

Written on sheet  
add a fee



**KHSAA TITLE IX RE-VISIT  
FINAL AUDIT REPORT**  
(For schools re-visited during the 2008-2009 school year)

School: **Henry Clay High School**  
Prepared By: **Jenny McCarty**  
Date of Re-Visit: **2-20-2009**  
Telephone Number of Reviewer: **(859) 299-5472**  
Reviewed By: **Darren Bilberry, Asst. Commissioner**

1.

**Completed Required Forms**

- Verification of Forms (Form GE-50) Yes  No
- Participation Opportunities Summary Chart (Form T-70) Yes  No
- Benefits Summary Charts (Forms T-71 & T-72) Yes  No
- Benefits Publicity (Form T-73) Yes  No
- Corrective Action Plan Summary Charts (Form T-74) Yes  No

2.

**Opportunities Component of Title IX Compliance**  
Area of Compliance:  
(Check One or More)

	A	Substantial Proportionality
	B	History and Continuing Practice Of Programs Expansion
X	C	Full and Effective Accommodation of Interest and Abilities

**A). Was the Substantial Proportionality Test (T-1) an area in which the school met Title IX Opportunities compliance?**

Yes  No

Comments: According to the data submitted by the school, it appears that the school has not met the standard of proportionality Test (T-1) for the 2007-2008 school years. Additional data provided by the school demonstrated that the school has not met this standard for the previous two years as well.

**B). Was the History and Continuing Practice of Program Expansion Test (T-2) an area in which the school met Title IX Opportunities compliance?**

Yes  No

Comments: According to the data submitted by the school, it appears that the school has not met the standard of History and Continuing Practice Test (T-2) for the 2007-2008 school years. Additional data provided by the school demonstrated that the school did meet this standard for one of the previous two years.

**C). Was the Full and Effective Accommodations of Interest and Abilities Test (T-3) an area in which the school met Title IX Opportunities compliance?**

Yes  No

Comments: According to the data submitted by the school, it appears that the school has met the standard of Full and Effective Accommodations and Interests and Abilities Test (T-3) for the 2007-2008 school years. Additional data provided by the school demonstrated that the school has met this standard for the previous two years as well.

**3. Is the school's most recent Student Interest Survey accurate in relation to the assessment of Interests & Abilities?**

Yes  No

Comments: In 2007-2008 students in grades 9-11 were surveyed with an 84% rate of survey return. Currently the school offers all KHSAA sanctioned sports.

**4. Checklist of the Title IX Components of the Interscholastic Program**

Benefit to Students	Satisfactory	Deficient	Comments
<b>Accommodation of Interests and Abilities</b>	X		<p>According to the data submitted by the school, it appears the school has not consistently met the standard for Test 1 or Test 2 during the school years 2005-2008. It does appear, however, that it has consistently met the standard for Test 3 from 2005-2008. Auditors recommended that the school begin to survey those eighth grade students so that the school could determine who would attend their school as freshman.</p> <p>The student surveys did indicate interest in some sports not currently sanctioned by the KHSAA.</p>
<b>Equipment and Supplies</b>		X	<p>The December 1999 report indicated that the school provided lesser quality game uniforms to some girls' teams. The school addressed this issue by developing a uniform rotation policy. This policy was submitted to the KHSAA. Uniforms viewed appeared to be within acceptable parameters; however, there was a slight disparity in the quality for softball and baseball. During interviews, auditors determined that the uniform rotation plan was not being followed as some teams admitted to fundraising and purchasing uniforms every year. Some coaches thought the plan was for three years; others believed it was on a four year basis. During the tour of facilities, auditors observed that boys' baseball had several uniforms hanging in their lockers that were not displayed with the other uniforms provided for viewing. There were no inventories of equipment found in the Master Title IX file. It appeared that the school could also have a disparity in the amenities provided for coaches and teams in this area. (See KHSAA Recommendation)</p>

<b>Scheduling of Games and Practice Time</b>	X		The school did have a written facility use schedule and practice schedule for all sports. The school's 2007-2008 girls' basketball schedule demonstrated that the school met its prime date requirement, playing 56% of home games on a prime date and at prime time. According to the 2008-2009 girls' basketball schedule reviewed, the school would meet this prime date/time requirement.
<b>Travel and Per Diem Allowances</b>	X		The school was rendered deficient in this area on the original audit report. The school explained to auditors that travel had been identified as an area of concern and the athletic administration was currently developing some new guidelines. The school does not have a written Per Diem Policy included in their Title IX file. Fayette County student athletes are not provided transportation paid for by their school district. When transportation is provided to student athletes, boosters or individual teams must fundraise to pay the costs. If funds are available, teams take district busses or charter buses and if funds are not available student athletes are responsible for their own transportation to athletic events. Each team must complete a transportation request approved by school administration to take charter buses. Although expenditures reported in this category show very little spending, this still could be a red flag in the benefits area due to the fact that some teams may not have this benefit provided if funds are not available. (See KHSAA Recommendation)
<b>Coaching</b>	X		This benefit area was deemed deficient in the original report due to the experience levels of coaches. Through interviews conducted and data submitted, it appears that Henry Clay High School has a salary schedule that demonstrates equity for all coaches that are paid by board of education funds. All head and assistant coaches are paid by the same stipend according to the supplemental salary viewed. These positions are paid equitably based on coaching experience. Additionally, the Fayette county public schools also have a schedule to which additional positions can be added to teams using school funds. The

<p><b>Coaching Cont'd</b></p>			<p>maximum number of additional coaches allowed is the same for like sports in this plan. Auditors were told that these positions are created and are approved if funds can be raised to pay for them. The school does not currently approve these positions in relation to like sports and/or numbers of participants; however it did not appear that boys' teams had significantly more coaches than girls' teams. This is an area that should be monitored to ensure that these positions when added are done so in an equitable manner. (See KHSSA Recommendation)</p>
<p><b>Locker Rooms, Practice and Competitive Facilities</b></p>		<p>X</p>	<p>This area was deemed deficient in the original report due to inequities in locker rooms and for baseball and softball facilities. The school was sanctioned by the KHSAA due to the lack of compliance in this area. The boys' baseball team was not allowed to participate in an out of state trip and they were not allowed to use the press box at their field. The report also stated that there was more space provided to the boys' basketball teams in comparison to the girls' teams. Several teams used the girls' locker room and the lockers were smaller and inadequate. There was also concern expressed concerning the use of the field houses which at that time were used by baseball and football only. The school submitted plans for the construction of a softball field as well as additional information related to other issues to the KHSAA and those sanctions and according to a letter dated January 25, 2002; the sanctions against the school were lifted. That letter also stated it was not a final determination of compliance.</p> <p>After touring facilities, interviewing coaches and students, and viewing usage schedules, it was still apparent that the school was not fully in compliance in this area. There are still major differences in this area that are consistent in almost every sport program.</p> <p>First, there are still significant disparities that exist between the softball and baseball programs. The softball field has various flaws in construction. The school is in litigation with</p>

**Locker Rooms,  
Practice and  
Competitive  
Facilities Cont'd**

the construction company to solve this issue. The present playing field will remain intact; however, the dugouts, press box, bleacher seating etc will be destroyed and replaced due to the fact that all these have been identified as being unsafe. These new plans should be submitted to the KHSAA for review to determine if the new facilities being built will be comparable to the facilities at the baseball field. It appeared to auditors that the baseball field had significantly more seating, better dugouts, better fencing, and certainly a larger coaching office and press box area. In an earlier report sent to the KHSAA, the school had indicated that the two programs would share the boys' press box and concession stand. The preliminary report submitted in February 2000 described the baseball field house. The report stated that the field house included an office for the coach(es) and indoor practice and weight facilities. These items were also observed by auditors during the tour. In addition to those amenities, auditors also found that the facility contained 30 wooden lockers with name plates for the baseball team's use. The coaching office, auditors were told, was used by the softball coach; however, a small room behind it contained uniforms and lockers for baseball coaches. During interviews, a softball student athlete who had played softball for three years, told auditors that she was not aware that her coach had an office. Auditors were told that the softball and baseball team used this indoor hitting facility equitably. The school did not have a usage schedule and the student interviewed indicated that the boys' team used the facility more than the girls' team. The field house sign in front of the building referred to the building as a baseball facility, and all manner of plaques, retired jerseys, and trophies were of baseball players and teams. In addition to the coaching office in this field house the baseball coach has another coaching office above the press box. It should be noted that this facility also has a small area that is used for classroom instruction; however, the majority of the room contained baseball memorabilia and a coaches' locker room with a private restroom.

**Locker Rooms,  
Practice and  
Competitive  
Facilities Cont'd**

The girls' softball team is assigned to the girls' physical education locker room located inside the school building.

The other field house used by the football team was also described in the preliminary report in 2000. At that time the facility was described as only having one room with the vast majority of space reserved for the exclusive use of the football team (locker room, shower room, coach's office, equipment storage, weight room. At that time, the school asserted that this field house was used by other teams. The school did submit a usage schedule to the KHSAA to verify teams were in fact using this facility. During this re-visit, auditors observed that this facility was no longer one room, but several divided rooms. One new room was used as meeting room and a tutoring room for mostly football players. Other than the weight room located in this building no other team used this facility for any reason.

Since the original audit, the school has constructed two additional locker rooms near this facility for use by student athletes. One locker room is used by boys' cross country, track, and soccer. Another locker room is used by girls' cross country, track, and soccer. In the boys' locker room; there were lockers and large pieces of weight equipment. In the girls' locker room there were no lockers and only a few pieces of weight equipment. The girls' using the larger pieces of weight equipment would have to enter the boys' locker room.

The girls' basketball locker room is also shared by the girls' volleyball team. There have been lockers added to this locker room; however, there are still many areas of inequity. The boys' locker room is significantly larger, has more lockers, more storage and laundry facilities. The boys' locker room also contains two large sofas and a large screen television for viewing. It would appear the school has not addressed the concerns of the original report concerning the space issue with the girls' and boys' basketball teams. Auditors learned

<b>Locker Rooms, Practice and Competitive Facilities Cont'd</b>			<p>through coaching interviews that the volleyball team has a roster of 40 plus females and the girls' basketball team does not get to use the locker room until the volleyball season is over. It would appear that the girls' teams would need more storage and space as well as additional lockers.</p> <p>Although the school has constructed some new locker rooms, there appears to be a consistent advantage for male teams. (See KHSAA Recommendation)</p>
<b>Medical and Training Facilities and Services</b>		<p>X</p>	<p>The school was deemed deficient in this area due to disparities in weight room access and equipment in it. The school addressed this inequity by adding an additional weight room in the gymnasium. This new plan was submitted in 2001 and approved. Unfortunately the weight room that was added is no longer in existence. The school has never noted this on their corrective action plan or submitted a new plan to address this issue. The largest weight room is located in the field house which the football team uses. This weight room décor did not include female friendly pictures, posters etc. in the room. It appeared to auditors that there were very few light weights for female use. Auditors were told that this facility was shared by several teams; however there was no usage schedule posted. A usage schedule was submitted by the school as a part of the plan to address the weight facility in 2001, but it would appear that the practice of posting a schedule has been discontinued. Another weight room is inside the boys' soccer locker-room with some equipment that could be used by females. There is additional weight equipment located in the second field house primarily used by boys' baseball. Auditors learned that the girls' softball team members purchase a pass to a training facility off campus and do not use the weight equipment. Auditors were also told that some teams may use the cross training equipment provided by the ROTC program at the school. It is evident that the school once again has a disparity in regard to the use of weight facilities and equipment. The school certainly needs to</p>



<b>Medical and Training and Services Cont'd</b>		re-evaluate this benefit area. (See KHSAA Recommendation) All students at the school have access to an athletic trainer. Physicals are provided by the University of Kentucky for all students for a charge of 15.00 dollars per student.
<b>Publicity</b>	X	The school was deemed deficient in this area in the original audit. Spending in this area shows a slight advantage to females; however expenditures for all sports have not been reported. The school uses well designed sports calenders for all sports to publicize schedules. Auditors did not view all the types of programs used by teams as they were unavailable at the time of the rev-visit. The school mentioned in a corrective action plan the reevaluation of the awards policy; however, auditors could not find any documentation that this was performed. The school did not have an award policy that was all-inclusive for auditors to review. (See KHSAA Recommendation)

<b>Support Services</b>	X	<p>The school was deemed deficient in this area in the original report. The school was asked to submit booster club information to the KHSAA for review. Financial reports, written booster agreements, and other information that was requested at the time were submitted. The school still has many active booster organizations that support athletics. Auditors were told that booster clubs are required to submit budgets for the year and financial reports at the end of the school year. During the public hearing which occurred after the gender equity meeting, a soccer parent questioned whether all boosters were submitting these reports to the school. The school bookkeeper replied yes; however, the parent who identified himself as the girls' soccer team treasurer stated that he had never been asked to submit a report. The school did not have copies of any of this information in their Master Title IX file for auditors to view. The school did later submit a sample of a booster agreement and a financial report for the prior year to the KHSAA.</p> <p>Without all documentation, auditors could not determine if the school was adequately addressing this benefit area. It would appear that the school did not have a clear concise plan to monitor these expenditures from booster organizations. (See KHSAA Recommendation)</p>
<b>Athletic Scholarships</b>	n/a	

<b>Tutoring</b>		X	There is a large room which is used for tutoring football athletes located by the football coaches' office. Auditors were told that this room was used primarily for tutoring football players. When questioned whether any other athletes used this facility, they were told that some soccer players did. When school officials were asked whether all athletes knew that they had access to these tutoring services, they were told "probably not". Indeed there was no documentation that demonstrated that all athletes could utilize this tutoring service. Students are serviced by the ESS program available to all students.
<b>Housing and Dining Facilities and Services</b>	n/a		
<b>Recruitment of Student Athletes</b>	n/a		

**5. Brief Summary/Analysis of the Corrective Action Plan (Form T-60)**

- The school has required boosters to submit budgets
- The school began using booster club agreements
- The school has built a softball field
- Additional locker room space has been provided for some teams

**6. Observed Deficiencies in Overall Girls and Boys Athletics Programs**

The school has made some improvements since the original visit and audit report; however, there are still areas of concern with locker rooms, practice and competitive facilities, weight facilities, and equipment and supplies.

**7. KHSAA Recommended Action in relation to new deficiencies**

- ok* ✓ • Submit to the KHSAA by April 15, 2009, a plan to include all student athletes in tutoring which occurs in the room beside the football coaches' office.

Note: Although the school was not given a deficiency there are still several areas of concern. The following actions are recommended to be taken by school officials.

- ok* ✓ • Submit to the KHSAA, by **April 15, 2009** a concise outline of steps that your school will implement to monitor expenditures for booster funds including

collecting financial data from booster organizations.

- ✓ Submit to the KHSAA, by April 15, written minutes for the next two years gender equity meetings with the schools annual Title IX report.

#### 8. KHSAA Recommended Action in relation to reoccurring deficiencies

- After the original audit the school indicated that it had completed a thorough inventory of equipment and supplies. An equipment inventory has not been recently done. There appears to be disparity in coaching amenities, weight equipment, and uniforms based on the results of this audit. The best way for the school to formulate a plan to address these issues is to complete a through inventory in these areas. The following inventories should be conducted by the athletic administration of Henry Clay High School. The results and summaries of these inventories should be submitted to the KHSAA by the end of the 2008-2009 school years. The school may choose to use the original self audit inventory forms to complete these surveys.

- 1) An inventory of all uniforms used by all athletes at the school. This inventory should include the number of uniforms, dates purchased and quality of each uniform.
- 2) An inventory of all weight equipment used by student athletes in all areas, and locker rooms at the school.
- 3) An inventory of all electronic equipment and other coaching amenities used by the coaching staff and team of each sport.
- 4) An inventory of equipment and supplies of all athletic equipment.

- ◆ The results and summaries of these inventories should be submitted to the KHSAA by the **June 1, 2009**. The school may choose to use the original self audit inventory forms to complete these surveys. The schools plan to address any inequities found should be submitted with this inventory report.

- 2 • Submit to the KHSAA by **June 30, 2009** a plan to address the inequities in locker-room and competitive facilities that currently exist at the school.
- Submit to the **KHSAA by June 1, 2009**, a revised uniform rotation policy that also states that uniforms may not be purchased outside the parameters of the plan. This policy should be included in the school coaches' handbook and all coaches educated about the plan.
- Submit to the **KHSAA by June 1, 2009**, after an inventory of weight equipment has been completed a plan to address the inequities in weight room accessibility for athletes and a plan to address weight equipment and facilities for female use.

- Submit to the KHSAA by **June 1, 2009**, the schools results of the study that they are currently conducting regarding travel benefits provided for their student athletes.
- **Immediately** post a weight room schedule showing all teams using the weight room in the field house.
- Submit to the KHSAA by **April 15, 2009**, blueprints for construction of the new press box, dugouts, and seating area at the softball complex. Continue to submit **quarterly** updates on the construction progress of the field.

**PERSONNEL IN ATTENDANCE AT AUDIT MEETING**

**High School Title IX Coordinator:**

**District Level Title IX Coordinator: Don Adkins**

<b>Name</b>	<b>Title</b>	<b>Telephone</b>
Don Adkins	District Title IX Coordinator	859-381-4769
Jordan Tarrence	Coach	270-993-6952
Steven Riley	Coach	859-806-4624
Kevin Mims	Coach/Parent	859-321-8204
Don Adkins	District AD	859-381-4769
Charles Aitnay	Athletic Director	859-381-3423
Gary Lawson	KHSAA Auditor	502-875-3817
Michael Jones	Associate Principal	859-381-3433
Jenny McCarty	Auditor	502-223-6965

**10. Comments:**

Auditors could not find written minutes of Title IX meetings for the past several years. All yearly reports were found and these were well organized. Several people attended the public hearing. At the hearing several questions were asked concerning the manner in which auditors monitored the spending reported to the KHSAA by the school. Auditors were asked how they could verify that the spending reported by the school was accurate. Auditors answered questions about the financial data collected in the yearly reports as well as other documents the school would have on file that contained financial information. Auditors explained that the school had all of these reports on file and were available for review with an open records request to the school. The District Title IX Coordinator answered questions as to the procedure the district used for an open records request.

It does appear that after the original audit, the school had made some gains in its compliance with Title IX. It is disconcerting that these efforts have not been consistent and that the school has not been properly self-assessing its own compliance.

# Henry Clay High School

2100 Fontaine Road

Lexington, Kentucky 40502

Phone (859) 381-3423 Fax (859) 381-3430

Henryclay.fayette.k12.ky.us

MAY -6 2009

**TO:** Brigid L. DeVries, KHSAA Commissioner  
Darren Bilberry, KHSAA Assistant Commissioner

**FROM:** Stu Silberman, FCPS Superintendent  
John E. Nochta, Henry Clay Principal  
Charles W. Atinay, Henry Clay Director of Athletics

**DATE:** 27 April 2009

**RE:** KHSAA Recommended Action in Relation to New Deficiencies *(Item #7 of the report)*  
KHSAA Recommended Action in Relation to Reoccurring Deficiencies *(Item #8 of the report)*

In accordance with the *KHSAA Title IX Re-visit Final Audit Report* of Henry Clay High School conducted on 20 February 2009 as prepared by Ms. Jenny McCarty and as reviewed by Assistant Commission Mr. Darren Bilberry, the following are submissions to the "KHSAA Recommended Action(s) in relation to new [and] to reoccurring deficiencies" as indicated in items "7" and "8" of the report.

---

#### 7. KHSAA Recommended Action in Relation to "New" Deficiencies

- "Submit to the KHSAA...a plan to include all student-athletes in tutoring which occurs in the room beside the football coaches' office."

**SCHOOL CORRECTIVE PLAN:** The school will no longer provide/permit tutoring service of any kind to any student or student-athlete in "the room beside the football coaches' office." All student-athletes will have the same/equal opportunity and benefit of using the schools current tutoring services, Extended School Services (ESS).

"Note: Although the school was not given a deficiency there are still several areas of concern. the following actions are recommended to be taken by school officials."

- "Submit to the KHSAA...a concise outline of steps that your school will implement to monitor expenditures for booster funds including collecting financial data from booster organizations."

**SCHOOL CORRECTIVE ACTION:** Continue communicative efforts with coaches and booster clubs using periodic e-mails and conducting annual meetings with Department of Athletics staff and coaches, Department of Athletics staff and booster club officers, and with district-level officials, coaches, and their booster club officers to iterate and answer questions with regard to "Redbook" policies. Also,

continue establishing deadlines for booster clubs and coaches to submit reports/documentation (e.g. proposed yearly budgets and end-of-the-year statements; See attached "Athletic Booster Club Budget" & "Athletic Booster Club End-of-Year Statement) to be collected by the Department and school with regard to any financial data from booster organizations. This will be supported by a signed "Booster Club Agreement." (See attached "Booster Club Agreement)

- "Submit to the KHSAA...written minutes for the next two years gender equity meetings with the schools annual Title IX report."

**SCHOOL CORRECTIVE ACTION:** To improve upon the quality and attention to detail in keeping minutes for all gender equity meetings and to be able to evidence the meetings as to how they reflect, at some point, those items in the Corrective Action Plan. To submit the minutes of all gender equity meetings along with the annual Title IX report for the next two (2) years (2009-10 and 2010-11 reports).

*add a statement to revised end of year report*

#### 8. KHSAA Recommended Action in Relation to "Reoccurring" Deficiencies

- "...an equipment inventory has not been recently done...The following inventories should be conducted by the athletic administration of Henry Clay High School. The results and summaries of these inventories should be submitted to the KHSSAA by the end of the 2008-2009 school years.
  - 1) An **inventory** of all uniforms used by all athletes at the school. This inventory should include the **number of uniforms, dates purchased, and quality** of each uniform.
  - 2) An **inventory** of all **weight equipment** used by student athletes in all areas, and **locker rooms** at the school.
  - 3) An **inventory** of all **electronic equipment** and **other coaching amenities** used by the coaching staff and team of each sport.
  - 4) An **inventory** of **equipment and supplies** of all athletic equipment."

[NOTE: per another KHSAA recommendation to be addressed later in this document, **travel benefits** will be an additional item inventoried.]

- "The results and summaries of these inventories should be submitted to the KHSAA... The schools plan to address any inequities found should be submitted with this inventory report."

**SCHOOL CORRECTIVE ACTION:** An instrument will be devised for inventory purposes to accumulate datum as it refers to Item #8, numbers 1-4 (but not limited to) of the KHSAA Title IX Revised Final Audit Report 2009 for Henry Clay High School. The inventory will include the "number of uniforms, dates purchased, and quality of each," "weight equipment and locker rooms," "electronic equipment and 'other coaching amenities'," and "equipment and supplies." The inventory is to take place during the months of April and May of 2009.

After obtaining all the data, which will have signed verification by each respective coach, Director of Athletics, and Principal, a report detailing the results and summaries will be submitted to the KHSAA as well as the school's plan to address any inequities found with the inventory report. (See attached "Henry Clay High School Athletic Programs' Inventory")

- "Submit to the KHSAA...a plan to address the inequities in locker room and competitive facilities that currently exist at the school."

**SCHOOL CORRECTIVE PLAN:** To modify existing locker rooms and competitive facilities in a manner consistent with establishing gender equity.

→ **As it pertains to Baseball and Softball:** The school is considering making additions and changes to the existing structure referred to as the "Baseball (or South) Fieldhouse" that would allow for the structure to house a locker room complete with lockers and sitting area adjacent to a coaching area by placing a dividing wall alongside the batting cages area and connecting that wall to an exterior wall. A recommendation will be made to add a locker room onto the 1<sup>st</sup> or 3<sup>rd</sup> base dugout of the Softball facility as a part of its current renovation project. As the rebuilding of the Softball facility is currently under litigation, it is considered possible to have Baseball and Softball boosters make a joint venture to add a locker room facility in an area adjacent or as an addition to the new facility.

→ **As it pertains to Basketball:** The school is considering switching the locker room for the boys with the locker room for the girls. Another option the school is considering placing a dividing wall in the current boys' locker room to make a room that would be equal in size and the number of lockers with that of the girls' locker room. The new room created would allow for weight lifting equipment to be moved from the concessions building and to have an area for weight training in the gym which would allow easier access for Basketball (B & G) and Volleyball and Softball and, importantly, a weight lifting area in the gym for all gym-related athletics including Physical Education. The room would be accessible without going through the boys' locker room if it remains at its current location. Even with the division wall being placed in the current boys' locker room the option to switch the locker room for the boys' with the locker room for the girls' is still an option. *rotation?*

→ **As it pertains to the concessions building:** Currently there is one locker room designated each for Boys' Soccer/Track & Field/Tennis and for Girls' Soccer/Track & Field/Tennis and a third locker room used by Physical Education classes as well as athletic programs for anaerobic conditioning. The current boy's locker room has some "moderate" weight lifting equipment and the girls' locker room has "light" weight lifting equipment. The school is considering moving all of that weight lifting equipment to a new room created in the gym in the boys' Basketball locker room should a division wall be put up. Another option is to move all of the weight equipment into the third locker room for equal access to all weight lifting equipment that is currently in the concessions building, however, because of the third locker room's considerable use in its current capacity, this appears unlikely. The school may also simply remove all equipment and have each locker room void of anything and simply have the rooms designated as Locker Rooms A, B, & C for equal access and use for/by any athletic need. With regard to the lockers currently in the boys' locker room of the



concessions building, the school has placed an equal number of lockers in the girls' locker room by removing current lockers in the boys' locker room as an immediate solution. At this time, the school is obtaining information to purchase new lockers for the locker rooms in the concessions building so that both the boys' and the girls' have the same and equal number of lockers.

- "Submit to the KHSAA...a revised uniform rotation policy that also states that uniforms may not be purchased outside the parameters of the plan."

**SCHOOL CORRECTIVE ACTION:** Effective immediately as it pertains to Baseball, the school will confiscate and secure the number of Baseball uniforms necessary to obtain equity with Softball. The school will continue to follow the established uniform rotation policy resulting from the previous Title IX audit with updated/current year programs eligible for replacement through 2012 for each coach to place on file. Also, the policy will clearly and initially state that "Uniforms are NOT to be purchased outside the rotation schedule. The Title IX Committee will monitor the purchase of new uniforms." (See attached "Uniform Replacement Schedule, Henry Clay High School")

- "Submit to the KHSAA the schools results of the study that they are currently conducting regarding travel benefits provided for their student athletes."

**SCHOOL CORRECTIVE ACTION:** The school will include "travel benefits" in its "inventory" as describe in the response to item "8" above and will also include those results with the other results of the inventory and in the summary, again, as indicated in item "8" above.

- "Immediately post a weight room schedule showing all teams using the weight room in the field house."

**SCHOOL CORRECTIVE ACTION:** The school will post a weight room schedule showing all teams using the weight room in the field house.

- Submit to the KHSAA...blueprints for construction of the new pres box, dugouts, and seating area at the softball complex. Continue to submit quarterly updates on the construction progress of the field."

**SCHOOL CORRECTIVE ACTION:** The school will request from and work with the district (Fayette County Public Schools) to obtain and submit to the KHSAA blueprints for construction of the new softball complex and request from the district to submit quarterly updates on the construction progress of the field to the school or to the KHSAA directly.

## Henry Clay High School Athletic Programs' Equipment & Benefits Inventory Survey

The following are the results of an inventory survey conducted by the Henry Clay Department of Athletics April of 2009 as recommended by the KHSAA in response to the Title IX Gender Equity Committee's audit visit, 20 February 2009. The items inventoried and form used comes as a recommendation from the KHSAA directly. For better understanding about concerns that may be suggested by the inventory survey's results, only items returned as "fair" or "poor" are indicated below; otherwise, items inventoried were "excellent" or "good."

### Baseball:

"Quality of Practice Uniforms"	"poor"	Varsity & JV	Number of = 38
"Sports Specific Quality"	"fair"		
"Equipment Storage Arrangements"	"poor"		
"Quality of Game Uniforms"	"poor"	JV	Number of = 20
"Number of Teams with Equipment Storage Arrangements that Are:"	"fair"		Number of = 01

### Basketball (B):

"Quality of Practice Uniforms"	"poor"	Varsity & J.V.	Number of = 38
"Quality of Game Uniforms"			

### Cross Country (G):

"Equipment Storage Arrangement"	"poor"		
"Number of Teams with Equipment Storage Arrangements that Are:"	"poor"		Number of = 01

### Football:

"Quality of Practice Uniforms"	"fair"		Number of = 95
"Sports Specific Equipment Provided"	"fair"	footballs	
"Game Uniform Quality"	"fair"		Number of = 35

### Golf (G):

"Equipment Storage Arrangements"	"none" (i.e. "poor")		
----------------------------------	----------------------	--	--

### Volleyball:

"Game Uniform Quality"	"fair"		Number of = 10
------------------------	--------	--	----------------

Results of Inequities Found → inadequate/inequitable storage for Cross Country (G) and Golf (G);

**SCHOOL CORRECTIVE ACTION:** The school will provide storage for Cross Country (G) in the concessions building storage room that also provides storage for Track & Field (G) and for Golf (G) in the gymnasium that will be vacated by Softball upon completion of its new facility.

2004-2005 Budget for

Boys Soccer

Fundraisers should only show the Net Income after all Expenses are paid.

School Account

INCOME:

Beginning Balance (Ending Balance 2003-2004) 180.67
2004-2005 Allocation 3,100.00
Other Income to be Deposited into School Account:

Blank lines for entering other income items.

TOTAL EXPECTED INCOME (Beginning Balance plus Other Income)

EXPENSES:

athletes and coaches and NOT expenses for parents or boosters.

- Officials
Assigning Secretary
Entry Fees
\* Equipment (balls, uniforms, etc.)
\* Assistant Coaches
\* Transportation/Lodging
\* Awards (banquet, trophies, etc.)
\* Facilities Improvements
\* Publications (Programs, etc.)
Other Expenses (List below other expected expenses)

SAMPLE

Blank lines for entering other expense items.

TOTAL EXPECTED EXPENSES

PROPOSED ENDING BALANCE (INCOME MINUS EXPENSES)

\* Bold case categories are required for annual KHSAA Title Report.
\*\* Payments on Building Note are not included in Title IX reports to KHSAA

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_
Please Sign your Name Here

# 2002-2003 End of Year Statement for Boys Soccer

Name of Sport

	<u>School Acct</u>	<u>Booster Acct</u>
<b>INCOME:</b> <span style="border: 1px solid black; padding: 2px; font-size: small;">Fundraisers should only show the Net Income after all Expenses are paid.</span>		
Beginning Balance (Ending Balance 2001-2002)	150.00	6,477.64
2002-2003 Funding from School	2,200.00	0.00
Other Income (List Below):		
Correct Advancements 2001-2002	-527.50	
Homecoming Float Award	25.00	
Player Fees		7,470.54
Concessions		1,647.85
Donations from Lazarus		1,370.00
Donations from Legends		1,340.29
Clothing Sales		775.01
Car Wash		386.83
Interest Income		24.75
<b>TOTAL INCOME</b>	<b>1,847.50</b>	<b>19,492.91</b>

<b>EXPENSES:</b> <span style="border: 1px solid black; padding: 2px; font-size: small;">Expenses should only reflect funds used for the student athletes and coaches.</span>			<b>TOTALS for KHSAA</b>
Officials	1,675.00		1,675.00
Assigning Secretary	200.00		200.00
Entry Fees			0.00
* <b>Equipment</b> (balls, uniforms, etc.)		4,085.83	4,085.83
* <b>Assistant Coaches</b>		869.12	869.12
* <b>Transportation/Lodging</b>		1,542.53	1,542.53
* <b>Awards</b> (banquet, trophies, etc.)	161.90	2,549.30	2,711.28
* <b>Facilities Improvements</b>			0.00
* <b>Publications</b>			0.00
Other Expenses (List Below):			
Building Usage	101.50		} 3,876.50
Soccer Camp		2,950.00	
Video Taping		755.00	
Dues and Subscriptions		70.00	
<b>TOTAL EXPENSES</b>	<b>2,138.48</b>	<b>12,821.78</b>	<b>14,960.26</b>
<b>BALANCE (INCOME MINUS EXPENSES)</b>	<b>-290.98</b>	<b>6,671.13</b>	

This will be your beginning balance for 2003-2004

<b>TOTAL INCOME (School Plus Boosters)</b>	<u>21,340.41</u>
<b>TOTAL EXPENSES (School Plus Boosters)</b>	<u>14,960.26</u>
<b>ENDING TOTAL BALANCE</b>	<u>6,380.15</u>

\* Bold case categories are required for annual KHSAA Title Report.

Submitted by: Charles Atinay and Tom Naylor  
Please Print your Name Here

Date: June 16, 2003

# ATHLETIC BOOSTER CLUB AGREEMENT

This agreement is entered into by and between the \_\_\_\_\_ County Board of Education (hereafter referred to as "Board") and an entity known as \_\_\_\_\_ (hereafter referred to as the "Booster Club"). Through this Agreement, the parties intend to set forth the Terms and Conditions under which the Booster Club may operate and associate with students, teachers, coaches and school administrators at \_\_\_\_\_ High School.

## TERMS AND CONDITIONS

1. The Booster Club acknowledges that the Board is responsible for the promotion of education and the general health and welfare of all students attending the \_\_\_\_\_ County Public Schools. In addition, the Booster Club acknowledges that the Board has control and management funds and all public school property in its district and may use its funds and property to pro of all school motepublic education (KRS 160.290).
2. The Booster Club acknowledges that its activities may affect compliance with Title IX of the Educational Amendments of 1972 (Title 20 U.S.C. 1681-1687, *et seq.*) by \_\_\_\_\_ High School and the Board. Likewise, the Booster Club acknowledges that, as a condition of membership in the Kentucky High School Athletic Association, representatives of \_\_\_\_\_ High School and the Board must verify that the school complies with Title IX, 702 KAR 7:065, Section 2 (13). Accordingly, the Booster Club agrees to provide all information requested by \_\_\_\_\_ High School, the Board, or the Kentucky High School Athletic Association for purposes of determining Title IX compliance. The Booster Club further agrees to refrain from engaging in any activity which, in the opinion of the principal or athletic director of \_\_\_\_\_ High school or the Superintendent of the \_\_\_\_\_ County Public Schools, adversely affect the school's or the Board ability to comply with Title IX.
3. The Booster Club shall, on or before October 15, 2001 (for the 2001-2002 school year), and August 15, 2002 (for the 2002-2003 school year), designate a representative for purposes of communicating with and providing true and accurate information to the Board and \_\_\_\_\_ High School.
4. Upon request of the principal or athletic director of \_\_\_\_\_ High School, or upon request of the Superintendent of the \_\_\_\_\_ County Public Schools, the Booster Club shall make available a full and complete list of its members.
5. In addition to complying with the requirements of Title 702 of the Kentucky Administrative Regulations, Chapter 3:130 (internal accounting, and all other relevant statutes and regulations, the Booster Club shall, upon the request of the principal or athletic director of \_\_\_\_\_ High School, or on the request of the Superintendent of the \_\_\_\_\_ County Public Schools, provide a full and complete accounting of all moneys raised, as well as a full and complete accounting of all moneys expended. In addition, if requested to do so, the Booster Club shall also provide audited financial records concerning its activities.

6. On or before December 15, 2001 (for the 2001-2002 school year), and September 30, 2002 (for the 2002-2003 school year), the Booster Club shall advise the principal and athletic director of \_\_\_\_\_ High School of all fund raising activities planned for the upcoming year. To the extent the Booster Club seeks to engage in additional fund raising activities, it shall give at least \_\_\_\_\_ days notice if the intended activity.

7. The principal and athletic director of \_\_\_\_\_ High School and the Superintendent of the \_\_\_\_\_ County Public Schools expressly reserve the right to reject any fund raising activity for any reason. The Booster Club agrees that it shall not engage in any fund raising activity which has not been approved or which has been rejected by the principal or athletic director of \_\_\_\_\_ High School or the Superintendent of the \_\_\_\_\_ County Public Schools.

8. By executing this document through its designated representative, all members, officers, and representatives of the Booster Club agree to abide by the terms and conditions set forth below as well as those additional terms and conditions which may be required by the Board. The designated representative of the Booster Club represents and agrees that he/she will provide a copy of this agreement to all members of the Booster Club.

\*\* \*\* \*\* \*\*

I hereby acknowledge that I am a representative of the \_\_\_\_\_ Booster Club and that I am authorized to act on its behalf. I further agree that this Booster Club and its members shall abide by the Terms and Conditions set forth above. I further agree to immediately report to the principal and athletic director of \_\_\_\_\_ High School and to the Superintendent of the \_\_\_\_\_ County Public Schools any violation or breach of this agreement.

F

\_\_\_\_\_  
(Name of Booster Club)

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
COUNTY OF \_\_\_\_\_

T

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2001, by \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**EQUIPMENT AND SUPPLIES - TEAM CHART**

**TEAM**

Number of Game Uniform Items Provided to Participants	shorts or pants: shirts or jerseys: jackets: sweat shirts/pants: pairs of shoes:
Number of Practice Uniform Items Provided to Participants (only if different from game uniforms)	shorts or pants: shirts or jerseys: jackets: sweat shirts/pants: pairs of shoes:
Quality of Game Uniforms (excellent, good, fair, poor)	
Quality of Practice Uniforms (excellent, good, fair, poor)	
Sport-specific equipment provided (bats, gloves, balls, sticks, bags, etc.)	
Sport-specific quality (excellent, good, fair, poor)	
Number of student managers	
Are student managers volunteers? (YES or NO)	
Equipment storage arrangements (excellent, good, fair, poor)	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PRINCIPAL'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

COACH'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**EQUIPMENT AND SUPPLIES - SUMMARY PROGRAM COMPARISON 1**

BENEFIT		GIRLS (number of participants)	BOYS (number of participants)
Game Uniform Quality	excellent:		
	good:		
	fair:		
	poor:		
Practice Uniform Quality	excellent:		
	good:		
	fair:		
	poor:		
Sport-specific Quality	excellent:		
	good:		
	fair:		
	poor:		

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PRINCIPAL'S  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

A.D.'s  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



**EQUIPMENT AND SUPPLIES - SUMMARY PROGRAM COMPARISON 2**

BENEFIT	GIRLS	BOYS
Number of teams with student managers		
Number of teams with student managers who are compensated (not volunteers)		
Number of teams with equipment storage arrangements that are:	excellent:	
	good:	
	fair:	
	poor:	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PRINCIPAL'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

## UNIFORM REPLACEMENT SCHEDULE HENRY CLAY HIGH SCHOOL

Updated 04/06/2009

- ▶ Uniforms are NOT to be purchased outside the rotation schedule. The Title IX Committee will monitor the purchase of new uniforms.
- ▶ Non-perishable uniforms (items such as warm-ups, game tops, and/or bottoms that are school property and truned in at the end of the season) may be purchased every 3 years.
- ▶ Worn out uniforms may be replaced as needed.
- ▶ All discarded uniforms and equipment are the property of the Fayette County Board of Education and must be sent to the warehouse to be sold.

TEAM	PREVIOUS NEW UNIFORM	ALLOCATION	LAST UNIFORM FUNDING	UNIFORM REPLACEMENT SCHEDULE
Boys	Cross Country	1996-1997	2001-2002	2005-2006
Boys	Track	1998-1999	2001-2002	2005-2006
Girls	Cross Country	1996-1997	2001-2002	2005-2006
Girls	Track	1998-1999	2001-2002	2005-2006
Boys	Basketball	1997-1998	2002-2003	2006-2007
Girls	Basketball	2000-2001	2004-2005	2006-2007
Girls	Softball	2000-2001	2002-2003	2005-2006
Boys	Soccer	2000-2001	2003-2004	2007-2008
Girls	Soccer	2000-2001	2003-2004	2007-2008
Boys	Football	\$2,500/Year	2004-2005	2005-2006
Boys	Baseball	1998-1999	2002-2003	2006-2007
Girls	Volleyball	2000-2001	2004-2005	2007-2008
Boys	Golf			2008-2009
Girls	Golf			2008-2009
Boys	Swimming			New Per Player*
Girls	Swimming			New Per Swimmer*
Boys	Swimming			New Per Swimmer*
Girls	Tennis			New Per Player*
Boys	Tennis			New Per Player*
Boys	Wrestling			New Per Wrestler*

\* Athlete/Boosters/Parent Supply because of the Personal nature of the Uniform.

\* Teams are allocated \$2,500 for the use of purchasing non-perishable uniforms on the rotation schedule. Any additional purchases must be approved by the Title IX committee in advance.



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

May 19, 2009

Superintendent Stu Silberman  
Fayette County Public Schools  
701 East Main Street  
Lexington, KY 40502

Dear Mr. Silberman:

This letter is to acknowledge receipt of your recent correspondence regarding Title IX Corrective Action Plans for Henry Clay High School. I have also shared your response with Assistant Commissioner Darren Bilberry. Mr. Bilberry will be contacting Henry Clay High School personnel to schedule a follow up visit with Jenny McCarty, the Title IX Auditor assigned to Henry Clay High School.

Thank you for your report, and attention to resolving the Title IX compliance deficiencies at Henry Clay.

Sincerely,

A handwritten signature in black ink that reads "Brigid L. DeVries". The signature is written in a cursive style with a large, flowing "B" and "D".

Brigid L. DeVries  
Commissioner

BD:dk

xc: Principal John Nochta, Henry Clay High School  
Athletic Director Charles Atinay, Henry Clay High School

# Henry Clay High School

2100 Fontaine Road

Lexington, Kentucky 40502

Phone (859) 381-3423 Fax (859) 381-3430

Henryclay.fayette.k12.ky.us

MAY -6 2009

**TO:** Brigid L. DeVries, KHSAA Commissioner  
Darren Bilberry, KHSAA Assistant Commissioner

**FROM:** Stu Silberman, FCPS Superintendent  
John E. Nochta, Henry Clay Principal  
Charles W. Atinay, Henry Clay Director of Athletics

**DATE:** 27 April 2009

**RE:** KHSAA Recommended Action in Relation to New Deficiencies *(Item #7 of the report)*  
KHSAA Recommended Action in Relation to Reoccurring Deficiencies *(Item #8 of the report)*

In accordance with the *KHSAA Title IX Re-visit Final Audit Report* of Henry Clay High School conducted on 20 February 2009 as prepared by Ms. Jenny McCarty and as reviewed by Assistant Commission Mr. Darren Bilberry, the following are submissions to the "KHSAA Recommended Action(s) in relation to new [and] to reoccurring deficiencies" as indicated in items "7" and "8" of the report.

---

7. KHSAA Recommended Action in Relation to "New" Deficiencies

- "Submit to the KHSAA...a plan to include all student-athletes in tutoring which occurs in the room beside the football coaches' office."

**SCHOOL CORRECTIVE PLAN:** The school will no longer provide/permit tutoring service of any kind to any student or student-athlete in "the room beside the football coaches' office." All student-athletes will have the same/equal opportunity and benefit of using the schools current tutoring services, Extended School Services (*ESS*).

"Note: Although the school was not given a deficiency there are still several areas of concern. the following actions are recommended to be taken by school officials."

- "Submit to the KHSAA...a concise outline of steps that your school will implement to monitor expenditures for booster funds including collecting financial data from booster organizations."

**SCHOOL CORRECTIVE ACTION:** Continue communicative efforts with coaches and booster clubs using periodic e-mails and conducting annual meetings with Department of Athletics staff and coaches, Department of Athletics staff and booster club officers, and with district-level officials, coaches, and their booster club officers to iterate and answer questions with regard to "Redbook" policies. Also,

continue establishing deadlines for booster clubs and coaches to submit reports/documentation (e.g. proposed yearly budgets and end-of-the-year statements; See attached "Athletic Booster Club Budget" & "Athletic Booster Club End-of-Year Statement) to be collected by the Department and school with regard to any financial data from booster organizations. This will be supported by a signed "Booster Club Agreement." (See attached "Booster Club Agreement)

- "Submit to the KHSAA...written minutes for the next two years gender equity meetings with the schools annual Title IX report."

**SCHOOL CORRECTIVE ACTION:** To improve upon the quality and attention to detail in keeping minutes for all gender equity meetings and to be able to evidence the meetings as to how they reflect, at some point, those items in the Corrective Action Plan. To submit the minutes of all gender equity meetings along with the annual Title IX report for the next two (2) years (2009-10 and 2010-11 reports).

---

#### 8. KHSAA Recommended Action in Relation to "Reoccurring" Deficiencies

- "...an equipment inventory has not been recently done...The following inventories should be conducted by the athletic administration of Henry Clay High School. The results and summaries of these inventories should be submitted to the KHSSAA by the end of the 2008-2009 school years.
  - 1) An **inventory** of all uniforms used by all athletes at the school. This inventory should include the **number of uniforms, dates purchased, and quality** of each uniform.
  - 2) An **inventory** of all **weight equipment** used by student athletes in all areas, and **locker rooms** at the school.
  - 3) An **inventory** of all **electronic equipment** and **other coaching amenities** used by the coaching staff and team of each sport.
  - 4) An **inventory** of **equipment and supplies** of all athletic equipment."

[NOTE: per another KHSAA recommendation to be addressed later in this document, **travel benefits** will be an additional item inventoried.]

- "The results and summaries of these inventories should be submitted to the KHSAA... The schools plan to address any inequities found should be submitted with this inventory report."

**SCHOOL CORRECTIVE ACTION:** An instrument will be devised for inventory purposes to accumulate datum as it refers to Item #8, numbers 1-4 (but not limited to) of the KHSAA Title IX Revisit Final Audit Report 2009 for Henry Clay High School. The inventory will include the "number of uniforms, dates purchased, and quality of each," "weight equipment and locker rooms," "electronic equipment and 'other coaching amenities'," and "equipment and supplies." The inventory is to take place during the months of April and May of 2009.

After obtaining all the data, which will have signed verification by each respective coach, Director of Athletics, and Principal, a report detailing the results and summaries will be submitted to the KHSAA as well as the school's plan to address any inequities found with the inventory report. (See attached "Henry Clay High School Athletic Programs' Inventory")

- "Submit to the KHSAA...a plan to address the inequities in locker room and competitive facilities that currently exist at the school."

**SCHOOL CORRECTIVE PLAN:** To modify existing locker rooms and competitive facilities in a manner consistent with establishing gender equity.

→ As it pertains to Baseball and Softball: The school is considering making additions and changes to the existing structure referred to as the "Baseball (or South) Fieldhouse" that would allow for the structure to house a locker room complete with lockers and sitting area adjacent to a coaching area by placing a dividing wall alongside the batting cages area and connecting that wall to an exterior wall. A recommendation will be made to add a locker room onto the 1<sup>st</sup> or 3<sup>rd</sup> base dugout of the Softball facility as a part of its current renovation project. As the rebuilding of the Softball facility is currently under litigation, it is considered possible to have Baseball and Softball boosters make a joint venture to add a locker room facility in an area adjacent or as an addition to the new facility.

→ As it pertains to Basketball: The school is considering switching the locker room for the boys with the locker room for the girls. Another option the school is considering placing a dividing wall in the current boys' locker room to make a room that would be equal in size and the number of lockers with that of the girls' locker room. The new room created would allow for weight lifting equipment to be moved from the concessions building and to have an area for weight training in the gym which would allow easier access for Basketball (B & G) and Volleyball and Softball and, importantly, a weight lifting area in the gym for all gym-related athletics including Physical Education. The room would be accessible without going through the boys' locker room if it remains at its current location. Even with the division wall being placed in the current boys' locker room the option to switch the locker room for the boys' with the locker room for the girls' is still an option.

→ As it pertains to the concessions building: Currently there is one locker room designated each for Boys' Soccer/Track & Field/Tennis and for Girls' Soccer/Track & Field/Tennis and a third locker room used by Physical Education classes as well as athletic programs for anaerobic conditioning. The current boy's locker room has some "moderate" weight lifting equipment and the girls' locker room has "light" weight lifting equipment. The school is considering moving all of that weight lifting equipment to a new room created in the gym in the boys' Basketball locker room should a division wall be put up. Another option is to move all of the weight equipment into the third locker room for equal access to all weight lifting equipment that is currently in the concessions building, however, because of the third locker room's considerable use in its current capacity, this appears unlikely. The school may also simply remove all equipment and have each locker room void of anything and simply have the rooms designated as Locker Rooms A, B, & C for equal access and use for/by any athletic need. With regard to the lockers currently in the boys' locker room of the

Discussion under construction

Weight room in boys gym division room has been moved to follow

concessions building, the school has placed an equal number of lockers in the girls' locker room by removing current lockers in the boys' locker room as an immediate solution. At this time, the school is obtaining information to purchase new lockers for the locker rooms in the concessions building so that both the boys' and the girls' have the same and equal number of lockers.

Will  
Board

- "Submit to the KHSAA...a revised uniform rotation policy that also states that uniforms may not be purchased outside the parameters of the plan."

**SCHOOL CORRECTIVE ACTION:** Effective immediately as it pertains to Baseball, the school will confiscate and secure the number of Baseball uniforms necessary to obtain equity with Softball. The school will continue to follow the established uniform rotation policy resulting from the previous Title IX audit with updated/current year programs eligible for replacement through 2012 for each coach to place on file. Also, the policy will clearly and initially state that "Uniforms are NOT to be purchased outside the rotation schedule. The Title IX Committee will monitor the purchase of new uniforms." (See attached "Uniform Replacement Schedule, Henry Clay High School")

- "Submit to the KHSAA the schools results of the study that they are currently conducting regarding travel benefits provided for their student athletes."

**SCHOOL CORRECTIVE ACTION:** The school will include "travel benefits" in its "inventory" as describe in the response to item "8" above and will also include those results with the other results of the inventory and in the summary, again, as indicated in item "8" above.

- "Immediately post a weight room schedule showing all teams using the weight room in the field house."

**SCHOOL CORRECTIVE ACTION:** The school will post a weight room schedule showing all teams using the weight room in the field house.

- Submit to the KHSAA...blueprints for construction of the new pres box, dugouts, and seating area at the softball complex. Continue to submit quarterly updates on the construction progress of the field."

**SCHOOL CORRECTIVE ACTION:** The school will request from and work with the district (*Fayette County Public Schools*) to obtain and submit to the KHSAA blueprints for construction of the new softball complex and request from the district to submit quarterly updates on the construction progress of the field to the school or to the KHSAA directly.

## Henry Clay High School Athletic Programs' Equipment & Benefits Inventory Survey

The following are the results of an inventory survey conducted by the Henry Clay Department of Athletics April of 2009 as recommended by the KHSAA in response to the Title IX Gender Equity Committee's audit visit, 20 February 2009. The items inventoried and form used comes as a recommendation from the KHSAA directly. For better understanding about concerns that may be suggested by the inventory survey's results, only items returned as "fair" or "poor" are indicated below; otherwise, items inventoried were "excellent" or "good."

### Baseball:

"Quality of Practice Uniforms"	"poor"	Varsity & JV	Number of = 38
"Sports Specific Quality"	"fair"		
"Equipment Storage Arrangements"	"poor"		
"Quality of Game Uniforms"	"poor"	JV	Number of = 20
"Number of Teams with Equipment Storage Arrangements that Are:"	"fair"		Number of = 01

### Basketball (B):

"Quality of Practice Uniforms"	"poor"	Varsity & J.V.	Number of = 38
"Quality of Game Uniforms"			

### Cross Country (G):

"Equipment Storage Arrangement"	"poor"		
"Number of Teams with Equipment Storage Arrangements that Are:"	"poor"		Number of = 01

### Football:

"Quality of Practice Uniforms"	"fair"		Number of = 95
"Sports Specific Equipment Provided"	"fair"	footballs	
"Game Uniform Quality"	"fair"		Number of = 35

### Golf (G):

"Equipment Storage Arrangements"	"none" (i.e. "poor")		
----------------------------------	----------------------	--	--

### Volleyball:

"Game Uniform Quality"	"fair"		Number of = 10
------------------------	--------	--	----------------

Results of Inequities Found → inadequate/inequitable storage for Cross Country (G) and Golf (G).

**SCHOOL CORRECTIVE ACTION:** The school will provide storage for Cross Country (G) in the concessions building storage room that also provides storage for Track & Field (G) and for Golf (G) in the gymnasium that will be vacated by Softball upon completion of its new facility.



2004-2005 Budget for

Boys Soccer

**INCOME:** Fundraisers should only show the Net Income after all Expenses are paid.

School Account

Beginning Balance (Ending Balance 2003-2004)	180.67
2004-2005 Allocation	3,100.00
Other Income to be Deposited into School Account:	


**TOTAL EXPECTED INCOME** (Beginning Balance plus Other Income)  

**EXPENSES:** athletes and coaches and **NOT** expenses for parents or boosters.

- Officials
- Assigning Secretary
- Entry Fees
- \* **Equipment** (balls, uniforms, etc.)
- \* **Assistant Coaches**
- \* **Transportation/Lodging**
- \* **Awards** (banquet, trophies, etc.)
- \* **Facilities Improvements**
- \* **Publications** (Programs, etc.)

Other Expenses (List below other expected expenses)  

SAMPLE


**TOTAL EXPECTED EXPENSES**  

**PROPOSED ENDING BALANCE (INCOME MINUS EXPENSES)**  

\* Bold case categories are required for annual KHSAA Title Report.  
 \*\* Payments on Building Note are not included in Title IX reports to KHSAA

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_  
Please Sign your Name Here

# 2002-2003 End of Year Statement for Boys Soccer

Name of Sport

	<u>School Acct</u>	<u>Booster Acct</u>	
<b>INCOME:</b>			
Fundraisers should only show the Net Income after all Expenses are paid.			
Beginning Balance (Ending Balance 2001-2002)	150.00	6,477.64	
2002-2003 Funding from School	2,200.00	0.00	
Other Income (List Below):			
Correct Advancements 2001-2002	-527.50		
Homecoming Float Award	25.00		
Player Fees		7,470.54	
Concessions		1,647.85	
Donations from Lazarus		1,370.00	
Donations from Legends		1,340.29	
Clothing Sales		775.01	
Car Wash		386.83	
Interest Income		24.75	
<b>TOTAL INCOME</b>	<b>1,847.50</b>	<b>19,492.91</b>	
<b>EXPENSES:</b>			
Expenses should only reflect funds used for the student athletes and coaches.			
Officials	1,675.00		<b>TOTALS for KHSAA</b> 1,675.00
Assigning Secretary	200.00		200.00
Entry Fees			0.00
* <b>Equipment</b> (balls, uniforms, etc.)		4,085.83	4,085.83
* <b>Assistant Coaches</b>		869.12	869.12
* <b>Transportation/Lodging</b>		1,542.53	1,542.53
* <b>Awards</b> (banquet, trophies, etc.)	161.98	2,549.30	2,711.28
* <b>Facilities Improvements</b>			0.00
* <b>Publications</b>			0.00
Other Expenses (List Below):			
Building Usage	101.50		
Soccer Camp		2,950.00	
Video Taping		755.00	
Dues and Subscriptions		70.00	3,876.50
<b>TOTAL EXPENSES</b>	<b>2,138.48</b>	<b>12,821.78</b>	<b>14,960.26</b>
<b>BALANCE (INCOME MINUS EXPENSES)</b>	<b>-290.98</b>	<b>6,671.13</b>	
This will be your beginning balance for 2003-2004			
<b>TOTAL INCOME (School Plus Boosters)</b>		<b>21,340.41</b>	
<b>TOTAL EXPENSES (School Plus Boosters)</b>		<b>14,960.26</b>	
<b>ENDING TOTAL BALANCE</b>		<b>6,380.15</b>	

\* Bold case categories are required for annual KHSAA Title Report.

Submitted by: Charles Atinay and Tom Naylor  
Please Print your Name Here

Date: June 16, 2003

# ATHLETIC BOOSTER CLUB AGREEMENT

This agreement is entered into by and between the \_\_\_\_\_ County Board of Education (hereafter referred to as "Board") and an entity known as \_\_\_\_\_ (hereafter referred to as the "Booster Club"). Through this Agreement, the parties intend to set forth the Terms and Conditions under which the Booster Club may operate and associate with students, teachers, coaches and school administrators at \_\_\_\_\_ High School.

## TERMS AND CONDITIONS

1. The Booster Club acknowledges that the Board is responsible for the promotion of education and the general health and welfare of all students attending the \_\_\_\_\_ County Public Schools. In addition, the Booster Club acknowledges that the Board has control and management funds and all public school property in its district and may use its funds and property to pro of all school motepublic education (KRS 160.290).
2. The Booster Club acknowledges that its activities may affect compliance with Title IX of the Educational Amendments of 1972 (Title 20, U.S.C. 1681-1687, *et seq.*) by \_\_\_\_\_ High School and the Board. Likewise, the Booster Club acknowledges that, as a condition of membership in the Kentucky High School Athletic Association, representatives of \_\_\_\_\_ High School and the Board must verify that the school complies with Title IX, 702 KAR 7:065, Section 2 (13). Accordingly, the Booster Club agrees to provide all information requested by \_\_\_\_\_ High School, the Board, or the Kentucky High School Athletic Association for purposes of determining Title IX compliance. The Booster Club further agrees to refrain from engaging in any activity which, in the opinion of the principal or athletic director of \_\_\_\_\_ High school or the Superintendent of the \_\_\_\_\_ County Public Schools, adversely affect the school's or the Board ability to comply with Title IX.
3. The Booster Club shall, on or before October 15, 2001 (for the 2001-2002 school year), and August 15, 2002 (for the 2002-2003 school year), designate a representative for purposes of communicating with and providing true and accurate information to the Board and \_\_\_\_\_ High School.
4. Upon request of the principal or athletic director of \_\_\_\_\_ High School, or upon request of the Superintendent of the \_\_\_\_\_ County Public Schools, the Booster Club shall make available a full and complete list of its members.
5. In addition to complying with the requirements of Title 702 of the Kentucky Administrative Regulations, Chapter 3:130 (internal accounting, and all other relevant statutes and regulations, the Booster Club shall, upon the request of the principal or athletic director of \_\_\_\_\_ High School, or on the request of the Superintendent of the \_\_\_\_\_ County Public Schools, provide a full and complete accounting of all moneys raised, as well as a full and complete accounting of all moneys expended. In addition, if requested to do so, the Booster Club shall also provide audited financial records concerning its activities.

6. On or before December 15, 2001 (for the 2001-2002 school year), and September 30, 2002 (for the 2002-2003 school year), the Booster Club shall advise the principal and athletic director of \_\_\_\_\_ High School of all fund raising activities planned for the upcoming year. To the extent the Booster Club seeks to engage in additional fund raising activities, it shall give at least \_\_\_\_\_ days notice if the intended activity.

7. The principal and athletic director of \_\_\_\_\_ High School and the Superintendent of the \_\_\_\_\_ County Public Schools expressly reserve the right to reject any fund raising activity for any reason. The Booster Club agrees that it shall not engage in any fund raising activity which has not been approved or which has been rejected by the principal or athletic director of \_\_\_\_\_ High School or the Superintendent of the \_\_\_\_\_ County Public Schools.

8. By executing this document through its designated representative, all members, officers, and representatives of the Booster Club agree to abide by the terms and conditions set forth below as well as those additional terms and conditions which may be required by the Board. The designated representative of the Booster Club represents and agrees that he/she will provide a copy of this agreement to all members of the Booster Club.

\*\* \*\* \*\* \*\*

I hereby acknowledge that I am a representative of the \_\_\_\_\_ Booster Club and that I am authorized to act on its behalf. I further agree that this Booster Club and its members shall abide by the Terms and Conditions set forth above. I further agree to immediately report to the principal and athletic director of \_\_\_\_\_ High School and to the Superintendent of the \_\_\_\_\_ County Public Schools any violation or breach of this agreement.

F

\_\_\_\_\_  
(Name of Booster Club)

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
COUNTY OF \_\_\_\_\_

T

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2001, by \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

Henry Clay Athletic Programs Inventory Survey

**EQUIPMENT AND SUPPLIES - TEAM CHART**

**TEAM**

Number of Game Uniform Items Provided to Participants	shorts or pants: shirts or jerseys: jackets: sweat shirts/pants: pairs of shoes:
Number of Practice Uniform Items Provided to Participants (only if different from game uniforms)	shorts or pants: shirts or jerseys: jackets: sweat shirts/pants: pairs of shoes:
Quality of Game Uniforms (excellent, good, fair, poor)	
Quality of Practice Uniforms (excellent, good, fair, poor)	
Sport-specific equipment provided (bats, gloves, balls, sticks, bags, etc.)	
Sport-specific quality (excellent, good, fair, poor)	
Number of student managers	
Are student managers volunteers? (YES or NO)	
Equipment storage arrangements (excellent, good, fair, poor)	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PRINCIPAL'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

A.D.'S SIGNATURE: \_\_\_\_\_ 14 DATE: \_\_\_\_\_

**EQUIPMENT AND SUPPLIES - SUMMARY PROGRAM COMPARISON 1**

BENEFIT		GIRLS (number of participants)	BOYS (number of participants)
Game Uniform Quality	excellent:		
	good:		
	fair:		
	poor:		
Practice Uniform Quality	excellent:		
	good:		
	fair:		
	poor:		
Sport-specific Quality	excellent:		
	good:		
	fair:		
	poor:		

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PRINCIPAL'S  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

A.D.'S  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**EQUIPMENT AND SUPPLIES - SUMMARY PROGRAM COMPARISON 2**

BENEFIT	GIRLS	BOYS
Number of teams with student managers		
Number of teams with student managers who are compensated (not volunteers)		
Number of teams with equipment storage arrangements that are:	excellent:	
	good:	
	fair:	
	poor:	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PRINCIPAL'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

# UNIFORM REPLACEMENT SCHEDULE HENRY CLAY HIGH SCHOOL

Updated 04/06/2009

- ▶ Uniforms are NOT to be purchased outside the rotation schedule. The Title IX Committee will monitor the purchase of new uniforms.
- ▶ Non-perishable uniforms (items such as warm-ups, game tops, and/or bottoms that are school property and turned in at the end of the season) may be purchased every 3 years.
- ▶ Worn out uniforms may be replaced as needed.
- ▶ All discarded uniforms and equipment are the property of the Fayette County Board of Education and must be sent to the warehouse to be sold.

TEAM	PREVIOUS NEW UNIFORM	LAST UNIFORM FUNDING	UNIFORM REPLACEMENT SCHEDULE
Boys	Cross Country	1996-1997	2001-2002
Boys	Track	1998-1999	2001-2002
Girls	Cross Country	1996-1997	2001-2002
Girls	Track	1998-1999	2001-2002
Boys	Basketball	1997-1998	2002-2003
Girls	Basketball	2000-2001	2004-2005
Girls	Softball	2000-2001	2002-2003
Boys	Soccer	2000-2001	2003-2004
Girls	Soccer	2000-2001	2003-2004
Boys	Football	\$2,500/Year	2004-2005
Boys	Baseball	1998-1999	2002-2003
Girls	Volleyball	2000-2001	2004-2005
Boys	Golf		
Girls	Golf		
Boys	Swimming		
Girls	Swimming		
Boys	Tennis		
Girls	Tennis		
Boys	Wrestling		

\* Athlete/Boosters/Parent Supply because of the Personal nature of the Uniform.  
 \* Teams are allocated \$2,500 for the use of purchasing non-perishable uniforms on the rotation schedule. Any additional purchases must be approved by the Title IX committee in advance.



**UNIFORM REPLACEMENT SCHEDULE**

Updated 2010 - 2011 School Year

Fayette County High School

JUN 25 2010

- Uniforms are NOT to be purchased outside the rotation schedule. The Title IX Committee will monitor the purchase of new uniforms. Any additional purchases must be approved by the Title IX committee in advance. Boosters are not permitted to purchase uniforms outside the rotation schedule and all purchases by Boosters must be approved by the Title IX committee in advance.
- Non-perishable uniforms (items such as warm-ups, game tops, and/or bottoms that are school property and returned in at the end of the season) may be purchased every 3 years.
- Worn out uniforms may be replaced as needed upon approval of the Title IX committee.
- All discarded uniforms and equipment are the property of the Fayette County Board of Education and must be sent to the warehouse to be sold.

TEAM	Funding Amount - Last Allocation	LAST FUNDING ALLOCATION	UNIFORM REPLACEMENT SCHEDULE					
Boys Cross Country	\$500	2009-2010		2013-2014				2017-2018
Boys Track	\$500	2009-2010		2013-2014				2017-2018
Girls Cross Country	\$500	2009-2010		2013-2014				2017-2018
Girls Track	\$500	2009-2010		2013-2014				2017-2018
Boys Basketball		2010-2011						
Girls Basketball		2010-2011						
Boys Baseball		2008-2009		2012-2013				2016-2017
Girls Softball	\$1,000	2009-2010		2013-2014				2017-2018
Boys Soccer		2007-2008		2011-2012				
Girls Soccer		2007-2008		2011-2012				
Boys Football	\$2,500/Year	2010-2011		2012-2013				2016-2017
Girls Volleyball		2008-2009		2012-2013				2016-2017
Boys Golf			New Per Player*					
Girls Golf			New Per Player*					
Boys Swimming			New Per Swimmer*					
Girls Swimming			New Per Swimmer*					
Boys Tennis			New Per Player*					
Girls Tennis			New Per Player*					
Boys Wrestling			New Per Wrestler*					

\*Athlete/Boosters/Parent Supply because of the Personal nature of the Uniform.  
 Teams are allocated \$2,500 for the use of purchasing non-perishable uniforms on the rotation schedule. This amount is subject to change based on availability of funds. Any additional purchases must be approved by the Title IX committee in advance.

To: Darren Bilberry  
Cc: Donald Adkins, Fayette County Schools District Athletic Director  
Sharon Wesley, Henry Clay High School Associate Athletic Director  
From: Gary W. Lawson  
Date: June 22, 2010  
Subject: Follow-Up Visit to Henry Clay High School

#### Background Reasons for Visit

KHSAA representatives made a regularly scheduled Title IX re-visit to Henry Clay High School on February 20, 2009. The report filed by J. McCarty requested that progress in relation to three designated deficiencies be monitored for progress by a follow-up visit.

#### Follow-Up Visit

On June 22, 2010, Gary Lawson met with Don Adkins, Fayette County Schools District Athletic Director, and Sharon Wesley, Associate Athletic Director at Henry Clay High School, to review the current situation in relation to the designated deficiencies in the February 20, 2009 Title IX report.

#### Summary of Findings

At the time of the 2009 re-visit, the school's softball field had been deemed unsafe for use and was under re-construction. The construction is now finished, and two games were played on the field during the recently concluded 2010 season. The field appears to be in very good condition and provides essentially all needed amenities. The quality of almost all amenities are excellent. (See Comparison of Features summary sheet—6/22/10—Henry Clay High School Title IX file.) The baseball and softball fields compare favorably except in the provision of dressing/locker facilities. The school is currently in the early stages of construction of new dressing facilities adjacent to the softball field. The progress of this project depends on the funding provided by the Fayette County School Board of Education. School officials were encouraged to do everything possible to complete this project. The progress on this project should be a part of the school's Corrective Action Plan reported annually to KHSAA until construction is complete.

The February 20, 2009 report designated inequities in provision of locker room facilities. The school submitted a list of corrective actions on April 27, 2009 which addressed these concerns. Information gained during the June 22, 2010 re-visit indicated that some modifications have taken place in relation to the boys basketball dressing room and the construction of a locker room at the softball is in the early stages. The school's yearly Corrective Action Plan sent to KHSAA should report the progress made toward completion of all projects listed on the April 27, 2009 document.

In the area of medical and training facilities, the February 20, 2009 Title IX report identified some inequities in the provision of weight training equipment. On June 22, 2010, school officials reported that all weight training equipment had been removed from the boys basketball dressing room to the school's field house, and that equipment, according to the posted schedule, is equally accessible to all athletes at the school.