

VOLUNTARY RESOLUTION AGREEMENT
Harlingen Consolidated Independent School District
OCR Complaints 06-21-1470

The Harlingen Consolidated Independent School District (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 District. The District 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 District agreed to resolve the issues opened for investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues under investigation, the District agrees to the action items and reporting requirements below.

ACTION ITEMS AND REPORTING REQUIREMENTS

Action Item 1: Self-Assessment (Equipment and Supplies)

The District will provide equal athletic opportunities to members of both sexes in its interscholastic athletics programs at HHS and HHSS with respect to the provision of equipment and supplies, as required by Title IX and its implementing regulation at 34 C.F.R. § 106.41(c)(2). The District agrees to conduct a comprehensive Self-Assessment of the provision of equipment and supplies at HHS and HHSS which, at minimum, will include assessment of the following:

- a. The District will assess the equipment and supply needs at HHSS and HHS. In conducting its assessment, the District will compile an itemized inventory of all uniforms, clothing, and sport-specific equipment and supplies provided to boys', girls' and co-ed teams to determine whether the teams are provided equivalent equipment and supplies.
- b. The District will survey and consider input provided by coaches and student athletes of both sexes from each team regarding the provision of equipment and supplies, including the quality, amount, suitability, maintenance and replacement, and availability.
- c. The District will also review all funding sources for the provision of equipment and supplies to the interscholastic athletic program, including, but not limited to: District funding, booster club funding, parent-teacher organization funding, and any other outside contributions provided to any athletics team (*e.g.*, parent donation). The District will determine whether there any disparities in funding sources which deny student-athletes of either sex an equivalent opportunity to participate in the interscholastic athletics program at HHS or HHSS.
- d. The District will review the maintenance and replacement of equipment and supplies for each team at HHS and HHSS and determine whether there are any disparities in

maintenance and replacement schedules among interscholastic athletics teams at HHSS or HHS.

- e. Based on a review of the above-listed factors, the District will determine whether any disparities exist between the provision of equipment and supplies provided to male and female athletes at HHSS and HHS. If nondiscriminatory factors cannot explain the disparities, the District will also determine whether the identified disparities deny students of either sex an equivalent opportunity to participate in the interscholastic athletics program at HHSS and HHS. OCR will review the District's determination, as well as all information relied upon by the District in reaching its determination.

Reporting Requirement 1:

1. By **March 1, 2024**, the District will report to OCR the results of the review conducted pursuant to Action Item 1, for OCR's review and approval. Along with the results of the District's Self-Assessment, the District will produce to OCR the following data:
 - a. A current itemized inventory of all equipment and supplies provided to each interscholastic athletics team at HHSS and HHS.
 - b. A current list of all interscholastic athletic teams. For each team, please include the number of male and female athletes on the team as of the current school year (or most recently concluded season if the season has not yet started for the current school year).
 - c. A current maintenance and replacement schedule for supplies and equipment on each HHSS and HHS interscholastic athletics team.
 - d. Copies of all surveys administered to coaches and student-athletes regarding the provision of equipment and supplies and survey responses.
 - e. Copies of all documentation evidencing the funding sources and itemized receipts for expenses incurred by each HHSS and HHS interscholastic athletics team for the 2022-2023 school year.

OCR will review the District's self-assessment. In reviewing the District's self-assessment, OCR will review the above-requested documentation as well as the reason(s) supporting the District's determination.

Action Item 2: Corrective Action Plan

If the results of Action Item 1 demonstrate that members of either sex are denied an equivalent opportunity to participate in the District's interscholastic athletics program with respect to equipment and supplies, the District will develop a Corrective Action Plan to address the disparities found. The District's Corrective Action Plan will identify specific steps the District will take to ensure that male and female athletes at HHS and HHSS are afforded an equal opportunity to participate in its interscholastic athletics program related to the District's provision

of equipment and supplies, including timeframes for completion of each step. The District will ensure that equivalent opportunity between male and female athletes in the provision of equipment and supplies is achieved within 180 days of OCR's approval of the Corrective Action Plan.

Reporting Requirement 2:

1. **Within 60 Days of OCR's approval of District's Self-Assessment**, the District will provide to OCR, for review and approval, its Corrective Action Plan, including timeframes for completion (not to exceed 6 months from the start of the Corrective Action Plan). The Corrective Action Plan will include a description of the steps that will be taken by the District to ensure that equivalent athletic opportunities are being provided to male and female athletes at HHS and HHSS with regard to the provision of equipment and supplies.
2. **Within 90 Days of OCR's Approval of the Corrective Action Plan**, the District will submit a progress report to OCR evidencing the actions it has taken to implement its Corrective Action Plan (*e.g.*, establishment of procedures regarding itemized inventories of equipment and supplies, etc.).
3. **Within 12 months of OCR's Approval of the Corrective Action Plan**, the District will provide to OCR, for review and approval, its final report evidencing that male and female athletes at HHS and HHSS are provided equivalent athletic opportunities with regard to the provision of equipment and supplies.

Action Item 3: Self-Assessment and Corrective Action Plan (Locker Rooms, Practice and Competitive Facilities)

The District will provide equal athletic opportunities for males and females in the District's interscholastic athletics program at HHS and HHSS in the provision of locker rooms and practice and competitive facilities.

- A. To this end, by December 31, 2023, the District will conduct an updated assessment of the quality and availability of the locker rooms and practice and competitive facilities provided to its male and female interscholastic athletes. The assessment will include input from coaches and athletes of boys' and girls' teams and will address: (1) quality and availability of the facilities provided for practice and competitive events; (2) exclusivity of use of facilities provided for practice and competitive events; (3) availability of locker rooms; (4) quality of locker rooms; (5) maintenance of practice and competitive facilities; and (6) preparation of facilities for practice and competitive events. The assessment will also specifically address access to, and quality of, a) practice facilities made available to golf athletes (*e.g.*, golf courses), relative to the allegations in this complaint, and b) athletes' access to shower and toilet facilities in locker room areas and near practice facilities (*e.g.*, weightrooms) utilized by athletes at HHSS.
- B. Based on the assessment, the District will determine whether it provides equal athletic opportunities for members of both sexes in the provision of locker rooms, practice and competitive facilities at HHS and HHSS.

1. By **March 1, 2024**, if the District determines that the locker rooms and fields and facilities assigned to the girls' and boys' athletic teams are comparable, the District will develop and provide to OCR a report outlining that determination and the information, including appropriate documentation, upon which it is based.
2. By **March 1, 2024**, if the District determines that the boys' and girls' athletic teams are not receiving comparable benefits and opportunities with respect to locker rooms, practice fields and facilities, and competitive fields and facilities, the District will develop a plan to ensure that female and male student athletes are provided with equivalent benefits and services in this area. **Within 12 months of OCR's approval of this plan**, the District will complete the implementation of the plan.

Reporting Requirement 3:

1. **By March 1, 2024**, the District will provide to OCR a report detailing the assessment and results of the assessment of its locker rooms and practice and competitive facilities at HHS and HHSS.
 - a. If the District determines that the locker rooms and practice and competitive facilities assigned to the male and female athletic programs are comparable, the report will outline that determination, and the information upon which it is based. The report will also include copies of the information upon which it is based.
 - b. If the District determines that the locker rooms and practice and competitive facilities assigned to the male and female athletic programs at HHS and HHSS are not comparable, the District will submit to OCR, for its review and approval, a plan to ensure the provision of 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. The plan will also include a description of specific action steps and timelines for completion of construction of any new facility and/or any other remedial steps.
2. If Reporting Requirement 1(b) above is applicable, **within 24 months of OCR's approval of the plan**, the District will provide OCR with a report demonstrating the plan has been fully implemented. The District will include copies of any documents, plans, photographs, work orders, or other material that supports the District's completion of actions related to implementation of the plan.

Action Item 4: Golf Balls

By November 1, 2023, the District will ensure that the male and female athletes on its golf teams have access to and/or are issued golf balls relative to their individual skill levels, rather than relying upon gender stereotypes regarding presumed skill or swing speed.

Reporting Requirement 4:

1. By October 1, 2023, the District will submit to OCR documentation demonstrating that the provision of golf balls to District golf athletes during the 2023-2024 school year was based on an assessment of skill or fit, rather than gender stereotypes. The documentation will include:
 - a. Rosters of the boys' and girls' varsity and junior varsity golf teams at HHS and HHSS during the 2023-2024 school year;
 - b. Documentation reflecting the assessments conducted relative to provision of golf balls (*e.g.*, coach observation, ball fittings); and
 - c. Brand and style of balls provided to each athlete for practice and competition during the 2023-2024 school year.

GENERAL PROVISIONS

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.

The District also understands that OCR will not close the monitoring of this agreement until such time as OCR determines that the District is in compliance with the terms of this agreement and the statutes and regulations at issue in this case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the DOJ for judicial proceedings to enforce the specific terms of the agreement and the applicable statutes and regulations. 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.

EXECUTION

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

Superintendent or Designee
Harlingen Consolidated Independent School District

Date