

**PENTUCKET REGIONAL SCHOOL DISTRICT  
RESOLUTION AGREEMENT  
OCR CASE No. 01-16-1298**

The U. S. Department of Education, Office for Civil Rights, (OCR) and Pentucket Regional School District (District) voluntarily enter into this agreement to resolve the allegation in the above-referenced complaints. This Agreement shall not constitute an admission by the District that the District's programs or services were noncompliant with Title IX of the Education Amendments of 1972 (Title IX) or any other law enforced by OCR. This resolution agreement is entered into by the District solely for the purpose of resolving the above-referenced complaint.

The District assures that it will take the following actions and will meet its obligation to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX) or any other law enforced by OCR.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

**I. Interests and Abilities**

**Action Item 1**

The District agrees to provide participation opportunities for female and male students at the District's high school that equally effectively accommodate their athletic interests and abilities, consistent with the requirements of Title IX, the regulation at 34 C.F.R. § 106.41(c)(1), and applicable OCR policies.

The District has elected to demonstrate that it is equally effectively accommodating the athletic interests and abilities of members of both sexes by providing athletic participation opportunities for male and female students in numbers that are substantially proportionate to their respective enrollments. In order to ensure substantial proportionality this compliance, the District will utilize a self-evaluation model to develop an Action Plan to provide athletic opportunities that are substantially proportionate to each sex's enrollment in high school before the 2020-2021 academic year.

The Action Plan shall include:

- a. Benchmarks for reducing the disparity between enrollment and participation each year, with the goal of substantial proportionality before the 2019-2020 academic year;
- b. For any new teams added, details regarding how the District will ensure the success of said teams, including funding sources, a plan for hiring coaches, and a comprehensive publicity plan to ensure students at the high school and middle school level are aware of the new opportunities.

- c. A process or procedure for students or other interested parties, such as coaches or parents, to use in requesting the addition of new sports or levels of sports available for the District's high school students. The procedure will be added to the Student Handbook and will include the name and contact information of the individual responsible for responding to any requests. This information will also be displayed on the District's athletics website (i.e., <http://prhs.prsd.org/athletics>).
- d. A commitment to, at the beginning of each school year, provide written notice to coaches, physical education teachers, guidance counselors and principals, of all sports offered to District high school students, including information on any cooperative teams.. The information will include contact information for the coaches of the cooperative teams and the location of those sports, so that this information can be shared with interested students.
- e. A commitment to, at the beginning of each school year, provide a written description of all of its sports offerings to all students in their physical education classes at the middle and high school level. This information will provide details about the cooperative teams, including contact information for the coaches of the cooperative programs. This information will also be posted on the District's website.

The District shall revise and/or implement its Action Plan to ensure that the District is providing substantially proportionate athletic participation opportunities for its male and female athletes.

In electing to demonstrate compliance by providing athletic opportunities that are substantially proportionate to enrollment, the District is not waiving its right to demonstrate compliance by establishing that either (i) the District has a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of the underrepresented sex, or (ii) the interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the present program.

#### **Reporting Requirement for Action Item 1**

- i. By January 1, 2018, the District will submit to OCR for review and approval its Strategic Plan.
- ii. By June 1, 2018, the District will (i) inform OCR of its total high school enrollment during the 2017-2018 academic year, by sex, (ii) submit a copy of squad and roster lists for each team reflecting participants as of the first competitive event, and participants at the end of the season, and (iii) detail its efforts to meet the benchmarks in its Strategic Plan.
- iii. By June 1, 2019, the District will (i) inform OCR of its total high school enrollment during the 2018-2019 academic year, by sex, (ii) submit a copy of squad and roster lists for each team reflecting participants as of the first

- competitive event, and participants at the end of the season, and (iii) detail its efforts to meet the benchmarks in its Strategic Plan.
- iv. By June 1, 2020, the District will (i) inform OCR of its total high school enrollment during the 2019-2020 academic year, by sex, (ii) submit a copy of squad and roster lists for each team reflecting participants as of the first competitive event, and participants at the end of the season, and (iii) detail its efforts to meet the benchmarks in its Strategic Plan.
  - v. If during the course of this agreement, but no later than June 1, 2019, the District determines it cannot establish substantially proportionate opportunities by the 2020-2021 academic year, it will submit to OCR for its review and approval a revised Strategic Plan that outlines its plan for effectively accommodate the interests and abilities of its female athletes by the 2020-2021 academic year by demonstrating that either (i) it has a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex, or (ii) the interests and abilities of the members of that sex will have been fully and effectively accommodated by the program. At the same time, the District agrees to submit to OCR proposed reporting requirements to demonstrate its implementation of the revised Strategic Plan. Upon OCR's approval, which shall not be unreasonably withheld, the District shall be bound by those reporting requirements as if set forth herein.

## **II. Equal Opportunities**

### **Action Item 2**

The District agrees that it will continuously monitor the relative equality of benefits provided to its teams. On an biennial basis, the District will assess the entire athletics program to ensure that there is equality in the components that are defined by Title IX, at 34 C.F.R. § 106.41(c)(2),(7) and (10) (Benefits Self-Assessment). The report shall include specific information on the following categories for all of its teams, including co-op teams hosted by other districts:

- a. An assessment of the quality and quantity of each team's relevant equipment and supplies, including the source(s) of funding for purchases of new uniforms, equipment and other supplies;
- b. A description of locker rooms, practice and competitive facilities; and
- c. Any publicity concerning the boys or girls teams published by the District, the booster club, or anyone other entity affiliated with the District or the teams (*i.e.*, apart from the news media).

If there are disparities in any of these areas, the District will devise a written course of action designed to remedy the inequality as soon as possible, but no later than six months from the date upon which the disparity was first identified. This written course of action shall be included as an attachment to the Benefits Self-Assessment. In the event that an

inequality found by either the District or by OCR cannot be remedied within one year, OCR may assist the District in determining an appropriate remedy and related time frame.

### **Reporting Requirements for Action Item 2**

- i. By December 1, 2017, the District will provide OCR with its initial Benefits Self-Assessment, including the written course of action addendum if necessary; and
- ii. By August 1, 2019, the District will provide OCR with its updated Benefits Self-Assessment, including the written course of action addendum if necessary, which shall include information from the 2017-18 and 2018-2019 school years.

### **Action Item 3**

The District will take immediate steps to ensure there are no barriers to participating in its cooperative teams, including teams hosted by other districts, including but not limited to ensuring that the athletic opportunities afforded on the girls hockey team are provided in a manner equal to the boys hockey team. This will include:

- a. Ensuring that fees paid by all athletes, regardless of whether on a cooperative team hosted by another District or not, are counted towards the District's family cap;
- b. Ensuring that the registration process for all athletic opportunities are equal, regardless of whether the team is a cooperative hosted by another district;
- c. Ensuring the players on the boys and girls hockey teams are charged equal fees;
- d. Ensuring that all District-disseminated references to the hockey teams specify "boys hockey" or "girls hockey", and never referring to said teams as the "hockey" team and the "girls hockey" team respectively;
- e. Ensuring the girls and boys hockey teams are provided with comparable locker rooms for practices and games;
- f. Calculating the difference in fees for the boys and girls hockey teams, since the 2013-2014 school year and returning the difference to each player on the girls team, minus any grant money that the girls received from the Pentucket Athletic Association to fund their participation in hockey ; and
- g. Refunding any additional money that would have been saved by any family of a player on the girls hockey team, since the 2013-2014 school year, had the fee been counted towards the family cap, taking into account monies received by any families from the Pentucket Athletic Association to offset the cost of hockey participation fees.

**Reporting Requirements for Action Item 3**

- i. By January 6, 2018, the District will submit documentation demonstrating it has complied with Action Item 3.

The District acknowledges that based on the decision to pursue this Resolution Agreement, OCR did not investigate the separate components of its athletics program, as defined in the regulation implementing Title IX, at 34 C.F.R. Part 106.41(c)(3)-(6) and 34 C.F.R. Part 106.41(c)(8)-(9). Fulfillment of the terms of this Agreement will not necessarily establish compliance with these portions of the Title IX regulations.

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may, at mutually agreeable times and dates, visit the District, interview staff and students, and request such supplemental information as is necessary for OCR to determine whether the District has fulfilled the terms of this Agreement. The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case. After making the determination that the recipient has fulfilled the terms of the Agreement, OCR shall close the case within thirty days.

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 ninety (90) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

November 2, 2017  
Date

/s/  
Jeffrey Mulqueen  
Superintendent  
Pentucket Regional School District