



*HIGH SCHOOL TITLE IX
CONSULTING SERVICES, LLC*
An Affiliate of the Association of Title IX Administrators

Framingham Public Schools, MA.

Title IX Athletics Program Compliance Review
Per Resolution Agreement – Benefits Assessment of the District’s Athletics Program

May 2021



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"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance".

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Introduction

Framingham High School Athletic Program Compliance Review

As per the Resolution Agreement, the compliance review focused on following issues: The Consultant began by analyzing whether the Framingham Public Schools District (District) provided male and female students an equal opportunity to participate in its interscholastic athletics program effectively accommodating their interests and abilities, in accordance with the Title IX regulations at 34 C.F.R. § 106.41(a) and (c)(1). The Consultant analyzed whether the District provided equal opportunities to both sexes with regard to six components of its athletic program: the provision of equipment and supplies, in accord with 34 C.F.R. § 106.41(c)(2); the provision of locker rooms, practice facilities and competition facilities in accord with 34 C.F.R. § 106.41(c)(7); scheduling of games and practice times, in accord with 34 C.F.R. § 106.41(c)(3); the opportunity to receive coaching; assignment and compensation of coaches, in accord with 34 C.F.R. § 106.41(c)(5) & (c)(6); travel and per diem, in accord with 34 C.F.R. § 106.41(c)(4); and, publicity, in accord with 34 C.F.R. § 106.41(c)(10).

The Consultant undertook the compliance review pursuant to Title IX and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance. As a recipient of Federal financial assistance from the Department of Education, the District is subject to Title IX. In addition, to the language from the Title IX regulations, the Consultant, also utilized as means of assessing compliance the Intercollegiate Athletics Policy Interpretation issued on December 11, 1979 in the Federal Register (Policy Interpretation); the Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test, issued on January 16, 1996; and the Intercollegiate Athletics Policy Clarification: The Three-Part Test – Part Three, issued on April 20, 2010. Noted is that the provisions of these policy documents are generally applicable to interscholastic athletics programs.

As previously indicated, the Consultant investigated the following issues during the compliance review:

- A. Whether the District provided female students an equal opportunity to participate in its interscholastic athletics program by effectively accommodating their interests and abilities, in accordance with 34 C.F.R. § 106.41(c)(1).
- B. Whether the District provided female athletes an equal opportunity in the following areas:
 - 1) Provision of locker rooms, practice facilities, and competition facilities, in accord with 34 C.F.R. § 106.41(c)(7);
 - 2) Scheduling of games and practice times, in accord with 34 C.F.R. § 106.41(c)(3);
 - 3) Opportunity to receive coaching, assignment and compensation of coaches, in accord with 34 C.F.R. § 106.41(c)(5) & (c)(6).
 - 4) The provision of equipment and supplies, in accord with 34 C.F.R. § 106.41(c)(2).
 - 5) Travel and per diem allowance, in accord with 34 C.F.R. § 106.41(c)(4).
 - 6) Publicity, in accord with 34 C.F.R. § 106.41(c)(10).

DISCLAIMER: This information is not a substitute for legal advice. The District is strongly encouraged to seek the advice of their legal counsel. *High School Title IX Consulting Services, LLC* as an affiliate of the Association of Title IX Administrators and is not a law firm. *High School Title IX Consulting Services, LLC* provides recommendations and opinions on Title IX compliance of high school athletic programs based on over thirty years of experience in working with the law throughout various venues.

Logistical Concerns

The following information is noted as logistical concerns regarding the Title IX Athletics Program Compliance Review:

1. The recommendations and opinions presented by *High School Title IX Consulting Services, LLC* are made based on the data and information that was reported by District officials, confidential responses from the questionnaires and interviews and, data and information that was collected and viewed during the site visit. In some cases, a determination regarding compliance could not be concluded because there was not sufficient data or information submitted to the Consultant for analysis.
2. The individuals who responded to questionnaires may not have been well informed about Title IX regarding the regulations, policy and implementation in a high school athletics program setting. The number of responses to the student-athlete questionnaires were few and incomplete.
3. The current situation regarding the global pandemic created significant challenges in obtaining necessary athletics program data and information. As a result, all head coaches and student-athlete interviews were conducted via the "Google Meet" platform.

Approach to the Compliance Review

Compliance with Title IX depends on a comparison between the overall opportunities provided to girls and boys in sports. Athletic opportunities are generally evaluated by considering two program component areas in a high school athletic program. These program component areas are:

- I. Effective Accommodation of Athletic Interests and Abilities
- II. Equivalence in Other Athletics Benefits and Opportunities in the following areas of:
 1. Equipment and supplies
 2. Scheduling of games and practice times
 3. Travel and per diem allowances
 4. Tutoring
 5. Housing and dining facilities and services
 6. Coaching
 7. Locker rooms, practice and competitive facilities
 8. Medical and training facilities and services
 9. Publicity
 10. Support services
 11. Recruitment of student-athletes

Within each of these program components, compliance is analyzed by weighing several factors, which are listed in the 1979 Policy Interpretation. A review of several of these program areas was conducted for the Framingham High School athletics program.

Title IX establishes a basic set of requirements for educational institutions to follow in providing equal or equivalent opportunity for boys and girls in interscholastic athletics. Those requirements provide the basis for assessing equal opportunity in interscholastic athletics programs. The determination of "equal opportunity" is based on a series of tests and assessments applied in three main areas of which one does not apply to public school districts:

1. Whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes (34 CFR section 106.41 [c]).
2. Whether other benefits and opportunities are equivalent for members of both sexes participating in interscholastic athletics (34 CFR section 106.41 [c]).
3. Whether athletic scholarships are provided in reasonable proportion to the numbers of males and females participating in interscholastic athletics (34 CFR section 106.37 [c]). (*This area does not apply to public high schools.*)

Special Considerations Regarding Title IX Compliance

Title IX is careful to note that what is required is overall equivalent opportunities for members of each sex and not that aggregate expenditures be equal for each sex (34 CFR section 106.41 [c]). The Policy Interpretation (44 Fed. Reg. 71,413 (Dec. 11, 1979) of the [interscholastic] athletic provisions of Title IX notes that "purely financial tests, such as the per capita test do not in themselves offer conclusive documentation, except where the benefit or opportunity under review, like a scholarship, is itself financial in nature" (44 Fed. Reg. P. 71,414).

Title IX does not mandate that an institution have an interscholastic athletics program, or, if it has one, that it be of a certain size and/or quality, or that it has identical programs for boys and girls. Title IX requires a school to:

- Provide an equal opportunity for female and male students to become interscholastic athletes
- Provide equivalent treatment of participants in the overall girls' program as compared to the overall boys' program

Title IX is designed to protect individuals from discrimination on the basis of sex in athletics should a program exist; it is not designed to protect students as basketball players, swimmers or other specific kinds of student-athletes. Title IX only requires that any program that is established provide equivalent opportunities for members of both sexes. For this reason, in those schools that have interscholastic athletics programs that are not in compliance, it would be possible to achieve compliance either positively, by adding opportunities and benefits for the underrepresented sex, or negatively, by reducing the numbers of opportunities for the over-represented sex.

The Policy Interpretation notes that football, while not exempt from Title IX, can have permissible special costs associated with it due to such factors as squad size, equipment costs, injury rates, and large event management costs which can create an imbalance in funding for male and female sports. For this reason, any compliance assessment must carefully weigh what are permissible and impermissible differences resulting from football programs, particularly high profile, more costly programs.

Patterns of Interscholastic Athletics Program Development

An assessment of Title IX compliance must take into consideration the historical and cultural contexts of sports in America. Such consideration, while not excusing certain developments, may make problems of compliance, and problems of assessing compliance, better understood.

Historically, competitive sports in America have traditionally been emphasized for men, but not for women. As a result, participation rates of girls in interscholastic athletics have, in the past, been below those for boys. With societal changes taking place in the 1960's, and with the passage of Title IX and

mandating equitable programs for males and females at both the scholastic and collegiate levels, more females have come to participate in competitive sports at the scholastic level and have come to expect to continue that participation at the collegiate level.

As a result, women's opportunities in intercollegiate athletics grew dramatically in the years preceding and immediately following the passage of Title IX in 1972, with much more moderate gains continuing after 1985. Opportunities for females in interscholastic athletics saw dramatic growth late into the 1970's and 1980's and some growth throughout the 1990's. But, even with the gains influenced by Title IX, females still lag behind males in their proportionate representation in intercollegiate and interscholastic athletics across the country.

Title IX has had a tremendous impact on female athletic opportunities at the high school level. According to the National Federation of State High School Associations, before Title IX, fewer than 300,000 high school girls played competitive sports. By 2001, the number climbed to 2.78 million and in recent years those numbers have climbed steadily. Furthermore, there is no shortage of interest by women and girls in improving these numbers. Since 1972, when Title IX first opened opportunities for female athletes, female participation in high school athletics has jumped by more than 800%, negating claims made by opponents of Title IX that females participate at lower levels in varsity sports because they are seemingly not interested in athletics.

Arguably, the de-emphasis of the competitive aspects of girls' and women's sports in the past continues to affect girls' and women's intercollegiate and interscholastic sports today. Apart from active discriminatory practices, because of their late appearance on the intercollegiate and interscholastic scenes, women's and girls' sports are disadvantaged by and must overcome a lack of tradition and must also compete with men's and boy's programs that have existed longer for spectators, supporters and in many cases, school resources. The effects of different traditions of men's and women's sports, and in some cases of prior discrimination, continue today, even in the absence of present-day discrimination.

The historical emphasis on male sports also influences which sports the culture most values and supports. Spectator interest and media attention tend to focus on male sports, particularly football and basketball. As interscholastic athletics programs serve not only the interests of student-athletes, but also those of the schools, and of students and community as spectators, schools have tended to emphasize and make greater resources available to those programs such as football and basketball that will best draw spectator interest and a school's name.

Overall, a number of factors may influence the widespread differences among participation rates of males and females in interscholastic athletics. Among them could be differences in team sizes of male and female sports, differences in interest among male and female students, and discriminatory practices. A compliance assessment must take into consideration, which, if any, of these and other factors is relevant.

Compliance issues and questions are less of a problem in times of expanding budgets for school districts and their athletic programs. Compliance with Title IX can, in large part, be achieved by making progress in accommodating the interests and abilities of the historically underrepresented sex. But questions of compliance become especially difficult when schools are faced with budget constraints, as many are today. The question of how to cut programs that may not yet have achieved equity, while at the same time not creating a violation of Title IX, or the appearance of a violation of Title IX, and thereby inviting a complaint, is difficult to determine, and not a recommended practice.

Information Used to Assess Compliance

The investigation method for the compliance review is modeled from the one described in the " *Title IX Investigator's Manual 1990*", an Office for Civil Rights, Department of Education (OCR) publication and " *Title IX and Interscholastic Athletics: How It All Works – In Plain English*" by Valerie M. Bonnette.

The findings made in this report are based on the information provided by the District, the District's athletic department, coaches and student-athletes. Information was collected from a series of interviews with head coaches, student-athletes and athletic department personnel. Questionnaires for head coaches, student-athletes, and athletic department personnel were prepared from model data request forms contained in the OCR (Office for Civil Rights) Title IX Investigator's Manual. The questionnaires were designed to provide coaches and student-athletes with the opportunity to share their knowledge and perceptions of gender equity in interscholastic athletics at Framingham High School. The data from the questionnaires were treated as confidential and not shared in any personally identifiable manner with anyone other than the Consultant.

The following student-athletes responded to the questionnaire however, many of the questionnaires were incomplete: Boys' and Girls' Track, Boy's and Girls' Alpine Ski, Girls' Ice Hockey, Wrestling, Gymnastics, Girls' Basketball, Boys' Basketball and Boys' Ice Hockey. No other student-athlete questionnaires were submitted to the Consultant.

The following coaches responded to the questionnaire: Boys' Team Coaches – Swimming, Volleyball, Soccer, Basketball, Tennis, Track, Lacrosse, Wrestling, Football, Golf, Baseball, Cross Country, Ice Hockey and Alpine Ski; Girls' Team Coaches – Volleyball, Basketball, Tennis, Field Hockey, Soccer, Gymnastics, Softball, Cross Country, Ice Hockey, Swimming, Track, Lacrosse and Alpine Ski.

In addition, the following coaches at the sub-varsity level (junior varsity or freshman) submitted a questionnaire: Boys' Volleyball, Golf, Boys' Basketball, Baseball, Football, Girls' Volleyball, Girls' Lacrosse and Softball.

The Athletic Director, Assistant Athletic Director and Athletic Trainer were also interviewed.

The Consultant interviewed the Athletic Director, the head coach from each interscholastic team at the high school and student-athletes from the following teams: Boys' Teams – Soccer, Wrestling, Cross Country, Baseball Lacrosse, Track and Football; Girls' Teams – Soccer, Basketball, Track, Swimming, Softball, Cross Country and Lacrosse.

One site visit to the athletic facilities used by the District's athletic teams was also conducted to assess at first hand the facilities provided for male and female student-athletes. These facilities included the gymnasiums, locker rooms, stadium area, weight room/wellness center, athletic training room, tennis courts, equipment rooms, offices and all practice and competition facilities.

Data was collected in a number of other program areas such as locker rooms, practice and competition facilities, assignment of coaches, athletic equipment and supplies, travel and transportation benefits and per diems, nature of publicity and marketing, and game and practice times and scheduling. This data was used in conjunction with the comments and perceptions of coaches, student-athletes and other athletics personnel.

Efforts were made to collect as complete and accurate data as possible for each program component area. However, there may be some information that contained inconsistencies that could not be resolved, or the Consultant was not able to obtain all of the data requested from the District. The report indicates those areas where incomplete data prevented making a complete set of findings.

Organization of the Report

This report for the Framingham Public Schools District (District) athletics program is divided into three sections. The first section reviews the *Effective Accommodations of Athletic Interests and Abilities* in the athletic programs at the high school, explains the standard of review, describes the findings and lists suggested recommended actions. The second section reviews *Equivalence of Other Athletic Benefits and Opportunities* as identified in the Resolution Agreement in the athletics program at the high school, explains the standard of review, describes the findings and lists suggested recommended actions. The third section includes additional recommended actions and concluding remarks for the Framingham Public Schools District's athletics program for future consideration.

SECTION 1

Ful and Effective Accommodations of Athletic Interests and Abilities

Compliance in this area is measured by how well a school accommodates “the interests and abilities of students to the extent necessary to provide equal opportunity in selection of sports and levels of competition available to members of both sexes” (Policy Interpretation, p. 71417 – C.1).

The Policy Interpretation describes a number of ways in which compliance is assessed. It specifies three different, mutually exclusive standards that can be used to assess the equivalency of participation opportunities for male and female athletes. It also specifies other standards to assess levels of competition and selection of sports. The standards used to assess participation opportunities; levels of competition, and selection of sports often overlap.

A school is accommodating the interests of male and female students in providing equivalent participation opportunities if it meets any one of three standards. The relevant standard for high schools (often referred to as the “3-prong test” or “3-part test”) includes:

- 1) a school may provide athletic participation opportunities for female students which are *substantially proportional* to the female percentage of enrollment to the school *or*,
- 2) a school may demonstrate a *history and continuing practice* of expanding its sports offerings for (females) in the very recent past *or*,
- 3) a school may show that it is *fully and effectively accommodating* the athletics interests and abilities of the (females) in its student body.

Participation Opportunities: The 3-Prong (Part) Test

- Prong (Part) 1 – Substantial Proportionality – A school may provide athletic participation opportunities for female students, which are *substantially proportional* to the female percentage of enrollment at the school. The key for schools is to measure whether the school’s athletic opportunities for females is substantially proportionate to their enrollment and if the variance exceeds four or five percent, and if the flat variance is sufficient to support a viable, additional female team, to treat this differential as a warning that a Title IX compliance problem may exist.
OR,
- Prong (Part) 2 – History and Continuing Practice of Girl’s Athletics Program Expansion – A school may demonstrate a *history and continuing practice* of expanding its sports offerings for females in the very recent past. If the first prong of the participation opportunities test *substantially proportionality* is not met, a school may be considered in compliance if it can demonstrate a *history and continuing practice* of expanding sports offerings for females in a way that has been and continues to be responsive to female’s developing interests and abilities.
OR,
- Prong (Part) 3 – Full and Effective Accommodations of Athletics Interests and Abilities – A school may show that it is *fully and effectively accommodating* the athletic interests and abilities of females in its student population. If *Prong 1* and *Prong 2* are not met, the third method for compliance *full and effective accommodations* may be met by having to require offering every team for females for which there is (1) a demonstrated interest in the sport by the school’s female enrollment; (2) sufficient ability among those interested to field a viable team; and (3) an adequate number of competitors in the school’s geographic area of competition.

Levels of Competition: The 2-Prong (Part) Test

The second condition of Accommodations of Interests and Abilities is that the school must provide their girl's programs with levels of competition equivalent to those provided for their boys' programs. There are two alternative methods of compliance. – a school is only required to meet one part of the two-part test.

- Whether the competitive schedules for girl's and boys' teams, on a program-wide basis, afford proportionately similar numbers of male and female athletes equivalently advanced competitive opportunities
OR,
- Whether the school can demonstrate a history and continuing practice of upgrading the competitive opportunities available to the historically disadvantaged sex as warranted by developing abilities among the athletes of that sex.

The purpose of the two-part test is to prohibit a school from offering a high-level interscholastic program for boys and a recreation-quality interscholastic program for girls (or vice versa).

Standard of Review

In order to determine if the District meets the three-part test for its high school athletics program, the Consultant relied on data provided by the Framingham High School athletic department. The student enrollment and participation data from the 2017-2018 and 2018-2019 school years was used to calculate substantial proportionality.

Substantial proportionality, not strict proportionality is required. School enrollments will fluctuate throughout a given school year, as will sports participation as student-athletes join teams or quit teams during a sports season for a variety of reasons. The law recognizes that strict proportionality is simply not a feasible standard by which to measure adequacy of participation opportunities.

The Office for Civil Rights, (OCR), generally considers an athletic participant to be someone on the team as of the first date of competition. Unfilled roster slots do not count as athletic participants and the OCR generally holds that a student-athlete who competes for more than one team should be counted for every team on which he or she competes as a duplicated participant. This measure provides a more accurate picture of the total participation opportunities that really exist, and it also prevents a distortion of the proportionality ratios in a school with a high number of two and three sport male student-athletes.

Additionally, activities, which are not considered a sport under current OCR policy, are groups such as cheerleading, dance line, pom-poms and drill team. Also, equipment managers, student athletic trainers, and student scorekeepers and record keepers are not to be counted as participants.

To comply with test two (program expansion), a school must demonstrate a history and continuing practice of program expansion for the underrepresented sex, which, is nearly always females. The information reviewed includes participation numbers; the year each current team gained interscholastic status; and the year any interscholastic teams were discontinued and the number of participants on those teams.

If females are underrepresented, program expansion means an increase in the number of girls' opportunities, which may occur by:

- The addition of a girl's team(s) that results in more opportunities
- The addition of opportunities on existing teams

Compliance with test two is based on the number of opportunities added for the underrepresented sex. Program expansion includes adding opportunities on existing teams, if these are real opportunities where student-athletes receive coaching and practice. Increasing teams also does not constitute program expansion unless this increases the number of participation opportunities. For example, adding a girls' team while girls' participation on other teams decreases resulting in fewer female participants program-wide means there would be no program expansion.

Often school districts will choose test three as a compliance method. However, determining compliance with test three may be challenging and involves several different analyses – Interest, Ability and Competition.

Full and effective accommodation means offering every sport and team for girls (as the underrepresented sex), for which there is sufficient interest and ability for a viable team and sufficient interscholastic competition for that team in the school’s normal competitive region. The three factors of interest, ability and competition must exist before a school is obligated to offer a team under test three.

When determining compliance with the two-part test, levels of competition and continuous upgrades of competitive opportunities, the Consultant reviewed the percentages of female and male participants competing at each level: varsity, junior varsity, and freshman levels. Additionally, the Consultant explored whether or not the District could demonstrate a history and continuing practice of upgrading opportunities.

FINDINGS: The Three-Part Test

Part One: Participation in Proportion to Enrollment

The Title IX Policy Interpretation defines athletic participation as those athletes: “(a) who are receiving the institutionally-sponsored support normally provided to athletes competing at the institutions involving, e.g., coaching, equipment, medical and training room services, on a regular basis during a sports season; and (b) who are participating in organized practice sessions and other team meetings and activities on a regular basis during a sports season; and (c) who are listed on the eligibility or squad lists maintained for each sport...” Using this definition as a guide, the Consultant reviewed team rosters from the 2017-2018 and 2018-2019 seasons and interviewed all head coaches employed by the District and student-athletes from various sports teams. Head coaches and student-athletes were interviewed through the “Google Meet” technology device due to the current conditions of the global pandemic. Because of the constraints caused by the current global pandemic, assistant coaches were not interviewed.

Information provided by the District’s athletic department indicated that the school’s interscholastic sports teams compete at the Division One level of the Massachusetts Interscholastic Athletic Association (MIAA). According to MIAA rules, district students not enrolled at the school are generally not permitted to participate on the school’s interscholastic athletic teams.

According to the information received from the athletic department including team competition schedules, the athletic teams and levels offered or supported by the District include the following:

- Varsity Boys’ – Baseball, Basketball, Cross Country, Ice Hockey, Indoor Track, Lacrosse, Outdoor Track, Soccer, Swimming & Diving, Tennis, Volleyball, *Football, *Golf, *Wrestling, *Alpine Ski.
- Varsity Girls’ – Softball, Basketball, Cross Country, Ice Hockey, Indoor Track, Lacrosse, Outdoor Track, Soccer, Swimming & Diving, Tennis, Volleyball, *Field Hockey, *Gymnastics, *Alpine Ski.
- Junior Varsity Boys’ – Baseball, Basketball, Football, *Golf, Ice Hockey, Lacrosse, Soccer, Volleyball, *Wrestling.
- Junior Varsity Girls’ – Softball, Basketball, Ice Hockey, Lacrosse, Soccer, Volleyball.
- Freshman Boys’ – Baseball, Basketball, *Football, Lacrosse, Soccer, Volleyball (No Freshman Volleyball schedule provided for the 2018-2019 school year).
- Freshman Girls’ – Softball, Basketball, Ice Hockey, Lacrosse, Soccer, Volleyball. (A schedule for Freshman Field Hockey was not provided for the 2017-18 and 2018-29 school years.)

***Coed Teams**

The athletic department identifies Alpine Ski, Football, Golf, Gymnastics, Field Hockey and Wrestling as “coed” teams. Boys and girls are permitted to participate on these teams. The participation by gender for these teams during the 2017-2018 and 2018-2019 school years are noted as follows:

2017-2018: Varsity Field Hockey – 2 boys, 16 girls; Varsity Alpine Ski – 7 boys, 3 girls; Varsity Gymnastics – 1 boy, 18 girls; Varsity Wrestling – 27 boys, 1 girl; Junior Varsity Wrestling – 35 boys, 1 girl.

2018-2019: Varsity Field Hockey – 2 boys, 20 girls; Varsity Alpine Ski – 6 boys, 9 girls; Varsity Gymnastics – 1 boy, 30 girls; Varsity Wrestling – 22 boys, 1 girl; Junior Varsity Wrestling – 42 boys, 1 girl.

Additionally, the Consultant notes that the athletic department provided competition schedules titled "Wrestling Boys Varsity", "Golf Boys Varsity", "Field Hockey Girls Varsity", "Football Boys Varsity" and "Gymnastics Girls Varsity". Furthermore, indicated on the athletic department coaches' stipend spreadsheets, Golf is listed as "Coed Golf"; Gymnastics as "Girls/Boys" and Alpine Ski as "Girls/Boys". The Consultant is unable to make any findings regarding the extent to which the District's coed teams provide equal athletic opportunities to male and female students with sufficient interest and ability to participate on the teams.

The Consultant requested team rosters for the 2017-2018 and 2018-2019 school year and, received the following rosters; Boys' Varsity Football, Varsity Girls' Gymnastics, Coed Varsity Alpine Skiing, Coed Varsity Wrestling, Coed Varsity Field Hockey, Girls' Varsity Ice Hockey, Girls' Varsity Indoor Track, Girls' Varsity Tennis, Girls' Varsity Swimming, Girls' Varsity Basketball, Girls' Varsity Lacrosse, Girls' Varsity Outdoor Track, Girls' Varsity Volleyball, Girls' Varsity Cross Country, Girls' Varsity Soccer, Girls' Varsity Softball, Boys' Varsity Indoor Track, Boys' Varsity Ice Hockey, Boys' Varsity Basketball, Boys' Varsity Lacrosse, Boys' Varsity Swimming, Boys' Varsity Cross Country, Boys' Varsity Tennis, Boys' Varsity Baseball, Boys' Varsity Soccer, Boys' Varsity Golf and Boys' Varsity Volleyball. Accordingly, the 2018-2019 rosters listed Coed Varsity Alpine Skiing as "Boys/Girls Varsity Alpine Skiing" and Coed Varsity Wrestling as "Boys Varsity Wrestling".

The Consultant inquired the athletic department as to why all rosters were labeled "Varsity" and questioned whether there are separate Junior Varsity and Freshman rosters. The Athletic Director responded in writing the following: "In the past coaches made rosters for the purpose of handing them out at games otherwise they served no function. When I [the Athletic Director], took over we tried to get each coach to send a roster on a template however, because it was not part of the culture here it became difficult to get it done".

The Consultant did not count cheerleading and dance team in addition to the unified basketball and outdoor track teams in the analysis as an athletic sports team for the purpose of Title IX compliance and references the September 17, 2008 Dear Colleague Letter for guidance.

Based on the information provided by the Framingham High School athletic department, the Consultant determined that the District was not providing participation opportunities for female students in numbers substantially proportionate to their 2017-2018 enrollment. From the information provided, the Consultant learned that there were 2,177 students enrolled during the 2017-2018 academic year. Boys accounted for 1,104 of those students, or 51% of the student body; girls accounted for 1,073 students, or 49% of the student body. During that same academic year, the Consultant determined that there were 743 boys and 499 girls participating in its athletics program (several participating in multiple sports), for a total of 1,242 athletic opportunities during the 2017-2018 academic year. Boys constituted 61% of participants in those athletic opportunities and girls constituted 39%. Accordingly, there was a disparity of 10% between the girl's representation in the overall student body and their athletic participation rate. This constituted approximately 201 athletic opportunities needed for girls to achieve parity without cutting any athletic opportunities for boys.

For the 2018-2019 academic year, similar results prevailed. There were 2,271 students enrolled at the high school. Boys accounted for 1,143 of those students, or approximately 50% of the student body; girls accounted for 1,128, or roughly 50% of the student body. During that academic year, there were 865 boys and 618 girls participating in its athletics program. Boys constituted 58% of participants in those athletic opportunities and girls 42%. There was a disparity of 8% between girl's representation in the overall student body and their athletic participation rate which constituted approximately 247 athletic opportunities needed for girls to achieve parity without cutting any athletic opportunities for boys.

Accordingly, the Consultant concluded that the District is not providing participation opportunities to male and female student-athletes in numbers substantially proportionate to their respective enrollments. Girls are underrepresented in the high school athletics program.

Part Two: History and Continuing Practice of Program Expansion

The Consultant analyzed whether the District demonstrated a history and continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the underrepresented sex. This test looks at the District's past and continuing efforts to provide non-discriminatory participation opportunities through program expansion. Consideration was given at the District's historical record of adding interscholastic teams for the underrepresented sex. If the District can demonstrate a consistent effort to add interscholastic teams for the underrepresented sex over time, the Consultant then looked at other factors that demonstrate the District's commitment to providing equal athletic opportunities to both sexes. An example of this would be the implementation of a nondiscriminatory policy or procedure for requesting the addition of sports and the effective communication of the policy or procedure to students and parents.

The Consultant began by reviewing the District's criteria and process for starting a new sport and whether or not the process allowed students to make requests to add sports directly to the Athletic Director, who would then assess the suitability and make a determination. Currently, the District does not have a written policy or procedure for adding a new sport. The Consultant advises the District to develop and implement a policy including explicit language to allow the District to make decisions about new programs in the context of the requirements of Title IX. The policy should be well publicized and disseminated throughout the District and to students and parents.

The Consultant next looked at the District's history of adding sports. The Athletic Department was unable to provide start dates for any of the sports offered by the District. The Consultant received the following statement from the Athletic Office: "The original Framingham High School was established in 1891. In 1963, Framingham established two high schools: Framingham North and Framingham South. In 1991, Framingham combined the two high schools. In 2003, Framingham High School was completely renovated. During this time many athletic files were lost, disposed of or destroyed by water damage. [We] do not have the history of when girls' sports were established. However, FHS has had the same sports for decades, with the exception of the coed alpine ski, which started as a club in 2014, then became a sports team 3 years ago."

In addition, the Consultant requested information from the athletic department regarding Freshman Field Hockey and whether or not the team existed. The response from the athletic director in writing included the following, "We added Freshman Field Hockey which was eliminated prior to my arrival as [AD] in 2016. The Coach said she didn't have the required number of athletes to run a team which we asked the girls to recruit players as we wanted them to have a freshman team, we started it back last year and we expected to continue that until our fall season was postponed".

Based on the information received from the Athletic Office, the Consultant concludes that the District cannot demonstrate both a "history" and "continuing practice" of program expansion for girls. While there was an increase in participation numbers for girls from the 2017-2018 academic year to the 2018-2019 academic year, there is no evidence that there was any significant expansion that occurred prior. Accordingly, the Consultant determined that the District does not meet Part Two of the Three-Part Test.

Part Three: Interests and Abilities

If the District cannot demonstrate compliance with either parts One or Two, the District may meet compliance through Part Three of the Three-Part Test if the District can show that the underrepresented sex's interests and abilities are fully met by the current athletics program. In order to make this determination, the Consultant considered the District's assessment of any unmet interest and ability in its athletics program. The Consultant also considered other indicators of possible interest and ability such as developing sports on a regional or state level, as well as local youth and feeder programs in the areas from which the District draws its students.

The District has not conducted an athletic interest survey during the tenure of the current Athletic Director who began working in the role during the 2015-2016 academic year. Several student-athletes did indicate however that they took part in an annual school survey assessing several areas including athletic interests. It was generally believed by the student-athletes that this was part of a school climate survey. There was also no evidence of any other evaluations or assessments that were conducted to effectively gauge athletic interest and ability. This was also verified by coaches and student-athletes through the questionnaires and interviews. It was unclear when the last formal assessment was conducted if ever, or what other outreach efforts were conducted to assess athletic interests of females in the District prior to the current Athletic Director's tenure.

During the head coaches' and student-athlete interviews there was evidence of potential interest in the following sports, rugby and crew.

Accordingly, the Consultant determined that the District does not meet Part Three of the Three-Part Test.

FINDINGS – The Two-Part Test

Equal Levels of Competition

The Consultant also examined the level and quality of competitive opportunities provided to athletes in order to determine whether equal athletic opportunities exist in the District's athletics program. In order to make this determination, the Consultant considered whether the competitive schedules for boys' and girls' teams, on a program-wide basis, afford proportionally similar numbers of male and female athletes equivalently advanced competitive opportunities. The Consultant compared the competitive events for each team at the school's declared competitive levels and determined whether any of the teams compete below the declared level.

In this case, the District is a member of the Massachusetts Interscholastic Athletic Association (MIAA) and competes primarily against teams at the same level in the Bay State Conference. According to the Athletic Director, Framingham High School's sports teams compete in Division 1 which is comprised of larger schools based on school enrollment.

The Consultant also notes that, within the individual sports, virtually all of the teams in the District provided equivalent levels of competition for boys and girls. For example, both the Boy's and Girls' Ice Hockey teams competed only at the varsity and junior varsity levels; the Boys' and Girls' Lacrosse teams participated at the varsity, junior varsity and freshmen levels. For the teams that had no analog for another gender, the Consultant determined that the levels of opportunity reflected a slight disparity for girls' teams. For example, Football participated at varsity, junior varsity, and freshman levels while Field Hockey participated at only the varsity and junior varsity levels. In addition, the Consultant notes concern regarding Wrestling which participated at varsity and junior varsity levels while Gymnastics participated only at the varsity level. Furthermore, Boy's Golf participated at the varsity level while there is no Girl's Golf team or no girls participating on the boys' team. Even though the District classifies the Golf team as a "coed" team, it does not appear that girls' participate on the Golf team consistently from year to year.

As a result of these findings, the Consultant suggests that the District investigate the potential of adding a girls' varsity Golf team, a junior varsity level Gymnastics team and increase participation numbers in Field Hockey in order to reinstate a freshman team.

RECOMMENDED ACTIONS: Effective Accommodations of Athletic Interest and Abilities **(Three-Part Test and Two-Part Test)**

A school must comply with one test of the three-part test for participation opportunities and one test of the two-part test for levels of competition. Failure to comply with the three-part test likely violates Title IX, while failure to comply with the two-part test is likely to be a minor to moderate disparity. District officials may choose which one test of the three-part test and which one test of the two-part test the District shall meet.

Given the findings set forth, the Framingham Public Schools District's athletics program does not meet compliance in any part of the three-part test. The District must take a proactive approach with regard to meeting the full and effective accommodations of athletic interests and abilities of the underrepresented gender.

According to the 1996 Clarification the following indicators of unmet interest by the underrepresented sex that a school must evaluate under part three of the three-part test are: requests that a particular sport be added; requests that an existing club sport be elevated to varsity status; participation in particular club or intramural sports; interviews with students, coaches, administrators, and others regarding interest in particular sports; results of questionnaires and surveys regarding interests in particular sports; and participation rates in high schools, local recreation groups, and community sports leagues that operate in areas from which the District draws its students.

- Adding New Sports Teams

Requests by students that the school add a particular sport are indicators that students are interested in playing that particular sport. The District should solicit and evaluate requests from students on a regular basis to add sports in order to identify unmet interests by developing and implementing written policies and procedures for soliciting, accepting, evaluating, and responding to the requests in a timely manner. These written policies and procedures that address these requests should require that the requests be submitted to the District's Title IX Coordinator; the school should provide a written acknowledgement to the requesting student or students within a timely manner; the District should inform the student(s) about procedures for reviewing the request and when a decision will be made; the District's administration should assess all student requests in order to anticipate budget development for the next school year; and the administration should inform the requesting student(s) of their decision in writing within a timely manner of the date of the decision.

Anticipating that most students have little understanding of Title IX, policies and procedures should be written in language that is easily understood and are age appropriate for the District's students. In addition, the District should use every venue available in order to disseminate the policies and procedures including posting on the District website, mailings, District social-media, school assemblies, student/parent orientations, postings throughout all schools, school publications, and using any type of outreach mechanisms to students and parents.

- Student Outreach

It will be important for the District to make opportunities available for face-to-face conversations with students and student-athletes in order to obtain information that might not result from evaluating other mechanisms. The District should annually conduct interviews with students, student-athletes, coaches, administrators, parents and other stakeholders to evaluate interest levels in particular sports and to determine if there are any unmet interests. The athletic administration or District Title IX Coordinator should conduct the interviews. In order to conduct the interviews, the District should make this a part of any student orientation program, registration process, during class meetings or assemblies, during student government meetings, or through homeroom or activity periods for example.

- Student Interest Surveys

The District should conduct athletic interest surveys annually in order to assess and monitor students of the underrepresented sex to determine their interests in any particular sport. The District should assess the results of the survey on an annual basis. This should be an ongoing evaluative process.

- Monitoring Interests

Participation in sports at the high school level is evidence of interests and abilities that could translate into potential college participation. The District should continue to monitor athletic participation of younger students at the elementary and especially the middle school levels to

identify what sports these students are participating in. If these students are participating in sports not offered at the high school level, then the high school administration should consider adding those sports.

- Increasing Opportunities for Females

In addition to assessing and evaluating the participation rates in sports in the high school, the District should assess and evaluate the participation rates in any local amateur athletic associations, and community recreation programs that operate within the boundaries of the District. The District should consider adding a particular sport if there is substantial interest in a particular sport in the community programs and associations that the District does not currently offer for the underrepresented sex. In addition, and more specifically, the District should also consider mechanisms such as a 'no-cut' policy for girls' teams in order to create more opportunities for girls. The District may consider taking a more aggressive approach in analyzing and creating opportunities at the middle school level with regards to levels of competition.

- School Policy JJIB

Investigate revising and updating School Policy JJIB: INTERSCHOLASTIC ATHLETICS to include Title IX language that will include specific information regarding the law. Additionally, the Framingham Public Schools' School Committee should renew the District's commitment to assuring gender equity in the interscholastic athletic programs in Framingham Public Schools.

SECTION 2

Equivalence of Other Athletic Benefits and Opportunities

The Policy Interpretation states that institutions shall "provide equal athletic opportunities for members of both sexes" (Policy Interpretation, p. 71415 – B.1). Further noted are nondiscriminatory differences based on the unique aspects of particular sports are permissible, and that such differences generally occur in programs offering football, and thus favor male sports. Title IX does not require equal expenditures for each team or program.

In the determination of compliance, a number of separate areas are considered. The assessment of compliance in these areas was the most difficult, as differences in overall expenditures do not necessarily indicate compliance or noncompliance. The standard used is one of equivalency. For example, equipment costs for the football program would be very much higher than for the swimming team, but despite a great difference in cost, both teams could be equivalently accommodated according to their needs by providing on the one hand swimsuits and goggles, and on the other more costly helmets, uniforms, and pads. Equivalency is not established through a financial test, but by comparing results. Because of this, the subjective data obtained in the questionnaires completed by student-athletes, coaches and athletic personnel were relied upon in this section more than anywhere else in the assessment.

Another consideration regarding the *Equivalence of Other Benefits and Opportunities* compliance is that the relevant comparison is between the overall benefits provided to all female teams and the overall benefits provided to all male teams. Although discrepancies in specific same-sport benefits such as equipment provided to girls' soccer versus boys' soccer, may highlight some potential compliance problems, Title IX is intended to ensure overall equivalence in athletics opportunities and benefits, not necessarily single sport equivalence.

Determining compliance in this area requires the application of a somewhat subjective, review, which assesses the overall impact of the eleven areas, taken together, on the girl's program as a whole as compared to the boy's program as a whole. A benefit of this approach is that it permits greater flexibility for schools to exercise professional judgment regarding the benefits, which are necessary and appropriate for each individual sport under the varying sets of circumstances, which may be unique to a particular school. It is also important to note that this range of latitude and flexibility in professional decision-making is not intended to exempt discriminatory treatment of teams and programs by schools. Basically, in an overall fashion, comparable benefits must be provided to both the girl's and the boy's athletic programs.

Another consideration regarding compliance in "*benefits and opportunities*" concerns the source of funding to provide these "*other athletics benefits and opportunities*." The Office for Civil Rights will evaluate all "other benefits" which are provided to athletic programs, regardless of the sources of funding which paid for those benefits. For example, if booster clubs pay for the purchasing of new uniforms for boy's teams, then the new uniforms will be considered as part of the overall benefits provided by the school to the boy's athletics program. And, if the new uniforms create an overall disparity of benefits between the boy's and girl's programs, then the school must provide the funding to correct the disparity. The evaluation of "other athletics benefits" is not limited to those benefits paid for directly by the school itself; benefits paid for by booster clubs, by team fund-raising activities, and by any other source must also be considered when evaluating the overall balance of benefits. This places an additional responsibility on schools, because they need to monitor the distribution of all benefits to all athletic teams regardless of the source of those benefits.

As per the Resolution Agreement with Framingham Public Schools, equivalence of other athletic benefits and opportunities in six of the eleven separate program areas were evaluated by the Consultant. To evaluate these six areas, coaches and student-athletes were asked to complete a questionnaire, which included a section on each of the six program areas to be evaluated. Interviews were also conducted with athletic personnel, coaches and student-athletes. A facility site visit was performed, and observations and inspections were documented.

Protective Athletic Equipment and Other Athletic Supplies

Standard of Review

The regulation at 34 C.F.R. §106.41 (c)(2) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, the consultant considered the equivalent provision of equipment and supplies. The Policy Interpretation states: "Equipment and supplies include but are not limited to uniforms, other apparel, sport-specific equipment and supplies, general equipment and supplies, instructional devices, and conditioning and weight training equipment". Girls' and boys' sports programs are required to receive equipment and supplies that equally meet the sport specific needs of their teams. This is evaluated by considering five factors: quality, amount, suitability, maintenance and replacement and availability.

The law does not require that same-sport teams to have the same equipment. Compliance depends on comparability of equipment in an overall manner for girls' and boys' athletic programs. A disparity in favor of boys in one sport could be offset by a disparity in favor of girls in another sport. Compliance does not necessarily depend on a team-by-team comparison but rather a comparison of girls' and boys' programs overall. However, in order to organize and analyze data in this area, comparing equipment and supplies for same-sport girls' and boys' teams has been reviewed.

Athletic equipment and supplies include, but are not limited to, uniforms and sport-specific equipment such as bats, balls, nets, instructional resources and training equipment. Nondiscriminatory differences in equipment based on the unique aspects of different sports are permitted. Equal expenditures for same-sport teams are not required. Coaches may choose less expensive or not-top-of-the-line equipment when they believe it is better or preferable under the circumstances.

Uniforms represent an important part of the equipment and supplies review. Team uniforms are considered to be the basic essential that student-athletes wear for regulation competition. Personal items such as socks and shoes, or additional items such as warm-ups, jackets, or bags, are considered extra. Personal protective gear such as batting helmets, shin guards and safety goggles are considered separately from uniforms. A uniform is considered provided to the student-athlete if the district or an outside funding source pays for it, rather than it being provided by the individual student-athlete.

Additionally, whether a team's equipment and supplies are provided directly from the district budget or indirectly through an outside funding source such as booster clubs or private donations is not generally relevant. The primary aspect is whether girls and boys are provided comparable resources. Regardless of the source of equipment, when it is provided to a team whether known or unknown to the school district, it is considered to be part of the benefits of the district's program.

For this area of review, the Consultant relied on information provided by the Athletic Department, head coach and student-athlete interviews and head coach and student-athlete questionnaire responses of each team at the high school regarding equipment, including whether it was purchased by the District or by a booster club or some other outside funding resource such as the Framingham Foundation organization. The Consultant also attempted to inquire as to the types of equipment used, the amount used by each player and team, the quality of the equipment, and the source of the equipment.

FINDINGS – Protective Athletic Equipment and Other Athletic Supplies

The equipment needs of each team are very sport and coach specific. This area cannot be evaluated by simply comparing the equipment each team receives. Rather, this analysis depends in large part on each coach's and student-athletes' assessment of whether their equipment needs are being met and whether they feel their team is being denied equal opportunities in this regard. Coaches and student-athletes may clarify team needs and the importance of specific items. Boys' and girls' teams in the same sports may have different equipment items because coaches make different choices, or equipment wears out at various times, leading to different ordering schedules. Differences in benefits are not compliance problems under Title IX; differences that create a disadvantage on the basis of sex are compliance problems.

The responses on the questionnaires and in the interviews indicated that all equipment used by student-athletes and purchased by the school or an outside funding resource is regulation and officially sanctioned. According to questionnaire and interview responses and the Athletic Director, uniforms and other apparel provided to student-athletes are suitable for their sport.

Most boys' and girls' team coaches and student-athletes indicated that the quality of their game uniforms and equipment ranged from excellent, average and good. Most of the coaches and student-athletes reported that they believe that they get what they need as far as team equipment either provided by the school or supported through team fundraising efforts. Noted are the following concerns: The boys' and girls' track coaches would like the school to purchase an electronic timing system for track and cross country meets; the Alpine ski coach would like the team to have racing suits; the girls' lacrosse coach believes that all outdoor coaches should have the football-style long coat for inclement weather days; the softball student-athletes would like to have new uniforms and better equipment.

The process or procedure in which teams obtain new uniforms and equipment appears to be somewhat varied. Several coaches expressed an uncertainty as to what the process is to receive new uniforms and equipment. Most coaches and student-athletes believe that team fundraising is a condition required in order for a team to purchase new uniforms. Coaches believe that a team has the opportunity to receive new uniforms every three to five years based on questionnaire and interview responses. There appears to be no documentation of a current uniform rotation cycle nor any documentation for equipment inventory.

Listed are comments by coaches regarding fundraising and the purchasing of uniforms and equipment:

Boy's Track - Fundraise every year to buy uniforms – Uniforms vanish when kids dropped out – Can't keep track of uniforms – Take care of own uniforms (both teams) – Management issue – No idea of inventory – Fundraise in order to have the uniforms on hand – Boy's Cross Country use same style uniform as Track - Fundraising money also used to buy equipment - Coach manages money flow and purchases - Every year the school asks what they need – If the budget is closed, the coach will make purchases – This is faster for them to work it that way – It becomes an efficiency thing for the coach.

Alpine Ski – Coach would like to get race suits and is currently fundraising to accomplish this – The student-athletes must provide their own equipment – The team uses racing bibs provided by a local business – The team has used the capes or coats during competition that are provided to the football team – Each year the team receives more funding from the school.

Girls' Cross Country – Each year the athletic department issues a spreadsheet to head coaches so that they can request their equipment and uniform needs – The Girls' Cross Country team never wanted to fundraise but, they could if they want to – Not all the uniforms match and they could be better (quality) – Girl's Cross Country share uniforms with Girl's Track – The coach is under the impression that the team has to fundraise in order to get what they need – The coach is more focused on increasing the participation numbers on the team than fundraising at this time.

Girl's Swimming – The team does fundraise which supports the end-of-season banquet, team t-shirts and championship swimsuits for those student-athletes that cannot afford to purchase them – The parents coordinate the fundraising – The coach does not like to fundraise – The school provides a swimsuit and cap each season to student-athletes.

Golf – Team does one fundraiser which supports student-athletes to purchase a golf bag – Student-athletes may use a 'loaner' golf bag purchased by the booster club or Framingham Foundation but, it must be returned at the end of the season – The coach is working with the Foundation with fundraising – Student-athletes receive new golf shirts each year.

Girl's Tennis – The coach would like to replace the current uniforms – The coach was ready to fundraise and established an agreement with the Athletic Director to use the tennis budget and the school would pay the remainder of the uniform cost – The Framingham Foundation paid for team jackets and the team agreed to support the Foundation at the "Marketplace" fundraising event.

Boys' Basketball – The varsity squad received new uniforms – The old varsity uniforms were passed down to the junior varsity and freshman squads – The team had to fundraise for the new uniforms –

Fundraising money is used for uniforms, equipment that the athletic budget does not cover, summer league entry fee, food for the team on away trips and tournament fees.

Girls' Basketball – The varsity and freshman squads received new uniforms - The junior varsity squad received to old varsity uniforms that were in good condition – The Athletic Director worked with local businesses and the Foundation to donate the money for new uniforms – The coach feels that the team gets what they need in terms of equipment, etc. – The coach works with the booster club relative to fundraising and other support – Fundraising money is used for purchasing practice jerseys, team gear, end-of-season banquet and food for away trips.

Baseball – Fundraising is used to purchase team t-shirts, batting cage (which is also used by softball), and other equipment needs.

Girls' Soccer – The school gives a percentage towards new uniforms – Every three years a team receives new varsity uniforms and the old uniforms are filtered down through the levels of teams – The Athletic Director recently changed the process – If a team requests a "standard" uniform, the school will purchase the uniforms however, if a team requests a higher-grade uniform, the school will pay a percentage of the cost and the team must fundraise in order to cover the remainder of the cost – The booster club organizes and oversees fundraising efforts – Team fundraisers support the purchase of goalie shirts, a percent of the cost of new uniforms and other equipment needs that the school does not cover.

Wrestling – Team fundraising efforts support the purchase of team warm-ups, team t-shirts or long sleeve shirts, other team gear, tournament entry fees, season pasta party food, end-of-season banquet costs and out of state travel when student-athletes qualify.

Field Hockey – The coach feels that the school purchases the equipment that she requests – If the coach feels that the team needs new uniforms, they will make the request to the Athletic Director – In the past, the team has fundraised for new uniforms – This year new varsity uniforms will be purchased and the old uniforms will be passed to the junior varsity and freshman squads – Through a combination of school funding, Framingham Foundation funding and team fundraisers, equipment needs are met – Fundraising money also purchases team backpacks, team jackets and any additional items that the coach feels they would like for the team.

Girl's Lacrosse – The coach is not aware of any formal schedule for replacement of uniforms or other equipment – The athletic department distributes an equipment ordering form to each coach in order to requisition equipment needs – The coach would like the school to purchase a backstop behind the goals and goalie equipment – Fundraising money is used to purchase senior gifts, food for away trips, varsity bags and end-of-season banquet expenses – The coaches have used the football coats in inclement weather and would like all coaches of outdoor sports teams to have their own coats.

Boy's Tennis – The team has not done much fundraising because the coach believes that there is not a need – The school provided uniforms to the team however, the student-athletes did not like them – The student-athletes suggested providing their own uniforms and were permitted to do so; the student-athletes paid for them and there was no monetary contribution from the school – The coach feels that the Athletic Director would permit the team to design their own uniform and that the school would purchase the uniform or at least contribute to the funding of the uniform.

Boy's Ice Hockey – At the end of every school year the athletic department sends an equipment needs request to coaches – The coach feels that the team usually gets what they request – Boy' Ice Hockey has an active parent group that organizes the fundraising efforts – The coach directs the parent group – There are separate parent groups for the boys and girls ice hockey teams – The coaches of both teams are trying to do more things together – The parent group fundraising efforts purchase items needed by the players – The athletic department is not involved – According to the coach, there are things that the parents have done that the coach and Athletic Director do not know about.

Football – The booster club drives the fundraising efforts which have included golf tournaments, car washes, car drives, youth camps and donations – The money from fundraising is used to support team meals, team and coaches' gear, equipment, team t-shirts and any special item that the coach would request such as an endzone camera, etc. – When new uniforms were purchased three years ago, a private donor was involved; the coach was asked by the donor to order the uniforms from a company that the donor wanted – When new uniforms are purchased, one set is ordered either home or away; the following year the other set is purchased – Old uniforms are passed on to the freshman squad.

Boys Cross Country/Girls' Track – Most of the funds for jerseys comes from team fundraising and is subsidized by the athletic department – It is a struggle every season to replenish supplies – As a no-cut sport there often is an influx of freshmen that do not have a uniform – The coach has to scramble to get new uniforms which occurs in-season – The coach would like all student-athletes on the team to have the same or matching uniforms – The coach feels that they are trapped in a cycle of not having enough uniforms each season – The coach is not sure if they understand the process – Student-athletes do not return uniforms at the end of the season creating the shortage of uniforms – The coach would like to have better access to storage space at Bowditch field.

Girls' Ice Hockey – The varsity squad received new uniforms in 2018-2019 through team fundraising efforts – The coach believes that every three to four years each team is due for team uniforms and that the funding comes from the Foundation or athletics – If it is not a team's turn for uniforms and the team wants new uniforms then, the team must do their own fundraising for new uniforms.

Softball – Equipment needed is usually purchased by the athletic department – The process for ordering new uniforms changes a lot; five years ago the team had to pay for half the cost – The coach has ordered uniforms twice since that time and the team did not pay for any cost – The coach is trying to order uniforms to match them so that all student-athletes have the same uniform – The coach believes that some of the other school teams allow student-athletes to personalize the uniform jersey so that the student-athletes can keep them – The softball coaches collect the uniforms at the end of each season – The team fundraises to support the end-of-the season party, awards, equipment for student-athletes who cannot afford to purchase their own and team gear – The coach believes that there are strict purchasing guidelines through the District's business office.

Gymnastics – Team fundraising supports purchasing practice clothes, team sweatshirts, team t-shirts and sometimes flowers for special meets.

Boys' Lacrosse – The coach is not certain about team practice uniforms and suggested that the booster club may purchase this – There were not enough game uniforms, and the coach feels that they would probably need to fundraise in order to purchase additional uniforms – According to the coach, the booster club purchases the helmets, and the student-athletes may purchase the helmets at a discounted price – The coach wants to fundraise to purchase new uniforms and other items that they wanted.

Boys' Swimming – The school purchases swimsuits for student-athletes – According to the coach, student-athletes purchase their own gear; they may choose to purchase a sweatshirt and pants and a t-shirt or they may opt to purchase nothing – The team designs their own gear.

Boys' Soccer – Team uniforms are purchased every four to five years – Old uniforms are handed down to sub-varsity squads – The coach cannot always give each person a uniform because they try to keep as many kids as possible – The coach does not well with fundraising – The coach would like to see some of the fundraising money go to pay volunteer coaches – Fundraising money supports the end-of-season dinner, team warm-up suits and other team gear.

Listed are comments by student-athletes regarding fundraising and the purchasing of uniforms and equipment:

Baseball – Fundraising money is used to purchase team backpacks, team sweatshirts and other team gear, bats and other equipment needs and rental costs for the NEBC facility used at the beginning of each season.

Girls' Soccer – Student-athletes are not sure what the team fundraising money is used for - They do believe that the money raised is used for team bonding events, senior night expenses and possible for equipment that the team needs.

Boys' Soccer – The student-athletes believe that fundraising money was used to purchase team warm-ups and new team bags last season.

Girls' Basketball – The team participates in multiple fundraisers – Fundraiser money is used to support purchasing team gear, shooting shirts, attending a Boston Celtics game, attending a women's college game, equipment and anything that the team would like to have that particular season – Student-athletes believe that the team gets new uniforms every three years – The current uniforms that the team uses are too large; the student-athletes are not sure why this happened; they said that the team is fine

with the larger sizes and that they know that they will be getting new uniforms that will be the appropriate size.

Girls' Track – Student-athletes purchase their uniforms either through fundraising activities or they can purchase the uniform outright – Student-athletes keep their uniform for the time that they participate on the team – There are as many as 100 students on the boys' and girls' teams – The boys and girls teams share all of the equipment – Coaches organize the fundraisers – Fundraising money is used to purchase equipment, uniforms and renting space at the Reggie Lewis Center in the winter season for practices.

Wrestling – Fundraiser money is used to support purchasing uniforms (singlets) that are returned to the school at the end of the season, team sweatshirts and team warmups that the student-athletes keep and tournament fees.

Softball – Softball has "super old uniforms" – According to the student-athletes, there are "weird issues with the uniforms" – Players do not have good fitting pants – In four years, the softball team has not received new uniforms – The student-athletes see this as motivation for a fundraiser – The student-athletes do not see the payoff for their fundraising efforts – They have been told that they would have to fundraise in order to get new uniforms – The student-athletes believe that the football team gets uniforms often however, football is a physical game and that they need them more often – Believes that football independently raises more money – The softball student-athletes believe that boy's ice hockey gets more than any other sport; it is "the sport" in Framingham – The student-athletes feel that their equipment is "decent to low or adequate" – There is an issue with the batting helmets and the pitching machine – The softball team does a Hit-A-Thon as a fundraiser; the student-athletes are not certain as to what the fundraising money is used for.

Boys' Cross Country – The student-athletes believe that they must fundraise in order to purchase new uniforms – They said that they keep their uniforms and technically bought them, so the uniforms belong to the student-athletes – The team did do fundraising; money was used to lower the cost of new uniforms.

Girls' Cross Country- The team has never gotten new uniforms – Current uniforms are mismatched – The student-athletes think that the boys' team got new uniforms; they did fundraise in order to purchase new uniforms – The track team does more fundraising than the cross country team – Track is more like a coed team; cross country is more segregated – They would like it if the teams worked together more; it would be better if the teams work together – They are not sure where fundraising goes; what it is used for.

Boy's Lacrosse – The student-athletes think that the team does fundraising for new uniforms – There are not enough of the current uniforms and junior varsity players are wearing football uniform jerseys in order to have a uniform – Would like the entire program to be in the same uniform.

Girls' Lacrosse – Team fundraised for uniforms – Fundraising money was also used for end-of-season banquet and food for after games.

Boys' Track – Student-athletes had to buy their own uniform – Fundraising money helped to support the purchasing of new uniforms, equipment and overnight trips to the New York City and Dartmouth events.

Football – The football team does multiple fundraisers most of which are organized by the football booster club – Fundraising money supports pre-game meals, purchasing new equipment, uniforms – The student-athletes are not certain as to where the line is between the school supplied items and what fundraising money is used to purchase – The student-athletes believe that the success with equipment comes from them; they provide it themselves; the equipment that they get comes from their fundraising efforts.

Coaches and student-athletes were asked to list the number of each equipment items provided by the school and items that the student-athlete must provide and a comparison of girls' and boys' teams in the same sport was reviewed. Based on the information, comparisons in similar sports appear to be equitable for the most part. The Consultant has concerns with several girls' teams such as softball and girls' cross country regarding the quality of the equipment and uniforms for those teams.

The Consultant was unable to clearly determine whether booster clubs or the Framingham Foundation are contributing to teams with regard to the purchasing of any equipment and, to what extent that is occurring. Some teams have active booster clubs relative to fundraising and expenditures or

contributions to the team. Some booster clubs provide some type of food source to teams such as team meals or away trip snacks, and clothing apparel to student-athletes. To what extent this is occurring is a matter for further investigation and analysis. Booster club and private donor contributions will require further analysis as to whether any contributions with regard to equipment and supplies is creating a disparity.

The maintenance factor is the catchall category for issues other than quality and amount of equipment. Information from the questionnaires, interviews and the facility inspection indicated that most teams believe that storage for equipment is average and a few rated it as poor. All team uniforms are generally stored in the main storage room located at the lower floor of the high school during the off-season. Many teams also store team equipment items in the main storage room during the off-season. Exceptions are Boy's and Girls' Track stores equipment in a room located in one of the boy's locker rooms and at Bowditch field off-campus and, Boy's and Girls' Swimming store team equipment at the swimming pool located off-campus. When teams are in-season, equipment is stored in various areas including sheds located at the facility the team uses or in some cases, coaches' cars. Some coaches and student-athletes expressed concerns regarding storage space. Boy's and Girl's Ice Hockey does not have in-season storage space at Loring Arena; Girl's Lacrosse does not have storage at Read field; the Girls' Track coach would like access to the equipment storage area at Bowditch field and, the Girl's Swim coach would like more storage space at the pool facility.

There is no evidence of a documented equipment maintenance or repair schedule for teams. The Consultant is unable to evaluate this component of the analysis. It does appear based on interviews with coaches that the process for ordering new equipment through the athletic department is consistent from sport to sport. However, there are a few coaches who expressed that they were not aware of the process or were uncertain as to how request new equipment for their team.

It appears to be the practice of the athletic department for the Assistant Athletic Director to oversee and coordinate the distribution and collection of uniforms. The Assistant Athletic Director is also tasked with laundering all uniforms upon collecting them at the end of each season. The expectation is that each student-athlete launders their own uniform during the season. The exception to this routine is football as the Assistant Athletic Director launders the football game uniforms each week after competition.

Several coaches indicated that they allow for student managers to assist the team. The student manager's general duties included handling equipment for games and practices, charting team statistics, managing scorebooks, videotaping games or practices and other clerical chores. Student managers generally travel with the team to away contests. Of the teams that did not have student managers, those coaches indicated that they were aware that having student managers for their team was permissible and that they chose not to have student managers at this time.

In this program area there are generally some minor disparities regarding protective athletic equipment and other athletic supplies between boy's and girls' teams. The Consultant believes that, with a few exceptions, the benefits provided by the District were generally equivalent between teams and programs. All the teams received relatively the same caliber equipment and there were no real concerns from coaches that equipment or supplies were purchased or distributed by the District in an unequal manner between boy's and girls' teams in any sport. Several coaches stated in the interviews that the current athletic department personnel have made many improvements to the overall quality of the Framingham High School athletic program.

The concern in this program area is the overall impact on program disparity relative to the District's requirement for teams to team fundraise in order to purchase new uniforms and other equipment. If the District continues with the procedure of requiring teams to fundraise to purchase uniforms and equipment, then the District should develop a clear and comprehensive procedure in order to guide and oversee all fundraising efforts. In addition, it would be important for the District to develop policy and oversight of booster clubs as well as private donations and any other outside funding resource in order to guide those efforts and assure equitable distribution of benefits coming from those funding resources into the Framingham athletic program.

RECOMMENDED ACTIONS: Protective Athletic Equipment and Other Athletic Supplies

- Document a clear and accurate uniform rotation cycle process as well as equipment and supply inventories necessary for each team in order to address any disparities among teams and to ensure that the same quality and quantity is provided for each team. Be sensitive to the female student-athletes sizing differences when purchasing uniforms. Through the documentation process for uniform rotation include the number of uniforms purchased, team, style, year purchased and take photos of the uniform pieces in order to keep record of all uniform purchases. Provide to all coaches a clear and detailed explanation of the process for ordering new uniforms including the requirement of team fundraising contribution to the purchasing of uniforms.
- Document maintenance and repair schedules for all team equipment.
- Determine which teams are having equipment storage challenges and collaborate with coaches and other school personnel in order to determine ways to improve any storage issues.
- Ensure that the process of ordering and purchasing equipment revolves around good communication between the Financial Administrator of the District and the Athletic Director to ensure that the quality, quantity, availability and maintenance of all athletic equipment and supplies is equitable.
- Develop and implement policy and procedure to guide and oversee all outside resources effecting the Framingham interscholastic athletic program - team fundraising, booster clubs, private donations, corporate sponsorships, Framingham High School Foundation contributions and any other outside funding resources.

Scheduling Of Games And Practice Times

Standard of Review

The regulation at 34 C.F.R. §106.41(c)(3) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, the Consultant considered the equivalent provision of scheduling with regard to competitions and practice times. The Policy Interpretation lists a number of factors to be considered in determining whether a district is providing equal opportunity in this area, including:

1. The number of competitive events per sport,
2. The time of day that competitive events are scheduled,
3. The number and length of practice opportunities; and
4. Opportunities to engage in pre-season and post-season competition.

It may be necessary to consider not just the number and times of games and practices but also the impact that scheduling may have on factors such as the opportunity to participate, compete, attract media coverage, play in front of spectators and develop a strong overall program.

The scheduling of game and practice times area is evaluated by considering the following factors: the number of competitive events per sport, time and day competitive events are scheduled; number and length of practice opportunities and time and day practices are scheduled; pre, and post-season competition; length of season; season of sport and number of sports per season.

In interscholastic athletics, the season of sport and length of season are often determined not by the school, but by the Bay State Conference or Massachusetts Interscholastic Athletic Association (MIAA). Therefore, the focus regarding season of sport and length of season may shift towards the association (MIAA) instituting those rules. For most high schools, the game and practice times and scheduling program area assessment will focus on overall equity in number of events and coaching and athletic department latitude in scheduling those events.

FINDINGS – Game and Practice Times and Scheduling

In conducting this analysis, the Consultant obtained information from athletic department, head coaches and student-athlete interviews and questionnaire responses. The Consultant reviewed game schedules for each team, paying attention to the timing and location of games, the number and length of games, and the locations to which teams travel to compete. Written or documented practice schedules were provided by eight teams from the athletic department while all others were not available for review. The Consultant relied on verbal confirmation or information via data charts from the athletic department as well as head coaches' questionnaire and interview information regarding practice times, locations and length of practices.

The Consultant learned that, as a general matter, head coaches were responsible for the scheduling of games and practice times. Most coaches indicated that they have the approval of the Athletic Director to schedule competitions for their team. Both the coaches and the Athletic Director also indicated that much of the league or conference scheduling is organized by the Bay State Conference and in accord with MIAA rules regarding maximum number of contests, start dates, etc. Once the Bay State Conference competitions are known, the coaches are then permitted to complete the remainder of their schedule with non-conference school competitions.

The Consultant found that most of the teams in the District participated in the maximum number of games or competitive events allowed by the Conference and/or by the MIAA. The Consultant determined that the number of competitive opportunities were comparable between boys' and girls' teams. Specifically, of the 31 different sports programs offered at the high school the athletic department identifies six teams as coed teams and these teams generally have identical or very similar practice and competitive schedules. The Boy's and Girls' Cross Country, Indoor Track, and Outdoor Track teams also generally maintain identical practice and competition scheduling.

For many of the other sports, although the schedules were not precisely identical, the Consultant determined that where there was a boys' and girls' program, the practice and competition schedules were very close to identical. For example, the respective practice schedules for the Boys' and Girls' Soccer, Basketball, Lacrosse and Tennis teams allowed the teams to either practice at the same time or alternate practice times on a weekly basis. The coaches for most all the teams are generally accustomed to working together through the process to develop practice schedules that are fair and equitable. The Boys' Basketball coach noted concern regarding his team being displaced for practices whenever there is a home Wrestling match due to lack of gymnasium space. A similar concern was raised by the Boy's Tennis coach as well as other spring sport coaches as to when there is inclement weather and a lack of gymnasium space for all the teams that need practice space.

Both boys' and girls' teams generally compete against the same schools with one playing at home and one playing away. The teams would flip flop the scheduling so that the boys' and girls' teams both had the opportunity to play each opposing team once at home and once away each season. There are also some teams that only played each opponent once per season, in which case the flip-flopping schedule would generally occur for the most part annually, home one year and away the next year. Again, the dynamics of the game schedules for teams is heavily determined by the Bay State Conference and coaches scheduling non-league competitions to fill their schedules. The Consultant has concern regarding the opportunities for teams to compete at night or at a time when it would be more convenient for spectators to attend. Most notable is the opportunity for baseball to play night games while softball does not have the same opportunity. Field Hockey does not have the opportunity to play night home games because the only playable field with lights is located at Bowditch stadium however, the field is natural grass and not artificial turf which is required for Field Hockey. In addition, varsity football plays most if not all of their games on a Friday night allowing opportunity for spectators to more easily attend. Therefore, the advantage is to boy's teams relative to the opportunity for spectators to attend events.

It is important to note that Girl's Swimming competes in the fall season while Boy's Swimming competes in the winter season. According to the head girls' Swimming coach, the MIAA is the only state that offers Girls' Swimming in the fall and winter seasons and supports two girls' state championships. Furthermore, the Bay State Conference has maintained the Girls' Swimming schedules in the fall season however, there are some schools where the girls' team does swim in the winter as a coed team. When asked by the Consultant about their season being held in the fall, the female swim student-athletes interviewed seemed to feel that it is not a problem that the girls' team season is held in the fall. Additionally, they believed that if they did not swim in the fall season that they would not have any teams to compete against as most of the girls' teams in the Bay State Conference swim in the fall season. Also noted, Girl's and Boy's Tennis both play in the spring season as opposed to girl's playing in the fall and boy's in the spring. The Girls' and Boys' Tennis seasons are dictated by the MIAA. The Consultant views this as an area of concern as two girls' sports are competing in what would be considered non-traditional seasons while there are no boy's teams that compete in a non-traditional season.

With regard to the teams where there was no equivalent for the other sex, all of the teams competed primarily within the Bay State Conference or against nearby districts and participated in the maximum number of events permitted by the MIAA and felt that their competitive schedules were sufficient.

Relative to team trips the Consultant found that a select few teams traveled on overnight trips as either part of their competition schedule or traveled during the off-season for purposes of attending a team camp. These trips were either paid for by the student-athletes and coach or through team fundraising efforts.

According to the Athletic Director, both the Boys' and Girls' Ice Hockey teams travel to Falmouth for a preseason scrimmage. They are transported on school buses and depart from the school on a Friday night. Each team is given the option of transportation back home however, if all parents agree to take their son or daughter home with them the school releases them to their parents. Student-athletes stay with their parents. Some stay in hotel rooms and a room rate for all Framingham ice hockey families is

arranged and given to members of both teams. The Athletic Director did not know the cost per room as this is handled by the parents. Some families have second homes in the area and stay there. Other families will rent rooms at an Air-B & B and stay there as a group. Both teams received ice time playing against Falmouth and last year the girls received practice ice and a scrimmage while the boys had a second scrimmage all of which was agreed to by the coaches.

The Athletic Director explained that the schools have a good working relationship with one another and, it is sometime difficult for Falmouth to schedule scrimmages so, they appreciate when Framingham travels to play at Falmouth. In addition, the Athletic Director noted that the experience provides an opportunity for both teams to engage in team bonding activities. Last year both teams participated in bowling as a team bonding experience, heard a guest speaker and, experienced team dinners. Student-athletes and parents for both teams enjoy this opportunity and would like to see it continue.

There are travel opportunities for Boys' and Girls' Indoor Track as well. According to the Athletic Director, the Boys' and Girls' Track teams have identical travel opportunities. Both teams travel to Nationals, a series of relay events and pentathlon competition. The Athletic Director noted that both teams receive the same busing and share equal costs and expenses.

The number of sports per season for the Framingham High School interscholastic athletic program are as follows: fall – five boys' sports (cross country, football, golf, soccer and counting field hockey as a coed sport) and six girls' sports (swimming, cross country, soccer, volleyball, field hockey and counting football as a coed sport); winter – seven boys' sports (basketball, swimming, ice hockey, indoor track, alpine ski, wrestling and counting gymnastics as a coed sport) and six girls' sports (basketball, ice hockey, indoor track, alpine ski and gymnastics); and spring – five boys' sports (baseball, tennis, lacrosse, outdoor track and volleyball) and four girls' sports (softball, tennis, lacrosse and outdoor track). The number of sports per season shows a slight advantage favoring boys for the overall school year. Boys are offered one more sport in the winter and spring than girls.

Based on responses on the questionnaires and interviews of coaches and student-athletics as well as the information received from the athletic department, the Consultant's review indicates that the procedures regarding the scheduling of game and practice times tend to slightly favor boys' teams.

RECOMMENDED ACTIONS – Game and Practice Times and Scheduling

The number of regular season competitions is significant since the number of times student-athletes may compete is a major benefit. In general, the more competitions, the greater the benefit. Acceptable reasons for differences in the number of competitions include lack of competition, a coach's reasonable professional decision, and the preferences of the student-athletes. However, each of these justifications should be carefully examined.

- Continue to schedule the maximum number of competitions for all interscholastic sports teams. The opinions of coaches and administrators may determine the appropriate number of contests in addition to MIAA limits. This may be appropriate in that the Policy Interpretation recognizes that "reasonable professional decisions" and the "nature of the sport" may determine benefits.
- Examine competition schedules and evaluate opportunities that allow teams to compete when spectators are more likely to attend. The Office for Civil Rights' 1979 Policy Interpretation recognizes that actions that "limit the potential for women's athletic events to rose in spectator appeal" could delay the growth of girls' and women's athletic programs. Schools are expected to schedule times for girls' and boys' events that are equally convenient for audience attendance.
- Document practice schedules for the use of all gymnasium and field space to ensure that scheduling is equitable. Schedule team practices at the facility at which they compete. Always avoid displacing a team from their primary practice/competition area in order to accommodate another team as a matter of convenience.

- Resolving any season of sport issue may involve the cooperation of all other conference members, since the school competes against only nonconference members may preclude post-season opportunities for itself. Season of sport concerns that affect girls' teams more than boys' teams, or vice versa, should be resolved. This may require addressing the issue through the state high school athletic association.

Allocation Of Travel And Transportation Benefits And Per Diem Allowances

Standard of Review

The regulation at 34 C.F.R. §106.41(c)(4) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, the consultant considered equivalent provision of travel and per diem allowances. The Policy Interpretation states that compliance will be assessed by examining, among other factors, the equivalence of:

1. Modes of transportation,
2. Housing furnished during travel,
3. Length of stay before and after competitive events,
4. Per diem allowances; and
5. Dining arrangements

This area assesses modes of transportation, housing and dining arrangements during travel, length of stay on trips, and per diem allowances. At the high school level, the focus is on examining the school's competitive geographic area, using the competition schedules of all boy's and girl's teams, to evaluate the overall equivalency of the type of travel and transportation and per diem meal allowances provided to the respective teams.

In order to determine whether travel arrangements and allowances for teams are comparable, the modes of transportation, overnight accommodations and length of stay and, per diem allowances are reviewed.

For modes of transportation a district must provide girls' and boys' teams' comparable transportation to and from away contests. Differences in transportation could exist because of factors such as the number of student-athletes traveling with the team or the amount of equipment that needs to be transported.

Regarding overnight accommodations and length of stay, teams should have overnight accommodations that meet the needs of girls' and boys' teams equally including the overall quality of accommodations and number of student-athletes assigned to share rooms. Compliance also looks at whether girls' and boys' teams are provided sufficient opportunities to arrive at away contests with time to rest, eat meals, and prepare for the competition.

Per Diem allowances reflect the support provided for meals while traveling and that it is comparable for the girls' and boys' athletic programs.

The travel arrangements for boys' and girls' teams do not have to be identical. Sometimes there are various factors that affect the travel needs of a team or event. The services must be provided in a way that equally meets the overall needs of boys' and girls' teams. A determination must be made as to whether or not there is a pattern of favoring teams of one gender over the other.

FINDINGS – Allocation of Travel and Transportation Benefits and Per Diem Allowances

For this area of review, the Consultant relied on information provided by the athletic department and head coach and student-athlete questionnaire and interview responses of each team at the high school.

Most all teams travel by school bus. The exceptions include, Boy's Golf takes a van to all matches, Boys' and Girls' Tennis when not taking a school bus will use a school van whenever the coach chooses, Girl's Gymnastics uses a school van to transport student-athletes to practice and to some competitions, Boys' and Girls' Indoor Track will occasionally use vans as does Wrestling, and Freshman Softball will use a school van occasionally. The Girls' Cross Country coach indicated that they have used a small bus to transport to the facility where they run their home meets Farm Pond which is off campus a few miles from the high school. The Girls' Swimming coach said that they will carpool by choice for end-of-season competitions because there is usually only a few student-athletes that qualify for post-season. And, both Boys' and Girls' Alpine Ski will use a school bus to go to competitions however, after the race they will typically carpool home.

According to the athletic department, all student-athletes from each team, all coaches and team managers travel to away competitions. However, the Girl's Swimming coach indicated that when their

numbers approach fifty, they are not able to take every student-athlete to the away swim meets. The student-athletes who do not travel to the away meets, will remain at the pool facility to practice or to catch up on schoolwork, according to the coach. The coach further indicated that in the past they have taken travel squads because of the numbers. The Boys' Swimming coach did not indicate that the Boy's Swim team had the same issue. Consequently, for this program area, the District should provide girls' teams the capacity to allow all members of the swim team to travel to away meets same as the boys' team.

Head coach questionnaire responses and head coach interviews confirmed that no teams travel overnight in terms of a full team with the exception of Girls' and Boy's Ice Hockey and Boys' and Girl's Indoor Track. The Girl's and Boys' Ice Hockey teams travel to Falmouth at the same time during their competitive season. Both teams stay at the same hotel (the Seacrest) and play the same number of games. Student-athletes' parents pay the expenses during the stay with the exception of the cost for the bus transportation which is incurred by the District. The Girls' Ice Hockey coach indicated that the Boys' Ice Hockey team has been doing the Falmouth trip for a long time and that it is only recently that the Girl's Ice Hockey team has been permitted and provided the resources to include this trip on their schedule.

According to the Boys' and Girls' Indoor Track coaches, the teams have for the past two years traveled to New York City for an overnight trip in order to compete. Both coaches indicated that only selected student-athletes travel on this trip. The hotel rooms, transportation and meals were paid for by the student-athletes or their parents. The Boy's Indoor Track coach stated that he initially paid for the hotel rooms and then the parents of the student-athletes reimbursed him for the cost. The Boys' coach also indicated that the team, along with the girls' team traveled to the Dartmouth Relay event and stayed one night. The coach paid for the rooms and the parents reimbursed him. The Girls' Lacrosse coach indicated that she would like to do an overnight trip but, believed that the team would have to fundraise in order to pay for the costs. She suggested that the school would most likely not pay for an overnight trip for the team.

When asked by the Consultant as to whether or not any events had to be postponed or rescheduled because of transportation issues, the Athletic Director indicated that it is likely that he may have had to postpone a varsity event or cancel a sub-varsity game due to a driver shortage with the contracted bus company. Furthermore, he stated that the driver shortage and transportation issues are well documented however, documentation was not provided to the Consultant. While he could not recall any particular girl's teams whose games were interrupted by the driver shortage, the Athletic Director did recall that there were instances when events had to be reconfigured due to the driver shortage. He further indicated that the District has since purchased two vans that can be driven by coaches in order to alleviate the interruption of service to any interscholastic teams.

The Athletic Director stated that the District does not provide a per diem allowance to any student-athlete or any sports team. Furthermore, if there is a state champion wrestler who qualifies for regionals or a track athlete who qualifies beyond states they may receive money for a night stay at a hotel by the Framingham High School Foundation. The Athletic Director indicated that no teams receive transportation upgrades through the athletic department for state tournaments. The wrestling team may have had one or two student-athletes qualify for the New England Tournament every three to four years and those student-athletes and coaches were issued a van for transportation. The Athletic Director believes that the Framingham High School Foundation assisted with meal expenses in this case. He also recalled that approximately two years ago the Boys' Ice Hockey parents contributed to pay for a coach bus to a game when the team had to travel two hours to Springfield. In addition, the parents bought pizza for the team on the way home from the Springfield trip.

As stated by the head coach, Football often has a pre-game meal in the high school cafeteria. According to the coach, the cafeteria staff prepares the meals for the team or a local restaurant provides the food which is paid for by the Football booster club. All other sports teams organize one of the following meal arrangements: pasta parties or team dinners that are held at student-athlete's homes usually the night before a competition; parents provide snacks or donate food for away trips; end-of-the-season team

banquet or cookout; occasional stops after away competitions at restaurants where student-athletes pay for their own food.

In this program area, benefits slightly favor boys' teams. It appears that past practices which may have favored boys' teams to a greater degree have been corrected or are currently in the process of being corrected by the athletic department. Although the disparities for girls' teams in this area appear to be minor, the District should develop and adhere to policies and procedures that comply with Title IX with regard to this program area including monitoring and oversight of parent groups and booster club contributions that would provide additional travel benefits.

RECOMMENDED ACTIONS – Allocation of Travel and Transportation Benefits and Per Diem Allowances

- Continue to provide equitable transportation for all interscholastic sports teams.
- Develop written guidelines and practices for assigning coach or charter buses to teams.
- Document any booster club or fundraising support for overnight trips and ensure that all student-athletes have the financial support to attend and participate in competition.

Years of Experience, Quality, Compensation, and Assignment of Coaches

Standard of Review

The Office for Civil Rights combines two of the areas, which are defined in the Title IX Federal regulations: opportunity to receive coaching and the assignment and compensation of coaches – into one investigative category. A third area includes the qualifications of coaches. The focus of the OCR inquiry in this area is whether, in an overall fashion, female athletes at a school have access to the same quality and expertise of coaching as do, in an overall manner, the male athletes at the school.

The opportunity for student-athletes to receive coaching concerns the amount of coaching available to male and female student-athletes. This can be evaluated by comparing the ratio of coaches to players for boys and girls. In addition, it is helpful to look at the number of coaches for each program who work at the school during the day otherwise referred to as on-campus coaches. On-campus coaches are apt to be available during the school day and can be an advantage for a team because it may help coaches connect with student-athletes and promote enthusiasm for the team.

The qualifications of coaches can be a very subjective factor, which may require a determination of whether there is a pattern of assigning less qualified coaches to teams for one sex over the other. Sometimes measurable qualifications do not necessarily translate into higher quality coaching. Factors to consider in reviewing the data are years of coaching experience and seniority with the school district.

The Policy Interpretation states: "In general, a violation... will be found only where compensation or assignment policies or practices deny male and female athletes coaching of equivalent quality, nature, or availability." Thus, despite the factors listed for assignment and compensation, which parallel employment considerations, the intent of the Title IX athletics provisions is to ensure that equally qualified coaches are equally available to male and female athletes.

In the 1990 Title IX Athletics Investigator's Manual, OCR consolidates twelve coaching factors into three. The availability of coaches encompasses contract lengths, contract renewal practices, the nature of duties, and working conditions. Coaches' qualifications encompass training, professional standing, and experience. Compensation incorporates salaries and other compensation. Therefore, the three factors that are analyzed include:

- Availability – the number of coaches assigned to each team, lengths of contract, full/part-time status and other duties or employment that affects a coach's time was reviewed.
- Qualifications – coaches' qualifications reviewed included years of experience and success.
- Compensation – analysis included whether the school allocates sufficient resources to provide male and female student-athletes with equally available and equally qualified coaches.

In addition, it is important to note that a unique aspect of the coaching program component is that offsetting benefits among the factors of availability, qualifications, and compensation are highly unlikely. For example, compensation that favors girls' coaches cannot offset a shortage of coaches in the girls' program. Higher qualifications of girls' coaches also cannot offset coaching shortages for girls, unless the differences between girls' and boys' coaches' qualifications are exceptional. Therefore, the best approach is to comply with each factor.

FINDINGS – Years of Experience, Quality, Compensation, and Assignment of Coaches

In reviewing this component, the Consultant interviewed the Athletic Director, head coaches and student-athletes as well as viewing responses from the questionnaires, to determine the nature of coaching assignments for each team. The Consultant determined that the District primarily follows a model that assigns a head coach to each varsity, junior varsity, and freshman team.

The availability of coaches is one of the most important benefits for student-athletes. High school coaches at Framingham School District are paid stipends specifically for their coaching duties rather than salaries for combined teaching and coaching positions. Their coaching duties are for the sports season. All Framingham School District athletic coaches are considered part-time coaches and are on a year-to-

year contract. Thus, analysis focused on, the number of coaches per team; coaches' non-coaching status at the school; and the extent to which other duties affect a coach's availability to the team.

For boys' and girls' teams in the same or similar sports, the coaching availability appears to be the same. For boys' and girls' coed teams, coaching staffs must split their time between male and female student-athletes on the team. The compliance concern with coed teams is whether or not the coaching availability is the same for boys and girls or whether coaches spend more time coaching male rather than female student-athletes or possibly vice versa.

The number of coaches for each team is a significant factor as well. With regard to volunteer coaches, schools have no obligation to offset the availability of volunteer coaches. The number of coaches includes those paid by any booster club, parents, or other coaches. If a volunteer coach receives any monetary compensation from any source, including booster clubs, the volunteer coach is then viewed as paid by the school and counted among the coaches available to that team.

In the 2018-2019 and 2017-2018 seasons, there were several teams, both boys and girls that had volunteer coaches. According to the Athletic Director, "Finding coaches is very difficult so bringing in volunteer coaches is determined by the head coach with our knowledge of who it is. They are given a CORI and if they pass, we allow them to coach. It is not often you can find qualified volunteers who are willing to work the long hours we end up asking of our coaches so when we get worthwhile volunteers, we try to keep them." The Consultant was unable to determine which, if any, volunteer coaches received any type of compensation from booster clubs, parent groups or other coaches. The methodology for tracking volunteer coaches and any compensation received from any booster club does not appear to be documented and would require further investigation.

A review of the number of student-athletes per coach was calculated. The Consultant did take into account the teams where coaching stipends were split in order to compensate an additional coach. The following teams split coaching stipends in the 2018-2019 seasons:

Boys' Teams – Baseball split the JV stipend and freshman stipend to compensate two additional coaches; Football split the freshman stipend to compensate one additional coach; Ice Hockey used the freshman coach stipend to compensate a varsity assistant coach because there was no freshman ice hockey team that season.

Girls' Teams – Tennis split the assistant's stipend to compensate an additional coach; Lacrosse split the JV stipend to compensate an additional coach; Volleyball split the freshman stipend to compensate an additional coach; Ice Hockey used the freshman coach stipend to compensate a varsity assistant coach because there was no freshman ice hockey team that season.

Coed Teams – Indoor Track split the assistant's stipend to compensate an additional coach; Outdoor Track split the assistant's stipend to compensate an additional coach.

By the flat numbers and not including volunteer coaches, boys' teams reflected a 10.58 student-athlete to coach ratio, girls' teams a 9.97 student-athlete to coach ratio and coed teams a 16.14 student-athlete to coach ratio. The general concern regarding student-athlete to coach ratios appears in the coed team ratios where there are large numbers of student-athletes and low numbers of coaches resulting in large student-athlete to coach ratios. Of most concern is Boy's and Girls' Indoor and Outdoor Track where the ratio of student-athlete to coach is approximately 29 to 1. During the student-athlete interviews both the Boys' and Girls' Track student-athletes expressed that all Track coaches were available to all student-athletes on both teams and, that all coaches divided their time equally among all team members on both teams.

Evaluating coaching availability for dissimilar sports can be difficult. The nature of the sport of football and the number of participants can justify some additional coaching availability, if not excessive. During the 2018-2019 season, the varsity and junior varsity Football teams have one coach for every 17 student-athletes, not counting volunteer coaches. When counting volunteer coaches in Football the student-athlete to coach ratio drops to 12.14 assuming that all Football volunteer coaches (2) are assisting at the varsity/JV level.

Overall, girls' teams have one coach for every 9.97 student-athletes, while the coaching/student-athlete ratio is higher for coed teams at 22.17 student-athletes to one coach. The difference in student-athlete to coach ratios between boys' and girls' team does not appear to be a major disparity at this time.

However, if the District takes measures to increase the number of participation opportunities for girls then, there may be a concern relative to the number of potential opportunity slots created for girls.

Another factor taken into consideration is the number of on-campus and off-campus coaches in the athletic program. Overall, in the 2018-2019 school year, boys' teams had 17 on-campus and 24 off-campus coaches; girls' 22 on-campus and 11 off-campus; coed teams six on-campus and six off-campus coaches. Given the challenges that many schools face regarding recruitment and hiring of on-campus coaches, this is an area of compliance that will require further analysis and continuous monitoring.

Framingham High School's athletic program has 42 paid boys' coaches, 26 paid girls' coaches, and ten paid coaches of coed teams. The following information reflects the data received from the athletic department, head coach interviews and questionnaire responses.

Of the 42 boys' coaches, there was a total of 411 years of coaching experience, averaging 9.79 years per coach. The 26 girls' coaches totaled 165 years of coaching experience, averaging 6.35 years per coach. Of the 10 coed team coaches, the total years coaching was 119, averaging 11.9 per coach. Overall, these numbers may indicate a disparity for girls' coaches relative to total years of coaching and average years per coach compared to boys' coaches. However, this component needs further analysis that would include all coaches including assistant coaches, in order to calculate an accurate and more specific comparison.

In addition to years of experience, coaching success is also reviewed. Responses on the head coaches' questionnaires were limited in analyzing this particular area. However, of the coaches that did respond to this area on the questionnaire and statements made in the coach interviews, there were indications of successful win-loss records, coaches competing at the high school and college level and coaching experience beyond school district experience including college-level coaching. In addition, there were coaches who received Coach-of-the-Year recognitions for both boys' and girls' team's coaches and who have led teams to state championships, etc. It would be beneficial to further detail this component area in order to have a complete understanding of all coaches' qualifications.

Coaches' salaries are determined through the School District's Collective Bargaining Agreement. Coaching stipends are arranged by category or level. The "Football F1" category includes only the Varsity Football coach stipend of \$9,000, the "Football F2" category includes the stipend for assistant football and JV football coaches at \$5,100 and, the "Football F3" category lists the Freshman Football coach stipend of \$3,500. All other coaching stipends fall under four levels.

Listed are the four levels of compensation and the coaching positions associated with each level:

Level 1 - \$6,000: Varsity Baseball, Varsity Basketball, Varsity Field Hockey, Varsity Ice Hockey, Varsity Indoor Track, Varsity Lacrosse, Varsity Outdoor Track, Varsity Soccer, Varsity Softball, Varsity Swimming, Varsity Volleyball and Varsity Wrestling.

Level 2 - \$4,600: Varsity Cross Country, Varsity Golf, Varsity Gymnastics, Varsity Tennis and Alpine Skiing.

Level 3 - \$4,200: JV Baseball, JV Basketball, JV Field Hockey, JV Ice Hockey, JV Lacrosse, JV Soccer, JV Softball, JV Volleyball and JV Wrestling.

Level 4 - \$3,600: Assistant Cross Country, Assistant Golf, Assistant Gymnastics, Assistant Indoor Track, Assistant Outdoor Track, Assistant Swimming, Assistant Tennis, Freshman Baseball, Freshman Basketball, Freshman Ice Hockey, Freshman Field Hockey, Freshman Lacrosse, Freshman Soccer, Freshman Softball, Freshman Volleyball and Freshman Wrestling.

The salaries for coed teams' coaches are divided evenly and added to the totals for both the boys' and girls' programs. In effect, the coaches' salaries for coed teams total \$32,800; half of that amount – \$16,400 is added to the boys' coaches of \$153,500 for a new total of \$169,900. The sum of \$16,400 is also added to the salaries for girls' coaches of \$132,600 for a new total of \$149,000. When analyzing the coaches' compensation for boys' and girls' coaches and compare the rates of compensation to rates of participation, boys are 58% of the participants, and boys' coaches receive 53% (\$169,900) of the total coaches' salaries (\$318,900). Girls are 42% of the participants, and girls' coaches receive 47% (\$149,000)

of the total coaches' salaries. Based on this analysis, there does not appear to be a major concern with the area of coaching compensation.

Recognizing that in many high school settings, hiring qualified coaches may be challenging when there are few applicants available. Responses from the coach questionnaires and coach interviews indicated that the process for hiring coaches varied. Some coaches responded that they had one interview with the Athletic Director while others responded that there was more than one interview and at some point, the interview process included the high school principal. Still others indicated that there was an interview committee that was part of the hiring process. The District should consider establishing a systematic and consistent process for hiring coaches. The process should be well documented and followed for each coach hiring.

RECOMMENDED ACTIONS: Years of Experience, Quality, Compensation, and Assignment of Coaches

- The District should continue its efforts to recruit and encourage the best-qualified coaches for their girls' sports teams. Interview female student-athletes to determine what their concerns and needs may be with regard to coaching.
- The District should ensure that all coaches have the same authority and ability to advocate for their teams. Develop, communicate and clearly define the process for coaches to select assistant coaches and request support and resources for their teams.
- The Title IX regulation covers all aspects of employment such as hiring, job classification, recruitment, advertising, and compensation. By interagency agreement, individual employment complaints under Title IX are referred by OCR to the Equal Employment Opportunity Commission (EEOC) for investigation. The EEOC has issued guidance that clarifies specific details regarding coaches' salaries. The document can be accessed on the EEOC's website. The Consultant recommends that the District's Title IX Coordinator refer to the guidance in order to ensure that coaching salaries are meeting Title IX compliance.
- Monitor, guide and document practices of all outside groups and booster clubs and require that coaches and booster clubs report any compensation and/or gifts provided to coaches and volunteers. In addition, the District should define a procedure to document and guide teams that are using volunteer coaches from year to year.

Locker Rooms, Practice and Competition Facilities

Standard of Review

The regulation at 34 C.F.R. §106.41(c)(7) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, the consultant considered the provision of locker rooms, practice facilities, and competitive facilities. The Policy Interpretation discusses a number of factors to be considered in determining whether a district is providing equal opportunity in this area, including the quality and availability of locker rooms, practice facilities, and competitive facilities, and the exclusivity, maintenance and preparation of practice and competitive facilities.

In conducting the review, the Consultant visited each of the District's practice and competitive facilities, as well as its locker rooms and storage facilities to inspect them for each of these attributes. The site visit included athletic facilities at school-owned properties, city-owned properties and other properties owned and operated by other outside organizations. The District's athletic program utilizes approximately 46 athletic facilities located throughout the greater Framingham area.

The Consultant interviewed the Athletic Director, Assistant Athletic Director, head coaches and student-athletes from each sports team to ask them about the quality and exclusivity of their facilities. The Consultant requested the athletic department to complete data collection charts regarding information relative to locker rooms, practice and competition facilities however, the data charts were not completed by the athletic department. Therefore, with regard to each area, the Consultant attempted to analyze whether there were differences between boy's and girl's facilities, schedules, etc. based on the information obtained through the interviews and questionnaires. In the event that there were differences, the Consultant attempted to investigate in order to determine the overall effect of these differences on a program-wide level.

Compliance in this area requires that boys' and girls' sport facilities (both on and off-campus), used by boys' and girls' teams are comparable. Because different sports may have different requirements, identical facilities are not necessarily required. Therefore, nondiscriminatory differences are permitted. For example, certain sports require bigger lockers. However, sport-specific lockers should be provided on an equal basis. In general, facilities are to be equivalently adequate. Furthermore, compliance depends on the overall comparability of sports facilities for the entire athletic program rather than a comparison of facilities for similar girls' and boys' sports. A disparity in favor of a boys' team could be offset by a disparity in favor of a girls' team in another sport. However, for purposes of organizing and analyzing information in this area, it is helpful to assess facilities for same-sport teams together.

The following factors were considered in evaluating the practice and competitive facilities: quality and availability; exclusivity of use of facilities; availability of locker rooms; quality of locker rooms, maintenance and, preparation of facilities for practice and competitive events.

FINDINGS – Locker Rooms, Practice and Competition Facilities

Listed is a summary of Locker Rooms, Competitive and Practice Facilities used by the Framingham Athletic Program. The facilities used by the Framingham athletic program are listed with a summary description of each facility. The facilities are listed in groups as "School-Owned Facilities", "City-Owned Facilities" and "Other Non-School Owned Facilities".

School-Owned Facilities:

Phil Read Field – Located on the high school campus behind the high school. This is the only artificial turf field on the campus. The field is used by the following teams: Fall – Varsity, JV, Freshman Field Hockey for competitions and practice, Varsity, JV, Freshman Football for practices and competitions (JV/freshman); Winter – Boy's and Girl's indoor track – weather permitting for practices; Spring – Varsity, JV, Freshman Boys' and Girl's Lacrosse practice and competitions. There are small bleachers on one side of the field with minimal seating for approximately 150 spectators. The seating quality is poor or inadequate. The general space is good. The playing surface (artificial turf) is good to excellent. There are no lights on this field. The electronic scoreboard is located at one end of the field and is in good condition. There is no press box

or concession area at the facility. There are portable toilets that are installed during the fall and spring seasons. There is no official's locker room area. Access to locker rooms, training room, weight room, equipment room is average as this field is located on the high school campus. The overall quality of this facility is average to good.

Lower practice field – Located on the high school campus next to the high school. This is a natural grass field that lies below Read Field. It is used by freshman football in the fall for practice and for some sub-varsity Boys' and Girls' Lacrosse practices in the spring. This is a small field, not regulation length or width and the space and playing surface is poor. There is no seating. There is no electric scoreboard, press box, concessions area, restrooms, or official's locker room area located at this field. The access to locker rooms and other athletic related spaces is average as this field is next to the high school at the athletic facility end of the building. This field is poor in quality because of the field conditions and size however, it is only used infrequently.

Brophy Field - Located at Brophy elementary school approximately six miles from the high school. The field is used by Boys' and Girls' freshman soccer for competitions however, it is used only occasionally as a last resort field. There is no seating availability or other amenities located at this facility. The space is average and playing surface is poor in quality. When this facility is being used by athletic teams, the school will transport student-athletes to the facility.

King Field - Located at King Elementary school approximately two miles from the high school campus. This field is used by some teams only if needed – field hockey occasionally and sub-varsity teams. It is used very infrequently – just in case according to the Athletic Director. The field surface is natural grass and of average quality. The space is good. There is a softball facility located in one corner of the complex. There are no amenities at this field. This field is also used by community youth soccer groups and community men's slow pitch softball groups.

Walsh Middle School Gymnasium - This facility is rarely used by athletic teams – Boys' and Girls' Basketball teams will only use if necessary, for practices. The quality of the facility is excellent.

Fuller Middle School Gymnasium – This facility is rarely used by athletic teams – Boys' and Girls' Basketball may use the facility on Saturdays for practices. This is a very old building and gymnasium, and the District has plans to tear it down and replaced it with a new middle school on the same site.

Note: The High School building was built in 1961. In 2004, there were renovations to the building.

High School Main Gymnasium – This facility is a standard-size high school gymnasium. It is used by the following athletic teams: Fall - Girls' Volleyball in fall for practices and competitions, Boys' and Girls' Soccer and Football practices when inclement weather; Winter – Boy's and Girls' Basketball for practices and competitions, Wrestling for competitions; Spring – Boys' Volleyball for practices and competitions, Boys' and Girls' Outdoor Track for practices when inclement weather.

The seating capacity is approximately 800-1,000 and the seating quality is average – pullout wooden bleachers. There are six retractable baskets – two main baskets and four side baskets. There is a dividing curtain in the center of the gymnasium. The floor is a standard wooden gymnasium floor. The lighting is average to good in quality. There is a spotlight positioned at the center of the ceiling space that is used for Wrestling matches. The electronic scoreboard is good in quality. The concession area and rest rooms are located in main lobby. There is an official's locker room off of the main gymnasium.

The access to locker rooms, equipment areas, the athletic trainer and weight room is good for indoor sports teams. Physical Education classes use this facility during the regular school day. Overall, the quality of this facility is good for its age.

High School Auxiliary or "Back" Gymnasium - Although identified as an "auxiliary" gymnasium, this is a full-size gymnasium located behind the main gymnasium. This facility is used by Cheerleading for practices and competitions, Boy's and Girls' Indoor Track for practices, Wrestling for practices and competitions and

all levels of Baseball and Softball for practices when inclement weather. On occasion, Boys' and Girls' Tennis may use the facility when inclement weather. The space, floor, lighting and electronic scoreboard are good in quality. There are no other amenities in this facility. Rest rooms are located in the front hallway off of the main gymnasium. There are six permanent baskets – two main baskets and four side baskets. There is a suspended mat hoist for wrestling mats located at one end. There is a center dividing curtain and an indoor retractable batting cage located within the facility.

Access to locker rooms, equipment areas, the athletic trainer and weight room is average. Some of the teams using this facility bring their belongings to the gymnasium and do not use locker rooms. The overall quality of the facility is average.

Athletic Office - Located on the first floor of the high school building, next to the weight room off of the main gymnasium and athletic wing entrance lobby. There are two rooms – athletic secretary space and Athletic Director space. The athletic secretary space is average in size and the Assistant Athletic Director also shares this space. The Athletic Director's space is larger. Both spaces have carpeted floors and the flooring and lighting are of good quality. There are windows in both office spaces as well as air conditioning. Each space contains typical office furniture and accommodations including desks, bookcases, computers, printers, TV and phones. The Athletic Directors space also has a large table that is suitable to use for meeting space. The overall quality of the space is good.

Athletic Training Room - Located in the high school by the main gymnasium and across from the weight room. The facility is used by both boys' and girls' teams. The walking space within the facility is good. This is an adequate space, and the lighting, cleanliness and attractiveness is good in quality. Located in the space are seven treatment tables, one refrigerator, one ice machine and one heat pack unit. Assess to practice/competition facilities, locker rooms and the weight room depends on the team and where they practice and compete. There is no rest room or private exam room located in the facility. There is a large 'wet' area where water containers for the teams are filled and stored. There is a small kitchen area with a microwave, toaster oven, coffee maker and cabinetry for storage. Along with a desk with a computer that is used by the Athletic Trainer, there are filing cabinets and one metal cabinet. The athletic training room is overall of good quality and is an adequate facility.

Weight Room (Wellness Center) - Located next to the athletic office at the high school. The facility is used by boys' and girls' teams according to the Athletic Director. The flooring is mostly tile with a section of carpet-turf that is three-lanes wide running through the middle of one end of the weight room that is used for various workout exercises. There are windows along one side of the room. The lighting, walking space and size of the room is good to excellent and appears to be an adequate facility. There are full-length mirrors along the inside wall in the front part of the room. The room includes the following equipment: five weight benches, one Universal gym., seven Life Fitness racks along the window side of the room in the front area closest to the athletic office. There are several free weights of variety throughout the room. Seven treadmills – a combination of Life Fitness and Matrix. Five rowing machines. Six Life Fitness elliptical machines. Twelve stationary bikes – a combination of Life Fitness, Rogue and Assault brands. Several plyometrics boxes. Various mats for exercise and stretching and several foam rollers. There is a teacher's desk at the front of the room. There is a storage locker area for back packs, storage, etc. There is a copier/printer located in this space as well. There is a storage room located in the back half of the room that holds various pieces of equipment. There is also a rest room for staff located next to the storage room. There are two water fountains, one at each end of the room. There are five televisions located throughout the room and video and music. There are two record boards on the window wall side of the room that holds boys' and girl's weight room records. The room is clean and attractive. Access to: practice/competition facilities, locker rooms, the athletic training room for on campus teams is good however, for off campus teams it is poor or inadequate.

Main Equipment Room - Located at indoor athletic facilities end of the high school building on the basement floor. This space is connected to the Coaches' lounge area. Both boys' and girl's team's equipment are stored here. The floor is tile and walking space and lighting is average. There is metal shelving throughout

and custom-made storage units along one wall. There are laundry facilities are located in this area – the Assistant Athletic Director will wash uniforms at time of collection. According to the Athletic Director, there is enough room for storage of uniforms however, there is not enough room for all equipment storage. The Assistant Athletic Director is in charge of managing the equipment room. Assess to other facilities depends on the team and where they practice/compete.

Coaches' Lounge - Located at the indoor athletic facilities end of the high school building on the basement floor. Must pass through this area in order to access the main equipment room. The Athletic Director created this space for coaches to meet with their teams in order to view film and conduct team meetings. This space was formerly an equipment room. There is an open meeting area and an office off to one side which houses two PE staff members. One of the PE staff members is also the head Football coach. The office space is average in size and quality. There are two small bookcases and two chairs in the office area. Each desk holds a computer, and one printer is shared. Each desk has a phone. The floor is tile throughout and the floor quality and lighting is average. There are no windows or air conditioning however, there is ventilation. The desks in the office are one wood and one metal. There are two average size wood tables and one small wood table in the space. There are six office chairs in the meeting space. There is a white board on one wall and an overhead LCD projector. There is a small refrigerator and a microwave in the meeting space. There are eleven full-metal-mesh lockers along one wall. According to the Athletic Director, all coaches have access to this space and has been used by Football coaches to conduct meeting, Girls' Basketball coaches to conduct meetings and view film, and used for coaches' interviews. Access to this space by coaches depends on the team; the assess is poor or inadequate if a team practices/competes off campus.

J10 Classroom – Located down the hallway from the coaches' lounge. It is a long hallway/walk at the opposite end of floor. This classroom serves as a general meeting space for any coach and team.

Girls' PE Locker Room - Located in the high school building, off of the auxiliary gymnasium and near the main gymnasium. This locker room is used by physical education classes during the regular school day. Most girls' teams use this locker room after school. The locker room is locked down at 2:30 pm. each day. There are no designated team spaces in this locker room. There is an office space at the east end of the room that is used by the physical education staff. This locker room is a large, long room with rest room and shower facilities located in the center of the space and lockers on either side. In addition, there are two "team room" spaces; one at each end of the larger space. One of these spaces is approximately 18'7" by 12'7" (east-end locker room space) and the other space is a non-square shaped room approximately 12'7" on two opposite sides and one wall that is 20' long and the other opposite wall 17'9" (west-end locker room space). The flooring which is tile and the lighting are in good condition. There are 44 full mesh-metal lockers at the west-end of the locker room and 42 full mesh-metal lockers at the east-end of the locker room. There are 362 half metal-mesh lockers evenly distributed throughout the full locker room space. Lockers are of average quality. Meeting space throughout the main locker room is average and appropriate. The walking space is good throughout the room. The entire locker room space is relatively clean and attractive given the age of the facility. The restroom area holds eight toilets, eight mirrors, eight sinks and 21 total private shower spaces. Accessibility to practice/competition facilities, equipment rooms, the athletic training room and weight room depends on the team and whether or not they are off campus. The overall quality of this locker room is good relative to the age of the facility.

Girls Athletic Locker Room - Located in the high school next to the main gymnasium. There is an entrance to this locker room directly from the main gymnasium. This locker room is used by three girls' teams. In the fall, it is used by Girls' Volleyball, in the winter Girls' Basketball and in the spring Girls' Lacrosse. These three teams have exclusive use to this locker room. The floor is tile and of good quality as is the lighting. There are three benches disbursed throughout the space. There are 68 full metal-mesh lockers of average width (12"-15") and of good quality. The meeting space, walking space, cleanliness and attractiveness of the room is good. At one end of the locker room is the rest room and shower space. There are four toilet, four sinks, four wall mounted mirrors and seven private shower stalls. There is a television monitor in the

space and a music device, a white board on a wall and a bulletin board at the entrance of the locker room. There is an office located in this locker room that is used by the physical education staff according to the Athletic Director. The access to this locker room is good for Volleyball and Basketball and average for Girls' Lacrosse due to the distance between this locker room and the athletic field that Girls' Lacrosse uses. The overall quality of the locker room is good.

Boys' PE Locker Room – Located in the high school opposite the Girls' PE locker room (on the opposite side of the auxiliary gymnasium). The floor is tile and the floor quality and lighting are average. There are five wooden benches disbursed throughout the room in front of the lockers. There are 93 full metal-mesh lockers of average width (12"-15"). This locker room is smaller in size than the Girls' PE locker room. The quality of the lockers, meeting space, walking space, cleanliness, attractiveness is average to poor due to the age and the extensive use of the locker room over time. There is a small "team room" space at one end of the room. There is an office space in the locker room that the Athletic Director believes is not being used by PE staff or coaches. The restroom/shower area contains four toilets, four urinals, four sinks, three wall-mounted mirrors, eight wall showers and one private/handicap shower. The Athletic Director is uncertain as to what boys' teams use this locker room – possibly Boys' Lacrosse, Boys' Soccer, Baseball, Boys' Track and Boys' Cross Country. The locker room is also used by PE classes during the regular school day. Access to the locker room depends on the teams that use it. Teams that practice/compete off-campus have poor access to this locker room due to the distance between the practice facility and the locker room. Overall, the quality of this locker room is average to poor due to the age of the facility and use over a long period of time.

Boys' Athletic Locker Room – 1 - Located in the high school across the hall from the auxiliary gymnasium and connected to Boy's Athletic Locker Room – 2. This locker room is used by Football in the fall, Wrestling in the winter and Lacrosse in the spring. The floor is tile and of average quality as it is aged and worn. The lighting is good. There are seven wooden benches disbursed throughout the room. There are 84 full metal-mesh lockers of average width (12"-15"). The quality of lockers, meeting space, walking space, cleanliness and attractiveness is average to good. There is a separate "team room" area connected to this locker room (11' x 14 1/2') with full metal lockers. The restroom/shower area contains one toilet, two urinals, three sinks, eight wall showers and one private/handicap shower. There is one large whiteboard, a large television screen on wall and one countdown clock next to large white board. This locker room is of average quality.

Boys' Athletic Locker Room – 2 - Located in the high school across the hall from the auxiliary gymnasium. This locker room is exclusively used by freshman Football in the fall and Wrestling in the winter. According to the Athletic Director, no team uses this locker room in the spring. The floor is tile and of good quality. The lighting is good. There are five wooden benches disbursed throughout the space. There are 134 half metal-mesh lockers (double-stacked) of average width (12"-15"). The lockers, meeting space, walking space, cleanliness and attractiveness is average for the age of the facility. There is an office space at one end of the locker room and, according to the Athletic Director, is used for weigh-ins for the Wrestling team. There is a large equipment storage room at the other end of the locker room that holds mainly Track equipment however, there is various other sports equipment stored in the room. The rest room/shower area contains one toilet, two urinals, two sinks, eight wall showers and one private/handicap shower. Access to the locker room is good for Wrestling and poor for freshman football due to the location of the freshman Football practice/competition facility. Overall, the locker room is of average to good quality.

City-Owned Facilities:

Winch Field Complex – Located next to the high school. The Winch Field Complex is a large space that supports two softball fields, one baseball field and open space to support two soccer fields which do overlap the outfields of baseball and softball.

Winch Field Complex – Varsity Softball

Used by Varsity Softball for practice and competitions. It is an average space. The grass is poor to average. The infield is average (not groomed at the time of the visit). There are no lights at this field. There are no dugouts; only a very small bench area which is inadequate to support a softball team. There is an electronic scoreboard that is some distance off to the side of the field. This scoreboard is used by soccer during games and then used in the spring by softball. It is inconvenient to the site for softball use. There is no press box and no concessions area. The seating capacity and quality is inadequate. There is a large shed at this field where equipment is stored. There are no batting cages or bull pens at this field. There is no outfield fence. There are portable toilets installed during the season. Locker room, equipment room, the athletic training room and weight room accessibility is average as this field is next to the high school building. This facility is poor in quality given the deficiency of amenities.

Winch Field Complex – JV Softball/Fr. Softball

Used by the JV and Freshman Softball teams for practice and competitions. Located at the corner of the main road and high school driveway entrance. It is an average space. The grass and infield are poor. There are no lights or dugouts at this facility – there is a small bench area for teams that is inadequate. There is no outfield fence, scoreboard, press box or concessions area. Spectator seating is inadequate. The outfield is used in the fall by JV/Freshman Boys' and Girls' Soccer for practices and competitions. There is no equipment storage, batting cages or bullpen area. Portable toilets are installed during the season. Access to locker rooms and other areas is poor due to the distance from the school building and this area of the complex. The overall quality of this facility is poor.

Winch Field Complex – Baseball

Used by the Freshman Baseball team for practice and competition. Next to the high school campus but, located further away from the high school building. There are no lights, fencing, scoreboard, press box, concessions area, batting cages, bullpen, restrooms or water fountain at this facility. There is a large aluminum bleacher seating area along the first base line of average quality – installed for the youth baseball program. This facility is of average quality.

Winch Field Complex – Soccer

As a part of the Winch Field complex, there is a large open field area located at one end of the space. This area is used by the Boy's and Girls' Varsity, JV and Freshman Soccer teams for practices and competitions. The playing surface is natural grass of average to poor quality. There is a large electronic scoreboard at one corner of the field that is occasionally used by Varsity Softball in the spring. There are no other amenities at this field space other than the close proximity to the high school building.

Winch Tennis Courts (outdoor tennis courts) - Located next to the high school campus across the driveway from the Winch Field Complex. The tennis courts are used by Boy's and Girls' Varsity/JV Tennis for practices and competitions. There are six regulation tennis courts. The standard tennis surface is in poor condition due to the large cracks running through several of the court surfaces. The tennis nets are in good condition – the Athletic Director indicated that they are taken down and stored each winter. There are no amenities other than the close proximity to the high school building. At the time of the site visit, the Athletic Director said the tennis courts will be reconstructed by the City's Parks and Recreation Department due to the large cracks in the playing surface. This may be an issue if the tennis courts are not available for the school teams to use – the school would have to send teams farther away off campus to an alternate facility.

Galvani Field 1 - Located approximately two miles from the high school campus. This field is used by Boy's and Girls' Freshman Lacrosse and Freshman Soccer for competitions. According to the Athletic Director, this is an "as needed" field and is not used routinely. There is no spectator seating available at this field. The space is average to good and the natural grass surface is average in quality. There are no amenities at this facility. The school transports student-athletes to this facility when teams are scheduled to use it.

Butterworth Baseball Field - Located five miles from the high school campus. This field is used by three of the school's baseball teams. It is primarily used for practices, typically the third week of the season for a short period of time. It is generally used as an as-needed-facility. The field is a good space as an open field. There is a backstop in the corner of the field along the main road. The outfield is a natural grass field of average quality. The infield is of average quality. There are no amenities at this field. There is one, small portable bleacher unit of approximately thirty spectator seating capacity along the third baseline of poor quality. Overall, this facility is of average quality as a practice facility.

Butterworth Softball Field - Located five miles from the high school campus. This facility is used by the school's Varsity, JV and Freshman Softball teams for practices. It is typically used the third week of the season and then, the teams will relocate to another field. According to the Athletic Director, the field is an emergency practice field and is considered a utility field. The space, grass and infield are of good to average quality. There are not any amenities at this field.

Bowditch Complex - Located approximately three miles from the high school campus, this City-owned athletic complex houses a baseball field, tennis courts, stadium with an all-weather track and interior field. This facility is used by various Framingham School District athletic teams.

Bowditch Baseball Field – Located three miles from the high school campus. The field is used by Varsity Baseball for practices and competitions. Student-athletes typically drive themselves to the field. The space, the natural grass outfield and infield are of good quality. There are lights at this field that are used two times each season for two, night baseball games according to the Athletic Director. There are no built-in dugouts – the dugout area is a fenced-in concrete slab space for the teams. A three-foot fence encloses the entire field. There is a six-foot outfield fence and electronic scoreboard in left field that are of average in quality. There is no press box, concessions area, batting cages, bullpens, water fountains or locker rooms located at this field. Portable toilets are available nearby. There is one large aluminum bleacher structure on each baseline - two structures total – the spectator seating capacity is approximately 500 spectators. This field is also used by the local Legion baseball team and Framingham State College baseball team. Overall, this facility is of good quality.

Bowditch Tennis Courts (outdoor tennis courts) – Located three miles from the high school campus. The Boy's and Girls' Tennis teams may use these courts for practices and competitions. According to the Athletic Director, these tennis courts are used as a secondary facility and are not used frequently – this is a back-up facility. There are four regulation tennis courts and, the surface, nets, space and lights are of good quality. The courts are entirely enclosed with fencing and there is a rebounding board attached to the fencing at one end of the facility. There are no wind screens on the fencing or any other amenities at this facility. The school typically transports student-athletes to this facility when being used by the school's tennis teams. Overall, the quality of this facility is average.

Bowditch Stadium Field and All-Weather Track – Located three miles from the high school campus. This facility is used by Varsity Football for competitions and one time per season for a Freshman Football game in the fall. Also, in the fall, Varsity/JV Boys' and Girls' Soccer play two games on this field. Boy's and Girls' Varsity/JV Lacrosse will typically play two games each season at this field, weather permitting. No teams are permitted to practices on this field. There is a very large built-in bleacher system on home and away sides and a large aluminum bleacher system at one end of the field. There is a large brick structure ticket booth at the main entrance on the 'home side' of the stadium and open entrance to the facility. There is a six-lane all-weather track around the perimeter of the field. The seating capacity is approximately 7,000 spectators. Seating quality, the general space of the facility, playing surface (natural grass), lights, the electronic scoreboard, press box, concessions areas, restrooms, official's locker room are of good to excellent quality. There is locker room space and equipment storage under the permanent bleachers. The equipment storage houses track team equipment and maintenance equipment for football games (pylons, down markers, etc.). The field is also used by community youth sports teams and Framingham State College football for their home games. The District is not permitted by the City to play back-to-back games

in this facility because of the maintenance issues regarding the natural grass field. The all-weather track and outlying track event areas are used by the Boy's and Girls' Outdoor Track teams for practices and competitions. The Track teams do not use the locker rooms located under the bleachers. The school typically provides transportation to the facility for student-athletes. This is an overall good to excellent quality stadium facility.

Farm Pond Cross Country Course - Located five miles from the high school campus and near Loring Arena. The facility is used by the Boy's and Girls' Cross Country teams for all competitions. The Boys' team uses the facility for limited practices while the Girls' team uses it more frequently for practices – generally, the Cross Country teams practice at the high school campus in the beginning of the season. This is a 3.2-mile cross country competition course. There is no spectator seating capacity. There are no amenities at this facility. The space in general is adequate as a cross country competition course. The school will provide transportation for student-athletes to the facility as needed.

Longs Baseball Field – Located five miles from the high school campus. The field is situated next to Loring Arena and across the street from the Farm Pond Cross Country course. This field is used by JV Baseball for practices and competitions. The space, grass and infield are average to good in quality. There are lights and a scoreboard at this field but, are not used by the school team. There are no dugouts, outfield fence, press box or any other amenities. There are portable toilets available and rest rooms located nearby in Loring Arena. The school provides transportation to the field for the student-athletes. Overall, this facility is of average quality.

Longs Football Field - Located five miles from the high school campus. The field is situated next to Loring Arena and across the street from the Farm Pond Cross Country course. This field is used by Freshman Football for limited competitions typically one or two games per season as necessary. The space, grass and infield are average to good in quality. There are lights and a scoreboard at this field but, are not used by the school team. There are no dugouts, outfield fence, press box or any other amenities. There are portable toilets available and rest rooms located nearby in Loring Arena. The school provides transportation to the field for the student-athletes. Overall, this facility is of average quality.

Loring Arena – Located five miles from the high school campus. The facility is used by Boy's and Girls' Varsity/JV Ice Hockey for practices and competitions. The seating capacity is approximately 1,500 spectators. Seating quality, space, playing surface, lighting, electronic scoreboard, press box, concessions area, and rest rooms are good to excellent in quality. There is a large lounge area at the concession area. There are locker rooms and equipment areas at this facility that are used by both teams during the season. The school provides transportation to the facility for the student-athletes. Community youth teams also use this facility. Overall, the quality of this facility is excellent.

Note: According to the Athletic Director, the ice making machine that cleans off the ice is now available to clean the ice after each period during the Girls' Ice Hockey games. In previous years, this was not the practice.

Other Non-School Owned Facilities:

Framingham State College Softball Field - Located approximately four miles from the high school campus. This facility is used by the high school's Varsity, JV and Freshman Softball teams on occasions for practices during the first three weeks of season. The surface grass is artificial turf. The infield is well maintained, and the infield and outfield are of excellent quality. There are lights at this field however, the lights are not used by the Framingham high school teams. The dugouts are of good quality - open with protective fencing, seating and a roof covering. There is no outfield fence. There is an electronic scoreboard that is not used by the high school teams. There is average spectator seating capacity and quality. There are restrooms located in the concession area building behind the field. This facility is of good to excellent quality.

Note: There is a stadium located behind the softball field which has been used by the high school teams in the past – one Varsity Football game two years ago and one Varsity Boys' Soccer game in the 2019 fall season.

New England Baseball Complex (privately owned facility) - Located approximately fifteen miles from the high school campus. The facility is used by the school's Varsity, JV and Freshman Baseball and Softball teams for practices. It is used by the school teams during the first two weeks of the season. Due to the long distance from the high school campus, the school will provide transportation for student-athletes to the field. The District has only been using this facility for the past two years. The softball and baseball fields are aligned back-to-back and both fields are artificial turf fields. The space, grass, infield, and lighting are of excellent quality. The dugouts on the baseball field are enclosed cinder block structures and the dugouts on the softball field are of the open fencing style. Both dugout structures have roofing cover of similar quality. There are bullpens located at both fields. There is an indoor batting cage available to both teams. There are rest rooms and a water fountain available to both teams. The outfield fencing and electronic score boards are of excellent quality. There is no press box at either field and the concessions area is not used by the school district's teams.

Wayland Country Club – Located approximately five miles from the high school campus. The facility is used by the JV Boys' Golf for practices and competitions. It is an 18-hole public golf course. The space and playing surface are of good quality. Because it is not on the high school's campus, the access to locker rooms and other school services is inadequate. There is a pro shop, snack bar and rest rooms available for student-athletes to use. Parents or student-athletes themselves drive to course – for competitions, a school van is available to transport student-athletes to the course.

South Boro. Driving Range - Located eight miles from the high school campus. The facility is used by Boys' Varsity/JV Golf for practices once per week. The facility is a basic open space driving range. There is a pro shop and snack bar located at the facility. Parents typically drive student-athletes to facility for practice. Overall, the facility is of good quality.

Framingham Country Club (Private Club) - Located seven miles from the high school campus. The facility is used by Boys' Varsity Golf for competitions and occasionally for practices, one to two times per week as permitted. The space and playing surface are good in quality. The school's team is permitted access to the golf course, pro shop and indoor rest rooms. They are not permitted to use the locker rooms located in the clubhouse. The District provides vans to transport student-athletes to the course for competitions and parents transport the student-athletes to practices. Overall, the facility is good to excellent in quality.

Reggie Lewis Center - Note: The Consultant did not physically visit this facility. Information about the facility was obtained from the facility's website and information from the Athletic Director. Located in the City of Boston, Massachusetts, on Northeastern University's campus. The facility is used by the Boys' and Girls' Indoor Track teams for competitions. By all standards, this is a premiere facility.

Longfellow Tennis Complex (Indoor tennis courts - privately owned facility) - Located approximately five miles from the high school campus. The facility is used by the school's Boy's and Girls' Tennis teams for practices. There are seven regulation indoor tennis courts with indoor quality court surface. The court surface, nets, space, and lighting are excellent in quality. Student-athletes have access to rest rooms, water fountain and snack bar. Overall, the quality of the facility is excellent.

Keefe Technical High School Pool - Located five miles from the high school campus. The facility is used by the Girls' Swim team in the fall and the Boy's Swim team in the winter for practices and competitions. This is a six-lane pool with a deep end for diving. There is one diving board located at the deep end of the pool that is used for the diving portion of competitions. There is the Colorado timing system scoreboard and touchpads available to both teams to use during competitions. The Colorado scoreboard was originally at the facility – the Athletic Director purchased new touch pads three years ago in order to time home meets using the electronic timing system. The general space of the facility is good with spectator seating capacity

of approximately 400 spectators and is of good quality. The lighting, electronic scoreboard and rest rooms are of good quality for the age of the facility which was built in 1973.

The school's teams store their equipment in large bins located in the hall lobby area nearby. There are separate boy's and girls' locker rooms located off of the pool deck area with the boy's locker room being slightly larger than the girls' locker room. The overall quality of the facility is good for the age of the facility.

Shen's Gymnastic Academy Note: The Consultant did not physically visit this facility. Information about the facility was obtained from the facility's website and information from the Assistant Athletic Director who is also the assistant coach for the gymnastics team.

Located approximately nine miles from the high school campus. This is a privately owned facility used by the school's Girls' and Boy's Gymnastics teams. Shen's Gymnastics Academy has been training gymnasts and offering recreational gymnastics classes since 2008. It is owned and operated by Zufang Shen, who was a national team member of China. Zufang has coached and selected nationally ranked gymnasts in China for more than twenty years. She is currently an International Judge as well as a USAG Gymnastics National Level Judge. The facility is 11,900 square feet and holds the following equipment/apparatus: Balance beams: 6 high beams, 2 low beams; Uneven bars – 2 sets plus a high bar over the foam pit; Floor exercise – 1 Olympic size floor; Vault – one vaulting table. In addition, the teams have access to a 40 foot in-ground tumble track (trampoline), a 40-foot tumble strip and large foam-block training pit and three rest room facilities. Overall, the facility is of good to excellent in quality.

Alpine Ski Facilities - Note: The Consultant did not physically visit these facilities. Information about the facilities was taken from their website.

The coed Alpine Ski team uses two ski facilities. The Ski Ward Ski Area is located 18 miles from Framingham High School. The Blue Hills Ski Area is located 24 miles from Framingham High School. These two ski areas are used interchangeably by the Ski team throughout the regular season. The Alpine Ski coach rates these two facilities as good in quality.

Framingham High School offers eleven teams to boys and eleven to girls. The athletic department identifies six teams as "coed" because boys and girls are permitted to participate on those teams. Including the coed teams, there are ten boys' teams and ten girls' teams that use the same competitive facilities at the Varsity and JV levels as JV does not apply to every team: Varsity/JV Soccer, Varsity Cross Country, Varsity/JV Volleyball, Varsity/JV Basketball, Varsity Indoor Track, Varsity Outdoor Track and, Varsity/JV lacrosse, Varsity Alpine Ski, Varsity Gymnastics, Varsity Swimming, Varsity/JV Tennis, Varsity/JV Ice Hockey.

There appears to be no significant differences in the maintenance or preparation of these facilities for the respective girls' and boys' teams other than for softball thus, the quality of competitive facilities reflects a slight disparity. The Softball coach and student-athletes reported that the softball fields are not properly and adequately maintained by the City and that coaches must often rake and prepare the field for practices and competitions. It was also reported that a softball game that was scheduled to be played as a home game had to be relocated to the opponent's facility because the City of Framingham's Parks and Recreation Department closed the field not allowing the school team to play on the field.

It has not been determined to what extent if any, whether teams perform any chores in preparing facilities for practice. Further investigation in this area may be necessary in order to fully determine if the preparation of facilities affects the quality of the facility.

Varsity Football exclusively uses Bowditch stadium field for contests because it is the only suitable facility to play football games that is available to the District. Boys' and Girls' Outdoor Track use the Bowditch stadium all-weather track facility in the spring because that is where the only track is located. Varsity/JV Girls' and Boys' Soccer and Varsity/JV Boys' and Girls' Lacrosse use Bowditch stadium field occasionally each season for limited contests usually one or, two-night games a season as weather and use permits. Field Hockey is not able to use Bowditch stadium field for night contests because the field is natural grass and the dynamics of field hockey generally requires playing on artificial turf. The stadium

facility is of excellent quality however, the stadium field surface is sometimes impacted by weather and the amount of use by various teams.

Varsity Baseball and Varsity Softball use separate and different competitive facilities. Varsity Baseball competes at the Bowditch Complex on a field that is of good quality and relatively well maintained by the City. Varsity Softball competes at the Winch field complex and that field is poor in quality. The Policy Interpretation recognizes that actions promoting spectator appeal may encourage the growth of girls' athletics. Therefore, features providing an incentive for spectator attendance, such as high- quality seating, concessions, and field lighting in order to hold night games, are important when analyzing quality for competitive facilities. Given the maintenance and preparation issues and lack of features that provide incentive for spectator attendance at the softball field, Softball has disadvantages more so than baseball. In addition, the JV and Freshman Softball teams are required to practice on the same field. Typically, the Freshman team practices right after school and the JV team practices after the Freshman team. This is not the case for the JV and Freshman Baseball teams.

The indoor facilities used by Framingham sports teams include the high school main gymnasium and auxiliary gymnasium and the wellness center. The District's two middle school gymnasiums are occasionally used by the high school basketball teams. Non-school indoor facilities include Keefe pool, the Reggie Lewis Center and Shen's Gymnastics Academy. These facilities are generally good to excellent in quality. The Fuller Middle School gymnasium is of poor quality and is scheduled to be eliminated and replaced with a new gymnasium as part of the new middle school construction. Additionally, the high school gymnasiums provide several teams with practice space during inclement weather.

Several teams use the same facilities for practice as for competitive events noting following conditions:

- The Boy's and Girl's Cross Country teams race on the same off-campus course for competitions. However, the Boys' team will most often practice at the high school campus while the Girls' team will typically practice at the Long Pond facility where they compete.
- In addition to Boy's and Girls' Outdoor Track using the Bowditch stadium all-weather track facility for running events, the field events are located at outlying areas within the stadium.
- Boy's and girls' soccer use the same facility (Winch field complex) for competitions and practices. According to the Girls' Soccer coach, there can be as many as six teams practicing at the facility at the same time. The coach said that the Boy's and Girls' Soccer coaches work together in order to ensure that teams are receiving appropriate practice space. Coaches and student-athletes expressed that they do not feel that the facility is properly or adequately maintained. Furthermore, most all of the opponent schools have artificial turf fields for their soccer teams to use.
- Boy's and Girl's Lacrosse play their games and practice on the same field however, both teams sub-varsity level teams (JV and Freshman) will often practice on the lower grass field and not the field where they play their games.
- Boys' and Girl's Tennis practice and compete on the tennis courts located next to the high school campus. On occasion, the teams will play at the Bowditch Complex tennis courts. The Consultant was unable to determine how often the teams play matches at the Bowditch Complex or if both teams play there or only one of the teams play at Bowditch.
- Girls' Volleyball practices and competes in the high school main gymnasium in the fall and Boys' Volleyball in the spring.
- Girls' Swimming practices and competes at the pool located at Keefe Technical High School in the fall and Boy's Swimming in the spring.
- Boy's and Girls' Ice Hockey practice and compete at the same facility. According to the girls' coach, recently improvements have been made to include ice "cleaning" between each period during the girl's games the same as the boys. This was not done previously when ice was "cleaned" only once during girls' games.
- Coaches and student-athletes for tennis and indoor track expressed a need for more gymnasium practice space when there is inclement weather, and the teams are unable to practice outdoors.

Generally, outdoor boys' and girls' sports teams compete at facilities that range between average to excellent in quality. Field surfaces are natural grass and constant use does not allow for adequate and substantial recovery for grass to regenerate and grow. The only exception is Read Field which is an artificial turf surface. Although of the teams that use grass fields may be disadvantaged by the condition of the field at some point during the regular competitive season, girls' teams are disadvantaged to a slightly larger degree. Softball has the greatest disadvantage because of the condition of the playing area and because of the lack of amenities that are common to attracting spectators such as lights and adequate spectator seating. Similarly, Girl's Cross Country reported concerns regarding the condition of the racing course at the Long Pond facility. Often the course is littered with trash and there are ditches or holes throughout the course that are not maintained and could become a danger to the student-athletes that practice and compete on the course. There were no similar issues reported by boy's teams.

Overall, this area of compliance reflects an advantage to the boy's program. Generally, the proportions of male and female student-athletes assigned to good indoor practice and completion facilities are comparable. However, slightly more female than male student-athletes are assigned to poor quality outdoor facilities.

There are two locker room areas available to female student-athletes and three locker room areas available to male student-athletes. The Football team, Wrestling team, Boys' Basketball team, Boy's Track teams and Boy's Lacrosse team have the most significant quality locker room due to space and exclusivity. Three girls' teams, Basketball, Volleyball and Lacrosse use the girls' athletic locker room exclusively during their respective seasons.

Eight girls' teams use the girls' physical education locker room to dress for practices and games. This locker room is not always secure so members of the girls' team that use this locker room typically take their personal belongings with them to their respective practice or playing area. Although Girl's Lacrosse is assigned to the girl's athletic locker room, some of the Girl's Lacrosse team members choose to use the girl's physical education locker room because it is closer to the practice/competition facility that they use.

There are five boy's teams that may use the boy's physical education locker room however, not all team members of those team choose to use the locker room for various reasons including, overcrowding, too far from practice/playing facility, theft. Some boys' team members reported that they choose to dress in a school rest room.

Of the teams that compete or practice at the Bowditch facility, Football is the only team that is permitted to use that facility's locker rooms during Friday night football games. All other teams, Track, Baseball, Tennis, Lacrosse and Soccer do not have the locker rooms available to them. The City Parks and Recreation Department determines what groups are permitted to use the locker rooms at the Bowditch facility.

Boy's and Girl's Swimming use the locker rooms that are located at the pool facility at Keefe Technical School. Since the swim teams compete in different seasons, both teams are able to use both the boy's and girls' locker rooms. Coaches and student-athletes believe that the locker rooms are too small, especially the girls' locker room. During the girls' swim season in the fall the girls' team uses the boy's locker room because it is larger with overflowed into the girl's locker room. However, when there is a home swim meet the visiting team will use the girl's locker room. The same situation occurs during the boy's season in the winter.

Boy's and Girls' Ice Hockey use the locker rooms at Loring Arena during the season. According to the coaches and student-athletes, the locker rooms at the arena are of good to excellent quality however, the teams are not permitted to store their team equipment in the locker rooms and must take all of their equipment home after each practice and competition.

The Gymnastics and Alpine Ski teams do not have the availability of locker rooms at the facility where they practice and compete. The Gymnastics team has access to a small storage area and the facility rest rooms. The Alpine Ski team has access to facility rest rooms. Accordingly, coaches and student-athletes of these teams accept this as a condition of the circumstances of the sport and the facility that they use for practice and competition.

Some locker rooms, specifically the girls' physical education locker room, are overcrowded because of multiple teams using them. However, girl's teams are slightly more disadvantaged relative to exclusivity of use, quality and distance from their respective game or practice area.

RECOMMENDED ACTIONS: Locker rooms and Practice and Competition Facilities

Facilities are a major benefit for student-athletes and a common basis for compliance problems and formal complaints. Priority in resolving problems is prudent. Title IX analysis does not assess a specific facility in isolation, per an individual coach's view of his or her team's facility; it compares facilities provided to all girl's teams to those for all boy's teams. A coach may allege that his or her team's competition facility is "the worse in the conference," which even if true is irrelevant under Title IX. The relevant consideration is how that facility compares to the other facilities used by the school's interscholastic teams.

The Policy Interpretation recognizes that actions promoting spectator appeal may encourage the growth of girls' athletics. Therefore, features providing an incentive for spectator attendance, such as high-quality seating, concessions, and restrooms, are reviewed when analyzing quality for competitive facilities; however, such features are usually unnecessary at practice facilities and should not affect the evaluation of the practice facility's quality. Several features of lesser quality all affecting one team's facility may constitute a compliance problem.

The Framingham athletic department is presented with some unique challenges when it comes to the practice and competition facilities that the school's interscholastic athletic teams use. School teams use school-owned facilities, city-owned facilities and other facilities that are generally privately-owned or are part of a non-school or non-city organization such as a country club. The District is more likely and able to improve the school-owned facilities in order to correct any disparities. However, improving compliance issues that may exist with city-owned or privately-owned facilities that the school's teams use may be more challenging.

The District provides overall good quality indoor athletic facilities for the student-athletes who choose to participate in the school district's athletic program. However, outdoor facilities and more specifically, grass fields are for the most part average and to some degree poor due to overuse, inadequate maintenance and little or no recovery time. Many of these outdoor facilities are City-owned.

There are disparities regarding athletic facilities that should be addressed. Listed are recommendations for the District's consideration.

- The City's Parks and Recreation Department provides the District with many facilities used by the school's interscholastic athletic teams. Continue to build on the existing relationship that the District has with the City's Parks and Recreation Department. School officials should collaborate in order to assist the City's Parks and Recreation Department personnel better understand the application of Title IX to the school's interscholastic athletic program.
- Re-evaluate the assignment of team locker rooms in order to provide locker rooms for teams who desire them, especially girls' teams. Coordinate discussions with the coaching staff and student-athlete leaders from each team in order to engage in conversation regarding the distribution and rotation of locker rooms.
- Build new locker room spaces or create new locker room spaces from the existing building structure in order to safely accommodate student-athletes. The District may consider adapting the two end section spaces in the girl's physical education locker room by enclosing those spaces in order to create two "team room" spaces for girl's teams to use and that are secure.
- Re-evaluate the use of the middle school gymnasiums in order to make them more accessible to teams especially when there is inclement weather and teams need space to practice. Consider utilizing the new middle school gymnasium and field spaces when it goes online.

Nature of Publicity-Marketing-Media Services for Athletic Programs

Standard of Review

The regulation at 34 C.F.R. §106.41 (c)(10) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, the consultant considered equivalent provision of publicity. The Policy Interpretation states that compliance will be assessed by examining, among other factors, the equivalence of:

1. Availability and quality of sport information personnel,
2. Access to other publicity resources for boys' and girl's programs; and
3. Quantity and quality of publications and other promotional devices featuring boys' and girl's programs.

The publicity program area has somewhat limited application to most interscholastic athletics programs. "Publicity" addresses those benefits more common for intercollegiate programs where specific staff is assigned sports information and marketing duties, media guides and other publications are produced routinely, and promotions at competitive events such as raffles and giveaways are frequent. At the interscholastic level, sports information is often the responsibility of the Athletic Director and coaches, and few publications or game promotions are provided. The major publicity benefit provided most often at the interscholastic level include, but are not limited to; cheerleaders, bands, school newspaper articles, year-book coverage, posters and banners, school-wide announcements, pep rallies, programs and trophy cases, etc.

The focus regarding this program area is whether there is an overall equivalence in the support services provided to female and male teams with regard to marketing and publicizing athletics. The measure of equity in this area is based upon the efforts made by a school district to provide equal publicity and promotional services to both girls' and boys' sports programs.

Newspapers, television and other media are not required to be equally responsive to a school's efforts to publicize its girl's athletic programs. For the most part, this is outside the control of the school. What is required is equity on the part of the school in its efforts to publicize the girl's programs. While a district has no obligation to provide publicity or promotional activities for athletics, whatever resources are allocated to these activities, must be distributed equitably.

In conducting this analysis, the Consultant interviewed the Athletic Director, Assistant Athletic Director, head coaches and student-athletes from most all of the sports teams at the high school. The Consultant also reviewed information from coaches' and student-athlete questionnaires.

FINDINGS – Nature of Publicity-Marketing-Media Services for Athletic Programs

The Consultant learned that generally, the teams that have support groups such as cheerleaders attend their competitions are varsity and junior varsity Football (cheerleaders) and varsity and junior varsity Boys' Basketball (cheerleaders). Cheerleaders for Football and Basketball only attend home events. In addition, the dance team performs at a limited number of varsity Boys' Basketball games. The dance team typically performs at four or five varsity Girls' Basketball games. The Gymnastics coach indicated that the school mascot attends home meets. The mascot has also attended at least one home Girls' Swim meet.

The coaches of varsity Boys' Basketball, varsity Boys' Ice Hockey and Girls' varsity Ice Hockey stated that chorus students from the high school sing the National Anthem before games on occasion. The Boys' Volleyball, Girls' Basketball, Girls' Ice Hockey, Field Hockey, Girls' Volleyball and Girls' Lacrosse coaches indicated that they play pre-game music during the warm-up time before a game at most home events.

The varsity Girls' Basketball coach said that she would like to have cheerleaders at the home varsity games similar to that of the boys' team. The Field Hockey coach, Girls' Tennis coach and Girls' Track coach thought that they would like to have the mascot at home games and meets. The Wrestling coach also indicated that he has spoken to the dance team in order to try to have them attend home Wrestling matches.

The Consultant attempted to determine the reasonable efforts of school personnel (Athletic Director, Assistant Athletic Director, coaches, etc.), to obtain media coverage for the teams. Generally,

efforts to contact media is generally the coaches' responsibility. The degree to which coaches communicate with local newspapers and other media sources appeared consistent. Most boys' team coaches and girls' team coaches indicated that they contact the local newspapers either by phone or email in order to report the results after a game. Football is an exception in that the local newspaper attends the home football games in order to report the outcome of the game. The Boys' Ice Hockey coach and Softball coach feel that when their teams are doing well (winning), they will receive better coverage in the local newspapers.

According to the Athletic Director and Assistant Athletic Director, the athletic department does not create media guides for teams. All teams have schedules that appear by team on the high school's website. The athletic department provides rosters only for some home events and does not provide any programs for teams at home events. The high school administration and athletic department use social media such as Facebook, Instagram and Twitter to inform the public about event results, team schedules and other athletic related information. The athletic department maintains that they distribute social media postings equally to all teams. Generally, most teams oversee their own social media use such as Twitter, Instagram and Facebook. Many of the coaches reported that the athletic department does an adequate job of posting team results and information on social media. All teams have access to the high school's in-house broadcast venue Flyer News. In addition, many if not most teams receive some level of recognition through the City of Framingham's online newspaper the Framingham Source.

Most all of the student-athletes that were interviewed reported that there is one pep rally held each year before the traditional Thanksgiving Day football game. Many described the event as a Football recognition event where no other teams are recognized however, some viewed this pep rally as a venue to recognize all fall teams. Student-athletes generally believe that the pep rally is a positive activity for the school and is the school's biggest student body event.

The Consultant asked the Athletic Director for information regarding any teams that pay for publicity such as professional photographers, videographers, website development and maintenance. The Athletic Director offered the following response: "To my knowledge no teams have their own websites, but they are all encouraged to have their own social media. I can't think of a team without a Twitter, Facebook, or Instagram account. Our Director of Communications for the school district manages passwords for ours in athletics as well as the different teams. Different teams have volunteer photographers, generally parents who are aspiring amateur photographers, who take photos of their teams. Girls' Hockey has a professional photographer who is an alum who volunteers her time to the team. In terms of broadcasting there is a specific website who sponsors our boys' hockey tournament by providing broadcasting of the games. There is no financial benefit for the team and the webcasts are on a pay-per-view cite so the nature of the sponsorship is just filming the game. Our Girl's Hockey team also has a tournament called the Inclusion Cup and receives financial sponsorship from a group called Out-Metro West and the Gay Straight Alliance from Framingham High School. We also have a streaming option on YouTube through our HUDL system for basketball/volleyball. The only ones who broadcast/stream games are the girls' basketball team. This is a service free to those who want to watch it through a YouTube link. We get this benefit because we paid \$9,400.00 to Hudl so we can automatically upload games so coaches can get overnight statistical breakdowns of individual and team statistics."

Based on responses on the questionnaires and interviews and the information received from the athletic department, the Consultant's review indicates that the procedures regarding publicity, marketing, media services and general recognition of team accomplishments tend to slightly favor boys' teams.

RECOMMENDED ACTIONS: Nature of Publicity-Marketing-Media Services for Athletic Programs

- Teams may have different interests for support groups such as cheerleaders, pep band, and the mascot. A good compliance approach is to provide support groups as desired to all boys' and girls'

teams. When the interests of boys' and girls' teams diverge, offering the same group to all teams might not be equitable. If performances must be limited to only a few teams, then providing support groups at home and away events to the same extent for the same or similar number of boys' and girls' teams should achieve compliance. Another acceptable approach is to provide support groups at, for example, all home games for two boys' teams, and for some but not all home games for several girls' teams. This same approach can apply to away events.

- The Office for Civil Rights policy requires schools to make an equivalent effort to publicize and promote their boys' and girls' programs, even if the result is that only boys' team receive media coverage because newspapers, radio, and television have no obligations to provide equitable coverage. OCR's policy for equivalent effort is to ensure that school district administration does not presume less interest in girls' sports, and to publicize and promote girls' teams less. Even when media coverage has been denied in the past, school district administration should make reasonable efforts at reasonable intervals to obtain newspaper, radio, and television coverage for girls' teams when such coverage is provided to boys' teams.

SECTION 3

Additional Recommended Actions

The process of carrying out a Title IX review is a complex process and an educational one with potential benefits for all those in the District and community concerned with interscholastic athletics. By focusing, in a structured way, on issues of equal opportunity for male and female students in interscholastic athletics in the Framingham Public School system there is much to be gained by all students when it is understood that interscholastic athletic programs are school programs and therefore must be equally accessible to all. Excluding from participation in or denying the benefits of interscholastic athletic program opportunities because of gender is arguably the same as excluding or denying because of gender the right to a free and appropriate public education.

While the intent of Title IX is clear, its application is less so. In part to account for the differences in development of boys' and girls' sports in the United States, Title IX is imprecise in a number of areas. This imprecision frequently makes assessment a matter of judgment and perspective. For this reason, compliance problems were only identified when, in the judgment of the Consultant, the evidence was reasonably clear. In some areas it is extremely difficult to distinguish between legitimate nondiscriminatory differences and discriminatory differences. And, in some areas it is difficult to assess differences due in large part to the lack of necessary data submitted.

Arguably, competitive interscholastic girls' sports in the United States have been disadvantaged by prior discrimination and many years of the traditional ritual of sport than boys' sports. To a large degree, the effects of the past linger today, and the way in which our culture views and values sports still affects girl's athletics. This view can result in vast differences in judgments made about what is equitable and what is not.

Current culture favors certain sports over others, and almost invariably these few favored sports are boys' sports. These are the sports the fans support and the media cover. Since sports in the interscholastic setting not only serve student-athletes, but also the school, all its students and alumni, as well as the community of that school who are interested in sports as spectators; there is a natural tendency to provide greater support to the most favored sports. It has been said that it is actually the larger culture that defines the compliance questions asked here and makes the answers problematic and the solutions difficult.

The findings in this report focus on whether the District is fulfilling its obligation of equally accommodating boys and girls in interscholastic athletics according to the standards described by Title IX. In arriving at the findings, the resources provided to boys' and girl's teams were of prime concern, and therefore, sports perceived as "high profile" may have received more focus.

Framingham Public Schools provide a variety of opportunities for all students who choose to participate in interscholastic athletics. Along with the "RECOMMENDED ACTIONS" previously noted in the first two sections of the report, the Consultant offers these ADDITIONAL RECOMMENDED ACTIONS for the school district's consideration:

➤ **Collaboration between the School District's Title IX Coordinator and Athletic Director**

The District's Title IX Coordinator along with the Athletic Director should develop methods of disseminating information about Title IX compliance to student-athletes, coaches, administrators, school board members and community members; handle questions or complaints regarding compliance or any other issues related to gender equity; and monitor compliance on an ongoing basis, particularly in the event of any changes in the assessment standards promulgated by the OCR. These individuals are responsible for ensuring that the District meets the standards for Title IX compliance. Communication is imperative between the District Title IX Coordinator and The District Athletic Director in order to achieve success.

The District's Title IX Coordinator's primary focus should be the oversight and monitoring of the high school interscholastic athletic programs so that the District complies with Title IX. The primary focus of the District Athletic Director is to coordinate the activities at the school level that are designed to promote gender equity in athletics. These activities may include:

- Maintain a permanent Title IX file
- Establish a Gender Equity Committee
- Develop a Title IX Strategic Plan
- Complete a yearly Title IX review that includes a student athletics participation interest survey
- Professional development for staff
- Oversight and guidance of booster clubs, parent groups, team fundraising, the Framingham High School Foundation and any other outside funding resources

➤ **Permanent Title IX File**

The District should establish and maintain a Permanent Title IX File. This file should be kept in the office of the District Title IX Coordinator. The District should maintain a well-organized file with information arranged for easy access. The Permanent Title IX File should include any and all self-reviews completed to date as well as subsequent reviews that are performed. The Permanent Title IX File should include:

- All self-reviews that have been performed
- Any correspondence within the District regarding Title IX compliance and any correspondence with the Office for Civil Rights
- Written minutes for all Gender Equity Committee meetings
- Letters/written communications regarding Title IX
- A record of any complaints regarding gender equity
- Written booster club/parent group agreements
- Records of all Student Athletic Participation Interest Surveys
- All School Committee approved salary schedules for coaches
- Competition schedules for all sports for the past two (2) years
- Written team practice schedules
- School sponsored season (fall, winter, spring) sport schedules and game programs
- District facility planning documents relating to gender equity
- Written facility usage schedules for all athletic facilities that are shared
- Written designation of locker room space assigned to each team
- Written rotation and replacement plan for uniforms
- School generated athletic handbooks

➤ **Gender Equity Committee**

Establish a District-wide Gender Equity Committee designed to work with the athletic department in addressing gender equity issues. Include individuals with decision-making authority or the ability to influence decision-makers. Representatives should include all stakeholders in the District. The Title IX Coordinator should be a member of the committee. Also, the membership should include students. It is recommended that there be two students who are in different years of high school.

Suggestions for the composition of the Gender Equity Committee include:

- Title IX Coordinator
- Students
- School administrators
- Athletic Director
- Coaches of girls' and boys' teams
- School Committee members
- School board attorney
- District business administrator
- Counselors
- Booster club and/or Foundation members
- Parents

The Title IX Coordinator should educate persons new to the Gender Equity Committee by providing all Title IX related written materials and resources so that new members may clearly understand the duties they have agreed to perform. A membership list for each school year should be maintained in the permanent Title IX file. Members may serve more than one year, but committee membership should be reviewed and rotated every three to five years.

A minimum of three required meetings should be scheduled each year and others as needed. Meetings should be scheduled at the start of each sports season; August – Fall Sports Review, November – Winter Sports Review, February – Spring Sports Review. A quorum of the committee members must be present, and the meeting conducted in accordance with applicable state law and accepted rules of order. Written minutes should be kept of all meetings in the District’s permanent Title IX file.

The Gender Equity Committee shall develop a Title IX Strategic Plan and timetable for implementation of the Plan. The Gender Equity Committee shall monitor the Plan continuously and implement corrective action as necessary. The Strategic Plan should include a review of the current status of sports offerings for boys and girls and compare such areas as:

- Locker rooms, practice and competition facilities
- Coaching stipends, hiring process and student-athlete access to coaches
- Sports budgets and expenditures
- Total expenses for each gender
- Booster/Parent organizations
- Equipment and supplies
- Travel practices and allowances
- Medical and training facilities
- Scheduling of games and practice times

The Gender Equity Committee should identify specific needs for improvement in the athletics program, giving priority to items required for equitable treatment of girls and boys. A timetable should be established for implementing improvements based on:

- A comparison of sports offerings for girls and boys
- Facility reviews and identification of needed improvements
- Equalization of programs recognizing female and male student-athletes
- Reviews of coaching staff and revisions needed

➤ **Develop and Implement a Title IX Strategic Plan**

The District should develop and implement a Title IX Strategic Plan using the following guideline:

- Engage the Gender Equity Committee to work with the athletic department in addressing gender equity.
- Continue to evaluate the existing interscholastic athletic program.
- Periodically invite OCR (Office for Civil Rights) representatives or other Title IX consultants to visit the District and assist with evaluation and development of strategies.
- Identify community resources that may be of assistance.
- Inform staff of Title IX regulations and the existing program status.
- Establish training sessions to educate and sensitize staff.
- Identify individuals who will advocate for gender equity.
- Attend workshops and conferences to develop a better understanding of the law and its implementation.
- Work with local and state organizations to identify common solutions.
- Review goals and priorities. Review the way the District is doing business.
- Identify ways of meeting goals.
- Write an action plan, short and long term. In developing the action plan, include all components of the Title IX evaluation components. The action plan may include the following:

- Increase girls' participation opportunities
- Adding girls' sports
- Review resource allocation – including facility upgrade and improvement
- Enhance program marketing
- Explore additional funding resources
- Develop a process for recognizing interest levels to initiate new programs and upgrade club sports
- Keep the evaluation process active and responsive
- Develop change strategies. Be creative in the approach.
- Keep appropriate District groups informed of the progress. Submit reports at least semi-annually.
- Develop public relations strategies - be transparent and hide nothing.
- Establish a timeline for change.
- Educate stakeholders on the consequences for lack of compliance.
- Develop consensus based on facts and incorporate strategies to assist stakeholders feel comfortable with change.

➤ **Yearly Title IX Review**

The District's Title IX Coordinator and Athletic Director should continue to monitor and self-audit/review the athletic program relative to providing gender-equitable opportunities and treatment. The auditing process is not a static process or one-time opportunity. Title IX compliance in interscholastic athletic programs requires regular and consistent monitoring as part of the function of the District.

➤ **Professional Development for Coaches, School Personnel and School Committee Members**

Establish and implement an orientation and professional development program for all coaches, District personnel and School Committee Members regarding Title IX compliance. Include Title IX information relative to compliance in District Handbooks: Athletic Coaches' Handbook, Faculty Handbook and Student Handbook.

➤ **Booster Clubs/Parent Groups/Team Fundraising/Framingham High School Foundation**

The District must address any issues regarding compliance with "Other Athletics Benefits and Opportunities" and the sources of funding to provide these benefits and opportunities. OCR will evaluate all "other benefits" which are provided to athletic programs, regardless of the sources of funding which paid for those benefits. In other words, the evaluation of "other athletics benefits" is not limited merely to those benefits paid for directly by the school itself. Furthermore, benefits paid for by booster groups, by team fund-raising activities, and by any other source must also be considered when evaluating the overall balance of benefits.

Case law and OCR findings strongly indicate a need for supplemental fund-raising activities that respond to the financial needs of all girls' and boys' sport programs. If separate sport booster groups are authorized, a school or school district oversight plan must be initiated to ensure that all clubs have equal abilities to raise funds, improve or expand facilities and acquire advertising commitments.

As stated in a previous recommended action, the Consultant recommends that the District consider develop and implement policy, procedure and oversight of all funding resources that support the interscholastic athletic program in the District. In addition, the Consultant recommends establishing an oversight committee or support group to develop procedures to monitor and direct booster clubs, parent groups, team fundraising and any other outside resource. When developing the initial support group, administrative guidance and direction should be obtained to include a clear directive requiring all proceeds used for general enhancement of the entire athletic program. In this regard, equity principles and compliance benchmarks described in Title IX law must be used to guide fundraising efforts and resource allocation decisions.

Specific to booster clubs, a process for official authorization of booster clubs and the development of a fund-raising approval process is also recommended. Inherent in the District's approval process should be a required constitution and set of by-laws to guide and focus the activities of booster clubs. School officials and the oversight committee/support group should establish the constitution and by-laws to describe the function of the booster clubs, the mechanics of policy-making for the clubs, a meeting schedule and the rules of order for conducting meetings. A fundamental purpose of the booster club constitution is to specify the club's roles in supplemental fund-raising as contrasted with policy and personnel decisions that are the responsibility of the school administration.

The District's requirements for booster clubs may include:

- Organization
 - Maintain bylaws and operating procedures – submit copies to school officials.
 - Elected officers – submit names and contact school officials.
 - Provide adequate insurance coverage for activities conducted on school premises.
- Fundraising
 - Submit fundraiser/activities approval request to school officials for approval.
 - Use internal controls to secure money collected from fundraising.
 - Funds collected must be used to support school activities.
 - Limit fundraising activities involving student labor to maximum number of hours or activities per year.
 - Require a Small Games of Chance license as per state requirements/regulations if applicable.
- Accounting
 - Employer Identification Number – booster clubs are may not be permitted to use the District's EIN.
 - Suggested – at least two officers as signers.
 - Collected fees, dues and fundraising must be deposited upon receipt.
 - Reconcile bank statements monthly.
 - Disbursement vouchers.
 - A method of record documentation.
 - Require a surety bond for the treasurer or fund custodian.
 - Require an annual audit with copies to school officials.

Require booster clubs to follow state statutes and regulations. The District and booster clubs must work hand-in-hand to provide equitable opportunities for all students who participate in District athletic programs.

Conclusion

In large part, Title IX is about change including breaking down gender-role stereotypes in school settings and developing and sustaining positive self-esteem among girls and boys. Title IX might be viewed as a process of gender equity and educational equity. Gender equity seeks to guarantee an equal opportunity for males and females to participate in all courses and all activities – educational equity exists when there are no systemic differences in the distribution of conditions, practices, and results based upon race, ethnicity, gender, economic status, or any other characteristic.

The benefits of participation in sports have been well documented for both sexes. Both males and females who participate in sports are less likely to use illicit drugs, to smoke, to contemplate suicide, to drop out of school and, have better grades and fewer absences. In addition, those who participate in sports have better physical and mental health, are more socially involved in their school-community, more likely to go on to college, to stay physically active as adults, engage in contact with caring adults and, have an understanding of the life lessons that participation in sports can teach.

Boys are not going to lose when girls are treated equally. Title IX is about educational leaders and decision makers ensuring that boys and girls share the playing fields. College sports might be big business for those schools, but when it comes to interscholastic athletics and the students who participate, athletics are another part of the educational experience. Title IX's intent is to ensure that male and female athletes have equal access to all that athletics offers; competition, scholarships, coaching, fitness, health, life lessons to name a few.

Gender discrimination in high school athletics should not be ignored by school districts. Implementing the programs fairly and equitably or, in some cases, at all is the challenge. School districts need first to concentrate on preparing students for the academic challenges that lay ahead, but they also must develop a long-range strategic plan to institute some of the parts of education that go beyond the textbooks.

This review is the first step in an overall process of rededication and recommitment on the part of the Framingham Public Schools in achieving gender equity in interscholastic athletics. As part of this process, must also come a renewed sensitivity and awareness of issues of gender equity. With the achievement of this goal, the elimination of the kinds of problems of gender equity that have been identified will inevitably follow. The correction of these problems is primarily a process and perhaps a philosophical and cultural shift that will be an inevitable result of taking a fresh look at the issues.

To achieve the goal of creating gender equity in interscholastic athletics will require an ongoing process with structured follow up. Goodwill and commitment toward the goal of achieving equal opportunity that has been identified among those associated with interscholastic athletics, as well as among the leaders of Framingham Public Schools, ensures confidence that the District will be successful in achieving this goal in the foreseeable future.

Boys and girls need to be provided equal opportunities and what is given to one must be offered to the other. The relative popularity of sports and athletics is not necessarily relevant, the opportunities for students who attend federally funded schools is. The true litmus test according to the NCAA Gender Equity Task Force is, "An athletics program can be considered gender equitable when the participants in both the men's and women's sports programs would accept as fair and equitable the overall program of the other gender." The vital point to remember is that it is important to continue to support the athletic ambition of girls and boys while not curtailing the progress of one over the other. Title IX is a sensitive subject and a delicate mix that calls for good governance, fairness and judgment.

Acknowledgements

The Consultant would like to thank the Athletic Director, Assistant Athletic Director, Athletic Office Manager, Coaches, Athletic Trainer, Student-Athletes and District Title IX Coordinator of Framingham Public Schools completing the questionnaires, participating in the interviews and contributing information in order to complete this athletic program Title IX benefits assessment.