

Kentucky High School Athletic Association

Memorandum

To: Superintendent, Principal, & Athletic Director

Date: February 3, 2000

From: Louis Stout, Commissioner *Louis Stout*

Subject: Preliminary Summary Report of Title IX Visit and Audit

Enclosed please find a copy of the Summary Report regarding the recent Title IX Compliance visit to your school/school district. Included in this report are such things as a list of those attending the meeting, a brief summary of the information discussed and some compliance issues that individual schools /districts may need to address. Any questions or clarifications regarding this report may be addressed to KHSAA staff members present at the meeting.

The final report on Title IX Compliance will be issued following the June 30, 2000 deadline when all audit forms and compliance information is due to the KHSAA Office.

LS/ps

Enclosure

Kentucky High School Athletic Association

TITLE IX VISIT AND AUDIT

PRELIMINARY REPORT

**School: Henry Clay High School
Lexington, Kentucky**

Date: December 14, 1999

On Tuesday, December 14, 1999, representatives of The Kentucky High School Athletic Association met with representatives of Henry Clay High School in Lexington, Kentucky. This meeting was scheduled prior to the visit and held for the purpose of discussing/reviewing Title IX requirements related to athletic programs at the school. Those present were:

Louis Stout	KHSAA Commissioner
Brigit Derives	KHSAA Executive Assistant Commissioner
Danny Reeves	KHSAA Attorney
Greg Holt	Athletic Director/Title IX Chairperson
Reggie Palmore	Parent
Patty Zborowski	Parent
Diane Woods	Principal
Herb Hammond	Teacher/Baseball Coach
Amy Palmer	Counselor
Scott Cromwell	Girls' Basketball Coach
Tricia Spaulding	Student/Softball Player
Grant Robinson	Associate Principal
Linda Kelley	Teacher/Cross Country Coach

Two members of the school's committee (Mary Witt/Parent and Scott Cromwell/Teacher and Girls' Basketball Coach) were not in attendance. As of December 14th, the committee has held one meeting. Minutes of the meeting were not provided to us.

The meeting commenced at approximately 2:30 p.m. EST. Not all of the above-listed persons were present at the time the meeting commenced. Likewise, several of those present at the beginning of the meeting were unable to remain for the entire meeting. Due to a prior commitment, Commissioner Stout was unable to attend the initial portion of the meeting. However, he joined Ms. DeVries and Danny Reeves for the Public Comment session, which began at approximately 6:30 p.m.

At the outset of the meeting, the Henry Clay representatives provided a document captioned "Henry Clay Title IX Informational Report." This report contains pages listing:

- members of the gender equity committee;
- the school's athletic supplemental salaries;
- sports offerings at the varsity, junior varsity and freshman levels (the school offers interscholastic sports for all activities for which the KHSAA sanctions state championship events);
- enrollment statistics;

- participation statistics;
- ethnic distribution statistics; and
- information regarding practice facilities and usage

A copy of the information provided by the school is attached.

Ms. DeVries and Mr. Reeves commenced the meeting with introductory remarks, statements concerning the charge to the KHSAA by the State Board of Education and the purpose of conducting the Title IX Audits of member schools. Discussion then centered on documents to be prepared and submitted to the KHSAA on or before June 30, 2000. In addition to the Audit Manual, an agenda for the meeting was given to all those in attendance. The Henry Clay representatives were advised that the Verification Form (GE-19) together with the forms contained in the Audit Manual should be completed and returned to the KHSAA on or before June 30, 2000, together with any Corrective Action Plans, which are required. The school representatives indicated that they understood these requirements.

The next item was a brief review of the applicable law and Title IX requirements. These discussions were recorded on audiotape. After this review, the following specific areas were discussed:

1. Accommodation of interests and abilities (including the three-pronged test for compliance regarding athletic opportunities);
2. Equipment and supplies;
3. Scheduling of game times and practice times;
4. Travel and per diem allowances;
5. Coaching;
6. Locker rooms, practice times and facilities issues;
7. Medical and training facilities and related services;
8. Publicity;
9. Support services.

In addition, a brief discussion was held of the following Title IX areas:

1. Athletic scholarships;
2. Tutoring;
3. Housing and Dining Facilities and Services; and
4. Recruiting.

During the course of these discussions, there were numerous questions concerning the effect of booster club activity and funding on the various components of Title IX. In response to our questions, the school's representatives indicated they have not yet conducted surveys of its student population in order to determine the interests of its students. However, surveys (apparently) are

being conducted at the eighth grade level. Neither the junior high school(s) conducting these surveys nor the results of these surveys were identified.

The parties also discussed the fact that many students were not provided with transportation to practice and games. In particular, the student representative on the committee noted that members of the softball team were not provided with transportation to games or to the practice facility (which is not located on campus). This issue will be addressed in more detail below. The overall issue of travel appears to be one, which must be addressed by the school and the Fayette County Board of Education. This appears to be a problem with several sports offered at the school – not just softball.

Following these discussions, Ms. DeVries and Mr. Reeves were provided a tour of the schools' locker rooms, facilities and field houses by Mr. Holt. Regarding use of the facilities, Mr. Holt advised us that a rotation schedule was in place which allows for equitable practice times and use of gym and fields. This information will be provided along with the school's June 30th submission to the KHSAA.

While the locker rooms are generally clean, more space is provided to the boys' basketball teams in comparison to the girls' teams. In fact, several teams (volleyball, etc.) Use the same locker room as the girls' basketball teams. While the showers work in the boys' locker room, several do not work in the girls' locker room. One training room is used by the boys' and girls' teams (this does not appear to be an area of concern from a Title IX standpoint).

In summary, the girls' locker room is smaller and more crowded than the one provided for boys' teams. Lockers for the girls' teams are also smaller and inadequate in view of the number of students using them. During our visit, we observed backpacks and other personal items scattered throughout the girls' locker room due to inadequate storage space. This issue is not being addressed currently despite the fact that the school is undergoing a major renovation of its facilities. The schools' Title IX report should address this facility issue.

With the exception of locker room use, the facilities used by the schools' soccer and tennis teams are identical. There does not appear to be any differences with respect to either of these programs. Practice facilities for soccer and tennis are located on campus and, other than issues involving travel to games, it does not appear that any other facilities issues are raised with respect to these sports. We did not discuss facilities issues with respect to the school's golf or swimming programs. However, they are assumed to be the same for both the boys' and girls' programs. Again, these areas will be addressed in the school's June 30th submissions.

Next, we were shown the baseball complex, which included an excellent playing field and field house. The field house includes an office for the coach(es) and indoor practice and weight lifting facilities. All facilities for baseball are located on campus. Through booster club fund raising activities, the baseball team is provided with excellent facilities. In contrast, the softball team does not have comparable facilities. The softball team uses a city-owned Parks and Recreation Department field located off campus (Idle Hour Park located behind Lexington Mall). Further, as noted above, the school does not provide transportation to its softball players. The student member

of the committee noted during our meeting that, on at least one occasion, there had been a conflict with little league teams, which also use the field, which prevented the softball team from using the field for practice during a recent post-season tournament. This conflict in use was apparently caused by misunderstanding at the Parks and Recreation Department regarding the end of season for the softball team. In any event, the lack of facilities available to the softball team presents a major issue to be immediately addressed by the school. The KHSAA will carefully review the school's Title IX submissions with respect to this facilities issue.

Following the inspection of the baseball facilities, there was a tour of the school's football field house. Again, this facility is first rate and appears to have been constructed with booster club funding allowed and accepted by the school and Fayette County Board of Education. While this facility has one room, which can be used for other teams, the vast majority of space is reserved for the exclusive use of the football team (locker room, shower room, coaches offices, equipment storage, weight room). To the extent the school asserts that this facility is used by other teams, school personnel should provide a schedule outlining use by other teams in its Title IX submissions.

A public comment session was scheduled for 6:30 p.m. in the school's auditorium. Approximately 14 individuals appeared at this session, which ended at approximately 9:05 p.m. After discussing the KHSAA's role in insuring Title IX compliance by its member schools, numerous questions were raised regarding facilities issues and use of booster club funds. No one appeared at this session from the Fayette County Board of Education. It is interesting to note that this was the second Title IX visit to a school within the Fayette County public school system and it did not appear that anyone from the Superintendent's office or Board Of Education was in attendance at the meeting.

In summary, while those present were concerned with how the school would meet their Title IX obligations, few offered constructive suggestions. Instead, several appeared protective of their particular areas. In addition, at least one parent expressed concern regarding the manner in which members of the school's Title IX committee were chosen. Another question was raised regarding whether steps taken by the school to select/recruit coaches in particular, its softball coach were adequate.

Without drawing any final conclusions, it is apparent that many differences are presented with respect to the benefits offered to female students at Henry Clay. It is also apparent at this time that neither the school nor the Board Of Education is addressing these differences. In fact, there is no indication at this time that these differences have been taken seriously at levels where action will be required. The school must address, and in some cases quickly remedy, these differences to comply with Title IX. Otherwise, serious sanctions may be in order.

With respect to several areas, action must be taken in conjunction with the Fayette County Board of Education, which has allowed these differences to occur. At the same time, the school needs to address safety and other concerns presented through its failure to provide adequate transportation to many students. Either directly or indirectly, Henry Clay and the Fayette County

Board of Education have allowed elaborate facilities and field houses to be constructed at the school which directly benefit male students while excluding (or failing to address) female students.

Title IX/Henry Clay.doc