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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

RON RANDOLPH, as parent and )  
next friend of his minor daughter, )  
AMANDA M. (MIMI) RANDOLPH; )  
COY E. & CANDACE L. BROWN, )  
parents and next friend of their minor )  
daughter, HAYLEY E. BROWN; )  
ROBERT C. & SUSAN J. PARKER, )  
as parents and next friend of their minor )  
daughter, SARAH J. PARKER; )  
ROBERT C. & SUSAN J. PARKER, as )  
parents and next friend of their minor )  
daughter, REBEKAH S. PARKER; )  
ROBERT F. & VICKI L. RANDOLPH, )  
JR., as parents and next friend of their )  
minor daughter, TERI JO RANDOLPH; )  
JIM & KAY PIGG, as parents and next )  
friend of their minor daughter, MELISSA )  
PIGG; TOM & BECKY MARTIN, as )  
parents and next friend of their minor )  
daughter SHERA MAE MARTIN; and )  
on behalf of all others similarly situated, )

Plaintiffs,

v.

OWASSO INDEPENDENT SCHOOL )  
DISTRICT NO. I-011, a/k/a )  
OWASSO PUBLIC SCHOOLS )

Defendant. )

**FILED**  
AUG 16 1999  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

Case No. 96-CV-0105K ✓

**OWASSO SCHOOL DISTRICT'S COMPLIANCE REPORT**

The Owasso School District tenders this Report to the Court in support of its compliance with the Consent Decree entered on October 2, 1996, in the class action lawsuit brought by parents of female students attending Owasso School District. Plaintiffs alleged that the School District engaged in gender inequity in connection with school sponsored sports offered to the District's female students. The School District and Plaintiffs were able to resolve the lawsuit through the entry of a Consent Decree which set out the agreements

27

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reached with respect to the District's sports program available to female students. The District's compliance obligations and related compliance is set out below.

### **STUDENT ATHLETIC INTEREST SURVEY**

The School District was obligated to survey female students during the last quarter of the 1996-97 school year, the last quarter of the 1997-98 school year and every other school year after the 1997-98 survey. The survey results are to be used to assess the interests of the girls in school sponsored sports and to use, along with other supplemental information, in deciding whether to offer additional sports or to add teams to existing sports.

The District is also required to urge coaches to play the maximum number of games permitted in order to avoid coaches of female teams failing to schedule or play a reasonable number of games. Coaches are required to document any reason or reasons for not completing a full schedule of competition opportunities.

**COMPLIANCE:** The District certifies that it has conducted student interest surveys in accordance with the above requirements and has required coaches to document any reasons for the cancellation of competition opportunities. Likewise, coaches have been urged to schedule a maximum number of competition opportunities to assure that female students have ample opportunity to engage in a full schedule of competitive opportunities.

### **SOFTBALL— FRESHMAN TEAM**

The District agreed to consider the addition of a softball freshman team. There was no obligation to establish a freshman team for the 1997-98 school year unless there was sufficient student interest to warrant the addition of a team at that level. The decision was to be made on the basis of multiple factors including: student interest survey, number of students who appear for tryouts, the opinion of coaches regarding the underlying interest of

girls in softball sufficient to warrant a freshman team and related factors indicative of interest.

**COMPLIANCE:** Taking into consideration the results of the multi-faceted approach to determining interest, the District added softball for freshman girls for the 1997-98 school year.

### **INTRAMURAL ACTIVITIES**

The District has engaged in consistent efforts to provide intramural opportunities for 7<sup>th</sup> and 8<sup>th</sup> grade students from the 1997-98 school year to the current date. The sports targeted for intramural play at the designated grade levels are softball, volleyball, and tennis. The District has not provided intramural opportunities for cut players based on its assessment that there were insufficient numbers of “cut” players to provide a basis for intramural competition.

**COMPLIANCE:** The District has established and maintained its efforts pointed at middle school intramural sports competition in the sports identified above. Although the District has continued its intramural emphasis, attempted a variety of formats to attract more students, and changed the time of day when the intramural opportunity was available — all in an effort to attract more interest — by and large few students have participated in or taken advantage of the District’s middle school intramural offerings.

### **VOLLEYBALL**

The District’s obligation with respect to middle school volleyball was similar to the middle school softball. It was agreed that the District would review the level of interest and, if sufficient interest existed, establish volleyball as a new sport at the middle school level.

**COMPLIANCE:** The District has added 8<sup>th</sup> and 9<sup>th</sup> grade volleyball.

## **MIDDLE SCHOOL SPORTS FOR FRESHMAN FEMALES**

The District agreed to evaluate the availability of middle school sports in surrounding school districts. It conducted a survey during the 1997-98 school year regarding competitive sports opportunities at the middle school level.

**COMPLIANCE:** The District's review of middle school sports has to date resulted in the addition of 9<sup>th</sup> grade softball and 8<sup>th</sup> and 9<sup>th</sup> grade volleyball.

## **SURVEY OF POLICIES**

The District was required to survey its policies to determine whether any of the District's policies functioned or had the potential for functioning as a barrier to female sports participation. In particular, Plaintiffs were concerned with whether the District's policies established artificial barriers improperly requiring a student to elect between sports participation and cheerleading or pompon.

**COMPLIANCE:** The District examined its policies in line with the purpose identified above. It found no improper or illegal barriers to sports participation. There are instances when female (and male) students must make certain choices which are driven by schedules, academic choices, as well as other activities in which a student may seek to participate. Accordingly, a student may be in a position because of the time when competing sports or activities are offered to select between softball and cheerleading. However, the District found no categories in which female students were placed in a position to make choices which discriminated against them because of their gender.

## **BUDGETS AND EXPENDITURES**

The Consent Decree required the School District to maintain precise records regarding all athletic (male and female) expenditures and purchases. Correspondingly, the District was required to maintain records regarding expenditures that were the result of

donations — regardless of the source of the donation. In addition, the District was to maintain a budget applicable to its athletic program to afford interested individuals an opportunity to identify any deviation from the approved budget for each sport.

**COMPLIANCE:** The District has maintained extensive records related to its sports program including records related to fund-raising, general appropriations and third party donations. The District's records, in this record, are public records and in accordance with the *Oklahoma Open Records Act* are available for examination by any interested citizen.

### **EQUIPMENT AND SUPPLIES**

The District's obligation pursuant to the Consent Decree was to provide comparable equipment and supplies to all athletic teams and to avoid purchases for boys' teams which might violate this requirement. The obligation was entered as one requiring that each team have what it needs to compete and boys' teams not be provided with equipment and supplies of superior quality to those provided to girls.

**COMPLIANCE:** The District has been careful to survey its requests for purchases of equipment and supplies for all teams (female and male). It believes that its efforts have resulted in a system that treats teams equally with respect to assessing their needs and providing for equipment and supplies in line with the nature of the sport, the need of the team, and maintenance of similar quality of equipment for all sports.

### **UNIFORMS**

In accordance with the Decree, uniforms are to be substantially equal in terms of availability and quality. Following the entry of the Consent Decree and periodically since that time, uniforms for all sports have been inventoried to insure compliance with the District's obligation in this area. Coaches are, likewise, urged to advise the Athletic Director of any need for uniforms or any perceived inequity in the District's provision of uniforms

for one sport as compared with those available to participants in another sport. Also, a coach who desires to purchase a uniform or other sport-related apparel must obtain prior approval for the purchase. In this regard, the Athletic Director serves as a gatekeeper who can approve or disapprove a requested purchase if the purchase would result in an inequity violative of Title IX.

### **SCHEDULING OF GAMES AND PRACTICE TIMES**

The District's obligation with respect to both scheduling of games and practices is to avoid scheduling which regularly relegates female teams to an inferior time slot. In other words, male teams were not to have a lock on the superior time assignment for the purpose of practice or competition.

**COMPLIANCE:** The District regularly reviews its schedule for sports when both male and female teams are involved in like competition (as in basketball) to insure that schedules are not automatically designated on the historical game time for male or female teams. Schedules are determined based on the desires of the respective team members, the ability to attract, maintain, and maximize fan support for female and male teams involved in competition and based on the conference schedule in which the School District participates.

### **SIXTH HOUR CREDIT**

This refers to the opportunity for a student to enroll in sixth hour athletics as distinguished from exclusive after school practice limitations.

**COMPLIANCE:** All sports have been moved into the sixth hour athletic period and all athletics receive credit for the hour.

### **TRAVEL**

In accordance with the Decree, female students were to be extended the same privileges with respect to travel that are available to boys' teams. This was not designed to

require that girls must take the same trips; rather, that when girls qualify for travel, they are entitled to travel in the same manner, stay in comparable lodging, and receive comparable financial support as boys' teams.

**COMPLIANCE:** The District documents all requests for travel as well as travel arrangements for boys and girls. Arrangements are subject to prior approval to insure that a District administrative representative has knowledge of the arrangements and how they compare across the District to other sports or activities.

### **COACHES**

The District's Title IX obligation and its duty, parallel with the Consent Decree is to utilize procedures for hiring and retaining coaches for girls' teams that are the same as those applied when the District is searching for and attempting to retain coaches for boys' teams.

**COMPLIANCE:** The District's practices and procedures for recruiting and retaining coaches is the same for boys' and girls' teams. The District does note that there are instances involving either sports which are less active and which have a lower level of participation or in instances where there appears to be less interest in which the District must enhance and broaden its efforts for recruitment in order to secure qualified candidates.

### **FACILITIES**

The Decree provides that the District's facilities for male and female athletes shall be substantially equal. In addition, the District agreed as a part of its obligations to construct a softball field comparable to the baseball field available to the District's baseball teams.

**COMPLIANCE:** The District constructed a new school-owned softball field which was ready for use for games and practices in the 1998-99 softball season. In September (1998) bleacher installation, which was delayed by weather, was completed. During September through November (1998), work was also completed on dugouts and a new concession

facility. During the Summer of 1999, a concrete pad and batting cage were erected for in-season and off-season practice. The District passed a bond issue in the Spring of 1999 which includes a men's football and weight training facility and the conversion of the current football dressing room into the women's training building and locker room. The building is centrally located for access by all women's sports. The men's building will be relocated to the north end of the high school property.

### **WEIGHT FACILITIES**

The School District is obligated to insure access for female athletes to its weight facilities and to also assure adequate equipment to permit female athletes to benefit to the same extent as male athletes from the District's weight facilities and equipment.

**COMPLIANCE:** The District prepared a plan by the end of the 1996-97 school year related to its weight facilities. It was effective at the beginning of the 1997-98 school year and provides female athletes full access to equipment comparable to the equipment available to male athletes. In addition, the District's plan as discussed above will provide a separate facility for male and female athletes.

### **PUBLICITY AND SUPPORT ORGANIZATIONS**

The District's obligation under the Decree is to promote girls' sports to the same extent that it promotes boys' sports. Similarly, girls teams should be extended support such as pompon, band, and similar spirit support as other teams which form a part of the District's sports program.

**COMPLIANCE:** The District has engaged in consistent efforts to insure that its internal publicity efforts for girls are no less than the efforts related to boys' sports.



## **THE DISTRICT'S COMPLIANCE OFFICER AND GRIEVANCE PROCEDURE**

Both parties recognized the wisdom of encouraging the parties to use the District's grievance procedure as a tool for resolving internal disputes regarding compliance with the Decree and also with regard to school sports and gender equity issues. Accordingly, the District's Title IX Compliance Officer was given extensive authority of educating personnel regarding Title IX and its application to the District's sports program as well as the maintenance of records related to compliance, and the publication of the District's obligations.

**COMPLIANCE:** The District's first Compliance Officer was Lynn Johnson. Ms. Johnson was involved in the compilation of the Consent Decree and was the first person to assume responsibility for compliance with the mutually negotiated provisions of the Decree. Mr. David Fisher was appointed to succeed Ms. Johnson.

The District has since the filing of the Decree had one grievance filed alleging possible Title IX discrimination. The grievance ended in a hearing before the Board of Education. No additional grievances have been filed and no grievances were filed during the 1998-99 school year.

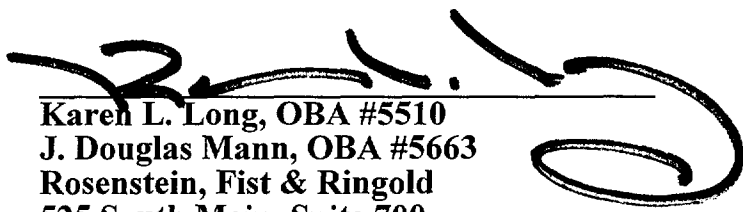
### **SUMMARY**

The District has embraced its obligations and believes that they have been fulfilled. The principle of gender equity embodied in the litigation is a worthwhile goal about which the parties never disagreed. There was disagreement on the methods by which the District would achieve compliance utilizing available resources in a manner that provided all students, regardless of gender, an equal opportunity to participate in school sports and to enjoy and receive the same treatment and benefits. While litigation is rarely a welcome

event for any person or organization, there are times when the people involved are compelled to focus on the goal rather than the beginning point.

The goal, for all, was an awakening of sports for girls and a desire that girls and boys alike experience, if they so choose, the thrill of competition or even the hurt of loss. Owasso respectfully submits that it has met its goals embodied in the Consent Decree even as it continues to build school sponsored sports for all those students who choose to participate.

Respectfully submitted,

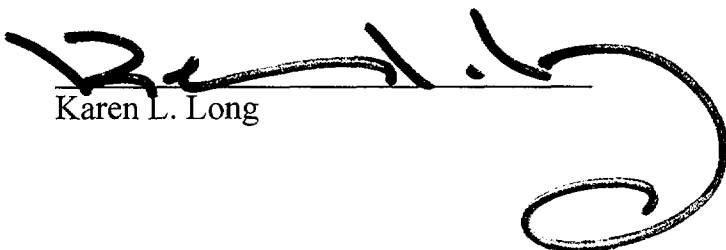


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**CERTIFICATE OF MAILING**

The undersigned certifies that on August 16, 1999, a true and correct copy of the foregoing *Owasso School District's Compliance Report* was mailed, postage prepaid, to:

Samuel J. Schiller  
Ray Yasser  
Schiller Law Firm  
P. O. Box 159  
Haskell, OK 74436

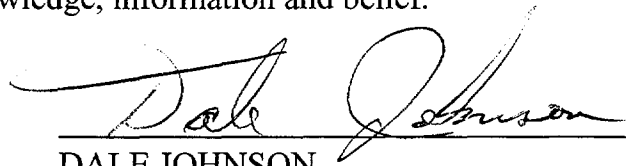


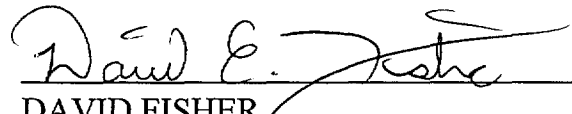
Karen L. Long

**VERIFICATION OF OWASSO SCHOOL DISTRICT'S COMPLIANCE REPORT**

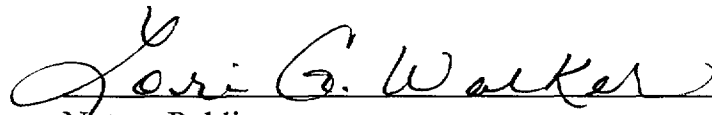
STATE OF OKLAHOMA     )  
  ) SS.  
COUNTY OF TULSA         )

Before me, the undersigned authority in and for the said jurisdiction, personally appeared Dale Johnson and David Fisher who stated, after being first duly sworn, that they are representatives of Owasso Independent School District No. I-011, a defendant in the action styled Ron Randolph, et al. vs. Owasso Independent School District a/k/a Owasso Public Schools, et al., United States District Court for the Northern District of Oklahoma, Case No. 96-CV-0105K, and that they have reviewed the Owasso School District's Compliance Report and that the matters, facts and things contained therein are true and correct to the best of their knowledge, information and belief.

  
\_\_\_\_\_  
DALE JOHNSON  
Superintendent, Owasso Public Schools

  
\_\_\_\_\_  
DAVID FISHER  
Title IX Compliance Officer, Owasso Public Schools

Subscribed and sworn to before me this 16<sup>th</sup> day of August, 1999.

  
\_\_\_\_\_  
Notary Public

My Commission expires:

