

Kentucky High School Athletic Association

September 19, 2005

C. Wayne Shepherd, Attorney
Shepherd Law Office
211 South Main St.
Corbin, KY 40701

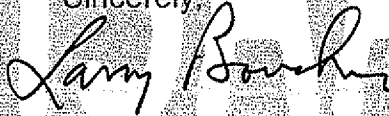
Dear Mr. Shepherd:

Enclosed is correspondence from Corbin High School Principal Joyce Phillips addressing the issues you raised in your letter of August 19, 2005 to Commissioner Brigid DeVries.

Ms. Phillips has addressed the allegations brought forth from you client, the family of Erica Wardzinski.

Should we be able to be of further assistance, please advise.

Sincerely,

A handwritten signature in cursive script that reads "Larry Boucher". The signature is written in black ink and is positioned over a large, faint, stylized watermark of the letters "KHSAA" in the background.

Larry Boucher
Assistant Commissioner



CORBIN HIGH SCHOOL

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CORBIN, KY 40701-2453
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FAX (606) 523-3627

JOYCE A. PHILLIPS, PRINCIPAL
RANDALL SAWYERS, ASSISTANT PRINCIPAL
TONI H. CARLOTTIS, COUNSELOR
KAREN COLLINS, COUNSELOR
GERALD FOLEY, ATHLETIC DIRECTOR

September 12, 2005

Mr. Larry Boucher
Assistant Commissioner
Kentucky High School Athletic Association
2280 Executive Drive
Lexington, KY 40505

Mr. Boucher:

This letter is a response to the letter from you concerning the complaint by Mr. Wayne Shepherd on behalf of Erika Wardzinski alleging that she has been treated differently from males in the participation of more than one sport during a sports season. Erika is not a student at Corbin High School. She is a student at Corbin Middle School who is being allowed to participate at the high school level on the volleyball team. Corbin High School has no formal policy concerning athletes participating on more than one athletic team during a sports season, however athletic director Gerald Foley has been working on a student-athlete handbook, which includes a statement concerning that issue. This handbook has been presented to the coaches as a draft for their input, and if it becomes an acceptable guideline, it will be presented to the site-based council for approval.

Our coaches have the authority to determine rules and regulations that students must abide by to participate on an athletic team. Most sports are structured in such a way that it is impossible to participate in two sports at the same time, however it has happened on occasion when one sport is flexible in its practice and game times. At the present time we have two cheerleaders, two dance team members and two cross-country team members participating on another sports team. Our cheerleaders only cheer on Friday nights and the dance team performs at some football games on Friday nights. The cross-country schedule for practice and meets are very flexible because they do not have the constraints for the use of facilities. All of these students participating on two different teams are female athletes. At this time we have no males participating on more than one team.

I have checked with our tennis and baseball coaches concerning the allegation that a boy was allowed to play baseball and tennis at the same time. They have stated that they have no knowledge of this happening. Since baseball plays on Monday, Tuesday, Thursday, Friday and Saturday it would be highly improbable that a student could do both.

The problem with Erika playing on the volleyball team and golf team is the schedule for practices and matches. The volleyball team usual plays on Tuesday and Thursday nights and some tournaments on Saturday. They practice on the other days with an occasional Friday off from practice. Our golf team plays matches at the Tri-County Golf Club. The board of directors has been gracious enough to allow our teams to play home matches at the Tri-County Golf Club, however they have determined that our teams should play home matches on Tuesdays with an occasional match on Friday. Our volleyball coach has a very strict policy about the commitment one should make to the volleyball team and she expects them to be present for practices and matches. Our golf coach also expects his players to be present for practices and matches. He believes that players should participate in all matches to help them improve and get ready for post-season play. He would have no problem with Erika playing on the volleyball team if it was on a date when there was not a golf match or practice. If Erika had chosen to play golf she would have participated on the

varsity team, however she chose to play on the volleyball team and participates on the junior varsity with occasional play on the varsity level.

Mr. Wardzinski has suggested that Erika should be allowed to play in four golf matches, of his choosing, which would qualify her to play in the regional tournament. Coach Webb contends, and I agree, that this would be grossly unfair to the other members of the golf team, who have practiced and played in the regular season matches, to have someone not practice with the team, be permitted to play in only four matches, and take their place on the team that will represent Corbin High School in the regional tournament. I support the position that our volleyball coach and golf coach has taken concerning requirements to participate.

In summary, because we have no formal policy concerning the participation of only one sport during a sports season, coaches determine requirements for participation, which may require athletes to make a choice between sports due to scheduling conflicts. It was my impression that Erika had made that choice based on the enclosed letter that Mr. Wardzinski sent to our coach stating that she would not be on the golf team. Also enclosed is a copy of the guidelines that our volleyball players abide by which were agreed upon and signed by Mr. Wardzinski.

The allegations by Mr. Shepherd on behalf of Erika are unfounded and made without any knowledge of the facts pertaining to this matter.

Sincerely,

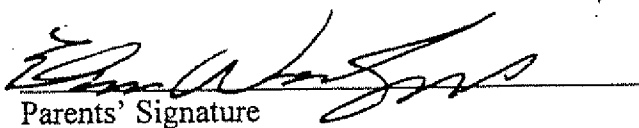



Joyce Phillips
Principal

Volleyball 2005

Here are the rules in a nutshell for the participation on the upcoming season:

1. Practices, once school starts, are mandatory. Excused absences include family emergencies, school projects, illness or accident. Other extracurricular activities, jobs, etc. are not excused absences. Overbooking ones time is not an excused absence. If an absence is unexcused, the player will not play in the next match. If an absence is excused, the player will not start in the next match. Practice will be every school day, unless otherwise notified, except on days of matches. Three unexcused absences will result in being excused for the team.
2. Playing time is neither guaranteed nor equally doled out. Playing time is earned on the practice court.
3. Each girl must have 10 full practices before they are allowed to play in a match. We have allowed for plenty of time for this to be accomplished, but there will be some who are not eligible when the first match is played.
4. Attendance at matches is mandatory as well. Varsity members will be in attendance at JV matches and JV players will be in attendance at varsity matches.
5. Every girl must ride the bus to and from each away match. The girls are not to be signed off the bus.
6. If a girl is absent from school, they are not to show up at practice without the permission of Ms. Phillips. No exceptions.
7. The girls will be given two sets of uniforms for which they are responsible and will have to turn in, undamaged, at the completion of the season. If the uniform is lost, stolen or damaged, it must be replaced by the player who lost or damaged the uniform.
8. The girls will be given a set of sweats which are to last their entire volleyball career. If the sweats are lost or damaged, they will not be replaced at the team's expense.
9. Participation in all Fundraisers is mandatory. If there is a justifiable reason for someone not to participate in a fundraising activity, I must be notified in advance.
10. I request that all matters concerning your daughter's playing be addressed at the beginning of practice sessions only. I will not entertain complaints or arguments immediately following a match. Nor will I answer phone calls on the night of matches. Please understand that I am interested in what you have to say and I am interested in your daughter's well being. From experience, neither is served well when emotions are high.


Parents' Signature


Player's Signature

Coach Chris Webb

I know that past athlete's such as Bo Jackson and Dion Sanders etc., dealt with the same issue's as did there Coaches growing up with multi-talented athlete's. I informed Erika that it was in the best interest for the golf team that she needed to pick between golf and vollyball. Erika has choosen to play vollyball due to all the girls accept her and coach Elwell does not allow jealousy and bickering as she also has girls that do dance as well as vollyball. Apparently Erika was at Subway with a couple of the golf girls and had went to the bathroom and as Erika was coming up through the hallway she overheard them talking about her and does not feel welcome on the golf team. Erika does not need to play high school golf to get a scholarship for college. For the next six years Corbin needs Erika more than Erika needs Corbin as Erika already has two offers from University South Florida and Texas Christian Universty to play golf. We get more exposure from college coaches from flying to Texas and Florida and playing junior tournaments than on the high school level.

We will finish this year at Corbin and transfer to North or South Laurel next year as of now I request permission to contact these schools so I am within the guidelines of the KHSAA . We would like to and deserve the right to at least play in four events to qualify for the regions, if the team votes that Erika should not or would not help the team we can accept that. If I force Erika to drop out of vollyball your number six player would basicly not play at all unless someone was sick or injured. With Coach Harris coaching track and field last year the shoe was on the other foot. One of his players Liv Iring Played both Tennis and ran track. When she showed up for tennis Erika had to sit the bench even though Erika made every practice and only started when Liv had a track meet. Now the shoe is on the other foot and Erika is again somehow on the wrong side of the fence.

You are the coach and can play whoever you want when you want , it is your team. If it is a problem dealing with your seven players and there parents then you have to consider the long term decision in your decision. The tennis coach and vollyball coach along with all there parents will be effected along with the citizens of the town when they see another talented athlete slip through there fingers. This is Erika's decision to make and I have to support her, but apparently she has more fun with the close nit girls in vollyball than the bickering going on with the golf girls. After all having fun is what it is about. The following matches Erika is willing to play are:

Aug 26
Aug 27
Aug 29
Aug 31
Sep 9
Sep 26 Regional
Oct 3-5 State

Kentucky High School Athletic Association

September 6, 2005

Ms. Joyce Phillips, Principal
Corbin High School
1901 Snyder St.
Corbin, KY 40701

Dear Ms. Phillips:

I am forwarding a letter to you from Attorney C. Wayne Shepherd of Corbin, Kentucky. The letter alleges a formal grievance against Corbin High School on behalf of Erica Wardzinski, a student at your school.

The complaint accuses Corbin High School of having a school policy that allows student athletes to participate in only one sport per season. Accordingly, with both the fall sports of golf and volleyball at issue, Erika Wardzinski is only permitted to participate in one sport. The letter goes on to say that Ms. Wardzinski, who is being allowed to play only one fall sport, is being treated differently than some of her male counterparts who play multiple sports.

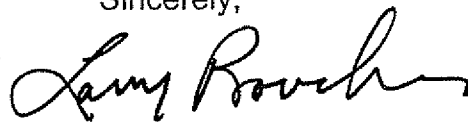
While we realize that some coaches like to stress total dedication and devotion to their particular sport, this complaint would be valid if such an alleged school policy were in force and being enforced only on a female athlete(s).

No later than Wednesday, September 16, 2005 please reply, in writing, to the Kentucky High School Athletic Association as to the validity of this allegation. Specifically, we need to know if such a school wide policy is in place and, if so, have exceptions ever been made to that policy for anyone playing athletics at Corbin High School. If exceptions have been granted, I would also like to know what steps will be taken to accommodate Ms. Wardzinski's desire to participate in both Golf and Volleyball at your high school.

Enclosure

C: Commissioner DeVries
Shepherd Law Office

Sincerely,



Larry Boucher
Assistant Commissioner

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Lexington, Kentucky 40505
(859) 299-5472 Fax (859) 293-5999



SHEPHERD LAW OFFICE

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August 19, 2005

Brigid DeVires
KIISAA
2280 Executive Drive
Lexington, KY 40505
Via Facsimile: (859) 293-5999

RE: Erika Wardinski and Corbin High School

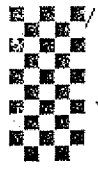
Dear Ms. DeVires:

The purpose of this letter is to file a formal grievance on behalf of Erica Wardzinski, against Corbin High School, pursuant to Title IX.

The schools have various sports which are referred to as the "Fall sports", such as cross-county, football, golf and volleyball. The schools also have "Spring sports" of baseball, softball, track and field, and tennis. Erika Wardinski has made the teams for the Fall sports of both golf and volleyball for the Corbin High School. However, she has been advised that it is the policy of Corbin High School that students can participate in only one sport per season. Accordingly, with both golf and volleyball being fall sports, Erika Wardinski is only permitted to participate in one (1) sport.

Obviously, if the school policy only allows for one sport per season, no students should be allowed to participate in more than one (1) Fall sport at a time, or more than one (1) Spring sport at a time. My client has information, and a belief, that the school has treated Erika Wardinski differently than it has one or more of the male athletes at Corbin High School. My client has information to indicate that a certain male student who plays both baseball and tennis at high school, which would be a violation of the school policy.

By this letter, we are asking that you investigate the situation at Corbin High School to determine if there is some justification for the Corbin High School treating it's male students differently than the female students.



Ms. Brigid DeVires

August 19, 2005

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If you have any questions regarding the above, or if you require additional information, please contact me.

Sincerely,

C. Wayne Shepherd

CWS/sd