

Resolution Agreement
Union Hill School District
OCR Case No. 09-17-1130

The Union Hill School District (the District) enters into this Resolution Agreement (Agreement), as set forth below, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve case number 09-17-1130 and to ensure its compliance with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 (Title IX), and its implementing regulations at 34 C.F.R. Part 106.

I. TECHNICAL ASSISTANCE

The individuals in the District with responsibilities for creating and implementing the detailed plan (below), including the Title IX Coordinator and the Superintendent, will consult with OCR by phone prior to drafting the detailed plan.

II. EFFECTIVE ACCOMMODATION OF INTERESTS AND ABILITIES

The District agrees to provide participation opportunities for students at Union Hill Middle School (the School) that 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).

A. Development and Implementation of Plan

The District will submit to OCR for review and approval a detailed plan, with timeframes, to effectively accommodate the interests and abilities of the underrepresented sex to the extent necessary to provide equal opportunity in its interscholastic athletics program. The District will begin implementation of the plan approved by OCR within 30 days of OCR's approval.

OCR uses a Three-Part Test to assess whether the interests and abilities of members of both sexes are being effectively accommodated to the extent necessary to provide an equal opportunity to participate in athletics. The District's plan shall be designed to ensure that, no later than the 2018-19 school year, the District will provide athletic participation opportunities that are either substantially proportionate to each sex's enrollment in the School (under Part One of the Three-Part test), or that demonstrate that the interests and abilities of the underrepresented sex are fully and effectively accommodated by the District's athletics program (under Part Three of the Three-Part test). The plan must include interim steps that will

be taken by the District during the 2017-18 school year to increase interscholastic athletic participation opportunities for female students.

In implementing its plan, the District will add athletics opportunities (either by increasing participation opportunities in existing sports or by adding new sports) until such time as either: (1) the participation rate for the underrepresented sex in the School's interscholastic athletics program is substantially proportionate to their rate of enrollment at the School (under Part One of the Three-Part test); or (2) the School is fully and effectively accommodating the expressed interests and abilities of the underrepresented sex (i.e., there remains no unmet interest and ability) (under the Part Three of the Three-Part test).

The District's plan shall notify OCR regarding which part of the Three-Part test it intends to use to demonstrate compliance. If the District determines that it plans to come into compliance under Part Three of the Three-Part test, the plan shall include a detailed description of how the District intends to conduct the assessment of interests and abilities required under Part Three of the Three-Part test, as described in Section II.B.2 below.

If the District adds any sports teams for the underrepresented sex, the District will provide those team(s), in a manner comparable to other interscholastic teams, with sufficient funds in its budget to cover expenses including, but not limited to: coaches, equipment and supplies, travel, and support services.

OCR has made clear to the District that OCR does not require or encourage the elimination of any District interscholastic athletic teams and that it seeks action from the District that does not involve the elimination of athletic opportunities, because nothing in Title IX or the 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 male and female students. OCR has also made clear to the District that Title IX provides institutions with flexibility and choice regarding how they will provide nondiscriminatory participation opportunities.

B. Demonstration of Compliance

1. Substantial Proportionality in Participation Rates

Should the District elect to demonstrate compliance with Part One of the Three-Part Test, the District will compare the enrollment rates of its female and male students with their rates of participation in the District's interscholastic athletics program to determine if they are substantially proportionate.

Participation rates will be calculated using the total number of male and female students listed on the team list for each sport on the date of the first competition for each sport. Students who participate in more than one sport will be counted in each sport in which they participate.

2. Full and effective accommodation of student interests and abilities

Should the District elect to demonstrate compliance with Part Three of the Three-Part Test, the District must conduct an objective assessment to determine the athletic interests and abilities of the underrepresented sex, and whether the District is fully and effectively accommodating those athletic interests and abilities. The assessment must be based on multiple indicators of interest and multiple indicators of ability, including:

- a. Results of recent surveys of students or other information collected from students using a method that is designed to fully and accurately assess unmet athletic interests and abilities in interscholastic sports among members of the underrepresented sex. Any survey used by the District to assess interscholastic athletic interests and abilities will be submitted for review and approval by OCR with respect to both content and methodology. The methodology, implementation and response rates of each survey must maximize the possibility of obtaining accurate information and facilitating responses.
- b. Identification of sports for members of the underrepresented sex that are not currently offered by the District that are offered by schools that compete within the athletic league in which the District competes or by schools that are within the District's normal competitive regions.
- c. Review of any requests (whether oral or written, formal or informal) made to School Board members, District administrators, coaches, or staff by or on behalf of members of the underrepresented sex to add a particular sport. This review may be limited to requests that were received during the previous three complete academic years.
- d. Assessments made by District coaches or staff during tryouts or observations of students, and other information reflecting the ability of students who are members of the underrepresented sex to compete in a particular sport, including prior participation in that sport or a similar sport, general athletic ability, participation in other interscholastic sports, and other relevant factors.

- e. Participation rates for the underrepresented sex in interscholastic sports, club sports, and physical education courses that are offered in the District's schools and in community sports, leagues, clubs or other youth programs offered in the District's normal competitive region and geographic area.
- f. For the last two school years, if applicable, a review of the numbers of members of the underrepresented sex who were cut from each 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 team in that sport.
- g. Any other information that demonstrates the athletic interests and abilities of the District's students who are members of the underrepresented sex.
- h. Where interest and ability in a sport not currently offered by the District is identified, the assessment will also consider whether there is a reasonable expectation of interscholastic competition in the District's normal competitive regions in that sport.

C. Reporting requirements

- 1. By October 27, 2017, the District will provide OCR with the plan described in Section II.A. As part of that submission to OCR, the District will also provide OCR with information sufficient to allow OCR to determine the number of students, by sex, who were participating on each interscholastic team for the 2016-17 school year.
- 2. By June 1, 2018 and by the same date annually thereafter, while the implementation of this Agreement is pending, the District will provide OCR with a status report regarding the implementation of the plan described in Section II.A, including, as applicable for any new teams, information demonstrating that a coaching staff and the necessary resources have been provided for such teams. The report will include information demonstrating the District's status in effectively accommodating the interests and abilities of the underrepresented sex to the extent necessary to provide equal opportunity in its interscholastic athletics program. The information provided by the District will be sufficient to allow OCR to determine the number of students, by sex, who were participating on each interscholastic team on the date of the team's first competition and to identify any changes to the participation numbers that occurred after the first competition.

III. TITLE IX COORDINATOR

By October 27, 2017, the District agrees to provide OCR with documentation showing that it has notified all its students and employees of the name, office address and telephone number of the employee(s) appointed as a Title IX Coordinator pursuant to 34 CFR § 106.8.

IV. MONITORING

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 Title IX and its regulations at 34 C.F.R. § 106.37(c) and 34 C.F.R. § 106.41(c)(1), which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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

_____/s/_____
David Curry, Superintendent
Union Hill School District.

08/16/2017
Date