

# VOLUNTARY RESOLUTION AGREEMENT

## I. INTRODUCTION

Lake Washington School District No. 414 (district) enters into this agreement to resolve the allegations in a complaint (Reference No. 10151160) 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. 10151160 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. 10151160 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 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 school and facilities, 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 Title IX regulations which 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 Title IX regulations which were at issue in this complaint

### **III. RESOLUTION PROVISIONS**

The district agrees to provide equivalent benefits and opportunities for athletic opportunities to members of both sexes participating in its interscholastic athletic programs, in accordance with the requirements of Title IX, the regulation at 34 CFR 106.41(c)(7), and applicable OCR policies. To that end, the district agrees to take the specific steps described in Sections III. A-E, below, at Lake Washington High School (LWHS) to ensure that it provides equivalent benefits, opportunities, and treatment to members of both sexes with respect to the following components: 1) the provision of practice and competitive facilities; 2) the scheduling of practice and game times; 3) the provision of equipment and supplies; and 4) the modes of transportation to away competition events.

#### **A. Provision of Locker Rooms, Practice and Competitive Facilities**

##### **1. Assessment of Locker Rooms, Practice and Competitive Facilities**

By February 26, 2016, the district will complete, in consultation with OCR, an assessment of the locker rooms, practice and competitive facilities utilized by all female and male interscholastic athletic teams at LWHS, including any facilities that are not owned by the district. The assessment shall include, but is not 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 this assessment and in consultation with OCR, the district will determine whether there are any significant disparities between female and male teams with respect to practice and competitive facilities. In making these determinations, the district will obtain information from a variety of sources, including the coaches of each team, student athletes, and other knowledgeable individuals.

##### **2. Action Plan: Locker Rooms, Practice, and Competitive Facilities**

By March 29, 2016, if there is a determination, based on the assessment conducted pursuant to section III.A.1, above, that locker

rooms, practice, and competitive facilities are not equivalent for female and male teams, the district will develop and submit to OCR for review and approval, a draft action plan (“facilities action plan”) that details specific steps the district will take to address the inequities that were identified as a result of the district’s assessment of the locker rooms and practice and competitive facilities. OCR will approve the facilities action plan or notify the district that further revisions are required. If revisions are required, the district will re-submit the revised plan to OCR for review and approval within 30 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the revised facilities action plan.

3. Implementation of Facilities Action Plan

After receiving approval, the district will complete its implementation of the approved facilities action plan developed under III.A.2., above in a timeframe specified in said action plan.

B. Scheduling of Practice and Game Times

1. Action Plan: Scheduling of Practice and Game Times

By January 29, 2016, the district will develop and submit to OCR for review and approval, procedures and a draft action plan to ensure that the scheduling of practice and game times offered to the athletes of each sport are comparable for girls’ and boys’ teams (“scheduling action plan”). Specifically, the district’s procedures and scheduling action plan will ensure that male and female athletes at LWHS are provided with comparable opportunities in the time of day practice opportunities are scheduled; the number of competitive events scheduled during a season; the time of day competitive events are scheduled, including opportunities for competitive events to be scheduled in the evening hours or other preferred times; and opportunities to engage in comparable pre-season and post-season competition. OCR will approve the procedures and scheduling action plan or notify the district that further revisions are required. If revisions are required, the district will re-submit the revised procedures and/or scheduling action plan to OCR for review and approval within 30 days of receiving notice of the revisions by OCR.

OCR and the district will follow the same procedure until OCR approves the revised procedures and/or scheduling action plan.

2. Implementation of Scheduling Action Plan

Within 30 days after receiving approval, the district will complete its implementation of the approved procedures and scheduling action plan developed under III.B.1, above.

C. Provision of Equipment and Supplies

1. Action Plan: Equipment and Supplies

By January 29, 2016, the district will develop and submit to OCR for review and approval, procedures and a draft action plan to ensure that it provides equitable benefits, treatment, services, and opportunities in the provision of equipment and supplies for male and female athletes at LWHS (“equipment/supplies action plan”). Specifically, the district’s draft procedures and equipment/supplies action plan will demonstrate that athletes of both sexes are provided with equipment and supplies that are comparable in quality, amount, suitability, maintenance and replacement, and availability. OCR will approve the procedures and equipment/supplies action plan or notify the district that further revisions are required. If revisions are required, the district will re-submit the revised procedures and/or equipment/supplies action plan to OCR for review and approval within 30 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the revised procedures and/or equipment/supplies action plan.

2. Implementation of Equipment/Supplies Action Plan

Within 30 days after receiving approval, the district will complete its implementation of the approved procedures and equipment/supplies action plan developed under III.C.1, above.

D. Modes of Transportation

1. Action Plan: Modes of Transportation

By December 18, 2015, the district will develop and submit to OCR for review and approval, procedures and an action plan to ensure that it provides equitable benefits, treatment, services, and opportunities in the modes of transportation to away competitions for the student athletes of both sexes at LWHS (“transportation action plan”). OCR will approve the procedures and transportation action plan or notify the district that further revisions are required. If revisions are required, the district will re-submit the revised procedures and/or transportation action plan to OCR for review and approval within 30 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the revised procedures and/or transportation action plan.

2. Implementation of Transportation Action Plan

Within 30 days after receiving approval, the district will complete its implementation of the approved procedures and transportation action plan developed under III.D.1, above.

E. Fundraising

1. Policies

By January 22, 2016, the district will review, and as necessary will revise, its policies related to the regulation of private fundraising to support the district’s interscholastic athletic programs. The policies will ensure that if private fundraising provides benefits, treatment, services, or opportunities to athletes of one sex that are greater than the benefits and services provided to the other sex, the district will take action to ensure equitable benefits, treatment, services, or opportunities by providing similar/equivalent benefits with district funds or by developing another method to ensure the benefits, treatment, services, and opportunities for both sexes are equivalent. The policies shall include explicit procedures that must be used in the event that private fundraising is used to provide benefits, treatment, services, or opportunities to student athletes or to athletic programs without the district’s approval. A copy of the draft revised policies will be submitted to OCR for review. OCR will approve the policies or notify the district that further revisions are required. If revisions are required, the district will re-submit the revised policies to OCR for review and approval within 30 days of receiving notice

of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the revised policies and procedures.

2. Training

By June 15, 2016, the district will provide comprehensive training to relevant groups associated with the district's athletic programs, including but not limited to, administrative staff, coaching staff, and booster clubs, regarding the requirements of Title IX to provide equivalent benefits, treatment, services, and opportunities to both female and male students, the district's policies and procedures regarding non-discrimination based on sex, and any substantive revisions to the district's policies regarding private fundraising made pursuant to section III.E.1, above.

#### IV. REPORTING PROVISIONS

A. Provision of Locker Rooms, Practice, and Competitive Facilities

1. Assessment of Locker Rooms, Practice, and Competitive Facilities

By February 26, 2016, the district will provide OCR with a report on its assessment of locker rooms, practice, and competitive facilities pursuant to section III.A.1, above. The report will include:

- a. A description of the sources of information that the district considered in its 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 facilities; 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;
- b. Detailed information describing the specific benefits, treatments, services, and opportunities being provided to female and male teams related to the assessment components; and

- c. A summary of information provided by coaches, student-athletes, and other knowledgeable individuals about locker rooms and practice and competitive facilities.

2. Facilities Action Plan

By March 29, 2016, the district will provide OCR with a draft of its facilities action plan for the review and approval process as set forth in section III.A.2, above.

3. Implementation of Facilities Action Plan

Within 30 days of receiving OCR's approval of the facilities action plan, and every 90 days thereafter until completion, the district will provide a report to OCR describing the specific steps and actions completed under its facilities action plan pursuant to section III.A.3, above.

- B. Scheduling of Practice and Game Times

1. Scheduling Action Plan

By January 29, 2016, the district will provide OCR with a draft of its procedures and scheduling action plan for the review and approval process as set forth in section III.B.1, above.

2. Implementation of Scheduling Action Plan

Within 30 days of receiving OCR's approval of the procedures and scheduling action plan, the district will provide OCR a report demonstrating its adoption of the procedures and implementation of the scheduling action plan pursuant to section III.B.2, above. The report will include, but is not limited to, the date the scheduling action plan was formally implemented, and the name of the person or group responsible for the implementation of the scheduling action plan.

- C. Provision of Equipment and Supplies

1. Equipment/Supplies Action Plan

By January 29, 2016, the district will provide OCR with a draft of its procedures and equipment/supplies action plan for the review and approval process as set forth in section III.C.1, above.

2. Implementation of Equipment/Supplies Action Plan

Within 45 days of receiving OCR's approval of the procedures and equipment/supplies action plan, the district will provide OCR a report demonstrating its adoption of the procedures and implementation of the equipment/supplies action plan pursuant to section III.C.2, above. The report will include, but is not limited to, the date the equipment/supplies action plan was formally implemented, and the name of the person or group responsible for the implementation of the equipment/supplies action plan.

D. Modes of Transportation

1. Transportation Action Plan

By December 18, 2015, the district will provide OCR with a draft of its transportation action plan for the review and approval process as set forth in III.D.1, above.

2. Implementation of Transportation Action Plan

Within 30 days of receiving OCR's approval of the procedures and transportation action plan, the district will provide OCR a report to OCR demonstrating its adoption of the procedures and implementation of the transportation action plan pursuant to section III.D.2, above. The report will include, but is not limited to, the date the transportation action plan was formally implemented, and the name of the person or group responsible for the implementation of the transportation action plan.

E. Fundraising

1. Policies

a. By January 22, 2016, the district will provide OCR with a copy of its draft revised policies and procedures related to the regulation of private fundraising to support athletic teams for

the review and approval process set forth in section III.E.1, above.

- b. Within 30 days of receiving OCR's approval of the revised policies and procedures regarding private fundraising, the district will provide OCR with documentation to substantiate that the district has formally adopted the approved policies and procedures. The report will include, but is not limited to, a copy of the final policies and procedures, and the date the fundraising policies and procedures were formally adopted.

2. Training

By June 15, 2016, the district will provide OCR a report regarding training actions conducted pursuant to section III.E.2, above. The report will include, but is not limited to, the date(s) of training; a copy of the training agenda and any training materials; the name and position title of the presenter; and the names and position titles of the individuals who attended the training.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
Janene Fogard  
Deputy Superintendent  
Lake Washington School District

November 2, 2015  
Date