

Resolution Agreement #05-15-1327 School District of Superior

The School District of Superior (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #05-15-1327. In order to achieve compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, with regard to the complaint allegation, the District agrees to take the following actions to ensure that at Superior High School (School) equal interscholastic athletic opportunities are available to boys and girls in the provision of locker rooms and practice and competitive facilities.

1. The District will provide equal athletic opportunities for both sexes at the School in the provision of locker rooms and practice and competitive facilities. In this regard, the District will ensure that the locker rooms and practice and competitive facilities it provides at the School to its girls' interscholastic athletic teams are comparable in quality, availability, exclusivity, maintenance and preparation to those provided to its boys' interscholastic athletic teams. To this end, the District will conduct a Self-Assessment of the availability, quality and kinds of benefits, opportunities, and treatment afforded to the District's male and female athletes at the School in the provision of locker rooms and practice and competitive facilities, including any facilities that are not owned by the District; the assessment will specifically include a review of compliance problems in the practice and competitive facilities used by the softball team. Based on this assessment, the District will develop a Plan to remedy any disparities on the basis of sex in the provision of locker rooms and practice and competitive facilities and by February 15, 2016, will submit the Plan to OCR for review and approval.

REPORTING REQUIREMENT: By February 15, 2016, the District will submit to OCR for review and approval the results of the Self-Assessment, including all supporting documentation, along with a copy of its Plan.

2. Upon receipt of OCR's approval of the District's Plan referenced in Item #1, the District will immediately commence implementation of the Plan as applicable to spring 2016 sports, with final implementation by no later than the 2016-2017 school year. The District will demonstrate that the District's girls' interscholastic athletic teams are provided with locker rooms and practice and competitive facilities that are comparable in quality, availability, exclusivity, and maintenance and preparation, to the locker rooms and practice and competitive facilities provided to the boys' interscholastic athletic teams at the School. Under this equivalency standard, identical benefits, opportunities, or treatment are not required as long as the effects of any differences are negligible. If a comparison of the benefits, opportunities and treatment afforded to males and females in locker rooms and practice and competitive facilities indicates that benefits, opportunities, or treatment are not equivalent, the District could still be in compliance with Title IX if the differences are shown to be the result of nondiscriminatory factors, such as the unique aspects of particular sports or athletic activities.

REPORTING REQUIREMENT: By May 2, 2016, the District will submit a report to OCR demonstrating implementation of any provisions of the Plan to upgrade facilities for spring 2016 sports, as applicable. By May 1, 2017, the District will provide OCR with documentation showing that it has fully implemented Item #2.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, the OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for the OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. § 106.41(c)(7), which were at issue in this complaint.

The District understands that the 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 and Title IX, at 34 C.F.R. § 106.41(c)(7), which were at issue in 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the School District of Superior.

Superintendent or designee

Date