

RESOLUTION AGREEMENT
Ball Chatham Community Unit School District #5
OCR Case No. 05-18-1418

The Ball Chatham Community School District #5 (District) enters into this agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-18-1418. 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. §§ 1681–1688, and Title IX’s implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination based upon sex in any education program or activity receiving Federal financial assistance.

Athletic Interests and Abilities

- 1) The District will provide participation opportunities in its interscholastic athletics program for female and male students that equally and effectively accommodate the athletic interests and abilities of members of both sexes at Glenwood Middle School and Glenwood High School.

By April 1, 2020, the District will conduct a full assessment of how it can equally and effectively accommodate the athletic interests and abilities to the extent necessary to provide equal opportunities for female students in its middle and high school interscholastic athletics program. Based on the assessment, the District will create a plan, with timeframes, to increase participation opportunities for female students as necessary to demonstrate compliance with Title IX, and will take substantial steps towards equally and effectively accommodate the athletic interests and abilities of females during the 2020-21 and 2021-22 school years.

By no later than the 2022-23 school year, the District will provide participation opportunities in its middle and high school interscholastic athletics program for female and male students that equally and effectively accommodate the athletic interests and abilities of members of both sexes.

REPORTING REQUIREMENTS:

1. By April 30, 2020, the District will submit to OCR for review and approval its assessment of and plan (with designated timeframes) to equally and effectively accommodate the athletic interests and abilities to the extent necessary to provide equal opportunities for female students in its interscholastic athletics program at both the middle and high school levels. The plan will document the steps the District has taken and will take to ensure that it provides participation opportunities in its interscholastic athletics program for female and male students that equally and effectively accommodate the athletic interests and abilities of members of both sexes by the 2022-23 school year.

Demonstration of compliance

The District has the option to demonstrate compliance with any one part of the three-part test used by OCR to assess whether the interests and abilities of members of both sexes are being effectively accommodated to the extent necessary to provide an equal opportunity to participate in interscholastic athletics by documenting that:

1. The District is providing interscholastic athletic participation opportunities for female and male students in numbers substantially proportionate to their respective enrollments (Part 1); or
2. The District has a history and continuing practice of interscholastic athletic program expansion that is demonstrably responsive to the developing interests and abilities of students who are members of the underrepresented sex (Part 2); or
3. The interests and abilities of students who are members of the underrepresented sex have been fully and effectively accommodated by the District's current interscholastic athletics program (Part 3).

Each part of the three-part test is an equally sufficient and separate method of complying with the Title IX regulatory requirement to provide nondiscriminatory athletic participation opportunities.¹

2. By June 30, 2021, and by that same date annually thereafter, while this Agreement is in effect, the District will provide OCR with a detailed report evaluating whether its interscholastic athletics program equally and effectively accommodates the athletic interests and abilities to the extent necessary to provide equal opportunities for female students at Glenwood Middle School and Glenwood High School. The report will include a detailed description of the steps the District has taken to date, including the dates the actions were taken, in accordance with the plan identified in Item 1 of this agreement. The District will provide supporting documentation showing the enrollment rates and team squad lists for each team to demonstrate compliance with Part 1, or copies of any surveys (including a detailed explanation of the methodology used in conducting the survey) or other assessments demonstrating the interests and abilities of female students have been fully and effectively accommodated to demonstrate compliance with Part 3.

Scheduling of Game and Practice Times

- 2) The District will provide equal athletic opportunity for both sexes in the District's interscholastic athletics program in the provision of scheduling of game and practice times at Glenwood High School.

By April 1, 2020, the District will conduct a full assessment of its scheduling of game and practice times for its male and female interscholastic athletes at Glenwood High School. The

¹ Additional guidance to institutions on the requirements for compliance with Title IX in athletic programs is provided in the December 11, 1979, Intercollegiate Athletics Policy Interpretation, at 44 *Fed. Reg.* 413 *et seq.*, available at <http://www2.ed.gov/about/offices/list/ocr/docs/t9interp.html>.

assessment will address: (1) number of competitive events per sport, as allowed by the Illinois High School Association.; (2) number and length of practice opportunities per sport; (3) time of day competitive events for all sports are scheduled; (4) time of day practice opportunities for all sports are scheduled. Specifically, the assessment will address the opportunity to participate in “early bird PE” and athletics retreats, to practice immediately after school, and to compete during prime time for each sport for male and female athletes.

Based on the assessment, the District will create a plan, with timeframes, to provide both sexes in the District’s interscholastic athletics program with equal athletic opportunities in the provision of scheduling of game and practice times at Glenwood High School. The District will take substantial steps to provide equal athletic opportunities in the provision of scheduling of game and practice times during the 2020-21 school year, and will ensure both sexes have equal athletic opportunity in the provision of scheduling of game and practice times by no later than the 2021-22 school year season.

REPORTING REQUIREMENTS:

1. By April 30, 2020, the District will submit to OCR for review and approval its assessment of and plan (with designated timeframes) to provide equal athletic opportunity to both sexes in its interscholastic athletics program in the scheduling of game and practice times at Glenwood High School. The plan will document the steps the District has taken and will take to ensure that it provides equal opportunity to members of both sexes in the provision of scheduling of game and practice times by the 2021-22 school year.
2. By December 31, 2020, June 30, 2021, and June 30, 2022, the District will submit a report to OCR documenting the actions it has taken to provide equal opportunity to members of both sexes in the provision of scheduling of game and practice times at Glenwood High School.

Provision of Competitive Facilities

- 3) The District will provide equal athletic opportunity for both sexes in the District’s interscholastic athletics program in the provision of competitive facilities at Glenwood High School by no later than the 2020-21 school year.

REPORTING REQUIREMENTS:

1. By April 30, 2020, the District will submit to OCR for review and approval its plan to provide both sexes in the District’s interscholastic athletics equal opportunity in the provision of practice and competitive facilities at Glenwood High School beginning in the 2020-21 school year.
2. By December 31, 2020, June 30, 2021, and June 30, 2022, the District will submit a report to OCR documenting the actions taken to provide equal opportunity to members of

both sexes in the provision of practice and competitive facilities at Glenwood High School.

Publicity

- 4) The District will provide equal athletic opportunity for both sexes in the District's interscholastic athletics program in the provision of publicity at Glenwood High School by no later than the 2020-21 school year.

REPORTING REQUIREMENTS:

1. By April 30, 2020, the District will submit to OCR for review and approval its plan to provide equal opportunity for both sexes in the District's interscholastic athletics program in the provision of publicity at Glenwood High School. The plan will identify each type of publicity that is to be provided for each team, how often the type of publicity will be provided, and who is to provide the publicity, including through school announcements, social media platforms, band/cheer/dance performances, programs and other written materials, media broadcasting, and any other type of publicity the District provides to members of its interscholastic athletics program.
2. By December 31, 2020, June 30, 2021, and June 30, 2022, the District will submit a report to OCR documenting the actions taken to provide equal opportunity to members of both sexes in the provision of publicity at Glenwood High School. The report will identify each type of publicity provided, the frequency each type of publicity was provided, and the team for which the publicity was provided.

The District understands that by signing this Resolution Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Resolution Agreement. Further, the District understands that, during the monitoring of this Resolution 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 regulations implementing Title IX, at 34 C.F.R. § 106.41. Upon completion of the obligations under this Resolution 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 Resolution Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

District Administrator
Ball Chatham Community School District #5

Date