

RESOLUTION AGREEMENT
Houston Independent School District
OCR Complaint No. 06121210

The Houston Independent School District (the District) agrees to implement the following Resolution Agreement (Agreement) to resolve the above referenced complaint, which was opened for investigation by the U. S. Department of Education (Department), Office for Civil Rights, (OCR) pursuant to Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. The District is committed to complying fully with Title IX, Section 504 and Title II and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. The District understands that OCR has not made an investigatory finding that the District has violated Title IX, Section 504 or Title II, and the signing of this Agreement by the District does not constitute an admission by the District that it has violated Title IX, Section 504 or Title II.

I. EXCLUSION OF STUDENTS WITH DISABILITIES

The District will not exclude any students with disabilities from attending a District field trip that she or he is eligible to attend, unless the District has a legitimate, non-discriminatory reason for not allowing attendance by said student.

- A. **By August 29, 2014**, the District will develop (and implement) a policy that requires documentation of the justification for each instance when a student with a disability, who is otherwise eligible to attend a field trip, is excluded from attending a field trip. The policy will explicitly state that “a blanket decision regarding students with a certain disability is not justification for exclusion” and that “educational decisions regarding opportunities for students with disabilities to participate in extracurricular activities must be made in conformance with the regulations of Section 504 and Title II (e.g., decisions reflect determinations made by a group of persons – including persons knowledgeable about the child, the meaning of the evaluation data and the placement options - rather than unilateral determinations).” The policy will require such documentation to be maintained for at least one (1) calendar year from the date of the field trip.

- B. **Beginning on August 29, 2014**, where appropriate, the District will include in students’ individual education plans (IEPs, IAPs, Section 504 Plans, etc.) information regarding the student’s ability to participate in District field trips and the types of aids and services required, if any, to allow the student to participate in field trips.

- C. **By September 30, 2014**, the District will provide in-service training on the policy developed under Section I.A. to all Yates administrative and teaching staff.

REPORTING REQUIREMENTS FOR SECTION I:

By October 15, 2014, the District will submit documentation to OCR evidencing completion of Section I. Such documentation will include the policy, copies of individual education plans for students with multiple impairments and students with autism at Yates for whom ARD/IEP meetings have been held under the new policy, the identity of the individual(s) conducting the training and the individual's qualifications, along with the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing the individuals who attended the training.

II. OPPORTUNITY TO RECEIVE COACHING

In order to ensure that the District provides equivalent athletic opportunities for members of both sexes at Yates High School (Yates) in the opportunity to receive coaching in accordance with 34 C.F.R. § 106.41(c)(5), the District agrees to the following:

- A. **By September 30, 2014**, the District will assess the qualifications of its current roster of coaches at Yates (including, for example, number of years of coaching experience, number of years of coaching experience in the field of sport for which she or he is coaching, accomplishments and honors as a coach, number of years and types of experience as an athlete competing in that field of sport, and/or any other information relevant to qualifications for coaching high school athletics) to determine whether coaches of girls' interscholastic athletics teams possess qualifications (on average) equivalent, or equal in effect, to coaches of boys' interscholastic athletics teams (on average). A summary of this assessment will be memorialized as a written report.
- B. **By September 30, 2014**, the District will develop (and implement) a policy requiring the District, when necessary, to make adjustments in its coaching staff to achieve and/or maintain an equivalent, or equal in effect, level of qualified coaches for girls' interscholastic athletics teams at Yates as for boys' interscholastic athletics teams at Yates. The policy will also require the District, when assigning coaches, to assign coaches with qualifications that will contribute to an equivalent, or equal in effect, level of qualified coaches for girls' teams at Yates as for boys' teams at Yates.

REPORTING REQUIREMENTS FOR SECTION II:

By October 15, 2014, the District will submit documentation to OCR evidencing completion of Section II. For any disparities¹ in qualifications (on average) between the coaches of male and female teams, the District will provide a reasonable, non-discriminatory explanation for the disparity and/or an outline of the steps taken to remedy the disparity.

III. SCHEDULING OF PRACTICES

In order to ensure that the District provides equal athletic opportunities for members of both sexes at Yates in the scheduling of games and practices in accord with 34 C.F.R. § 106.41(c)(3), the District agrees to the following:

- A. **By September 30, 2014**, the District will conduct a self-assessment of its policies and practices pertaining to the scheduling of practices at Yates High School. The self-assessment will consider the following factors: number of competitive events per sport; number and length of practice opportunities; time of day competitive events are scheduled; time of day practice opportunities are scheduled; opportunities to engage in available pre-season and post-season competition; and the provision of athletics periods. The self-assessment will also address any actions taken or support provided by booster clubs or other funding sources or groups, supporting specific boys and/or girls teams, and make any revisions necessary to ensure that the District provides equal athletic opportunities at its high school for both sexes in the scheduling of games and practices, including additional opportunities to compete and train, if deemed necessary. The assessment will include input from Yates coaches and athletes of both sexes.

- B. **By September 30, 2014**, the District will develop (and implement) a written policy requiring provision of athletics period(s) to female athletes at Yates in the same, equivalent manner as is provided to male athletes at Yates.

¹ A disparity is a difference, on the basis of sex, in benefits or services, that has a negative impact on athletes of one sex when compared with benefits or services available to athletes of the other sex. A disparity does not mean that benefits and services are merely different. A disparity may vary considerably in significance (e.g., a significant disparity could be a single disparity that is so substantial as to deny equal athletic opportunity to students of one sex). Ultimately, the question is whether, in reviewing the athletic program as a whole, the disparities add up to a denial of equal opportunity to athletes of one sex.

REPORTING REQUIREMENTS FOR SECTION III:

By October 15, 2014, the District will provide to OCR for review and approval a report (to include its self-assessment), which outlines the District's plan of action with regard to the provision of equivalent practice schedules.

Upon receipt of OCR's approval of the report, the District will by **January 15, 2015**, implement any necessary changes to the scheduling of games and practice times identified in the Report or Policy to remedy any unjustified disparities on the basis of sex.

By September 30, 2015, the District will provide OCR an update to the initial report, which outlines the progress made toward the commitments in Section III. The District will attach to that report copies of any documents, plans, or other material that evidences the progress made.

IV. PROVISION OF EQUIPMENT AND SUPPLIES

In order to ensure that the District provides equivalent athletic opportunities for members of both sexes at Yates in the provision of equipment and supplies in accordance with 34 C.F.R. § 106.41(c)(2), the District agrees to the following:

- A. **By October 30, 2014**, the District will undertake a comprehensive assessment of all of its interscholastic athletics teams at Yates to assess equipment and supply needs. In conducting the assessment, the District will compile an inventory of all uniforms and sports-specific equipment and supplies provided to boys' and girls' teams at Yates to determine whether boys' and girls' teams are provided equivalent equipment and supplies provided. The assessment will include input from Yates coaches and athletes of both sexes. The assessment will consider the following factors: quality; amount; suitability; maintenance and replacement; and availability of equipment and supplies. The assessment will specifically consider booster club funding and any other private donations, with particular emphasis on how such outside funding is used to purchase equipment and supplies for Yates athletes, and will determine if there are inconsistencies in the length of time for providing and replacing equipment and supplies to female athletes as compared to male athletes. Once this comprehensive review is complete, the District shall draft a report of its relevant findings and a plan of action (collectively referred to as "Report") to ensure that the equipment and supplies provided to Yates' female athletes are equivalent to the amount, quality, suitability, availability, as well as maintenance and replacement of equipment and supplies provided to Yates' male athletes.

- B. **By October 30, 2014**, the District will develop (and implement) a written Equipment Maintenance and Replacement policy (Policy) for Yates interscholastic athletics teams, and will take all reasonable steps to ensure the equitable provision of equipment and supplies to male and female athletes at Yates during the 2014-2015 school year and every year thereafter.
- C. **Beginning on October 31, 2014**, the District will keep record of Yates' athletic department budget by sex, including all purchases for equipment and supplies.

REPORTING REQUIREMENTS FOR SECTION IV:

By November 14, 2014, the District will submit to OCR for review and approval the Report and Policy, along with its plan, if any, for changes to the provision of equipment and supplies.

Upon receipt of OCR's approval of the Report and Policy, the District will by **February 16, 2015**, implement any necessary changes to the provision of equipment and supplies identified in the Report or Policy to remedy any unjustified disparities on the basis of sex. The District will provide OCR purchase orders and any other documentation (e.g. photos) that outlines the progress made toward the commitments in Section IV, as well as copies of any documents, plans, or other material that evidences the progress made and that supports the District's plan of action.

By September 30, 2015, the District will provide OCR an update to its Report and Policy, and any other documentation which outlines the progress made toward the commitments in Section IV, as well as copies of any documents, plans, or other material that evidences the progress made.

V. **PROVISION OF LOCKER ROOMS, PRACTICE AND COMPETITIVE FACILITIES**

In order to ensure that the District provides equal athletic opportunities for members of both sexes at Yates in the provision of locker rooms, practice and competitive facilities, in accord with 34 C.F.R. § 106.41(c)(7), the District agrees to the following:

- A. **By October 30, 2014**, the District will conduct a self-assessment of the locker rooms, practice and competitive facilities that are provided to its boys' and girls' interscholastic athletics teams at Yates, including any facilities that are not owned, but are used, by the District, to ensure that they are equivalent. The self-assessment will consider the quality and availability of the facilities provided for practice and competitive events for each athletic team; exclusivity of use of facilities provided for practice and competitive events; availability of locker rooms for each Yates athletic

team; quality of locker rooms for each Yates athletic team; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events. The assessment will include input from Yates coaches and athletes of both sexes. The self-assessment will address any actions taken, or support provided by, booster clubs or other funding sources or groups supporting specific boys and/or girls teams. The self-assessment will also take into account any planned upgrades or improvements to remedy any unjustified disparities on the basis of sex identified by the self-assessment, and will result in revisions necessary to ensure that the District provides equal athletic opportunities for both sexes at Yates in the provision of locker rooms.

- B. **By October 30, 2014**, the District will develop a plan of action for how and when it will provide Yates' athletes access to locker rooms, including a log sheet or other form for tracking when the locker rooms are locked and unlocked. The District will designate one or more employees responsible for implementing this policy, and the District will ensure that the policy is implemented.

REPORTING REQUIREMENTS FOR SECTION V:

By November 14, 2014, the District will provide to OCR for review and approval a report (to include its self-assessment), which outlines the District's plan of action with regard to the provision of equivalent locker room, practice and competitive facilities.

Upon receipt of OCR's approval of the report, the District will **by February 16, 2015**, implement any necessary changes to the provision of equipment and supplies identified in the Report or plan of action to remedy any unjustified disparities on the basis of sex.

By September 30, 2015, the District will provide OCR an update to the initial report, which outlines the progress made toward the commitments in Section V. The District will attach to that report copies of any documents, plans, or other material that evidences the progress made.

VI. IN-SERVICE TRAINING

By March 30, 2015, the District will provide in-service training on the policies developed pursuant to Sections II through V to all Yates administrative and coaching staff.

REPORTING REQUIREMENTS FOR SECTION VI:

By April 15, 2015, the District will provide documentation to OCR evidencing that the training required by Section VI has been completed, including the identity of the individual(s) conducting the training and the individual's qualifications, along with the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing the individuals who attended the training.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. 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 regulations implementing Title IX at 34 C.F.R. Part 106, Section 504 at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35.

The District further 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 regulations implementing Title IX at 34 C.F.R. Part 106, Section 504 at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35, which were at issue in this case.

Finally, 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.

Dr. Terry B. Grier, Superintendent
Houston Independent School District

Date