



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

COMPLAINT NO. 06111022
RESOLUTION AGREEMENT

Presidio Independent School District (hereinafter the District) voluntarily enters into this Resolution Agreement (Agreement), as set forth below, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, to ensure its compliance with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.* (Title IX), and its implementing regulations at 34 C.F.R. Part 106.

Prior to OCR concluding its investigation and making an investigative finding, the District expressed an interest in resolving the compliance issues identified during the course of the investigation. The District voluntarily agrees to take the following steps:

I. LOCKER ROOMS, PRACTICE FACILITIES & COMPETITIVE FACILITIES

In order to ensure that the District provides equal athletic opportunities at its high school for members of both sexes in the provision of locker rooms, practice and competitive facilities in accord with 34 C.F.R. § 106.41(c)(7), the District agrees to the following:

- A. By _____, the District will conduct a self-assessment of the locker rooms, practice and competitive facilities that are provided to its boys' and girls' interscholastic athletics teams, including any facilities that are not owned by the District, to ensure that they are equivalent. The self-assessment will consider the following factors: quality and availability of facilities provided for practice and competitive events; exclusivity of use of facilities provided for practice and competitive events; availability of locker rooms; quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events. The self-assessment will also take into account any planned upgrades or improvements referenced in this agreement and identify any additional changes or improvements that need to be made to the locker rooms, practice or competitive facilities provided to the boys' and girls' high school interscholastic athletics teams to remedy any unjustified disparities on the basis of

sex identified by the self-assessment. The District will interview students and coaches as part of this assessment.

- B. By _____, the District will remedy the equity issues for the girls' softball field. The district agrees to take or demonstrate that it has taken action to upgrade the Presidio high school girls' softball field and storage facility, to include permanent lighting with acceptable lighting standards in order to play official district-wide varsity games; an electronic scoreboard; ADA accessible bleachers and press box. The District will verify that any upgrades already taken at the Presidio high school girls' softball field and storage facility include permanent lighting with acceptable lighting standards in order to play official district-wide varsity games; an electronic scoreboard; ADA accessible bleachers and press box. If funding or other unforeseen obstacles arise preventing the aforementioned upgrades, the District will devise an alternative plan to remedy the problems encountered and the proposed time lined solutions. This alternative plan will be subject to OCR's review and approval.

REPORTING REQUIREMENTS FOR SECTION I:

The District will provide OCR with a report on or before _____, which outlines the progress made towards completing the commitments in Section I (A-B). The District will attach to that report copies of any documents, plans, or other material that supports the District's plan of action, and any actions completed to date. Following the initial report, an annual update will be provided to OCR on _____.

II. SCHEDULING OF GAMES AND PRACTICES

In order to ensure that the District provides equal athletic opportunities at its high school for members of both sexes in the scheduling of games and practices in accord with 34 C.F.R. § 106.41(c)(3), the District agrees to the following:

- A. By _____, the District will conduct a self-assessment of its policies or practices pertaining to the scheduling of games and practices. the self-assessment will consider the following factors: number of competitive events per sport; number and length of practice opportunities; time of day competitive events are scheduled; time of day practice opportunities are scheduled; and opportunities to engage in available pre-season and post-season competition. The self-assessment will also address any actions

taken or support provided by booster clubs or other funding sources or groups, supporting specific boys and/or girls teams, and make any revisions necessary to ensure that the District provides equal athletic opportunities at its high school for both sexes in the scheduling of games and practices, including additional opportunities to compete and train, if deemed necessary.

REPORTING REQUIREMENTS FOR SECTION II:

The District will provide OCR with a report on or before _____, which outlines the progress made towards the commitments in Section II(A). The District will attach to that report copies of any documents, plans, or other material that supports the District's plan of action. Following the initial report, an update will be provided to OCR on _____.

III. PROVISION OF EQUIPMENT AND SUPPLIES

In order to ensure that the District provides equivalent athletic opportunities for members of both sexes in the provision of equipment and supplies in accordance with 34 C.F.R. § 106.41(c)(2), the District agrees to the following:

- A. The District will undertake an immediate and comprehensive assessment of all of its teams to assess equipment and supply needs. The assessment will consider the following factors: quality; amount; suitability; maintenance and replacement; and availability of equipment and supplies. The assessment will specifically consider booster club funding and any other private donations, with particular emphasis on how such outside funding is used to purchase equipment and supplies for District athletes. Once this comprehensive review is complete, the District shall draft a report of its relevant findings and a strategic plan to ensure that the equipment and supplies provided to the District's female athletes are equivalent to the amount, quality, suitability, availability, as well as maintenance and replacement of equipment and supplies provided to the District's male athletes. OCR will review this report with the District prior to budgeting decisions for the 2013-2014 school year.
- B. The District will take all reasonable steps to ensure the equitable provision of equipment and supplies to male and female athletes during the 2013-2014 school year and every year thereafter.

- C. Beginning on _____, the District will begin keeping its athletic department budget by sex, including all purchases for equipment, supplies, training facilities, etc.

REPORTING REQUIREMENTS FOR SECTION III:

The District will provide OCR with a report on or before _____, which outlines the progress made towards the commitments in Section III (A-C). The District will attach to that report copies of any documents, plans, or other material that supports the District’s plan of action. Following the initial report, an update will be provided to OCR by _____.

IV. ADDITIONAL COMMITMENTS TO IMPROVE THE ATHLETIC OPPORTUNITIES FOR FEMALE ATHLETES

- A. The District will undertake action to identify and provide female athletes with equivalent enrichment opportunities, including, but not be limited to, sports camps and other comparable athletic enrichment opportunities. Information will include, but not be limited to, rosters of female athletes attending sports camps, dates sports camps are convened, line item budgets for costs associated with sports camps, including travel and per diem, and a listing of coaches accompanying female athletes, if any. OCR will review the selection of the athletic enrichment opportunities for female athletes, and review the budget developed for provision of such opportunities prior to _____.
- B. By _____, the District will create a comprehensive policy to regulate booster club funding and any other private donations flowing into the athletic program. The policy will ensure that if booster clubs or other private funding sources, including nonprofit or external organizations, provide benefits and services to athletes of one sex that are greater than the benefits and services provided to the other sex, the District will take action to ensure that the benefits and services are equivalent for both sexes. This policy will provide particular guidance on how such outside funding is used to provide benefits with regard to any of the relevant components outlined by the implementing regulations to Title IX, e.g., equipment and supplies, opportunity to receive coaching, travel and per diem, etc. The policy will also set forth explicit procedures that must be utilized in the event that outside funding is used to

provide benefits to student athletes or the athletic program without the District's knowledge and consent. This policy will be submitted to OCR by _____, for review and approval. The District will implement the policy within 30 days of OCR's approval.

- C. In assessing compliance with this agreement, OCR will compare the availability, quality and kinds of benefits, opportunities, and treatment afforded to the District's male and female athletes at the high school in the provision of athletic enrichment opportunities, coaching opportunities, and travel and per diem to determine whether they are equivalent. Under this equivalency standard, identical benefits, opportunities, or treatment are not required as long as the effects of any differences are negligible. If a comparison of the benefits, opportunities and treatment afforded to males and females in the identified program components indicates that benefits, opportunities, or treatment are not equivalent, the District could still be in compliance with Title IX if the differences are shown to be the result of nondiscriminatory factors, such as the unique aspects of particular sports or athletic activities.
- D. The District will develop a process or procedure for students or other interested parties, such as coaches or parents, to use in requesting the addition of new sports; levels of sports at the high school; or suggest modifications or improvements to its existing programs. The procedure will be written and notice of it will be published in the Student Handbook and the individual responsible for responding to any requests will be identified by name and contact information. This information will also be displayed on the District's website (athletics page).
- E. At the beginning of each school year, the District will provide a written description to the District community of all of its high school sports offerings. This information will also be posted on the District's website (athletics page).

REPORTING REQUIREMENTS FOR SECTION IV:

- A. The District will provide OCR with a report by or before _____, which outlines the progress made towards the commitments in Section IV (A-C). The District will attach to that report copies of rosters of female athletes participating in sports camps, lists of coaches

accompanying female athletes to sports camps, budgets or line-item reports for sports camps, a report of booster clubs or other private funding sources, including private or outside organizations, and/or other materials that supports the District's plan of action. Following the initial report, an annual update will be provided to OCR by _____.

- B. By _____, the District will submit a copy of its procedure for modifying or requesting new sports and enrichment opportunities, as required by Section IV(D), above, a link to the location on its webpage where the procedure is located.
- C. By _____, the District will provide OCR with a copy of the notices provided to coaches and students, as required by Sections IV(B and C), above, including a link to the location on its webpage where the descriptions are located.

The District understands that OCR will not close the monitoring of this Agreement until it has determined that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. § 106.41(c), which was at issue in this case. If the District fails to implement the Agreement, we may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. § 106.41(c)(2),(3), and (7), and 34 C.F.R. § 106.31(b)(2), which were at issue in this case.

Signed:

Superintendent Dennis McEntire
Presidio Independent School District

Date