

POLICY- TITLE IX (TITLE 20, U.S.C. TITLES, 1681-1688, ET. SEQ.) EDUCATION PROGRAM

Sec. 1) BACKGROUND

- a) Title IX refers to a portion of the education amendments of 1972, a federal law that prohibits gender discrimination in education programs that receive federal funds and includes athletic programs. The Title IX statute as amended became law June 23, 1972 with the implementation of the regulation for high schools effective in July of 1978.
- b) The KHSAA Board of Control fully supports facilitating the requirements of Title IX for all KHSAA member schools.
- c) The KHSAA began monitoring and auditing equity within KHSAA member school athletic programs (boys and girls) at the beginning of the 1999-2000 school year.
- e) The annual internal Title IX school audits are conducted by KHSAA staff members as well as outside contractors.

Sec. 2) KHSAA TITLE IX MONITORING PER 702 KAR 7:065

- a) Duties of the KHSAA in managing high school athletics are set forth in 702 KAR 7:065. The regulation includes the following: "As a condition present to membership, require each member school and superintendent to annually submit a written certification of compliance with 20 USD Section 1681-83 (Title IX).
- b) Initially, during the 1999-2000 school year, each school received a publication entitled, Title IX Guidelines for Compliance at the High School Level as well as the KHSAA Title IX Audit Document.
- c) The original document contained forms and instructional material to allow personnel to evaluate the athletics program within the guidelines of Title IX, and submit this document to the KHSAA for review.
- d) As of 2011-2012, the process for submitting the reports is totally automated, with roster and participation data based on the rosters maintained by the membership throughout the school year.

Sec. 3) MAJOR COMPONENTS OF TITLE IX

- a) In its simplest form, Title IX is about providing participation opportunities for students as well as the evaluation of the benefits they receive while participating in sports, and measures these items in two basic areas, Opportunities and Benefits.
 - a) Opportunities. To assess participation opportunities a school may examine or determine if they comply with Title IX under one of three tests. To be compliant, a school shall pass one of the three tests:
 - (1) Athletic participation at a school is substantially proportionate to enrollment;
 - (2) School personnel shall demonstrate a history and continuing practice of program expansion that is responsive to the developing interests and abilities of the underrepresented sex; or
 - (3) School personnel shall fully and effectively accommodate the interest and abilities of the underrepresented sex.
 - b) Benefits. Once it is determined that equivalent opportunities are provided, an examination of the 12 major athletics program components is made to determine if equivalent/comparable benefits are provided to all athletes. There are twelve major areas of benefits to be analyzed:
 - (1) Equipment and Supplies (i.e. uniforms, shoes, bats, balls, replacement schedules, etc.);
 - (2) Scheduling of Games and Practice Times (i.e. prime date basketball playing opportunities for girls, comparable prime practice times and length, equivalent number of contest for comparable sports, etc.);
 - (3) Travel and Per Diem Allowances (i.e. comparable modes of transportation, meal monies, room accommodations, etc.);
 - (4) Coaching (i.e. comparably skilled and experienced coaches, comparable coaching salaries, comparable coaching staff size, etc.);
 - (5) Locker Rooms, Practice and Competitive Facilities (i.e. comparable size locker rooms and amenities, lockers, practice facilities, etc.);
 - (6) Medical and Training Facilities and Services (i.e. comparable numbers of trainers, medical doctors [home and away], equal access to training facilities and weight rooms, etc.);

- (7) Publicity (i.e. schedule cards, game programs, media guides, cheerleading quality, pep bands, mascots, trophy cases, recognition banners, dance teams [home and away], etc.);
 - (8) Support Services (i.e. support for coaches administrative needs, booster clubs, etc.);
 - (9) Tutoring;
 - (10) Athletic Scholarships (*);
 - (11) Housing and Dining Facilities and Services (*); and
 - (12) Recruitment of Student-Athletes (*).
- (*) NOTE: Items j, k, l do not normally apply at the high school level.

Sec. 4) ESTABLISHING AND MONITORING A LOCAL TITLE IX PLAN

- a) As part of the KHSAA compliance model, each member school/school district shall be required to form a Gender Equity Review Committee (GERC) for the purpose of evaluating the total athletics program and handling issues at the local level.
- b) Each school or school district shall create a Title IX plan and a timetable for improvements at the local level. The plan shall include an evaluation of the entire athletic program and improvements if necessary on items such as practice times, facilities, coaching stipends and athletic budgets.

Sec. 5) ANNUAL REPORTING

- a) The KHSAA requires its member schools to annually submit Annual Report forms on or before April 30 for review by the KHSAA.
- b) Member school personnel shall establish a Title IX plan for regular review and for necessary improvements along with a timetable for completion.
- c) If a school is found to have serious Title IX compliance issues, the local school GERC shall be given the initial opportunity to correct the inequities and submit a timetable for such action.
- d) The recommended time period for such implementation shall be determined by the Commissioner and may vary depending upon the nature of the noncompliance issues and financial implications.

Sec. 6) REQUIREMENT TO MAINTAIN FILE

- a) In an on-going effort to assist in Title IX compliance, Kentucky public school districts are required to maintain a permanent Title IX File that is subject to review by the Kentucky High School Athletic Association (KHSAA), the Kentucky Board of Education's designated agent to manage inter-scholastic athletics in Kentucky.
- b) As part of that file, each year, all public school districts must submit an annual Title IX report to the KHSAA for review.
- c) In addition, the KHSAA conducts systematic on-site reviews for items related to Title IX, and submits a compiled report of those visits to the Kentucky Board of Education on an annual basis.

Sec. 7) LOCAL TITLE IX COORDINATORS

- a) The Kentucky Board of Education requires that each school district designate two coordinators, a School District Title IX Coordinator and a High School Title IX Coordinator.
- b) The District Title IX Coordinator's main responsibility is oversight and monitoring of each high school within their district so that the district complies with Title IX.
- c) The primary responsibility of the School Title IX Coordinator is to coordinate the activities at the school level that are designed to promote gender equality in athletics.
- d) Together these individuals are responsible for ensuring that their schools meet the standards for Title IX compliance.

Sec. 8) GRIEVANCES

- a) To file a Title IX complaint for a failure to provide equal opportunity in athletics, the complaining party has the option of filing the complaint with either the local district that sponsors or manages the athletic program in which the alleged violation has occurred and/or with the U. S. Department of Education, Office of Civil Rights (USED, OCR).
- b) When filing a complaint with a local school district, the complaining party must review local board policies to determine the proper grievance procedure for that district.

Sec. 9) COMPLAINTS RECEIVED BY KHSAA

- a) The Kentucky Department of Education has a Title IX Compliance Officer, but that Title IX Compliance officer is responsible for complaints that relate specifically to programs that it sponsors

or operates.

- b) If the Kentucky Department of Education or the KHSAA receives a complaint that relates to failure to provide equal opportunity in athletics at the school district level, the KDE Title IX Compliance Officer of the KHSAA will refer the complaint to the local district.
- c) The KHSAA reserves the right to directly report any situation discovered through its education and reporting process directly to the Office of Civil Rights in Philadelphia.

Sec. 10) SUMMARY

- a) Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance.
- b) The U.S. Department of Education gives grants of financial assistance to schools and colleges, therefore, Kentucky public schools are mandated by law to ensure Title IX compliance.
- c) The Title IX regulation (34 CFR Part 106) includes not only the failure to provide equal opportunity in athletics, but also sexual harassment and discrimination based on pregnancy, and employment discrimination.
- d) The KHSAA staff continues to report regularly to the Kentucky Board of Education regarding this project, and in particular, with areas that may be identified as potential compliance issues. This report routinely includes an overall review of the Association's progress in assisting the member schools in achieving equity within the sports programs of the under represented gender.
- e) The KHSAA shall publish on its website, resource information related to the proper application of Title IX, and procedures to be followed in the event that individuals desire to seek remedy to alleged violations or noncompliance.
- f) The KHSAA, KBE, Kentucky Department of Education and Kentucky School Boards Association continue to work together to provide continuing education to the member school administrators to assist the schools in achieving gender equity in interscholastic athletics.