

Email exchange between  
a concerned East High  
Parent and the Superintendent  
the school board was cc-ed  
on these exchanges

From: [REDACTED]

← East High Parent

Sent: Sunday, March 23, 2014 10:38 PM

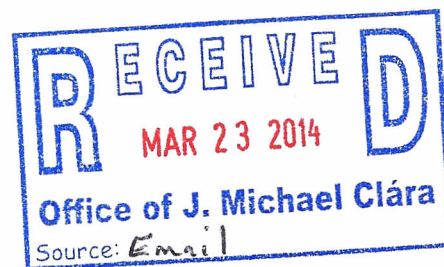
To: McKell Withers; Tiffany Sandberg; donmiguel@slc@gmail.com; Doug Nelson; Rosemary Emery; Heather Bennett; Laurel Young; Kristi Swett

Subject: IMPORTANT OCT / Title IX Issue Affecting The EAST HS Boy's Sophomore/Freshman Team Status!

Red notes are by Michael Clara

March 22, 2014

Dear Dr. McKell Withers and Salt Lake City School Board,



On Friday, March 21, 2014 it was brought to my attention that there was a form of discrimination occurring within the Salt Lake School District against the East High School Men's Sophomore/Freshman Soccer team. As tax payer, parent, and contributing member our community I am quite upset to hear that our boys Sophomore/Freshman Soccer Team at East High School were informed that their team has been told that they need to disband or play no games outside of the SLCSO claiming that they are causing the school district to be in violation of Title IX Laws. We were informed of the directive sent from the Salt Lake City School District Superintendent to discontinue our sophomore team games outside of the District. This was NOT a decision made neither by our Athletic Director nor by Dr. Sagers, rather the SLC School District. The basis for the decision involved Title IX and an Office of Civil Rights (OCR) report on the SLCSO back in 1999 in which the District was reprimanded for Title IX violations and given specific direction related to sports programs. (I'm not a lawyer so not sure if I have stated that correctly nor am I aware of the specifics of that review by the OCR.) As I understand it, by having a Sophomore/Freshman team East High School put the Salt Lake City School District at risk of violation and therefore the team has been shut down. We have been given approval to play teams within the District, which is basically Highland, and we have 3 games scheduled with them. I'm not sure how that doesn't still put the District at risk then, but it might be considered intramurals and therefore not an "official" team. I feel at the very least the SLCSO should provide a copy of said document so that the East High Soccer program, parents, and players can understand the reasoning behind the Superintendent's directive and allow the soccer program to formulate a plan on moving forward. I have reviewed the SLCSO website. There was only a single 1999 OCR document that I could find which makes no mention of athletics, as I read it. However, if you refer to the Title IX wiki space [http://en.m.wikipedia.org/wiki/Title\\_IX](http://en.m.wikipedia.org/wiki/Title_IX) ; you can see that the Title IX statements are in support of our position on this situation.

Earlier today I spoke with a gentleman, who deals with policies and politicians for a living. He indicated that one

way to take quick action would be to contact our school board representatives about this decision and ask that it be looked into. The other was to address it directly with the Superintendent's office.

I am not a Title IX expert in any way shape or form, so I cannot speak to specifics. However, as I understand it, the rule revolves around "equal opportunities to play sports for boys and girls". I initially thought this was a numbers issue, meaning there had to be just as many girls involved with athletics as boys, but now I'm not so sure, given the verbiage "equal opportunity." I am well educated in the ADA laws, and ELL/ESL laws, but I have researched the Title IX laws for the last couple of days now. My understanding in all the information I found in Journal Articles and on the Title IX website all state that ALL boys and girls attending a school and wanting to participate on a sports team at a school receiving federal funding must be given an equal opportunity to do so.

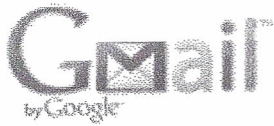
I would like to ask that you please take this time to address a few questions and concerns that we as parents of this group of boys feel are needed to help us explain to our sons why they are being discriminated against in the middle of their season. First, Is it about numbers? Or equal opportunity? Second, the District may point to the fact that we did not field a girl's sophomore/freshman team this year. Unfortunately, for whatever reason, we just did not have the numbers of girl's try-out this year, especially freshmen, tryout this year, like we've had in years past. However, the opportunity to have a girl's sophomore/freshman team was made available. We used to have 70 to 75 girls tryout each year. That number dropped to 53 this past year. I do believe that that was an anomaly and that this year we will again have a sophomore team as I had 35 girls sign up for soccer at the freshmen fair. I don't think that boys should be punished for the drop in numbers on the girls' side. The last fact that I can think of relates to equal opportunity and not sheer numbers. This year we had 91 boys tryout for the boy's team. They kept 57, which is 63% of the boys. On the girls' side, they had 53 girls tryout and kept 42, which is 79%. So the way I see it, in terms of equal opportunity, as a percent of students trying out (and we can't control how many tryout), more girls had the opportunity to play than boys. If we eliminate the boys on the sophomore team, that percent drops to well below 50% of the boys trying out having an opportunity to play. So, fewer boys will be given the opportunity to play. Now Title IX should be protecting both genders, so in a very realistic way, the boys are being, dare I say, discriminated against because of this rule. Again, I'm not a lawyer, nor a politician, but I think these are very reasonable and real numbers to be considered.

We are all distraught over this decision, and I know the boys are confused and in need of an explanation. I really hope that something can be done, but it would need to happen quickly. I believe the points I made are valid and factual. I am sending this letter out to parents of all East High Soccer players, not just the sophomore/freshman team, as I feel we are one big "family", all board members due to the fact that we have students on our team from across the Salt Lake City District, as well as you.

I would appreciate your immediate attention to this issue as it has immediately affected our undefeated Sophomore/Freshman team. Due to the timing of this issue you will be taking the opportunity for these boys to play soccer in both school and under the Utah Youth Soccer Association as a provisional team affiliation as the registration date has closed and the seasons are both already underway.

Many Thanks,

Notes are from Michael Clara



Michael Clara <donmiguelsic@gmail.com>

RE: IMPORTANT OCT / Title IX Issue Affecting The EAST HS Boy's Sophmore/Freshamn Team Status!

1 message

McKell Withers <McKell.Withers@slcschools.org>

Mon, Mar 24, 2014 at 9:35 AM

To: [redacted], Tiffany Sandberg <Tiffany.Sandberg@slcschools.org>, "donmiguelsic@gmail.com" <donmiguelsic@gmail.com>, Doug Nelson <doug@mdxperts.com>, Rosemary Emery <rosemary.emery2@gmail.com>, Heather Bennett <Heather.Bennett@slcschools.org>, Laurel Young <Laurel.Young@slcschools.org>, Kristi Swett <Kristi.Swett@slcschools.org>  
Cc: Paul Sagers <Paul.Sagers@slcschools.org>, Cecie Schaman <Cecie.Schaman@slcschools.org>, Patrick Garcia <Patrick.Garcia@slcschools.org>, Kathy Butler <Kathy.Butler@slcschools.org>, Paul Schulte <Paul.Schulte@slcschools.org>, Ken Grover <Ken.Grover@slcschools.org>

Dear [redacted],

Which ones?

Thank you for your email and questions. Last Friday (3/21), I was informed by Dr. Garcia (Associate Superintendent) that East High School had a freshman/sophomore boys soccer team that may be operating outside of existing policies and practices. The Utah High School Activities Association (UHSA) only recognizes junior varsity and varsity boys soccer teams. If East High School has created a male gender only club or team, without a similar and equivalent option for females, there could be a Title IX issue.

How do you know this didn't happen?

It is my understanding that Dr. Garcia was going to advise the East High administration of multiple options to develop an appropriate program and allow East and Highland to continue their informal games between the two schools while necessary adjustments are made.

as of 3/24/14 at 5:00 pm these options were not available

I just had a brief phone conversation with Dr. Sagers this morning (3/24), my first conversation with anyone at East concerning this issue, and he is aware of some practices at East that need to be addressed. I have confidence in Dr. Sagers and the East High School staff to correct any problems and develop an appropriate program.

How about sharing this with the parents? Like? Like

I have copied Dr. Sagers with this reply as well as his athletic director, the principal at Highland, the district level athletic director, Dr. Garcia, and the director of high school support.

I hope this reply helps to begin to answer your questions.

this is only the beginning

Sincerely,

