PSO Cutting-Edge Websites Deliver All the Action and News to your Fans, Family, Friends and Alumni

- Capturing the Moments
- Recognizing Student-Athlete Achievements
- Raising Funds for Athletic Departments

With PSO
Everyone WINS!
www.pso.com

HighSchool TODAY™ THE VOICE OF EDUCATION-BASED ATHLETICS AND ACTIVITIES

Participation Fees
Help fund athletic programs

Disabled Students
Participation Opportunities

Fair Labor Standards Act
Compensating personnel is key issue

Winning In Sports
Only a part of the equation
Everything costs money these days. But should a paycheck be a rite of passage to playing high school sports?

With high schools having to crunch budgets and scrape for funding, they are often faced with some tough choices. Among those, do they eliminate some programs altogether? Or, do they ask students to come up with the cash to fund them?

More and more, athletic programs are turning to “pay-to-play” to address this problem. This method of funding high school athletic programs is addressed in an article beginning on page 10.

When budgets began to shrink in the 1970s, pay-to-play fees, or participation fees, emerged. A 2004 USA Today survey revealed that 34 state high school associations reported that at least some school districts in their respective states were charging students to play sports. As pay-to-play policies have become more and more commonplace, a growing concern among parents, students and school officials has emerged.

It should be noted, however, that “pay-to-play” is somewhat of a misnomer. A more accurate description might be “pay-to-participate,” which would suggest that such fees would only guarantee the student a spot on a roster, but not necessarily playing time.

Around the country, it is not uncommon for parents to pay $75 to $100 for their child’s participation in a sport or other cocurricular activity. As a means of defraying those expenses, fees sometimes are capped when a family has several children involved in sports. In addition, scholarships often are made available and fees can be waived if the student is eligible for financial aid.

Nonetheless, some students are still dealing with an expensive price tag attached to their favorite sport. For example, a family in the River View School District in Warsaw, Ohio, might have to pay $1,350 to be included in the sports program. Caps on the amount a family is required to pay may help ease the financial pain, but may not always completely resolve the problem.

High school sports have always been a positive influence on young adults. Not only do sports enable them to participate in rewarding programs, but they also teach them lifelong lessons such as sportsmanship, leadership and the importance of teamwork in working toward common goals.

One of the inherent problems with pay-to-play is that it goes against the very grain of what public high school sports are, or at least should be, about. Tax dollars should fund public education that provides facilities and activities programs for students.

In many instances, sports can provide an impetus for students to do well in the classroom. If they do not maintain a certain grade-point average, for example, they potentially could lose their eligibility to participate. Numerous studies have shown a strong correlation between participation in high school athletic programs and positive outcomes, such as earning better grades and realizing success later in life. One such study is the NFHS’ “The Case for High School Activities Programs.”

There has been an ongoing debate regarding whether or not the government can step in and prohibit schools from charging participation fees. In some states, it has.

For example, a 1984 California Supreme Court ruling determined that athletics are a part of a school district’s educational program. In 1995, South Dakota decided that high school students could not be required to pay sports fees.

In some instances, paying to play can provide inherent benefits. For example, students in certain Michigan high schools receive an athletic pass to other sporting events when they participate in the school’s pay-to-play program.

For many years, members of an Oakdale, California, high school cheerleading squad voluntarily paid out-of-pocket costs for custom-made uniforms with matching warm-ups. The California Legislature subsequently passed a law that does not allow participation fees, throwing into question whether or not those cheerleaders will be allowed to continue to purchase their own custom-made outfits.

We strongly believe that high school sports and activities programs are vital to both the physical and personal well-being and development of students, and that they provide lifelong lessons that cannot be taught in other settings. Supporting that assertion is the 2006-07 High School Athletics Participation Survey, which shows that more girls and boys are playing high school sports than ever, with an all-time high of 7,343,910 participants. However, when budget cuts come into the picture, ensuring the future of high school programs can become problematic, and alternative means of funding sometimes need to be implemented.
Teamwork
The Santa Fe (New Mexico) Indian School girls basketball team members listen to instructions from their coach during a time-out.

Photograph by Kim Jew Photography, Santa Fe, New Mexico.
This huddle will last a lot longer than the next 30 seconds.

If you think this is just about basketball, think again. Every time these high school students huddle up at this year's T-Mobile Invitational, they also learn a lot about teamwork, leadership and self-confidence on the court and in life. You’re not just watching eight of the top high school teams in the nation. You’re supporting everything that’s great about high school athletics.

Live from "The Pit" at the University of New Mexico, Albuquerque, Dec 28-29. Check out t-mobileinvitational.com for details.
COVER STORY: Accommodating Disabled Students into Athletic Programs: Recent court decisions force re-evaluation of opportunities for disabled students.

–Mike Williams

Photograph by 20/20 Photographic, Mt. Pleasant, Michigan.

FEATURES

Pay-to-play
Participation Fees – Attempts to Keep Athletic Programs Afloat: The use of participation fees as a means of maintaining athletic programs is examined. –Emily Cerling and Bob Herman

Legal News
Athletic Programs and the Fair Labor Standards Act: Appropriate financial compensation for athletic personnel is a key issue. –Lee Green

Winning
Is Winning All That Matters?: There is more to high school sports than simply winning and losing. –David Hoch

DEPARTMENTS

1 NFHS Report
18 Above and Beyond
20 Top High School Performances
21 Did You Know?
22 Ideas That Work
24 Point-counterpoint
26 Around the Nation
28 In the News

HIGH SCHOOL TODAY ONLINE
You can read all articles – and more not published in this issue – online at www.nfhs.org/hstoday.
Accommodating Disabled Students into Athletic Programs

BY MICHAEL L. WILLIAMS, CMAA

Background

A typical public school system includes a significant number of students with disabilities, often up to 10 percent of the total enrollment. Limited opportunity for athletic participation is provided to students with disabilities, a circumstance many parents have begun to challenge. These challenges have reached the federal courts and the implications of recent decisions are forcing local public schools systems (LSS) to evaluate how they are athleticism accommodating students with disabilities.

Local public school systems have accommodated students with disabilities under the auspices of four major laws. These include the 2004 Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), and state and local codes. Each of these includes regulations and provisions for the participation of individuals with disabilities.1

The 1999 IDEA regulations define “nonacademic services and extracurricular activities” and include athletics in the definitions (34 CFR 300.306(b)). Section 504 regulations also include athletics in their definitions (34 CFR 104.3(a)(2)).

Participation in athletics is not a required component of a student’s free and appropriate education (FAPE). However, the 2004 IDEA regulations (34 CFR 300.17) require local public school systems to provide nonacademic and extracurricular services and activities in a way that affords students with disabilities an equal opportunity for participation in those services and activities. Neither IDEA nor Section 504 considers participation in athletics a FAPE issue. Both do consider participation as an issue of nondiscrimination, accessibility and equal opportunity.2

A Maryland State Department of Education (MSDE) Workgroup recently interpreted the letter and intent of these laws and regulations to mean that local school systems have a responsibility to affirmatively act to ensure the inclusion of students with disabilities in interscholastic athletics to the maximum extent possible. These affirmative actions would ensure access, as well as increase the number of students with disabilities participating in athletics. Students with disabilities may not be excluded from participation purely on the basis of their disability.3
Finally, courts consider it the legal duty to make “reasonable accommodations” to a public school system’s participation requirements. Three categories of requested modifications have been generally considered patently “unreasonable.” They are:

1. **Fundamental Alterations** of the athletic activity or the impairment of the purpose of the regulation.
2. **Undue Financial or Administrative Burden** imposed on the governing body or school system making the application of the rule impractical.
3. **Safety** risks to the health or safety of the person with the disability or participants.

**The Debate**

Much of the recent debate has been centered on two issues. First, should each accommodation be considered on an individual, case-by-case basis or can the local school system establish rules for participation that accommodate the novice as well as the elite athlete? Second, can the accommodations in some instances (wheelchair track) require scoring? Two recent cases in the federal district court in Baltimore, Maryland have begun to clarify the issue – McFadden v. The Howard County Public School System (HCPSS) and McFadden v. Nancy Grasmick, et al.

In those cases, 16-year-old wheelchair racer Tatyana McFadden, a sophomore at Columbia (Maryland) Atholton High School whose legs are paralyzed as a result of spina bifida, wanted to compete against her able-bodied peers in a track meet. Previously forced to compete in separate wheelchair events at high school track meets, McFadden didn’t want her points to be counted toward team totals; but rather simply wanted the same experience as everyone else in the race. After suing the school system in federal district court in Baltimore, Judge Andre Davis issued a temporary injunction permitting her to race at the same time as able-bodied runners for the rest of the school year.

For now, scoring accommodations do not have to be considered and each student must be accommodated on a case-by-case basis.

National Federation of State High School Associations (NFHS) rules encourage interpretation and application of the rules “so as to make reasonable accommodations for disabled athletes, coaches and officials.” Furthermore, the NFHS Mission Statement seeks to promote “education-based interscholastic activities which support academic achievement, good citizenship and equitable opportunities.”

Research has shown time and again that participation in extracurricular activities and athletics significantly improves academic performance, behavior and attendance. GPAs and SAT scores and student-athletes are more likely to be leaders. Because of the limited opportunities for participation in athletics, students with disabilities are not afforded all of these benefits. Essentially, students with disabilities have less opportunity to enrich their educational experience, develop good citizenship and healthy lifestyles, achieve academically, and promote positive school/community relations. Without educationally based athletic opportunities, students with disabilities are less likely to be well-rounded people when leaving their high schools for higher education or the work force. It is for this reason, more than any other, that opportunities for students with disabilities to participate in interscholastic athletics will continue to expand, either by legislative mandate or court interpretation of the law. No one can justify limiting the opportunities for the full development of 10 percent of our students, just as we cannot justify limiting participation because of race or gender.
Implications

Budget – Boards of education and superintendents will be forced to increase spending to accommodate athletes with disabilities (preferred) and/or cut existing programs (discouraged). A 10-percent increase in spending can be expected if no existing programs are cut.

Defining a Student with Disability – When considering the educational services for which a student with disabilities qualifies, IEP committees have prescribed guidelines. When considering whether a student has a physical or mental disability entitling him/her to accommodations in athletics, there is no clear, uniform definition – how will the LLS require a student with a disability to prove how substantially limited his/her life is by a physical or mental disability?

Equal Opportunity – More students with disabilities will have an equal chance to participate in education-based programs. If expanded budgets are affordable, cuts of existing programs will not reduce opportunities for students without disabilities.

Numbers – More students will participate in interscholastic athletics so long as existing programs are not cut to accommodate budgets.

Connections – More students will be connected to their schools and communities, extending the “ownership” of schools to more students and families. Increasing connections can only help decrease the sense of alienation that is becoming more prevalent among students. Disconnected/alienated students are more likely to be disruptive, even violent.

Cultural Diversity – The erosion of stereotypes, biases and prejudices will continue, promoting safety, cooperation and acceptance within our increasingly diverse population.

Rules – Changes will occur as greater accommodations are made to include, as fully as is possible, our students with disabilities. Scoring will continue to be an issue. If not scored, then the student’s participation has intrinsically less value than that of students without disabilities. If scored, schools without students with disabilities in those sports/events will be at a competitive disadvantage and less likely to win the contest/event. Educationally sound compromises must be reached.

Scheduling – Games and practices must be scheduled in already booked facilities. Time and space will be an administrative issue.

Officials – Already stretched officials associations may experience greater shortages. Training of officials will undergo changes. More students with disabilities will go on to be officials.

Coaches – Certification and training of coaches will undergo changes. More students with disabilities will go on to be coaches.

Safety and Risk Management – Additional safeguards to protect students from the risk of injury will need to be developed and implemented, often on a case-by-case basis.

Accessibility of Facilities – Students will need to be able to access fields, tracks and all other facilities, which may require intensive accessibility studies by LEA staff.

Conclusion

It is under the guarantee of federal statutes (ADA, IDEA and Section 504) that local public school systems will be required to develop and implement an interscholastic athletic program for students with disabilities. The inclusion of students with disabilities into athletics will generally take three forms:11

1. The student is able to participate in athletics without accommodations.
2. The student is able to participate against or alongside athletes in individual events (not team sports) with allowable accommodations or modifications.
3. The school system will develop an alternative athletic program because the student is unable to participate in individual or team sports because the necessary accommodations or accommodations:

“Without educationally based athletic opportunities, students with disabilities are less likely to be well-rounded people when leaving their high schools for higher education or the work force.”
• Fundamentally alter the sport
• Significantly increase the safety risk to the student or other athletes
• Disadvantage other athletes
• Provide the student with an advantage

Like Title IX, the ADA and other disability laws guaranteeing equal opportunity will continue to alter the athletic landscape. The benefits and opportunities afforded by an educationally based athletic program must include our disabled students.

Notes:
5. Tatyana McFadden v. Howard County Public School System (Injunction).

Acknowledgements:
Blom, Mark. Legal Counsel for the Howard County Public School System. 101910 Route 108, Ellicott City, Maryland 21042.
Daley, Patricia. Coordinator of Special Education, Howard County Public School System. 101910 Route 108, Ellicott City Maryland 21042.

Michael L. Williams, CMAA, is coordinator of athletics of the Howard County Public School System in Ellicott City, Maryland.
Among the primary original functions of America’s public schools were to provide education and activities for youth. However, as financial situations have changed since the 1970s, many public schools have faced the quandary of either charging students for athletics or cutting the entire program. Consequently, participation fees (also known as “pay-to-play”) have become an issue for many high schools across the nation.

Dr. Scott Smith, an assistant professor at Central Michigan University and former district athletic director of Wichita (Kansas) Public Schools, said pay-to-play first appeared in the early 1980s on the East and West Coasts – most notably Massachusetts and California. When state property taxes get axed, everything is affected. The school budgets get tightened, and the athletic budgets are directly impacted.

“When the school budget has a problem, the athletic budget has a problem,” Smith said. “In most districts and in most states, it’s impossible to break even and pay off all their bills. Across the country, most athletic budgets are one to three percent of the school district budget. When cuts need to be made, they’re going to be in areas that don’t affect and are far away from the core classrooms.”

While these programs are important to the students’ educational growth, the bills inevitably add up. Paying for equipment, facilities, uniforms, transportation and coaches’ salaries results in a cumbersome financial burden.

Of course, there are alternatives to pay-to-play, such as booster clubs, corporate sponsorships and fund-raisers, but those are dependent upon the willingness and ability of parents, students and the community to help out.

Booster clubs, which generally do not get involved with participation fees, can help offset some costs. Peter Oppeneer, president of the Madison (Wisconsin) East High School Booster Club, says the main responsibility of the booster club is to purchase uniforms and equipment.

“The Purgolder Booster Club does not offer funding to individual athletes, including participation fees,” Oppeneer said. “It also does not pay coaches’ salaries or facility rentals. Rather, its primary function is to fund uniforms and equipment.”

Some states, notably New York, South Dakota and Virginia, are strongly against implementing pay-to-play programs.

“In 1995, the Commissioner of Education found it to be ‘improper for a school district to charge fees to participants as a method of funding interscholastic sports programs,’ ” said Nina Van Erk, executive director of the New York State Public High School Athletic Association (NYSPHSAA). “He also ‘cautioned school districts not to engage in activities which create the impression that it is requiring payment of fees for student participation in sport activities.’”

In an effort to offset budget cuts, Haverhill (Massachusetts) High School implemented participation fees.

Athletic Director Peter Shanahan said that pay-to-play was applied in 2003 by the school committee after the athletic budget was cut by a couple hundred thousand dollars due to a loss in state revenue. The participation fee is $300 for the first sport, $100 for the second and $50 for the third, and there is also an opportunity for a waiver.

“We started with one fee for the year, like an activity fee, but the school wanted to go to some kind of graduated scale,” Shanahan said.

He also said that the athletic budget in 2000 was about
$550,000, and now it is approximately $300,000. Commensurately, Haverhill had 900 student-athletes in 2000, and has 600 at this time.

One of the many headaches the participation fees have caused for Shanahan is the fact that collecting the fees – which he said is about 50 percent of his job now – is taking away from the educational aspect of what his job is supposed to include.

In the long run, Shanahan thinks participation fees help the athletic budget, but it seems as though they are only taxing a certain group.

“We’re kind of an inner-city school,” he said. “We’re segregating a certain part of a population even though we offer waivers.”

Strongsville (Ohio) High School has experienced financial difficulty this year, and athletics and activities programs felt the brunt of it. As a result, it now charges fees for students to participate in athletic and fine arts programs, as well as for membership in school clubs.

Participating students now are required to pay $270 for each sport. An activity fee was instituted as well, which requires a student to pay $40 for each club or other activity in which he or she participates.

While some sports are more costly to administer than others, Strongsville High School does not differentiate in the price of the fees.

“There is a set fee for athletics,” Strongsville Principal Karen Hollo said. “It doesn’t matter if you’re on the golf team or the football team – you still have to pay it.”

While parents are begrudgingly paying the fee, Strongsville’s athletic director does not see much of the revenue.

“We had to basically balance the budget,” Athletic Director Joe Lynch said. “We’re not getting that money – the school district is.”

While some high schools are experiencing the rising costs of athletics, some schools are suffering from the number of people who are unable to pay. Bill Faflack, athletic director of Wichita (Kansas) Public Schools, understands this dilemma.

Participation among high schools in Wichita has risen to its all-time highest level. However, the athletic budget has suffered. Since 1991, schools in the district have used a pay-to-play program with a sliding scale, which means any student eligible to receive financial aid is also eligible to have the $20 participation fee waived. Due to low per-capita income, more and more Wichita students do not have to pay the fee, making a direct impact on the athletic budget. Since 2000, the school system has seen an estimated 25-percent decrease in the revenue from such fees.

“We’re attempting to remove the obstacle, but it is one more thing to do to prevent kids from playing,” Faflack said.

There are two sides to every coin, though. Some schools have implemented participation fees and have not seen any significant drops in participation rates or any general problems.

Seattle (Washington) Roosevelt High School charges student-athletes $50 for one sport, $25 for a second and the third one costs nothing. And in many instances at Roosevelt, participation is emphasized much more than the fees, as waivers are also offered.

“By virtue of us going out and explaining to parents the situation, a lot more people are willing to do it,” Roosevelt Athletic Director Michael Scott said. “It’s the frivolous expense versus the meat-and-potatoes expense.”

Participation fees also seem reasonable for certain areas because some parents are already used to club sport fees, while other
communities – some that are more affluent than others – simply do not want to see programs get cut.

Prescott (Arizona) High School is one of those places.

“We have lived with the fees for so long that no one seems to mind any more,” Prescott Athletic Director Bill White said. “With club fees being so high, many people feel the cost is low in comparison. Philosophically, I do not like the idea of participation fees. However, in our situation, it has worked. This is due mainly to the importance the community of Prescott puts on these activities.”

For the high schools that do have a participation fee implemented, another issue arises – should the consequential fee result in more playing time for a parent’s child?

This creates a particularly tough situation for sports such as football and basketball where participants’ playing time is limited at any given time.

“Participation fees further perpetuate the pervasive sense of ‘entitlement’ in our interscholastic athletic programs,” Van Erk said. “When families pay the same amount of money for their child to participate, there is an expectation of equal playing opportunity. This perception occurs with no regard to the child’s effort or skill.”

Many schools, like Haverhill, try to suppress any potential parental disagreement before it even starts.

“On our admissions slip, we note that playing time is guaranteed for junior varsity and freshman teams,” Shanahan said. “But for varsity teams, playing time is solely up to the coach. We make sure parents sign that piece – it saves a lot of headaches.”

Carmen Kennedy, the athletic director at Grosse Pointe (Michigan) North High School, has not thus far dealt with any parent complaints about participation. Nonetheless, Kennedy explains the purpose of the fee to prospective parents who would want more playing opportunities for their children.

“I am proactive on this issue,” Kennedy said. “I make a statement in the parent meetings – ‘Play to participate – not to play.’ Regardless of playing time, we still have to transport and dress a student-athlete.”

Gary Bennett, the head coach of Grosse Pointe North’s girls basketball team, is able to see both sides of the story. As the head coach and a parent of former student-athletes at Grosse Pointe North, he said he always feels pressure to play kids, but the fee doesn’t make an impact on playing time.

“We talk about filling roles on the team,” Bennett said. “All roles are important, but not all roles are the same, and kids will not all have the same playing time. The fee should have nothing to do with playing time.

“As a parent, I never once thought about my kids playing simply because I paid a participation fee. They are not paying to play in games; they are paying to participate as a member of the team. Not everyone is equally talented, and not everyone will play the same amount.”

Even Smith, who concentrated on the study of participation fees in his doctoral dissertation, believes there cannot be a direct correlation between the fee and playing time.

“You have to make sure the parents understand that it involves participating and being a part of the program, but that it does not include playing time,” Smith said. “We don’t have those rules in high school sports, especially at the varsity level.”

According to Smith’s research, participation fees are most prevalent in suburbs in the northeast, across the northern part of the country and along the West Coast. He also said numerous things need to be taken into consideration to determine if a fee will work or not.

“There are so many factors – the amount of the fee, the demographics of students and parents, the way you implement the fee (waiver, sliding scale, caps), the culture of high school sport in your district,” Smith said. “There is no real way to predict what a fee will do to a participation rate in a district.”

The 2006-07 High School Athletics Participation Survey conducted by the National Federation of State High School Associations indicated that participation rates have reached an all-time high with more girls and boys than ever participating in high school sports. This research shows that 7,342,910 students participated in sports and activities last year.

That might suggest that the increased implementation of participation fees has not had an effect on participation numbers overall. However, school budgets continue to get tighter, ensuring that participation fees will be part of the high school sports landscape for at least the immediately foreseeable future.

Emily Cerling is a fall semester intern in the NFHS Publications/Communications Department. She is a senior at Butler (Indiana) University, majoring in integrated communications.

Bob Herman is a fall semester intern in the NFHS Publications/Communications Department. He is a junior at Butler (Indiana) University, majoring in journalism (news editorial) and minorin in Spanish.
National Interscholastic Athletic Administrators Association

Develop professionally through leadership, service and educational opportunities...

Go to www.niaaa.org for further information on membership, services, programs, partnerships and professional development opportunities.

Benefits to Members:
- Interscholastic Athletic Administration magazine
- Co-sponsorship of annual national conference
- Leadership Training Program curriculum of 30 courses
- Three levels of professional certification
- Liability & life insurance with membership
- Award & recognition program

7,000 members include:
- High school athletic directors
- Middle school athletic directors
- City & district athletic directors
- Athletic coordinators
- Executive directors of state athletic administrator associations
- Retired athletic directors
- College student memberships
- Other associated occupations at education, collegiate, coaching, sporting goods levels

Additional NIAAA Initiatives:
- Student Scholarship/Essay Program
- National Emergency Network safety and relief efforts
- Media & published materials
- NIAAA Hall of Fame
- Online logo shop
- Sports turf renovation effort
- Endowment program
- Professional outreach program
- College credit & degrees through leadership training program
- Web site Fundraiser Guide
- Buyer’s Guide located on Web site
Athletic Programs and the Fair Labor Standards Act

BY LEE GREEN

Recently, school districts across the country have been facing an explosion of wage-and-hour litigation involving athletics personnel. Interscholastic sports teams historically have tended to rely on low-salaried, stipended and volunteer personnel, many of whom are full- or part-time school employees in other capacities, to fill many head coach, assistant coach and event support positions. Since 1998, hundreds of districts have been sued by their own athletics personnel for violations of the federal Fair Labor Standards Act (FLSA). Most of the cases involved claims for unpaid overtime in situations where the plaintiff’s primary job work-hours were 40 or fewer, but when combined with additional athletics program duties, the total work-hours exceeded 40 and entitled the employee to time-and-a-half compensation for the overage. In 2004, revisions to the FLSA dramatically expanded the number of athletics personnel entitled to overtime benefits and significantly increased the potential liability of schools.

The FLSA requires that “non-exempt” employees receive overtime or compensatory time when they work in excess of 40 hours in a week. The key determination for the employer is whether a particular employee is “non-exempt” or “exempt.” Three criteria must be satisfied for an employee to be classified as “exempt.” First, the employee must be salaried as opposed to receiving hourly pay. Second, the employee must earn at least $23,660 per year ($455 per week). Third, the employee must fit into one of the four categories of exempt job duties – executive, administrative, professional or highly compensated employee.

Before the August 2004 FLSA revisions, exemption required an income of only $8,060 annually ($155 per week), therefore all but the lowest paid individuals could qualify as exempt if they satisfied the other two criteria (salaried and exempt job duties). Now, however, schools must reassess all those employees who were previously exempt and have annual earnings between the old $8,060 threshold and the new $23,660 threshold. Nationwide, because of the high number of school staff members who earn more than the old exemption amount but less than the new qualifying amount, and who also serve in some role in the school’s athletics programs, the financial exposure of districts to FLSA claims has increased significantly.

The following is a non-exhaustive list of the common categories of school district employees who the U.S. Department of Labor (DOL), under most circumstances, considers to have exempt job duties: superintendents, assistant superintendents, district-level program directors, district-level athletics directors, principals, assistant principals, athletics directors, teachers, counselors, nurses with an R.N. degree and certified athletics trainers.

Most FLSA claims involve school district employees in one of these “non-exempt” categories who also serve in some role in the athletics program such as an assistant coach, sports event supervisor, ticket seller or ticket taker, concessions worker, public-address announcer, scoreboard operator, scorebook keeper, shot-clock operator, or the like. If the “non-exempt” employee’s cumulative working hours for primary job duties plus athletics-related duties exceed 40 in a week, the employee must be paid overtime or receive compensatory time off. Even in those cases when the “non-exempt” employee’s athletics-related hours do not result in cumulative work hours in excess of 40 for a week, the employee must be paid straight-time for the sports-related duties at a rate at least equal to the minimum wage.

The classification of employees as “exempt” or “non-exempt” is highly subjective with regard to the third above-described criteria – exempt job duties – and this determination should be made by experienced school district counsel who is familiar with both the FLSA’s...
“primary duty” test and applicable state labor law, which in some jurisdictions may impose stricter requirements than the federal law.

The burden of proof in FLSA cases is not on the plaintiff to show that statute has been violated, but instead on the employer to establish that it has complied with all of the mandates of the law. The DOL presumes that an employee is “non-exempt” unless it can be conclusively established by the employer that all three criteria for exemption are present, thus any borderline determinations should be resolved in favor of non-exemption.

If in violation of the FLSA, the employer will be liable for unpaid overtime for the previous two years in non-willful-actions cases and up to three years in willful-actions cases, in addition to the possibilities of liquidated damages equal to the back pay owed (thus effectively doubling the award to the plaintiff) and attorney’s fees. The DOL may also pursue criminal penalties in willful-actions cases.

FLSA provisions do not apply to independent contractors, trainees, volunteers or activities considered occasional and sporadic.

An independent contractor is an outside agent who contracts with the school district to perform some task and who is not under the district’s control regarding the physical details of the work. A full-time bus driver for a charter company who on his own time works part-time for the school district driving teams to away games would not be entitled to overtime from the district under the FLSA.

A trainee is someone working during a mandated orientation or probationary period. For instance, a student teacher who serves as an assistant coach for a sports team would be considered a trainee and would not be entitled to overtime under the FLSA.

An employee may volunteer without pay under the FLSA only if 1) the service is offered freely and voluntarily and without any express or implied coercion by the employer; 2) no compensation other than a nominal fee is paid; and 3) the volunteer duties are dissimilar from the employee’s regular job duties.

A school should paper its trail regarding the “freely and voluntarily” criteria by requiring non-exempt employees to sign a volunteer agreement attesting that participation is without coercion or relation to the person’s regular employment at the school. Even with the use of such a document, allowing non-exempt employees to volunteer involves the risk of a later dispute whether participation was truly voluntarily or rather was coerced through subtle pressure or an implied threat of tangible job deterrents for non-participation.

The FLSA “dissimilar duties” requirement for volunteers is subjective and it is often difficult to assess whether the volunteer is providing services sufficiently unlike his regular job duties. For instance, a full-time school bus driver employed by the district cannot volunteer to drive sports teams to away games, but it would be acceptable for the bus driver to volunteer as an assistant coach. A full-time cafeteria worker may not volunteer to manage the concession stands at athletics events, but it would be acceptable for the worker to volunteer as a ticket taker. A full-time school bookkeeper cannot volunteer to maintain the books for a sports booster club, but would be permitted to volunteer as a scorekeeper at games.

In evaluating the similarity of a volunteer’s primary job duties to athletics-related activities, the DOL relies on the classifications of occupations in the O*Net System published by the Employment and Training Administration (ETA). If the primary job duties and athletics-related services fall into the same O*Net category, they are to be considered too similar to permit unpaid volunteerism under the FLSA.

Information regarding the O*Net System and access to the database are available online at <www.dol.eta.gov/programs/onet>.

It is also important to note that employees cannot waive their rights under the FLSA. Even if an employee is voluntarily willing to perform no-compensation services similar to his or her primary job duties, the FLSA applies and the employee must be paid for the hours worked and must be paid overtime for the hours worked in excess of 40 in a week.

The FLSA allows employees, at their discretion, to perform occasional and sporadic work for which they must be compensated, but for which their hours do not have to be used in computing overtime. The DOL considers an activity occasional and sporadic if it is not a regularly scheduled assignment; it is performed solely at the employee’s option; and it involves duties dissimilar from the employee’s regular job duties. Occasional and sporadic service differs from volunteer service in that the volunteer can receive only a nominal fee (expenses), whereas the occasional and sporadic employee is being paid for the activity.

A written FLSA Compliance Policy should be created at the district level with the input of counsel who is familiar with both the federal statute and applicable state labor law. The policy should identify the workweek (the seven-day period subject to the overtime parameters), define whether employees need authorization to work overtime, and state whether overtime will be compensated with pay or with compensatory time off. If written authorization to work overtime is required or if compensatory time off will be incorporated into the policy, documents that will be signed by the employee and retained by the district should be created for these options.

An important component of the FLSA Compliance Policy is the determination of the methodology of timekeeping for the cumulative work hours of all non-exempt employees (timesheet or timeclock or other technology-based options). Schools often lose FLSA lawsuits because of an inability to demonstrate a compliant timekeeping system with which the burden of proof could be satisfied to prove that the employee did not work the claimed overtime (remember that the defendant-school carries the burden of proof in FLSA cases).

Additional resources on the Fair Labor Standards Act may be found at <www.nfhs.org/hstoday>.

Lee Green is an attorney and a professor at Baker (Kansas) University, where he teaches courses in sports law, business law and constitutional law. He may be contacted at Lee.Green@bakerU.Edu>.
Is Winning All That Matters?

BY DR. DAVID HOCH, CMAA

Walk into many high school gyms and you will find championship banners lining the walls. In the lobbies, you will probably walk past trophy cases packed with the latest hardware representing league and regional accomplishments. Winning teams garner attention from the media and definitely become a source of community pride. But is winning the only thing that matters – is it the all-everything in high school athletics?

In the late ‘70s and early ‘80s, our girls lacrosse team won 103 consecutive games and this is considered the unofficial national record. During the 2007 season, Mt. Hebron High School, also located in Maryland, challenged this record, but lost a match that would have pushed it beyond our standard. While some believe Mt. Hebron played a tougher schedule, it would be impossible to compare the results because the games were played in different decades and eras.

In part fueled by the notoriety and coverage of Mt. Hebron’s run, a few of our parents expressed their disapproval with our program. It wasn’t that we didn’t win any games. As a matter of fact, we finished the season with a 9-4 record and advanced to the final game of the regional championship. But this wasn’t good enough for these few misguided parents. In their eyes, we weren’t as dominant as Mt. Hebron and winning was all that mattered.

How sad! To believe that our team wasn’t successful because it didn’t match a winning streak established in another era. After all, 25 or more years had passed since the record had been set. As a result of this unrealistic expectation, a few parents actually pressed to have our coaching staff fired. Not that this is the only example that can be offered illustrating the over-emphasis of winning, but it does pose the question of how we measure success in high school athletics.

In our setting, we use the following three standards to determine if we have had a successful season:

1. Are the athletes learning and improving throughout the season? While this effort should include sport-specific skills and strategies, it should also involve lifelong lessons and qualities. The ability to work with others for a common goal, sacrificing individual goals for the welfare and betterment of the team, and the ability to persevere are just a few that should occur. If this objective is accomplished, our teams have had a successful season regardless of the final record.
2. Have the athletes had a good, memorable and enjoyable experience? In numerous national studies, it has been clearly identified that the No. 1 reason young people participate in athletics is to have fun. This does not mean that teams should abandon working hard and preparing to win, because they should. However, athletes should also enjoy the challenges of competition, the camaraderie with fellow athletes and their coaches, sharing in team activities, and developing lifelong positive memories.

3. Do the athletes and teams represent your school in a positive fashion? Obviously, this means that they should exhibit good sportsmanship and respect for everyone involved in athletic competition – opponents, coaches, officials and fans. It also means that the athletes are good citizens and serve as positive role models and ambassadors for your school.

A perfect example occurred a few years ago. Our girls soccer team resoundingly met all three of these goals and along the way it also won the state championship. The key words were “along the way,” because winning the championship came after accomplishing the three stated goals for all of our teams.

These three goals also become important guidelines in our hiring process for new coaches and for the evaluation effort of our existing staff. It is important philosophically that our coaches not only understand our position, but also buy into our goals and approach.

During the early phase of one interview, the candidate wanted to impress and stated, “I’m here to win a state championship for you.” Needless to say, the red flag immediately arose. This isn’t what we wanted to hear. On the contrary, we were hopeful that the answer would include concrete examples of what would be done to help our young people have the best possible experience by participating in our athletic program. That never came through and we chose another candidate who more closely embraced our expectations.

However, this is not to say that we shouldn’t also try to win, because we should. Our teams and coaches should work hard, prepare and strive to win games. The daily effort, discipline and working toward a common goal is certainly a worthy outcome.

“It’s just that winning isn’t the only barometer of success.”

In a few high-profile sports and in some areas of the country, stating that winning may not be the most important aspect of high school athletics may be a tough sell. But in educationally based athletics, other outcomes are just as important and valuable. Winning is not all that matters!

Dr. David Hoch is the athletic director at Loch Raven High School in Towson, Maryland (Baltimore County). He assumed this position in 2003 after nine years as director of athletics at Eastern Technological High School in Baltimore County. He has 24 years experience coaching basketball, including 14 years on the collegiate level. Hoch, who has a doctorate in sports management from Temple University, is past president of the Maryland State Athletic Directors Association, and he formerly was president of the Maryland State Coaches Association. He has had more than 200 articles published in professional magazines and journals, as well as two textbook chapters. Hoch is a member of the NFHS Coaches’ Quarterly Publications Committee and the NFHS High School Today Publications Committee.
Winning One for Ken . . .

By Pat Greenhaw

The Independence High School boys tennis program has been led for many years by Ken Brown, a Kansas State High School Activities Association (KSHSAA) Rule 10 coach who is well known and respected throughout the four-state region and the U.S. Tennis Association for his commitment to recreational and competitive tennis involving players of all ages.

He has also directed the youth summer tennis program for the Independence City Recreation Commission for many years and was recently named 2006 Kansas Tennis Coach of the Year by the Kansas Coaches Association.

Known to his players as “Ken,” he retired from his “real job” in May 2006 after teaching political science at Independence Community College for 40 years. Fortunately for Independence tennis fans and players, he says he plans to continue his IHS Bulldogs tennis coaching career for years to come.

Brown, who has been a good and supportive friend to all five of this year’s state tennis qualifiers since he first showed them how to hold tennis rackets in early grade school, couldn’t be there when they walked onto the state tournament stage May 11 and 12 at Topeka Hayden High School, to defend the program’s 2006 Class 4A state tennis title.
And, he wasn’t able to be there when all five received individual medals for their top-10 finishes that included first place in doubles (Andrew Posch and Dan Porter), second place in singles (Zach Willis), and sixth place in doubles (Adam Greenhaw and Sam Schroeder).

But “his boys” – as he affectionately calls them – wanted Brown to “enjoy the moment” with them when they and assistant coach Gina McLenon accepted the first-place team trophy as the 2007 KSHSAA boys state tennis tournament champions.

After all, Brown’s motto for his tennis teams has always been, “Expect the best, work the hardest, and enjoy the moment!”

You see, the IHS tennis coach didn’t accompany his squad to the state tournament as planned because his 35-year-old daughter, Yona Julian, had developed health complications the evening before.

With her husband Brent at her side, Yona is currently undergoing cancer treatment at the University of Kansas Medical Center. A standout high school athlete herself, she was diagnosed with stage-four lymphoma in May 2006, just days after Ken had retired from the college classroom and he and “his boys” had won their first 4A state tennis championship.

Following the diagnosis, Brown and his family rescheduled their lives to include dozens of trips to Kansas City and caring for their daughter’s four young children who range from one to 13 years of age.

This is where the story of a coach and the respect of his team becomes something rather special amid the recorded statistics and embellished tales of high school athletics …

At the request of Brown’s Bulldogs tennis players, and with the whole-hearted support of assistant coach McLenon, the team received the permission of parents and district officials to take a detour home to southeast Kansas through Kansas City. With several cars of parents and family members accompanying their school van, the team traveled (more than an hour east) to KU Medical Center immediately following the awards ceremony, where they intended to surprise Brown with the trophy.

Through secret advance arrangements and at a coordinated time, Brown was sent on an errand to the parking garage via the hospital lobby entrance. A group of nearly 30 tennis players, parents, friends and family members were on hand in the lobby when Brown stepped off the elevator to see his 2007 4A state tennis champion Bulldogs squad, clad in their bright orange team shirts, holding the state championship trophy.

McLenon presented him with a state tournament T-shirt and bracket sheets detailing the final scores of all the tournament matches. Brown’s players had also autographed a tournament tennis ball for him that proclaimed the Bulldogs were the 2007 state tennis champs.

After hugs for each of his players and McLenon and after he’d expressed his grateful appreciation to those gathered amidst a few tears and video cameras, Brown said, “Okay, now let’s talk tennis!”

With a grin ear to ear and the love of a coach who truly respects his players and their game, he then sat down with his team to hear their stories of the tournament and get a first-hand replay of crucial points and game counts.

“It was emotional for all of us,” said one tennis player.

“Ken Brown is the heart and soul of Bulldogs tennis and we wanted him to know that he was a huge part of our success this season and especially this weekend.”

Even though he couldn’t be there with his team in Topeka, Brown was checking in by telephone to get scores and encourage his players. He was still coaching his Bulldogs to a state tennis championship … and they knew he was with them every stroke of the way.

Following the team’s hospital visit, Brown remained at KU Medical Center with his wife, Becky, where they are cheering on their daughter and her husband as they all face the biggest and toughest match of their lives.

Pat Greenhaw is the public information officer for the Independence (Kansas) Unified School District No. 446. Greenhaw can be reached at pgreenhaw@indyschools.com.
Kentucky Soccer Player Nails Double-digit Goals

BY BOB HERMAN

Someone might need to cool down Lindsey Goad’s foot after her September 6 performance. It was definitely on fire.

Goad, a senior at Louisville (Kentucky) Holy Cross High School, scored 10 goals in the team’s 11-1 victory against Louisville (Kentucky) Southern High School.

“She did everything we asked of her,” Holy Cross head coach Tom Wampler said. “Her leadership skills really help put our team in a position to win. She’s a great team player and makes beautiful passes.”

Goad had 32 goals and three assists through the team’s first 11 matches and increased her school-record career total to 127 goals. Goad also has a school-record 60 career assists.

“She’s a phenomenal player,” Wampler said. “I think she’s going to make a Division I coach very happy wherever she goes.”

Goad’s accomplishment of reaching the double-digit goals in a single game is shared by two other Kentucky soccer players in the National High School Sports Record Book published by the NFHS. In 2002, Jennifer Brelage of Bardstown (Kentucky) High School scored a national-record 18 goals, and Sheena Ferguson of Russell (Kentucky) High School kicked in 13 goals, which is tied for third nationally.

Battle of titan football teams

The September 15 matchup between Southlake (Texas) Carroll High School and Miami (Florida) Northwestern High School literally could not have been a better matchup for a regular-season high school football game.

At the time, USA Today’s Super 25 ranked the Carroll Dragons as the No. 1 team in the nation and the Northwestern Bulls as the No. 2 team – and the titanic matchup resulted in a 29-21 victory for Northwestern.

Nearly 32,000 people packed Southern Methodist University’s Gerald J. Ford Stadium in Dallas and saw Northwestern snap Carroll’s 49-game winning streak.

Northwestern quarterback Jacory Harris chucked four touchdown passes, three to his top receiver Tommy Streeter, and racked up 280 passing yards. Streeter finished the game with 140 yards on four receptions.

For two of the best teams in the nation, there was a surprising number of turnovers. Carroll had three interceptions, lost two fumbles and surrendered a crucial safety. Northwestern turned the ball over three times.

Carroll is still ranked in the top 10 of the Super 25, but Northwestern continues to sit atop the USA Today poll.

Arizona kicker boots state-record field goal

If anyone felt a sonic boom at the beginning of the high school football season, it was probably just Glendale (Arizona) Mountain Ridge High School’s Jeff Locke and his foot.

The senior kicker booted a state-record 63-yard field goal against Tucson (Arizona) Sunnyside High School, and the kick also tied as the ninth-longest field goal, according to the 2007 National
High School Sports Record Book.

“Everyone was jumping, and there was excitement,” head coach Bobby Green said. “We knew he had it in him. He’s done it many times in practice before. It extended our lead, and it was a big push and gave us a lot of confidence.”

Locke broke the previous Arizona record of 62 yards, which was set by Glendale (Arizona) Cactus High School’s Kyle Pooler in 1989. Mountain Ridge lost the game, 21-20, and although the record is etched in Arizona high school football history, Locke and Green still have their main objectives in mind.

“We don’t get caught up in records,” Green said. “It’s awe-some for Jeff, and we are very proud of him. But he’s very much a team player, and he’ll want a victory before a record.”

Bob Herman is a fall semester intern in the NFHS Publications/Communications Department. He is a junior at Butler (Indiana) University, majoring in journalism (news editorial) and minorining in Spanish.

Alex Thomas sets Connecticut football record

BY EMILY CERLING

Ansonia (Connecticut) High School senior Alex Thomas already had a number of labels – athletic, talented and scholarly were just a few ways to describe him. Last season, “football state champion” was tacked on after Thomas led his team to a Connecticut Interscholastic Athletic Conference Class S state title. After September 27, he can add record-setter to the list.

That night, the senior captain rushed for a state-record 518 yards in a 62-35 Naugatuck Valley League (NVL) victory over the Woodland-Beacon Falls (Connecticut) High School Hawks. Thomas’ 518 yards surpassed the previous state record held by Farmington (Connecticut) High School’s Brandon Williard, who rushed for 508 yards in 2002.

After scoring four touchdowns in the first half, Thomas scored on runs of 58, 67 and 62 yards in the second half to help put the game away for Ansonia. His seven touchdowns increased his career touchdown total to 80. In the process, he surpassed the previous school record of 78, which was held by his brother, Ryan.

Emily Cerling is a fall semester intern in the NFHS Publications/Communications Department. She is a senior at Butler (Indiana) University, majoring in integrated communications.

DID YOU KNOW?

CHANCES OF PLAYING FOOTBALL BEYOND HIGH SCHOOL

<table>
<thead>
<tr>
<th>Number of high school seniors who will play NCAA football.</th>
<th>1 in 17</th>
<th>5.7%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of NCAA seniors who will be drafted by an NFL team.</td>
<td>1 in 50</td>
<td>1.8%</td>
</tr>
<tr>
<td>Number of high school senior football players who eventually will be drafted by an NFL team.</td>
<td>8 in 10,000</td>
<td>0.08%</td>
</tr>
</tbody>
</table>

Source: NCAA
Beginning with a need to promote its “Pursuing Victory with Honor (PVWH)” program in 1999, the Arizona Interscholastic Association (AIA) has made several technological advances in its Web site to more adequately promote its mission.

The PVWH program was created to teach the six pillars of character (trustworthiness, respect, responsibility, fairness, caring and citizenship) to athletic administrators and coaches, who would then teach those core elements to their students-athletes, parents and fans.

In order to promote the mission of the AIA, the PVWH program, and to handle the growth of the AIA membership, the AIA developed and launched its initial Web site, www.aiaonline.org, in 1999.

In the early 2000s, the initial site evolved from what the AIA is (such as its history, constitution and bylaws, staff, PVWH, etc.) to information on state tournaments (brackets and tournament guides), and how to become an official. In addition, the AIA, through its partnership with Cox Communications, created the Everyday Heroes Awards Gala in 2003.

“With the initial and continued success of the Everyday Heroes Awards Gala, the use of the Web site was expanding,” said AIA Chief Operations Officer Chuck Schmidt. “There is a need now for the AIA to not only communicate with its membership, but also communicate effectively with the media, the students, the parents and the officials.”

To do just that, the AIA partnered with a Web site development company, Contact Designs/McMurry, in fall 2004 to change the look and feel of the Web site. Since the fourth-generation Web site launched in fall 2005, member schools now have the ability to post schedules online for not only varsity sports, but games at the junior varsity and freshman levels.

To go along with the scheduling process, a helpful tool developed for the Web site is the officials’ assignment system. After the schedules are created, the officials department assigns the more than 2,750 registered officials to more than 47,000 varsity-, junior varsity- and freshman-level games in the academic year. Once assigned, the host member school is able to view the officials assigned to their game through a secure area of the Web site. When a game is completed, the finance department of the AIA is then able to pull a report to pay mileage to the officials.

Also, when a game is completed, member schools input the results of their games, which are in turn used for the AIA Power Rankings Model that seeds most conferences’ state tournaments. Brackets of state tournaments are also updated on the Web site as results are called in.

In June 2007, the AIA launched its fifth-generation Web site. The information pertinent to the schools can be found by accessing the links at the top of the page. Below the rotating photos highlighting AIA state tournaments, the homepage is split into three columns. On the left side of the page is a TV with AIA highlights of state championships. Below the highlights, the AIA honors its Everyday Heroes recipients and finalists. A student spotlight section is on the left side as well, highlighting students featured in an Arizona newspaper.

The center section directs viewers to newspaper stories from throughout the state and the Press Center, where the AIA news releases are posted. The slim column on the right highlights the partners of the AIA, in particular, Farmers, the Champions Partner. There is a direct link as well to the NFHS Fundamentals of Coaching course.

With the launch, two new features made their way to the AIA Web site, including team rosters and the AIA Power Rankings. AIA member schools are now able to upload their team photos and varsity rosters. The photos will not be viewable to the general public, but allow the AIA to pull them for the programs once the state tournaments are formed.

In spring 2007, the AIA Power Rankings Model was created. The AIA Power Rankings Model is used in all team sports, dependent on the conferences, including badminton, baseball, basketball, football, soccer, softball, team tennis and volleyball. This is a new feature that launched in September, and is viewable under the Athletics section of the AIA Web site.
With continued changes in technology, the AIA is already working to create an additional Web site that will house all the audio and video of AIA state championships and make it possible for viewers to watch both regular-season and state tournament games live. Games will also be archived to allow people to buy copies of the games. The site will house the schedules, results, rosters and power rankings. Also in development is the creation of standings for all conferences, divisions and regions.

Furthermore, the AIA will direct more than 300,000 students participating in sanctioned athletics and activities to the second Web site to complete the Student Pre-participation Program. The program will guide students through information about the AIA, including bylaws that are relevant to them, and information on leading a healthy, addictive-free lifestyle. Each student participating in sanctioned athletics and activities will be able to take the online program on an annual basis.

Brian Bolitho is the director of media marketing for the Arizona Interscholastic Association.
There are several arguments on the positive and negative impacts of Title IX. While the arguments on both sides have merit, it must be made clear that the positive impact of Title IX on intercollegiate and interscholastic athletics has been overwhelmingly positive. Clearly, females have benefited from the increased access to playing sports that once were restricted to males. More than ever, females, like males, are gaining the intrinsic values of sport participation by being part of a team, acquiring leadership skills, getting along with people of different backgrounds, and solving problems. According to the National Federation of State High School Associations, last year was the 18th consecutive year the number of female participants in high school athletics increased.

Yet, under the guise of Title IX, many males, and even some females, are increasingly prevented from getting access to those benefits. For instance, at the intercollegiate level:

- **Ohio University** – recently dropped three sports, including women’s lacrosse in 2007
- **James Madison University** – Dropped 10 sports, men’s and women’s in 2007

The common denominator is not Title IX, but economics and choices that schools and universities are making, and the choice is not true equality – it is continuing to feed the monsters of football and men’s basketball to the detriment of other sports.

Some salient examples are:

- Increased capital expenditures in Division 1-A athletic departments and male teams are still being dropped. Amazingly, only 10 to 15 percent of the departments operate in the black (www.knightcommission.org).
- According to a 2002 report issued by the National Coalition for Women and Girls in Education, in 2001 Iowa State University dropped two male sports (baseball and men’s swimming) after reporting a $1.4 million deficit. Subsequently, the university gave the men’s basketball coach and head football coach raises totaling $1.6 million, despite both coaches already being on contract.
In my time affiliated with intercollegiate athletics, I have witnessed things like hotel room nights and expenses before home football and basketball games. A high six-figure expense for institutions with no empirical evidence of it whatsoever benefiting a team competitively, along with grotesque escalation in salaries, facilities, scholarship costs and rosters (some football teams pushing 130 to 150 players).

Sadly, the same trends have trickled down to the high school level. Intercolligate and interscholastic athletics are not supposed to be professional and for only the privileged few. They are intended to augment the educational growth and maturation of the student through broad-based participation, but the current climate is far from that and it is a win-at-all-costs culture.

So, I do not argue that Title IX is the problem. It is the application of Title IX within the misplaced priorities of an economic system that benefits only the few and perceived moneymaking sports in what has become a quasi-professional farm system at the expense of other sports and lost opportunities for males, and yes – even females. Proportionality is not the enemy, nor is any other prong of the three-part test set by the Office of Civil Rights (OCR).

Clearly, we love the sports of football and men’s basketball in America. They are part of the culture, but as a society we cannot continue to place escalating importance on these two sports in an educational setting. Economically, we cannot sustain it at the interscholastic level or the intercollegiate level.

As stated in many scholarly reports, we cannot continue to perpetuate a myth that successful winning programs in the sports of football and men’s basketball have any long-term beneficial impact to an institution such as increased exposure, better academic outcomes and increased fund-raising outside of athletics.

Hence, we are taking away funding and support from other teams and individuals who consequently are losing out on the benefits of sport participation. This “arms race” shows no sign of abating as schools and institutions nationwide are battling each other for the elusive Holy Grail of which only a few will ever achieve.

Title IX itself should not be changed, but the application of it must be changed to save opportunities for all and not just for a privileged few. Gender equity can be enforced and opportunities can be maintained, but critical and courageous decisions must be made. While it appears that female enrollment at public institutions will exceed male enrollment for the foreseeable future at public institutions, it is clear that the arms race cannot continue to go unabated or even female Olympic sports will begin to find themselves eliminated in the name of “competitive equity” of the two most popular sports. Football and men’s basketball can succeed at the same level with fewer resources; we just have to have the courage to make the tough decisions to benefit all who desire, and benefit from, sport participation.

Title IX is a great law!

BY PEG PENNEPACKER, CAA

Arguably, no single event has had greater impact on American women’s sports than Title IX. According to the National Federation of State High School Associations, female participation has risen from fewer than 300,000 in 1972 to more than 3 million in 2006-07. During a span of three decades, this equates to approximately an 875-percent increase in the number of girls participating in high school sports.

The benefits of participation in sports have been well-documented for both sexes. Both males and females who participate in sports are less likely to use illicit drugs, to smoke, to contemplate suicide, and to drop out of school, and had better grades and fewer absences. In addition, those who participate in sports had better physical and mental health, were more socially involved in their school-community, more likely to go on to college, to stay physically active as adults, engage in contact with caring adults, and had an understanding of the life-lessons that participation in sports can teach.

How could you want to deny any child these benefits? Yet, there are those who continue to assume that girls and women are not as interested in sports, aren’t as good at sports, and that ultimately, it’s not important in our society to have women and girls play sports. Similar arguments have been used to preclude women from owning land, voting and attending college in the past.

This approach is disturbing that opponents of the law are using this same argument today. Fortunately, there are many in America who recognize the fallacy in these assumptions. Supporters of Title IX have seen, in the past 35 years, the power of sports to build confidence and achievement, not to mention fitness, better health and a strong sense of self.

The courts contend that Title IX was enacted in order to remedy discrimination that results from stereotyped notions of women’s interests and abilities, which evolve as a function of opportunity and experience. We are living through an evolutionary process. Title IX does not hold schools responsible for society’s shortcomings. Rather, Title IX requires school officials to be aggressive and proactive about ensuring that their actions have not limited participation on the basis of gender at their school.
Question: Do you sponsor a state championship for girls or boys bowling?

15 YES

36 NO
Some may fear that if we allow girls to have equal access and opportunity to enter the male bastion of sport that there will be a huge power shift in society. Or perhaps some fear that opportunities will disappear for boys. At any rate, Title IX is an emotional law. It gnaws at the very core that men and women are different, and heaven forbid, something like Title IX could make us the same! However, that is not the point. Men and women are different, but we can all be doctors, nurses, pilots, teachers, presidents, athletes and soldiers. While I might be a lousy teacher, athlete or pilot, I sure would like the opportunity to find out!

Men and boys are not going to lose when women and girls are treated equally. Title IX is about educational leaders and decision-makers ensuring that boys and girls share the playing fields. College sports might be big business for those schools, but when it comes to interscholastic athletics and the students who participate, athletics is another part of the educational experience. Title IX's intent is to ensure that male and female athletes have equal access to all that athletics offers: competition, scholarships, coaching, fitness, health and even losing.

Gender discrimination in high school athletics should not be ignored by school districts. Implementing the programs fairly and equitably or in some cases, at all, is the challenge. School districts need first to concentrate on preparing students for the academic challenges that lay ahead, but they also must develop a long-range strategic plan to institute some of the parts of education that go beyond the textbooks.

In our country of great freedoms, it is somewhat sad that we need a law like Title IX in the first place. Young women are not asking for much, just the chance at life, liberty and the pursuit of happiness. Could we have seen the changes in opportunities for women and girls in athletics over the past 35 years without the passage of Title IX? Most likely not! The truth is that Title IX is not just a way to give women and girls an equal chance. It's the only way.

Peg Pennepacker, CAA, has been in public education for 25 years and a high school athletic director for 16 years. She is an advocate for Title IX at the high school level and serves as a Title IX consultant for the Pennsylvania State Athletic Directors Association as well as several school districts in southeastern Pennsylvania. She can be contacted at 570-385-4069 or ppackt9@yahoo.com.

PegPennepacker, CAA, has been in public education for 25 years and a high school athletic director for 16 years. She is an advocate for Title IX at the high school level and serves as a Title IX consultant for the Pennsylvania State Athletic Directors Association as well as several school districts in southeastern Pennsylvania. She can be contacted at 570-385-4069 or ppackt9@yahoo.com.

HAVE A COMMENT?

High School Today would like to hear from you. If you have a comment about Title IX or any subject, please e-mail Bruce Howard (bhoward@nfhs.org) or John Gillis (jgillis@nfhs.org).
Games with Non-wood Bats Produce More Hits

BY BRUCE HOWARD

In a comparative study of Illinois high school baseball teams using wood bats and non-wood bats during the same season, games with non-wood bats lasted longer and produced more hits than those with wood bats, but researchers at Illinois State University found that there was no statistically significant difference in injuries.

The research project was commissioned by the Illinois High School Association (IHSA), with research conducted by the School of Kinesiology and Recreation at Illinois State University. Funding was provided by the NFHS Foundation.

"Based on the results of this study, we have determined that using non-wood bats results in a greater number of hits per game and a longer duration of games when compared to wood bats among high school baseball players. However, there was no statistically significant evidence that non-wood bats result in an increased incidence or severity of injury," said Kevin Laudner, assistant professor in the School of Kinesiology and Recreation at Illinois State and principal investigator for the Illinois bat study.

Thirty-two IHSA schools submitted data on wood bats from spring 2007 baseball games, and 11 of the 32 reported data for games played both with wood and non-wood bats.

In the 412 games played by the 32 teams using wood bats, there were 368 broken bats, resulting in a bat-breakage rate of 28.3 per 1,000 at-bats. If the bats were just used in games, this rate calculates to 23.49 broken bats per team for the entire season. Stated another way, a wood bat could be used for an average of 35.5 at-bats before breakage.

The comparative research of teams using both kinds of bats during the season indicated an average of 8.77 hits per game in games with non-wood bats compared to 6.50 hits per game in games with wood bats. In addition, non-wood bat games lasted 12.35 minutes longer (2:05 compared to 1:53). Although there were also more extra-base hits, at-bats and runs scored in non-wood bat games, the length-of-game and total hits categories were, according to Laudner, the only ones with statistically significant differences.

The participating schools reported five injuries in games with non-wood bats in a total of 4,682 at-bats, compared with two injuries in games with wood bats in a total of 4,462 at-bats; however, ISU researchers said, after analysis, these data show that there is no statistical difference in injury rates when using a non-wood bat compared to a wood bat.

Of the seven total injuries, only two caused the players to miss playing time, and neither of those involved a bat. One player was hit in the face by a pitched ball and another sustained a blister on a finger. None of the injuries from a batted ball required any player to lose playing time – in either the wood-bat games or the non-wood-bat games.

The idea for the wood-bat study came from the Illinois High School Association.

The NFHS Foundation, which funded the project, serves the interests of young people who participate in interscholastic sports and activities by awarding grants for research and program development in the areas of character education and sports risk minimization.

"Independent research about sports equipment performance is useful to everyone involved in limiting the inherent risk of injury faced by young people in high school sports," said Bob Gardner, president of the NFHS Foundation. "The NFHS Foundation was glad to be of assistance to the Illinois High School Association in this research project."

Bruce Howard is the Director of Publications and Communications of the National Federation of State High School Associations, and co-editor of “High School Today.”
Speech, debate, theatre meeting held in Indianapolis

BY EMILY CERLING

High school fine arts directors from across the country convened in Indianapolis as the National Federation of State High School Associations (NFHS) presented the 2007 Speech, Debate and Theatre Directors Meeting October 5-7 at the Crowne Plaza Hotel Indianapolis.

Various workshops were offered to dispense valuable information and resources to the directors. The information gathered from the sessions will give these fine arts leaders insight and strategies to take back to their respective states.

While there were a variety of workshops, two of them particularly stood out.

Jana Riggins, the assistant academic director of the Texas University Interscholastic League, spoke about promoting policy debate. At the same workshop, NFHS speech consultant Kevin Minch addressed the issue of summer workshops. Recently, there has been much debate regarding whether or not they are a hindrance to directors.

Because many of these activities require traveling, another workshop entitled “The Art of Hotel Negotiation” was presented by NFHS Assistant Director Mark Koski.

Throughout the weekend, other topics were addressed, such as sanctioning of events, tournament security, literature copywriting, as well as support from colleges. Other issues that were covered included public advocacy for the arts and the “Urban and Rural Divide,” which explained how to promote speech, debate and theatre activities in rural areas.

According to the NFHS Assistant Director Kent Summers, the weekend conference was a success.

“Altogether, we had 19 in attendance,” Summers said. “This year, the meeting had a great turnout.”

Four spring sports affected by NFHS rules changes

Effective with the 2007-08 school year, several new rules changes will be implemented in baseball, boys lacrosse, softball, and track and field. The National Federation of State High School Associations (NFHS) rules committee for each sport convened earlier this year to make these revisions. Following are the highlights of rules changes in these sports.

In baseball, a change was made to Rule 2-2-33 that is intended to reduce the risk of injury for both offensive and defensive players. Fielders without possession of the ball will not be allowed to block the base to which the runner is attempting to advance.

A number of revisions were made regarding the responsibilities of the head coaches. Stricter rules concerning the communication between the head coach and umpires, good sportsmanship and team appearance were addressed.

In an attempt to minimize risk, the NFHS Boys Lacrosse Rules Committee revised Rule 2-1-1. The rule now states that a team must have 10 players participating at the start of the game.

Other lacrosse rules were clarified as well, including the exact measurement of the crosse. Also, a goalie with proper equipment must be present on the field at all times.

According to Rule 3-2-11, softball players will be allowed to wear metal cleats and metal toe plates. Metal cleats supply more traction for players on a variety of surfaces, and they reduce the amount of slippage on bases. The committee also identified points of emphasis for equipment, pitching and the umpire’s use of proper NFHS signals in the upcoming 2008 season.

A change in Rule 7-5-29b in track and field will impact pole vaulters. If a pole vaulter leaves the ground without breaking the plane, it will not be considered a foul. When a vaulter has a bad approach, he or she will be allowed to make another attempt in the allotted time.

In addition, a revision was made to the length of the shot put stopboard. Rule 6-5-4 states that the length of a stopboard must be consistent with the 4-foot measurement of a standard or international-length stopboard. Clarifications were also made regarding track and field uniforms.

For a full list of the rules changes in these sports for the 2007-08 school year, please visit the NFHS Web site at <www.nfhs.org>.

Kanaby receives high honor

Joining such illustrious names as Wooden, Krzyzewski, Agassi and Costas, NFHS Executive Director Bob Kanaby has been named as one of the “100 Most Influential Sports Educators in America” by the Institute for International Sport. Kanaby is accompanied on the list by several well-known coaches, athletes, journalists and administrators who positively influence the sports experience for numerous young people around the nation.

The list is a culmination of three years of work by Dan Doyle, executive director of the Institute, and his staff. While compiling research for his new book, The Encyclopedia of Sport Parenting, Doyle noticed that many respondents placed a value on the importance of teamwork and self-discipline in sports. Many of them
emphasized the impact former coaches and athletics administrators had on their lives.

Upon gathering this information, Doyle decided to take on the project, and took nominations for the selection of two categories of accomplished sports educators. The nominations led to the "100 Most Influential Sports Educators" and the "Fifteen Most Influential Sports Education 'Teams' in America."

"In America and in many other countries, we honor elite athletes, winning coaches, wealthy team owners and media moguls. We praise sports educators, yet we really do not honor them in a manner befitting their admirable impact on society," Doyle said. "This project is aimed at honoring individuals and organizations that have creatively and effectively used sports in the very best way – as a means to educate and shape positive values."

The essential criterion for selection is an individual's success in educating through sports activities.

Before joining the NFHS in 1993, Kanaby served as the executive director of the New Jersey State Interscholastic Athletic Association and as a high school teacher, coach and administrator. Throughout his career, he has been an instrumental figure in supporting high school sports and fine arts activity programs.

During the past two years, Kanaby has led the NFHS in launching a national steroids awareness initiative called "Make the Right Choice." This campaign helps educate high school students, coaches, administrators and athletic directors on steroid abuse.

Under Kanaby's leadership, the NFHS has helped coaches integrate respect and sportsmanship into their daily lessons plans through the NFHS Citizenship Through Sports and Fine Arts Curriculum.

In 2004, the Institute for International Sport received more than 1,500 nominations for the two categories, and in 2005, the list was narrowed to 200 remaining individual finalists.

The organization's Web site, www.internationalsport.com, announced the honorees and the background on Doyle's project in mid-October.

Emily Cerling is a fall semester intern in the NFHS Publications/Communications Department. She is a senior at Butler (Indiana) University, majoring in integrated communications.

Trail Blazers to refinish gym floors in Portland high schools

BY BOB HERMAN

The Portland (Oregon) Public Schools received an early Christmas gift in September as the Portland Trail Blazers agreed to donate money to refinish all of the high school gym floors within the school system. Each gym floor will also showcase two Blazers logos. This corporate donation was one of the biggest ever to the Portland district.

"The Trail Blazers have been extremely supportive and generous over the years," said Steve Walker, sports information director of the Oregon School Activities Association. "I think for a National Basketball Association team to get involved and to help high schools is great. Its offer to assist these schools in refurbishing their floors doesn’t have a huge advantage from a corporate standpoint. I think they’re simply trying to support the program."

"I think it’s fantastic that the Trail Blazers stepped up and did this for the schools in the Portland area."

In the end, Portland Public Schools, like many athletic departments in high schools across the country, have endured financial hardships, and this donation will provide both modern gym floors and an athletic boost for Portland-area schools.

Nashville to host nation’s athletic directors

The 38th National Conference of High School Directors of Athletics, cosponsored by the NFHS and National Interscholastic Athletic Administrators Association (NIAAA), will be held December 14-18 at the Gaylord Opryland Resort and Convention Center in Nashville, Tennessee.

It has been 10 years since Nashville has been host to this event, and there is expected to be a crowd of more than 2,400 athletic administrators, spouses, guests and exhibitors.

Murray Banks, an accomplished presenter, educator and athlete, will kick off the conference as the keynote speaker at the Opening General Session Sunday, December 16. Dr. David Janda, an orthopedic surgeon and benefactor of preventive sports re-
Sports Medicine Advisory Committee holds fall meeting

The risk minimization of America’s high school athletes was at the forefront of a busy agenda as the NFHS Sports Medicine Advisory Committee (SMAC) held its biannual meeting October 6-8 at the Indianapolis Downtown Marriott Hotel.

Committee members – who help inform the NFHS about sports medicine issues related to rules writing and other services – mapped out and discussed pertinent issues such as soccer headwear, concussions, the development of an NFHS Injury Surveillance System (ISS), the third edition of its Sports Medicine Handbook, and updates on steroid testing by member state associations and substance abuse surveys, to name a few.

“We covered 41 agenda items, and it resulted in a lot of good discussion and review,” said Bob Colgate, NFHS assistant director and liaison to the SMAC. “It helped us see what we need to work on and what we can put on the next agenda. We’re trying to assist the NFHS, our member state associations and their respective sports medicine advisory committees the best we can.”

The soccer headwear equipment issue was a focal point of the meeting and also featured a guest speaker, Scott Delaney, M.D.C.M., of the McGill Sports Medicine Clinic. Jack Winters, D.D.S., from the Academy of Sports Dentistry, also gave a presentation on mouthguards.

“Anytime you get leaders in the field to come in from the outside and talk, it makes for a good discussion,” Colgate said. “It brings in a different perspective, and it’s something that helps us look at both sides of an issue.”

Delaney presented his research about whether or not soccer headwear prevents concussions. Thus far, not enough conclusive evidence has been found on the benefits of headwear.

“There needs to be more research done,” Colgate said. “It’s a great start, but there really is not much research about soccer headwear to draw conclusions yet.”

Developing an Injury Surveillance System for the high school level athlete is a high priority of the SMAC and the NFHS Board. The program looks to provide information on student-athlete injuries, injury rates and how rules committees can use that information to draft rules that would further reduce risk for our athletes across the country.

“A high school specific injury surveillance program would be of immense value to the entire NFHS community in monitoring the nature and frequency of injuries, in evaluating existing rules and equipment, and in introducing new rules, where appropriate, to minimize risk,” said Vito Perriello, M.D., and chair of the SMAC. “That would give us a good database for better decisions because of its wide-ranging, long-term benefits.”

Substance abuse and steroid use have been issues at the professional levels, and now these topics are filtering down to the high school level. The SMAC wants to help stop a problem before it begins.

The SMAC gave an update and a commission for a follow-up survey on drug testing from the NFHS, the NIAAA and the National Center for Drug Free Sport, Inc. Additionally, the committee updated the status of member state associations that have steroid testing. New Jersey was the first state to conduct steroid testing, and Texas and Florida have joined the mix.

“Between the survey and the update (of states that have steroid testing), we can take that head on with an analysis if there is something all states should be doing,” Perriello said.

The third edition of the NFHS Sports Medicine Handbook, which is scheduled to be released in summer 2008 and will add new topics, and Perriello said there have already been more than 5,000 requests for the new handbook.

“Information is changing rapidly,” he said, “and we want to provide this sports medicine handbook to all that need it, and we want it to be up to date.”

A review of the 2005-2006 Catastrophic Sports Injury Research, in which there were only 34 total catastrophic injuries (a low number compared with past years), also showed strong strides for preventive safety measures for high school athletes.

“It’s a collective effort between, our member state associations sports medicine committees, NFHS rules committees and everyone else,” Colgate said. “Hopefully, we will continue to minimize the chances for catastrophic injuries.”
Make plans to attend! You don’t want to miss these awesome conferences!

April 4-6, 2008 - MEMPHIS
April 11-13, 2008 - ST. LOUIS
April 25-27, 2008 - PHILADELPHIA

NATIONALLY RECOGNIZED SPEAKERS!

• AACCA certification
• NFHS Coach Education Program
• More classes and choices than ever
• Great locations

Call 800.533.6583 for more information or visit www.aacca.org to view schedules and Speaker Bios

EXTRA! EXTRA!
This year, the conference is PACKED with great material AND has many optional add-ons to choose from!