

RESOLUTION AGREEMENT

The Washington State Office of the Superintendent of Public Instruction (hereinafter, OSPI) enters into this Resolution Agreement (Agreement) to resolve the compliance issues identified by the U.S. Department of Education, Office for Civil Rights (OCR) in the investigation of OCR Reference No. 10115004, conducted under the authority of title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and its implementing regulations at 34 C.F.R. Part 106 (Title IX).

Action Item A: Comprehensive Program Review Process

By **September 30, 2017**, OSPI will review and revise its policies, procedures, guidelines, and practices, as applicable, to ensure that its Consolidated Program Review (CPR) complies with the requirements of Part 1 of the Three-Part Test, as established under the Department's "Intercollegiate Athletics Policy Interpretation," issued December 11, 1979, and found at 44 *Fed. Reg.* 71413 *et seq.*, with respect to gathering information and analyzing whether a school's athletic program provides opportunities that are substantially proportionate when the number of opportunities that would be required to achieve exact proportionality would not be sufficient to sustain a viable team.

Reporting Requirement: By **October 15, 2017**, OSPI will provide a draft of the applicable revised policies, procedures, guidelines, and practices to OCR for review and approval. Within 30 calendar days of receiving OCR's approval, OSPI will provide documentation to OCR demonstrating that it has formally adopted the revised procedures.

Reporting Requirement: By **May 31, 2018**, and annually thereafter until the completion of one full school-year cycle following the effective date of this Agreement, OSPI will provide OCR with a list of schools determined by OSPI to be in compliance with Part 1 of the Three-Part Test during the most recently concluded CPR cycle. For each school, OSPI will provide the enrollment and participation statistics, by sex, and all other relevant information on which it relied when making its compliance determination.

Action Item B: Notice and Training

Within 60 days of OCR's final approval of the revised process referred to in Action Item A, above, OSPI will provide training to its Equity and Civil Rights Office staff and supervisors and any other relevant administrators and employees who are involved with overseeing school districts' compliance with the provisions of Title IX and its regulations that relate to athletics. The training will fully address the information required and the analysis to be applied by OSPI, during the CPR process and otherwise, in making a case-

by-case determination with respect to whether school athletic programs provide sufficient opportunities that are substantially proportionate when the number of opportunities that would be required to achieve exact proportionality would not be sufficient to sustain a viable team. OCR is available to provide technical assistance at OSPI's request.

Within 45 days of OCR's final approval of the revised process referred to in Action Item A, above, OSPI will issue written notice to all school and district administrators, including but not limited to superintendents, principals, and Title IX coordinators, at districts and schools that are subject to the CPR process. The written notice will (1) describe the requirements of Part 1 of the Three-Part Test, as established under the Department's "Intercollegiate Athletics Policy Interpretation," issued December 11, 1979, and found at 44 *Fed. Reg.* 71413 *et seq.*"; (2) provide that OSPI's CPR process monitors local education agencies to determine, among other things, if the local education agencies are complying with the Three-Part Test; and (3) request that school districts and schools share the notice with their athletic directors.

Reporting Requirement: Within 90 days of OCR's final approval of the revised CPR process, OSPI will provide a report, for OCR's review and approval, demonstrating that OSPI has taken the actions outlined under Action Item B, above. The report will include, at a minimum, copies of notices and training materials, a list of individuals who participated in the training, and a copy of the written notice distributed to district and school administrators, along with a description of how the notice was distributed.

Monitoring: General Principles

OSPI understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that OSPI 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)(1). OSPI also understands that by signing this Agreement, it agrees to provide to OCR data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, OSPI understands that, during the monitoring of this Agreement, OCR may visit OSPI, interview staff, and request such additional reports or data as are necessary for OCR to determine whether OSPI 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)(1), which were at issue in this case. In addition, OSPI understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including such proceedings as are necessary 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, including to enforce this Agreement, OCR shall give OSPI written notice of the alleged breach and sixty (60) days to cure the alleged breach.

Effective Date

This Agreement will become effective immediately upon the signature of the Superintendent or his designee below.

Signed:

_____/s/_____
Chris Reykdal
Superintendent
Washington State Office of the Superintendent of Public Instruction

September 14, 2017
Date