



RESOLUTION AGREEMENT
Round Rock Independent School District
(RRISD or District)
OCR Case Number: 06-19-1394

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Round Rock Independent School District (RRISD or District) enter into this agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex by recipients of Federal financial assistance.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issue of this investigation, the District agrees to take the following action.

A. ACCOMMODATION OF INTERESTS AND ABILITIES:

The RRISD agrees to provide participation opportunities in its interscholastic athletic program at Pearson Ranch Middle School (PRMS) for female and male students which equally and effectively accommodate 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). The RRISD understands that it may demonstrate compliance with Title IX's regulatory requirement by satisfying any part of the "Three-Part Test" set forth in OCR's policy guidance. To resolve this complaint, the RRISD agrees to provide athletic participation opportunities that are either substantially proportionate to each sex's enrollment at PRMS, or, in the alternative, demonstrate that the interests and abilities of female students (the underrepresented sex) are fully and effectively accommodated by PRMS's current athletics program.

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 RRISD agrees to undertake the following actions:

Action Item A1 – Assess Whether the District Provided Substantially Proportionate Participation Opportunities

1. The RRISD will assess its interscholastic athletic participation rates at PRMS for the most recently completed academic year, the 2018–2019 academic year, to determine whether it provided participation opportunities for female and male students which were substantially proportionate to their respective enrollments. In determining substantial proportionality, the RRISD will consider the number of full-time enrolled students in grades six through eight at PRMS, by sex, and the number of female and male students reflected on each squad list, for each level of competition (e.g., A-Team, B-Team, etc.) for each interscholastic sport on the first date of competition for each sport. In calculating participation rates, the RRISD will not include participants in noncompetitive athletic activities (e.g., cheerleading, dance).

Reporting Requirements: Action Item A1

- a. **By December 31, 2019**, the RRISD will provide OCR a copy of the results of its analysis conducted pursuant to Action Item A1. The RRISD shall also report to OCR its determination, i.e., whether the RRISD 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 PRMS during the 2018–2019 academic year. Further, if the RRISD wishes to establish compliance with Title IX by satisfying Part I of OCR’s Three-Part Test (i.e., substantial proportionality), then the RRISD will also provide OCR with documentation evidencing its 2018–2019 enrollment, by sex, at PRMS, as well as the squad list for each interscholastic sport offered at PRMS on the date of the first competition for each sport. OCR will determine whether the RRISD has demonstrated current compliance with Title IX by satisfying Part I.

Action Item A2 – Determine Whether Unmet Interest and Ability Exists

2. If, after conducting the assessment set forth in Action Item A1, the RRISD is unable to demonstrate current compliance with Part I of OCR’s Three-Part Test, then the RRISD will conduct an objective assessment, as outlined below, in order to determine whether there is unmet interest and ability among female students at PRMS (Part III), the underrepresented sex in the PRMS’s athletic program. The assessment will be conducted among all female students at PRMS and will consider whether the interested students have the ability to sustain an interscholastic team. The assessment will be based on multiple indicators of interest and ability, including, but not limited to, the following:
 - a. Administration of a survey of female students at PRMS. The survey shall seek information on female students’ interest and ability to participate in sports currently offered and in sports not currently offered by the District. A copy of the draft survey will be submitted to OCR for its review and approval before it is distributed to students.
 - b. Identification of sports, squads, and levels of sports for female students that are not currently offered at PRMS but are offered by other schools that compete within the league(s) in which the District competes or by schools that are within the District’s normal competitive region and geographic area.
 - c. For the 2018–2019 school year, female students’ rates of participation in club sports, interscholastic sports, and physical education courses that are offered at PRMS, as well as community sports leagues, clubs, or other youth programs offered in the District’s normal competitive region and geographic area.
 - d. For the 2017–2018 and 2018–2019 school years, if applicable, a review of the number of female students who were cut from each athletic team and the reasons they were cut, to assess whether any of those students had or have the ability to compete in that sport and whether sufficient numbers of students were cut to sustain another level in that sport (e.g., B-Team).
 - e. A review of any requests (whether oral, written, formal or informal) made to School Board members, RRISD administrators, coaches, or PRMS staff by or on behalf of

- female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to interscholastic sport status. This review may be limited to requests that were received during the last two school years.
- f. Identification of all viable girls' teams that have been eliminated in the District during the past ten school years.
 - g. For the 2017–2018 and 2018–2019 school years, if applicable, a review of any assessments made by PRMS coaches or staff during tryouts, or observations of students participating in club or interscholastic competition offered by the District or in community sports leagues, clubs or other youth programs offered in the District's normal competitive region and geographic area, and other information reflecting the ability of female students to compete in a particular sport, prior participation in that sport or a similar sport at the middle school level or interscholastic club or community level, general athletic ability, participation in other middle school interscholastic sports, the nature of the particular sport, and other relevant factors. (Note: Neither a poor competitive record, nor the inability of interested students or incoming middle school students to play at the same level of competition engaged in by the RRISD's other athletes is conclusive evidence of lack of ability. For the purposes of assessing ability, it is sufficient that interested students and incoming middle school students have the potential to sustain an interscholastic team.)
 - h. Consideration of any other information that demonstrates the athletic interests and abilities of PRMS's female students.

Reporting Requirements: Action Item A2

- a. **By September 30, 2019**, the RRISD 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 RRISD 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 RRISD's submission and provide comments, if any, within 30 calendar days.
- b. **By December 31, 2019**, the RRISD will provide OCR with a detailed report summarizing the results of its assessment conducted pursuant to Action Item A2, above. The report will include, at a minimum, the following information and/or supporting documentation:
 - i. A copy of the results of the RRISD's student survey, including, but not limited to, the number of female students who indicated an interest in each sport, a complete description of the methodology used to conduct the survey, including how the survey was distributed, the number of surveys distributed and the number of responses, any follow-up to the initial distribution of the survey, the names and contact information for the individual(s) who evaluated the responses to the survey, and a copy of any notes or other documents compiled during the review of the student survey.
 - ii. An analysis of the results of the survey or other information collected from students using a method that is designed to fully and accurately assess unmet middle school athletic interests and, if applicable, abilities in elementary and middle school interscholastic sports among female students.

- iii. A list of sports, squads, and levels of sports for PRMS female students that are not currently offered by the RRISD but are offered by schools that compete within the athletic league(s) in which the RRISD competes or by schools that are within the RRISD's normal competitive region and geographic area.
- iv. Copies of any written requests and a summary of any non-written requests made by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to middle school interscholastic sport status.
- v. A summary of any assessments made by coaches or staff during tryouts, or other information reflecting the ability of PRMS female students to compete in a particular sport, prior participation in that sport or a similar sport at the middle school interscholastic level or club or intramural level, general athletic ability, the nature of the particular sport, and other relevant factors.

Action Item A3 – Create and Implement a Corrective Action Plan

3. If, after completing Action Items A1 and A2, as described above, the RRISD is unable demonstrate that it offers athletic participation opportunities at PRMS which are substantially proportionate to female and male student enrollment at PRMS (Part I) or, in the alternative, that the interests and abilities of female students are fully and effectively accommodated by PRMS's current athletics program (Part III), then the RRISD will create a detailed Corrective Action Plan (CAP), to include timeframes, to ensure that the athletic interests and abilities of PRMS's female students are fully and effectively accommodated to the extent necessary to provide equal athletic opportunity in its interscholastic athletics program by the 2021–2022 school year. The RRISD's CAP will include a description of interim steps to be taken during the 2020–2021 and 2021–2022 school years. The RRISD also agrees to conduct periodic assessments of the athletic interests and abilities of its PRMS students in subsequent years to ensure it is equally and effectively accommodating the athletic interests and abilities of its female and male students consistent with Title IX and its implementing regulation. The RRISD's CAP will include the following:
 - a. Sports currently offered: The RRISD will review the squad sizes of current teams to identify opportunities to increase participation opportunities for PRMS female students to the maximum extent feasible, consistent with the nature of each sport and the level of interest in each sport, while still ensuring that meaningful interscholastic participation opportunities are being provided for all team members.
 - b. Sports not currently offered: The RRISD will determine whether there are a sufficient number of female students with the interest and ability to support the addition of a team in a sport(s) not currently offered by the District, and sufficient competition in those sports within the District's normal competitive region. If so, the RRISD will add a team in those sports, hire a coaching staff, recruit student-athletes, and provide these student-athletes with the equivalent treatment, benefits, and services, including sufficient resources to the coaching staff, during the 2021–2022 school year to ensure that the team begins competition no later than the 2021–2022 school year.

- c. Response to developing interests and abilities: For any sport not currently offered at PRMS and in which there are a sufficient number of female students who have the interest and ability to support a team in that sport, but where the RRISD determines that there is not sufficient competition in that sport within the District's normal competitive region, the District will take ongoing steps to address such interest and ability. Such steps may include establishment of a club, exploring the establishment of competition within the District's normal competitive region, and elevating such sports to interscholastic status when competition becomes available.
- d. Additional interscholastic opportunities: To the extent that the RRISD adds any sport(s), the RRISD will provide those team(s), in a manner comparable to other PRMS interscholastic teams, with sufficient funds in its budget to ensure equal opportunities and to cover expenses, including, but not limited to: coaches, equipment and supplies, travel, publicity, and support services.

The RRISD acknowledges that OCR does not require or encourage the elimination of any middle school interscholastic athletic teams and that it seeks action from the RRISD that does not involve the elimination of athletic opportunities, because nothing in Title IX or OCR's Three-Part Test requires an institution to cut teams or reduce opportunities for students who are participating in interscholastic athletics in order to comply with the provisions of Title IX relating to the effective accommodation of the interests and abilities of female and male students. The RRISD acknowledges that Title IX provides recipients with flexibility and choice regarding how they will provide nondiscriminatory athletic participation opportunities.

Reporting Requirements: Action Item A3

- a. **By March 31, 2020**, the RRISD will provide to OCR, for review and approval, its CAP, including timeframes for completion. The CAP will include a description of the interim steps that will be taken by the RRISD during the 2020–2021 and 2021–2022 school years to increase athletic opportunities for female students (the underrepresented sex). OCR will provide comments, if any, within 30 calendar days.
- b. **By December 4, 2020, and December 3, 2021**, the RRISD will submit progress reports to OCR evidencing the actions it has taken to implement its CAP (e.g., hiring of additional coaching staff, establishment of budget, etc.).
- c. **By March 31, 2022**, the RRISD will provide to OCR, for review and approval, a report that includes information demonstrating that PRMS's interscholastic athletics program fully and effectively accommodates that athletic interests and abilities of PRMS's female students.

Action Item A4 – Create and Adopt a Policy for Considering Adding Sports

4. The RRISD will develop a policy setting forth the process by which the District will review requests (whether oral or written, formal or informal) made to PRMS 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 RRISD's intended method of distribution of the policy and procedure to students, coaches, and other employees. A copy of the RRISD'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 RRISD will also describe its intended method for publishing and effectively disseminating the policy to students, coaches, and other employees.

Reporting Requirements: Action Item A4

- a. **By September 30, 2019**, the RRISD 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 RRISD's plan for publication/dissemination. OCR will respond with comments, if any, within 30 calendar days. If the RRISD does not hear otherwise from OCR after 30 calendar days, the RRISD may presume that OCR approves of the proposed policy and method of publication/distribution and may move forward with publishing and disseminating the policy.
- b. **By December 31, 2019**, the RRISD will provide OCR with documentation evidencing that the policy described in Action Item A4 has been published and disseminated.

B. SCHEDULING OF GAMES & PRACTICE TIMES:

The RRISD agrees to provide equal athletic opportunities to members of both sexes in its interscholastic athletics program at PRMS 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 RRISD agrees to take the following actions:

Action Item B1 – Conduct a Self-Assessment of the School

1. The RRISD will conduct an assessment to determine whether the RRISD is providing equivalent benefits and opportunities to PRMS's female and male students with respect to the scheduling of games and practice times. In conducting its assessment, the RRISD will consider, for each sport at PRMS: the number and length of practice opportunities; the time of day practice opportunities are scheduled; the time of day competitive events are scheduled; the number of competitive events per sport; and opportunities to engage in available pre-season and post-season competition. Further, based on the related allegation raised in this complaint, the RRISD will ensure that it specifically assesses whether the District enforces its qualification rule (i.e., denying participation in high jump competitive events to athletes who do not clear the opening high jump height requirement during practice within the week prior to such event) as to each male and female athlete participating in PRMS's track and field program.

Action Item B2 – Create and Implement a Corrective Action Plan

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

Reporting Requirements: Action Items B1 and B2

- a. **By December 31, 2019**, the RRISD 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.
- b. **By March 31, 2020**, the RRISD will provide OCR a copy of its proposed CAP, including timeframes for completion. OCR will provide comments, if any, within 30 calendar days.

C. GENERAL TERMS & PRINCIPLES:

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 and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

D. EXECUTION:

This Agreement will become effective immediately upon the signature of the District’s representative below.

Printed Title & Name of Authorized District Official

Date

Signature of District Official