

**VOLUNTARY RESOLUTION AGREEMENT**  
**Cleveland County School District**  
**OCR Case Number: 06-14-1411**

The Cleveland County School District (CCSD or the District) and the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, enter into this Voluntary Resolution Agreement (“Agreement”) to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the CCSD. The CCSD assures OCR that it will take the actions outlined in this Agreement to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex by recipients of Federal financial assistance.

Prior to the completion of OCR’s investigation, the CCSD agreed to resolve the issue of this investigation pursuant to Section 302 of OCR’s *Case Processing Manual*. Accordingly, to resolve the issue under investigation, the CCSD agrees to the action items below. Additional information regarding the CCSD’s implementation of the specific action items set forth below is provided in the attached Appendix to Voluntary Resolution Agreement (“Appendix”). The terms and conditions set forth in the Appendix are hereby made a part of this Agreement to the same extent and with the same force as if fully set forth herein.

**SECTION A: ACCOMMODATION OF INTERESTS AND ABILITIES**

The CCSD agrees to provide participation opportunities in its interscholastic athletic program at Rison High School (RHS) for female and male students which equally and effectively accommodates the athletic interests and abilities of members of both sexes, consistent with the requirements of Title IX, and its implementing regulation at 34 C.F.R. § 106.41(c)(1).

**ACTION ITEMS AND REPORTING REQUIREMENTS**

In order to comply with its obligation to effectively accommodate the athletic interests and abilities of members of both sexes, the CCSD agrees to undertake the following actions:

**Action Item A1: Substantially Proportionate Participation Opportunities**

1. As set forth more fully in the Appendix, the CCSD agrees to assess its 2018-19 athletic participation rates, to determine whether the CCSD provided participation opportunities for female and male students which were substantially proportionate to their respective enrollments.

**Reporting Requirement for Action Item A1:**

- By **January 31, 2020**, the CCSD will provide OCR a copy of the results of its analysis conducted pursuant to Action Item A1. The CCSD shall also report to OCR its determination, i.e., whether the CCSD determined based on its calculations that the District provided athletic participation opportunities to female and male students which were substantially proportionate to their enrollment at RHS during the 2018-19 academic year. Further, if the CCSD wishes to establish compliance with Title IX by satisfying Part I of

OCR's Three-Part Test (i.e., substantial proportionality), then the CCSD will also provide OCR with documentation evidencing its 2018-19 enrollment, by sex, at RHS, as well as the squad list for each interscholastic sport offered at RHS on the date of the first competition for each sport. OCR will determine whether the CCSD has demonstrated current compliance with Title IX by satisfying Part I.

### **Action Item A2: Determination of Unmet Interest and Ability**

2. If, after conducting the assessment set forth in Action Item A1, the CCSD is unable to demonstrate current compliance with Part I of OCR's Three-Part Test, then the CCSD will conduct an objective assessment, as outlined in the Appendix, in order to determine whether there is unmet interest and ability among female students at RHS (Part III), the underrepresented sex in the CCSD's athletic program.

### **Reporting Requirements for Action Item A2:**

- By **April 3, 2020**, the CCSD will provide a copy of the District's proposed survey, as referenced in Action Item A2 (a), above, for OCR's review and approval. The CCSD will also describe to OCR its plans for administering the survey and provide the names and titles of the individuals who will review the survey results. OCR will review the CCSD's submission and provide comments, if any, within **30 calendar days**.
- By **June 26, 2020**, the CCSD will provide OCR with a detailed report summarizing the results of its Districtwide assessment conducted pursuant to Action Item A2, above. The documentation to be provided in the report is set forth in the attached Appendix.

### **Action Item A3: Corrective Action Plan**

3. If, after completing Action Items A1 and A2, as described above and as set forth in the Appendix, the CCSD is unable demonstrate that it offers athletic participation opportunities at RHS which are substantially proportionate to female and male student enrollment at RHS (Part I) or, in the alternative, that the interests and abilities of female students are fully and effectively accommodated by RHS's current athletics program (Part III), then the CCSD will create a detailed Corrective Action Plan, to include timeframes, to ensure that the athletic interests and abilities of RHS's female students are fully and effectively accommodated to the extent necessary to provide equal athletic opportunity in its interscholastic athletics program by the **2021-22 school year**. The information to be included in the CCSD's Corrective Action Plan is set forth in the attached Appendix.

### **Reporting Requirements for Action Item A3:**

- By **September 18, 2020**, the CCSD will provide to OCR, for review and approval, its Corrective Action Plan, including timeframes for completion. The Corrective Action Plan will include a description of the interim steps that will be taken by the CCSD during the 2020-21 school year to increase athletic opportunities for female students (the underrepresented sex). OCR will provide comments, if any, within **30 calendar days**.

- By **December 11, 2020**, and **December 3, 2021**, the CCSD will submit progress reports to OCR evidencing the actions it has taken to implement its Corrective Action Plan (e.g., hiring of additional coaching staff, establishment of budget).
- By **May 27, 2022**, the CCSD will provide to OCR, for review and approval, a report that includes information demonstrating that RHS's interscholastic athletics program fully and effectively accommodates the athletic interests and abilities of RHS's female students.

#### **Action Item A4: Policy for Considering Adding Sports**

4. The CCSD will develop a policy setting forth the process by which the District will review requests (whether oral or written, formal or informal) made to RHS administrators, coaches, or staff by or on behalf of students to add a particular sport, squad, level of sport, or to elevate an existing club sport, if any, to interscholastic sport status. The policy will describe the appropriate procedure for requesting additional sports, designate an individual responsible for receiving and responding to such requests, and the CCSD's intended method of distribution of the policy and procedure to students, coaches, and other employees. A copy of the CCSD's draft policy will be submitted to OCR for review and approval before the District adopts and publishes the policy. When submitting the policy to OCR for approval, the CCSD will also describe its intended method for publishing and effectively disseminating the policy to students, coaches, and other employees.

#### **Reporting Requirements for Action Item A4:**

- By **January 31, 2020**, the CCSD will provide to OCR, for review and approval, a copy of the policy described in Action Item A4, as well as a description of the CCSD's plan for publication/dissemination. OCR will respond with comments, if any, within **30 calendar days**. If the CCSD does not hear otherwise from OCR after 30 calendar days, the CCSD may presume that OCR approves of the proposed policy and method of publication/distribution and may move forward with publishing and disseminating the policy.
- By **April 3, 2020**, the CCSD will provide OCR with documentation evidencing that the policy described in Action Item A4 has been published and disseminated.

#### **SECTION B: SCHEDULING OF GAMES AND PRACTICE TIME**

The CCSD agrees to provide equal athletic opportunities to members of both sexes in its interscholastic athletics program at RHS with respect to the scheduling of games and practice time, as required by Title IX and its implementing regulation at 34 C.F.R. § 106.41(c)(3).

#### **ACTION ITEMS AND REPORTING REQUIREMENTS**

To resolve the allegations made in this complaint, the CCSD agrees to take the following actions:

**Action Item B1: District Self-Assessment**

1. The CCSD will conduct an assessment to determine whether the CCSD, in coordination with opposing competition and governing athletic associations, is providing equivalent benefits and opportunities to RHS's female and male students with respect to the scheduling of games and practice times, as set forth in the Appendix.

**Action Item B2: Corrective Action Plan**

2. After conducting the assessment described in the Appendix, the CCSD will determine the extent to which any disparities exist between benefits and opportunities provided to female and male athletes with regard to the scheduling of games and practice time. The CCSD will develop a plan to cure any disparities in the benefits and opportunities provided to male and female athletes in a Corrective Action Plan. If the CCSD is required to develop a Corrective Action Plan under Section A of this Agreement, then the CCSD may include steps to cure disparities found with regard to the scheduling of games and practice time in the same Corrective Action Plan.

**Reporting Requirements for Action Items B1 and B2:**

- By **April 3, 2020**, the CCSD will provide to OCR the results of its assessment conducted pursuant to Action Item B1. OCR will provide comments, if any, within **30 calendar days**.
- By **September 18, 2020**, the CCSD will provide OCR a copy of its proposed Corrective Action Plan, including timeframes for completion. OCR will provide comments, if any, within **30 calendar days**.
- By **December 11, 2020**, and **December 3, 2021**, the CCSD will submit progress reports to OCR evidencing the actions it has taken to implement its Corrective Action Plan (e.g., changing of schedules).
- By **May 27, 2022**, the CCSD will provide to OCR, for review and approval, a report that includes information demonstrating that male and female athletes at RHS are afforded equivalent athletic opportunities with respect to the scheduling of games and practice times.

**SECTION C: PROVISION OF LOCKER ROOMS, PRACTICE AND COMPETITIVE FACILITIES**

The CCSD agrees to provide equal athletic opportunities to members of both sexes in its interscholastic athletics program at RHS with respect to the provision of locker rooms, practice and competitive facilities, as required by Title IX and its implementing regulation at 34 C.F.R. § 106.41(c)(7).

**ACTION ITEMS AND REPORTING REQUIREMENTS**

To resolve the allegations made in this complaint, the CCSD agrees to take the following actions:

### **Action Item C1: District Self-Assessment**

1. The CCSD will conduct an assessment to determine whether the District is providing equivalent benefits and opportunities to female and male students at RHS with respect to the provision of locker rooms, practice and competitive facilities, as set forth in the Appendix.

### **Action Item C2: Corrective Action Plan**

2. After conducting the assessment described above, the CCSD will determine the extent to which any disparities exist between benefits and opportunities provided to female and male athletes with regard to the provision of locker rooms, practice and competitive facilities at RHS. The CCSD will develop a plan to cure any disparities in the benefits and opportunities provided to male and female athletes in a Corrective Action Plan. If the CCSD is required to develop a Corrective Action Plan under either Section A or B of this Agreement, then the CCSD may include steps to cure disparities found with regard to the provision of locker rooms, practice and competitive facilities in the same Corrective Action Plan.

### **Reporting Requirements for Action Items C1 and C2:**

- By **April 3, 2020**, the CCSD will provide to OCR the results of its assessment conducted pursuant to Action Item C1. The CCSD will also provide OCR with a schedule of the use of the “Pride” Building for weightlifting purposes by each of RHS’s athletic teams during the 2019-20 school year. OCR will provide comments, if any, within **30 calendar days**.
- By **September 18, 2020**, the CCSD will provide OCR a copy of its proposed Corrective Action Plan, including timeframes for completion. OCR will provide comments, if any, within **30 calendar days**.
- By **December 11, 2020**, and **December 3, 2021**, the CCSD will submit progress reports to OCR evidencing the actions it has taken to implement its Corrective Action Plan (e.g., schedule of facility use by each interscholastic athletic team).
- By **May 27, 2022**, the CCSD will provide to OCR, for review and approval, a report that includes information demonstrating that male and female athletes at RHS are afforded equivalent athletic opportunities with respect to the provision of locker rooms, practice and competitive facilities.

### **SECTION D: GENERAL PROVISIONS**

The CCSD understands that by signing this Agreement, it agrees to provide the foregoing information, as well as the information described in the Appendix, in a timely manner in accordance with the reporting requirements of this Agreement and Appendix. Further, the CCSD 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 CCSD has fulfilled the terms of this Agreement and Appendix and is in compliance with Title IX and its implementing regulations at 34 C.F.R. §§ 106.41(c)(1), (3), and

(7), which were at issue in this case. Upon completion of the obligations under this Agreement and Appendix, OCR shall close and dismiss this case.

The CCSD 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 CCSD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

/s/  
\_\_\_\_\_  
Mr. Craig Dupuy, Superintendent  
Cleveland County School District

\_\_\_\_\_  
Date