

RESOLUTION AGREEMENT
Complaint No. 06131731
Cleveland School District

The Cleveland School District (CSD or District), Cleveland, Mississippi, voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the District commits to the following actions, consistent 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, to resolve the compliance concerns identified through OCR's investigation of the above-referenced complaint, specifically as they relate to the District's scheduling of games and practice time for student athletes; student athletes' opportunity to receive coaching and the assignment and compensation of coaches and the District's provision of locker rooms, practice and competitive facilities to student athletes.

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 Title IX regulations at 34 C.F.R. § 106.41, which were at issue in this case. 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, 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 this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. § 106.41, which were 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. If OCR has any objections to the documents, recommendations or other items required to be submitted for review and approval by OCR under this Agreement, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft documents. This Agreement does not constitute an admission by the District that it discriminated or otherwise engaged in any wrongdoing. The District hereby voluntarily commits to the following:

I. SCHEDULING OF GAMES AND PRACTICE TIME

The CSD agrees to provide equal athletic opportunities to participants of both sexes in its interscholastic athletics program with respect to the scheduling of games and practice time, as required by Title IX and its implementing regulations at 34 C.F.R. § 106.41(c)(3), and OCR policy. In this regard, the CSD will assess its compliance with the requirements of this program component at Cleveland High School (CHS) and then, with OCR's assistance, develop and implement a plan to resolve any identified compliance concerns to ensure the provision of equal athletic opportunity to participants of both sexes in its interscholastic athletics program. The

CSD's assessment of its compliance with this program component will include consideration of input from student athletes and coaches.

1. By _____, the CSD will develop for OCR's review and approval policies and procedures designed to ensure that its scheduling of games and practice time is equivalent or equivalent in effect for the CSD boys' and girls' athletic teams at CHS. The CSD will implement the OCR-approved policies and procedures within 60 days following OCR's approval.
2. By _____, the CSD will complete a comprehensive assessment of the scheduling of games and practice time in its interscholastic athletics program at CHS to ensure that participants of both sexes benefit from the scheduling of games and practice time in a manner that is equivalent or equivalent in effect. The assessment will be documented in a report and shall include information about the CSD's athletics program as it existed during the 2013-2014 school year. The report shall also include, at a minimum, an assessment of the following factors:
 - a. Number of competitive events per sport;
 - b. Number and length of practice opportunities;
 - c. Time of day competitive events are scheduled;
 - d. Time of day practice opportunities are scheduled, and
 - e. Opportunities to engage in available pre-season and post-season competition.
3. Within 60 days following OCR's approval of its assessment report, the CSD will, if applicable, submit to OCR for its review and approval a plan to ensure that male and female student athletes are provided benefits and services in the scheduling component that are equivalent or equivalent in effect. The plan will include a description of specific action steps, timelines, and revision of CSD policies, procedures, and practices to ensure the provision of equal athletic opportunity to participants of both sexes with respect to the scheduling of games and practice time.
4. Within 30 days following OCR's approval of its proposed plan to ensure that male and female student athletes are provided equivalent benefits and services in the scheduling component, the CSD will begin implementation of the plan.

REPORTING REQUIREMENTS – SECTION I

1. By _____, the CSD will submit to OCR for review and approval a copy of the policies and procedures designed to ensure that its scheduling of games and practice time is equivalent or equivalent in effect for the CHS boys' and girls' athletic teams. OCR will respond no later than 60 calendar days after receiving the draft documents.

2. Within 14 days following its implementation of the OCR-approved policies and procedures, the CSD will submit to OCR information indicating that the policies and procedures have been implemented, including, but not limited to, documentation showing that the policies and procedures have been published and communicated to all relevant students, staff members, and administrators.
3. By _____, the CSD will submit to OCR for review and approval a report of its assessment of the scheduling of games and practice time in its interscholastic athletics program at CHS as outlined in Section VI.2 of this Agreement. OCR will respond no later than 60 calendar days after receiving the draft documents.
4. By _____, and by the same date thereafter in 20__ and 20__, the CSD will, if applicable, provide a report to OCR addressing the implementation of its plan to provide equivalent benefits and services in the scheduling component to all female and male CHS athletes. The report should include appropriate documentation to demonstrate that the plan is being implemented.

II. OPPORTUNITY TO RECEIVE COACHING AND ASSIGNMENT AND COMPENSATION OF COACHES

The CSD agrees to provide equal athletic opportunities to participants of both sexes in its interscholastic athletics program with respect to the opportunity to receive coaching and the assignment and compensation of coaches, as required by Title IX and its implementing regulations at 34 C.F.R. § 106.41(c)(5) and (6), and OCR policy. In this regard, the CSD will assess its compliance with the requirements of this program component at CHS and then, with OCR's assistance, develop and implement a plan to resolve any identified compliance concerns to ensure the provision of equal athletic opportunity to participants of both sexes in its interscholastic athletics program. The CSD's assessment of its compliance with this program component will include consideration of input from student athletes and coaches.

1. By _____, the CSD will develop for OCR's review and approval policies and procedures designed to ensure that equal athletic opportunities are provided to participants of both sexes in its interscholastic athletics program with respect to the opportunity to receive coaching and the assignment and compensation of coaches at CHS. The CSD will implement the OCR-approved policies and procedures within 60 days following OCR's approval.
2. By _____, the CSD will complete a comprehensive assessment of the availability, assignment, and compensation of coaches in its interscholastic athletics program at CHS to ensure that participants of both sexes are provided coaching benefits that are equivalent or equivalent in effect. The assessment will be documented in a report and shall include information about the CSD's athletics program as it existed during the 2013-2014 school year. The report shall also include, at a minimum, an assessment of the following factors:
 - a. The number of participants for each team at CHS.

- b. A review of the relative availability of full-time coaches, part-time coaches, and assistant coaches at CHS.
 - c. A review of the assignment of coaches, including their respective training, experience, and other professional qualifications, and professional standing, at CHS.
 - d. A review of the compensation of coaches, including their rate of compensation (per sport, per season), duration of contracts, conditions relating to contract renewal, experience, nature of coaching duties performed, working conditions, and other terms and conditions of employment, at CHS.
 - e. A review of any CSD or individual school policies, procedures, and practices that impact the CSD's athletics program with regard to the opportunity to receive coaching and the assignment and compensation of coaches.
 - f. A description of any differences related to the availability, assignment, and compensation of coaches between male and female participants in the CSD's interscholastic athletics program for all of the factors indicated in Section VII.2(a)-(e), above, for the 2013-2014 school year, including, but not limited to, coaching reassignments, new hires, and/or other changes in the opportunity to receive coaching and the assignment and compensation of coaches.
3. Within 60 days following OCR's approval of its assessment report, the CSD will, if applicable, submit to OCR for its review and approval a plan to ensure that male and female student athletes at CHS are provided equivalent benefits and services in the coaching component. The plan will include a description of specific action steps, timelines, and revision of CSD policies, procedures, and practices to ensure the provision of equal athletic opportunity to participants of both sexes in the assignment, availability, and compensation of coaches.
 4. Within 30 days following OCR's approval of its proposed plan to ensure that male and female student athletes are provided equivalent benefits and services in the coaching component, the CSD will begin implementation of the plan.

REPORTING REQUIREMENTS – SECTION II

1. By _____, the CSD will submit to OCR for review and approval a copy of the policies and procedures designed to ensure that equal athletic opportunities are provided to participants of both sexes in its interscholastic athletics program with respect to the opportunity to receive coaching and the assignment and compensation of coaches at CHS. OCR will respond no later than 60 calendar days after receiving the draft documents.
2. Within 14 days following its implementation of the OCR-approved policies and procedures, the CSD will submit to OCR information indicating that the policies and procedures have been implemented, including, but not limited to, documentation showing

that the policies and procedures have been published and communicated to all relevant students, staff members, and administrators.

3. By _____, the CSD will submit to OCR for review and approval a report of its assessment of the availability, assignment, and compensation of coaches in its interscholastic athletics program as outlined in Section VII.2 of this Agreement. OCR will respond no later than 60 calendar days after receiving the draft documents.
4. By _____, and by the same date thereafter in 20__ and 20__, the CSD will, if applicable, provide a report to OCR addressing the implementation of its plan to provide equivalent benefits and services in the coaching component to all female and male CHS athletes. The report should include appropriate documentation to demonstrate that the plan is being implemented.

III. PROVISION OF LOCKER ROOMS, PRACTICE AND COMPETITIVE FACILITIES

The CSD agrees to provide equal athletic opportunities to participants of both sexes in its interscholastic athletics program with respect to the provision of locker rooms, practice and competitive facilities, as required by Title IX and its implementing regulations at 34 C.F.R. § 106.41(c)(7), and OCR policy. In this regard, the CSD will assess its compliance with the requirements of this program component at Eastside High School (EHS) and then, with OCR's assistance, develop and implement a plan to resolve any identified compliance concerns to ensure the provision of equal athletic opportunity to participants of both sexes in its interscholastic athletics program. The CSD's assessment of its compliance with this program component will include consideration of input from student athletes and coaches.

1. By _____, the CSD will develop for OCR's review and approval policies and procedures designed to ensure the equivalent provision of locker rooms and practice and competitive facilities to the CSD boys' and girls' athletic teams at EHS. The CSD will implement the OCR-approved policies and procedures within 60 days following OCR's approval.
2. By _____, the CSD will complete a comprehensive assessment of all locker rooms, practice fields and facilities, and competitive fields and facilities assigned to the boys' and girls' EHS athletic teams to ensure the equivalent provision of locker rooms, practice and competitive facilities. The assessment will be documented in a report and shall include information about the EHS athletics program as it existed during the 2013-2014 school year. The report shall include, at a minimum, an evaluation of the following:
 - a. Quality and availability of the facilities provided for practice and competitive events for each athletic team at EHS;
 - b. Exclusivity of use of facilities provided for practice and competitive events;
 - c. Availability of locker rooms for each EHS athletic team;

- d. Quality of locker rooms for each EHS athletic team;
- e. Maintenance of practice and competitive facilities; and
- f. Preparation of facilities for practice and competitive events.

The assessment of the above-listed factors shall include the following: a list of all locker rooms, practice fields and facilities, and competitive fields and facilities, including proximity of locker rooms to the practice and competitive facilities, quality of each facility (including, but not limited to, any identified issues related to field drainage, field lighting, etc.), amenities for each locker room (showers, laundry service, available trainers, accommodations for visiting teams), exclusive use of locker rooms, amenities for each practice and competitive field (concession facilities, public address systems, electronic scoreboards, seating at each field, maintenance of each facility, preparation of each practice and competitive field), the age of each facility, whether it is on or off-campus, and whether certain teams or programs have exclusive use of the facility, including a schedule showing when facilities are used for practice and competition and how long the locker rooms are assigned for use by each CSD athletic team at the middle school and high school.

3. Within 60 days following OCR's approval of its assessment report, the CSD will, if applicable, submit to OCR for its review and approval a plan to ensure that male and female student athletes are provided equivalent benefits and opportunities with respect to locker rooms, practice fields and facilities, and competitive fields and facilities. The plan will include a description of specific action steps, timelines, and revision of CSD policies, procedures, and practices to ensure the provision of equal athletic opportunity to participants of both sexes with respect to locker rooms, practice fields and facilities, and competitive fields and facilities.
4. Within 30 days following OCR's approval of its proposed plan to ensure that male and female student athletes are provided equivalent benefits and services in the locker rooms, practice, and competitive facilities component, the CSD will begin implementation of the plan.

REPORTING REQUIREMENTS – SECTION III

1. By _____, the CSD will submit to OCR for review and approval a copy of its policies and procedures designed to ensure the equivalent provision of locker rooms, and practice and competitive facilities to the boys' and girls' athletic teams at EHS. OCR will respond no later than 60 calendar days after receiving the draft documents.
2. Within 14 days following its implementation of the OCR-approved policies and procedures, the CSD will submit to OCR information indicating that the policies and procedures have been implemented, including, but not limited to, documentation showing that the policies and procedures have been published and communicated to all relevant students, staff members, and administrators.

3. By _____, the CSD will submit to OCR for review and approval a report of its assessment of the provision of locker rooms and practice and competitive facilities in its interscholastic athletics program as outlined in Section VIII.2 of this Agreement. OCR will respond no later than 60 calendar days after receiving the draft documents.

4. By _____, and by the same date thereafter in 20__ and 20__, the CSD will, if applicable, provide a report to OCR addressing the implementation of its plan to provide equivalent benefits and services in the locker rooms, practice, and competitive facilities component to all female and male EHS athletes. The report should include appropriate documentation to demonstrate that the plan is being implemented.

Signed:

Dr. Jacquelyn Thigpen, Superintendent
Superintendent
Cleveland School District

Date