

RESOLUTION AGREEMENT
Cleveland County Schools
OCR Complaint No. 11-17-1586

Cleveland County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Complaint No. 11-17-1586. This Agreement does not constitute an admission by the District of a violation of Title IX of the Education Amendments of 1972 (Title IX), or any other law enforced by OCR.

I. Transportation for Softball Athletes

The District will offer to provide transportation for softball athletes and coaches to and from the softball field for practices and competitions, so long as the softball field is located anywhere other than at Shelby High School (the School). The provision of transportation will be in such a way that softball athletes have comparable access to the softball field as baseball athletes have access to the baseball field, including ensuring that: softball athletes are able to access the softball field in time for the start of practice(s) and early for competition(s), as determined by the softball coach; softball athletes who have to stay late at the School on any given day have access to the softball field to attend practice(s) and competition(s); and, softball athletes are returned to the School at the end of practice(s) and competition(s) should they need to return to the School for any reason. The provision of transportation will apply to pre-season and post-season practices and competitions.

Reporting Requirements:

- a. By October 1, 2021, the District will submit to OCR a plan (Plan) for the provision of transportation to softball athletes, incorporating the above in addition to any other detail(s) applicable to the provision of transportation to softball athletes (e.g., what vehicle(s) will be used, specific times transportation will be provided, backup drivers, etc.), for OCR's review and approval.
- b. Within 30 calendar days of OCR approval, the District will implement the Plan.
- c. By June 15, 2022 and again by June 15, 2023, the District will provide OCR with a detailed summary of the provision of transportation to softball athletes for the preceding softball season. The District will make the softball coach available for an interview, upon OCR's request.

II. Softball Facilities

The District will ensure the following:

1. The softball field dugouts have hooks and helmet cubbies comparable to those in the baseball field dugouts.
2. The softball field has distance markers comparable to those at the baseball field.

3. The softball field has batting cages comparable to those at the baseball field in number of lanes, flooring (e.g., turf, etc.), netting, and pitching machines.
4. The softball field surface is prepared and maintained in a manner that is appropriate for practice and competition (i.e., turf, drainage, grading, etc.)

Reporting Requirements:

- a. By September 30, 2021, the District will provide OCR with documentation (including photographs) showing completion of Section II.1-2.
- b. By October 1, 2021, the District will provide OCR with documentation showing proposed changes it plans to undertake, to comply with Section II.3, including a proposed deadline for completion and an explanation regarding the reason for the proposed deadline, and a proposed plan for complying with Section II.4, for OCR review and approval.
- c. Within 30 calendar days of completion of Section II.3 and implementing Section II.4, the District will provide OCR with documentation (including photographs) showing completion and implementation.

III. Equality of Program Benefits Policy

The District will revise their existing policy or develop a policy reflecting the provision of equal athletic program benefits and services to members of both sexes in its athletics programs consistent with the requirements of Title IX, the regulations at 34 C.F.R. § 106.41(c), and applicable OCR policies, including but not limited to:

1. That equivalent benefits and services are provided to members of both sexes in its athletic programs regardless of the funding source(s) for these benefits and services. Benefits and services provided through the use of private funds and contributions, including, but not limited to, booster club funding, funds raised through concession stand sales, donations, team fundraising, outside funding, and in-kind contributions, in combination with all other benefits and opportunities, are relevant in satisfying this obligation.
2. Where private funds and contributions provide benefits or services to teams of one sex that are greater than what the District is capable of providing to teams of the other sex, then the District is to take such action as to ensure that benefits and services are equivalent for both sexes.
3. How the District, on an annual basis, will document, monitor, and remediate when necessary athletic program benefits and services provided to athletic teams.
4. The Title IX Coordinator's name and/or title, office address, email address, and telephone number, as well as where to find the District's Title IX grievance procedures and grievance process, including how to report or file a complaint of sex discrimination under Title IX.
5. The name(s) and/or title(s) and contact information for any other District and/or School staff that members of the District community and public can raise concerns with, with respect to the District's compliance with Title IX regarding the provision of athletic program benefits and services.

6. That individuals may file complaints regarding the District’s compliance with Title IX with OCR, including OCR’s mailing address, email address, and telephone number.

Reporting Requirements:

- a. By October 1, 2021, the District will submit a draft policy for OCR review and approval.
- b. Within 30 calendar days of OCR’s approval, the District will adopt the policy and post it, at a minimum, on each of the District schools’ athletics websites, and provide OCR with evidence, such as website link, etc. of its adoption and publication.

IV. Equipment and Supplies Benefits Assessment

The District will conduct a benefits and services assessment of the provision of equipment and supplies to each team at the School, to ensure that all athletic equipment, uniforms, and other athletic supplies at the School (e.g., practice balls, hats, and jerseys) are either (1) provided to both male and female teams equally; or (2) shared by both male and female teams so that the use of the equipment is equitable. With respect to sport-specific equipment, the School will ensure that if non-essential sport-specific equipment or supplies (that is, equipment and supplies that are not required in order to compete in the sport) is available to any teams, it is available to the male and female teams on an equitable basis. The assessment will be conducted in such a way as to accurately reflect all benefits and services, including benefits provided directly from the School/District as well as benefits provided via private funds and contributions.

Reporting Requirements:

- a. By October 1, 2021, the District will provide OCR with a written report of its benefits and services assessment, which will include the methodology used to ensure that the findings accurately reflect program benefits provided to each program, in addition to an action plan with deadlines to remediate any inequities found in its assessment, for OCR review and approval.
- b. Within 30 calendar days of implementing the action plan, the District will provide OCR with documentation that the action plan has been implemented.

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 the 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 and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____/s/_____ Date: _____
Stephen Fisher, Superintendent