

RESOLUTION AGREEMENT

OCR Docket Number 07071195
School District of Springfield, R-12

The U.S. Department of Education, Office for Civil Rights (OCR), conducted a complaint investigation of the School District of Springfield, R-12 (District), Springfield, Missouri pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code § 1681, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance. The District, as a recipient of Federal financial assistance, is subject to the requirements of Title IX.

The complainant alleged the District discriminates against female students on the basis of sex by failing to provide the girls' softball team with equivalent locker rooms, practice facilities, and competitive facilities for all five high schools in the District.

Prior to OCR concluding its investigation, the District expressed an interest in resolving the allegation of this complaint, and voluntarily agreed to take the following steps to resolve the allegation and the information gathered by OCR in its partial investigation. The District is resolving this complaint during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to the allegation of this complaint. The District's voluntary action, and the commitments it has made herein, do not constitute, nor will they be construed as, an admission that the District has taken any action that is a violation of any Federal or State statute, regulation or guideline, including any law or regulation enforced by OCR. Because the District resolved the complaint allegation prior to the conclusion of OCR's investigation, OCR has made no findings of fact or law and has not issued a final determination with respect to these allegations of the complaint. The District agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves the allegation in OCR Docket No. 07071195 and does not constitute an admission by the District of any violation of Title IX or any other law.

This Agreement shall become effective upon the District's receipt of a letter from OCR advising the District that this Agreement resolves the allegation in this complaint.

OCR agrees to discontinue its investigation of OCR Docket No. 07071195 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation in OCR Docket No. 07071195.

The District 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 one hundred twenty (120) calendar days to cure the alleged breach.

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 of this Agreement and is in compliance with the regulations implementing Title IX.

The District 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, which were at issue in this complaint.

II. RESOLUTION PROVISIONS

The District agrees to provide equal athletic opportunities and facilities to members of both sexes in the District's interscholastic athletics program. Consistent with the requirements of Title IX, the District agrees to take actions described below to provide male and female student athletics with equivalent treatment, benefits, and opportunities in the area of practice and competitive facilities:

A. Action Plan

By March 13, 2015, the District will develop, and submit to OCR for review and approval, a draft plan of action that identifies the specific steps to be taken to ensure equivalent benefits, treatment, and services in the provision of practice and competitive facilities. The draft plan of action will include a time table for allocation of funding, design, construction and completion of improvements to the practice and competitive facilities. OCR will review the plan and provide feedback to the district. Within 30 days of receiving OCR's feedback, the District will provide a revised plan to OCR.

The draft action plan will include actions to address the following issues with regard to the District's softball facilities:

- The District will build softball fields on the campuses of Glendale High School and Kickapoo High School for the girls' softball teams to use for practices and home games. Both softball fields will have, at a minimum, bleachers, a scoreboard, fences, dugouts, batting cages, warm up areas, concessions, and

lighting which are equivalent to the facilities provided for boy's baseball at the same school.

- The District will continue to make a reasonable effort to obtain a lease agreement with the current or future owner of the softball field which is located on the former campus of the Central Bible College (CBC) to allow the Hillcrest High School girls' softball team to have the use of the softball field for practices and home games. It is recognized that the CBC campus, as a whole, is currently on the market and the owner is unwilling to split the softball field from the whole property. If a lease agreement can be reached, the District will make a reasonable effort to include provisions in the agreement which allow the District to make improvement to the softball field including bleachers, a scoreboard, fences dugouts, batting cages, warm up areas, concessions, and lighting which are equivalent to the facilities provided for boy's baseball at Hillcrest. The District's draft action plan shall identify what steps the District will take to provide equivalent benefits, treatment, and services in the provision of practice and competitive facilities for the girls' softball team at Hillcrest if it is unable to obtain a lease with CBC.
- The District will continue to make a reasonable effort to obtain a lease agreement with the City of Springfield, Missouri to allow the Parkview High School girls' softball team to have the use of the Fassnight Park softball field for practices and home games. If a lease agreement can be reached, the District will make a reasonable effort to include provisions in the agreement which allow the District to make improvement to the softball field including bleachers, a scoreboard, fences dugouts, batting cages, warm up areas, concessions, and lighting which are equivalent to the facilities provided for boy's baseball at Parkview. The District's draft action plan shall identify what steps the District will take to provide equivalent benefits, treatment, and services in the provision of practice and competitive facilities for the girls' softball team at Parkview if it is unable to obtain a lease with the City of Springfield for use of and improvement of Fassnight Park softball field.

B. Implementation of Plan

By February 1, 2016, the District will complete its implementation of the action plan developed under II.A, above.

III. **REPORTING PROVISIONS**

- A. By April 2, 2015, the District will provide OCR with its draft action plan, pursuant to section III.A of this agreement. OCR will review the plan and provide feedback on the draft plan. The District will provide OCR a revised plan, if applicable, within 30 days of receiving OCR's feedback.

