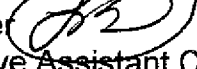
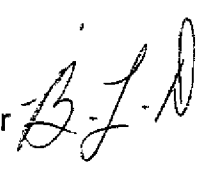


# Kentucky High School Athletic Association

To: Superintendent, Principal, and Athletic Director

From: Louis Stout, Commissioner   
Brigid L. DeVries, Executive Assistant Commissioner 

Date: May 23, 2001

Subject: Review of 2000-2001 Title IX Forms

Enclosed please find a copy of a review of the 2000-2001 Title IX Forms, submitted by your school. A copy of this information must be included in your permanent Title IX file at your school. In addition, you may find an attachment with corrected copies of the forms submitted by your school personnel. Please review this information so the forms can be completed accurately in the future.

Also, KHSAA Audit Staff may have requested a re-submission of some of the 2000-2001 Title IX forms or need additional information on your athletic programs. Please submit this information by the date requested if this is applicable.

Remember your permanent Title IX file at the school must be kept current with information pertaining to your athletics program. Copies of all KHSAA required documents should be part of this file and are subject to Open Records requests.

Should you need any further information, please do not hesitate to call anytime.

Memo

To: KHSAA Member School Superintendents, Principals, and Athletic Directors

From: Louis Stout, Commissioner *(Signature)*  
Brigid L. Devries, Executive Assistant Commissioner *(Signature)*

Date: May \_\_, 2001

RE: 2001 Title IX Forms Submission

School Ryle Reviewed By GARY W. LAWSON

The following is a status report regarding the required 2000 - 2001 Title IX submission of forms due in to the KHSAA office by April 15, 2001. Appropriate audit personnel have reviewed these forms and the following is a summary of this review.

I. Checklist of Forms properly submitted in a satisfactory manner:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> GE 19 (Annual Verification)   | <input checked="" type="checkbox"/> T-4 (Summary Program Chart 4)                      |
| <input checked="" type="checkbox"/> T-1 (Summary Program Chart 1) | <input checked="" type="checkbox"/> T-41 (Checklist - Overall Interscholastic Program) |
| <input checked="" type="checkbox"/> T-2 (Summary Program Chart 2) | <input checked="" type="checkbox"/> T-60 (Corrective Action Plan)                      |
| <input checked="" type="checkbox"/> T-3 (Summary Program Chart 3) | <input checked="" type="checkbox"/> T-63 (Interscholastic Survey Results)              |

II. Status

A.  2000 - 2001 Forms are satisfactory and no further information or action is necessary at this time.

B.  Errors have been noted with respect to the following forms and corrected copies are being returned to you for placement in your Title IX file to ensure proper submission in the future.

(1) ERRORS WERE found on T-1 and T-2 forms. The errors ARE corrected on the attached forms. Please place the corrected forms in your Title IX file and check for assurance of proper submission in the future

C.  The following forms were omitted and must be submitted by school representatives.

\_\_\_\_\_

D.  Other Recommendation and Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ACCOMMODATION OF INTERESTS AND ABILITIES

SUMMARY PROGRAM CHART 1

Participation Opportunities Test One

Program	Enrollment (1)	Percentage of Total Enrollment (3)	Number of Interscholastic Participants (double and triple count) (4)	Percent of Total Participation (5) $251 \div 611$
GIRLS	567	47%	251	44% → 41%
BOYS	638	53%	360	56% ← 59%
Totals (2)	1205	100%	100%	100%

Instructions:

- 1) Determine the total number of girls enrolled.  
Determine the total number of boys enrolled.
- 2) Add the total number of girls and boys enrolled to determine total enrollment.
- 3) Calculate the percentage of total enrollment that is female. Calculate the percentage of total enrollment that is male.
- 4) Ask the head coaches to review the most updated eligibility or squad lists for their teams. Ask coaches to confirm the names of those individuals who are on the team as of the first date of competition, and cross out the names of those who were cut from the team or quit the team prior to the first competitive event. Determine the total number of interscholastic athletics participants that are girls. In order to determine the total number of athletics participants an individual should be counted each time he or she participates on a team. For example, if Jane Doe competes on the varsity volleyball team, the junior varsity volleyball team, the junior varsity basketball team, and the varsity softball team, she should be counted as four participants (do not include club or intramural sports participants or cheerleaders). Calculate the same way for boys and girls.
- 5) Calculate the percentage of female participation (column 1) based on information from (column 4).  
  
Calculate the percentage of male enrollment (column 1) based on information from (column 4).

Note: While being within three percent is not a formal compliance standard; if the percent listed in column 5 is within 3% of column 3 then it provides a good target within which compliance is likely.

Signature Charles J. Holland Date: April 3, 2001

**ACCOMMODATION OF INTERESTS AND ABILITIES  
SUMMARY PROGRAM CHART 2**

**Accommodation Opportunities Test Two**

Program	Number of Teams Currently Offered (1)	Number of Teams Added in Last Five Years (2)	Number of Participants Added in Last Five Years (3)	Percent of Total Participation By Sex (4)
GIRLS	varsity: 10	2	34 34:251 ←	16% → 13.5
	j.v.: 9	0	0	0
	frosh: 1	0	0	0
	other: 0	0	0	0
	total: 20	2	34 34:251 ←	16% → 13.5
BOYS	varsity: 10	0	0	0
	j.v.: 8	0	0	0
	frosh: 2	0	0	0
	other: 0	0	0	0
	total: 20	0	0	0%

- 1) Calculate the number of interscholastic teams offered for girls at each competitive level (for example, varsity, junior varsity, and freshman levels).
- 2) Calculate the number of interscholastic teams that have been added in the last five years at each competitive level.
- 3) Determine the total number of participants that are currently on the teams that were added in the last five years.
- 4) Calculate the percentage of participants that have been added in the last five years. For example, if girls' varsity soccer (22 participants), junior varsity soccer (18 participants), and freshman softball (15 participants) have been added in the last five years, then 63 participation opportunities have been added for girls. If the total number of female participants in the program is 300 (taken from Form T-1, Column 4), then 21% of the current opportunities (63 of 300) have been added in the last five years.

Note: If the percentage of current female participants added in the last five years is 25% or greater, compliance with test two may be possible. If less than 25%, then compliance with test three should be analyzed. **CAUTION:** 25% is not a formal compliance standard.

Signature: Charles J. Hallare Date: April 3, 2009

APR 12 2001



**KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION  
ANNUAL VERIFICATION OF TITLE IX PROCEDURES**  
(To be submitted by April 15, 2001 along with other required forms)

The Larry A. Ryle High School, Union, Kentucky  
(Name of High School) (City)

certifies to the Kentucky High School Athletic Association that the following is an accurate and true representation of the facts surrounding compliance with Title 20, U.S.C. Titles 1681-1688, et. Seq. (also known as Title IX)

I certify the following provisions in accordance with records at the school contained in the permanent Title IX file, and to the best of my knowledge have completed the following tasks. (All boxes must be checked)

- Established a gender equity committee at the high school. (list committee personnel provide attachment if necessary)

Name	Address	Phone	Title
<u>Charles Holland</u>	<u>42 Wallace Ave Florence, Ky</u>	<u>283-2968</u>	<u>Athletic Director</u>
<u>Kyle Hockman</u>	<u>8804 Richmond Rd, Union, KY</u>	<u>384-7701</u>	<u>Coach/Teacher</u>
<u>Julie Moore</u>	<u>2073 Clarkston Lane, Union, KY</u>	<u>384-9529</u>	<u>Parent/Guidance Counselor</u>
<u>Terry Shetler</u>	<u>609 Lake Knoll Ct, Erlanger, KY</u>	<u>41018 727-8305</u>	<u>Teacher</u>
<u>Beverly Lusk</u>	<u>1537 Trophy Ct Florence, KY</u>	<u>Unlisted Phone</u>	<u>Teacher</u>
<u>Katie Boh</u>	<u>1841 Harmony Hill Dr Union, KY</u>	<u>384-3702</u>	<u>Teacher</u>
<u>Bill Turner</u>	<u>8646 Heritage Dr Florence, KY</u>	<u>371-0907</u>	<u>Coach/Teacher</u>
<u>Beth Boman</u>	<u>550 Mt. Zion Road # 189 Florence, KY</u>	<u>282-9875</u>	<u>Special Ed Teacher</u>
<u>Lindsey Messina</u>	<u>4699 Hathaway Rd Union, KY</u>	<u>689-7065</u>	<u>Student</u>

- Scheduled a minimum of three meetings during the 2000-2001 school year on the following dates:  
February 5, 2001, March 15, 2001 and April 2, 2001

- Designated the following person as the Title IX coordinator for the school:

Charles Holland Athletic Director 42 Wallace Ave Florence, KY 41042 859-283-2968  
Name Title Address Phone

- School personnel is continuing to make periodic reviews of the boys and girls athletics program reflected in the Corrective Action Plan.

- In addition to the above information, the above referenced school maintains a complete permanent file relative to Title IX records including copies of the self-assessment audit, all corrective action plans, and other related materials.

Charles G. Hallman  
(School Authorized Signature)

Designated School Board Rep.  
Position (Principal, Designated Rep)

April 3 2001  
(Date)

Ray Deavitt  
(Superintendent Signature)

Shaw Carroll  
(School Board Chairperson)

**ACCOMMODATION OF INTERESTS AND ABILITIES**

**SUMMARY PROGRAM CHART 1**

**Participation Opportunities Test One**

Program	Enrollment (1)	Percentage of Total Enrollment (3)	Number of Interscholastic Participants (double and triple count) (4)	Percent of Total Participation (5)
GIRLS	567	47%	251	44%
BOYS	638	53%	360	56%
Totals (2)	1205	100%	100%	100%

Instructions:

- 1) Determine the total number of girls enrolled.  
Determine the total number of boys enrolled.
- 2) Add the total number of girls and boys enrolled to determine total enrollment.
- 3) Calculate the percentage of total enrollment that is female. Calculate the percentage of total enrollment that is male.
- 4) Ask the head coaches to review the most updated eligibility or squad lists for their teams. Ask coaches to confirm the names of those individuals who are on the team as of the first date of competition, and cross out the names of those who were cut from the team or quit the team prior to the first competitive event. Determine the total number of interscholastic athletics participants that are girls. In order to determine the total number of athletics participants an individual should be counted each time he or she participates on a team. For example, if Jane Doe competes on the varsity volleyball team, the junior varsity volleyball team, the junior varsity basketball team, and the varsity softball team, she should be counted as four participants (do not include club or intramural sports participants or cheerleaders). Calculate the same way for boys and girls.
- 5) Calculate the percentage of female participation (column 1) based on information from (column 4).  
  
Calculate the percentage of male enrollment (column 1) based on information from (column 4).

Note: While being within three percent is not a formal compliance standard; if the percent listed in column 5 is within 3% of column 3 then it provides a good target within which compliance is likely.

Signature: Charles J. Holland Date: April 3, 2001

**ACCOMMODATION OF INTERESTS AND ABILITIES**  
**SUMMARY PROGRAM CHART 2**

**Participation Opportunities Test Two**

Program	Number of Teams Currently Offered (1)	Number of Teams Added in Last Five Years (2)	Number of Participants Added in Last Five Years (3)	Percent of Total Participation By Sex (4)
GIRLS	varsity: 10	2	34	16%
	j.v.: 9	0	0	0
	frosh: 1	0	0	0
	other: 0	0	0	0
	total: 20	2	34	16 %
BOYS	varsity: 10	0	0	0
	j.v.: 8	0	0	0
	frosh: 2	0	0	0
	other: 0	0	0	0
	total: 20	0	0	0 %

- 1) Calculate the number of interscholastic teams offered for girls at each competitive level (for example, varsity, junior varsity, and freshman levels).
- 2) Calculate the number of interscholastic teams that have been added in the last five years at each competitive level.
- 3) Determine the total number of participants that are currently on the teams that were added in the last five years.
- 4) Calculate the percentage of participants that have been added in the last five years. For example, if girls' varsity soccer (22 participants), junior varsity soccer (18 participants), junior varsity golf (8 participants), and freshman softball (15 participants) have been added in the last five years, then 63 participation opportunities have been added for girls. If the total number of female participants in the program is 300 (taken from Form T-1, Column 4), then 21% of the current opportunities (63 of 300) have been added in the last five years.

Note: If the percentage of current female participants added in the last five years is 25% or greater, compliance with test two may be possible. If less than 25%, then compliance with test three should be analyzed. **CAUTION:** 25% is not a formal compliance standard.

Signature: Charles J. Hallare Date: April 3, 2009

ACCOMMODATION OF INTERESTS AND ABILITIES

SUMMARY PROGRAM CHART 3

Participation Opportunities Test Three

If girls are underrepresented in the interscholastic athletics program, answer the following questions for girls only. If boys are underrepresented in the interscholastic athletics program, answer the following questions for boys only.	GIRLS		BOYS
1. Is there an intramural team offered in a sport not now available in the interscholastic athletics program? (YES or NO)	No		No
2. For a sport <u>not</u> currently offered, is there sufficient interest to form a viable interscholastic team based on participation on an intramural team or community recreation teams? (YES or NO)	No		No
3. For a sport currently offered, is there enough interest to form a viable team for a junior varsity, freshman, or other interscholastic level that is not currently offered? (YES or NO)	No		No
4. If you answered yes to question one, two, <u>or</u> three, are there enough other high schools in your school's normal competitive region offering the sport and competitive level of sport to constitute enough competition for a reasonable competitive schedule? (YES or NO)	No		No

Signature: Charles D. Hellawell Date: April 3, 2001



**ACCOMMODATION OF INTERESTS AND ABILITIES  
SUMMARY PROGRAM CHART 4**

Levels of Competition Test One

Team Levels		
Total Number of Athletics Participants in All Levels	GIRLS	BOYS
1. Number of Varsity Teams Offered	10	10
2. Number of Participants on all Varsity Teams	146	169
3. Percentage of Total Varsity Participants By Sex	58%	47%
4. Total Number of Male Participants At All Levels	N/A	360
5. Number of Junior Varsity Teams Offered	9	8
6. Number of Participants on all Junior Varsity Teams	89	141
7. Percentage of Total Junior Varsity Participants By Sex	35%	39%
8. Number of Freshman Teams Offered	1	2
9. Numbers of Participants on all Freshman Teams	16	50
10. Percentage of Total Freshman Participants By Sex	7%	14%

- 1) Determine the number of teams at the varsity, junior varsity, and freshman levels for boys and girls. (#1, 5, 8)
- 2) Determine the total number of participants for boys and girls at each competitive level. (#2, 6, 9)
- 3) Calculate the percentage of female and male participants at each level. (3, 6, 9)  
 Example: Take the total number of female participants from the Summary Program Chart 1 (form T-1) and divide it into the number of total participants for each level, varsity, junior varsity and freshman levels. Perform the same calculation for male participants. For example, if there are a total of 300 female participants, and 180 girls are on varsity teams, 80 girls on junior varsity teams, and 40 girls on freshman teams, then 60% of girls' participation opportunities are at the varsity level (180 divided by 300), 27% are at the junior varsity level (80 divided by 300), and 13% are at the freshman level (40 divided by 300). If there are a total of 400 male participants, and 250 participate at the varsity level, 100 boys participate on junior varsity teams, and 50 boys participate on freshman teams, then 63% of boys participate at the varsity level (250 divided by 400), 25% compete at the junior varsity level (100 divided by 400), and 13% compete at the freshman level (50 divided by 400).

Signature: Charles J. Welland Date: April 3, 2001

## 2000-2001 KHSAA TITLE IX ATHLETICS AUDIT

### Checklist - Overall Interscholastic Athletics Program

Areas of Compliance	ADVANTAGE TO		
	GIRLS' PROGRAM	BOYS' PROGRAM	NEITHER PROGRAM (Compliance)
Opportunities	✓		
Equipment and Supplies			✓
Scheduling of Games and Practice Time			✓
Travel and Per Diem Allowances			✓
Coaching			✓
Locker Rooms, Practice and Competitive Facilities			✓
Medical and Training Facilities and Services			✓
Publicity			✓
Support Services			✓
Athletic Scholarships**			n/a
Tutoring**			n/a
Housing and Dining Facilities and Services**			n/a
Recruitment of Student Athletes**			n/a

\*\* Athletic scholarships, tutoring specifically for athletes, housing and dining facilities and services, and recruitment of student athletes are usually not relevant at the high school level.

Signature: Charles J. Killard Date: April 3, 2001

School Year: 2000-01  
 Signature: Michelle D. Hayward  
 Date: April 3, 2001

APPENDIX  
 CORRECTIVE ACTION PLAN

To utilize this form indicate the intended area which needs corrective action and the suggested change time table for implementation. You may copy this form as needed. Please attach corrective action plans along with audit forms and submit by April 15, 2001.

ITEM FOR CORRECTION	SUGGESTED CHANGE	TIME TABLE FOR CORRECTIVE ACTION
Increase team sport (Volleyball)	To add a freshmen volleyball team	Freshmen Volleyball team will compete 2001-02 school year. Will add approximately 12-15 girls to Volleyball program.
Add intramural program.	Newly created intramural program.	To use the months of September, October, March, April and May to set up a school intramural program. This will begin 2001-02 school year.

INTERSCHOLASTIC ATHLETICS SURVEY  
Summary Of Student Responses

Instructions:

1. Summarize the Student Athletics Interest Surveys by listing the total number of responses on the line next to each sport.
2. Under the other category please provide a listing of the sports as well as the number of students who are interested in participating.
3. Please sign and date the Summary Form (T-64) and mail the Summary Form only to the KHSAA by April 15, 2001. Do not mail the original.

Date Charles J. Hallard  
Completed By: April 3, 2001

Fall Sports (List Total Number of Participation Responses)

164 Football  
83 Girls' Volleyball  
44 Boys' Volleyball  
31 Boys' Cross-Country  
37 Girls' Cross-Country  
26 Girls' Field Hockey  
45 Boys' Golf  
18 Girls' Golf  
51 Boys' Soccer  
53 Girls' Soccer

Winter Sport (List Total Number of Responses)

94 Boys' Basketball  
60 Girls' Basketball  
31 Boys' Swimming & Diving  
53 Girls' Swimming & Diving  
62 Boys' Wrestling  
53 Girls' Gymnastics  
27 Boys' Indoor Track  
34 Girls' Indoor Track

Spring Sport (List Total Number of Responses)

77 Boys' Track  
83 Girls' Track  
55 Girls' Tennis  
32 Boys' Tennis  
32 Girls' Slow Pitch Softball  
40 Girls' Fast Pitch Softball  
112 Boys' Baseball

Other Sports (From Survey Question 10)

Name of Sport

Number of Students Interested In Participating

~~Please see Appendix "G" attached~~

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Number of Students who participate in Intramural Sports. (From Survey Question 5)

Sport

Number

~~Please see Appendix "B" attached.~~

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List Intramural Sports students are interested in adding: (From Survey Question 6)

Sport

Number

~~Please see Appendix "C" attached.~~

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Participation in Non-School Sports Activities (From Survey Question 7)

Sport

Number

~~Please see Appendix "D" attached.~~

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Reasons for not participating in interscholastic athletics. (From Survey Question 8)

Response	Number
<u>47</u> I prefer other activities such as band, chorus, etc.	
<u>180</u> I don't have time	
<u>62</u> The practice schedules and game times are inconvenient	
<u>48</u> The sport I like isn't offered	
<u>22</u> It's too expensive	
<u>10</u> I prefer to participate in club or intramural sports	
<u>129</u> Working	
<u>50</u> Other	

**See Appendix "E"**

Student Suggestions to encourage participation

**See Appendix "F"**

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*Charles J. Hilland*  
Signature

*April 3, 2001*  
Date

# Larry A. Ryle High School Athletic Department

The "Union" of Technology and Tradition  
10379 U.S. 42 • Union, Kentucky 41091  
Phone (859) 384-5311  
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E-mail CHolland@Boone.K12.Ky.US  
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**Charles Holland**, *Athletic Director*

**Randall K. Cooper**, *Principal*

**Constance Kepf**, *Counselor*  
**Debra Martin**, *Counselor*  
**Julie Moore**, *Counselor*

## APPENDIX B INTERSCHOLASTIC ATHLETICS STUDENT SURVEY

Question 5. Do you participate in intramural sports? If you do, which sport(s)?

Badminton – 4  
Volleyball – 3  
Basketball – 40  
Softball – 3  
Soccer – 10  
Hockey – 2  
Golf  
Baseball - 5  
Paintball – 4  
Swimming - 4

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**Julie Moore**, *Counselor*

## APPENDIX "C"

### INTERSCHOLASTIC ATHLETICS STUDENT SURVEY

Question 6. Which intramural sports, if any, would you like to see added?

Basketball – 58

Field Hockey – 7

Hockey – 19

Sheet shooting – 1

Volleyball – 34

Badminton – 9

Lacrosse – 12

Softball – 9

Soccer – 11

Bowling – 6

Skiing – 3

Flag Football – 4

Paintball – 11

Table Tennis – 14

Rugby – 2

Boxing – 1



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**Debra Martin**, *Counselor*  
**Julie Moore**, *Counselor*

## APPENDIX "E" INTERSCHOLASTIC ATHLETICS STUDENT SURVEY

**Question # 8.**

Are you currently participating in interscholastic athletics during any season?

**Other:**

Back problems  
High School sports are barbaric, encourages violence  
School more important  
Should let us know in advance when try-outs are being held  
Hate sports  
Church  
Art  
Cheerleading  
Transportation problems

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**Constance Keef**, *Counselor*  
**Debra Martin**, *Counselor*  
**Jufie Moore**, *Counselor*

## APPENDIX "D" INTERSCHOLASTIC ATHLETICS STUDENT SURVEY

### Question # 7.

Do you participate in non-school sport activities? If you do, which sport(s)?

Horse backing riding – 5

Baseball – 24

Soccer – 24

Softball – 23

Skiing – 6

Karate – 6

Paint Ball – 8

Mountain climbing – 2

Football – 11

Volleyball – 17

Basketball – 31

Lacrosse – 2

Tennis – 13

Golf – 14

Bowling – 12

Gymnastics – 6

Hockey – 11

Weight lifting – 4

Mountain bike – 3

Motor sport – 7

Swimming – 8

Boxing – 2

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**Debra Martin**, *Counselor*  
**Julie Moore**, *Counselor*

## APPENDIX "F" INTERSCHOLASTIC ATHLETICS STUDENT SURVEY

### Question # 9.

Do you have any suggestions to encourage participation?

- Need flexible practice schedules
- Hire coaches who know something
- Better variety of sports
- More money for all teams, better equipment
- Hire coaches that actually know the sport they are suppose to coach
- Better advertising
- Offer fencing
- Offer archery
- Make sports less expensive
- Have intramural sports
- Pay players to play
- Stress it keeps you in shape
- Hire new coaches
- Lower ticket prices
- Build a pool
- Advertising sports available before season starts
- Choosing of players to keep or cut is not fair, coaches play favorites
- Coaches – give players more playing time and don't be so controlling
- Too many practices
- Don't remove person from squad when miss practice due to not  
Having school(no school – no practice).
- Make announcements weeks before try-outs or practice starts.
- Add new sports
- Phase out high school sports
- More pep rallies, team activities, announcements
- Where do you sign up for sports?

# Larry A. Ryle High School Athletic Department

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Constance Kept, *Counselor*  
Debra Mariin, *Counselor*  
Julie Moore, *Counselor*

## APPENDIX "G" INTERSCHOLASTIC ATHLETICS STUDENT SURVEY

### Question # 10.

Please list OTHER SPORTS you are interested in participating in and the sports season.

<u>SPORT</u>	<u>SEASON</u>	<u>NUMBER OF PARTICIPANTS</u>
Hockey	Winter	29
Cheerleading	Year around	37
Ultimate Frisbee	Spring	2
Paint ball	Spring	22
Go Cart Racing	Spring	4
Skateboarding	Spring	3
Badminton	Winter	11
Rugby	Fall	15
Lacrosse	Fall	26
Motor cross	Spring	2
Boys Volleyball	Winter	44
Girls Field Hockey	Fall	26
Ballroom dancing	Winter	2
Indoor soccer	Fall	7
Slow pitch softball	Spring	32
Girls Diving	Winter	4
Ski Teams	Winter	2
Bowling	Winter	16
Kick Boxing	all year	1
Biking	all year	1
Shate boarding	all year	1
Racquet ball	winter	1
Rowing	spring	1
Table tennis	All year	21
Weight lifting	All year	3

two or three can add opportunities for men without jeopardizing its current compliance status. However, under tests two and three, there is a continuing obligation for an institution to ensure that it can establish a continuing practice of program expansion for women (test two) or that it continues to offer all sports for women for which there is sufficient interest and ability for a team and sufficient competition in its normal competitive region (test three). Some institutions may be meeting test two or test three and be unaware of this fact. The analyses and demonstrating compliance with these tests can be challenging.

The policies discussed above reference intercollegiate programs, but they also apply to interscholastic athletics programs at high schools, middle schools and, where they may exist, elementary schools. One difference for high schools is that determining the enrollment population is less complicated. There is usually no need to distinguish full time versus part time and graduate versus undergraduate students. A high school's normal competitive region will, of course, cover a significantly smaller geographic area than collegiate programs. Furthermore, information about "feeder" programs is usually confined to programs at the middle school(s) and recreation programs in the surrounding communities. In reviewing information about feeder programs, the emphasis should be on those sports not currently offered in the interscholastic program to the underrepresented sex for which there appears to be any interest. ((34 C.F.R. § 106.41(c)(1)); PI VII.C. Pages 71417-18; Policy Clarification, 1-16-96.

**Q** OCR seems to be changing their policy on cheerleading. Is cheerleading a sport? There is no question that cheerleaders are athletes. (Combined questions of several state high school association representatives, principal, superintendent, and commissioners of regional collegiate conferences).

**A** OCR's policy on cheerleading has not changed. What has changed is the nature of cheerleading. We at *Good Sports, Inc.*, have actually reviewed a high school athletics program where we considered the cheerleading team to be part of the interscholastic program, but the fact

situation at that high school is still the exception rather than the rule.

OCR's policy on cheerleading has been the same since 1975. OCR issued a September 1975 memorandum to Chief State School Officers, Superintendents of Local Educational Agencies and College and University Presidents called "Subject: Elimination of Sex Discrimination in Athletic Programs." This policy document states that "drill teams, cheerleaders, and the like, which are covered more generally as extracurricular activities under section 86.31 . . . are not a part of the institution's 'athletic program' within the meaning of the regulation."

The purpose of this policy was and is quite simple. In the 1970s, boys played sports and girls cheered them on, acting as entertainment at the boys' contests. Many high school representatives in the 1970s were anxious to count cheerleaders and other such groups as interscholastic athletics participants. This would reduce and, depending on the number of cheerleaders, drill team members, etc., at a specific school, perhaps eliminate the institution's obligation to consider ever offering girls' basketball, volleyball, softball, track, or any other girls' sport. If OCR's policy had been to consider cheerleading, drill teams, pom pom performers and similar groups as interscholastic participants, chances are excellent that few girls' sports would have ever been added in most interscholastic and intercollegiate programs.

These days, cheerleaders (and drill teams, etc.) often practice five days per week, have compensated coaches, do routines that only gymnasts performed 20 years ago, travel to their own competitive events, and the team operations are administered through the athletics department. All of these characteristics would qualify them as an interscholastic team, and they would be an interscholastic team except for one characteristic. The one characteristic that still distinguishes the vast majority of cheerleading teams, drill teams, etc., is that a significant purpose for their existence is to provide entertainment, in effect, act in a support role for other teams. If the

cheerleading team did not provide entertainment at events for interscholastic teams, then chances improve significantly that it may be considered an interscholastic team.

At the high school that we reviewed, the school had a "competitive cheerleading" team, as distinguished from the "sideline" cheerleaders. The competitive cheerleading team did not in significant part exist to provide support or entertainment at events for other teams. On occasion, the competitive cheerleading team provided a brief exhibition of a routine at a competitive event for another team, at which event the sideline cheerleaders performed throughout the game. In other words, the competitive cheerleading team provided an exhibition of a routine in the same way gymnastics team members might provide a brief exhibition once or twice as a promotion for their own upcoming competitive event.

This is not to say that a cheerleading team calling itself "competitive" cheerleaders is automatically an interscholastic team. A competitive cheerleading team may compromise its classification as an interscholastic team by acting in a support role at events for other teams. By their nature, interscholastic teams do not act in a support role at the events for other interscholastic teams, and this should be true of interscholastic cheerleading teams. Thus, if a "competitive" cheerleading team acts as entertainment or in a support role for interscholastic teams, then it is an extracurricular activity and not part of the athletics program.

To add a complicated twist to these considerations, an individual or individuals may participate on both the competitive cheerleading team, which might be part of the interscholastic athletics program, and the sideline cheerleading team, which is not part of the interscholastic athletics program if it provides entertainment at events for other teams. Where some or even all of the sideline cheerleaders are also on the competitive cheerleading team, participants should be participating in separate practices and, ideally, participating in separate seasons.<sup>17</sup> Any institution

that wishes to claim its competitive cheerleading team as an interscholastic team needs to ensure a clear line of demarcation between participation on the competitive team, which does not entertain at events for other interscholastic teams, and participation in practices and performances as sideline cheerleaders. At the high school that we reviewed where the competitive cheerleading team was part of the interscholastic program, the competitive cheerleaders did not participate on the sideline cheerleading teams. Furthermore, the competitive cheerleading team routines, which were choreographed in much the same way as gymnastics events, were significantly different from the sideline cheerleading routines.

One final thought. The decisions by state high school associations or, for that matter, state legislatures, to label cheerleading as a sanctioned interscholastic sport will not influence compliance with Title IX. Although OCR is likely to listen, OCR is also likely to be unpersuaded if in reviewing the individual institution's "competitive" cheerleading team the evidence shows that a significant purpose for that team is acting in a support role for interscholastic teams. As a federal law, Title IX takes precedence over state laws and athletic association by-laws.

((34 C.F.R. § 106.31. The reference to section 86.31 refers to the codification of Title IX under the Department of Health, Education, and Welfare (HEW). When HEW split in 1980 into the Department of Education (ED) and the Department of Health and Human Services (HHS), the Department of Education Title IX regulation was recodified at 34 C.F.R. Part 106, while the HHS Title IX regulation retained the codification at 45 C.F.R. Part 86. See also 34 C.F.R. § 106.6(b) and (c) stating the obligation to comply with Title IX is not "obviated or alleviated" by state law or athletic association by-laws.)

**Q** Does a boy have to be allowed to try out for the girls' softball team? (Parent)

**A** Realistically, no - although it is, technically, not completely out of the realm of possibility that a boy might have to be allowed to try out for the girls' softball team. Under