

School Board Acts Illegally Regarding Title IX Issues at Shelby High School!!! Illegal Contracts mean the American Legion World Series Baseball, Inc. and the new Shelby Booster Club Project have to go!! IT'S THE LAW!!! –Research, arguendo and report by Robert A. Williams

This article is written regarding the happenings at the July 27, 2020 School Board meeting and just how necessary it is that the 2020 Elections put a new majority on the school board. That means voting for Robert Queen, Ron Humphries, Rodney Fitch, Joel Shores and Samantha Davis for the School Board on November 3, 2020.

Most people don't have a clue about what Title IX (or Title I, II, III, etc. for that matter) actually are and how it affects Cleveland County Schools. If you are reading this article and have the gumption to check out what I am about to say, you are about to find out what Title IX is and how the Cleveland County Schools and the School Board are crooks and liars and have put taxpayers on the hook for \$Millions in fines and remedial construction costs..

Folks, here are the details:

If you "Google" search Title IX you will find this Statement:
Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects students from discrimination based on sex in education programs or activities that receive Federal financial assistance.

Regarding Shelby High School; the issue is the boys' sports programs and associated facilities that are funded much-much more than the girls' sports programs and facilities. Of special note is the SHS Boy's baseball field, also used by the American Legion World Series Baseball, Inc. (essentially a single sex-boys-oriented booster club run by disgraced and defeated former Commissioner Eddie, "Massa Eddie" or "Don Eddie" Holbrook who will not allow the girls softball team to use that field-which belongs to Cleveland County Schools. And no equivalent field exists at SHS for the girls' softball team to play on. This is a clear, simple and basic violation of Title IX that is totally obvious to anybody that spends ten minutes studying the issue. All the while the School Board refuses to "**understand**" that the responsibility to correct the Title IX violations rests squarely on the School Board's shoulders and nobody else's. No matter what their shyster lawyers tell them. Or all their wishful thinking that nobody will catch on to what they have done and continue to do.

The Cleveland County Commissioners-all of them, under Massa-Don Eddie Holbrook as well as after Massa-Don Eddie was defeated in his 2018 \$68,000 gambling money supported reelection campaign-refuse to "understand" that the \$5 Million plus taxpayer dollars they secretly funneled to Massa-Don Eddie's ALWS Baseball, Inc. makes them partners in crime with

Massa-Don Eddie Holbrook and the Cleveland County School Board too. The Commissioner's crimes being fraud, discrimination and a conspiracy to violate the Federal Title IX laws at SHS along with the School Board and Massa Don Eddie's ALWS Baseball, Inc.

But, since the School Board has tried to deny any wrong-doings in their criminal acts, what do they do? They commit to more Title IX violations at their July 27, 2020 School Board Meeting. They voted to approve a proposal by the Shelby High School Booster Club, Inc. to commit CCS to more Title IX violations by proposing to fund the construction of a sports complex to support the ***SHS boys football team***. Even though School Board Member Danny Blanton continually requested clarification that all Title IX issues be addressed and the Title IX compliance folks in the Federal Office of Civil Rights in Washington, DC provide a letter that the SHS facilities were in compliance with Title IX requirements. Danny Blanton ultimately and wisely ended up voting against this new, and obviously illegal project at SHS. Apparently realizing that, based on a recent Court ruling (Judge W. Todd Pomeroy-January 13, 2020 ruling) that a governmental person, acting with malicious or illegal intent, loses their "immunity" from prosecution and can be sued or prosecuted personally for their corrupt actions. Danny Blanton is on the right side of the law in this issue, but he was by himself. Remember the first paragraph of this article. Taxpayers and our children need a new majority on the School Board and the 2020 Elections can bring about the much-needed changes at CCS. All you have to do is get out to vote in the 2020 elections and pay special attention to the School Board Elections.

Now folks, you have read what I had to say. Now for some PROOF that I am right. And have been right all along.

In my “Google” search for Title IX information I found many-many examples of how booster clubs can get schools in Title IX trouble and whose responsibility it is to rectify the violations. I have selected three references that clearly show the right and wrong with how the Cleveland County School Board has gotten us taxpayers in big trouble with the law. The School Board gets us into the trouble and the taxpayers have to pay our way out.

Reference 1: “What Booster Officials Need to know about Title IX”

<http://boosterland.com/fundraising/what-booster-officers-need-to-know-about-title-ix/>

Folks, my advice is to read the whole article provided by the link noted above. But, for your convenience, I have lifted out the best example of how this reference relates to the SHS and CCS situation:

How Does It (Title IX) Apply to Booster Clubs?

Generally (Except for CCS and Shelby High School), **schools have gender equity covered when it comes to things like balancing the scheduling of desirable practice times to meet Title IX standards. But when outside support comes into play it can get messy,** especially when booster officers don’t work closely with school officials. While school, district, and genre-wide clubs may have an easier time with Title IX than genre-specific clubs, **working closely with school representatives and understanding the law are important steps**

to ensuring compliance. Program directors have been forced to turn down donations from boosters because the disparity the funding would create between boys' and girls' teams would be too great for the school to even out.

When a booster club donation or event is specifically directed to one team or gender, it's on the school to compensate other teams accordingly. While this doesn't necessarily mean matching budgets dollar for dollar, the school is required by law to find the resources to provide equal benefits to all. Athletic directors anticipate the potential impact of the donation, and look within their own programs to find a way to provide the less-privileged gender a benefit of equal weight, making sure the athletic program overall is balanced. A gift of new shoes to a men's soccer team might mean a women's basketball team is moved to the front of the line for new uniforms, for example.

Note that CCS and SHS has completely disregarded everything related to following the Title IX Federal Laws.

—

—

—

Reference 2: “Booster Clubs and Title IX: Tough Times and Tough Decisions”

<https://www.nmact.org/file/Booster%20Clubs%20and%20Title%20IX.pdf>

Folks, my advice is to read the whole article provided by the link noted above. But, for your convenience, I have lifted out the best example of how this reference relates to the SHS and

CCS situation:

“Boys programs have typically received more of these resources because they have been around longer and men earn more than women on average in this country. In many cases, the booster clubs may provide benefits or services to the boys’ teams that the girls teams do not receive.

*Title IX does not require boys’ and girls’ budgets to match dollar for dollar; however, **the bottom line is that the benefits provided must be equal.** According to the interpretation of Title IX by the OCR (Office for Civil Rights), **“Educational institutions cannot use an economic justification for discrimination.”***

When a school accepts funding from an outside source such as fundraising, corporate sponsors, booster clubs or private contributions, the school can use the money in the manner specified by the outside source. However, the school cannot use the circumstance or condition as a reason or excuse for discrimination. If the school accepts funds from any of these outside sources and the source benefits a boys’ sports program, the school is obligated by law to find resources somewhere to ensure that the girls program has the same benefit. When considering all boys and girls sports, a school is obligated to distribute all of its resources including outside funding in a non-discriminatory method.

A school may accept outside funding and/or donations and, depending upon the circumstances, may be used as the donor

specifies. The outside funding cannot result in disparities between the boys and girls' programs. If the outside sources results in an inequity between boys and girls' programs, the school must correct the inequity using its own funding, if necessary."

—

—

Reference 3: "Title IX issues involving Booster Clubs and Facilities: How equity impacts both"

Folks, my advice is to read the whole article provided by the link noted above. But, for your convenience, I have lifted out the best example of how this reference relates to the SHS and CCS situation:

"All school districts receiving federal financial assistance must designate at least one employee to coordinate the district's efforts to comply with and carry out their responsibilities under Title IX. This position may not be left vacant. A school district must have at least one person designated and actually serving as the Title IX coordinator at all times.

If a district designates one employee to coordinate the recipient's compliance with Title IX and other related laws, it is important that the employee has the qualifications, training, authority, and time to address all complaints throughout the school district, including those raising Title IX issues.

The DOE does suggest that it may also be helpful to designate specific employees to coordinate certain Title IX compliance issues (e.g., gender equity in academic programs or athletics, harassment, or complaints from employees). Ibid. If a school district has multiple Title IX coordinators, then it should designate one lead Title IX coordinator who has ultimate oversight responsibility.

According to the DOE, districts must ensure that their Title IX coordinators are appropriately trained and possess comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities, including the recipients' policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the institution.

Title IX's Application to Booster Clubs

School districts rely to a great degree on the time, energy and efforts of their booster clubs and parent teacher organizations to enhance educational and athletic opportunities for the students in their schools. In order to promote accountability and applicable oversight, a booster club or parent teacher organization needs to be approved by the school district and must follow school district policies regarding booster organizations and other applicable policies. The principal is most often times the administrator with the most interaction with the booster club and parent teacher organization. Due to this fact, it behooves the principal to know the specific board policies on booster clubs and parent teacher organizations and the specific legal relationship that the district has with the club or organization.

School districts should have policies in place that define the specific role of booster clubs/parent teacher organizations and set up an approval process with specific criteria for

granting of approval to the booster clubs/parent teacher organizations. Several school districts have opted for a single booster club to help facilitate district-wide fund raising and ease oversight responsibilities that may be exacerbated when multiple booster clubs or parent teacher organizations exist. The district in deciding whether to approve a booster club should examine the role of the booster club, who the booster club intends to support, how the booster club will address fund raising activities and what insurance the booster club carries for its members and its activities. **It is also important to keep in mind that while the district often works with the booster clubs/parent teacher organizations, that a partnership has not been created unless the groups are run out of Fund 60 Agency funds. (Please see DPI's Agency Fund Guidelines for Fund 60** accounts <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdpi.wi.gov%2Fsites%2Fdefault%2Ffiles%2Fimce%2Fsfs%2Fdoc%2FFund%252060%2520guidelines.docx>

If the booster club or parent teacher organization is a separate entity, the principal should ensure that the booster clubs and parent teacher organizations use school facilities in accordance with the board's established facility use policy and procedures.

Principals and activity directors should remind staff, including coaches and advisors, that district employees should not be paid by the booster club or parent teacher organization for services provided to students. **In addition, both staff and the individuals involved in the booster club or parent teacher organization should be reminded that they should not provide gifts or items of substantial value directly to students or coaches.**

In addition, WIAA regulations prohibit the booster club from directly providing benefits to individual pupils, for example, by signing contracts or paying expenses from booster club accounts for any arrangements related to students' travel,

such as transportation, hotel costs, or fees (Please see WIAA Regulations

– <https://www.wiaawi.org/Schools/EligibilityRulesForms.aspx>).

It is important to remember that under Title IX outside funds for athletics programs, whether contributed by booster clubs or other private donors, once accepted by the school become public funds subject to Title IX's legal obligations in their disbursement.

A school district that receives money from a booster club or outside donor earmarked for a specific athletic program has two choices: (1) it can reject the donation if it is restricted to only a boys' athletic program; or (2) it can accept the restricted-use donation, but then must ensure that an equivalent amount from another private donor or from district monies is allocated to the girls' athletic program.

See also: OCR Letter Docket Number 09-91-1222

<http://www2.ed.gov/about/offices/list/ocr/letters/jurupa.html>

To prospectively avoid these issues, there are several steps the district can take. So, in the fact pattern that we addressed in the beginning (the booster club wanting to donate money for dugout renovations and new uniforms to the boys' baseball team), the district should first discuss with the booster club the district's overall needs for sports and activities of all pupils. If the district believes that new uniforms for the boys' baseball team are warranted, **the district should ensure that the uniforms should only be purchased through the district's bidding process.** Using the bidding process ensures that the district receives a fair price on the uniforms and should reduce any personal incentive a booster, coach or other employee may have to select one uniform vendor over another. The district could also add a level of oversight to this process by requiring the athletic director to solicit and approve the bids directly or to at

least supervise and monitor the process as conducted by the coaches. ***Coaches must be reminded that they may not use their positions to receive anything of personal value from a third-party and warned that, if they do so, they will be subject to discipline or termination and possibly a civil forfeiture as well.***

Conclusion

As mentioned above, Title IX regulations and OCR guidance require districts that operate or sponsor interscholastic, club or intramural athletics provide equal athletic opportunities for members of both sexes. In working with your booster clubs and on your long-term facility planning, remember to be cognizant of Title IX's influence on the acceptance of gifts and the allocation of district resources to athletic facilities.

Editor's Note: Please click on the Reference Links provided and read all that is said. What I have provided in this article is just the highest of the high points. That being said, this article provides total proof to those with just a bit of common sense that Cleveland County Schools Administration and the entire School Board, minus Danny Blanton, have committed heinous violation of Title IX with malice aforethought. Such reckless, willful and wonton actions of those on the county taxpayer payroll deserved to be tarred and feathered and rode out of Cleveland County on a rail. Since law enforcement and the Cleveland County DA's Office refuse to do their jobs, they too deserve that fate.

Barring that, I say go back to paragraph 1. Vote in a new majority on the School Board. Vote for:

***Robert Queen,
Ron Humphries,
Rodney Fitch,
Joel Shores and
Samantha Davis***

for the School Board in the 2020 School Board elections.

Also, folks, those of you who read through this fact-finding investigative article are now qualified as Title IX experts. Nothing the School Board or Supt Fisher can say will be able to pass your lie detector test. You are fast becoming a totally informed voter. Make the most of it on Election Day!!!