

**RESOLUTION AGREEMENT**  
**Tamaqua Area School District**  
**Case No. 03171333**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Tamaqua Area School District (the District) enter into this Agreement to resolve the above-referenced complaint involving the District's Tamaqua Area Middle School (the School). This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of 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.

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

**Action Step 1: Develop Plan for OCR Approval**

Within 45 calendar days of signing the Agreement, the District shall develop a plan for moving the School's girls' basketball teams' season of competition from fall to winter. At a minimum, the plan shall include the following:

1. The year in which the District proposes to move the School's girls' basketball teams' season of competition from the fall season to the winter season and the reasons as to why the teams' season of competition should change at that time.
2. A list of schools the District anticipates the School's girls' basketball teams competing against during the winter season. The District shall generate this list after communicating with relevant personnel from other schools and obtaining a reasonable expectation of competition between the School's girls' basketball teams and these other schools.
3. A practice schedule the District anticipates using for the School's teams during the winter season, including the location and times of the practices for the School's girls' and boys' basketball teams.
4. The District's plan for hiring coach(es) for the School's girls' basketball team during the winter season.

**Reporting Requirement:** Within 45 calendar days of signing the Agreement, the District will submit to OCR, for its review and approval, a copy of the plan for moving the School's girls' basketball teams' season of competition from fall to winter, including documentation regarding the minimum plan requirements as stated above.

If OCR does not approve of the District's plan as to how it will move the School's girls' basketball teams' season of competition from fall to winter, OCR shall specify the reasons why it does not approve and provide feedback to the District. The District shall have 45 days from the date of OCR's response to the District to respond to OCR's concerns and take additional steps as necessary.

**Action Step 2: Publicize Change of Season**

The District shall issue a statement to the District community, including the School’s students and parents, stating that the District will be offering School’s girls’ basketball during the winter season and the year during which this change will occur. The statement will inform District community members that the School’s girls’ basketball teams will conduct try-outs, practices and competition at times similar to the School’s boys’ basketball team. The District shall also publicize this statement on the District’s website during the spring prior to the first season it moves the School’s girls’ basketball teams’ season of competition from fall to winter.

**Reporting Requirements:**

1. Within 45 calendar days of signing the Agreement, the District will submit to OCR, for its review and approval, documentation evidencing its notification to the District community, including the School’s students and parents, that the District will be offering School’s girls’ basketball during the winter season and the year during which this change will occur.

If OCR does not approve of the District’s notification to the District community, OCR shall specify the reasons why it does not approve and provide feedback to the District. The District shall have 45 days from the date of OCR’s response to the District to respond to OCR’s concerns and take additional steps as necessary.

2. If the District moves the School’s girls’ basketball teams’ season of competition from fall to winter, starting with the 2019-2020 season, then the District shall submit to OCR documentation showing that it has posted a statement meeting the requirements of Action Step 2 on the District’s website, including links to the District’s website (or printed pages from the website) where the statement appeared. The District shall submit this documentation to OCR, for its review and approval, on or before May 30, 2019.

If OCR does not approve of the statement on the District’s website, OCR shall specify the reasons why it does not approve and provide feedback to the District. The District shall have 45 days from the date of OCR’s response to the District to respond to OCR’s concerns and take additional steps as necessary.

**Action Step 3: Documentation regarding first winter season of School’s girls’ basketball**

The District shall hold try-outs, practices and competitions during the winter season for the School’s girls’ basketball team at times similar to the School’s boys’ basketball team. The District shall also ensure that the number and length of practices and competitions for the School’s boys’ and girls’ basketball teams are as similar as possible.

**Reporting Requirement:**

1. If the District moves the School’s girls’ basketball teams’ season of competition from fall to winter, starting with the 2019-2020 season, then the District shall submit to OCR, for its review and approval, the schedule of winter competition for the School’s girls’ and boys’ basketball teams on or before July 30, 2019. If there is a discrepancy as to the

number of competitions between the girls' and boys' basketball teams, the District shall provide a reason why there is a discrepancy and describe its efforts to achieve a similar number of competitive events between the two teams.

If OCR does not approve of the District's competitive schedule for the School's girls' basketball teams, OCR shall specify the reasons why it does not approve and provide feedback to the District. The District shall have 45 days from the date of OCR's response to the District to respond to OCR's concerns and take additional steps as necessary.

2. If the District moves the School's girls' basketball teams' season of competition from fall to winter, starting with the 2019-2020 season, then the District shall submit to OCR, for its review and approval, the practice schedule, roster and list of coaches for the School's girls' and boys' basketball teams on or before November 30, 2019. The District shall also provide the list of coaches for the girls' and boys' high school basketball teams on or before November 30, 2019.

If OCR does not approve of the practice schedule, roster or list of coaches for the School's girls' basketball teams, OCR shall specify the reasons why it does not approve and provide feedback to the District. The District shall have 45 days from the date of OCR's response to the District to respond to OCR's concerns and take additional steps as necessary.

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner and in accordance with 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 fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106 and specifically, 34 C.F.R. Sections 106.31(a) and (b) and 34 C.F.R. Sections 106.41(a) and (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.

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

/s/

8/6/18

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

\_\_\_\_\_  
Date