

**WILKES COUNTY SCHOOL DISTRICT**  
**Resolution Agreement**  
**Complaint #04-14-1480**

The Wilkes County School District (District) agrees to fully implement this resolution agreement (Agreement) to resolve U.S. Department of Education, Office for Civil Rights (OCR), Complaint No. 04-14-1480 and to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106. The District has voluntarily agreed to adhere to the terms of this Agreement to ensure that it provides equal opportunity to members of both sexes in the athletics programs at Washington Wilkes High School (School).

**I. EFFECTIVE ACCOMMODATION OF INTERESTS AND ABILITIES**

The District agrees to provide participation opportunities for female and male students at the School that effectively accommodate the athletics interests and abilities of members of both sexes, consistent with the requirements of Title IX, the regulation at 34 C.F.R. § 106.41(c)(1), and applicable OCR policies. The District will provide athletic participation opportunities that are either substantially proportionate to each sex's enrollment at the School, or demonstrate that the interests and abilities of female students are fully and effectively accommodated by the each school's current athletics program.

**II. DETERMINATION OF UNMET INTEREST AND ABILITY**

In order to determine whether there is unmet interest and ability among female students at the School, the District will take the following actions:

Within 60 days after receipt of notice of OCR's approval of the District's proposed survey, the District will conduct an objective assessment of its student body at the School and determine the existence and/or scope of any unmet athletic interests of female students, the underrepresented sex in the District's athletics programs. The assessment will also consider whether the interested students have the ability to sustain an interscholastic team, noting that they do not need the ability to sustain a successful or elite team, but only need to show that they have the potential to participate in team try-outs, practices and competitions and, with coaching, the potential to attain sufficient ability to participate at the particular level of competition (varsity, junior varsity, etc.) in which they have expressed interest. The assessment will be based on multiple indicators of interests and, if applicable, multiple indicators of abilities, and shall include the following:

1. A survey of female students at the School. The survey shall seek information on female students' interest and, if applicable, ability to participate in sports currently offered and in sports not currently offered by the District. A copy of the draft survey will be submitted to OCR for its review and approval before it is distributed to students.

2. Identification of sports, squads, and levels of sports for female students that are not currently offered by the School but are offered either by schools that compete within the league(s) in which the District competes or by schools that are within the District's normal competitive region and geographic area.
3. For the last two academic years, if applicable, a review of the number of female students who were cut from each team and the reasons they were cut, to assess whether any of those students had or have the ability to compete in that sport and whether sufficient numbers of students were cut to sustain another level in that sport (e.g., junior varsity).
4. A review of any requests (whether oral, written, formal or informal) made to School Board Members, District administrators, coaches, or staff by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to interscholastic sport status. This review may be limited to requests that were received during the 2012-2013, 2013-2014 and 2014-2015 school years.
5. Any other information that demonstrates the athletic interests and, if applicable, abilities of female students in the District's high school and middle school.

## **REPORTING REQUIREMENTS – SECTION II.**

To demonstrate its compliance with the terms of Section II of this Agreement, the District will submit the following information to OCR:

1. **By April 13, 2015**, a copy of the draft survey referenced in Section II.1., above, for OCR's review and approval.
2. **By April 13, 2015**, a complete description of the planned methodology to conduct the survey, including how the survey will be distributed, the number of surveys to be distributed, the grade levels of students who will receive the surveys, any planned follow-up to the initial distribution of the survey, the names and contact information for the individual(s) who will evaluate the responses to the surveys, and the protocol for retaining a copy of any notes or other documents compiled during the review of the surveys.
3. **By June 1, 2015**, a detailed report about the assessment conducted pursuant to Section II. 1-5 of this Agreement for the School. The report will include, at a minimum, the following information:
  - a. A copy of the results of the survey referenced in Section II.1., above, including but not limited to the number of students, by sport, who indicated an interest in each sport, a complete description of the methodology used to conduct the survey, including how the survey was distributed, the number of surveys distributed and

the number of responses, the grade levels of students who received the surveys, any follow-up to the initial distribution of the survey, the names and contact information for the individual(s) who evaluated the responses to the surveys, and a copy of any notes or other documents compiled during the review of the surveys.

- b. An analysis of the result of any other recent surveys of students, if any, or other information collected from students using a method that is designed to fully and accurately assess unmet athletic interests and , if applicable , abilities in interscholastic sports among female students.
- c. A summary of sports, squads, and levels of sports for female students that are not currently offered by the high school but are offered either by schools that competed within the league in which the District competes or by schools that are within the District's normal competitive region and geographic area.
- d. A copy of any written requests and a summary of any non-written requests made by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to interscholastic sport status.
- e. A copy of the results of the review of the number of female students who were cut from each team and the reasons they were cut, to assess whether any of those students had or have the ability to compete in that sport and whether sufficient numbers of students were cut to sustain another level in that sport (e.g., junior varsity)
- f. Any other information that was considered by the District as part of its assessment in determining whether it is fully and effectively accommodating the athletic interests and abilities of female students in its high school.

### **III. ACTIONS TO INCREASE ATHLETIC OPPORTUNITIES**

If through the above-described assessment, the District identifies a sport or sports in which there is sufficient but unmet interest and, if applicable, ability of female students to participate at the interscholastic level at the School, the District will add athletics opportunities at the School until such time as either (1) the School is fully and effectively accommodating the expressed interests and abilities of female students (i.e., there remains no unmet interest and ability); or (2) the participation rate for female students in the high school's interscholastic athletics program is substantially proportionate to their rate of enrollment at the high school.

For purposes of this provision, "sufficient interest" is defined as the minimum number of athletes needed to support a team. For "sufficient ability," it is sufficient that interested students and admitted students have the potential to sustain an interscholastic team, and students will not be required to demonstrate they have sufficient ability in a new sport or team if students

participating in existing sports or teams are not required to demonstrate through try-outs or some other process that they possess sufficient ability to participate in the specific sport or at the particular level of competition (varsity, junior varsity etc.) in which they have expressed interest.

In providing additional athletic opportunities for female students to either accommodate their expressed interests and abilities or until their rate of participation is substantially proportionate to their rate of enrollment at the School, the District shall do the following:

1. Sports Currently Offered:

a. The District will determine, for sports that are currently offered as interscholastic sports at the School, whether there is a sufficient number of female students with the interest and, if applicable, ability to support the creation of additional levels of competition (junior varsity, etc.) or multiple squads at the same level of competition, and sufficient competition within the high school's normal competitive region, to support additional levels of competition or multiple squads at the same level of competition in those sports. If so, the District will add additional levels of competition or squads at the same or a lower level of competition at the School in those sports by the next competitive season consistent with the above determination.

b. In order to increase the competitive participation opportunities for students who are members of the underrepresented sex, the District will consider expanding the squad sizes for interscholastic sports currently offered at the School, consistent with the nature of each sport and the level of interest in each sport. The District will increase the size of each squad where determined to be appropriate. If necessary, the District will provide sufficient coaching staff to support the addition of new athletes to any given squad and take any other steps necessary to ensure that the new athletes on each expanded squad are provided meaningful opportunities to participate in interscholastic athletics.

2. Sports Not Currently Offered:

Consistent with the survey provided for in Section II of this Agreement, the District will determine whether there is a sufficient number of high school female students with sufficient interest and, if applicable, ability to support the addition of a team or multiple teams (varsity, junior varsity, etc.), in sports not currently offered by the School as interscholastic sports, and whether there is sufficient competition within that high school's normal competitive region and geographic area for those teams/sports.

a. For the 2015-2016 school year, the District will add athletics opportunities at the School until such time as either (1) the School is fully and effectively accommodating the expressed interests and abilities of female students (i.e., there remains no unmet interest and ability); or (2) the participating rate for female students in the high school's interscholastic athletics program is substantially proportionate to their rate of enrollment at the high school.

Competitive and practice facilities, whether provided on campus or through access to community facilities will be provided in a manner consistent with the Title IX regulation. OCR has made clear to the District and the District understands that OCR does not require or encourage the elimination of any District athletic teams and that it seeks action from the District that does not involve the elimination of athletic opportunities, because nothing in Title IX or the three-part test requires an institution to cut teams or reduce opportunities for students who are participating in interscholastic athletics in order to comply with the provisions of Title IX relating to the effective accommodation of the interests and abilities of male and female students.

3. Additional Interscholastic Opportunities:

To the extent that the District adds any sports or additional levels of teams at the School, the District will provide those team(s) in a manner comparable to other interscholastic teams, with sufficient funds in its budgets to cover expenses that include, but are not limited to: coaches, equipment and supplies, travel funds, and publicity and support services. The District will also publicize any new sports or additional levels of teams through written notices, verbal announcements and postings on the District's and school's website.

### **REPORTING REQUIREMENTS - SECTION III**

1. For sports currently offered, **by November 1, 2015** the District will provide OCR with a detailed report that reflects the actions taken by the District pursuant to **Section III, 1a and b** of this Agreement to create additional levels of competition, and/or to expand squad sizes for interscholastic sports currently offered.
2. For sports not currently offered, within 60 days after implementing a sport under the terms set forth above **under Section III 2a** the District will provide OCR with a detailed report that reflects the steps taken by the District pursuant to Section III 2a, of this Agreement, to create new opportunities for female students as the underrepresented sex.
3. If at any time during the period of this Agreement, the District's assessment demonstrates that it is fully and effectively accommodating the athletic interests and abilities of its female students at the School under prong three or has complied with prong one of the three prong test, the District will submit information detailing its determination of the same.

### **IV. TRAVEL AND PER DIEM**

By **August 3, 2015**, the District will provide pre-game meals to female teams at the School that are equitable to the pre-game meals provided to male athletes.

## REPORTING REQUIREMENTS

**By December 30, 2015**, to demonstrate compliance with Section IV, the District will provide OCR with a report reflecting the number of meals provided to each team during the 2014-2015 school year. The report must be signed by each respective team's head coach and must reflect how many meals were provided to each team per day; whether the meals were provided during the regular season or throughout the school year; and what type of meals were provided.

## V. LOCKER ROOMS, PRACTICE, AND COMPETITIVE FACILITIES

**By August 3, 2015**, the District will provide exclusive use of locker room facilities to one female team at the School similar to what is provided to the football team.

## REPORTING REQUIREMENTS

**By December 30, 2015**, to demonstrate compliance with Section V, the District will provide OCR with evidence reflecting that one female team has been provided exclusive use of a locker room facility during the 2014-2015 school year. The evidence may include statements signed by each respective team's head coach wherein athletes were provided exclusive use of locker room facilities.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, OCR may visit the District schools, interview District staff, 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. § 106.41(c)(1), (4), and (7), which was at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX at 34 C.F.R. § 106.41(c)(1), (4), and (7) which was at issue in 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 a minimum of sixty (60) calendar days to cure the alleged breach.

Signed:

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Superintendent  
Wilkes County School District

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Date