

## **VOLUNTARY RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

The Billings School District No. 2, Yellowstone County, (hereinafter “the district”) enters into this agreement to resolve the allegations in a complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) (OCR Reference No. 10141169) under title IX of the Education Amendments of 1972 (Title IX).

### **II. GENERAL PROVISIONS**

- A. This agreement resolves the allegations in OCR Reference No. 10141169 and does not constitute an admission by the district of any violation of Title IX or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10141169 based upon the district’s commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. 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 regulation implementing Title IX, at 34 CFR 106.41(c), with respect to the issue in this case.
- D. 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 CFR 106.41(c), with respect to the issue in this case.
- E. 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.

### **III. RESOLUTION PROVISIONS**

The district agrees to continue to provide equal athletic opportunities to members of both sexes participating in the district’s interscholastic athletics program, in

accordance with the requirements of Title IX, the regulation at 34 CFR 106.41(c)(7), and applicable OCR policies. The district agrees to take the specific steps described in Sections III.A-C, below, to ensure that it provides equivalent benefits, opportunities, and treatment to members of both sexes with respect to the provision of locker rooms, practice and competitive facilities in West High School's interscholastic athletics program.

A. Assessment of Practice & Competitive Facilities

By October 17, 2014, the district will complete, in consultation with OCR, an assessment of the locker rooms, practice and competitive facilities utilized by all girls' and boys' interscholastic athletics teams at West High School, including alternative practice locations utilized during inclement weather. The assessment shall include, but need not be limited to, consideration of (1) the quality and availability of locker rooms and practice and competitive facilities; (2) exclusivity of use of locker rooms and practice and competitive facilities; (3) proximity of practice and competitive facilities that are located off-campus; (4) maintenance of locker rooms and practice and competitive facilities; and (5) preparation of facilities for practice and competitive events. Based on the assessment, the district will determine whether there are any significant disparities between girls' and boys' teams with respect to practice and competitive facilities. In making these determinations, the district will obtain information from the coaches of each team, student athletes, and other knowledgeable individuals.

B. Action Plan

If the district determines, based on the assessment conducted under III.A and OCR's input, that locker rooms, practice and competitive facilities are not equivalent for girls' and boys' teams, by November 14, 2014, the district will develop, and submit to OCR for review and approval, a draft action plan that identifies specific steps to be taken to address the inequities that are identified as a result of the district's assessment. OCR will review the plan and provide feedback to the district, and the district will, within 30 days, revised the plan in accordance with OCR's feedback and provide the revised plan to OCR.

C. Implementation of Plan

By April 1, 2015, the district will complete its implementation of the plan developed under III.B, above.

**IV. REPORTING PROVISIONS**

