

## **RESOLUTION AGREEMENT**

Longview Independent School District  
OCR Reference Number: 06131199

The Longview Independent School District (LISD or the District), voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The LISD commits to the actions contained in the Agreement to ensure that the requirements of Title IX are met with respect to the issues of whether the selection of interscholastic sports at Longview High School (LHS or the District's high school) effectively accommodates the interests and abilities of both sexes to the extent necessary to provide equal athletic opportunities and whether the District provides female students with equal athletic opportunity with respect to the provision of equipment and supplies; the opportunity to receive coaching; and locker rooms, practice, and competitive facilities.

### **I. EFFECTIVE ACCOMMODATION OF INTERESTS AND ABILITIES**

The District agrees to provide participation opportunities for female and male students at the District's high schools that effectively accommodate the athletic interests and abilities of members of both sexes, consistent with the requirements of Title IX, the regulation at 34 C.F.R. § 106.41(c)(1), and applicable OCR policies. The District will provide athletic participation opportunities that are either substantially proportionate to each sex's enrollment in its high schools, or demonstrate that the interests and abilities of female students are fully and effectively accommodated by the District's current athletics program.

### **II. DETERMINATION OF UNMET INTEREST AND ABILITY**

In order to determine whether there is unmet interest and ability among female students in the District's high school who are underrepresented in the District interscholastic athletics programs, the District will take the following actions:

By September 30, 2014, the District will conduct an objective assessment of its student body at its high school and the eighth grade level of its middle schools to determine the existence and/or scope of any unmet athletic interests of female students, the underrepresented sex in the District's athletics programs. The assessment will also consider whether the interested students have the ability to sustain an interscholastic team, noting that they do not need the ability to sustain a successful or elite team, but only need to show that they have the potential to participate in team try-outs, practices and competitions and, with coaching, the potential to attain sufficient ability to participate at the particular level of competition (varsity, junior varsity, etc.) in which they have expressed interest. The assessment will be based on multiple indicators of interests and, if applicable, multiple indicators of abilities, and shall include the following:

1. A survey of female students at the District high school and the eighth grade level at each middle school. The survey shall seek information on female students' interest and ability to participate in sports currently offered and in sports not currently

offered by the District. A copy of the draft survey will be submitted to OCR for its review and approval before it is distributed to students.

2. A review of the results of recent surveys of students, if any, or other information collected from students using a method that is designed to fully and accurately assess unmet athletic interests and, if applicable, abilities in interscholastic sports among female students.
3. Identification of sports, squads, and levels of sports for female students that are not currently offered by the District high school but are offered either by schools that compete within the league(s) in which the District competes or by schools that are within the District's normal competitive region and geographic area.
4. For the 2013-14 school year, female students' rates of participation in club sports, interscholastic sports, and physical education courses that are offered in the District's schools, and in community sports leagues, clubs or other youth programs offered in the District's normal competitive region and geographic area.
5. For the last two academic years, if applicable, a review of the number of female students who were cut from each high school team and the reasons they were cut, to assess whether any of those students had or have the ability to compete in that sport and whether sufficient numbers of students were cut to sustain another level in that sport (e.g., junior varsity).
6. A review of any requests (whether oral, written, formal or informal) made to School Board Members, District administrators, coaches, or staff by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to interscholastic sport status. This review may be limited to requests that were received during the 2011-12, 2012-13 and 2013-14 school years.
7. Identification of all viable girls' teams that have been eliminated in the past ten school years.
8. For the last two academic years, if applicable, a review of any assessments made by District coaches or staff during tryouts, or observations of students participating in club or interscholastic competition offered by the District or in community sports leagues, clubs or other youth programs offered in the District's normal competitive region and geographic area,, and other information reflecting the ability of female students to compete in a particular sport, prior participation in that sport or a similar sport at the middle or high school level or interscholastic club or community level, general athletic ability, participation in other high school interscholastic sports, the nature of the particular sport, and other relevant factors.
9. Any other information that demonstrates the athletic interests and, if applicable, abilities of the female students in the District's high school and middle schools.

## REPORTING REQUIREMENTS

To demonstrate its compliance with the terms of Section II of this Agreement, the District will submit the following information to OCR:

1. By May 1, 2014, a copy of the draft survey referenced in Section II.1., above, for OCR's review and approval.
2. By May 1, 2014, a complete description of the planned methodology to conduct the survey, including how the survey will be distributed, the number of surveys to be distributed, the grade levels of students who will receive the surveys, any planned follow-up to the initial distribution of the survey, the names and contact information for the individual(s) who will evaluate the responses to the surveys, and the protocol for retaining a copy of any notes or other documents compiled during the review of the surveys.
3. By November 1, 2014, a detailed report about the assessment conducted pursuant to Section II of this Agreement for each identified high school and middle school. The report will include, at a minimum, the following information:
  - a. A copy of the results of the survey referenced in Section II.1., above, including but not limited to the number of students, by sport, who indicated an interest in each sport, a complete description of the methodology used to conduct the survey, including how the survey was distributed, the number of surveys distributed and the number of responses, the grade levels of students who received the surveys, any follow-up to the initial distribution of the survey, the names and contact information for the individual(s) who evaluated the responses to the surveys, and a copy of any notes or other documents compiled during the review of the surveys.
  - b. An analysis of the results of any other recent surveys of students, if any, or other information collected from students using a method that is designed to fully and accurately assess unmet athletic interests and, if applicable, abilities in interscholastic sports among female students.
  - c. A summary of sports, squads, and levels of sports for female students that are not currently offered by the District high school but are offered either by schools that compete within the league(s) in which the District competes or by schools that are within the District's normal competitive region and geographic area.
  - d. For the last two academic years, for the high school, rates of participation by female students in:
    - a) Interscholastic sports;
    - b) Club sports;
    - c) Physical education courses; and
    - d) Community and youth sports leagues or clubs in the local Longview area.

- e. If applicable, a summary of the number of female students who were cut from each high school team, and the reasons they were cut.
- f. A copy of any written requests and a summary of any non-written requests made by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to interscholastic sport status.
- g. For the last two academic years, a summary of any assessments made during tryouts, or other information reflecting the ability of female students to compete in a particular sport, prior participation in that sport or a similar sport at the middle or high school level or club or community level, general athletic ability, participation in other high school interscholastic sports, the nature of the particular sport, and other relevant factors.
- h. A description of any team(s) that was eliminated by the District at the high school during the past ten school years, including the number of participants who were on the team in the year it was eliminated and the reason for the team's elimination.
- i. Any other information that was considered by the District as part of its assessment in determining whether it is fully and effectively accommodating the athletic interests and abilities of female students in its high schools.

### III. ACTIONS TO INCREASE ATHLETIC OPPORTUNITIES

If through the above-described assessment, the District identifies a sport or sports in which there is sufficient but unmet interest and, if applicable, ability of female students to participate at the interscholastic level at a particular high school, the District will add athletics opportunities as described below at the high school until such time as either (1) the high school is fully and effectively accommodating the expressed interests and abilities of female students (i.e., there remains no unmet interest and ability); or (2) the participation rate for female students in the high school's interscholastic athletics program is substantially proportionate to their rate of enrollment at the District high school.

For purposes of this provision, "sufficient interest" is defined as the minimum number of athletes needed to support a team. For "sufficient ability," it is sufficient that interested students and admitted students have the potential to sustain an interscholastic team and students will not be required to demonstrate that they have sufficient ability in a new sport or team if students participating in existing sports or teams are not required to demonstrate through try-outs or some other process that they possess sufficient ability to participate in the specific sport or at the particular level of competition (varsity, junior varsity, etc.) in which they have expressed interest.

In providing additional athletic opportunities for female students to either accommodate their expressed interests and abilities or until their rate of participation is substantially proportionate to their rate of enrollment at the District high school, the District shall do the following:

1. Sports Currently Offered:

- a. The District will determine, for sports that are currently offered as interscholastic sports at the high school, whether there is a sufficient number of female students with the interest and, if applicable, ability to support the creation of additional levels of competition (junior varsity, sophomore, etc.) or multiple squads at the same level of competition, and sufficient competition within the high school's normal competitive region, to support additional levels of competition or multiple squads at the same level of competition in those sports. If so, the District will add additional levels of competition or squads at the same or a lower level of competition at the high school in those sports by the next competitive season consistent with the above determination.
- b. In order to increase the competitive participation opportunities for students who are members of the underrepresented sex, the District will consider expanding the squad sizes for interscholastic sports currently offered at the high school, consistent with the nature of each sport and the level of interest in each sport. The District will increase the size of each squad where determined to be appropriate. If necessary, the District will provide sufficient coaching staff to support the addition of new athletes to any given squad and take any other steps necessary to ensure that the new athletes on each expanded squad are provided meaningful opportunities to participate in interscholastic athletics.

2. Sports Not Currently Offered:

The District will determine whether there is a sufficient number of high school female students with sufficient interest and, if applicable, ability to support the addition of a team or multiple teams (varsity, junior varsity, sophomore, etc.), in sports not currently offered by the high school as interscholastic sports, and whether there is sufficient competition within that high school's normal competitive region and geographic area for those teams/sports. If so, the District will add a team or multiple teams in those sports at the relevant high school(s) by the next competitive season.

3. Response to Developing Interests and Abilities:

For any sport that is not currently offered by the District high school where there is a sufficient number of female students who have sufficient interest and, if applicable, ability in that sport, but where the District determines that there is not sufficient competition within that high school's normal competitive region, the District will take ongoing steps to develop students' interest and ability. These steps may include establishing club sports, exploring the feasibility of establishing competition in the District's normal competitive region and geographic area, and elevating such sports to interscholastic status when competition becomes available.

OCR has made clear to the District and the District understands that OCR does not require or encourage the elimination of any District athletic teams and that it seeks

action from the District that does not involve the elimination of athletic opportunities, because nothing in Title IX or the three-part test requires an institution to cut teams or reduce opportunities for students who are participating in interscholastic athletics in order to comply with the provisions of Title IX relating to the effective accommodation of the interests and abilities of male and female students.

4. Additional Interscholastic Opportunities:

To the extent that the District adds any sports or additional levels of teams at its high school, the District will provide those team(s) in a manner comparable to other interscholastic teams, with sufficient funds in its budgets to cover expenses that include, but are not limited to: coaches, equipment and supplies, travel funds, and publicity and support services. The District will also publicize any new sports or additional levels of teams through written notices, verbal announcements and postings on the District's website.

## REPORTING REQUIREMENTS

By January 1, 2015, if the District was obligated to offer additional athletic opportunities pursuant to Section III of this Agreement, the District will provide OCR with a detailed report that reflects the steps taken by the District pursuant to Sections III(1)-(4) of this Agreement, to create new opportunities for female students as the underrepresented sex. This report will detail the timetable for the addition of new sports, levels of sports or newly-created club and/or other opportunities added pursuant to this Agreement. It will also describe how the creation of additional athletics opportunities taken pursuant to this Agreement will either (1) effectively accommodate the expressed interests and abilities of female students (*i.e.*, there remains no unmet interest and ability); or (2) elevate female students' participation rate in District interscholastic athletics programs to be substantially proportionate to their rate of enrollment at the District high school.

1. By January 1, 2015, if the District's assessment demonstrates that it is fully and effectively accommodating the athletic interests and abilities of its female high school students at the high school, the District will submit information detailing its determination of the same.
2. By August 1 of each academic year covered by this Agreement (2013-14, 2014-15, 2015-16), the District will provide OCR with a copy of the squad list for each team at the District high school.
3. By August 1 of each academic year covered by this Agreement (2013-14, 2014-15, 2015-16), the District will provide information demonstrating the breakdown/enrollment by sex at the District high school.
4. By August 1 of each academic year covered by this Agreement (2013-14, 2014-15, 2015-16), the District will provide information regarding any increases to the size of its squads, as described by Section III.1.b. above.

#### **IV. ADDITIONAL COMMITMENTS TO IMPROVE THE ATHLETIC OPPORTUNITIES FOR THE UNDERREPRESENTED SEX**

1. The District will develop a process or procedure for students or other interested parties, such as coaches or parents, to use in requesting the addition of new sports or levels of sports at the District's high school. The procedure will be written and notice of it will be published in the Student Handbook and the individual responsible for responding to any requests will be identified by name and contact information. This information will also be displayed on the District's website (athletics page).
2. At the beginning of each school year, the District high school will provide written notice to coaches, physical education teachers, guidance counselors and principals, of all sports offered at the high school.
3. At the beginning of each school year, the District high school will provide a written description of all sports offerings at the high school to all of its students. The written descriptions will be distributed to the students in their physical education classes. This information will also be posted on the District's website (athletics page).
4. The District will maintain the interscholastic athletic squad lists, which shall reflect the participation numbers for each sport, by sex, as of each team's first competitive event. These records will not be destroyed or otherwise altered so that they can be submitted to OCR consistent with the terms of this Agreement.

#### **REPORTING REQUIREMENTS**

1. By September 1, 2014, the District will submit a copy of its procedure for requesting new sports, as required by Section IV.1, above, and a link to the location on its webpage where the revised procedure is located.
2. By September 1, 2014, the District will provide OCR with a copy of the notices provided to coaches and students, as required by Section IV.2 and 3, above, and a link to the location on its webpage where the notices are located.

#### **V. EQUIPMENT AND SUPPLIES**

The LISD will ensure that it provides equal athletic opportunities for members of both sexes in the provision of equipment and supplies. To that end, the District will demonstrate that the amount, quality, suitability, availability, and maintenance and replacement of the equipment and supplies provided to the LHS girls' interscholastic athletics teams are equivalent to the amount, quality, suitability, availability, and maintenance and replacement of the equipment and supplies provided to the LHS boys' interscholastic athletics teams. In this regard, the District will ensure that its girls' interscholastic athletics teams are provided uniforms and sport specific equipment that are comparable in quality and suitability to the uniforms and sport specific equipment provided to the boys' interscholastic athletics teams. By April 15, 2014, the District will

conduct a self-assessment and compile an inventory of the uniforms and sport specific equipment and supplies that are provided to boys' and girls' teams, to demonstrate that the amount, quality, suitability, availability, maintenance and replacement of the equipment and supplies provided to the girls' interscholastic athletics teams are equivalent to the amount, quality, suitability, availability, maintenance and replacement of the equipment and supplies provided to the boys' interscholastic athletics teams. The self-assessment will include input from LHS coaches and athletes.

#### **REPORTING REQUIREMENTS**

1. By May 1, 2014, the LISD will submit to OCR for review and approval the results of the self-assessment and inventory, along with its plan, if any, for changes to the provision of equipment and supplies.
2. Upon receipt of OCR's approval of the results of the self-assessment and inventory, the LISD will, by October 1, 2014, implement any necessary changes to the provision of equipment and supplies to remedy any unjustified disparities on the basis of sex. The LISD will provide OCR with photos, documentation, purchase orders, and any other relevant documentation indicating the provision of equipment and supplies to remedy any unjustified disparities referenced above.

#### **VI. OPPORTUNITY TO RECEIVE, AND ASSIGNMENT OF, COACHING**

The LISD will ensure that it provides equal athletic opportunities for members of both sexes in the provision of coaching by demonstrating that the District's coaching compensation and assignment policies or practices do not deny male and female athletes coaching of equivalent quality, nature or availability. The District will ensure that its coaching compensation policies and practices do not limit the LISD's ability to attract or retain high quality coaches for the girls' interscholastic athletics teams. The LISD will ensure that any differences in the assignment and compensation of coaches are based on nondiscriminatory factors unrelated to the gender of the athletes involved. To that end, by June 1, 2014, the District will conduct a self-assessment of its policies or practices pertaining to the availability, assignment and compensation of the coaches for its boys' and girls' interscholastic athletics teams and the recruitment of coaches to fill coaching vacancies. The self-assessment will include input from LHS coaches and athletes.

#### **REPORTING REQUIREMENTS**

1. By July 1, 2014, the District will submit the results of the self-assessment to OCR for review and approval and its plan, if any, for changes to the provision of coaching.
2. Upon receipt of OCR's approval of the results of the self-assessment, the LISD will, by December 31, 2014, implement any necessary changes to the availability, assignment and compensation of coaches and its coaching recruitment practices to remedy any unjustified disparities on the basis of sex that are identified by its self-assessment. The District will: (1) ensure that any differences in the assignment and compensation of its coaches are based on nondiscriminatory factors unrelated to the gender of the athletes on the team to which each coach



is assigned; and (2) further ensure that its coaching compensation policies and practices and its practices in conducting searches for replacement coaches do not limit the District's ability to attract or retain high quality coaches for the District's girls' interscholastic athletics teams.

## **VII. LOCKER ROOMS, PRACTICE AND COMPETITIVE FACILITIES**

By May 1, 2014, the LISD will conduct a comprehensive assessment of all locker rooms, practice fields and facilities, and competitive fields and facilities assigned to the boys' and girls' LISD athletic teams at Longview High School (LHS) to ensure the equivalent provision of locker rooms, practice and competitive facilities. The assessment will be conducted under the general supervision of the LHS Athletics Department, and shall include, at a minimum, an evaluation of the following:

- Quality and availability of the facilities provided for practice and competitive events for each athletic team;
- Exclusivity of use of facilities provided for practice and competitive events;
- Availability of locker rooms for each LHS athletic team;
- Quality of locker rooms for each LHS athletic team;
- Maintenance of practice and competitive facilities; and
- Preparation of facilities for practice and competitive events.

The assessment of the above-listed factors shall include the following: a list of all locker rooms, practice fields and facilities, and competitive fields and facilities, including proximity of locker rooms to the practice and competitive facilities, quality of each facility (including, but not limited to, any identified issues related to field drainage, field lighting, etc.), amenities for each locker room (showers, laundry service, available trainers, accommodations for visiting teams), exclusive use of locker rooms, amenities for each practice and competitive field (concession facilities, public address systems, electronic scoreboards, seating at each field, maintenance of each facility, preparation of each practice and competitive field), the age of each facility, whether it is on or off-campus, and whether certain teams or programs have exclusive use of the facility, including a schedule showing when facilities are used for practice and competition and how long the locker rooms are assigned for use by each team. The self-assessment will also take into account any planned upgrades or improvements referenced in this agreement and identify any additional changes or improvements that need to be made to the locker rooms, practice or competitive facilities provided to the boys' and girls' high school interscholastic athletics teams to remedy any unjustified disparities on the basis of sex identified by the self-assessment. The District will interview students and coaches as part of this assessment.

1. By September 1, 2014, if LISD determines that the boys' and the girls' athletic teams at LHS are not receiving comparable benefits and opportunities with respect to locker rooms, practice fields and facilities, and competitive fields and facilities, the LISD will develop and implement a plan to ensure that female and male student athletes are provided with equivalent benefits and services in this area.

2. By June 1, 2014, if LISD determines that the locker rooms and practice and competitive fields and facilities currently assigned to the boys' and girls' athletic programs at LHS are comparable, the LISD will develop and provide to OCR a report outlining that determination and the information, including appropriate documentation, upon which it is based.
3. By March 1, 2015, the LISD will ensure that it has remedied any outstanding equity issues for the girls' softball field, including the lack of a press box, concession stand, bullpens, or covered dugouts for the softball field, the lack of restrooms at the softball field, and the lack of regulation outfield dimensions at the softball field. The LISD will provide OCR with a written plan to remedy the above-referenced issues regarding the girls' softball field by August 1, 2014, subject to OCR's review and approval. If funding or other unforeseen obstacles arise preventing the aforementioned upgrades, the LISD will devise an alternative plan to remedy any outstanding equity issues for the girls' softball field and the proposed time lined solutions. The alternative plan will be subject to OCR's review and approval.


#### **REPORTING REQUIREMENTS**

1. By June 1, 2014, the LISD will provide OCR a copy of its policies and procedures designed to ensure the equivalent provision of equipment and supplies, locker rooms, and practice and competitive facilities to the boys' and girls' athletic teams, which are to be developed pursuant to Action Items V and VII.
2. By June 1, 2014, the LISD will provide OCR with a report on the assessments related to the provision of equipment and supplies, locker rooms, and practice and competitive facilities. The report will include: a description of the process followed in each area of assessment; a list of the individuals involved in the assessment process; a description of non-documentary information considered; a copy of any documents relied upon in the process; the results of the assessment; and a description of any plans to ensure that the District provides equivalent equipment and supplies, locker rooms, and practice and competitive facilities.
3. If the LISD must make changes to ensure compliance with Title IX then, based upon OCR's feedback, the LISD will implement the plans developed as a result of its assessment. The LISD will provide OCR with reports by January 1, 2015 and May 1, 2015, on its progress in implementing the changes. If additional actions are needed during the 2015-2016 academic year to implement changes needed to ensure compliance with any of the above provisions, the LISD will provide OCR with a final report by January 1, 2016, containing information that demonstrates that it is in compliance with the requirements of Title IX with regard to the equivalent provision of athletic benefits and services.
4. By April 1, 2015, the LISD will provide OCR with a report reflecting the remedy of any outstanding equity issues regarding the girls' softball field as referenced in Action Item VII (3) above. The LISD will attach to that report copies of any documents, plans, or other material that supports the LISD's completion of Action Item VII (3).

**IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT**

The LISD 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 implementing regulation at 34 C.F.R. § 106.41(c), which was at issue in this complaint. LISD 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 LISD 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 of this Agreement and is in compliance with the regulation implementing Title IX as identified above.

The LISD 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 proceedings 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.

  
\_\_\_\_\_  
Superintendent

2/5/14  
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Date