

RESOLUTION AGREEMENT

Forest Municipal School District Complaint Number 06-15-1040

The Forest Municipal School District (FMSD or District) 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 to resolve the allegations in the above-referenced complaint, consistent with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106. FMSD acknowledges that under Title IX, it has an obligation to provide equal athletic opportunity to members of both sexes.

The FMSD understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this 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(a), (c)(7), which were at issue in this case. The FMSD 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. § 106.41(a), (c)(7). The FMSD 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.

PROVISION OF LOCKER ROOMS, PRACTICE AND COMPETITIVE FACILITIES

The FMSD 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 FMSD will assess its compliance with the requirements of this program component at Forest High School (FHS) 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 FMSD's assessment of its compliance with this program component will include consideration of input from student athletes and coaches.

ACTION ITEM 1

In order to ensure that the District provides equal athletic opportunities to athletes of both sexes at FHS with respect to the provision of locker rooms, practice and competitive facilities in accordance with Title IX and its regulatory requirements, at 34 C.F.R. § 106.41(c)(7), the District agrees to construct an on-campus girls' softball field sufficient for the purpose of playing official District-

wide varsity and junior varsity softball games. The District will construct the softball field in two phases as follows:

1. By February 1, 2016, the FMSD agrees to complete Phase One consisting of the construction of a permanently lighted softball field with acceptable lighting standards and a playing surface suitable for practice and official District-wide varsity and junior varsity softball games. In addition, the softball field at the completion of Phase One will have an appropriate backstop, outfield fences, foul-line markers, and electronic scoreboard.
2. By February 1, 2017, the FMSD agrees to complete Phase Two, which will include other improvements to the softball field to include dugouts, stands for spectators, and a building that will house a locker room, storage area and concessions stand comparable to those provided to FHS boys' teams.

REPORTING REQUIREMENTS:

1. By May 31, 2015, the FMSD will submit to OCR for its review and approval a plan to ensure that FMSD provides the FHS softball teams with benefits and opportunities comparable to those provided to the boys' athletic teams with respect to the provision of a softball field. The plan will include a description of specific action steps and timelines for constructing the softball field.
2. Within 30 calendar days following OCR's approval of its proposed plan to ensure that male and female student athletes are provided equivalent benefits and services, the FMSD will begin implementation of the plan.
3. By February 1, 2016, the FMSD will provide OCR with documentation of the specific actions taken to provide an on-campus practice and competitive softball field equivalent to that provided to FHS boys' teams as they pertain to the requirements of Action Item 1, Phase 1.
4. By February 1, 2017, the FMSD will provide OCR with documentation of the specific actions taken to provide the improvements to the softball field described in Action Item 1, Phase 2.

ACTION ITEM 2

By May 31, 2015, the FMSD will conduct a comprehensive assessment of all locker rooms, practice fields and facilities, and competitive fields and facilities assigned to the boys' and girls' athletic teams (with the exception of the softball teams) at FHS to ensure the equivalent provision of locker rooms and practice and competitive facilities. The assessment will be conducted under the general supervision of the Athletic Director or Designee, and shall include, at a minimum, an evaluation of the following:

- a. the quality and availability of the facilities provided to boys' and girls' teams for practice and competitive events;

- b. the exclusivity of use of facilities provided to boys’ and girls’ teams for practice and competitive events;
- c. the availability, exclusivity and quality of locker rooms provided to boys’ and girls’ teams;
- d. the maintenance of practice and competitive facilities provided to boys’ and girls’ teams; and
- e. the preparation of facilities provided to boys’ and girls’ teams 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 practice and competitive facilities, quality of each facility, 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 team.

REPORTING REQUIREMENTS:

1. By August 31, 2015, if the FMSD determines that the locker rooms and practice and competitive facilities assigned to the boys’ and girls’ athletic programs (with the exception of the softball teams) are comparable, the FMSD will develop and provide to OCR for its review and approval a report outlining that determination and the information, including appropriate documentation, upon which it is based.
2. By August 31, 2015, if the FMSD determines that the boys’ and girls’ athletic teams (with the exception of the softball teams) are not receiving comparable benefits and opportunities with respect to the provision of locker rooms, practice and competitive facilities, the FMSD will develop and submit for OCR’s review and approval a plan to ensure that boys’ and girls’ teams that are not receiving comparable benefits and opportunities are provided with equivalent benefits and services.
3. Within 30 calendar days following OCR’s approval of its proposed plan to ensure that male and female student athletes are provided equivalent benefits and services, the FMSD will begin implementation of the plan.
4. Within 30 calendar days following its full implementation of the OCR-approved plan, the FMSD will submit to OCR documentation, including, but not limited to, photographs, work orders, etc., indicating that the plan has been fully implemented.

Dr. Joseph White, Superintendent
Forest Municipal School District

Date