

RESOLUTION AGREEMENT
Morton Community Unit School District #709
OCR Case No. 05-21-1346

The Morton Community Unit School District #709 (District) enters into this agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-21-1346. 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.

The District agrees to take the following actions:

1) Training

The District will provide Title IX athletics training to staff members responsible for the District’s athletics programs at Morton Junior High and Morton High School, including (at a minimum) the school principals, athletic directors, business managers/staff who participate in or assist with athletics budgets, and coaches. The training will cover, at a minimum, equally and effectively accommodating the athletic interests and abilities of members of both sexes in athletics, and “Other Program Benefits” components of the provision of equipment and supplies, and locker rooms, practice and competitive facilities.

REPORTING REQUIREMENTS:

1. By July 1, 2022, the District will submit to OCR documentation demonstrating that the training referenced in this item has been provided, including: the date of the training, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the training, and a list of individuals who attended the training.

2) Athletic Interests and Abilities

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 Morton High School, consistent with the requirements of Title IX, the Title IX implementing regulation at 34 C.F.R. § 106.41(c)(1), and applicable OCR policies, by no later than the 2024-2025 school year.

Demonstration of compliance

The District will 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 athletics 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.

Part One: Substantial Proportionality

Should the District elect to demonstrate compliance with Part One of the Three-Part Test referenced above, the District will compare the rates of enrollment of its female and male students at the District with their rates of participation in the District's interscholastic athletics program to determine if they are substantially proportionate.

- Enrollment rates at the District will be calculated using those enrollment number, by sex, the District reported to the Illinois State Board of Education.
- The interscholastic athletic participation rates of female and male students at the District will reflect the total number of females and males listed on the rosters (for all competitive levels) for each interscholastic sport on the date of the first competition for each sport. The participation rates should not include participants in intramural, club, or non-competitive athletic activities.

Part Two: History and Continuing Practice of Interscholastic Athletic Program Expansion

Should the District elect to demonstrate compliance with Part Two of the Three-Part Test referenced above, the District will complete an evaluation that objectively assesses whether it has a history and continuing practice at the District of program expansion that is demonstrably responsive to the developing interests and abilities of members of the underrepresented sex. The District's evaluation will be based on multiple factors, including:

- The District's record of adding interscholastic teams or levels for members of the underrepresented sex at the District or upgrading teams to interscholastic status and increasing the numbers of participants at the District who are members of the underrepresented sex in interscholastic athletics;
- Affirmative responses to requests by students or others for addition or elevation of sports/levels for students at the District who are members of the underrepresented sex;
- The existence and implementation of a nondiscriminatory policy or procedure for requesting the addition of sports/levels (including the elevation of club or intramural teams) at the District and the effective communication of the policy or procedure to District students and parents;

- The existence and implementation of a plan of program expansion that is responsive to the developing interests and abilities of members of the underrepresented sex at the District; and
- Efforts to monitor the developing interests and abilities of members of the underrepresented sex at the District, for example, by conducting periodic nondiscriminatory assessments of developing interests and abilities and taking timely actions in response to the results.

Part Three: Full and Effective Accommodation

Should the District elect to demonstrate compliance with Part Three of the Three-Part Test referenced above, the District will conduct and complete an objective assessment to determine the existence and/or scope of any unmet athletic interests of the underrepresented sex in the District's interscholastic athletics program. 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 tryouts, practices and competitions, and with coaching, the potential to attain sufficient ability to participate at the particular level of competition 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:

- A survey conducted within 90 days after the execution of this Resolution Agreement of students at the District. The survey shall seek information on District students' interests, and if applicable, ability to participate in sports and levels currently offered and in sports and levels currently not offered by the District. The survey will be designed and implemented in a manner to elicit maximum participation by students.
- A review of the survey results.
- Identification of sports, squads, and levels of sports for female students that are not currently offered by the District but are offered either by Districts that compete within the league(s) in which the District competes or by Districts that are within the District's normal competitive and geographic regions.

Sports Currently Offered

The District will determine, for sports that are currently offered as interscholastic sports at the Morton High School, whether there is a sufficient number of female students with the interest and, as applicable, ability to support the creation of additional levels of competition or multiple squads at the same level of competition, and sufficient competition within the District's normal competitive region, to support additional levels of competition or multiple squads at the same level of competition in those sports.¹ If so, the District will add additional levels of competition or squads at the same or a lower level of competition at the District in those sports.

¹ 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 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

In order to increase the competitive participation opportunities for female students, the District will consider expanding the squad sizes for interscholastic sports currently offered at Morton High 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.

Sports Not Currently Offered

The District will determine whether there is a sufficient number of female students at the District with sufficient interest and, as applicable, ability to support the addition of a team or multiple teams in sports not currently offered by the District as interscholastic sports, and whether there is sufficient competition within the District's normal competitive region and geographic area for those teams/sports. If so, the District will add a team or multiple teams in those sports at Morton High School.

Response to Developing Interests and Abilities

For any sport that is not currently offered by Morton High School where there is a sufficient number of female students who have sufficient interest and, if applicable, ability in that sport, but where the District determines that there is not sufficient competition within the District's normal competitive region, then the District will take ongoing steps to develop students' interests and abilities. These steps may include establishing intramural or club sports, exploring the feasibility of establishing competition in the District's normal competitive region and geographic area, and elevating such sports to interscholastic status when competition becomes available.

Elimination of Athletic Teams

OCR has made clear to the District and the District understands that OCR does not require or encourage the elimination of any District interscholastic athletic teams and that it seeks action from the District that does not involve the elimination of any 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.

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.

Additional Interscholastic Opportunities

To the extent that the District adds any sports or additional levels of teams at Morton High School, the District will provide those teams in a manner comparable to other interscholastic teams, with sufficient funds in their 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 through its customary methods any new sports or additional levels of teams through established communication delivery systems, including electronic communication.

REPORTING REQUIREMENTS:

1. By no later than July 1, 2022, the District will evaluate its interscholastic athletic program and submit to OCR its assertion of which part of the Three-Part Test the District elects to demonstrate compliance with by the 2024-2025 school year. Should the District elect to demonstrate compliance with Part Three of the Three-Part Test referenced above, the District will provide to OCR for review and approval a copy of its proposed athletic interest survey and a detailed description of the steps the District plans to take to maximize survey participation by all students at Morton High School.
2. By no later than October 1, 2022,
 - a. Should the District elect to demonstrate compliance with Part One of the Three-Part test, the District will provide OCR with a detailed report reflecting the District's evaluation of the proportions of female and male students participating in interscholastic athletics at Morton High School, as identified above, for the 2021-2022 school year, and plan, with timeframes, for how the District will provide athletic participation opportunities that are substantially proportionate to enrollment rates at Morton High School by no later than the 2024-2025 school year. The report 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 are substantially proportionate to their respective enrollment rates at Morton High School by the 2024-2025 school year. The report will include, at a minimum, a copy of the enrollment and interscholastic athletics participation data that the District relied on, a copy of all team rosters for each sport showing students, by sex, and other information relied on by the District in its evaluation.
 - b. Should the District elect to demonstrate compliance with Part Two of the Three-Part Test referenced above, the District will provide OCR with a detailed report containing the District's evaluation as described in "Part Two" above, including the assessment and results, with supporting documentation.
 - c. Should the District elect to demonstrate compliance with Part Three of the Three-Part Test referenced above, the District will provide OCR a detailed report describing the multi-factored assessment conducted pursuant to "Part Three," as described above, and a plan, with timeframes, for how the District will fully and effectively accommodate the athletic interests and abilities of its female students by no later than the 2024-2025 school year. The report will document the steps

the District has taken and will take to ensure that it fully and effectively accommodates any unmet athletic interests and abilities of its female students at Morton High School that were identified by the District by the 2024-2025 school year. The report will include, at a minimum, a copy of the survey results, a complete description of the methodology used to conduct the survey (including how the survey was distributed, the grade levels of students who received the surveys, the number of surveys distributed, the number of responses, and any follow-up conducted after the surveys), the names and contact information for the individual(s) who evaluated the survey responses, and a copy of any notes or other documents compiled during the survey review. The report must also include a summary of sports, squads, and levels of sports for female students that are not currently offered at Morton High School but are offered either by Districts that compete within the league(s) in which Morton High School competes or by Districts that are within Morton High School's normal competitive region and geographic area. This report will detail the timetable for the addition of new sports, levels of sports or newly created intramural, club and/or other opportunities to be added pursuant to this Agreement.

3. By July 31, 2023, and by that same date annually thereafter, while this Agreement is in effect and until OCR has determined the District 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 at Morton High School, 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 Morton High School under the part of the Three-Part test selected by the District. The District will provide supporting documentation showing student enrollment, by sex, and team squad lists for each team, as verified and attested to by the Athletic Director or coach of each team, as well as information describing any increase or decrease in squad sizes.

3) Provision of Locker Rooms, Practice and Competitive Facilities

The District will provide equal athletic opportunity for both sexes in the District's interscholastic athletics program in the provision of locker rooms, practice and competitive facilities at Morton Junior High and Morton High School by no later than the 2023-2024 school year.

By July 1, 2022, the District will conduct a full assessment of its provision of locker rooms, practice and competitive facilities at Morton Junior High and Morton High School to determine what steps the District will take to provide equal opportunities for male and female students in its junior high and high school interscholastic athletics programs to demonstrate compliance with Title IX in this component. Based on the assessment, the District will create a plan, with timeframes, to provide equal opportunities for male and female students in the provision of locker rooms, practice and competitive facilities at Morton Junior High and Morton High School as necessary to demonstrate compliance with Title IX.

REPORTING REQUIREMENTS:

1. By October 1, 2022, the District will submit to OCR its full assessment of its provision of locker rooms, practice and competitive facilities at Morton Junior High and Morton High School. The District also will submit to OCR for review its plan (with timeframes) to provide both sexes in the District's interscholastic athletics equal opportunity in the provision of locker rooms, practice and competitive facilities at Morton Junior High and Morton High School as necessary to demonstrate compliance with Title IX, beginning in the 2023-2024 school year.

The assessment will specifically include input from coaches and athletes of both sexes and will address: (1) the quality and availability of the facilities provided for competitive events and practice facilities; (2) the availability of locker rooms; (3) the quality of locker rooms; (4) the maintenance of practice and competitive facilities; and (5) the preparation of facilities for practice and competitive events. The assessment must include a review of all facilities used by the District's interscholastic athletics programs, and must specifically address the quality, maintenance and preparation of the boys' baseball and girls' softball facilities for practices (both regularly scheduled and during inclement weather) and competitive events.

2. By July 31, 2023, the District will submit a report to OCR documenting the actions taken to implement the plan to provide equal opportunity to members of both sexes in the provision of locker rooms, practice and competitive facilities at Morton Junior High and Morton High School.
3. By July 31, 2024, and July 31, 2025, the District will submit to OCR documentation demonstrating the District provides equal opportunity for male and female students in the provision of locker rooms, practice and competitive facilities at Morton Junior High and Morton High School.

4) Equipment and Supplies

The District will provide equal athletic opportunity for both sexes in the District's interscholastic athletics program in the provision of equipment and supplies at Morton High School by no later than the 2022-2023 school year.

By July 1, 2022, the District will conduct a full assessment of its provision of equipment and supplies at Morton High School to determine what steps the District will take to provide equal opportunities for male and female students in the provision of equipment and supplies to demonstrate compliance with Title IX. The District's assessment will include a review of the quality, amount, suitability, maintenance and replacement, and availability of the equipment and supplies that are provided to its interscholastic athletics teams, and will consider information provided by coaches and students athletes of both sexes. The District's assessment will include a review of all funding sources for the provision of equipment and supplies in the interscholastic athletics programs at Morton High School, including but not

limited to, the District's allocated budget, "Activities funds," booster club funding, student-athlete fundraising, parent fundraising, donations, or any other outside contributions to any athletics teams.

Based on the assessment, the District will create a plan, with timeframes, to provide equal opportunities for male and female students in the provision of equipment and supplies at Morton High School as necessary to demonstrate compliance with Title IX. The plan will include a recordkeeping system that sufficiently and accurately documents the budgets and expenses for each team that includes all funding sources for equipment and supplies.

REPORTING REQUIREMENTS:

1. By May 31, 2022, the District will submit to OCR for review its full assessment of its provision of equipment and supplies in its interscholastic athletics program at Morton High School. The District also will submit its plan (with timeframes) to ensure that the District provides equal opportunity for both sexes in the District's interscholastic athletics program in the provision of equipment and supplies at Morton High School, as necessary to demonstrate compliance with Title IX, by no later than the 2022-2023 school year. The plan will include a detailed description of a recordkeeping system that sufficiently and accurately documents the budget and expenses for each team, including each team's line-item expenses. The plan must account for and appropriately allocate any funds raised for or donated to the District's interscholastic athletics program to ensure the District provides equal opportunity for male and female students in the provision of equipment and supplies.
2. By July 31, 2023, and July 31, 2024, the District will submit to OCR documentation demonstrating the District provides equal opportunity for male and female students in the provision of equipment and supplies, including copies of the budget for equipment and supplies for the interscholastic athletics program at Morton High School, by team and line item, and the actual expenditures, by team and line item.

The District understands that by signing this Resolution Agreement, it agrees to provide the data and other 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, 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 and obligations of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. § 106.41. Upon the District's satisfaction of the terms and obligations of the Resolution Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Resolution Agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will 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 (or designee)
Morton Community School District #709

Date