

Resolution Agreement
Chino Valley Unified School District
OCR Case No. 09-13-1346

I. Introduction

The Chino Valley Unified School District (the District), without admitting to any violation of the law, submits this Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve OCR Complaint 09-13-1346 and to ensure its ongoing compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106.

II. Demonstration of Compliance

A. Accommodation of student athletic interests and abilities

The District agrees to continue providing participation opportunities in its interscholastic athletics program for female and male students at Chino Hills High School (School) that effectively accommodate the athletic interests and abilities of members of both sexes, consistent with the requirements of Title IX, the regulation at 34 C.F.R. § 106.41(c)(1), and applicable OCR policies.

Compliance is determined using OCR's three part test. Each part of the three-part test is an equally sufficient and separate method of complying with the Title IX regulatory requirement to provide nondiscriminatory athletic participation opportunities. The District has the option to choose the part of the three-part test with which it will comply. In this case, based on 2012-2013 data, OCR identified females as the underrepresented sex at the School. The District has agreed to elect Prong three of the three-part test to demonstrate compliance. Prong three provides the following:

The interests and abilities of students who are members of the underrepresented sex have been fully and effectively accommodated by the School's current interscholastic athletics program.

The District will conduct an objective assessment, as described in the reporting requirements section of this Agreement, to determine whether it is fully and effectively accommodating the athletic interests and abilities of members of the underrepresented sex in the School. The assessment will be based on the following indicators of interest and ability as described in the OCR Dear Colleague letter dated April 20, 2010, attached as Exhibit 1:

Interest:

Requests by or on behalf of students who are members of the underrepresented sex that a particular sport be added at the School;

Requests by or on behalf of students who are members of the underrepresented sex to elevate an existing club sport to interscholastic status at the School;

Participation in School club sports by members of the underrepresented sex;

Results of student surveys or questionnaires of freshmen, sophomore and junior members of the underrepresented sex regarding interests in particular sports at the School; and

Participation in interscholastic sports by members of the underrepresented sex at the School.

Ability:

Athletic experience and accomplishments in interscholastic or club competition of members of the underrepresented sex interested in playing the sport at the School;

Opinions of coaches, administrators, and athletes at the School regarding whether interested members of the underrepresented sex have the potential to sustain an interscholastic team; and

If the team has previously competed at the club level, whether the competitive experience of the team indicates that it has the potential to sustain an interscholastic team.

III. Provision of locker rooms, practice and competitive facilities

The District will continue providing locker rooms, practice and competitive facilities in its interscholastic athletic program equitably for female and male students at the School consistent with the requirements of Title IX, the regulation at 34 C.F.R. § 106.41(c)(1), and applicable OCR policies.

IV. Reporting

A. Reporting Requirements for Interests and Abilities

1. Within 150 days of the Title IX Athletics training provided by OCR, the District will provide OCR with its plan for the School's assessment of the athletic interests and abilities of the underrepresented sex, including drafts of any surveys the District plans to use. Within thirty days of OCR approval, but no later than February 1, 2015, the District will begin the approved assessment process.
2. Within 90 days of the commencement of the survey, the District will provide OCR with a detailed report about the assessment conducted pursuant to section II.A of this Agreement for the School. The report will include, at a minimum, the following information:

- a. Copies of any surveys administered and the results of those surveys, including but not limited to a complete description of the methodology used to conduct the survey, including how the survey was distributed, the number of surveys distributed and the number of responses, the grade levels of students who received the surveys, any follow-up to the initial distribution of the survey, the names and contact information for the individual(s) who evaluated the responses to the surveys and a copy of any notes or other documents compiled during the review of the surveys;
 - b. A summary of interscholastic high school sports, squads, and levels of sports for members of the underrepresented sex that are not currently offered by the School that are offered by high schools that compete within the league(s) in which the School competed in the prior season of sport, and a sampling of the schools within the School's normal competitive region (e.g. the 100 most populous public high schools, or the high schools with equal to or larger enrollment than the School, within the School's 64 mile competitive radius). The sample size for public high schools within the School's normal competitive region will be determined by a statistical expert of the School's choice;
 - c. An assessment of the participation by members of the underrepresented sex in interscholastic sports, physical education courses and club sports that are offered at the School, and to the extent the information is readily available in community sports leagues or clubs in the cities of Chino and Chino Hills;
 - d. Copies of any written requests and summaries of any non-written requests made by or on behalf of students who are members of the underrepresented sex to add a particular sport, squad, or level of sport, or to elevate an existing club sport to interscholastic sport status at the School;
 - e. Elimination of a viable team in the past five school years at the School;
 - f. Any other information that was considered by the School as part of its assessment in determining whether it is fully and effectively accommodating the athletic interests and abilities of members of the underrepresented sex in the School's sports program.
3. If the School assessment shows that there is unmet athletic interest and ability demonstrated by the underrepresented sex, the School will increase the athletic opportunities for that sex.

- a. If the unmet interest and ability is for sports that are currently offered as interscholastic sports at the School, the School will determine if there are a sufficient number of students to support the creation of additional levels of competition, along with sufficient competition within the high school's normal competitive region to support additional levels of competition in those sports.¹ If so, the School will consider adding additional levels of competition at the School in those sports by the next competitive season. If the School determines that it will not add additional levels of competition at the School in those sports by the next competitive season, it will provide OCR with a detailed description of how it intends to comply with Title IX with respect to student athletic interests and abilities before the next competitive season.
- b. If the unmet interest is in a sport(s) not currently available at the School the School will determine whether there are a sufficient number of students at the School and sufficient competition within the School's normal competitive region to support the addition of additional teams.² If so, the School will consider adding a team, or teams, in those sports at the School by the next competitive season. If the School determines that it will not add a team or teams, in those sports at the School by the next competitive season, it will provide OCR with a detailed description of how it intends to comply with Title IX with respect to student athletic interests and abilities before the next competitive season.

B. Reporting Requirements for Locker Rooms, Competitive and Practice Facilities

1. By January 31, 2015, the School will report to OCR regarding what fields the School's baseball and softball teams are using for the 2014-2015 school year, and any subsequent school year for the duration of OCR's monitoring of this Agreement. To the extent that one or more of the School's softball teams is required to travel off campus to practice or compete in home games, the School will confirm in its report to OCR that any transportation costs associated with the use of the off campus facility will be covered by the District and will not come from the Softball team's own budget.

- C.** Based on the District's commitment in this Agreement to effectively accommodate the athletic interests and abilities of members of both sexes, and equitably provide locker rooms, practice and competitive facilities in its interscholastic athletic program consistent with the requirements of Title IX, the

¹ Institutions may be required by the Title IX regulation to actively encourage the development of such competition, however, when overall athletic opportunities within that region have been historically limited for the members of one sex. See "A Policy Interpretation: Title IX and Intercollegiate Athletics," Federal Register, Vol.44, No. 239.

² *Id.*

regulation at 34 C.F.R. § 106.41(c)(1), and applicable OCR policies, OCR anticipates the completion of the monitoring of this Agreement by July 31, 2016, unless OCR determines that additional time is necessary for the District to fulfill the material terms of the Agreement.

V. Monitoring

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, OCR may visit the District, interview School staff and the Deputy Superintendent, 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, which was at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, that were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this 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.

_____/s/_____
Superintendent

_____7/17/2014_____
Date