

**Morgan Hill Unified School District  
Resolution Agreement  
OCR Case No. 09-22-1295**

The Morgan Hill Unified School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), at 20 U.S.C. §§ 1681-1688, and its implementing regulations in the above-referenced OCR case number.

This Agreement is subject to OCR's *Case Processing Manual* (CPM).

- 1. Training.** By January 31, 2024, the District will provide its Title IX Coordinator, the Athletic Director of Live Oak High School (School), the Principal of the School, and all coaches of interscholastic and club teams at the School with a training on the District's general responsibilities under Title IX and its application to athletics, including how funding from any source (*e.g.*, booster clubs) can affect the balance of equivalent benefits and services for male and female athletes. The training will be conducted by an individual(s) knowledgeable about Title IX. OCR is available upon request to facilitate this training.

**Reporting Requirement 1(a).** By December 1, 2023, the District will provide, for OCR's review and approval, a draft of the proposed materials to accompany the training described in Paragraph 1, including the name(s) and qualifications of the proposed trainer(s). The District will provide the training by January 31, 2024, or within 30 calendar days of OCR's review and approval of the training materials, whichever is later.

**Reporting Requirement 1(b).** Within 60 calendar days following completion of the training, the District will provide OCR with a sign-up sheet or other evidence of attendance by name, a list of any required District or School administrators or staff who did not attend, and a plan for providing follow-up for those individuals who did not attend.

- 2. Equipment and Supplies.** Within 30 calendar days of successfully completing all mandatory Title IX training, the District will establish an Athletic Equipment and Policy Committee (Committee). This Committee will work collaboratively to provide recommendations to the Superintendent of schools and oversee and ensure that members of the School's girls' and boys' athletics teams have equitable equipment, supplies, and uniforms. The District will ensure equitable quality, suitability, amount, maintenance, replacement, and availability of equipment and supplies (*e.g.*, uniforms and other apparel, sport-specific equipment and supplies, and general equipment and supplies). The District will ensure that access to non-essential sport-specific equipment (*e.g.*, equipment that is not required in order to compete in the sport) is available to the School's boys' and girls' teams on an equitable basis.

**Reporting Requirement 2(a).** Within 90 calendar days of completion of the Title IX training in Paragraph 1 above, the District will select and develop an Athletics Funding Committee of persons who have received the Title IX training referenced in Paragraph 1 above to begin working on making policy recommendations to the Superintendent. Such recommendations will include Associated Student Body (ASB) and athletic fundraising policy recommendations that will address how differences in the level of funds each team is able to raise will not create disparities in equipment, uniforms, or supplies based on sex. Within 60 calendar days of the establishment of the Athletics Funding Committee or May 31, 2024, whichever is later, the District will provide for OCR's review and approval a plan to address the requirements of Paragraph 2. The plan will also set a date (not later than one year after adoption of the plan) by which the District will submit a report on the implementation of that plan.

**Reporting Requirement 2(b).** Within 60 calendar days after OCR approves the plan to address the requirements of Paragraph 2, the District will provide for OCR's review and approval a draft of written guidelines (consistent with the plan provisions) for coaches to make allocation requests from booster clubs, the District, and any other sources of funding. The guidelines will also establish an equitable process for approving coaches' requests.

**Reporting Requirement 2(c).** After OCR's approval of the written guidelines, the District will present the final written guidelines to the District's Board for approval. Within 60 calendar days after the District's Board approves the written guidelines, the District will issue the guidelines to the Athletic Director of the School, the Principal of the School, and all coaches of interscholastic and club teams at the School and concurrently provide OCR with verification it has done so.

**3. Practice and Competitive Facilities.** The District agrees to provide equivalent access to the girls' softball teams and boys' baseball teams with respect to practice and competitive facilities at the School. In order to achieve equity between the girls' softball teams and boys' baseball teams, the District will ensure equivalency of the girls' softball team's facilities to the boys' baseball team's facilities. The District will ensure the following:

- i. the same number of practice and competitive facilities; to achieve this, the District will make alterations to convert the second baseball field to a multipurpose field that is suitable for the girls' softball and boys' baseball teams to use, and will ensure that both the girls' softball teams and boys' baseball teams have equal access to the renovated multipurpose field; and
- ii. the varsity competitive softball field and the varsity competitive baseball field are equivalent in quality and amenities and to achieve this, the varsity competitive softball field will include, at a minimum, modification to or installation of:
  - A. an electronic score board;
  - B. a public address system;
  - C. adequate bleachers for spectator seating;
  - D. adequate storage;
  - E. adequate batting cages;

- F. similar dugouts;
- G. lighting; and
- H. a press box.

**Reporting Requirement 3(a).** By December 31, 2024, the District will provide for OCR's review and approval a proposal (including a timeline, description, and plans) to implement the changes to the baseball (future multipurpose field) and softball facilities enumerated in Paragraph 3(i)-(ii).

**Reporting Requirement 3(b).** By June 30 of each year until alterations of the softball facility and multipurpose field are complete, the District will provide OCR with a written report including photographs showing the progress made towards completion of the alterations.

**Reporting Requirement 3(c).** By June 30, 2026, the District will provide OCR with a report, including photographs, of the completed alterations to the softball facility and multipurpose field. This report will include photographs of each feature listed in Paragraph 3(ii) of this Agreement for both the varsity baseball field and the varsity softball field.

- 4. Locker Rooms.** The District will ensure that male and female students at the School have equivalent access to and use of locker room facilities, including equitable access to the Athletic Locker Room for both male and female athletics programs. The School will take steps to restrict access to the Athletic Locker Room from the boys' locker room to ensure equitable access for male and female students using the facility for team sports. The School may, as appropriate, assign a team (boys or girls) exclusive use of the Athletic Locker Room during that team's season based on the team's equipment storage needs.

**Reporting Requirement 4(a).** By June 30, 2024, the District will provide for OCR's review and approval a proposal, in the form of draft written guidelines, for ensuring equitable access to the Athletic Locker Room, including a process for coaches to request use of the Athletic Locker Room by their teams; as appropriate, a schedule for shared use of the Athletic Locker Room between male and female athletics programs; and a description of how the School will restrict direct access to the Athletic Locker Room from the boys' locker room.

**Reporting Requirement 4(b).** After OCR's approval of the written guidelines, the District will present the final written guidelines to the District's Board for approval. Within 60 calendar days after the District's Board approves the written guidelines set forth in Paragraph 4(a), the District will issue written guidance to the Athletic Director of the School, the Principal of the School, and all coaches of interscholastic and club teams at the School about the process to request use of the Athletic Locker Room and restrictions on access from the boys' locker room. The District will also concurrently provide OCR with verification it has issued the guidance.

- 5. Coaching.** The District will provide coaching to the School's girls' and boys' athletics teams on an equitable basis. Specifically, the District will provide equivalently appropriate numbers of coaches per athlete for girls' and boys' athletics teams at the School. To ensure equity, the District will track the number of paid and volunteer coaching positions for each team at the School, regardless of whether the coach is full or part-time.

**Reporting Requirement 5(a).** By June 30, 2024, the District will provide OCR with information showing that it is providing coaching to the School's girls' and boys' athletics teams on an equitable basis. The information will include a roster of coaches for each team; indicate whether each coach is full time, part-time, or volunteer; and include a brief description of each coach's qualifications.

**Reporting Requirement 5(b).** By June 30, 2024, the District will provide for OCR's review and approval equitable guidelines that establish a process for advertising coaching vacancies internally and externally.

- 6. Medical and Training Facilities.** The District will ensure that girls' and boys' athletics teams have equitable access to the School's athletic trainer, weight room, and training facilities.

**Reporting Requirement 6(a).** By June 30, 2024, the District will provide OCR with documentation showing that it is providing equitable access to the athletic trainer and weight room. The documentation will include a schedule of the trainer's availability on campus, verification that the trainer's schedule is shared with all coaches of interscholastic and club teams at the School, and a weight room schedule and protocol that provides for equitable access for boys' and girls' athletics teams.

- 7. Travel and Per Diem.** The District will ensure that the School's girls' and boys' athletics teams have equivalent access and opportunity to use vans, buses, or charter buses for transportation to away games and matches. The District will also establish an equitable policy for early release from class for all student athletes and for any per diem (*e.g.*, meals provided).

**Reporting Requirement 7(a).** By July 31, 2024, the District will provide for OCR's review and approval a plan to address the requirements of Paragraph 7. The plan will describe how the School will ensure that there are no disparities based on sex in travel accommodations to and from away games or matches or with respect to meals provided. The plan will also include procedures for coaches to request access to van or bus transportation for away games or matches or to request any per diem, and the criteria for approval. The plan will also set a date (not later than one year after OCR's approval of the plan) by which the District will submit to OCR a report on the implementation of that plan.

**Reporting Requirement 7(b).** By July 31, 2024, the District will provide for OCR's review and approval equitable guidelines that establish when early release from class for student athletes for competition is appropriate.

- 8. Publicity.** The District will ensure that the School's girls' and boys' athletics teams receive equitable publicity from the School. Specifically, the School will provide equitable publicity with respect to the quantity and quality of promotional activity (*i.e.*, social media posts, website announcements, pep rallies, and band and cheer recognition and support).

**Reporting Requirement 8(a).** By August 15, 2024, the District will provide for OCR's review and approval a plan to address the requirements of Paragraph 8. The plan will, at a minimum, establish equitable procedures for promoting girls' and boys' athletics teams and competitions.

**Reporting Requirement 8(b).** After OCR's approval of the written guidelines, the District will present the final written guidelines to the District's Board for approval. Within 60 calendar days after the District's Board approves the written guidelines set forth in Paragraph 8(a), the District will issue written guidance to the Athletic Director of the School, the Principal of the School, and all coaches of interscholastic and club teams at the School about the process for how coaches may request promotion on the School's social media accounts, and concurrently provide OCR with verification it has done so.

- 9. Scheduling of Games.** The District will work collaboratively with all athletic leagues to ensure that the School's girls' and boys' athletics teams have equitable scheduling of games, and specifically that, girls' and boys' teams have equitable opportunity to compete in a sport's preferred time slots.

**Reporting Requirement 9(a).** By October 31, 2024, the District will provide for OCR's review and approval a plan to address the requirements of Paragraph 9.

**Reporting Requirement 9(b).** After OCR's approval of the written guidelines, the District will present the final written plan to the District's Board for approval. Within 60 calendar days after the District's Board approves the plan, the District will provide documentation showing implementation of the plan and that girls' and boys' athletics teams are being given the same opportunity to compete in prime time. This documentation, at a minimum, will include the athletic competitive calendar for the 2024-2025 school year.

- 10. Annual Reports.** In addition to the reporting requirements set forth in Paragraphs 1-9, the District will provide annual reports to OCR on June 30, 2024, June 30, 2025, and June 30, 2026, detailing the District's implementation of the Agreement.

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, OCR may visit the School, 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 the Agreement.

The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the Agreement's terms and the statute(s) and regulation(s) at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

/s/  
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Dr. Carmen Garcia, Superintendent  
Morgan Hill Unified School District

October 17, 2023  
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Date