

RESOLUTION AGREEMENT
Watkins Glen Central School District
Case No. 02-14-1071

The Watkins Glen Central School District (the District) agrees to fully implement this resolution agreement (Agreement) to resolve U.S. Department of Education, Office for Civil Rights (OCR), Complaint No. 02-14-1071 and to ensure its 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. The District has voluntarily agreed to adhere to the terms of this Agreement to ensure that it provides equal opportunity to members of both sexes in its athletic programs.

I. Effective Accommodation of Interest and Abilities

The District agrees to provide participation opportunities for female and male students that effectively accommodate the athletics interest and abilities of members of both sexes, consistent with the requirements of the regulation implementing Title IX at 34 C.F.R § 106.41(c)(1), and applicable OCR policies. The District will provide athletic participation opportunities that are either substantially proportionate to each sex's enrollment in its high school, or demonstrate that the interests and abilities of female students are fully and effectively accommodated by the District's current athletics program.

II. Determination of Unmet Interest and Ability

In order to determine whether there is unmet interest and ability among female students in its high school, who are underrepresented in the District's interscholastic athletics programs, the District will take the following actions:

The District will conduct an objective assessment of its student body to determine the existence and/or scope of any unmet athletic interests of female students, the underrepresented sex in the District's athletics programs. The assessment will also consider whether the interested students have the ability to sustain an interscholastic team, noting that they do not need the ability to sustain a successful or elite team, but only need to show that they have the potential to participate in team try-outs, practices and competitions and, with coaching, the potential to attain sufficient ability to participate at the particular level of competition (varsity, junior varsity, modified etc.) in which they have expressed interest. The assessment will be based on multiple indicators of interests and, if applicable, multiple indicators of abilities, and shall include, at a minimum, the following:

1. A survey of students at the high school. The survey, which shall identify the sex of the respondents, shall seek information regarding students' interest and, if applicable, ability to participate in sports currently offered and in sports not currently offered by the District. A copy of the draft survey will be submitted to OCR for its review and approval before being distributed to students. The District will make such revisions and improvements to the survey as advised by OCR. Upon OCR's written approval, the District shall administer the survey, endeavoring to generate as high a response

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rate as possible, including following up with classrooms in which a substantial number of students do not respond.

2. A review of the results of recent surveys of students, if any, or other information collected from students using a method that is designed to fully and accurately assess unmet athletic interests and, if applicable, abilities in interscholastic sports among its students.
3. Identification of sports, squads, and levels of sports for female students that are not currently offered by the high school but are offered either by schools that compete within the league(s) in which the District competes or by schools that are within the District's normal competitive region and geographic area.
4. For school year 2013-2014, female students' rates of participation in intramural sports, club sports, interscholastic sports, physical education courses that are offered in the District's schools, and in community sports leagues, clubs or other youth programs offered in the District's normal competitive region and geographic area.

For the last two academic years, if applicable, a review of the number of students who were cut from each high school team and the reasons they were cut, to assess whether any of those students had or have the ability to compete in that sport and whether sufficient numbers of students were cut to sustain another level in that sport (e.g., junior varsity).

5. A review of any requests (whether oral, written, formal or informal) made to School Board Members, District administrators, coaches, or staff by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to interscholastic sport status. This review may be limited to requests that were received during school years 2011-2012, 2012-2013 and 2013-2014.
6. Identification of all viable girls' teams that have been eliminated in the past ten school years.
7. For the last two academic years, if applicable, a review of any assessments made by coaches or staff during tryouts (or observations of students participating in club or interscholastic competition offered by the District or in community sports leagues, clubs or other youth programs offered in the District's normal competitive region and geographic area) and other information reflecting the ability of students to compete in a particular sport or in other high school interscholastic sports.
8. Any other information that demonstrates the athletic interests and, if applicable, abilities of female students in the high school.

Reporting Requirements – Section II

To demonstrate its compliance with the terms of Section II of this Agreement, the District will submit the following information to OCR:

1. By July 31, 2014, a copy of the draft survey referenced in Section II.1., above, for OCR's review and approval.
2. By July 31, 2014, a complete description of the planned methodology for conducting the survey, including how the survey will be distributed, the number of surveys to be distributed, the grade levels of students who will receive the surveys, any planned follow-up to the initial distribution of the survey, the names and contact information for the individual(s) who will evaluate the responses to the surveys, and the protocol for retaining a copy of any notes or other documents compiled during the review of the surveys.
3. By January 31, 2015, a detailed report about the assessment conducted pursuant to Section II of this Agreement for the high school. The report will include, at a minimum, the following information:
 - a. A copy of the results of the survey referenced in Section II.1., above, including but not limited to the number of students by sex, by sport, who indicated an interest in each sport, 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. An analysis of the results of any other recent surveys of students, if any, or other information collected from students using a method that is designed to fully and accurately assess unmet athletic interests and, if applicable, abilities in interscholastic sports among female students.
 - c. A summary of sports, squads, and levels of sports for female students that are not currently offered by the high school but are offered either by schools that compete within the league(s) in which the school competes or by schools that are within the District's normal competitive region and geographic area.
 - d. For the last two academic years, for the high school, rates of participation by sex in:
 - a) Intramural sports;
 - b) Club sports;
 - c) Interscholastic sports;

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- d) Physical education courses; and
 - e) Community and youth sports leagues or clubs in the local Schuyler Country area.
- e. If applicable, a summary of the number of female students by sex who were cut from each high school team and the reasons they were cut.
 - f. A copy of any written requests and a summary of any non-written requests made by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to interscholastic sport status.
 - g. For the last two academic years, a summary of any assessments made during tryouts, or other information reflecting the ability of female students to compete in a particular sport, prior participation in that sport or a similar sport at the middle or high school level or club or community level, general athletic ability, participation in other high school interscholastic sports, the nature of the particular sport, and other relevant factors.
 - h. A description of any team(s) that was eliminated during the past ten school years, including the number of participants who were on the team in the year it was eliminated and the reason for the team's elimination.
 - i. Any other information the District considered as part of its assessment in determining whether it is fully and effectively accommodating the athletic interests and abilities of female students in its high school.

III. Action to Increase Athletic Opportunities

If through the above-described assessment, the District identifies a sport or sports in which there is sufficient but unmet interest and, if applicable, ability of female students to participate at the interscholastic level, the District will add athletics opportunities as described below at the high school until such time as either (1) the school is fully and effectively accommodating the expressed interests and abilities of female students (i.e., there remains no unmet interest and ability); or (2) the participation rate for female students in the high school's interscholastic athletics program is substantially proportionate to their rate of enrollment.

For purposes of this provision, "sufficient interest" is defined as the minimum number of athletes needed to support a team. For "sufficient ability," it is sufficient that interested students and admitted students have the potential to sustain an interscholastic team, and students will not be required to demonstrate they have sufficient ability in a new sport or team if students participating in existing sports or teams are not required to demonstrate through try-outs or some other process that they possess sufficient ability to participate in the specific sport or at the particular level of competition (varsity, junior varsity, modified level etc.) in which they have expressed interest.

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The District also agrees to conduct periodic assessments of the athletics interests and abilities of its students in subsequent years to ensure it is equally and effectively accommodating the athletic interests and abilities of its male and female students consistent with Title IX and its implementing regulation.

In providing additional athletic opportunities for female students to either accommodate their expressed interests and abilities or until their rate of participation is substantially proportionate to their rate of enrollment at the high school, the District shall do the following:

1. Sports Currently Offered:

a. The District will determine, for sports that are currently offered as interscholastic sports at the high school, whether there is a sufficient number of female students with the interest and, if applicable, ability to support the creation of additional levels of competition (junior varsity, modified level, etc.) or multiple squads at the same level of competition, and sufficient competition within the school's normal competitive region, to support additional levels of competition or multiple squads at the same level of competition in those sports. If so, the District will add additional levels of competition or squads at the same or a lower level of competition at each school in those sports by the next competitive season consistent with the above determination.

b. In order to increase the competitive participation opportunities for students who are members of the underrepresented sex, the District will consider expanding the squad sizes for interscholastic sports currently offered at each school, consistent with the nature of each sport and the level of interest in each sport. The District will increase the size of each squad where determined to be appropriate. If necessary, the District will provide sufficient coaching staff to support the addition of new athletes to any given squad (in addition to any new coaching staff pursuant to Section VI of this Agreement) and take any other steps necessary to ensure that the new athletes on each expanded squad are provided meaningful opportunities to participate in interscholastic athletics.

2. Sports Not Currently Offered:

The District will determine whether there is a sufficient number of high school and junior high female students with sufficient interest and, if applicable, ability to support the addition of a team or multiple teams (varsity, junior varsity, modified, etc.), in sports not currently offered by the school as interscholastic sports, and whether there is sufficient competition within the school's normal competitive region and geographic area for those teams/sports. If so, the District will add a team or multiple teams in those sports at the high school by the next competitive season.

3. Response to Developing Interests and Abilities:

For any sport that is not currently offered by the high school where there is a sufficient number of female students who have sufficient interest and, if applicable, ability in that sport, but where the District determines that there is not sufficient competition within

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each school's normal competitive region, the District will take ongoing steps to develop students' interest and ability. These steps may include establishing club sports, exploring the feasibility of establishing competition in the District's normal competitive region and geographic area, and elevating such sports to interscholastic status when competition becomes available.

OCR has made clear to the District and the District understands that OCR does not require or encourage the elimination of any District athletic teams and that it seeks action from the District that does not involve the elimination of athletic opportunities, because nothing in Title IX or the three-part test requires an institution to cut teams or reduce opportunities for students who are participating in interscholastic athletics in order to comply with the provisions of Title IX relating to the effective accommodation of the interests and abilities of male and female students.

4. Additional Interscholastic Opportunities:

To the extent that the District adds any sports or additional levels of teams at the high school, the District will provide to those team(s) in a manner comparable to other interscholastic teams, sufficient funds in its budgets to cover expenses that include, but are not limited to: coaches, equipment and supplies, travel funds, and publicity and support services. The District will also publicize any new sports or additional levels of teams through written notices, oral announcements and postings on the District's website.

Reporting Requirements – Section III

1. By January 31, 2015, if the District's assessment demonstrates that it is fully and effectively accommodating the athletic interests and abilities of its female students at the high school, the District will submit information detailing its determination of the same.

2. By January 31, 2015, if the District is obligated to offer additional athletic opportunities pursuant to Section III of this Agreement, the District will provide OCR with a detailed report that reflects the steps taken by the District pursuant to Sections III.1-4 of this Agreement, to create new opportunities for female students, as the underrepresented sex. This report will detail the timetable for the addition of new sports, levels of sports or newly-created club and/or other opportunities added pursuant to this Agreement. It will also describe how the creation of additional athletics opportunities taken pursuant to this Agreement will either (1) effectively accommodate the expressed interests and abilities of female students (*i.e.*, there remains no unmet interest and ability); or (2) elevate female students' participation rate in District interscholastic athletics programs to be substantially proportionate to the rate of enrollment at the high school.

3. By August 31st, of each academic year covered by this Agreement (2014-2015, 2015-2016 and 2016-2017), the District will provide to OCR:

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- a. a copy of the squad list for each team at the high school to which reporting requirement III.2 above applies;
- b. information demonstrating the breakdown/enrollment by sex at the high school; and
- c. information regarding any increases to the size of its squads, as described by Section III.I.b., above.

IV. Additional Commitments to Improve the Athletic Opportunities for the Underrepresented Sex

1. 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 or levels of sports at the District's high school. 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.¹ This information will also be displayed on the District's website (athletics page). The District shall retain all requests for new sports or levels of sports made through the procedure or otherwise in written or electronic form for a minimum of ten years.
2. At the beginning of each school year, the District will provide written notice to coaches, physical education teachers, guidance counselors and principals, of all sports offered at the school. This information will also be posted on the District's website (athletics page).
3. At the beginning of each school year, the District will provide a written description of all of its sports offerings to all students in their physical education classes. This information will also be posted on the District's website (athletics page).
4. The District will maintain the interscholastic athletic squad lists, which shall reflect the participation numbers for each sport, by sex, as of each team's first and last competitive event. These records will not be destroyed or otherwise altered so that they can be submitted to OCR consistent with the terms of this Agreement.
5. By August 31, 2014 and by the start of each subsequent school year thereafter until OCR has concluded its monitoring of this Agreement, the District will provide to the Athletic Director and designated Title IX coordinator written instructions describing the District's obligations under the terms of this Agreement, and also outlining the District's internal procedures and guidelines for ensuring that the District timely, completely and accurately documents its compliance with the terms of this Agreement.

¹ For school year 2014-2015 notification will be accomplished with an insert in the Student Handbook.

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6. By August 31, 2014, and on an annual basis thereafter, the District will provide to the Title IX Coordinator and coaches training on the relevant requirements of Title IX as they pertain to the provision of equal athletic opportunities to boys and girls.

Reporting Requirements – Section IV

1. By January 31, 2015, the District will submit a copy of its procedure for requesting new sports, as required by Section IV.1, above, and a link to the location on its webpage where the procedure is located.
2. By January 31, 2015, the District will provide OCR with a copy of the notices provided to coaches and students, as required by Section IV.2 and 3, above, and a link to the location on its webpage where the notices are located.
3. By January 31, 2015, and on an annual basis thereafter until OCR concludes the monitoring of this Agreement, the District will provide documentation to OCR that it has implemented IV.5 of this Agreement, including copies of the instructions and applicable internal procedures and guidelines, along with proof of receipt of the required information by the Athletic Director and Title IX Coordinator.
4. By January 31, 2015, and on an annual basis thereafter until OCR concludes the monitoring of this Agreement, the District will provide documentation to OCR demonstrating that it has provided the required training pursuant to Section IV.6 of this Agreement, including copies of the materials provided to the Title IX Coordinator and coaches and sign-in sheets showing attendance at the meeting.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient 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)(1), which was at issue in this case. The District also understands that by signing this agreement, it agrees to provide data and other 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 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)(1), which was 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.

Date

Superintendent
Watkins Glen Central School District