

**VOLUNTARY RESOLUTION AGREEMENT**  
**Forsan Independent School District**  
**OCR Case Number: 06171228**

The Forsan Independent School District (FISD 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 FISD. The FISD 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, 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 FISD 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 FISD agrees to the action items below.

**A. ACCOMMODATION OF INTERESTS AND ABILITIES**

The FISD agrees to take action to ensure that the athletic offerings at Forsan Junior/Senior High School (FJSHS) fully and effectively accommodate the interests and abilities of members of both sexes to the extent necessary to provide members of both sexes an equal opportunity to participate in interscholastic athletics, consistent with the requirements of Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c). The FISD understands that it may demonstrate compliance with Title IX by satisfying any one of the following tests:

1. The FISD can demonstrate that it provides athletic participation opportunities for female and male students in numbers that are substantially proportionate to the respective enrollments at FJSHS; or
2. The FISD can demonstrate that there is a history and continuing practice of program expansion responsive to the developing interests and abilities of female students (the underrepresented sex); or
3. The FISD can demonstrate that the interests and abilities of female students (the underrepresented sex) are fully and effectively accommodated by the FISD's present athletic program.

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

**B. ACTION ITEMS**

**Action Item B1: Action Plan for Adding Volleyball**

1. By **May 25, 2018**, the FISD will develop a written, detailed plan ("Action Plan") for the addition of volleyball to its current extracurricular athletic offerings. The Action Plan will include, at a minimum, the following items:

- a. A plan, including timeframes for completion, for the hiring of additional coaching staff and the purchase of necessary equipment and supplies;
- b. A plan, including timeframes for completion, for the introduction of practice and competition, for each level at which the sport will be offered (e.g., junior high and high school); and
- c. A comprehensive publicity plan to ensure that middle and high school students are made aware of the new athletic opportunity.

**Reporting Requirements for Action Item B1:**

- By **June 8, 2018**, the FISD will provide to OCR a copy of its written Action Plan for the introduction of volleyball at FJSHS. The documentation will include evidence of any steps already taken by the FISD to add volleyball to its current athletic offerings. If OCR has any concerns with the FISD’s Action Plan, OCR will communicate those concerns to the FISD within 30 calendar days.
- By **June 7, 2019**, and **June 7, 2020**, the FISD will provide to OCR documentation evidencing the implementation of the Action Plan during the applicable school year (e.g., team rosters, practice schedules, competition schedules, etc.).

**Action Item B2: Notice to Students and Parents/Guardians**

2. At the beginning of each school year during OCR’s monitoring of this Agreement, the FISD agrees to provide written notice to each FJSHS student and their parent/guardian of the current interscholastic athletic offerings available at FJSHS. The notice will include information regarding to whom students and/or parents/guardians may report to the FISD that the student has an interest in participating in a sport that is not currently offered at FJSHS, and shall include the designated individual’s complete contact information (i.e., name, title, telephone number/email address).

**Reporting Requirements for Action Item B2:**

- By **October 18, 2018**, and **October 18, 2019**, the FISD shall provide to OCR a copy of the notice sent to students and parents/guardians, as required by Action Item B2.
- By **June 7, 2019**, and **June 7, 2020**, the FISD shall provide OCR documentation which evidences any notices or reports received by the FISD from students or parents/guardians expressing an interest in an interscholastic athletic opportunity not currently offered at FJSHS.

**Action Item B3: Survey of Student Interests and Abilities**

3. At the beginning of each school year during OCR’s monitoring of this Agreement, the FISD will survey the student body at FJSHS regarding its athletic interests and abilities. The survey may be conducted electronically, and should seek to obtain following minimum information:

- a. Students' interest in current interscholastic athletic offerings at FJSHS;
- b. Students' interest in interscholastic athletic programs not currently offered at FJSHS; and
- c. Students' participation in club or outside athletic teams locally.

### **Reporting Requirements for Action Item B3:**

- By **August 24, 2018**, the FISD shall submit to OCR for review and approval its proposed student survey, as described in Action Item B3. Should OCR have any concerns with the FISD's proposed survey, OCR shall notify the FISD of its concerns within 30 calendar days.
- By **October 18, 2018**, and **October 18, 2019**, the FISD shall submit to OCR a copy of the survey issued to the FJSHS student body pursuant to Action Item B3.
- By **June 7, 2019**, and **June 7, 2020**, the FISD shall submit to OCR documentation evidencing the results of its FJSHS student survey.

### **Additional Reporting Requirements:**

- By **June 8, 2018**, **June 7, 2019**, and **June 7, 2020**, the FISD shall provide the following information to OCR:
  - a. Enrollment demographics, by grade level and sex, at FJSHS;
  - b. A listing of all sports offered during the applicable school year at FJSHS, and the level at which the sport was offered (e.g., junior high, junior varsity, varsity);
  - c. The competitive schedule for each FJSHS sports team, including pre-season and post-season competition; and
  - d. A roster for each FJSHS sports team, at each level (e.g., junior high, varsity) which identifies all participants by sex.

## **C. GENERAL PROVISIONS**

The FISD understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the FISD 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 FISD has fulfilled the terms of this Agreement and is in compliance with Title IX and its implementing regulation at 34 C.F.R. § 106.41(c), which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The FISD 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 FISD 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 FISD's representative below.

/s/  
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**FISD Superintendent or Designee**

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**Date**