

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

AMBER PARKER, on behalf of two of her)
minor daughters, Jayde Linda Parker and Hope)
Katherine Parker, and all of those similarly)
situated,)

Plaintiffs,)

-vs-)

INDIANA HIGH SCHOOL ATHLETIC)
ASSOCIATION, FRANKLIN COUNTY)
COMMUNITY SCHOOL CORPORATION,)
SOUTH DEARBORN COMMUNITY)
SCHOOL CORPORATION, DECATUR)
COUNTY COMMUNITY SCHOOLS,)
SWITZERLAND COUNTY SCHOOL)
CORPORATION, FAYETTE COUNTY)
SCHOOL CORPORATION,)
LAWRENCEBURG SCHOOL COMMUNITY)
CORPORATION, GREENSBURG)
COMMUNITY SCHOOLS CORPORATION,)
SUNMAN-DEARBORN COMMUNITY)
SCHOOL CORPORATION, RICHMOND)
COMMUNITY SCHOOLS CORPORATION,)
BATESVILLE COMMUNITY SCHOOL)
CORPORATION, JENNINGS COUNTY)
SCHOOL CORPORATION, RUSH COUNTY)
SCHOOLS CORPORATION, UNION)
COUNTY SCHOOL CORPORATION,)
d/b/a UNION COUNTY COLLEGE CORNER)
JOINT SCHOOL DISTRICT and MUNCIE)
COMMUNITY SCHOOLS CORPORATION,)

Defendants.)

CAUSE NO:

COMPLAINT

Introductory Statement

1. This is an action for injunctive relief and damages brought by Amber Parker, on behalf of her minor daughters and those similarly situated, against the Indiana High School Athletic Association and multiple school corporations located within the State of Indiana. The defendants have discriminated against the plaintiffs and girls' basketball programs in such a manner to violate Title IX of the Education Amendments of 1972 and the Fourteenth Amendment to the United States Constitution.

Jurisdiction, Venue, and Cause of Action

2. This Court has original subject matter jurisdiction of the federal questions presented pursuant to 28 U.S.C. §§ 1331 and 1343.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

4. This action is brought pursuant to the implied right of action recognized in 20 U.S.C. § 1681; and pursuant to 42 U.S.C. § 1983, premised on the rights secured by the Fourteenth Amendment of the United States Constitution.

Parties

5. Amber Parker is an adult resident of Franklin County, Indiana, who served as head coach of the Franklin County High School girls' basketball team from 2007 to 2009.

6. Amber Parker has two minor daughters, Jayde Linda Parker and Hope Katherine Parker , currently ages 16 and 10, respectively, one of which, Jayde Linda, currently plays for the Franklin County High School girls' basketball team; Hope Katherine also plans to do so when she enters high school.

7. Indiana High School Athletic Association (“IHSAA”) is a not-for-profit corporation duly formed under Indiana law, which regulates interscholastic athletic competition between member schools in Indiana, and which has a business address of 9150 North Meridian Street, P.O. Box 40650, Indianapolis, Indiana, 46240.

8. Franklin County School Corporation (“FCSC”) is a school corporation duly formed under Indiana law, which operates public schools in Franklin County, Indiana; and has a business address of 225 East 10th Street, Brookville, Indiana, 47012.

9. South Dearborn Community School Corporation is a school corporation duly formed under Indiana law, which operates public schools in Dearborn County, Indiana; and has a business address of 6109 Squire Place, Aurora, Indiana, 47001.

10. Decatur County Community Schools is a school corporation duly formed under Indiana law, which operates public schools in Decatur County, Indiana; and has a business address of 1645 W. State Road 46, Greensburg, Indiana, 47240.

11. Switzerland County School Corporation is a school corporation duly formed under Indiana law, which operates public schools in Switzerland County, Indiana; and has a business address of 305 Seminary Street, Vevay, Indiana, 47043.

12. Fayette County School Corporation is a school corporation duly formed under Indiana law, which operates public schools in Fayette County, Indiana; and has a business address of 1401 Spartan Drive, Connerville, Indiana, 47331.

13. Lawrenceburg School Community Corporation is a school corporation duly formed under Indiana law, which operates public schools in Dearborn County, Indiana; and has a business address of 300 Tiger Boulevard, Lawrenceburg, Indiana, 47025.

14. Greensburg Community Schools Corporation is a school corporation duly formed under Indiana law, which operates public schools in Decatur County, Indiana; and has a business address of 1312 W. Westridge Parkway, Greensburg, Indiana, 47240.

15. Sunman-Dearborn Community School Corporation is a school corporation duly formed under Indiana Law, which operates public schools in Ripley and Dearborn Counties, Indiana; and has a business address of 26022 Lawrenceville Road, P.O. Box 210, Sunman, Indiana, 47041.

16. Richmond Community Schools Corporation is a school corporation duly formed under Indiana Law, which operates public schools in Wayne County, Indiana; and has a business address of 300 Hub Etchison Parkway, Richmond, Indiana, 47374.

17. Batesville Community School Corporation is a school corporation duly formed under Indiana Law, which operates public schools in Franklin and/or Ripley Counties, Indiana; and has a business address of P.O. Box 121, 626 North Huntersville Road, Batesville, Indiana, 47006.

18. Jennings County School Corporation is a school corporation duly formed under Indiana Law, which operates public schools in Jennings County, Indiana, and has a business address of 34 Main Street, North Vernon, Indiana, 47265.

19. Rush County Schools Corporation is a school corporation duly formed under Indiana Law, which operates public schools in Rush County, Indiana, and has a business address of 330 W. 8th Street, Rushville, Indiana, 46173.

20. Union County School Corporation, d/b/a Union County College Corner Joint School District, is a school corporation duly formed under Indiana Law, which operates public schools in Union County, Indiana, and has a business address of 107 Layman Street, Liberty, Indiana, 47353.

21. Muncie Community Schools Corporation is a school corporation duly formed under Indiana Law, which operates public schools in Delaware County, Indiana, and has a business address of 2501 N. Oakwood Avenue, Muncie, Indiana, 47304.

22. Collectively, all of the defendants except for the IHSAA are referred to as the “Schools.”

Factual Allegations

23. The Schools are members of the IHSAA.

24. The Schools are recipients of federal funding.

25. All defendants are state actors for the purpose of the plaintiffs’ Fourteenth Amendment claims.

26. The Schools sponsor and administer high school amateur athletic programs, including girls’ and boys’ high school basketball teams and competitions.

27. The IHSAA attempts to encourage wholesome amateur athletics in the high schools of Indiana, including, but not limited to, girls’ and boys’ basketball programs.

28. The IHSAA regulates, supervises and administers interscholastic athletic activities amongst its member schools.

29. The Schools and IHSAA determine the schedules for girls' and boys' high school basketball programs, including the days of the week and the time of day the games are played.

30. The preferred game days and times for the girls' and boys' high school basketball programs are Friday and Saturday evenings.

31. The preferred game days and times are assigned by the defendants to the boys' high school basketball programs far more frequently than to the girls' high school basketball programs.

32. The girls' high school basketball programs accordingly play far more frequently on the disfavored weeknights, and during the day on the weekends.

33. Friday and Saturday evenings are optimal game days and times because, among other reasons, the crowd potential is the largest; there is no school the following day, and thus study is not interrupted; college recruiters can more easily attend; and cheerleaders and band members are more likely to participate.

34. The Schools discriminate against the girls who participate in the basketball programs because they are scheduled for significantly fewer preferred game days and times than are the boys who are involved with basketball programs.

35. The disparity in game scheduling referred to *supra* has a substantial negative impact on the female athletes when compared to the similar treatment received by the male athletes by, among other things, offering boys engaging in

interscholastic basketball competition more frequent opportunities to compete before the largest possible audience and, by scheduling girls' games more frequently on weeknights, thus negatively and disproportionately impacting girls' academic studies.

36. In the scheduling of basketball game days and times, the defendants have failed to provide equal athletic opportunity for members of both sexes to compete before audiences.

37. The negative impact of the game scheduling upon the female athletes is not offset by any comparable advantage that the female athletes enjoy over the male athletes.

38. Defendants have no non-discriminatory justification for scheduling boys' inter-school basketball contests during optimal times and days more frequently than girls' games.

39. The IHSAA knew of the discriminatory scheduling practices of the Schools alleged *supra* and that such discrimination was unlawful, but nonetheless exhibited a deliberate indifference towards these discriminatory practices.

40. In this regard, on February 13, 1997 the Office for Civil Rights of the United States Department of Education, Region V ("OCR"), informed the IHSAA that it was possible that "Association members could be found by OCR to be out of compliance with the scheduling of games and practice times component of the athletics provisions of Title IX if they reserve Friday nights for boys

basketball games and schedule girls basketball games on other nights.” Despite this warning, the IHSAA failed to take any affirmative measures to alleviate this inequality which persists to this day among the Schools, more than a decade after OCR called these violations to IHSAA’s attention.

41. The discriminatory scheduling practices of the defendants are a manifestation of intentional discrimination against female athletes, because they are female, by the defendants.

42. The discriminatory scheduling practices of the defendants have occurred in the past, and continue through future planned competition.

Legal Claims

43. The actions of the defendants described herein constitute impermissible gender-based discrimination by educational programs, and therefore violate Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a); and

44. The actions of the defendant described herein constitute intentional discrimination against members of a protected class, and therefore violate the Fourteenth Amendment of the United States Constitution.

WHEREFORE, the plaintiffs respectfully request that this Court award the plaintiffs all relief available under the law, including injunctive relief, compensatory damages, attorney fees, expenses and costs, and all other appropriate relief.

REQUEST FOR TRIAL BY JURY

Plaintiffs hereby request a trial by jury of all issues triable to a jury.

Respectfully submitted,

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