



Kentucky High School Athletic Association
2280 Executive Drive ° Lexington, KY 40505 www.khsaa.org ° (859)299-5472 (859)293-5999 (fax)

December 29, 2009

Mr. Dick Richards
998 Club Drive
Goshen, KY 40026

Dear Mr. Richards:

Your correspondence dated December 5, 2009 to the KHSAA regarding the Title IX Re-visit to North Oldham High School ("NOHS") on October 13, 2009 has been referred to me for a response. In your letter you stated that you had spoken to Oldham County Schools Superintendent Paul Upchurch about the construction of ("NOHS")'s field house, and he had stated that he was simply following KHSAA standards when he designed and built the boy's field house. In response to your specific questions, there is no such specific KHSAA standard in regards to constructing a field house. In addition no representative from this office was consulted during the planning process at ("NOHS") for the construction of their new facility.

Reba Woodall, the lead auditor for the North Oldham High School re-visit, requested documentation that addressed the issue of team assignments for all locker-rooms, a rotation schedule for team uniforms, and guidelines for travel and per diem allowances. The deadline for submitting these documents to the KHSAA was November 30, 2009. At this time our office is in receipt of all of these documents and therefore, the report in regards to ("NOHS") is officially complete. The KHSAA reserves the right to re-visit any school to assess how they are progressing on corrective action recommendations. We have tentatively planned to return to North Oldham High School in February to assess how they are progressing in regards to recent corrective action recommendations.

We are also in receipt of the recommendations that you have suggested and will certainly take them into consideration as we continue to work with our member schools on compliance with Title IX. Your ongoing interest concerning gender equity issues in regards to ("NOHS") is appreciated and we look forward to any other thoughts and suggestions you may have. Please feel free to contact me at your earliest convenience if you have any more questions.

Sincerely,

Darren Bilberry
Assistant Commissioner

Approved as to form and content:

Commissioner Brigid L. DeVries

xc: Paul Upchurch, Superintendent Oldham County Schools
Lisa Jarrett, North Oldham High School Principal
Tom Clemons, North Oldham High School Athletic Director

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Tuesday, March 30, 2010

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NOHS parent may seek ruling on locker room

By Mickey Patterson, Sports Editor, The Oldham Era

GOSHEN – While officials with the state's high school athletic association are satisfied, the issue of unequal facilities at North Oldham High School may soon move to federal court.

NOHS parent Dick Richards, who has a daughter on the Lady Mustangs' track team, said he plans to pursue the fight against what he calls "blatant discrimination" against female athletes at NOHS.

"The bottom line is they have not made it equal and I am not stopping," Richards said. "I am either going to re-file my complaint with the state or file a Title IX complaint in federal court in Louisville."

Congress enacted Title IX in 1972 to protect people from discrimination based on sex in educational activities or programs that receive federal funds.

The act states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Richards first brought the issue to light in 2008 when the school opened it's new football/track complex including a fieldhouse with a football locker room and a visitor's locker room.

Upon initial inspection in October, officials from the Kentucky High School Athletic Association said the school gave male athletes a "distinct advantage" in facilities use. In response, NOHS officials moved the girls' track program into the visitor's locker room to use during the spring track season.

The move has been given the seal of approval by the KHSAA in a report issued

Monday after KHSAA officials re-visited NOHS and toured the locker room.

In the report, officials note several improvements including framed motivational prints emphasizing female athletes and the installation of dressing benches in front of the lockers.

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The latest KHSAA report said NOHS officials showed a "sincere effort" to provide equal facilities and commended school officials.

The report closed with a summary stating:

"According to data received from the school and observations of KHSAA officials, all 'areas of concern' designated in the Title IX audit report from the Oct. 13, 2009, school visit have been addressed, and no further action is deemed necessary at this time."

Although the KHSAA notes all issues have been addressed, Richards alleges that officials from NOHS and Oldham County Schools are "hiding behind the KHSAA."

He said his complaint is still based on the girls' track team is using a facility designed for boys, only for the track season and is only one-quarter of the entire fieldhouse.

"There is no secret here, it's as clear as it can possibly be," Richards said. "It is unequal and the school system is continuing this discrimination."

NOHS principal Lisa Jarrett disagrees.

"We followed the recommendations of the KHSAA," Jarrett said. "They were in agreement that we had met the requirements and actually exceeded them, I think."

Jarrett said school officials are "100 percent satisfied," with the solution.

"As far as we are concerned our team that is out there is very pleased," Jarrett said. "We're going to move forward. If something else comes up we will deal with it."

Under federal law, anyone who believes there has been an act of discrimination based on sex against any person or group engaged in an activity that receives financial funds from the Department of Education can file a complaint with the department's Office of Civil Rights. That office will consider the report and investigate if necessary.

"The fact of the matter is this is a federal law and it is the law of the land," Richards said.

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Tuesday, March 30, 2010

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Title IX regulations under fire at NOHS

By Mickey Patterson, Sports Editor, The Oldham Era

Some say a high school's million-dollar fieldhouse has a figurative 'No Girls Allowed' sign out front.

The allegation has prompted officials from Kentucky High School Athletic Association reexamine whether North Oldham High School is meeting Title IX requirements.

NOHS parent Dick Richards, who has a daughter on the Lady Mustangs' track team, says unequal access to the school's new fieldhouse raises issues of gender inequality.

The fieldhouse next to the NOHS football stadium/track complex serves as the locker room for the Mustang football team.

"The core of the problem is there are unequal facilities," Richards said. "What really strikes me is how the school system conceived this, funded it and built it without seeing the inequity of it."

According to an initial Title IX report by the KHSAA, the fieldhouse locker room usage gives the male athletes "a definite and distinct advantage to the boys in the locker room portion. The field house has two locker rooms used only by boys."

The report states school officials are aware of the need to provide female athletes access to the facility.

The KHSAA required NOHS to submit an assignment sheet for all locker rooms and show that the visitors' locker room in the field house is accessible to female athletes.

Since that visit in July, NOHS officials have made the visiting team locker room available to the girls' track team. KHSAA assistant commissioner Darren Bilberry re-visited the school Feb. 26 to see what school officials have done for the girls' track team. Bilberry's final report hasn't been released.

The room in question is attached to the football locker room and has two separate entrances. There are more than 100 lockers. It has five urinals and three toilets. There are four sinks and two water fountains along with a communal shower room with eight showers.

NOHS officials and coaches say they believe they've met the needs of the team.

"It's a multi-purpose building and in the spring it is the girls' track locker room," NOHS athletic director Tom Clemons said. "We have to deal with what we are given and this is what we have. We feel like the board gave us a very nice building with our whole stadium project and we are trying to make the best use of it."

Clemons said three girls' teams at NOHS – track, basketball and volleyball – have designated locker rooms. Softball and tennis players use a PE locker room to change before heading to their field or courts while cross country runners practice off campus and can either change in the PE room or the Creasey Mahan Nature Preserve where they practice.

Richards, however, still has several issues with the locker room including the time female athletes are permitted to use it and the space provided.

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"It's like setting up a new chemistry wing and saying the boys get to use the new one and the girls can have the old one," Richards said. "It's still the old one. The reality is that it's the visitors' locker room. Even if they got to use it the whole year instead of just for the track season, it's still only one-quarter of the building."

Richards said he first contacted the Oldham County Board of Education to express his concerns in the fall of 2008.

He said board members have denied his requests to add the topic to the board's monthly agenda.

Instead, he spoke during the board's February meeting. When he exceeded the allotted three minutes, board members ultimately asked him to quit speaking.

Richards has contacted the KHSAA on the matter and has also filed a complaint with the U.S. Department of Education's civil rights office.

NOHS track coach James Schooler said he believes the new locker room will more than meet the needs of a growing program. Schooler expects somewhere between 45-50 athletes to join the team this year.

He's added inspirational photos on the walls and is having NOHS students paint "Lady Mustangs Track" on the locker room wall. There are two placards with Lady Mustangs track on the walls next to one entrance as well.

Schooler said each member of the team will have a locker with their name on it and the events they compete in during the season.

"We're going to fix it up and make it ours, but as it stands right now you can't get much better," Schooler said. "It gives us plenty of room and it's an area we can make our own and be proud of."

Members of the Lady Mustangs team toured the area for the first time March 1, the first day of outdoor practice.

"I am excited about this and I think everyone else is too," NOHS runner Jessica Anders said. "It feels like we are a real program now and we have a home."

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Title IX allegations are disappointing 40 years later



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To the editor:

Back in the 1970s I worked in the Detroit area as a parent volunteer implementing the guidelines of Title IX when the law was still fairly new and understandably not yet fully implemented in school systems.

I was amazed to read in the article "No Girls Allowed" that some 30 years later our Oldham County school board and school administrators still do not seem fully informed about and prepared to implement the provisions of this far reaching law.

Jane A. Lapinski
Goshen

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Issue of gender inequality for athletes at NOHS is clear

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To the editor:

I would like to thank The Oldham Era for shedding some light on the school district's inequalities with respect to gender in its athletic programs.

I also appreciate your efforts to present a balanced story by giving viewpoints from both sides of the issue. However, by closing the article with six paragraphs on how nice the recent use of the facility has been for the girls without a single mention of how the facility has been so much nicer for the boys, the pendulum swung back too far and the article seemed to lose its balance.

The facts are:

- In addition to the existing facility at SOHS, the school district built a \$1.1 million boys' facility at NOHS and a \$1.4 million boys facility at OCHS;
- Up until a month ago, the girls have been denied any use of those facilities and only now get to use one-fourth of the NOHS facility for one-half of the school year.

Those are the facts and they aren't in dispute. It would be a shame for those facts to get obscured in the interest of being balanced.

I do give the school district credit for taking a small step in the right direction, but there is a long way to go.

Dick Richards

Goshen

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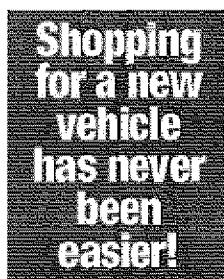
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Use of locker rooms at NOHS is a non-issue



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To the editor:

This is the third year my daughter has run for the Lady Mustangs' track and field team. Actually this year I have two girls running for the Lady Mustangs track team.

I have a few comments regarding the article in the March 18 edition of The Oldham Era.

1) You are a day late and a dollar short. Talk about being late, the girls locker room has been ready and in use since the first day of the season.

The girls have a huge, beautiful locker room with plenty of room, close access to the track, that completely meets their needs. What is the issue?

2) The school has been under construction for the past two and a half years. Tom Clemons is correct – they have made the best use of the space they had prior to having the field house completed.

3) The girls' track team does not need a girls track room during football season. As a parent I am pleased that the school makes the best use of space.

It doesn't seem prudent to have a room dedicated to a particular team that only uses that room three to four months out of a year.

Betsy Lowe

Goshen

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Kentucky High School Athletic Association

2280 Executive Drive ° Lexington, KY 40505 www.khsaa.org ° (859)299-5472 (859)293-5999 (fax)

April 10, 2010

Lisa Jarrett, Principal
North Oldham High School
1815 South Highway 1793
Goshen, KY 40026

Dear Ms. Jarrett:

Enclosed please find the final report from the KHSAA in regards to the Title IX follow-up visit that was done by Gary Lawson and myself on February 25, 2010. The purpose of this visit was to check on the progress of North Oldham High School personnel in providing female student-athletes access to the new football field house. Included in this report are the sport specific female student-athletes that will now utilize the new field house, the updates that have been made to the field house to make it more "female friendly," and an overall summary of the improvements made at North Oldham High School to improve their athletic programs.

We appreciate the time and effort that you and the other North Oldham High School personnel have put into improving the areas of concern that were noted on the Title IX re-visit report, as well as your cooperation and diligence in working with our Title IX Audit staff to complete this goal.

Please feel free to contact me at your convenience if you have any other questions and concerns.

Sincerely,

A handwritten signature in black ink that reads "Darren Bilberry". The signature is written in a cursive style with a large, looped "B".

Darren Bilberry
Assistant Commissioner

XC: Tom Clemons, North Oldham High School Athletic Director
Paul Uphurch, Oldham County Schools Superintendent
Paul Mimless, Office of Civil Rights
Brigid L. DeVries, KHSAA Commissioner

MEMO

TO: North Oldham High School Title IX File

FROM: Gary Lawson, Title IX Auditor and Assistant Commissioner Darren Bilberry

RE: Progress Report on North Oldham High School Field House Improvements

Date: April 10, 2010

Background Reasons for Visit

This partial review was intended to check the progress of North Oldham High School in providing female athletes access to the "visitor" dressing room at the football field house. The visit revealed that the girls track team, with approximately thirty (30) participants, will be using the field house dressing room during the upcoming spring sports season. School officials have completed several projects which make the dressing room much more female-friendly. These projects include, but are not limited to, the following:

- a collage of pictures of past track teams;
- a shadow box with memorabilia from a past state championship member of the North Oldham track team;
- an inspirational quote of encouragement painted on the wall;
- installation of dressing benches in front of the lockers;
- a permanent motivational message board on the entryway wall;
- several framed motivational prints emphasizing female athletes;
- magnetic name plates have been ordered for lockers of track members.

In addition to the updates to the field house, North Oldham High School has added glass display cases outside of the gym recognizing athletic accomplishments of both male and female student-athletes as well as several new banners in the gymnasium highlighting additional athletic achievements of all student-athletes.

The completion of this project appears to show a sincere effort by the school to provide equivalence in the area of *Locker Rooms, Practice and Competitive Facilities*. School officials were commended for their recent accomplishments in this area and encouraged to continue in this endeavor.

Summary

According to data received from the school and observations of KHSAA officials, all "areas of concern" designated in the Title IX audit report from the October 13, 2009 school visit have been addressed, and no further action is deemed necessary at this time.

To: Darren Bilberry
CC: Lisa Jarrett, Principal, Tom Clemons, Athletic Director, North Oldham High School
From: Gary W. Lawson
Subject: Follow-up Visit to North Oldham High School re: Title IX issues
Date: February 25, 2010

Background Reasons for Visit

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