

Date: Mon, 06 Dec 2004 10:07:49 -0500
From: LBOUCHER (Larry Boucher)
To: "Lantz, Janice - Superintendent" <jlantz@Nelson.k12.ky.us>
Reply-to: lboucher@khsaa.org
Subject: bcc: re: FW: re: (fwd) Title IX issues

*Title IX
 Nelson Co.
 opportunity*

- (1). I am told that E-town, North Hardin, Central Hardin, Bullitt East, Taylor County, Campbellsville, and Marion County all offer swimming along with many, many schools in the Jefferson County/Louisville area. Bethlehem shows as sponsoring it, but I don't believe they do? See page 82 of the 2004-05 KHSAA Handbook for those schools listing swimming as one of their sports.
- (2). In discussions with the auditors regarding your Title IX situation, they commented that it appeared that Nelson County offers all of the boy and girl sports that the KHSAA sanctions (that means sponsoring a Championship Event in) with the exception of boys' wrestling and girls and boys swimming. If that is true (can you tell me if it is?) and you add those sports, then you would not be in violation of Title IX expectations since you sponsor everything available. While your Opportunity Test numbers might (?) still be off somewhat, you would be doing all you could do. KHSAA sanctioned sports are: Baseball, Basketball, Cross Country, Football, Golf, Soccer, Softball, Swimming, Tennis, Track, Volleyball and Wrestling.
- (3). A possible consideration might be: Open up swimming to girls and that would possibly complete the offering of all KHSAA girls sports and eliminate your concerns. The more levels you offer in girls swimming the better off you are overall. Also, in my opinion, you could then offer wrestling to boys. The decision to offer swimming to boys might could possibly be justifiably delayed for awhile, particularly if the swimming interest is greater/heavier from girls than boys. If it is not heavier, then that is a local decision that you would have to ponder. It is also my opinion that it would not be in any way advisable to sponsor wrestling for boys without adding swimming for girls.
- (3). I would be remiss if I did not stress again that Nelson County High School, as large of an enrollment as it has, might be expected to field/sponsor all levels (Freshman, JV, Varsity) of teams in all sports and one would always want to take a look at that availability in evaluating your Title IX compliance.

On Sunday, December 05, 2004 1:23 PM, Lantz, Janice - Superintendent wrote:

Date: Sun, 5 Dec 2004 13:23:04 -0500
From: Lantz, Janice - Superintendent
To: "lboucher@khsaa.org"
Subject: FW: re: (fwd) Title IX issues

It came back. I'm trying again.

-----Original Message-----

From: Lantz, Janice - Superintendent
Sent: Sunday, December 05, 2004 1:20 PM
To: 'lboucher@khsaa.org.'
Cc: Bradley, Penny; Broaddus, Bill
Subject: FW: re: (fwd) Title IX issues

Thanks for your timely response to Penny Bradley. Needless to say, we have a lot of parents and students that are very interested in your thoughts. I have two questions:

1. Can you specifically tell us where these school systems that offer swimming are located? We'd like to discuss possibilities with them to see if they are close enough or if we can get times for practices and meets that are reasonable for our students.
2. I assume that we would have to offer swimming to both girls and boys, since both groups have shown and interest. I believe that the numbers for each group are such that we would still not have a balance between the two groups. If we are able to offer this sport (which would still have to be decided

by the Board), does this mean we would be cleared to offer wrestling, too?

-----Original Message-----

From: Bradley, Penny

Sent: Thursday, December 02, 2004 9:52 AM

To: Lantz, Janice - Superintendent; Broaddus, Bill; Detre, Jason

Subject: FW: re: (fwd) Title IX issues

From: Larry Boucher [mailto:lboucher@khsaa.org]

Sent: Wednesday, December 01, 2004 4:07 PM

To: Brigid DeVries

Cc: pbradle1@Nelson.k12.ky.us

Subject: cc: re: (fwd) Title IX issues

Dear Ms. Bradley:

A review of your Title IX file kept here at the KHSAA Office has been completed. This review of the past four years material submitted by your school, indicates that Nelson County High School has never met the standards for Opportunities Test #1 or #2. I suspect much of your problem stems from large football team numbers? Basically, what the failure of passing these two tests indicates is that (Test #1) the opportunities offered females to participate in athletics at your high school are not commensurate with the ratio of females to males within your student body.

And, it also shows (Test #2) that within the last five years, there has not been an increase in the number of athletic participation opportunities added to the girls side of athletics that would amount to an additional 25% over and above what had already been offered prior to that five year period. Nelson County High School actually passes the Opportunities portion of Title IX (Opportunities Test #3) because you apparently offer all KHSAA sanctioned sports except Boys' Wrestling and Girls' Swimming. However, I must add, that in reviewing your annual Student Interest Surveys over that period of time, it appears there has been a obvious interest in swimming for girls.

Candidly, Nelson County High School is having trouble providing comparable playing opportunities for girls at your school. I realize that these same annual Student Interest Surveys indicate a genuine interest in wrestling. However, it would be my advice that your school should search diligently at ways to increase opportunities for more and more girls to play athletics at some level before adding another boys' sport, which in my opinion, if done without adding more girl's teams, would put your school out of compliance with ANY of the three Opportunities Test of Title IX.

Accepting your comments that you have frosh and JV teams in volleyball and softball, do you have them in all other girls sports? We are unable to determine that. If not, adding frosh and JV teams in girls basketball, track, cross country, golf, soccer, and/or tennis might help ease the existing problem and bring you closer to safely adding wrestling. It would not be necessary to add extra JV or Frosh teams in addition to those you already have in a specific sport and could create a violation of KHSAA Bylaw 25 if you do.

The most probable solution that might allow you to add wrestling is to add swimming for girls. I know that nearby communities and schools do have swim teams and, as I mentioned, there is interest at your school for that sport. Where you would practice or compete I don't know, but those schools are in your geographic area for normal competition. The only other possible solution I can see is to document a concentrated ongoing effort to sponsor girls' swimming and should there not be interest then you would have the evidence to say that you sponsor all girls sports in which there is a genuine interest. However, my suspicion is that once you offer swimming for girls, you will find that there will be sufficient interest and then you have that to deal with. It is my advice and recommendation from a Title IX standpoint that you do not add wrestling without this documented and ongoing effort to sponsor swimming.

If I might be of further assistance, or visit with your Gender Equity Committee on this issue, please let me know.

On Tuesday, November 30, 2004 3:47 PM, Brigid DeVries wrote:

Date: Tue, 30 Nov 2004 15:47:39 -0500

From: Brigid DeVries

To: LBOUCHER

Subject: (fwd) Title IX issues

Dear Penny:

Thank you for the e-mail. I am forwarding a copy to Larry Boucher for a response. Per my conversation with Dr. Lantz we are currently having one of our Title IX Audit Staff members review your submitted information. Mr. Boucher will be in touch with you in the very near future regarding your situation.

-----Original Message-----

Date: Tue, 30 Nov 2004 14:48:10 -0500

From: "Bradley, Penny" <pbradle1@Nelson.k12.ky.us>

Subject: Title IX issues

Ms. Devries,

Our superintendent, Dr. Lantz, talked with you about starting a wrestling program at Nelson County High. She has asked us to email you with some additional information. First, according to our Title IX survey there are no additional sports that girls would like to see offered. Secondly this past year girls were cut from the softball and volleyball team only. We currently offer freshman, JV and varsity teams in both those sports. Our question remains is that enough or do we need to offer multiple freshman or JV teams in these sports? For example we would have JV team A and JV team B and they would play an equal number of games.

Varsity scenario: During the regular season we can have more players on the roster than is allowed during the post season. Would we run into a problem if we then designated only certain girls that would dress for the varsity tournament?

Have there been schools that have been sited or penalized for the male and female numbers being out of balance? If there have been what were the penalties?

Dr. Lantz needs this information for the board meeting on December 14th if at all possible.

Sincerely,

Penny Bradley

Bill Broaddus

Sincerely,

Brigid L. DeVries, Commissioner

Kentucky High School Athletic Association

2280 Executive Drive, Lexington, Kentucky 40505

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