

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Sunnyside School District No. 201(district) enters into this agreement to resolve the allegations in a complaint (Reference No. 10141390) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under title IX of the Education Amendments of 1972 (Title IX) and that statute's implementing regulations at 34 CFR Part 106.

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10141390 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. 10141390 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 and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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.
- D. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the district understands that during the monitoring of this agreement, OCR may visit the district's campuses, 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 106.4, which was/were at issue in this case.

- E. 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 regulations implementing Title IX at 34 CFR 106.41.

III. RESOLUTION PROVISIONS

The district agrees to provide girls' and boys' interscholastic athletic teams at Sunnyside High School (school) with equivalent benefits, treatment, and services in the provision of locker rooms, practice and competitive facilities. To this end, the district agrees to take the following steps to provide the girls' softball teams practice and competitive facilities that are comparable in quality and availability to those provided to the boys' baseball teams:

- A. Assessment of Practice and Competitive Facilities

By February 15, 2015, the district will complete, in consultation with OCR, an assessment of the locker rooms, practice and competitive facilities utilized by all boys' and girls' high school interscholastic athletics teams other than softball and baseball at Sunnyside High School, including any facilities that are not owned by the district. The assessment shall include, but need not be limited to, the following factors: (1) quality and availability of facilities provided for practice and competitive events; (2) exclusivity of use of facilities provided for practice and competitive events; (3) proximity of practice and competitive facilities that are located off campus; (4) availability of locker rooms; (5) quality of locker rooms; (6) maintenance of locker rooms and practice and competitive facilities; and (7) 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

1. General Provisions

By March 1, 2015, if the district determines, based on the assessment conducted pursuant to section III, A, above, and OCR's input, that locker rooms, practice and competitive facilities for interscholastic sports other than softball and baseball are not equivalent for girls' and boys' teams, the district will develop, and submit to OCR for review and approval, a draft plan of action 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. The district will in good faith attempt to incorporate OCR's feedback into its plan. Within 30 days following the district's receipt of OCR's feedback and the district will submit a revised plan to OCR. If the district does not accept all of OCR's feedback, the parties will attempt in good faith to resolve their differences. If the parties reach impasse OCR retains its rights to pursue formal investigative procedures and/or other investigative/enforcement proceedings it deems appropriate, consistent with subsections II, C and D, above.

2. Softball Facility

By February 15, 2015, the district will develop, and submit to OCR for review and approval, a draft plan of action that identifies the specific steps to be taken to replace the current girls' softball facility, currently located at Washington Elementary School, which is scheduled for demolition and reconstruction beginning on or about June 15, 2015. The draft plan of action will include a time table for acquisition of a site, allocation of funding, design, construction and completion of the facility by February 1, 2016. The district will in good faith review the plan and attempt to incorporate OCR's feedback into its revised plan. The district will submit a revised plan to OCR within 15 days. If the parties reach impasse OCR retains its rights to pursue formal investigative procedures and/or other investigative/enforcement proceedings it deems appropriate, consistent with subsection II, C and D, above.

The draft plan will include interim steps, to be completed by March 1, 2015, to address the issues listed below, which have already been

identified by the district, with regard to the district's current girls' softball facility:

- Access to school locker rooms in proximity to the practice and competition facilities;
- Seating, including accessible handicap seating, for games;
- Announcer's box;
- Dugouts;
- Protective fencing around practice and competition facilities;
- Field maintenance and preparation for games and practices;
- Warm-up areas for pitchers (bull pen);
- Designated coaches boxes for base coaches;
- Concessions facilities
- Storage areas adjacent to the fields used for practice and competition;
- Restrooms located adjacent to the fields used for practice and competition;
- Outfield fences; and
- Bases and plate used for practice and competition.

C. Implementation of Plan

1. General Implementation

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

2. Softball Facility

By March 1, 2015, the district will complete its implementation of the portion of the plan developed under III, B, 2, above, that relates to the current girls' softball facility.

By February 1, 2016, the district will complete its implementation of the portion of the plan developed under III, B, 2, above that relates to the construction of a new girls' softball facility.

IV. REPORTING PROVISIONS

- A. By February 1, 2015, the district will provide OCR with a written report documenting the completion of the improvements to the current girls' softball facility that are enumerated in section III, C, 2.
- B. By February 15, 2015, the district will provide OCR with a report on its assessment, pursuant to section III.A, above. The report will include:
 - 1. a description of the sources of information that were considered in the assessment of (1) quality and availability of facilities provided for practice and competitive events; (2) exclusivity of use of facilities provided for practice and competitive events; (3) proximity of practice and competitive facilities that are located off campus; (4) availability of locker rooms; (5) quality of locker rooms; (6) maintenance of locker rooms and practice and competitive facilities; and (7) preparation of facilities for practice and competitive events;
 - 2. detailed information describing the specific benefits, opportunities, and treatment being provided to girls' and boys' teams related to specified assessment criteria; and
 - 3. a summary of information provided by coaches, student athletes, and other knowledgeable individuals.
- C. By February 15, 2015, the district will provide OCR with its draft plan of action, pursuant to section III, C, 2, of this agreement, for that identifies the specific steps to be taken to replace the current girls' softball facility;
- D. By February 15, 2015, the district will provide OCR with a draft of its action plan developed pursuant to section III.B, above. OCR will review the plan and provide feedback on the draft plan and the district will provide OCR a revised plan, if applicable, within 30 days of receiving OCR's feedback.
- E. By April 15, 2015, the district will provide a report to OCR describing the specific steps and actions completed under its action plan, pursuant to section III.C, above.

- F. By September 1, 2015, the district will provide OCR with a written interim report documenting the implementation of the plan to replace the girls' softball facility, pursuant to section III, C, 2.
- G. By February 15, 2016, the district will provide OCR with a written report documenting the completion of the girls' softball facility.

Signed:

_____/ s / _____
Dr. Richard D. Cole, Superintendent

_12/17/2014_____
Date