

VOLUNTARY RESOLUTION AGREEMENT

Boise School District voluntarily agrees to take the following actions to resolve the complaint (Reference No. 10221322) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX).

Action Steps

- A. The District will review the Girls Powered STEM Summer Camps (camps) to determine whether the camps meet the requirements of the Title IX regulation, at 34 C.F.R. §106.34(b). Specifically, the regulation permits a nonvocational elementary or secondary school to offer a nonvocational single-sex class or extracurricular activity if it has a two-part justification for doing so which demonstrates that:
1. each single-sex class is based on the recipient's "important objective" either to (i) improve its students' educational achievement through its overall established policies to provide diverse educational opportunities (the diversity objective); or (ii) to meet the particular, identified educational needs of its students (the needs objective); and
 2. the single-sex nature of the class is "substantially related" to achieving that important objective.
 3. In addition to establishing a justification for offering a single sex class or extracurricular activity, a recipient must also:
 - (i) implement its objective in an evenhanded manner;
 - (ii) ensure that student enrollment in a single-sex class or extracurricular activity is completely voluntary;
 - (iii) provide a substantially equal coeducational class or extracurricular activity in the same subject; and
 - (iv) conduct periodic evaluations to determine whether the class or activity complies with Title IX, and if not, modify or discontinue the class to ensure compliance with Title IX

4. If the District chooses to review the camps to determine whether they meet the requirements of the Title IX regulation, at 34 C.F.R. §106.34(b), the District's review will include, but need not be limited to, factors included in OCR's *"Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities."*¹
- B. If the District chooses not to determine whether the camps meet the requirements of 34 C.F.R. §106.34(b), or if the review of the camps does not substantiate an important objective as defined under the regulations, the District will take one of the following options:
 1. The District will cease to offer camps; OR
 2. The District will modify the camps to ensure the camps are open to all students regardless of sex, and will change the name of the camps to eliminate any suggestion that it is for a single sex, and will ensure that all communications related to the camps effectively communicate that the camps are open to all students regardless of sex (these communications will include the name of the camps, the design and content of the website, and the promotion of and recruitment for the camps); OR
 3. The District will modify the camp to ensure the camps are open to all students regardless of sex, and will maintain the name of the camps, provided that it can develop and implement strategies to effectively communicate to the District community and the public that the camps, notwithstanding the name, are open to all students regardless of sex.

Reporting Requirements

- A. Within 90 days of the date of this agreement, the District will submit a report, for OCR's review and approval, which will include notice of its decision regarding whether it opted to implement Action Step (A) or (B)(1), (2) or (3).
 1. If proceeding with Action Step (A), the District's report will include a detailed analysis of the factors considered in making the determination regarding whether the camps meet the District's important objective as defined by 34 C.F.R. §106.34(b).
 2. If proceeding with Action Step (B), the District's report will include either:

¹ [Q&A Title IX Single Sex - \(PDF\) \(ed.gov\)](#)

- a. all steps taken to cease offering the camps pursuant to Action Step (B)(1);
OR
 - b. all steps taken to make the camps open to all students regardless of sex, including copies or links to all materials revised or created pursuant to Action Step (B)(2); OR
 - c. all steps taken to make the camps open to all students regardless of sex, including copies or links to all materials which demonstrate how the District will effectively communicate to the District community and the public that the camps are open to all students regardless of sex despite its name. In addition, for the 2022-2023 summer camps, the District will collect and submit to OCR, by May 31, 2023, the following information: A list of all individuals who applied for participation in the camps by name or unique identifier and sex; an indication whether each individual was permitted to participate; and for those individuals who applied but were not permitted to participate, the reason(s) for not allowing their participation.
- B. If OCR requires any revisions to the report(s) developed pursuant to the above action steps, the District will resubmit the report within 30 days of receiving OCR's notice of the required revisions. OCR and the District will repeat this process until OCR has approved the report.

General Monitoring Principals

- A. By signing the resolution agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution 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 the resolution agreement.
- B. The District understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the recipient is in compliance with the terms of the agreement and the statute(s) and regulation(s) at issue in the case.
- C. The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This agreement will become effective immediately upon the signature of District's representative.

Signed:

/s/

January 12, 2023

Mr. Coby Dennis
Superintendent
Boise School District

Date