

**Resolution Agreement
Western Wayne School District
OCR Complaint Number 03231227
Philadelphia Regional Office**

The U.S. Department of Education, Office for Civil Rights (OCR) and Western Wayne School District (the District) enter into this Resolution Agreement (Agreement) to resolve the issues in this above-referenced complaint. 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 regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of federal financial assistance. The District, as a recipient of federal financial assistance, is subject to the requirements of Title IX and its implementing regulations.

Action Step A: Updating the District's Webpage and Student Handbook with Title IX Information

1. The District will designate one or more employees to serve as the Title IX Coordinator(s), in compliance with 34 C.F.R. § 106.8.
2. The District will update its website and Student Handbooks to include the name and title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s); and
3. The District will update its website to include its notice of non-discrimination.

Reporting Requirements

By January 15, 2024, the District will provide via email links to the updated webpages and student handbook to OCR.

Action Step B: Pregnancy Policy

The District will revise its policies and procedures for Title IX, as they relate to pregnancy.

1. The District's Board Policy 234 will be revised to include:
 - a. a statement that the District shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient;
 - b. a statement that the District shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers,

- operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity;
 - c. a statement that the District may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
 - d. a statement that the District will treat pregnancy or childbirth in the same manner and under the same policies as any temporary disability; and
 - e. a statement that the Policy 234 also applies to student-athletes and to see the Student-Athlete/Parent Handbook for further information.
2. The District's Student-Athlete/Parent Handbook will be revised to contain a "Pregnant Student Athletes" section which will include:
- a. a statement that the District shall not discriminate against any student, or exclude any student from athletics on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient;
 - b. a statement that the District may require a student-athlete to obtain the certification of a physician that the student-athlete is physically and emotionally able to continue participation so long as such a certification is required of all student-athletes for other physical or emotional conditions requiring the attention of a physician;
 - c. a statement that the District will treat pregnancy or childbirth in the same manner and under the same policies as any temporary disability;
 - d. language clarifying that for student-athletes, the District shall not exclude the student-athlete from being a member of the athletic team; and
 - e. language offering supportive measures and contact information to counseling services or Title IX Coordinator.

Reporting Requirements

1. By January 15, 2024, the District will provide OCR with its revised procedures for Board Policy 234 and the Student-Athlete/Parent Handbook "Pregnancy as a Temporary Disability" Policy for OCR's review and approval.
2. Within sixty (60) days of OCR's approval of the District's Policies, the District will submit documentation to OCR with documentation that it has:
 - a. formally adopted the Policies;
 - b. published the Policies on its website and any other location where District policies are normally published;
 - c. disseminated the Policies to all current District students and employees, including the athletics department; and
 - d. sent an electronic notification through normal communication channels notifying the District community of the Policies.

Action Step C: Training and Notice

Within thirty (30) calendar days of the District's adoption of the Policies described in Action Step B, the District will: (1) provide notice to District staff of the revised Board Policy 234 and (2) provide training on the revised Board Policy 234 and the revised Student-Athlete/Parent Handbook to all District administrators, athletic department staff, counselors, and nurses. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to discrimination based on sex (pregnancy/maternity). The training may be conducted in multiple sessions and in conjunction with other requisite trainings.

Reporting Requirements

1. Within forty-five (45) days of the District's adoption of the Policies described in Action Step B, the District will submit documentation to OCR demonstrating that it has implemented Action Step C, including:
 - a. a copy of notice provided to District staff of the revised Board Policy 234;
 - b. the date, time, and location of the training;
 - c. a copy of any materials the District used at the training;
 - d. a list of attendees' names and titles;
 - e. a sign-in sheet, or if the training is conducted virtually, verification sufficient to show all attendees; and
 - f. the name, title, and credentials of the individual who conducted the training.

General Requirements

By signing the resolution agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution 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 the resolution agreement.

The District understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and with Title IX and its implementing regulations at 34 C.F.R. Part 106, which was at issue in this complaint.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings (34 C.F.R. §§ 100.9, 100.10), OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

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

By: _____
Superintendent or Designee

Date: 9/12/2023