

ON BEHALF OF RACHEL JONES

March 6, 2009

Via Hand Delivery

Ms. Joy Tucker, Principal
Mr. Jason Rubin, Athletic Director
SVL Member
Pacheco Middle School
7430 Pacheco School Rd.
Redding, CA 96002

Ms. Lisa Memeo, Athletic Director
SVL Member
Evergreen Middle School
19500 Learning Way
Cottonwood, CA 96022

Mr. John Almond, Interim Superintendent
Ms. Deidra Hoffman, Superintendent
Pacheco School District
20981 Dersch Rd.
Anderson, CA 96007

Mr. Dave Hill, Athletic Director
SVL Member
Mistletoe Middle School
1225 Mistletoe Ln.
Redding, CA 96002

Ms. Nancy Wagner, Athletic Director
SVL Member
Berrendos Middle School
401 Chestnut Ave.
Red Bluff, CA 96080

Cory Reagan, Jr. High Athletic Director
SVL Member
University Preparatory School
2200 Eureka Way
Redding, CA 96001

Re: Potential Discrimination Lawsuit Based on Gender Concerning Pacheco School District, Pacheco Middle School and Shasta Valley League Members

Dear Sirs/Madams;

I am writing to you in an effort to have you reverse your decision regarding my daughter, Rachel Jones, not being allowed to play on the baseball team at Pacheco Middle School. I am asking you to make this decision as soon as possible so there will be no need for litigation.

I was informed by the Principal of Pacheco Middle School, Joy Tucker, that she was under the impression that there would not be anything that would prevent her from trying out for and making the team. She stated that as far as she was aware, there was only an issue when a male student wanted to try out for a girls' team.

After making the team and practicing with the team, I was then informed that the Board of Athletic Directors for the Shasta Valley League had a meeting and voted 4-0 that she not be allowed to

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participate on the baseball team, due to by-laws that state she cannot compete on the baseball team because the school offers a "comparable" sport for girls – Softball.

Prohibiting Rachel from playing on a school-sponsored baseball team based on gender is a clear violation of the Equal Protection Clause of the U.S. Constitution and Title IX of the Education Amendment Act of 1972. I am prepared to seek legal representation and file suit to compel Pacheco Middle School and The Shasta Valley League Athletic Directors to allow Rachel to play on the baseball team, unless this matter can be resolved quickly and amicably.

I have researched cases similar to this one and the courts have repeatedly found that rules banning girls from participating in athletic opportunities given to boys violate the Equal Protection Clause. In a West Virginia court case, *Israel v. West Virginia Secondary Schools Activities Commission*, the courts held that softball and baseball are different sports; therefore, preventing a girl from playing on the boys' team violated the 14th Amendment Equal Protection Clause and the girl must be allowed to try out for the baseball team. Under the Equal Protection Clause, girls may not be excluded from opportunities "based on generalized assumptions about the differences between males and females." In this instance, Rachel's dedication to the game and her skills should be allowed to speak for themselves. She has played Little League BASEBALL for the last 5 years. Though she was highly scrutinized by fellow players, parents and coaches in her first year in the Minors, she continued to practice and showed up and played every game.

Because Pacheco Middle School offers baseball to boys, but not girls, I believe that the Shasta Valley League and Pacheco Middle School is also violating Title IX by barring Rachel and other female students, if qualified, from participating in its baseball program. Title IX prohibits sex discrimination in educational programs and states that "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." The Department of Education regulations prohibits persons from being excluded from participation in interscholastic athletics on the basis of sex. The Department of Education regulations also states, "where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport." Baseball is not defined as a contact sport by these regulations.

I understand that the Athletic Directors in the Shasta Valley League have based their decision, in part, on the fact that Pacheco Middle School offers girls the opportunity to try-out for and participate on the softball team, which is deemed to be a comparable sport – but a quick comparison of the two games shows the many, substantial differences between the two, including the size and weight of the ball; how the ball is pitched; the distances between the pitcher's mound and home plate; the distance between the bases; whether a player can lead off, and so much more.

Because the baseball team is already practicing and their first game is scheduled for next week, I would like you to reconsider your decision as quickly as possible. If this matter cannot be resolved quickly and amicably, I will have no choice but to file a law suit and seek an injunction requiring the

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Athletic Directors in the Shasta Valley League, Pacheco School District and Pacheco Middle School to allow my daughter, Rachel Jones to participate immediately, so as to avoid any irreparable harm to her.

Please contact me before 5pm, March 13th, 2008 to let me know whether or not you are willing to reverse your decision.

Sincerely,

Mary F. Ruggles