Voluntary Resolution Agreement OCR Docket #03-14-1102 Southeast Delco School District

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, Southeast Delco School District (the District) voluntarily enters into this Resolution Agreement (Agreement). This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

ACTION STEPS

- 1. The District recognizes its obligation under Title IX at 34 C.F.R. §§ 106.31 and 106.41 to ensure that no person, on the basis of XXX, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated against in any program or activity.
- 2. By June 30, 2014, the District will review and, as necessary, revise its written policies and procedures, including but not limited to its interscholastic, club, and intramural athletics programs' policies and procedures, to ensure that:
 - a. Students of both XXXXX will not, on the basis of XXX, be excluded from denied the benefits of, be treated differently from another participation in, be person, or otherwise be discriminated against in any program or activity, including but not limited to interscholastic, club, and intramural athletics, in compliance with federal law. Notwithstanding these requirements, the District may operate or sponsor separate teams for members of XXXX XXX where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of XXX XXX but operates or sponsors no such team for members of the XXXXX XXX, and athletic opportunities for members of that XXX have previously been limited, members of the XXXXXXXX XXX must be allowed to try-out for the team offered unless the sport involved is a contact sport (e.g., boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact).
 - b. When the District allows members of the XXXXX XXX to participate in a contact sport, it will do so in a non-discriminatory manner.
- 3. By June 30, 2014, the District will distribute a memorandum to all of its staff members and administrators, including paid and volunteer athletic staff, which explains that different treatment of students on the XXXXX XX XXX is a violation of Title IX, including its implementing regulation at 34 C.F.R. § 106.31.

4. Within 30 days of OCR's approval of the policies and procedures set forth in Action Step #2 above, the District will publish them in its publications that contain the District's policies and procedures, as well as on the District's website. The District may use inserts in its publications until such time as the publications are scheduled to be reprinted.

REPORTING REQUIREMENTS

- 1. By July 15, 2014, the District will provide OCR with a copy of the written policies and procedures as set forth in Action Step #2 above. The District will indicate what, if any, revisions were made as a result of this review.
- 2. By July 15, 2014, the District will provide OCR with a copy of the memorandum distributed pursuant to Action Step #3 above.
- 3. Within 60 days of OCR's approval of the policies and procedures set forth in Action Step #2 above, the District will provide documentation to OCR demonstrating that it has published them as required by Action Step #4 above.

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the provisions of Title IX at 34 C.F.R. §§ 106.31 and 106.41, which are applicable to this complaint.

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 this Agreement. Further, the District understands that during the monitoring of this Agreement, 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 complied with the terms of this Agreement and the provisions of Title IX, at 34 C.F.R. §§ 106.31 and 106.41, which are applicable to this complaint.

The District understands and acknowledges 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 proceeding 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.

/S/	June 24, 2014
Superintendent or Designee	Date