upon the practice time of a girls' athletic team, Castle
15 Park shall require the offending team to limit a practice or practices for an amount
16 of time equal to the amount of the encroachment time.

17 3. *Game Schedules*

18 Defendants shall ensure that every girls' athletic team fielded at Castle Park
19 has a league schedule regardless of the existence of a coaching vacancy.
20 Defendants are prohibited from canceling any girls' athletic games, at any time,
21 due to the lack of a coach. Should a coach not be available for a game for any
22 reason, Defendants shall provide a substitute coach to ensure that the competition
23 takes place. Class Counsel shall be notified immediately when any girls' athletic
24 event is canceled for any reason and the reason for the cancellation. Defendants
25 shall establish the game schedules for all of the athletic teams no later than twenty-
26 one (21) calendar days before the commencement of the Official Sports Season.
27 The above-described General Policy shall control in establishing the game
28

1 schedules for each team throughout the Academic School Year. When the girls'
2 and boys' athletic teams require the use of the same or a preferred facility, and
3 cannot compete at the same or preferred facility simultaneously, then competition
4 schedules shall be rotated so that the girls' athletic teams compete on the preferred
5 facility and at the preferred competition day and time on an equal basis as the
6 boys' athletic teams. In setting the game schedules of the girls' and boys' athletic
7 teams, teams of the same level will be compared to each other (i.e., varsity girls to
8 varsity boys, junior varsity girls to junior varsity boys, etc.). A boys' athletic team
9 with no equivalent level girls' athletic team shall be compared to the next lower
10 girls' athletic team. Teams may rotate game days and/or times on a daily or weekly
11 basis. Since there is no equivalent girls' sport to the boys' sport of football,
12 Defendants shall ensure that girls' sports that compete on a field (e.g. field hockey,
13 girls' soccer and girls' lacrosse) have as many competitions on Friday night at 7:00
14 p.m. under the lights as boys' sports do, including football. This scheduling may
15 be accomplished by scheduling girls' Friday night competitions when football is
16 playing away or by scheduling girls' Friday night competitions during the time
17 football is not in season. During the regular season, the girls' athletic teams shall
18 play an equal number of games, including home games, as the boys' athletic teams
19 of the same level and same or comparable sport. This provision does not apply
20 when a Castle Park athletic team does not have corresponding level teams to
21 compete against within the CIF league. In that event, Defendants shall secure an
22 equal number of games, including home games, as it has secured for the
23 corresponding boys' athletic team of the same level. This provision does not apply
24 to tournaments or CIF post-season competition where the number of games is set
25 by the tournament host or CIF. However, Defendants shall ensure that girls' teams
26 have access to compete in an equal number of tournaments during the pre- and
27 regular season as the boys' teams.
28

1 E. Equal Access to Coaching.

2 1. *General Procedure*

3 Because there was a finding that coaching for girls has not been comparable
4 to coaching for boys, Defendants shall provide qualified coaches for all girls'
5 athletic teams. Defendants shall provide an Athlete/Coach Instructional Ratio that
6 is equal to that afforded to male athletes. The coaches provided for girls' athletic
7 teams shall be of equal quality to coaches of boys' athletic teams in terms of sport-
8 specific coaching and athletic experience, skill, and availability both during the on
9 and off seasons.
10

11 Female athletes at Castle Park shall enjoy the same opportunities for
12 coaching (including provision of comparable quantity and quality of assistant and
13 volunteer coaching), teaching, training, and conditioning as those provided for
14 male athletes at Castle Park.

15 2. *Remediation.*

- 16 • Each girls' athletic team must have a head coach;
- 17 • No head coach of a girls' team can coach more than two sports; in the
18 event that a coach is the head coach of girls' teams for two sports, he or
19 she must have an assistant coach for each sport. In the unlikely event
20 that Defendants have a coach who has exceptional coaching skills in
21 three sports and the desire and availability to coach three girls' sports, the
22 Defendants may meet and confer with Class Counsel and, if necessary,
23 make a motion to the Court to allow such a coach to coach three sports.
- 24 • Defendants must ensure that head coaches of girls' teams are appointed
25 by the middle of the semester prior to the Official Sports Season for that
26 sport. For example, all coaches for girls' fall sports must be appointed no
27 later than April 30th of the preceding year.
28

- 1 • If a girls' team head coach resigns, leaving a vacancy, the Athletic
2 Director, or another coach with experience, shall be immediately
3 appointed interim coach until a replacement is found. Should a coaching
4 vacancy occur for a girls' sport during the Official Sports Season, the
5 Defendants must notify Class Counsel within ten (10) calendar days of
6 the vacancy and the name and qualifications of the interim coach.
- 7 • It is a violation of this Plan to cancel a girls' athletic team practice,
8 competition, season or sport due to a coaching vacancy.
- 9 • Within thirty (30) calendar days of the Effective Date of this Compliance
10 Plan and in each scheduled Compliance Report, Defendants must list all
11 coaching vacancies, the name and qualifications of the interim coach,
12 Defendants' efforts to find a replacement coach, and the name and
13 qualifications of the replacement coach.
- 14 • Within thirty (30) calendar days of the Effective Date of this Compliance
15 Plan, Defendants must complete an initial audit of coaches (as described
16 in section 3 below) and must engage in immediate efforts to remediate
17 any inequalities or vacancies in coaches for girls' sports in order to
18 ensure that coaches are appointed by the next immediate Official Sports
19 Season.
- 20 • Within fifteen (15) calendar days after the timely completion of the audit,
21 Defendants shall identify the girls' athletic teams for which the coach(es)
22 are less qualified and shall have forty-five (45) calendar days to rectify
23 any coaching disparities. In auditing its coaches, Defendants shall
24 compare girls' and boys' coaches by sport and level of play (i.e., girls'
25 varsity basketball coach with boys' varsity basketball coach, girls' junior
26 varsity softball coach with boys' junior varsity baseball coach).
- 27
28

- 1 • Defendants shall provide written information about the audit and action
- 2 taken to remediate identified coaching disparities to Class Counsel within
- 3 fifteen (15) calendar days after remediation efforts.
- 4 • Class Counsel shall meet and confer with Defendants' counsel to resolve
- 5 any dispute concerning remediation efforts.

6 *3. Continuing Audit of Coaches and Assistant Coaches*

7 Defendants shall conduct an audit of the qualifications of all coaches and
8 assistant coaches at Castle Park for boys' and girls' athletic teams to determine
9 which athletic teams, if any, are being coached by coaches that are less qualified
10 based on the criteria identified below. Such audits are not intended to evaluate or
11 comment on the qualifications of Castle Park staff in their role as teachers or other
12 professionals; the audit presumes that staff who are also coaches meet the
13 qualifications for employment at Castle Park. Defendants shall conduct the above
14 described audit and remediation annually from the Effective Date of this
15 Compliance Plan and include all documentation in the next scheduled Compliance
16 Report. Items to be examined pursuant to the coaching audit include, but are not
17 limited to, the following:

- 18 • Educational Background: degrees, certifications, emphasis in
- 19 athletics, physical education, etc;
- 20 • Athletic experience and level of competition;
- 21 • Coaching Experience: previous coaching experience, level of
- 22 teams coached, gender of teams coached, participation in
- 23 coaching associations;
- 24 • Certification in first-aid techniques, including CPR and
- 25 emergency medical procedures;
- 26 • Availability to coach during the Official Sports Season;
- 27
- 28

- Availability to assist during any sports-specific athletic instructional period offered at Castle Park;
- Availability to coach immediately after school;
- Fundraising experience;
- Familiarity with and/or contacts with college coaches, college recruiting procedures and college scholarship opportunities; and
- Coaching Designation: Sweetwater certificated or classified employee or walk-on coach.

4. *Evaluation of Coaches*

The performance of all coaches of athletic teams shall be evaluated by the Principal of Castle Park or his/her designee after the close of each applicable sports season and the evaluation shall be considered when making hiring and retention decisions. The job duties of coaches must include and the coach must be evaluated regarding the following duties:

- Recruitment of student athletes;
- Organization and preparation for games;
- Organization and preparation for practices;
- Communication with players;
- Maintenance of playing facilities;
- Communication with parents and use of parent volunteers;
- Exhibition of proper leadership on and off the field;
- Accessibility to players and staff;
- Academic support provided to players;
- Familiarity with and/or contacts with college coaches, college recruiting procedures and college scholarship opportunities;

- Ensuring the provision of the end of season banquet;
- Providing trophies, awards and letters to players; and
- Number of Castle Park sports coached and levels of teams coached each year.

5. *Recruitment and Hiring*

To increase the number of personnel who are qualified to coach girls' athletic teams, the Principal of Castle Park or his or her designee shall recruit employment candidates, including certificated teachers, with the qualifications and desire to coach girls' athletic teams. The Principal or his or her designee shall advertise on websites in the District's control and submit for posting on other websites for girls' coaches on the Defendants' website, as well as on the EdJoin.org and CIF's websites, the websites of the National Governing Body of the sport in question, such as usawaterpolo.org, and other sports specific websites that list coaching openings, such as waterpoloplanet.com, as well as recruiting former Castle Park athletes, community college and college athletes and U.S. National team members who train at local facilities (such as members of the U.S. National Field Hockey Team who train at the U.S. Olympic Training Center in Chula Vista). Defendants shall ensure that coaches for girls' athletic teams at Castle Park are selected, scouted and recruited in the same manner as they are done for boys' athletic teams. During the Compliance Period, Defendants shall keep written records about its efforts to recruit coaches for girls' and boys' athletic teams at Castle Park and shall report this information in the Compliance Reports.

F. Medical and Training Services.

1. *Access to Trainers, Physicians, Physical Therapists.*

To the extent any athletic trainers are made available to boys' athletic teams or individual boy student athletes at Castle Park, such athletic trainers must be made equally available to girls' athletic teams or individual girl student athletes at

1 Castle Park. To the extent any physicians, physical therapists or rehabilitation
2 services and/or clinics are made available to boys' athletic teams or individual
3 male student athletes at Castle Park, such physicians, physical therapists and/or
4 rehabilitation services or clinics must be made equally available to girls' athletic
5 teams or individual female student athletes at Castle Park.

6 2. *Weight Training Facility.*

7 a. Remediation

8 Defendants shall ensure that the nature of the equipment in any weight
9 training facility at Castle Park is designed to meet the strength training needs of
10 both male student athletes and female student athletes equally. Specifically, within
11 ninety (90) calendar days of the Effective Date of this Compliance Plan,
12 Defendants shall ensure that any weight training facility at Castle Park is equipped
13 with weights and other equipment, including cardio conditioning equipment,
14 designed for light conditioning, heavy conditioning, and general conditioning,
15 including, without limitation, lower weight plates, flexibility equipment and core
16 strength equipment. Defendants shall ensure that an equal quantity and quality of
17 the weights and equipment designated for each type of conditioning is available in
18 any weight training facility at Castle Park.
19

20 Within thirty (30) calendar days of the Effective Date of this Compliance
21 Plan, Defendants shall place a sign at the entrance of any weight training facility at
22 Castle Park that states: "Co-ed Weight Training Facility." This sign shall remain
23 in place indefinitely.

24 Within thirty (30) calendar days of the Effective Date of this Compliance
25 Plan, Defendants shall ensure that any athletic facility used by any student at
26 Castle Park, including weight training facilities or other training facilities, shall not
27 feature, display or exhibit male-dominated symbols or imagery. However,
28 trophies, banners and photos featuring all school sports at Castle Park may be

1 displayed, representing both male and female athletes and their achievements in an
2 equitable fashion. Additionally, educational or instructional materials representing
3 both male and female bodies in an equitable fashion may be posted.

4 b. General Procedure.

5 Castle Park shall ensure that girls' athletic teams may reserve any weight
6 training facility at Castle Park on an equal basis as boys' athletic teams. Castle
7 Park shall ensure that reserved weight training facility time slots are equally
8 distributed, and may not simply allocate the slots on a "first-come, first-serve"
9 basis. No athletic team may "block reserve" a weight training facility for an entire
10 week, month, or season. Castle Park shall post the weight training facility
11 reservation schedule for each Official Sports Season and shall maintain these
12 schedules during the duration of the Compliance Period, and shall provide them to
13 Class Counsel along with scheduled Compliance Reports. Defendants shall require
14 every head coach of girls' athletic teams to reserve a time slot for the weight room
15 or expressly waive any time for the facility.
16

17 All athletic teams shall vacate the weight training facility no later than the
18 end of their scheduled conditioning time. Each scheduled conditioning time shall
19 end at least ten minutes prior to the next scheduled conditioning time in order to
20 ensure the timely commencement of the next athletic team's conditioning time.
21 Failure of any boys' athletic team to vacate a weight training facility in a timely
22 manner such that there is an encroachment upon the weight training facility time of
23 any girls' athletic team is a violation of this Compliance Plan.

24 Defendants shall implement this Section by adopting a gender-neutral
25 procedure for scheduling and using any weight training facility. Coaches and/or
26 student athletes may report an infraction of weight training facility use time
27 relating to gender equity pursuant to the Castle Park Athletics Title IX Complaint
28 Procedure as set forth in Section VI. herein. Where it has been determined that

1 there has been a violation of this Section, Defendants shall require the offending
2 team to reduce their weight training facility use time to the amount of time equal to
3 the encroachment time.

4 Defendants shall monitor weight room facility usage to ensure gender
5 equity, and shall provide reports regarding usage of the Castle Park weight room
6 facility to Class Counsel in connection with its Compliance Report utilizing the
7 reporting form attached as Attachment A.

8 G. Publicity and Promotional Support.

9 Because there was a finding that publicity and promotional support for girls
10 has not been comparable to publicity and promotional support for boys,
11 Defendants shall ensure that girls' and boys' athletic teams receive substantially
12 the same amount of publicity.

13 Defendants shall monitor publicity and promotional support at Castle Park to
14 ensure gender equity, and shall provide Compliance Reports regarding publicity to
15 Class Counsel utilizing the reporting form attached as Attachment A.

16 *1. Cheerleaders, Band and Pep Squads.*

17 To the extent that cheerleaders, band, and/or pep squads perform at Castle
18 Park athletic competitions, they shall be equally scheduled among boys' and girls'
19 athletic competitions.

20 *2. Printed Schedules, Public Announcements, Daily Bulletins, and
21 Electronic Marquee.*

22 To the extent that Defendants provide any printed schedules or guides
23 regarding athletic teams, it shall do so for both boys' and girls' athletic teams in
24 the same format and the same size. If athletic schedules for boys' athletics are
25 displayed, girls' athletic schedules shall be displayed in the same manner
26 (including any displays on the Internet). To the extent that public address systems,
27 daily bulletins, or the electronic marquees are used to announce information
28

1 regarding athletic events, then they shall be used to equally provide such
2 information for both boys' and girls' athletic teams.

3 3. *Yearbooks and Other Student Media.*

4 Defendants shall equally provide information regarding athletic schedules
5 and the results of any athletic competition for both boys' and girls' athletic teams
6 and encourage any student media to equally cover boys' and girls' athletics.
7 Defendants shall inform coaches for both boys' and girls' athletic teams that
8 information regarding athletic schedules and the results of any athletic competition
9 shall be submitted for announcement to student-media. To the extent the Castle
10 Park yearbook features athletic teams or competitions, it shall feature boys' and
11 girls' athletic teams and competitions equally and in the same format and the same
12 size.
13

14 4. *Scoreboards, Scorekeepers, Statistics, and Videotaping.*

15 To the extent that Castle Park provides athletic teams with scoreboards,
16 scorekeepers, athletic statistics gathering and videotaping, said provision shall be
17 provided equally to both boys' and girls' athletic teams.

18 5. *Banquets and Awards.*

19 To the extent that events at Castle Park are held where there is recognition
20 of any athletic team or event, the recognition shall be equal as to boys' and girls'
21 athletic teams. Defendants shall ensure that awards that are provided by Castle
22 Park to athletes are standardized by sport and level of competition such that awards
23 are of a comparable type, quality, and quantity. Defendants shall ensure that
24 funding provided by Castle Park for award banquets is equitable for all sports.

25 H. Fundraising Benefits.

26 Within ninety (90) calendar days of the Effective Date of this Compliance
27 Plan, Defendants shall distribute to the coaches of each athletic team at Castle Park
28 a list of all fundraisers conducted in the last three years to benefit interscholastic

1 athletics or any athletic team at Castle Park, including a description of each
2 fundraiser. Any athletic team that wishes to lead a particular fundraiser shall be
3 given an equal opportunity to do so. If there is more than one athletic team seeking
4 to lead a particular fundraiser, Castle Park shall rotate the opportunities equitably
5 between girls' athletic teams and boys' athletic teams.

6 Within the first two weeks of the new Academic School Year, Defendants
7 shall train all coaches regarding the Trojan Foundation and the process by which
8 they may apply for funds from the Foundation.

9 All fundraising activities supporting interscholastic athletics shall be
10 compiled into a report made in the Compliance Report utilizing the reporting form
11 attached hereto as Attachment A. The report shall include a description of the
12 fundraiser and the team or teams leading the fundraiser.

13
14 I. List of Benefits.

15 Within ten (10) calendar days of the start of each Official Sports Season,
16 Defendants shall provide to all athletic coaching staff and all members of athletic
17 sports teams a written list detailing all of services and amenities available to
18 student athletes at Castle Park, such as available medical services, athletic training
19 services, weight room access, etc.

20 J. Keys to Athletic Facilities.

21 The Castle Park Principal shall have a key to all athletic facilities at Castle
22 Park including, but not limited to, all practice facilities, all competition facilities,
23 all storage areas (including uniform and equipment storage), concession areas,
24 locker rooms, team rooms, and training facilities. All coaches shall have keys to
25 the weight room and training room.

26 V. **Title IX Compliance Officer.**

27 Within ninety (90) calendar days of the Effective Date of this Compliance
28 Plan, Defendants shall hire a Title IX Compliance Officer who will be dedicated

1 to the implementation of this plan. In the interim, the current Title IX Compliance
2 Officer will continue the responsibilities required under Title IX. This will be a
3 newly created administrative position with administrative support. Defendants
4 shall ensure that the Title IX Compliance Officer is knowledgeable about and
5 trained in the requirements of Title IX as applied to interscholastic athletics and
6 shall provide to Class Counsel information regarding the qualifications of the Title
7 IX Compliance Officer. Should the need arise to replace the Title IX Compliance
8 Officer during the Compliance Period, any person named in replacement shall be
9 similarly knowledgeable and trained. The Title IX Compliance Officer shall be
10 responsible for monitoring the terms of this Compliance Plan, as described herein,
11 and to ensure that all aspects of the Castle Park athletic program complies with
12 gender equity requirements.

13
14 The Title IX Compliance Officer's specific responsibilities include, but are
15 not limited to, the following: (1) monitor, review, collect, and verify written data
16 on athletic participation opportunities in compliance with the terms of this
17 Compliance Plan; (2) monitor, review and provide written approval of practice and
18 game schedules prior to the commencement of the sports season in compliance
19 with the terms of this Compliance Plan; (3) monitor, review and collect
20 replacement policy for practice and competitive apparel; (4) monitor, review and
21 collect all required inventories for uniforms (practice and game), athletic
22 equipment (practice and game) and maintenance equipment in compliance with the
23 terms of this Compliance Plan; (5) monitor, review and evaluate all coaching
24 personnel in compliance with the terms of this Compliance Plan; (6) monitor,
25 review and evaluate the Athlete/Coach Instructional Ratio in compliance with the
26 terms of this Compliance Plan; (7) monitor and review athletic expenditures for
27 gender equity; and (8) monitor, review and evaluate the conference and non-
28 conference opportunities provided to athletic teams in compliance with the terms

1 of this Compliance Plan. In addition, it is the responsibility of the Title IX
2 Compliance Officer to work directly with the Athletic Director at Castle Park to
3 ensure that the Athletic Director is monitoring the athletic program for gender
4 equity compliance on a daily basis. The Principal or designee shall provide the
5 Title IX Compliance Officer with the tri-annual Compliance Reports, when
6 provided to Plaintiffs’ counsel. The Title IX Compliance Officer shall conduct a
7 full gender equity analysis every year, beginning with the 2013-2014 Academic
8 School Year, during the Compliance Period.⁴ The Title IX Compliance Officer
9 shall provide Class Counsel with his or her Annual Report within thirty (30)
10 calendar days after the end of each Academic School Year. The Annual Report
11 shall compile the data and information from the tri-annual reports.
12

13 **VI. Castle Park Athletics Title IX Complaint Procedure.**

14 A. Introduction

15 The following procedure shall be used to address all complaints which allege
16 that Defendants have violated federal or state law or regulations governing
17 athletics programs at Castle Park, or this Compliance Plan. The Title IX
18 Compliance Officer shall maintain a record of each complaint and subsequent
19 related actions, including all information required for compliance with Title 5 of
20 the California Code of Regulations Section 4631. All parties involved in the
21 complaint and Class Counsel shall be notified when a complaint pursuant to
22 provisions of this Compliance Plan is filed, when a complaint meeting or hearing is
23 scheduled, and when a decision or ruling is made. All parties and Class Counsel
24 shall be provided with copies of the complaint and copies of all decisions or
25 rulings made regarding the complaint.
26

27
28 ⁴ Nothing in this section relieves Defendants of their ongoing obligations under Title IX.

1 The complaint procedure and relevant contact information applicable to this
2 provision shall be publicized to the Castle Park community as specified in section
3 XI.

4 B. Procedure for Filing a Complaint

5 This section includes all complaints regarding athletics, including any
6 procedure or operation within the Castle Park Athletic Department, and any form
7 of retaliation against any Class Member for complaining about violations of Title
8 IX or using this complaint procedure. Any student, parent, coach or teacher may
9 report a complaint in writing, email, telephone or in person to any of the following
10 individuals: head coach, Athletic Director, Principal, or Title IX Compliance
11 Officer. If the complaint is made about a sport during its season, the person
12 receiving the complaint shall, as soon as possible but within five (5) school days
13 notify the complainant in writing of the results of his/her investigation and action
14 taken if any. If the complaint is made about a sport not during its season, the
15 person receiving the complaint shall, as soon as possible but within ten (10) school
16 days notify the complainant in writing of the results of his/her investigation and
17 action taken if any. The Title IX Compliance Officer shall also be notified of the
18 complaint within three (3) school days of receipt of the complaint.

19
20 If the complainant is not satisfied with the resolution of his/her complaint,
21 he/she may appeal the decision to the Title IX Compliance Officer. The person
22 resolving the complaint shall inform the complainant that his/her complaint and all
23 resulting actions and determinations can be automatically transferred to the Title
24 IX Compliance Officer. It shall be the responsibility of the person resolving the
25 complaint at the school site to transfer all relevant documents to the Title IX
26 Compliance Officer whenever an appeal is requested by the complainant.

27 The Title IX Compliance Officer shall then independently: (a) review the
28 complaint, investigate and provide a resolution, or (b) affirm or modify the action

1 accordingly. If the appeal is regarding a sport during its season, the Title IX
2 Compliance Officer shall conduct his/her review and resolution of the complaint as
3 soon as possible but within five (5) school days of receipt of the appeal. If the
4 complaint is regarding a sport not during its season, The Title IX Compliance
5 Officer shall conduct his/her review and resolution of the complaint as soon as
6 possible but within ten (10) school days of receipt of the appeal. The Title IX
7 Compliance Officer shall maintain a log of all complaints received, providing each
8 with a code number and a date stamp. A copy of all decisions by the Title IX
9 Compliance Officer shall be provided to Class Counsel within ten (10) calendar
10 days.

11
12 All matters concerning the complaint shall be handled in a confidential
13 manner. *No retaliation shall be tolerated.*

14 Thereafter, if the complaint cannot be resolved by the Title IX Compliance
15 Officer to the satisfaction of all parties thereto, then Class Members and Class
16 Counsel may seek judicial assistance to resolve the complaint.

17 **VII. Section 1983 Claim.**

18 Class Counsel will draft a class notice regarding dismissal of their 1983
19 claim and the Defendants shall provide it to the Class as described in section X.

20 **VIII. Construction or Other Structural Changes to Athletic Facilities at
21 Castle Park High.**

22 Defendants' counsel shall notify Class Counsel thirty (30) days prior to any
23 planned structural changes to boys' or girls' athletic facilities at Castle Park High
24 School before architectural plans are drawn up, funds are expended, or
25 construction/demolition is begun so that Class Counsel may confer with
26 Defendants' Counsel as to the Title IX ramifications of such changes.
27
28

1 **IX. Retaliation.**

2 Defendant, its agents and its employees are prohibited from retaliating in
3 any manner against any member of the Class, including class representatives, or
4 friends, relatives, coaches, and parents of Class Members. Anyone who believes
5 this provision has been violated shall have the right to file a complaint pursuant to
6 the Castle Park Athletics Title IX Complaint Procedure described in Section VI.
7 However, nothing in this Plan shall limit the right of anyone claiming retaliation to
8 pursue any and all remedies available to them under Title IX or state law.

9 **X. Notice to the Class.**

10 Within thirty (30) calendar days of the Effective Date of this Compliance
11 Plan, Class Counsel will submit to the Court a proposed notice to the Class that
12 includes a summary of the relief provided in this Compliance Plan and the
13 dismissal of plaintiffs' 1983 claim. Once the Court approves the class notice, the
14 Defendants shall distribute this notice to the Class within ten (10) calendar days.
15 The notice distribution process must include postings in local newspapers,
16 including but not limited to the San Diego Union Tribune, distribution to students
17 at Castle Park via U.S. mail and email, posting on Castle Park bulletin boards, and
18 posting on Defendants' website and Castle Park's website. Defendants shall bear
19 all the costs of notice to the class.
20

21 **XI. General Posting.**

22 Within thirty (30) calendar days of the Effective Date of this Compliance
23 Plan, Defendants shall *prominently* post information alerting students, parents and
24 other interested parties information provided in Attachments B and C regarding
25 this Court's finding that Defendants have violated Title IX , Defendants' Title IX
26 Complaint Procedure and policy prohibiting retaliation: (1) on any website
27 maintained by Defendant, including, without limitation, the website located at:
28 <http://www.suhsd.k12.ca.us/>; (2) on any website maintained by Castle Park,

1 including, without limitation, the website located at
2 <http://cph.sweetwaterschools.org/default.aspx>; (3) requiring coaches to submit to
3 any website utilized by a Castle Park Athletic Team (such as
4 [http://www.maxpreps.com/high-schools/castle-park-trojans-%28chula-](http://www.maxpreps.com/high-schools/castle-park-trojans-%28chula-vista,ca%29/softball/home.htm)
5 [vista,ca%29/softball/home.htm](http://www.maxpreps.com/high-schools/castle-park-trojans-%28chula-vista,ca%29/softball/home.htm)); (4) on Castle Park bulletin boards, including, but
6 not limited to, all athletic bulletin boards; (5) in any handbooks distributed to
7 students at Castle Park; (6) in any handbooks or manuals distributed to coaching
8 staff at Castle Park; and (7) in any handbooks or manuals specifically designated
9 for the Castle Park athletic program. This information shall also be included in the
10 annual written notification to its students, employees, parents and other interested
11 parties per Title 5 of the California Code of Regulations Section 4622. The annual
12 written notification shall prominently alert recipients that there has been a change
13 in the current policies and direct readers where to go if they would like more
14 information. Attachments B and C shall be laminated and further posted in
15 prominent locations in (1) all locker rooms, team rooms, and weight and training
16 rooms, including at all entrances; (2) all coaching offices; (3) all athletic dugouts;
17 (4) all concessions stands; (5) the area near the Castle Park cafeteria line, (6) on
18 bulletins boards throughout Castle Park; (7) at the Castle Park school office; and
19 (8) at the District office. Attachments B and C shall also be provided to all
20 coaching staff and members of athletic sports teams within ten (10) calendar days
21 of the start of the Official Sports Season.
22

23 All postings and notifications on websites and facilities shall be completed
24 within thirty (30) calendar days of the entry of this Compliance Plan. All written
25
26
27
28

1 inclusions required by this plan shall be completed prior to the commencement of
2 the 2014-2015 Academic School Year.⁵

3 **XII. Monitoring.**

4 In connection with Class Counsel's monitoring of Defendants' compliance
5 with this Plan, Class Counsel shall be entitled to seek payment of their reasonable
6 attorneys' fees from Defendants' counsel. Class Counsel shall submit invoices to
7 Defendants' counsel twice per year. Defendants' counsel shall ensure that these
8 invoices are paid within ninety (90) calendar days of their mailing.

9
10 With respect to any disputes arising out of or related to any alleged failure of
11 Defendants to perform in accordance with the terms of this Plan, the plaintiffs shall
12 notify counsel for the Defendants via facsimile transmission and U.S. mail. Within
13 ten (10) business days of the notification, the parties shall commence to "meet and
14 confer" in good faith to resolve the dispute. If the parties are unable to resolve the
15 dispute through the "meet and confer" process, the plaintiffs' may file a motion
16 with the Court to enforce the terms of this Compliance Plan. Plaintiffs shall be
17 entitled to reasonable attorneys' fees and costs in connection with any successful
18 motion brought pursuant to this section.

19 **XIII. Independent Expert.**

20 The parties shall attempt to mutually agree to an Independent Expert for
21 purposes of this Plan. However, if the parties are unable to agree, they may each
22 submit the names of up to two potential experts to the Court, along with their
23 resumes or other statement of qualifications and the Court may select one of the
24 experts to serve. The Independent Expert must, at a minimum, be knowledgeable
25 about Title IX and athletics and may not be a present or past District employee.
26 Defendants shall bear any costs associated with the Independent Expert. Eight (8)

27
28 ⁵ Nothing in this section relieves Defendants of their ongoing obligations under
Title IX.

1 weeks prior to the start of each season, the Independent Expert shall conduct a site
2 visit at CPHS in order to assess the quality of the girls' athletic facilities and ensure
3 that they are: (1) in compliance with this Plan; (2) well-maintained; (3) safe; and
4 (4) ready for practice and competition. Within one week of his or her site
5 inspection, the Independent Expert shall write a report of his or her findings and
6 recommendations for any improvements and submit it to Defendants, Class
7 Counsel and the Court. Defendants shall implement the Independent Expert's
8 recommendations within one week of receiving the report. Class Counsel shall be
9 permitted to accompany the Independent Expert during his or her visit to CPHS
10 and take photographs and videotape. This site visit with the Independent Expert is
11 separate and apart from the thrice yearly site visits Class Counsel are permitted to
12 conduct pursuant to this Plan.

13
14 **XIV. Process and Standards for Defendants to Petition for Relief from**
15 **Obligations.**

16 Defendants' counsel may bring a motion to be relieved of only those
17 obligations that specifically contemplate such relief (delineated in those paragraphs
18 that specifically reference this section). In the unlikely event Defendants cannot
19 comply with one of those provisions, Defendants must demonstrate by clear and
20 convincing evidence a significant showing of financial necessity that reductions for
21 boys were not sufficient to alleviate the significant financial necessity and that
22 significant financial necessity also subsequently requires reductions for girls. Such
23 a showing must be based on economic necessity, not on whim, a desire to retaliate,
24 inappropriate diversion of funds, or an alleged lack of interest in athletic
25 participation among the girls. The Plaintiffs shall be entitled to reasonable
26 attorneys' fees and costs if Plaintiffs prevail.
27
28

XV. Continuing Jurisdiction.

The Court shall maintain continuing jurisdiction over this Compliance Plan for the length of the Compliance Period for the purpose of overseeing and enforcing the terms herein and shall enter an order incorporating the terms of this Plan. Three (3) months before the end of the Compliance Period, Defendants shall prepare a final report showing that they have fully complied with the terms of this Plan and provide the report to Class Counsel Vicky Barker and Elizabeth Kristen. After December 31, 2024, or the date at least ten (10) years from the entry of the Compliance Plan Defendants may move the Court for an Order terminating its jurisdiction of this matter on the basis that all its obligations under the Compliance Plan have been fully discharged. Such motion shall be filed via regular noticed motion procedure and Class Counsel shall have an opportunity to respond to the motion. Plaintiffs shall be entitled to reasonable attorneys’ fees and costs should Plaintiffs’ prevail.

Dated: February 13, 2014

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Dated: February 13, 2014

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Attorneys for Defendants

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Gil Abed, counsel for Defendants Sweetwater Union High School District, Arlie N. Ricasa, Pearl Quinones, Jim Cartmill, Bertha Lopez, Greg R. Sandoval, Jesus M. Gandara, Earl Weins, and Russell Moore, in their official capacities, and that I have obtained Mr. Shinoff’s authorization to affix his electronic signature to this document.

Dated: February 13, 2014

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