

**Resolution Agreement  
Alamosa School District  
OCR Case No. 08-14-1217**

In order to resolve the allegations in Case Number 08-14-1217 filed against Alamosa School District (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex, the District agrees to implement the following Resolution Agreement.

During the course of OCR's investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Title IX. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

The District 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; equipment and supplies; and the opportunity to receive coaching as required by Title IX and its implementing regulation at 34 C.F.R. §§ 106.41(c)(7), 106.41(c)(2), 106.41(c)(5) and (6) and OCR policy. The District will assess its compliance with the requirements of these program components at Alamosa High School (AHS) 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 District's assessment of its compliance with each program component will, where appropriate and necessary, include consideration of input from student athletes and coaches.

**Provision of Locker Rooms, Practice and Competitive Facilities**

1. The District will conduct a comprehensive assessment of all locker rooms, practice fields and facilities, and competitive fields and facilities assigned to all levels of the boys' and girls' athletic teams at AHS to ensure the equivalent provision of locker rooms and practice and competitive facilities. The assessment will be conducted under the supervision of the Athletic Director and shall include, at a minimum, an assessment of the following factors:

- 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 maintenance of practice and competitive facilities provided to boys' and girls' teams;
- d. the preparation of facilities provided to boys' and girls' teams for practice and competitive events; and
- e. the availability, exclusivity and quality of locker rooms provided to boys' and girls' teams.

The assessment of the above-listed factors shall include the following:

- a list of all locker rooms, practice and competitive facilities including: the age of each facility, whether it is on- or off-campus and the proximity of locker rooms/restrooms to practice and competitive facilities;
- for all District practice and competitive facilities and locker rooms constructed or renovated since 2000, the source(s) and amount of funding provided by each source for those facilities and locker rooms;
- any proposed construction or renovation of District practice and competitive facilities and locker rooms planned to begin in the next two (2) years including the source(s) and amount of funding provided by each source for those facilities and locker rooms;
- the amenities for each locker room (i.e. - showers, laundry service, available trainers, accommodations for visiting teams);
- the amenities for each practice and competitive facility (i.e. - concession facilities, public address systems, electronic scoreboards, lighting, amount of seating at each field);
- maintenance of all locker rooms, practice and competitive facilities including who is responsible for maintaining each facility;
- preparation of each practice and competitive facility, including who is responsible for preparing each facility;
- which teams or programs have exclusive use of a facility, including a schedule showing when facilities are used for practice and competition and how long lockers are assigned for use by each team; and
- which teams or programs have use of a practice facility and locker room during that team's off-season.

REPORTING REQUIREMENT 1.1: By June 1, 2016, if the District determines that the locker rooms and practice and competitive facilities assigned to the boys' and girls' athletic programs are comparable, the District will develop and provide to OCR for its review and approval a report outlining that determination and the information, including all documentation and photographs, upon which it is based. If the District determines that the locker rooms and practice and competitive facilities assigned to the boys' and girls' athletic programs are comparable and OCR concurs, no further reporting to the OCR will be required.

Alternatively, by June 1, 2016, if the District determines that the boys' and girls' athletic teams are *not* receiving comparable benefits and opportunities with respect to the provision of locker

rooms and practice and competitive facilities, the District will develop and submit for OCR's review and approval a plan to ensure that the boys' and girls' teams that are not receiving comparable benefits and opportunities are provided with equivalent benefits and services, with specific target dates of completion for each AHS athletic team.

REPORTING REQUIREMENT 1.2: If the District determines that the boys' and girls' athletic teams are not receiving comparable benefits and opportunities with respect to the provision of locker rooms and practice and competitive facilities, the District will, 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, implement the plan.

REPORTING REQUIREMENT 1.3: If the District determines that the boys' and girls' athletic teams are not receiving comparable benefits and opportunities with respect to the provision of locker rooms and practice and competitive facilities, the District will submit written reports to OCR no later than June 1, 2017 and June 1, 2018 summarizing the actions the District has taken pursuant to this Agreement for OCR review and approval. Reports will include documentation satisfactory to OCR showing those actions. Such documentation may include, for example, detailed photographs showing the relevant portions of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding or assistance for structural renovations or equipment.

### **Equipment and Supplies**

2. The District will conduct a comprehensive assessment of the equipment and supplies used by all levels of the boys' and girls' athletic teams at AHS, including sport-specific and general equipment. The assessment will be conducted under the supervision of the Athletic Director and shall include, at a minimum, an assessment of the following factors:

- a. A team-by-team list indicating which equipment and supplies are provided by the District and which of these items are provided by the student athlete, a donor, or some other source;
- b. The quality and suitability of the equipment and supplies provided;
- c. Maintenance and replacement of equipment and supplies; and
- d. The number and availability of equipment and supplies, including any special equipment or supplies required by a particular sport.

The assessment of the above-listed factors shall include the following:

- the condition, durability and quality of supplies and equipment for each team;
- whether equipment and supplies provided meet "regulation" standards or are officially sanctioned;

- whether equipment and supplies provided meet rules or specifications for balls, rackets, uniforms, nets, gymnastics equipment, etc;
- whether there is an adequate amount of equipment and supplies provided to each team including consideration of shared equipment and any equipment provided by athletes or other sources;
- maintenance and replacement of equipment and supplies provided to each team including replacement schedule(s) and the date that the equipment and supplies were first acquired; and
- availability of equipment and supplies used by each team including the amount of time equipment and supplies are accessible to athletes, hours equipment rooms are open and availability for off-season use.

REPORTING REQUIREMENT 2.1: By June 1, 2016, if the District determines that the equipment and supplies used by the boys' and girls' athletic programs are comparable, the District will develop and provide to OCR for its review and approval a report outlining that determination and the information, including all documentation, upon which it is based. If the District determines that the equipment and supplied used the boys' and girls' athletic programs are comparable and OCR concurs, no further reporting to the OCR will be required.

Alternatively, by June 1, 2016, if the District determines that the boys' and girls' athletic teams are *not* receiving comparable benefits and opportunities with respect to equipment and supplies, the District will develop and submit for OCR's review and approval a plan to ensure that the boys' and girls' teams that are not receiving comparable benefits and opportunities are provided with equivalent benefits and services, with specific target dates of completion for each AHS athletic team.

REPORTING REQUIREMENT 2.2: If the District determines that the boys' and girls' athletic teams are not receiving comparable benefits and opportunities with respect to equipment and supplies, the District will, 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 District will implement the plan.

REPORTING REQUIREMENT 2.3: If the District determines that the boys' and girls' athletic teams are not receiving comparable benefits and opportunities with respect to equipment and supplies, the District will submit written reports to OCR no later than June 1, 2017 and June 1, 2018 summarizing the actions the District has taken pursuant to this Agreement for OCR review and approval. Reports will include documentation satisfactory to OCR showing those actions. Such documentation may include, for example, purchase orders, invoices and proof of efforts to secure funding or assistance to acquire equipment or supplies.

### **Opportunity to Receive Coaching**

3. The District will conduct a comprehensive assessment of the assignment, availability, and compensation of coaches to ensure the equivalent assignment, availability, and compensation of coaches for the girls' and boys' athletic programs. The assessment will be conducted under the supervision of the Athletic Director and shall include, at a minimum, an assessment of the following factors:<sup>1</sup>

- a. A review of all coaching assignments, with the following information regarding the assignments:
  - 1) head coach and/or assistant coach;
  - 2) graduate or student assistant;
  - 3) full time or part time coach, and indicate percentage of part time;
  - 4) length of contract or appointment;
  - 5) type of contract or appointment;
  - 6) salary, stipend, or hourly compensation for coaching;
  - 7) a summary of each coach's background and qualifications; and
  - 8) other non-coaching duties and indicate the percentage of time spent on those duties.

The assessment of the above-listed factors shall include the following:

- relative availability of full-time coaches, part-time and assistant coaches and graduate/student assistants;
- training, experience (i.e. – experience as a coach and experience coaching the sport for which s/he was hired), professional standing and other professional qualifications of all coaches;
- any formulas or guidelines used by the District to determine the appropriate number of coaches for each team;
- duration of contracts and conditions relating to contract renewal; and
- nature of coaching duties performed; working conditions and other terms and conditions of employment.

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<sup>1</sup> OCR does not enforce the Equal Pay Act; therefore, the terms of this agreement are limited to a review of compensation practices to determine whether student athletes are receiving equivalent quality and quantity of coaching under OCR's interpretation and application of the Title IX regulations at 34 CFR § 106.41(c)(6).

REPORTING REQUIREMENT 3.1: By June 1, 2016, if the District determines that the opportunity to receive coaching provided to the boys' and girls' athletic programs are comparable, the District will develop and provide to OCR for its review and approval a report outlining that determination and the information, including all documentation, upon which it is based. If the District determines that the opportunity to receive coaching provided to the boys' and girls' athletic programs are comparable and OCR concurs, no further reporting will be required.

Alternatively, by June 1, 2016, if the District determines that the boys' and girls' athletic teams are *not* receiving comparable benefits and opportunities with respect to the opportunity to receive coaching, the District will develop and submit for OCR's review and approval a plan to ensure that the boys' and girls' teams that are not receiving comparable benefits and opportunities are provided with equivalent benefits and services, with specific target dates of completion for each AHS athletic team.

REPORTING REQUIREMENT 3.2: If the District determines that the boys' and girls' athletic teams are *not* receiving comparable benefits and opportunities with respect to the opportunity to receive coaching, the District will, 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 District will implement the plan.

REPORTING REQUIREMENT 3.3: If the District determines that the boys' and girls' athletic teams are *not* receiving comparable benefits and opportunities with respect to the opportunity to receive coaching, the District will submit written reports to OCR no later than June 1, 2017 and June 1, 2018 summarizing the actions the District has taken pursuant to this Agreement for OCR review and approval. Reports will include documentation satisfactory to OCR showing those actions. Such documentation may include, for example, purchase orders, invoices and proof of efforts to secure funding or assistance to acquire additional coaches.

4. If necessary, the District will take action to address any concerns identified by OCR with respect to its comprehensive assessment(s) of the provision of locker rooms, practice and competitive facilities; equipment and supplies and the opportunity to receive coaching detailed in Sections 1-3 above, until OCR reasonably determines that the District has met the requirements of the regulations implementing Title IX at 34 C.F.R. §§ 106.41(c)(7), 106.41(c)(2), 106.41(c)(5) and (6).

REPORTING REQUIREMENT 4.1: Within 60 calendar days of the date OCR notifies the District of concerns regarding the District's comprehensive assessment(s), the District will provide a description of the corrective action taken in response to OCR's concerns.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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(c)(7), 106.41(c)(2), 106.41(c)(5) and (6), which were at issue in this case.

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 regulation implementing Title IX at 34 C.F.R. §§ 106.41(c)(7), 106.41(c)(2), 106.41(c)(5) and (6).

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 sixty (60) calendar days to cure the alleged breach.

For Alamosa School District:

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Name: Robert A. Alejo, Superintendent

Date: November 17, 2015