

**Resolution Agreement**  
**Hardy County School District (the District)**  
**OCR Complaint #03171233**

The U.S. Department of Education, Office for Civil Rights (OCR), conducted a complaint investigation of the Hardy County School District, pursuant to Title IX of the Education Amendments of 1972, and its implementing regulation, at 34 C.F.R. §106.31, which prohibits discrimination based on sex by recipients of Federal financial assistance. The District, as a recipient of Federal financial assistance, is subject to the requirements of Title IX.

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. In entering into this Agreement, OCR acknowledges that it has not made a finding that the District failed to adhere to, abide by, or in any other way failed to observe the statutes and/or regulations that OCR enforces.

**I. Equipment and Supplies**

1. The District commits that the girls' interscholastic athletics program at Moorefield High School (the High School), as a whole, will receive and have equivalent access to equipment and supplies, comparable to that provided to the boys' interscholastic athletics program, as a whole.
2. By October 15, 2018, the District will complete a fair and comprehensive evaluation and comparison of the equipment and supplies, including uniforms and other apparel for athletes and coaches, sport-specific equipment, and general equipment provided to the boys' and girls' interscholastic athletic squads at the High School. The evaluation will include the following factors: quality/condition; whether a sufficient amount is available; suitability (*i.e.*, meets official specifications); age; maintenance and replacement; availability (*i.e.*, are equipment and supplies accessible to athletes when needed); and, which equipment the District supplies and which equipment the athletes supply.
3. By November 15, 2018, if the District determines that the equipment and supplies being provided to the boys' and the girls' interscholastic athletic squads are not comparable with respect to the above-noted factors or equivalent in terms of access thereto, the District will develop and implement a plan, including a timetable, for promptly providing the boys' and girls' teams with comparable equipment, supplies, and access. As part of this Agreement, the District agrees to implement the plan within the timeframe established. If the District determines that the existing equipment and supplies provided to the girls' and boys' programs are

comparable and equally accessible, the District will provide to OCR a report outlining that determination and the information and appropriate documentation upon which it is based, as reflected in Section VII.1, below. To the extent that the District identifies disparities in the equipment and supplies provided to girls' and boys' sports teams that the District believes are based on legitimate, non-discriminatory differences, the District will include such explanations in its report.

## **II. Scheduling of Games and Practice Times**

1. The District commits to providing equivalency to the interscholastic athletics programs at the High School in the scheduling of competitive events and practice times for the girls' athletic teams compared to that provided to the boys' athletic teams.
2. By September 30, 2018, the District will complete a fair and comprehensive evaluation and comparison of the scheduling of competitive events and practice times for the boys' and girls' athletic teams at the High School. The evaluation will include the following factors: number of competitive events per sport; number and length of practice opportunities; time of day competitive events are scheduled; time of day practice opportunities are scheduled; and opportunities to engage in available pre season and post season competition.
3. By October 31, 2018, if the District determines that the boys' and the girls' athletic teams are not receiving comparable scheduling for competitive events and/or practice times, the District will adjust the schedule for the High School's athletic teams' competitive events and/or practice times to make them equivalent. If the District determines that the competitive events and/or practice times currently provided to the girls' and boys' interscholastic athletic programs are comparable, the District will provide to OCR a report outlining that determination and the information, including appropriate documentation, upon which it is based, as reflected in Section VII.1, below.

## **III. Locker Rooms, Practice and Competitive Facilities**

1. The District commits that the girls' interscholastic athletic programs at the High School, as a whole, will receive and have equivalent access to locker rooms, practice fields and/or facilities, and competitive fields and/or facilities, comparable to that provided to the boys' interscholastic athletics program, as a whole.
2. By September 30, 2018, the District will complete a fair and comprehensive evaluation and comparison of the locker rooms, practice fields and/or facilities, and competitive fields and/or facilities, assigned to the boys' and girls' interscholastic athletic teams at the High School. The evaluation will include the following factors: quality and availability of the fields and/or facilities provided for practice and

competitive events; exclusivity of use of facilities provided for practice and/or competitive events; availability of locker rooms; quality of locker rooms; maintenance of practice and competitive fields and/or facilities; and, preparation of fields and/or facilities for practice and competitive events.

3. By October 31, 2018, if the District determines that the boys' and the girls' athletic teams are not receiving comparable locker rooms, practice fields and/or facilities, and competitive fields and/or facilities, the District will adjust the assignment of such fields and/or facilities for the High School's girls' athletic teams, to make them equivalent to the provision of such fields and/or facilities to the boys' athletic teams. If the District determines that the fields and/or facilities currently assigned to the girls' and boys' interscholastic athletic programs are comparable, the District will provide to OCR a report outlining that determination and the information, including appropriate documentation, upon which it is based, as reflected in Section VII.1, below.

#### **IV. Medical and Training Facilities and Services**

1. The District commits that the girls' interscholastic athletics program at the High School, as a whole, will receive and have equivalent access to medical and training facilities and services, including the weight training and conditioning equipment, comparable to that provided to the boys' interscholastic athletics program, as a whole.
2. By September 30, 2018, the District will complete a fair and comprehensive evaluation and comparison of the medical and training facilities and services for the interscholastic athletics programs at the High School. The evaluation will include the following factors: availability of medical personnel and assistance; health, accident and injury insurance coverage; availability and quality of weight and training facilities; availability and quality of conditioning facilities; and, availability and qualifications of athletic trainers.
3. By October 31, 2018, if the District determines that the access to medical and/or training facilities currently provided to the High School's boys' and girls' interscholastic athletics programs are not comparable, the District will develop and implement a plan, including a timetable, for promptly providing the boys' and girls' teams with comparable access to such equipment and/or services. 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, as reflected in Section VII.1, below.

**VII. Reporting Requirements:**

1. By November 30, 2018, the District will provide OCR with its written report of its evaluations, concerning equipment and supplies; scheduling of games and practice times; locker rooms, practice and competitive facilities; and medical training facilities and services. This report will include a description of the process used in conducting the evaluations, the information, including appropriate documentation, considered, and the conclusions reached, pursuant to sections I, II, III and IV above.
2. By December 30, 2018, if the District determines that the boys' and girls' interscholastic squads are not receiving comparable equipment and supplies; scheduling of games and practice times; locker rooms, practice and competitive facilities; and/or medical training facilities and services (pursuant to sections I.3, II.3, III.3, and IV.3, above), the District will provide OCR with a finalized copy of the plan(s) developed to correct the inequities identified in the evaluations, and by February 28, 2019, and July 31, 2019, will provide OCR with reports concerning the status of the implementation of the plan(s).

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 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 Title IX regulation, at 34 C.F.R. § 106.41(a) and 106.41(c), which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

/s/

6/11/2018

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date