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Certified Mail, Confirmation No. _____

July 14, 2018

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Ms. Long:

It has come to my attention that the Fort Worth Independent School District (“FWISD” or the “District”) has made a couple personnel changes. On June 12th the FWISD Board of Education approved the appointment of Todd Vesely as the new Executive Athletic Director. His predecessor Kevin Greene accepted to serve as the District’s newly created Director of Title IX and UIL Compliance. It is also my understanding that Mr. Greene has been working on a budget proposal to support the inclusion of rugby as a girls’ varsity sport at the District’s various high schools this coming fall. And, that FWISD plans to distribute a sports interest survey during the first or second week of school.

While my clients and I are appreciative of these developments, we are concerned about the District’s use of a survey to determine unmet interests as well as a school’s ability to sustain at team. In its 2010 policy clarification (“Dear Colleague Letter”), the Department of Education reaffirmed its requirement for schools to evaluate multiple indicators of interest when determining compliance with Part Three of the Three-Part Test: Fully and Effectively Accommodating the Interests and Abilities of the Underrepresented Sex.¹ Thus, the use of a survey in isolation to determine unmet interest or demonstrate an accommodation of interests and abilities would be erroneous. We further assert that no such survey was administered prior to the FWISD’s relatively recent provision of coaching stipends for powerlifting; implemented during the 2017-2018 academic year². Nor was there a significant number of females participating in the sport during the prior two years: 13 high school females for 2015-2016; six high school females for 2016-2017. Likewise, only 16 high school females in FWISD participated in powerlifting during the 2017-2018 school year.³ However, should the District decide to continue with its intent use of an athletic interest survey, we request the opportunity to review and comment on such survey and its method of distribution at least 21 days before August 20, 2018, the start of the new school year.

Furthermore, with the current renovation or addition of “field houses” on at least 13 FWISD high school campuses, my clients on behalf of all female student athletes would like to know what policies the

¹ Dear Colleague Letter: Part Three of the Three-Part Test (April 20, 2010).

² 2017-2018 Compensation Manual, Fort Worth Independent School District (see page 48)

³ Texas HS Women’s Powerlifting Association, <http://www.thswpa.com/>

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District has in place to correct and ensure equivalency in “Other Athletic Benefits and Opportunities”⁴, commonly referred to as the “laundry list”, as part its obligations under Title IX. Areas of specific concern include, but may not be limited to:

- Provision of equipment & supplies;
- Scheduling of games and practices;
- Assignment & compensation of coaches;
- Provision of locker rooms, practice & competitive facilities;
- Provision of medical & training (conditioning) services and facilities.

Sincerely,

Gerardo Villegas

⁴ 34 C.F.R. § 106.41(c)(2)–(10); and, Title IX Policy Interpretation: Intercollegiate Athletics (December 11, 1979)