



High School Athletic Association Kentucky

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

November 1, 2006

Mr. Jeff Perkins, Principal
Somerset High School
301 College Street
Somerset, KY 42501

Dear Mr. Perkins:

Attached is a report summarizing the issues that were identified by Gary Lawson and Dr. Fran Edwards during a visit to Somerset High School on October 24, 2006. I have read over the report and talked with the Auditors.

It appears steps are in place to correct various inequities that have existed surrounding the benefits the girl's softball program has experienced in recent years. I commend you and your school administration for addressing the elimination of these issues. We look forward to hearing that all projects have been successfully completed and that the Somerset High School girl's softball team is in a pleasant "home."

There are some requirements noted in the report and I urge you to comply with them. Should you have any questions, please do not hesitate to contact me or Mr. Lawson who wrote the report.

C: Commissioner DeVries
KHSAA-School's Title IX Master File
Gary Lawson
Dr. Fran Edwards

Sincerely,

A handwritten signature in cursive script that reads "Larry Boucher".

Larry Boucher
Assistant Commissioner

To: Larry Boucher
From: Gary W. Lawson and Dr. Fran Edwards
Subject: Title IX Issues—Somerset High School
Date: October 26, 2006

I. Background Reasons for Investigation

- A. Complaints received by KHSAA from eleven individuals involved with athletics at Somerset High School alleging long term (six or seven years) inequities in the athletic program. These inequities are mostly, although not totally, related to the provision of athletic benefits to the softball team.
- B. The above mentioned issues include, but are not limited to, the following:
1. lack of storage space for softball equipment (both for players and that used for field maintenance,
 2. lack of restroom and water facilities for the softball team,
 3. repeated promises by school administrators to upgrade the softball complex with no follow-up,
 4. provision of a PA system at the baseball field while the softball team has to borrow one from the community,
 5. almost all spending for provision of athletic benefits for softball have been provided by boosters while baseball has received most of their funding from the school district,
 6. spending approximately \$30,000 during the last school year (2005-2006) to renovate the baseball facility,
 7. failure to equitably advertise and search in the process of hiring a head girls basketball coach compared to the hiring of a head boys basketball coach.
- C. Review of school information relating to Title IX (documented at KHSAA) indicates the following.
1. The school's November 9, 1999 Title IX audit report, page 3, questions the school's rating of the softball field as being of higher quality than its baseball field on its 1999-2000 self-study of facilities.
 2. The November 9, 1999 Title IX audit report also stated that before January 2, 2000, the school was requested to consider additional improvements with respect to the softball facility. In addition to the planned changes, the school was to address other differences noted in comparison to the baseball field. "The goal should be to make the facilities as comparable as possible."
 3. According to the school's list of "Five Year Title IX Accomplishments" (1999-2004), the softball field was upgraded by the addition of a scoreboard and fence with safety guard.

4. A review of the school's spending for equipment and supplies as submitted to KHSAA over the past five years indicates that a total of \$65, 514 has been spent on baseball compared to \$23, 239 for softball.
5. A review of spending on travel and per diem as submitted to KHSAA over the five years indicates that \$8,960 has been spent for baseball on travel and per diem compared to \$5,823 for softball.
6. According to school submittals to KHSAA, coaching salaries appear to be equitable.

II. Findings of Fact—School Visit—October 24, 2006

A. Facilities Tour:

1. A tour of the baseball and softball facilities give the perception that gender inequities exist in relation to provision of benefits.
2. Almost all amenities provided at the softball field are inferior to those provided at the baseball field.
 - a. Girls dugouts are much smaller and of inferior quality needing maintenance.
 - b. The baseball field has a large brick faced backstop while the softball field backstop is chain link fencing.
 - c. Both fields have a water source and no full sprinkler systems.
 - d. Both fields have adequate lighting.
 - e. The baseball field has high quality bleacher seating for approximately 800 people while the softball field has two small sets of bleachers for about 100 people.
 - f. Both fields have PA systems owned by the school.
 - g. The baseball field has public restroom facilities while softball does not.
 - h. The baseball field has a large dressing room with full size individual wooden lockers. Softball players have no designated dressing facility.
 - i. The baseball field has a coaches office on site. The softball coaches have an office in the school building not adjacent to the field.
 - j. The baseball field has a medium size storage room adjacent to the coaches office. Softball has a large metal cabinet for storage in the coaches office.
3. A new indoor hitting facility has been constructed adjacent to the baseball field. A tour of the facility revealed that it is to be available for use very soon and will be shared by baseball and softball players with softball given priority for scheduling early times.

B. Interview with School Officials—October 24, 2006

KHSAA officials met with the school principal, athletic director, director of buildings and grounds, director of pupil personnel, and the superintendent. KHSAA officials were shown the plans and architectural drawings for a newly renovated softball facility (plan attached). These plans were approved by the Somerset Board of Education on September 12, 2006 (minutes attached). The

BG 05-027 for this project was submitted to the Department of Education on October 11, 2006 (letter attached). The planned renovation is actually to begin in December, 2006, and school officials expect to have it finished for the start of the 2006-2007 softball season. The plan, as it currently exists, calls for the following:

1. A totally new concession stand and press box housed in the same building will be added. (Press box will be on top of concession stand.)
2. Both dugouts will be replaced with the home dugout having running water, restrooms, a small dressing area, and approximately 977 square feet of equipment storage.
3. Public restrooms will be added in the concession stand.
4. A permanent PA system will be installed in the press box.
5. The softball field will keep existing lighting, outfield fence, and scoreboard.

III. Recommendations

Based on a review of the school's Title IX file, the school's November 9, 1999 Title IX report, a tour of the athletic facilities in question, and the school's proposed plans for renovation, the following steps are recommended in order to better insure the school's progress toward equity of athletic benefits

- A. On or before **February 20, 2007**, the school will submit a letter to KHSAA detailing the progress being made in regard to the renovation of the softball field. This letter should include notation as to how closely they are adhering to proposed time frame and meeting the completion date.
- B. On or before **February 20, 2007**, the school will submit a letter to KHSAA detailing an alternative plan for provision of a softball field if the new complex is not completed in time for the beginning of the 2006-07 season.
- C. The school's **April 15, 2007** annual submittal to KHSAA should include an updated progress report on the opening of the new softball field.
- D. Somerset High School should be placed on the list for full Title IX review during the **fall of 2007**. As part of this visit, the new amenities at the softball field should be closely scrutinized in regard to like facilities providing benefits to male athletes.
- E. On or before **February 20, 2007**, the school should submit to KHSAA a facility usage schedule for the new indoor baseball/softball practice facility. This schedule should be signed by the school's principal, athletic director, softball coach and baseball coach.
- F. No construction projects providing benefits to male athletes should be initiated until the current softball renovation project is completed unless student safety issues are involved.

IV. Final issue identified in complaint

KHSAA addressed the complaint related to the hiring of boys and girls head basketball coaches at Somerset High School. It would appear that the last boys basketball coach was hired during the 1999 school year. There was no search committee formed. The job was advertised in various publications and posted locally but not on the web site. The last girls basketball coach was hired during the 2005-2006 school year. The job was posted locally and advertised in various publications as well as being posted on the list server of the KHSAA website. In both cases, once applications were received, the school board policy on hiring was followed (policy attached). KHSAA officials found no indication of inequities in the hiring of the last two head basketball coaches.

RECORD OF BOARD PROCEEDINGS
(MINUTES)

Somerset, Ky., September 12, 2006

The Somerset Ind. Board of Education met at Somerset, Ky at 6:00 o'clock

P. M., on the 5th day of September 2006, with the following members present:

- (1) Paul Henderson (2) Elaine Wilson (3) Gretchen Cole
(4) Jeff Adams (5) Hobert Withers, Jr.

REGULAR MEETING

The meeting was called to order at 6:00 P.M.

SITE BASED DECISION MAKING

Copies of minutes from Site Based Decision Making Council were presented to the Board from Somerset High School, Meece Middle School and Hopkins Elementary School.

COMMUNICATION FROM CITIZENS AND DELEGATIONS

No citizens or delegations were present to address the Board.

LETTER OF THANKS

Superintendent Sears shared a letter from Julie Goodan, on behalf of the Somerset Board of Education, thanking the Rotary Club for their contribution of \$3,000 to the SKIPS Program.

DENTAL BID

(No. 1)

Dental bids were advertised by Dental Insurance Agent, Dorine Benjamin, Cumberland Valley Insurance Company. Two companies participated: Delta Dental and CompDent.

After a review of the bids, Superintendent Sears recommended Comp Dent as the dental agent for the 2006-2007 school year. Hobert Withers, Jr. moved to approve the Superintendent's recommendation. Jeff Adams seconded the motion.

The following votes were recorded: Yes 5
No 0

- CERTIFIED PERSONNEL -**Hiring****SUPERINTENDENT'S RESPONSIBILITIES**

All appointments, promotions, and transfers of certified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

When a vacancy occurs, the Superintendent shall notify the Commissioner of Education thirty (30) days before the position is to be filled.

When a vacancy needs to be filled in less than thirty (30) days to prevent disruption of necessary instructional or support services of the school District, the Superintendent may seek a waiver of the thirty (30) day advance notice requirement from the Commissioner of Education. If the waiver is approved, the appointment shall not be made until the person selected by the Superintendent has been approved by the Commissioner of Education.

EFFECTIVE DATE

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent. Certified employees may be appointed by the Superintendent for any school year at any time after February 1 preceding the beginning of the school year.

QUALIFICATIONS

The Superintendent shall employ only individuals who are certified for the positions they will hold and who possess qualifications established by law, regulation and Board policy, except in the case where no individual applies who is properly certified and/or who meets established qualifications set by Board policy.

Hiring of certified personnel who have previously retired under KTRS shall be in compliance with applicable legal requirements.²

By the end of the 2005-2006 school year, all teachers of core academic subjects shall be "highly qualified," as defined by state and federal regulation.³

CRIMINAL BACKGROUND CHECK AND TESTING

Applicants, employees, and student teachers assigned within the District shall undergo records checks and testing as required by applicable statutes and regulations.¹

Each application or renewal form provided applicants for a certified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT".¹

Hiring**CRIMINAL BACKGROUND CHECK AND TESTING (CONTINUED)**

As permitted by KRS 160.380, employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Probationary employment shall terminate on receipt of a criminal history background check documenting a record of such convictions.

JOB REGISTER

The Superintendent or the Superintendent's designee shall maintain in the Central Office a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

VACANCIES POSTED

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

When a vacancy for a teaching position occurs in the District, the Superintendent shall conduct a search to locate minority candidates to be considered for the position.

REVIEW OF APPLICATIONS

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified upon initial application. Applications for candidates not employed shall be retained for three (3) years.

RELATIONSHIPS

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.

CONTRACT

All certified personnel shall enter into annual written contracts with the District.

JOB DESCRIPTION

All employees shall receive a copy of their job description and responsibilities.

INTENT

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

Hiring

REFERENCES:

¹KRS 160.380
²KRS 161.605; 702 KAR 1:150
³P. L. 107-110 (No Child Left Behind Act of 2001)
34 CFR 200.55-200.56
KRS 17.160; KRS 17.165; KRS 160.345
KRS 160.390; KRS 161.042
KRS 161.750; KRS 405.435; 704 KAR 7:130
KRS 156.106; KRS 161.611
OAG 73-133; OAG 91-149; OAG 91-10; OAG 91-206
OAG 92-59; OAG 92-131; OAG 97-6

RELATED POLICIES:

01.11
02.4244
03.132

Adopted/Amended: 8/10/04

Order #: 8

Hiring

The following procedures shall apply in the recruitment, selection, and employment of all classified and certified personnel hired in the District.

RECRUITMENT

Recruiting shall be the responsibility of the Superintendent/designee. Efforts shall be made to recruit a quality staff to include, but not be limited to:

1. Working through placement bureaus of regional and state colleges and universities;
2. Conducting orientation meetings with students at the high school relating to future employment opportunities with the District;
3. Working with state educational associations and the state department of education;
4. Conducting recruitment programs through parent-teacher organizations; and
5. Advertising through appropriate media.

POSTING

Vacancies shall be posted in the Central Office, in each school building during the school year and in local and/or state newspapers, predetermined locations in the community; professional publications, and/or campus recruiting offices, as appropriate:

All postings at the local level shall be made within five (5) working days of each certified vacancy opening. The closing date for receiving applications shall be listed when vacancies are posted.

CERTIFIED VACANCIES

The Superintendent/designee shall notify the Chief State School Officer of the vacancy at least thirty (30) days prior to filling the position. When such a vacancy needs to be filled in less than thirty (30) days to prevent disruption of necessary instructional or support services, a waiver may be requested from the Chief State School Officer. If the waiver is approved, the appointment shall not be made until the person selected has been approved by the Chief State School Officer.

APPLICATIONS

Completed applications should be filed in the office of the Superintendent and accompanied by transcripts and certificates, as appropriate.

The Superintendent/designee shall review each application for completeness.

SELECTION FACTORS

The Superintendent/designee shall screen applicants based on the following factors:

1. Certification (when required for the position)
2. Educational background
3. Previous work experience
4. Recommendations
5. Personal characteristics exhibited during the interview process
 - a. Ability to communicate
 - b. Ability to work cooperatively with others
 - c. Applicant's educational philosophy
 - d. Knowledge of work area or subject matter
6. Results from required testing

Hiring

EMPLOYMENT

For SBDM schools, hiring shall follow statutory guidelines and the provisions of policy 02.4244, and the Superintendent shall complete the hiring process. Decisions on Central Office and District-wide personnel shall be made by the Superintendent/designee. The Superintendent shall inform the Board of the appointment of all personnel.

CONTRACT

Personnel hired by the Superintendent shall be notified of their contractual obligations by letter. The contract must be signed and returned to the Personnel Office within two (2) weeks. If not returned within this time frame, the contract may be considered null and void.

Reviewed/Revised: 8/11/98



678-7190
Doral Tom

EDUCATION CABINET
DEPARTMENT OF EDUCATION

Ernie Fletcher
Governor

Capital Plaza Tower
500 Mero Street
Frankfort, Kentucky 40601
Phone (502) 564-4770
www.education.ky.gov

Gene Wilhoit
Commissioner of Education

October 11, 2006

Mr. Wilson Sears, Jr., Superintendent
Somerset Independent Schools
305 N. College ST.
Somerset, KY 42501

**RE: BG 05-027, SOMERSET IND. – Hopkins Elementary School – Kitchen Renovation,
Window Replacement & Softball Field Improvements**

Dear Mr. Sears:

On 10/9/06 we received the following regarding the referenced project:

- Revised BG-1 and related board order.
- Proposed Owner-Architect Agreement between Somerset Independent Board of Education and Tate Hill Jacobs Architects.

By separate correspondence we will advise you regarding approval of the revised BG-1. The Owner-Architect Agreement is acceptable and approved in accordance with 702 KAR 4:160. You may execute the contract provided:

- You have a board order to do so.
- The architect furnishes completed KDE Non-Collusion Affidavits and the certificates of insurance required by Article 9 of the KDE Amendment to the Agreement, including Non-Collusion Affidavits from and certificates of professional liability insurance coverage by the architect's consultants.

Please send us a copy of the executed Agreement, the related board order, the Non-Collusion Affidavits, and the insurance certificates. If there are questions regarding KDE requirements, please call us at (502) 564-4326.

Sincerely,

Mark W. Ryles, Director
Division of Facilities Management

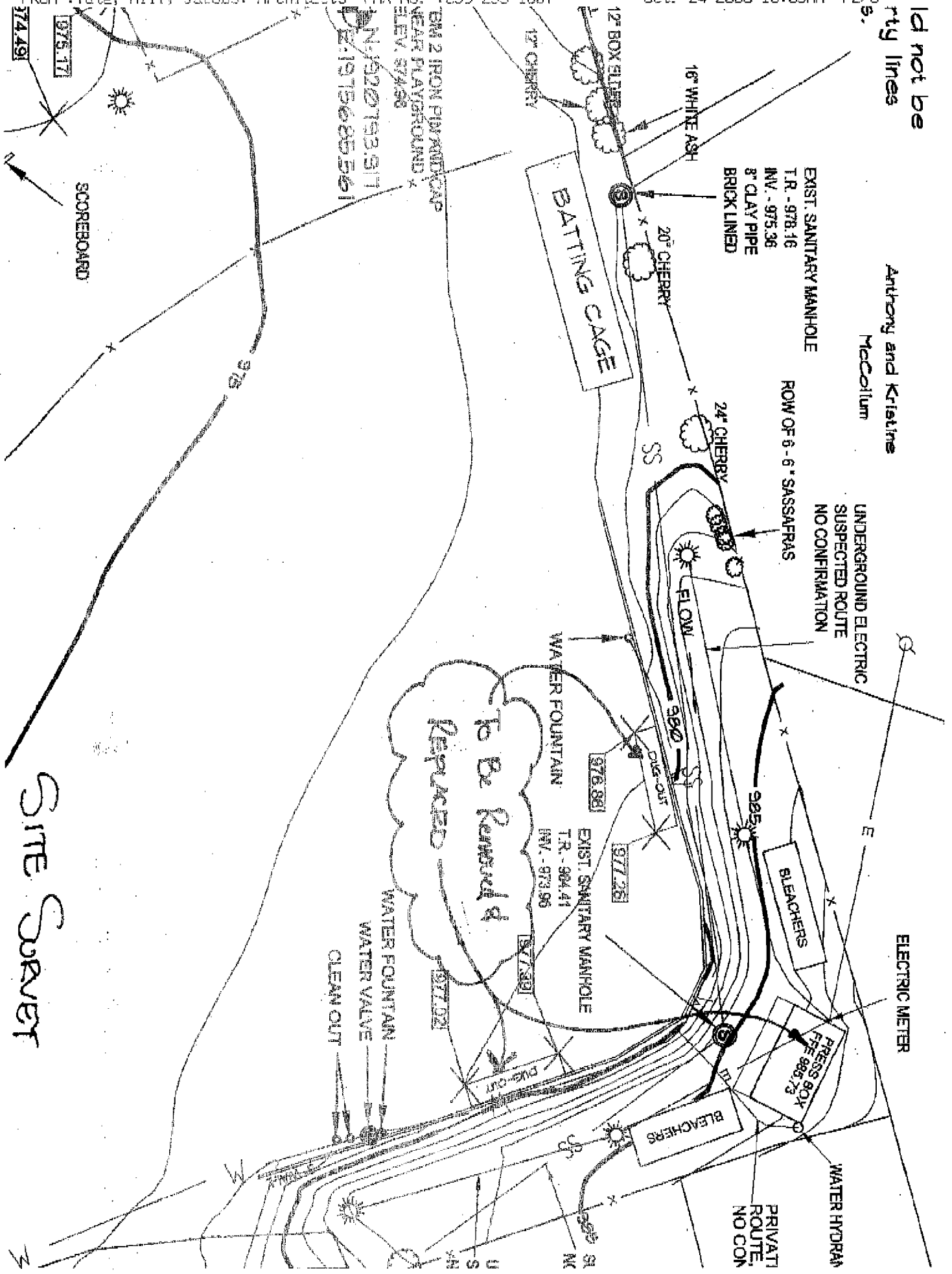
MWR/LRH

c: Tate Hill Jacobs Architects
Louis Hugg, DFM



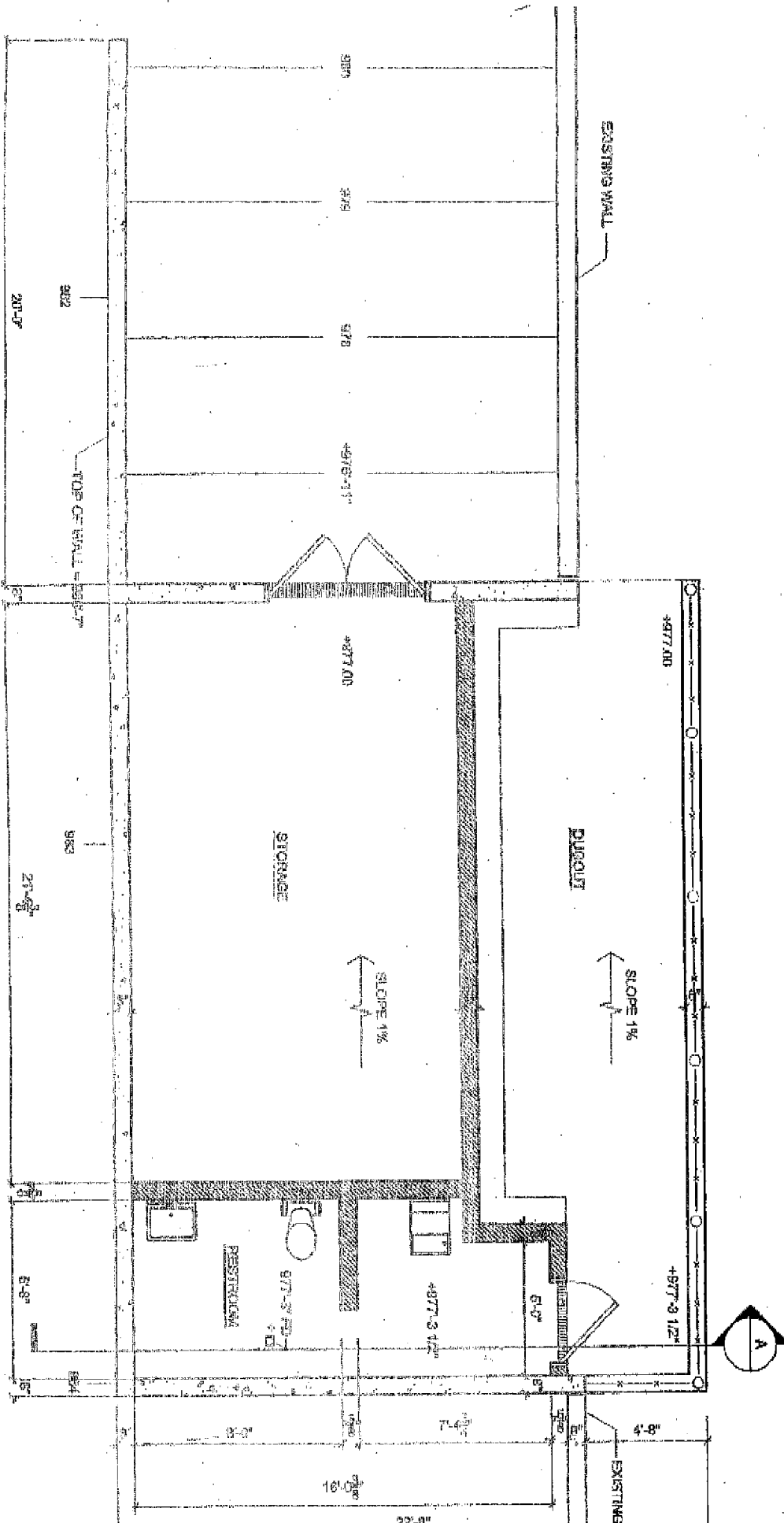
Id not be
City lines

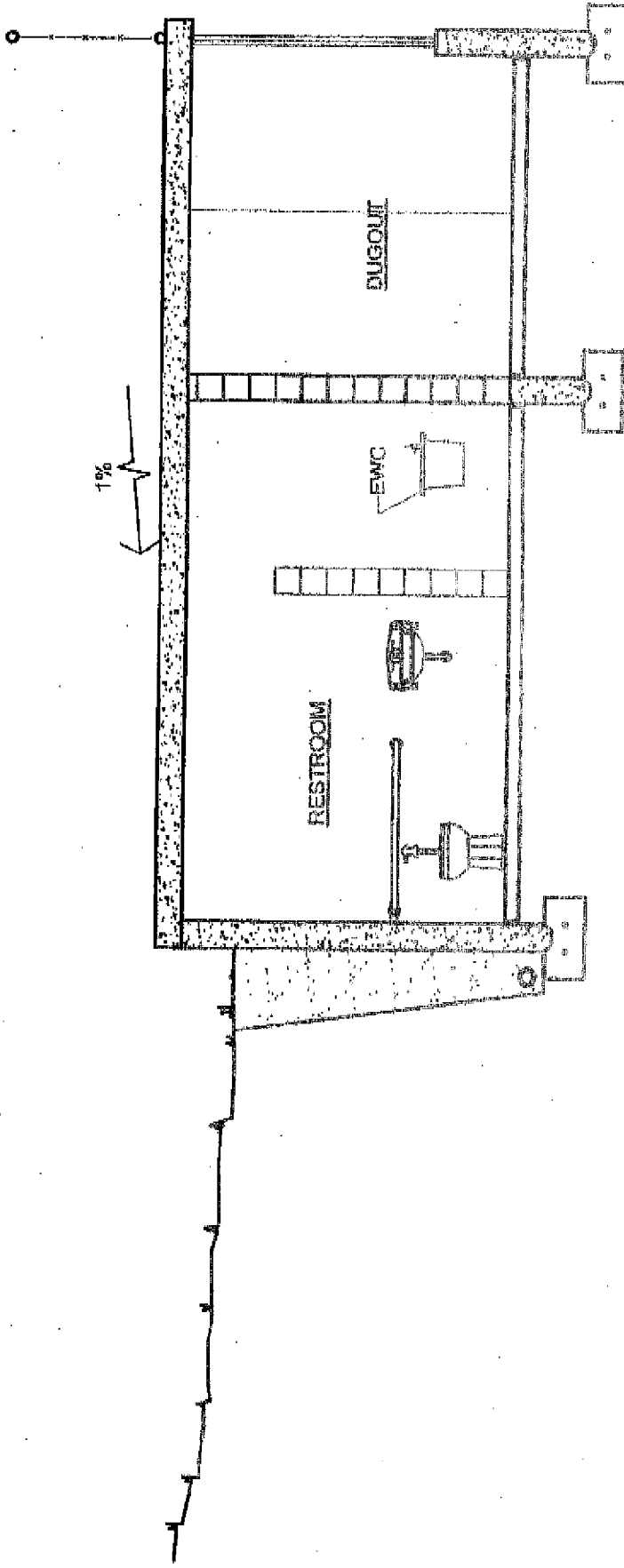
Anthony and Kristine
McCollum



DUGOUT FLOOR PLAN - HOME TEAM

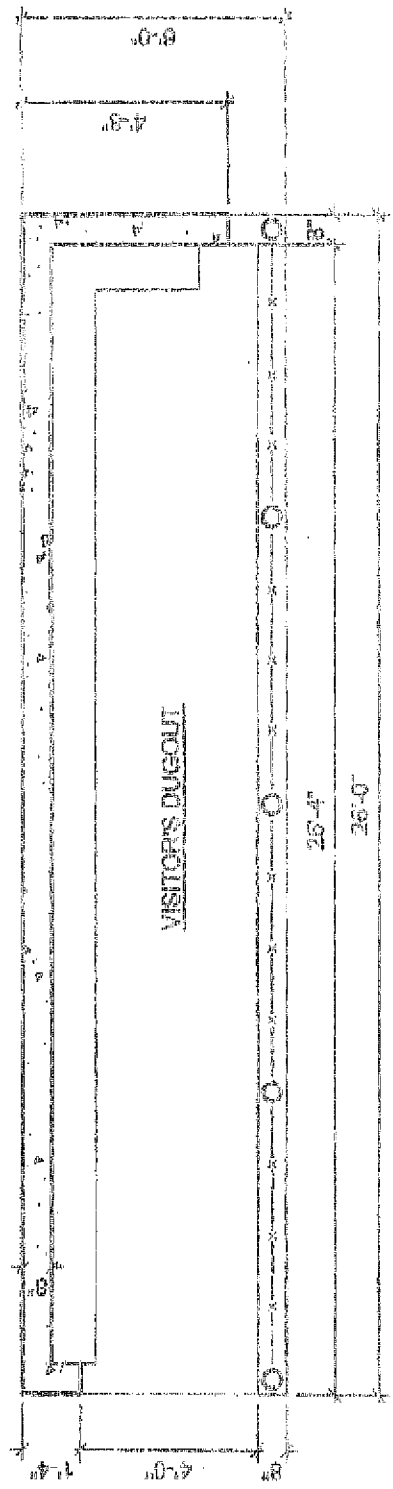
Scale: 1/4" = 1'-0"



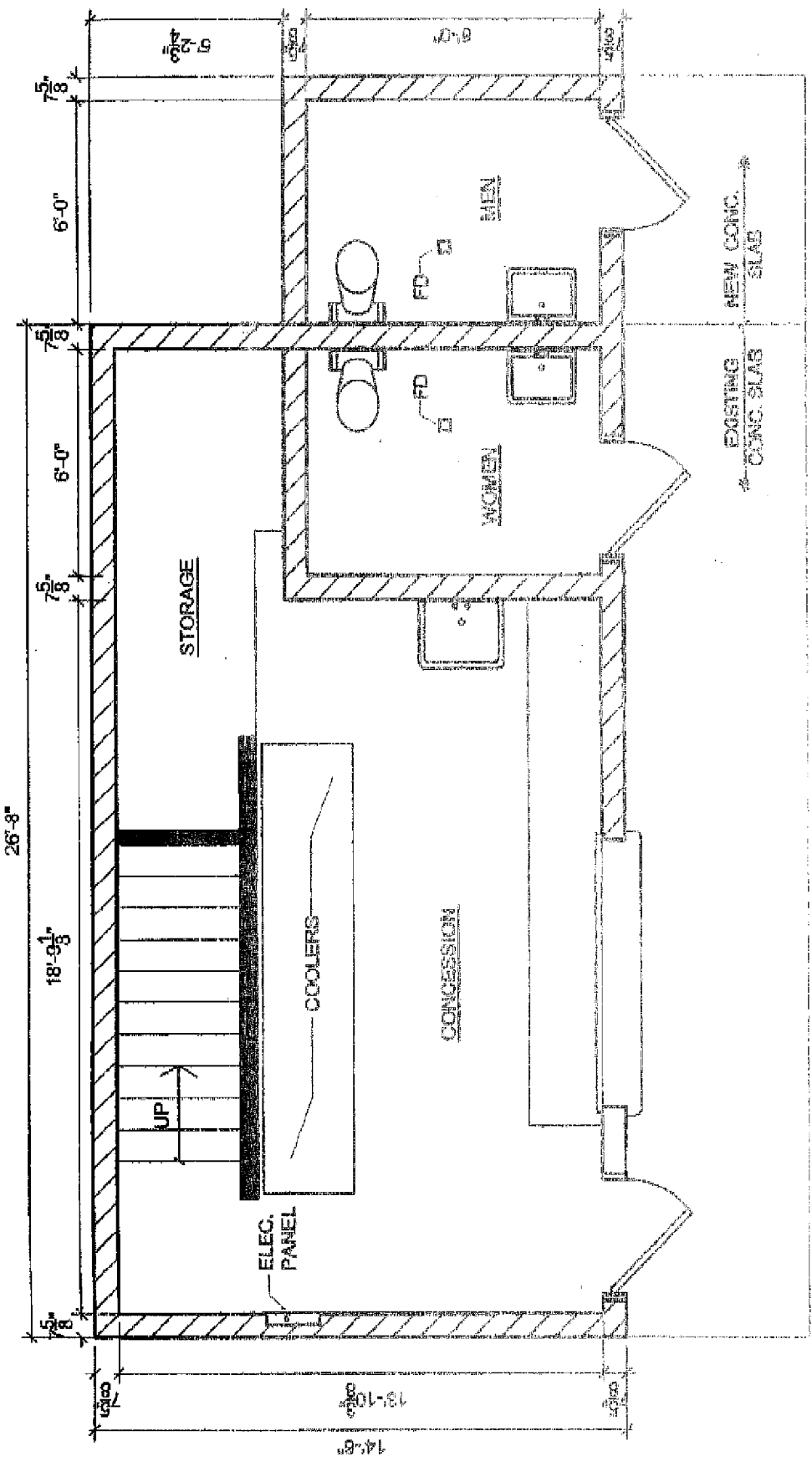


SECTION DUGOUT - HOME TEAM

Scale: 1/4" = 1'-0"

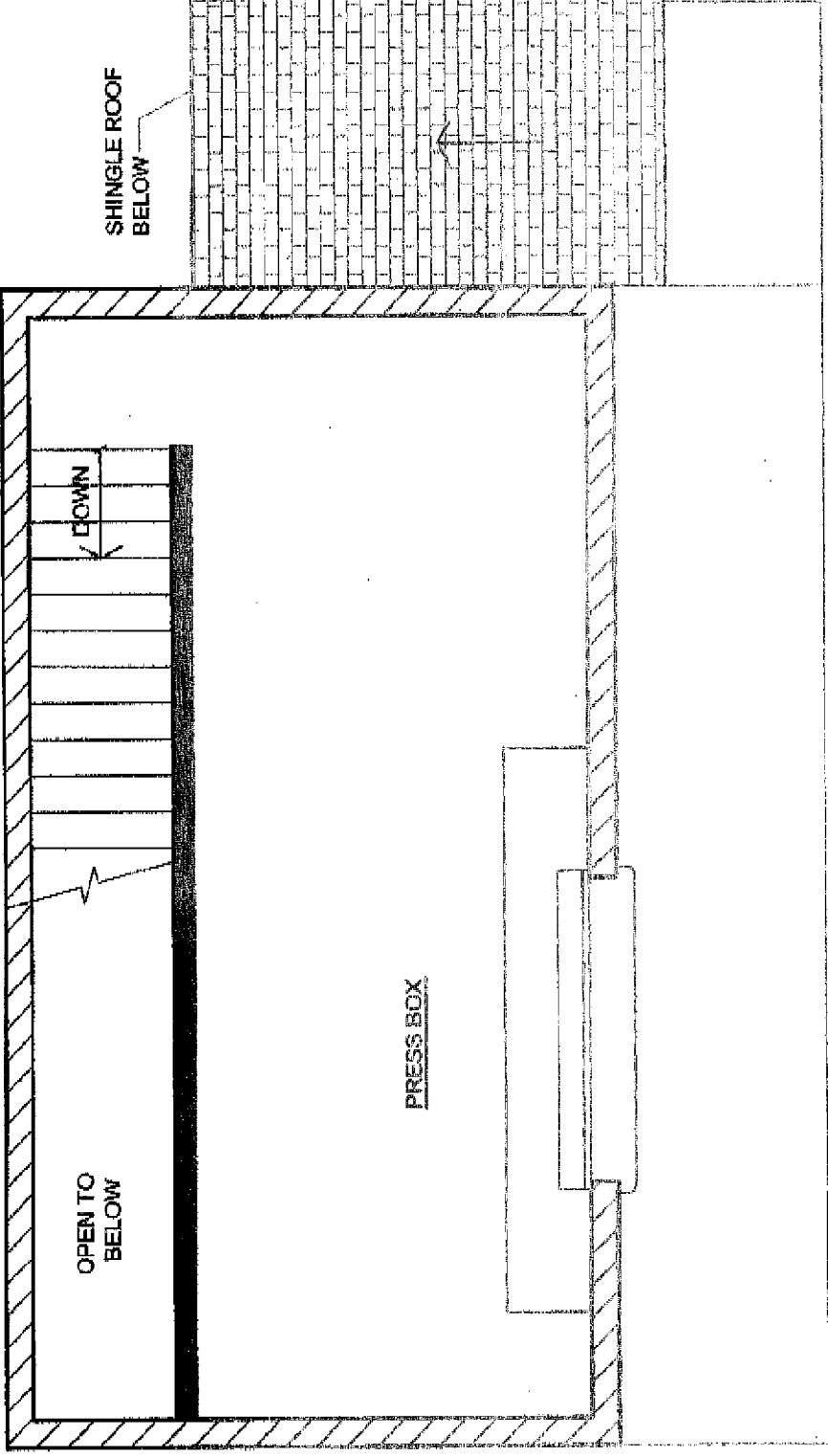


VISITOR'S DUGOUT
 Scale: 1/4" = 1'-0"



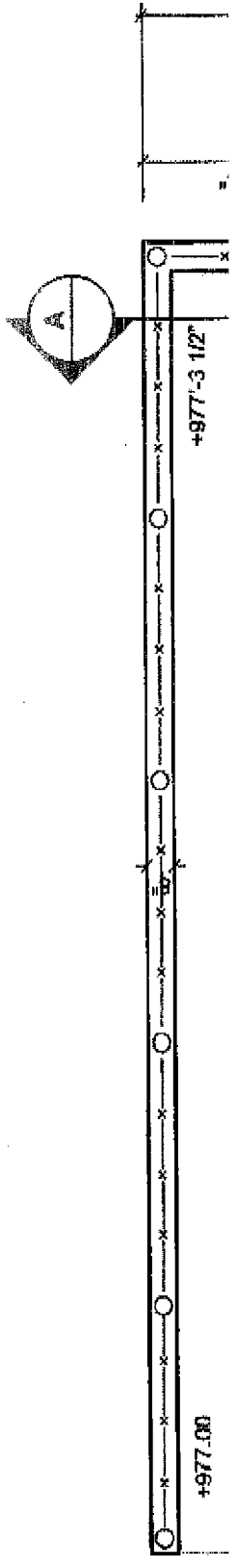
CONCESSION FIRST FLOOR PLAN

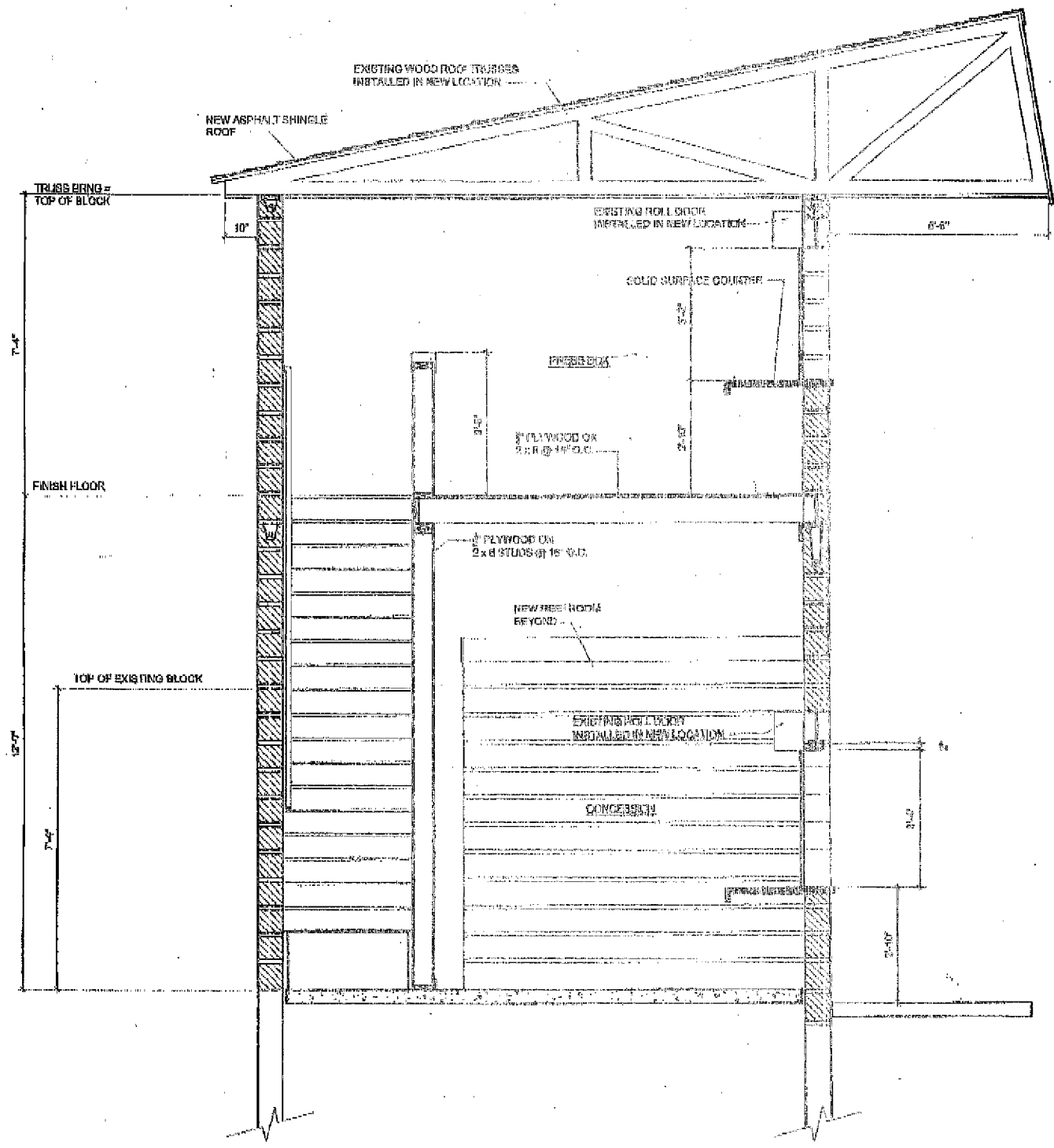
Scale: 1/4" = 1'-0"



CONCESSION SECOND FLOOR PLAN

Scale: 1/4" = 1'-0"





SECTION - CONCESSION/PRESSBOX
 Scale: 1/2" = 1'-0"

To: Larry Boucher
From: Gary W. Lawson
Subject: Title IX Issues—Somerset High School
Date: April 16, 2007

I. Background Reason for Re-visit (Investigation)

- A. KHSAA officials visited Somerset High School on October 24, 2006 in response to complaints received from eleven individuals alleging long term inequities in the athletic program. These inequities were primarily, although not totally, related to athletic benefits provided to the softball team.
- B. The visit by KHSAA on October 24, 2006, as well as a review of the school's athletic spending during the previous five years, indicated that inequities did exist in relation to amenities provided to the softball team. Most of these inequities concerned the condition of the softball field. Refer to October 24, 2006 KHSAA report for a listing of specific inequities.
- C. During the October 24, 2006 visit, KHSAA officials were shown plans and architectural drawings for scheduled renovation of the softball facility. (See plans and board minutes in October 24, 2006 KHSAA report.) The projected completion date for the renovation was the beginning of the 2006-07 softball season.

II. Findings of Fact—April 13, 2007 School Re-visit

- A. The April 13, 2007 re-visit to Somerset High School revealed that the softball renovation was basically complete. The project includes the following improvements in the provision of benefits.
 - 1. Newly poured concrete and concrete block dugouts are provided.
 - 2. There is a private restroom and small dressing area as part of the home team dugout.
 - 3. A large concrete block storage building adjacent to the home team dugout for softball use only has been constructed.
 - 4. A recently renovated chain link back stop has been erected.
 - 5. A water source for the field and a water fountain for players is now provided.
 - 6. A well appointed and user friendly press box has been built. The lower level of the press box consists of large public restrooms and a concession stand. The upper level of the press box is spacious and provides a good viewing area as well as a new public address system.

7. New fencing and sodding has been added on the sides of the field in the areas around dugouts.
 8. The existing lighting system, outfield fence, and electric scoreboard remain from the old field. They appear to be operational and adequate.
 9. Softball players are provided a dressing area in the gymnasium. (The baseball field has a dressing area at the field, but that field is an off-campus facility while the softball field is on-campus near the high school.)
- B. The April 13, 2007 re-visit to Somerset High School revealed that the improvements recommended by KHSAA in the October 24, 2006 report have been made. School officials are to be commended for working in a timely and efficient manner and in a cooperative spirit to provide equitable athletic benefits to their student athletes.

April 27, 2006

To Whom It May Concern::

We, as parents of the Somerset High School girls' softball players, have some concerns about our softball facilities. Our softball field is located behind Somerset High School on the same property as Hopkins School in Somerset, Kentucky.

Some of us have been involved with the program for six or seven years and every year we have asked for bathrooms and running water. Last year they did install a water line that provides water to one drinking fountain located at the end of the third base dugout. Also, a spigot was installed in front of the old concession stand. There has been no access to water in years prior.

Since practice started in February our coaches have had to haul everything back and forth from their homes to the practice field since we have nowhere to store anything. That's not just playing equipment; it also includes a lawn mower, a drag, equipment to line the fields, bags of lime, diamond dry, etc. We are not allowed to leave anything in the concession wagon, it also has to be hauled back and forth every game as we have no storage facility. The current building that included a small concession area and a storage room has been broken into repeatedly all last summer. Everything we had was stolen or destroyed. Locks have been changed numerous times and apparently there is not a door or lock available that can keep our equipment safe.

An article in last year's Commonwealth Journal reported that over \$30,000 was spent to renovate the boys' baseball facility, located at a different site, adjacent to Meece Middle School, about ½ mile away from our softball field. I don't know the cost of running the water line at the softball field, the cost of the drinking fountain nor the cost of the spigot but I hardly think it compares to \$30,000+.

This year at a meeting in February 2006, the Title IX Committee was told that we would be getting a building at the softball field that would house restrooms and storage. They would bring in a Pepsi wagon for concessions and there would be no press box. Construction was supposed to start, it didn't. Every couple of weeks the Title IX Committee parent representative (who happens to have a daughter playing softball) would ask questions about the progress or should I say non-progress of the construction, and was told it would start soon. Meanwhile, at the baseball field, a batting facility was being constructed, to the tune of \$80,000+. We were told it was a baseball/softball batting cage and we would have equal access. That is all well and good but we think bathrooms for the softball field should have been a priority. When we questioned it we were told that the baseball parents had gotten most of the money donated although that has never been confirmed and money for our softball building was out of a different fund. Building paperwork and forms were completed and awaiting signatures for our building. Construction still did not start. Then we were told that it would be up and ready by the time we came back to school after spring break. The A.D. reported to the parent

representative that the superintendent didn't understand why our building wasn't started, and he told the contractor to make it a priority. We also had our 3rd and final mandatory meeting of the year the Tuesday after spring break, April 11, 2006. At that time the annual report had been completed and it was reviewed. The parent representative was told that the building would have to be put off until next year. The contractor who was going to build it could not do it for the price originally quoted (which was \$20,000). The school made a decision that they would do it up "right" and it would not only have bathrooms and storage but also a concession stand and a press box and this has been included in the annual report. However on the annual report it shows that \$40,000 was spent to improve softball facilities, which constitutes half of the new batting facility, which is located ½ mile away from our field. The new batting facility was constructed by the same contractor who was supposed to have done the softball building. With the amount of money that was spent to upgrade the baseball facilities last year, we don't see how they could justify spending another \$80,000+ on the boys' facilities when we still don't have bathrooms.

We had trouble for 5 years just trying to get a P.A. system. We had to borrow one from city parks and recreation in order for the school principal to announce our seniors on Senior Night. Meanwhile at the baseball field they had a P.A. system and an announcer to play music and announce the starting line-ups. It is a sad history and we've been frustrated for years. And all we seem to get is lip service. Or we are told that it's much worse other places. We don't care about other places; we just want to be treated equally here at our own "house". If they spend \$30,000+ renovating the baseball field, then we feel the least they can do is make good on their empty promises and build us bathroom facilities. It's not asking for the moon, just bathroom facilities without a "moon" on the door.

I am listing the donations made to the softball program by parents since 1990:

Lights – 48 fixtures with bulbs	\$11,000
Light poles – 8 (65')	\$ 8,000
Batting cage with net	\$ 2,500
Pitching machine	\$ 1,800
Spike Drag	\$ 350
Uniforms (25)	\$ 2,500

All donated at no charge. Poles delivered and set by East Kentucky Power, no charge. Lights wired and checked no charge. Crane to aim lights, no charge. Seventeen tons of brick dust donated and delivered no charge. The booster club raised the entire cost of the home-run fence.

As you can see there wasn't much left to provide besides playing equipment. Everyone involved in girls softball has tried to give the girls what they deserve, the best place to play, period. Too bad our school doesn't feel the same way.

In a somewhat related matter, our school is in the process of hiring a girls' basketball coach. However this job was not posted on the KHSAA website, it was posted on the

bulletin board outside the superintendent's office. A committee was formed and a search was made when they hired a boys' basketball coach several years ago. Why wasn't a committee formed for the girls' coaching position? Why wasn't the job posted on the website with other job openings?

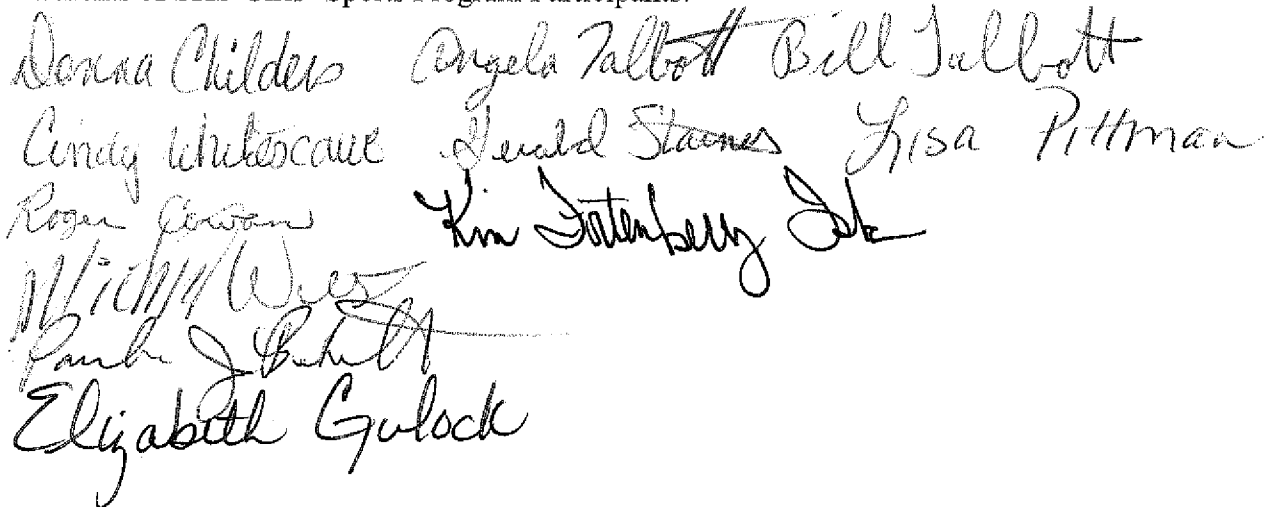
These are the issues and concerns that we have. Where do we go from here? What do we do next? What options, if any, are available to us? Unanswered questions... I sincerely hope we can work together to answer those questions. For our daughters' futures and their daughters'.

Respectfully yours,



Tanya Cowan
Basketball, Softball and Track parent, President of Girls' Basketball Boosters 2004-2005, 2005-2006, Title IX Committee Parent Representative 2004-2005, 2005-2006
430 College Street
Somerset, KY 42501
(606) 679-2066

Parents of SHS Girls' Sports Program Participants:





High School Athletic Association Kentucky

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

April 27, 2007

Mr. Jeff Perkins, Principal
Somerset High School
Somerset, KY

Dear Mr. Perkins:

With this letter, I am submitting a copy of the recent report written by Kentucky High School Athletic Association Title IX Auditor Mr. Gary Lawson. Mr. Lawson was a part of the audit team involved in the review of your efforts to upgrade the softball complex at your high school.

As you will be able to see, Mr. Lawson has given Somerset High School high marks for your accomplishments in upgrading the Somerset High School softball complex. Through a lot of diligence and oversight by you and your staff, these upgrades were accomplished in time to start the 2006-07 softball season. Please accept our commendation for addressing these efforts to further enhance gender equity at your high school.

We will include these findings in your permanent Title IX File here at the KHSAA.

Enclosure

Sincerely,

A handwritten signature in black ink that reads "Larry Boucher". The signature is written in a cursive style.

Larry Boucher
Assistant Commissioner

To: Larry Boucher
From: Gary W. Lawson
Subject: Title IX Issues—Somerset High School
Date: April 16, 2007

I. Background Reason for Re-visit (Investigation)

- A. KHSAA officials visited Somerset High School on October 24, 2006 in response to complaints received from eleven individuals alleging long term inequities in the athletic program. These inequities were primarily, although not totally, related to athletic benefits provided to the softball team.
- B. The visit by KHSAA on October 24, 2006, as well as a review of the school's athletic spending during the previous five years, indicated that inequities did exist in relation to amenities provided to the softball team. Most of these inequities concerned the condition of the softball field. Refer to October 24, 2006 KHSAA report for a listing of specific inequities.
- C. During the October 24, 2006 visit, KHSAA officials were shown plans and architectural drawings for scheduled renovation of the softball facility. (See plans and board minutes in October 24, 2006 KHSAA report.) The projected completion date for the renovation was the beginning of the 2006-07 softball season.

II. Findings of Fact—April 13, 2007 School Re-visit

- A. The April 13, 2007 re-visit to Somerset High School revealed that the softball renovation was basically complete. The project includes the following improvements in the provision of benefits.
 - 1. Newly poured concrete and concrete block dugouts are provided.
 - 2. There is a private restroom and small dressing area as part of the home team dugout.
 - 3. A large concrete block storage building adjacent to the home team dugout for softball use only has been constructed.
 - 4. A recently renovated chain link back stop has been erected.
 - 5. A water source for the field and a water fountain for players is now provided.
 - 6. A well appointed and user friendly press box has been built. The lower level of the press box consists of large public restrooms and a concession stand. The upper level of the press box is spacious and provides a good viewing area as well as a new public address system.

7. New fencing and sodding has been added on the sides of the field in the areas around dugouts.
 8. The existing lighting system, outfield fence, and electric scoreboard remain from the old field. They appear to be operational and adequate.
 9. Softball players are provided a dressing area in the gymnasium. (The baseball field has a dressing area at the field, but that field is an off-campus facility while the softball field is on-campus near the high school.)
- B. The April 13, 2007 re-visit to Somerset High School revealed that the improvements recommended by KHSAA in the October 24, 2006 report have been made. School officials are to be commended for working in a timely and efficient manner and in a cooperative spirit to provide equitable athletic benefits to their student athletes.



High School Athletic Association Kentucky

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

November 1, 2006

Mr. Jeff Perkins, Principal
Somerset High School
301 College Street
Somerset, KY 42501

Dear Mr. Perkins:

Attached is a report summarizing the issues that were identified by Gary Lawson and Dr. Fran Edwards during a visit to Somerset High School on October 24, 2006. I have read over the report and talked with the Auditors.

It appears steps are in place to correct various inequities that have existed surrounding the benefits the girl's softball program has experienced in recent years. I commend you and your school administration for addressing the elimination of these issues. We look forward to hearing that all projects have been successfully completed and that the Somerset High School girl's softball team is in a pleasant "home."

There are some requirements noted in the report and I urge you to comply with them. Should you have any questions, please do not hesitate to contact me or Mr. Lawson who wrote the report.

C: Commissioner DeVries
KHSAA-School's Title IX Master File
Gary Lawson
Dr. Fran Edwards

Sincerely,

A handwritten signature in black ink that reads "Larry Boucher". The signature is written in a cursive style.

Larry Boucher
Assistant Commissioner

To: Larry Boucher
From: Gary W. Lawson and Dr. Fran Edwards
Subject: Title IX Issues—Somerset High School
Date: October 26, 2006

I. Background Reasons for Investigation

- A. Complaints received by KHSAA from eleven individuals involved with athletics at Somerset High School alleging long term (six or seven years) inequities in the athletic program. These inequities are mostly, although not totally, related to the provision of athletic benefits to the softball team.
- B. The above mentioned issues include, but are not limited to, the following:
1. lack of storage space for softball equipment (both for players and that used for field maintenance,
 2. lack of restroom and water facilities for the softball team,
 3. repeated promises by school administrators to upgrade the softball complex with no follow-up,
 4. provision of a PA system at the baseball field while the softball team has to borrow one from the community,
 5. almost all spending for provision of athletic benefits for softball have been provided by boosters while baseball has received most of their funding from the school district,
 6. spending approximately \$30,000 during the last school year (2005-2006) to renovate the baseball facility,
 7. failure to equitably advertise and search in the process of hiring a head girls basketball coach compared to the hiring of a head boys basketball coach.
- C. Review of school information relating to Title IX (documented at KHSAA) indicates the following.
1. The school's November 9, 1999 Title IX audit report, page 3, questions the school's rating of the softball field as being of higher quality than its baseball field on its 1999-2000 self-study of facilities.
 2. The November 9, 1999 Title IX audit report also stated that before January 2, 2000, the school was requested to consider additional improvements with respect to the softball facility. In addition to the planned changes, the school was to address other differences noted in comparison to the baseball field. "The goal should be to make the facilities as comparable as possible."
 3. According to the school's list of "Five Year Title IX Accomplishments" (1999-2004), the softball field was upgraded by the addition of a scoreboard and fence with safety guard.

4. A review of the school's spending for equipment and supplies as submitted to KHSAA over the past five years indicates that a total of \$65, 514 has been spent on baseball compared to \$23, 239 for softball.
5. A review of spending on travel and per diem as submitted to KHSAA over the five years indicates that \$8,960 has been spent for baseball on travel and per diem compared to \$5,823 for softball.
6. According to school submittals to KHSAA, coaching salaries appear to be equitable.

II. Findings of Fact—School Visit—October 24, 2006

A. Facilities Tour:

1. A tour of the baseball and softball facilities give the perception that gender inequities exist in relation to provision of benefits.
2. Almost all amenities provided at the softball field are inferior to those provided at the baseball field.
 - a. Girls dugouts are much smaller and of inferior quality needing maintenance.
 - b. The baseball field has a large brick faced backstop while the softball field backstop is chain link fencing.
 - c. Both fields have a water source and no full sprinkler systems.
 - d. Both fields have adequate lighting.
 - e. The baseball field has high quality bleacher seating for approximately 800 people while the softball field has two small sets of bleachers for about 100 people.
 - f. Both fields have PA systems owned by the school.
 - g. The baseball field has public restroom facilities while softball does not.
 - h. The baseball field has a large dressing room with full size individual wooden lockers. Softball players have no designated dressing facility.
 - i. The baseball field has a coaches office on site. The softball coaches have an office in the school building not adjacent to the field.
 - j. The baseball field has a medium size storage room adjacent to the coaches office. Softball has a large metal cabinet for storage in the coaches office.
3. A new indoor hitting facility has been constructed adjacent to the baseball field. A tour of the facility revealed that it is to be available for use very soon and will be shared by baseball and softball players with softball given priority for scheduling early times.

B. Interview with School Officials—October 24, 2006

KHSAA officials met with the school principal, athletic director, director of buildings and grounds, director of pupil personnel, and the superintendent. KHSAA officials were shown the plans and architectural drawings for a newly renovated softball facility (plan attached). These plans were approved by the Somerset Board of Education on September 12, 2006 (minutes attached). The

BG 05-027 for this project was submitted to the Department of Education on October 11, 2006 (letter attached). The planned renovation is actually to begin in December, 2006, and school officials expect to have it finished for the start of the 2006-2007 softball season. The plan, as it currently exists, calls for the following:

1. A totally new concession stand and press box housed in the same building will be added. (Press box will be on top of concession stand.)
2. Both dugouts will be replaced with the home dugout having running water, restrooms, a small dressing area, and approximately 977 square feet of equipment storage.
3. Public restrooms will be added in the concession stand.
4. A permanent PA system will be installed in the press box.
5. The softball field will keep existing lighting, outfield fence, and scoreboard.

III. Recommendations

Based on a review of the school's Title IX file, the school's November 9, 1999 Title IX report, a tour of the athletic facilities in question, and the school's proposed plans for renovation, the following steps are recommended in order to better insure the school's progress toward equity of athletic benefits

- A. On or before **February 20, 2007**, the school will submit a letter to KHSAA detailing the progress being made in regard to the renovation of the softball field. This letter should include notation as to how closely they are adhering to proposed time frame and meeting the completion date.
- B. On or before **February 20, 2007**, the school will submit a letter to KHSAA detailing an alternative plan for provision of a softball field if the new complex is not completed in time for the beginning of the 2006-07 season.
- C. The school's **April 15, 2007** annual submittal to KHSAA should include an updated progress report on the opening of the new softball field.
- D. Somerset High School should be placed on the list for full Title IX review during the **fall of 2007**. As part of this visit, the new amenities at the softball field should be closely scrutinized in regard to like facilities providing benefits to male athletes.
- E. On or before **February 20, 2007**, the school should submit to KHSAA a facility usage schedule for the new indoor baseball/softball practice facility. This schedule should be signed by the school's principal, athletic director, softball coach and baseball coach.
- F. No construction projects providing benefits to male athletes should be initiated until the current softball renovation project is completed unless student safety issues are involved.

IV. Final issue identified in complaint

KHSAA addressed the complaint related to the hiring of boys and girls head basketball coaches at Somerset High School. It would appear that the last boys basketball coach was hired during the 1999 school year. There was no search committee formed. The job was advertised in various publications and posted locally but not on the web site. The last girls basketball coach was hired during the 2005-2006 school year. The job was posted locally and advertised in various publications as well as being posted on the list server of the KHSAA website. In both cases, once applications were received, the school board policy on hiring was followed (policy attached). KHSAA officials found no indication of inequities in the hiring of the last two head basketball coaches.

February 22, 2007

Somerset Independent Schools
HOPKINS ELEMENTARY SCHOOL
BG-05-027

Progress Meeting #1 Agenda

- I. Meeting Minutes from February 19 meeting issued electronically on January 17, 2007.
- II. Contractor's Report
 - A. Past Progress / Planned Work
 - B. Contractor's Construction Schedule
 - C. Conformance with Schedule: Substantial Completion Deadlines:
 - Phase One – March 23, 2007 \$100/day damages
 - Phase Two – July 11, 2007 \$200/day damages
 - Phase Three – August 1, 2007. \$100/day damagesAdditional time requests for February (if applicable) to be submitted by 3-8-07.
- III. Shop Drawings/Product Deliveries/Testing/Inspections/Closeout Documents.
 - A. Delivery dates: Are there any material lead-time problems?
 - B. Critical Path submittal concerns
 1. Fence submittals (softball field)
 2. Cabinetry (counter tops – softball)
 3. Sprinkler System
 4. Terrazzo – with sample
 - C. Rejected/Problem Submittals
 1. Steel submittals – Verify limits of new raised roof area at Kitchen – field verify.
 2. Steel submittals – Field conditions where new posts must attach to existing angle
 3. Roof Shingles – need literature on underlayment
 4. Fiber Cement – need literature on air barrier, verification on flashing & sealant
 - D. Submittals under A/E review
 1. Plumbing Fixtures, water heaters, misc – **RETURNED TODAY**
 2. Aluminum Windows – **RECEIVED TUESDAY (2.20.07)** missing paint color for panel
 3. Window Blinds – selecting color today.
 4. Walkway Cover – material sample received, but no literature or drawings.
 5. Food Service: THJ review complete; forwarded to Joby Smith on 9.18.07; will go to STW next.
 - E. Submittals requiring agency approval: **(verbal/e-mail receipt of "conditional approval" from HBC on softball field)**
 - F. Fire Alarm – has it been sent to HBC?
 1. Sprinkler
 2. Range Hood
 - G. Testing:
 1. Soil: none received.
 2. Concrete strength: Concrete test results indicate conformance –**Core test of in place grout**
 - H. Agency Inspections
 1. Wes Finley
 2. Plumbing
 3. Electrical
 - I. Record Drawings:
 1. Have any entries been made?
 - F. Mock-Ups / Samples / Special Call Meetings.
 1. Date for Pre-Roofing Conference
 2. Date to meet with Rosa Tile – need sample of "matching terrazzo"
 3. Color match for above ground waterproofing.

RFI's : Has anyone asked a question and not received an answer?

1. none recorded that were not associated with storm sewer piping

V. **Supplemental Instructions - Document Clarifications (no impact on contract cost or time).**
None Recorded – other than confirmation of concession stand sill/head heights.

VI. **Proposal Requests**

1. PR-1. Sanitary Sewer. Current price is \$15,867.75. Waiting on City to camera the line. Verify Owner acceptance to provide brick dust.
2. PR-2. Audio/Visual doorbell. Issued on 1-22-07. No response to date.
3. PR-3. Increase Opening width of press box window. \$8,865.35 – Owner declines – too costly

VII. **Change Orders:**

1. None issued, none approved to date.

VIII. **Old Business**

IX. **New Business**

1. Need for additional structural member in Kitchen.

X. **Owner's Issues / Other Contracts**

1. Contractor coordinaton with ACM to coordinate asbestos abatement
2. Owner issues related to evacuation kitchen
3. Owner issues related to temporary food service delivery program
4. Need to have new sanitary storm sewer easement filed. Identify process.

XI. **Review Contractor's Application for Payment**

- A. Contractor's Application for Payment

XII. **NEXT MEETING DATE: TUESDAY MARCH 20, 10:30 AM**

D.W. Wilburn company specified on 2/23/07 (verbally) that the entire softball project was 65% completed & After the sewer issue is addressed the rest of the work will proceed rapidly.

*Cloyd J. Bezard
Somerset Schools
Facilities Director*

OK.

approved - 3-1-06

*Softball
Field*



Kentucky High School Athletic Directors Association

Bob Tucker - 606 875-8365 all

TO _____

DATE _____

FROM _____

SUBJECT _____

Gay - Here is a copy of practice schedule. Jeff Perkins was calling Jerry B. about softball field. Construction company is signing document stating everything about facility!
Bob

March 2007

April 2007

O/K
 Aug - ~~3-1-07~~

Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	Feb 26	27	28	1	2	3 So 9-11 Ba 12-2	1	2	Baseball 4-4 6:30 Softball 6:30-9:00	5	6	7 So 9-11 Ba 12-2	
		Softball 4-6:30 Baseball 6:30-9:00											
	4	5	6	7 Baseball 8 4:00-6:30	10 Sat 9-11 Ba 12-2	8	9	10 Softball 11 4-6:30 12	13	14 So 9-11 Ba 12-2			
			Softball 6:30-9:00					Baseball 6:30-9:00					
	11	12	13	14 6:30	15	16	17 9-11 Ba 12-2	18	19 Baseball 18 4-6:30 Softball 6:30-9:00	20	21 So 9-11 Ba 12-2		
			Softball 4-6:30	Baseball 6:30-9:00									
	18	Baseball 20 4:00-6:30	21	22	23	24 So 9-11 Ba 12-2	22	23	24 Softball 25 4-6:30 26	27	28 So 9-11 Ba 12-2		
		Softball 6:30-9:00							Baseball 6:30-9:00				
	25	26	27	28 4-6:30	29	30	31 5 9-11 Ba 12-2	29	30				
			Softball 4-6:30	Baseball 6:30-9:00									

May 2007

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	Baseball 2 4:00-6:30				4	5 So 9-11
	Softball 6:30-9:00					Ba 12-2
6	7	Softball 4:00-6:30	10	11	12 So 9-11 Ba 12-2	
	Baseball 6:30-9:00					
13	14	15	16	Baseball 4-6:30 8		19 So 9-11 Ba 12-2
		Softball 6:30-9:00				
20	21	22 Softball 23 4:00-6:30	25	26 So 9-11 Ba 12-2		
		Baseball 6:30-9:00				
27	28	29	30	31 6:30		
		Baseball 4:00-6:30	Softball 6:30-9:00			

"Hitting Facility" Schedule

THE Somerset H.S. Baseball/Softball
 Teams will be using the facility at
 the above times/dates.

Anyone using this facility or any
 changes to the schedule must contact "Somerset
 Athletic Director" - Bob Tucker

Content-class: urn:content-classes:message

Subject:

Date: Thu, 1 Mar 2007 12:00:34 -0500

Thread-Index: AcdcIyC9gXAJRykVTfaiCHeBM3Tfnw==

From: "Tucker, Robert" <Robert.Tucker@Somerset.kyschools.us>

To: "Larry Boucher" <lboucher@khsaa.org>

Return-Path: Robert.Tucker@Somerset.kyschools.us

Larry

Per your request, Somerset High School softball has made arrangements to play the first 2 weeks away from home if our softball field is not completed by completion date. We are currently on schedule and would not need to change our softball schedule.

Thank you,
Bob Tucker, AD