

## **VOLUNTARY RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

South Whidbey School District (the district) enters into this agreement to resolve the allegations in a complaint (Reference No. 10151009) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under title IX of the Education Amendments of 1972 (Title IX).

### **II. GENERAL PROVISIONS**

- A. This agreement resolves the allegations in OCR Reference No. 10151009 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. 10151009 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 campus or place of business, 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, which was 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 XXXXX with equivalent benefits, treatment, and services in the provision of 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. Action Plan

By January 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 ensure equivalent benefits, treatment, and services in the provision of practice and competitive facilities. The draft plan of action will include a time table for allocation of funding, design, construction and completion of improvements to the practice and competitive facilities. OCR will review the plan and provide feedback to the district. Within 30 days of receiving OCR's feedback, the district will provide a revised plan to OCR.

The draft action plan will include actions to address the following issues with regard to the district's current girls' softball facility:

- Functioning scoreboard;
- Clubhouse;
- Dugouts;
- Batting cages;
- Field maintenance and preparation for games and practices;
- Warm-up areas for pitchers (bull pen); and
- Access to restrooms (or Port-O-Pot) adjacent to the fields.

B. Implementation of Plan

By January 2016, the district will complete its implementation of the action plan developed under III.A, above.

**IV. REPORTING PROVISIONS**

- A. By January 15, 2015, the district will provide OCR with its draft action plan, pursuant to section III.A of this agreement. OCR will review the plan and provide feedback on the draft plan. The district will provide OCR a revised plan, if applicable, within 30 days of receiving OCR's feedback.
- B. By January 31, 2016, the district will provide a report to OCR describing the specific steps and actions completed under its action plan, pursuant to section III.B, above.

Signed:

\_\_\_\_\_/ s/\_\_\_\_\_  
Dr. Josephine Moccia, Superintendent

\_\_\_\_January 7, 2015\_\_\_\_  
Date