

## KHSAA POLICY ON TITLE IX (TITLE 20, U.S.C. TITLES, 1681-1688, ET. SEQ.)

### Background and Primary Policy

The KHSAA Board of Control fully supports facilitating the requirements of Title IX for all KHSAA member schools. 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. The annual internal Title IX school audits are conducted by KHSAA staff members as well as outside contractors.

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).

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. This 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.

- A) Definitions - 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) Major Components of Title IX - 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.
- 1) 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:
    - a) Athletic participation at a school is substantially proportionate to enrollment.
    - b) 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.
    - c) School personnel shall fully and effectively accommodate the interest and abilities of the underrepresented sex.
  - 2) 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:
    - a) Equipment and Supplies (i.e. uniforms, shoes, bats, balls, replacement schedules, etc.)
    - b) 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.)
    - c) Travel and Per Diem Allowances (i.e. comparable modes of transportation, meal monies, room accommodations, etc.)
    - d) Coaching (i.e. comparably skilled and experienced coaches, comparable coaching salaries, comparable coaching staff size, etc.)
    - e) Locker Rooms, Practice and Competitive Facilities (i.e. comparable size locker rooms and amenities, lockers, practice facilities, etc.)
    - f) 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.)
    - g) Publicity (i.e. schedule cards, game programs, media guides, cheerleading quality, pep bands, mascots, trophy cases, recognition banners, dance teams [home and away], etc.)
    - h) Support Services (i.e. support for coaches administrative needs, booster clubs, etc.)
    - i) Tutoring
    - j) Athletic Scholarships (\*)
    - k) Housing and Dining Facilities and Services (\*)

l) Recruitment of Student Athletes (\*)

(\*) NOTE: Items j, k, l do not normally apply at the high school level.

- C) Establishing and Monitoring a Local Title IX Plan. 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. Each school or school district shall create a Title IX plan and a timetable for corrective actions at the local level. The plan shall include an evaluation of the entire athletic program and corrective action if necessary on items such as practice times, facilities, coaching stipends and athletic budgets.
- D) Annual Reporting. The KHSAA requires its member schools to annually submit Annual Report forms on or before April 15 for review by the KHSAA. Member school personnel shall establish a Title IX plan for regular review and for necessary corrective action along with a timetable for correction. 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. The recommended time period for such implementation shall be determined by the Commissioner and may vary depending upon the nature of the non-compliance issues and financial implications.
- E) Summary: The KHSAA staff continues to report regularly to the Kentucky Board of Education regarding this project, and in particular, with non-compliance issues. This report routinely includes an overall review of the Association's progress in assisting the member schools in achieving compliance. 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.

### KHSAA BASKETBALL PRIME DATE SCHEDULING

#### A) PRIME DATE REQUIREMENT

Each basketball season, a member school is required to play at least forty (40) percent of its girls home basketball games on a prime date, defined as Friday night, Saturday or Sunday. Schools using back-to-back (doubleheader) games with boys and girls teams on prime dates in order to meet this requirement should carefully review the recommendation listed for Prime-Time scheduling as detailed under the "Prime Time Scheduling" heading.

#### B) ANNUAL PRIME DATE COMPLIANCE PROCESS

Each year, the KHSAA shall audit all girls' regular season basketball schedules (hereinafter "current schedule"). These annual audits shall begin with the first legal regular season playing date. Schools that are not in compliance with the forty (40) percent requirement on the first playing date shall be contacted on or before December 31 of the playing season in an effort to allow for schedule corrections or revisions to comply with the forty (40) percent requirement. The school shall be notified of the potential penalties for non compliance with this correspondence.

Schedules shall be posted on the KHSAA website in the manner as instructed by the Commissioner's office prior to the published deadline. Schedules shall be accurate and include entry and designation of games that are involved in tournaments, classics, festivals and other multi-game events.

At the end of the regular playing season, the schedules shall be audited for final compliance with the requirement.

#### C) PENALTY FOR NON-COMPLIANCE WITH THE PRIME DATE REQUIREMENT

Based on the final audit at the end of regular season, if a member school's total home games for girls' do not comply with the forty (40) percent requirement, the following penalty shall be applied:

- 1) The boys' regular season total game schedule for the following school year's basketball season shall be reduced by two games as compared to the current boys' schedule.
- 2) The overall two contest reduction shall be achieved by reducing boys' home games.
- 3) In the case that a school does not have any home games, the two game penalty shall be applied to away games.
- 4) In the event that this penalty is imposed, the offending school shall count the game as a forfeit with respect to KHSAA Bylaws and shall comply with the provisions of Bylaw 24 as it relates to

forfeit fees and other penalties. The game may not be replaced on the offending team's schedule but may be replaced on the opponent schedule.

- 5) Schools may not schedule or enter additional tournaments from the benchmark year as a means of circumventing the penalties within this policy.

#### D) EXAMPLES OF POSSIBLE PENALTY APPLICATIONS

On the first legal playing date for the season, Jones High School's regular season girls' basketball schedule reflects they are not playing forty (40) percent of their girls' total number of home games on Friday night, Saturday or Sunday. Jones High School is audited again at the end of the season, and does not meet the forty (40) percent requirement.

During that same season, the boys' total number of regular season games played is 23 as defined by Bylaw 25. Within this 23 count, there are 21 single games being played and two tournaments counted in a reduced fashion per the rule. The boys' team played six regular season home single games.

Due to non-compliance with the forty (40) percent requirement for girls', Jones High School's total number of allowable boys' regular season single games for the following regular season shall be reduced to 21. This reduction would not apply to the allowable two tournaments that may be counted in a reduced fashion.

In this example, the total allowable number of regular season home games for the following season may not exceed four single games.

Keeping in mind that contest reductions shall occur for non-compliance, the KHSAA Staff shall work with member schools to accomplish the identified contractual game reductions.

#### **PRIME TIME SCHEDULING**

Prime time scheduling can be accomplished by scheduling boys' and girls' games on separate nights with prime time starts for both or by schedule doubleheaders and alternating boys' and girls' start times. The KHSAA Board of Control and staff strongly recommends adherence to the following schedule in the event that double headers are used to meet the Prime Time Requirement.

- One Double-Header (Optional As To Which Team Plays Second)
- Two Double-Headers (Girls Game Recommended to Be Second At Least Once)
- Three Double-Headers (Girls Game Recommended to Be Second At Least Once)
- Four Double-Headers (Girls Game Recommended to Be Second At Least Twice)
- Five Double-Headers (Girls Game Recommended to Second At Least Twice)
- Six Double-Headers (Girls Game Recommended to Be Second At Least Three Times)
- Seven Double-Headers (Girls Game Recommended to Be Second At Least Three Times)
- Eight Double-Headers (Girls Game Recommended to Be Second At Least Four Times)
- Nine Double-Headers (Girls Game Recommended to Be Second At Least Four Times)
- Ten Double-Headers (Girls Game Recommended to Be Second At Least Five Times)