

**Voluntary Resolution Agreement
Montgomery County Public Schools
OCR Complaint # 03131197**

In order to resolve the allegations in the above-referenced complaint, filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106, the Montgomery County Schools (the District) voluntarily enters into this resolution agreement (Agreement) and commits to implement the provisions set forth in this agreement in order to resolve this complaint. This Agreement does not constitute an admission of liability on the part of the District and does not constitute a determination by OCR of any violation of any regulations enforced by OCR.

The District voluntarily agrees to take the following actions:

Action Steps:

1. The District agrees that the girls' interscholastic athletics program at XXXXXXXXXXX XXXXXX XXXX School (the high school), as a whole, will receive and have equivalent access to XXXXXXXX XXX XXXXXXXXXXX XXXXXXXXXXXX XXX XXXXXXXXXXX, including XXXXXXX XXXXXXXXXXX XXXXXXXXXXXXXXXXXXX XXXXXXXXXXX, that is comparable to the access provided to the boys' interscholastic athletics program, as a whole.
2. By March 30, 2014, the District will conduct a self-assessment of the XXXXXXX XXX XXXXXXXXXXX XXXXXXXXXXX XXX XXXXXXXXXXX for the interscholastic athletics programs at the high school. The evaluation will include the following factors: the quality and availability of the XXXXXXX XXXXXXXXXXXXXXXXXXX XXXXXXXXXXX XXXXXXXXXXX XX XXX XXXXXXXXXXX XXX XXX XXX, including which boys' and/or girls' athletic programs or teams have exclusive use of those facilities; which programs or teams have priority use of the facilities; which programs or teams must share those facilities; and whether the quality and availability of these facilities differ between the boys' and girls' programs. The evaluation will also include the availability of the XXXXXXX XXXXXXX XXX XXXXXXX XXXXXXXXXXX for the boys' and girls' programs and whether the availability of the XXXXXXX XXXXXXXXXXX differs between the boys' and girls' programs. The self-assessment will include input from the high school's coaches and athletes.
3. By March 30, 2014 if the District determines that the access to XXXXXXX XXX XXXXXXXXXXX XXXXXXXXXXX XXX XXXXXXX currently provided to the high school's boys' and girls' interscholastic athletics programs are not comparable, the District will develop a plan, including a timetable for prompt implementation, to provide the boys' and girls' programs with comparable access to such facilities and/or services. This plan may include a system for coaches to schedule times

for their teams to use particular weight and conditioning facilities at the high school. If the District determines that access to such facilities and/or services is comparable, the District will provide to OCR a report outlining that determination and the information, including appropriate documentation upon which it is based.

4. By March 30, 2014, the District will distribute a memorandum to all high school staff and administrators reminding them of their obligation to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106. The memorandum will specifically state that Title IX prohibits the District from discriminating on the basis of sex in any education program or activity. The memorandum will also remind the staff and administrators of their obligation to apply the District's policies and/or practices for assigning students to classes, including the XXXXXXXX, XXXXX, XXX XXXXXXXXXXXXXXX XXXX, in a consistent manner to all students without regard to their sex, in accordance to 34 C.F.R. § 106.34.
5. By March 30, 2014, the District will issue a notice to all high school students and parents that the District will not tolerate discrimination on the basis of sex and that the District has an obligation to apply the policies, procedures, and/or practices for assigning students to classes, including physical education classes, without regard to their sex. The memo will further advise that the XXXXXXXX, XXXXX, XXX XXXXXXXXXXXXXXX XXXXXXXX XXXXXXXXXXX XXXX is open to all students. The notice will encourage all students who are interested in taking that class to register for it for the 2014-2015 school year, and inform them that the District will ensure that students are assigned to that class in a consistent manner without regard to sex.
6. By April 30, 2014, the District will evaluate its policy, procedures, and/or practices regarding assignment of students to the XXXXXXXX, XXXXX, XXX XXXXXXXXXXXXXXX XXXX to ensure that they are not discriminatory as written and that they are interpreted and implemented consistently for students regardless of sex. The evaluation will also include an assessment of the process used to assign students to the class and a determination of whether the process is being implemented consistently for all students. Based on the results of its evaluation, the District will modify its policies, procedures and/or practices, as necessary.
7. By June 30, 2014, the District will review student registration in the XXXXXXXX, XXXXX, XXX XXXXXXXXXXXXXXX XXXXXXXX XXXXXXXXXXX XXXX at the high school for the 2014-15 school year, to ensure assignments were made without regard to sex.

Reporting Requirements

8. By May 15, 2014, the District will provide OCR:
 - a. A copy of its written report regarding its assessment of the XXXXXXXX XXXXXXXX XXXXXXXXXX XXX XXXXXXXX. The report will include a description of the process used in conducting the evaluations; any information obtained, including appropriate documentation considered; the conclusions reached; and the District's plan, if any, to ensure that the boys' and girls' programs are provided with comparable access to the medical and training facilities and services pursuant to Action Steps 2 and 3 above;
 - b. A copy of the memorandum disseminated to the high school's staff and administrators pursuant to Action Step 4 above; and
 - c. A copy of the notice issued to the high school's students and parents pursuant to Action Step 5 above.

9. By August 1, 2014, the District will provide OCR:
 - a. Documentation demonstrating the implementation of Action Step 6, including copies of the applicable policies and procedures, and the results of the District's evaluation of same. If there are no written policies and procedures, provide a detailed written description of the practice and process for assigning students to classes, including an explanation of how students are prioritized by grade level, graduation requirements, etc. If the District determined that no changes to its policies and procedures were necessary, explain why. If the District determined that changes were necessary, provide copies of the revised policies and/or procedures or a description of the revised practices.
 - b. Documentation demonstrating the implementation of Action Step 7, including but not limited to:
 - i. A list of students by name/unique identifier, gender, and grade level who requested to register for the XXXXXXXX, XXXXX, XXX XXXXXXXXXXXXXXX XXXX;
 - ii. A list of students by name/unique identifier, gender, and grade level who were assigned to the class;
 - iii. A list of students by name/unique identifier, gender, and grade level who requested the class but were not assigned;
 - iv. A written explanation of how the District determined which students to assign to the class;

- v. Copies of all registration or course selection forms for that class;
and
- vi. If any female students registered for or selected the class but were not assigned, explain why this occurred.

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the provisions of Title IX which are applicable to this complaint.

The District 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, 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 complied with the terms of this Agreement and the regulations implementing Title IX which were at issue in this complaint.

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 University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

1/14/14

Superintendent or Designee

Date