



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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100 PENN SQUARE EAST  
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**August 23, 2018**

**IN RESPONSE, PLEASE REFER TO: 03171233**

Mrs. Sheena Van Meter  
Superintendent  
Hardy County Schools  
510 Ashby St.  
Moorefield, WV 26836

Dear Mrs. Van Meter:

This is to notify you of the resolution of the complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Hardy County Public Schools (the District). The Complainant alleged that the District failed to provide equal athletic opportunity for female athletes compared to male athletes at Moorefield High School with respect to the provision of:

1. Equipment and Supplies;
2. Locker Rooms, Practice and Competitive Facilities;
3. Scheduling of Games and Practice Time; and
4. Medical and Training Facilities and Services.

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX and its implementing regulation.

**Legal Standards:**

The Title IX regulation, at 34 C.F.R. § 106.41(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics offered by a District. The Title IX regulation, at 34 C.F.R. § 106.41(c), states that a District which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both sexes.

In determining whether a District is in compliance with Title IX with respect to athletics, OCR follows "A Policy Interpretation: Title IX and Intercollegiate Athletics" (the Policy Interpretation), which was published at 44 Federal Register No. 239, December 11, 1979 and other applicable policy documents.

### **INVESTIGATION TO DATE**

The Complainant alleged that the District was not providing equitable treatment of girls interscholastic sports at the School in the areas of: equipment and supplies; locker rooms, practice and competitive facilities; scheduling of games and practice time; and medical and training facilities and services. The Complainant raised specific concerns about the girls' softball team, including its use of a softball field owned by the local municipality.

The District provided the information below in response to OCR's data request.

The School is a member of the West Virginia Secondary Activities Commission (WVSAC) and is required to abide by the rules and regulations of this governing board. Based on its size, the School's athletic teams are considered to be "Class A." The chart below lists the School's interscholastic athletic teams for girls and boys.

<b>Boys Teams</b>	<b>Girls Teams</b>
Baseball	Softball
Basketball	Basketball
Football	Track
Track	Volleyball
Wrestling	Tennis
Tennis	
Golf	

The District reports that the School's football equipment is sent out yearly for reconditioning and replacements are ordered for any helmets that fail the safety tests or have gotten too old to be used. In addition, the School purchases 5 to 7 new helmets and shoulder pads each year. Equipment for all other sports are replaced either by the School or the boosters as needed. The School reported that athletic training supplies (tape, wraps) are stocked at the Field House and coaches for the other sports can see the football coach or trainer to stock up on what they need to. Uniforms are either purchased outright by students or are a 50/50 purchase with the athletic team raising 50% of the needed funds and boosters paying the remainder of the cost.

The District indicates that competitive practice schedule dates are set by the WVSSAC. Each team must meet the mandatory 14 days of practice before students can participate in games. Practice schedules are set by the coaches. Practices are generally after school. Cheerleading, golf, football, and volleyball all practice after school. Cheerleading practices in the auxiliary gym while volleyball practices in the main gym. Golf practices at a local golf course, and football practices at a park with the exceptions of once the season starts they may practice on the game field a day or two each week. For winter sports (girls' basketball, boys' basketball, and wrestling), two teams practice after school and one team practices late unless one or

more teams are playing. Spring sports are all scheduled to practice outside, with baseball practicing at the baseball field, softball and tennis at a local park, and track at a District middle school. In case of inclement weather softball practices in the auxiliary gym and track and tennis rotate after school practices in the main gym.

According to the District, the School's gym and locker rooms were refurbished two years ago. The School's Field House was built approximately twenty years ago and serves as a football/baseball locker room and weight room. The softball locker room was added to what is the oldest building on campus around seven or eight years ago, with restroom and shower facilities added three years ago.

In order to complete its investigation, it would be necessary for OCR to conduct interviews of relevant District personnel and athletes regarding the above-enumerated equity issues in the District's athletic program, and to conduct a site review of the District's athletic facilities and materials.

## **CONCLUSION**

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a voluntary resolution agreement. The provisions of the agreement must be aligned with the complaint allegations and the issues investigated and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations. Consistent with OCR's procedures, the District requested to resolve the issues in this complaint through a voluntary resolution agreement, which was executed on June 11, 2018. Accordingly, OCR is concluding its investigation of this complaint. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the District's implementation of the Agreement.

This letter is not intended, nor should it be construed, to cover any other issues regarding the District's compliance with Title IX and its implementing regulations that may exist and are not discussed herein.

Under the Freedom of Information Act it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

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If you have any questions, you may contact investigator Josh Galiotto at (215) 656-8587 or by email at [joshua.galiotto@ed.gov](mailto:joshua.galiotto@ed.gov).

Sincerely,

/s/

Nancy E. Potter  
Team Leader

Enclosure