

National Coalition for Women and Girls in Education (NCWGE)

Title IX at 35: Beyond the Headlines

January 31, 2008

The National Coalition for Women and Girls in Education is a nonprofit organization formed to educate the public about issues concerning equal rights for women and girls in education; to monitor the enforcement and administration of current legislation related to equal rights for women and girls in education; to perform and publish research and analysis of issues concerning equal rights for women and girls in education and to take the steps necessary and proper to accomplish these purposes.

The coalition is comprised of a number of organizations currently including the American Association of University Women, Women's Sports Foundation, Society of Women Engineers, American Federation of Teachers, Girls Inc., National Women's Law Center, Feminist Majority Foundation, and the National Organization of Women. AAUW currently chairs the coalition.

Title IX at 35 was written this year to commemorate the 35th anniversary of Title IX and provide an update as to the progress made by this landmark civil rights legislation. The report summarizes recent developments, recent research, and recommends action for advocacy efforts as well as continuing Title IX education.

Overall Message of the Report: Studies show that the education performance of both sexes has continued to improve under Title IX and that girls' gains have not come at boys' expense. However, much work remains to be done. Both boys and girls face problems such as low high school graduation rates, sexual harassment and sex stereotyping.

Talking Points

This report concludes that:

- Many people do not realize that equity in science, technology, engineering and mathematics (STEM) education is an important part of the application of Title IX. Women are underrepresented in the STEM fields. Title IX can help provide more opportunities.
- Women are still underrepresented in higher levels of academia. Their salaries remain below those of men in every job category and they also face inequities in grant funding, lab space, and leave policies.
- The majority of students report being harassed at school, which is prohibited by Title IX. Schools need to have policies in place to address sexual harassment.
- Current interpretations of the permission of single-sex programs under Title IX have recently been loosened in such a way that there are not adequate

safeguards to ensure that sex segregated schools, classes, or activities will not increase sex discrimination.

- Title IX has facilitated a 403% increase in women's athletic participation while maintaining continual increase in boys' and men's opportunities since 1972. However women still receive fewer opportunities than boys to play sports and the funding their teams receive is not equal to the money received by boys' teams.

Segue From Report Delivery to This Week's Lobby Corps Bill:

In addition to summarizing recent developments with regards to Title IX, *Title IX at 35* recommends a number of strategies to help remedy lingering disparities that are subject to Title IX and poorly enforced. One of those action suggestions is to pass the High School Athletics Accountability Act (H.R. 901).

AAUW Capitol Hill Lobby Corps
The High School Athletics Accountability Act (HR 901)
January 31, 2008

I. MESSAGE: Hold high schools accountable for enforcing Title IX.

- **Request:** Please co-sponsor the High School Athletics Accountability Act (HR 901), which requires all high schools to report data on girls' and boys' athletic opportunities, resources, and funding. It is an important step in determining where Title IX is not being enforced. Requiring schools to report this data is a proactive way to hold them accountable to Title IX standards.

II. BACKGROUND

Prior to 1972, women and girls were offered few opportunities in athletics. In 1971 fewer than 295,000 girls participated in high school varsity athletics, accounting for just 7 percent of all high school varsity athletes. The outlook for college women was equally grim: fewer than 30,000 females competed in intercollegiate athletics. Low participation rates reflected the lack of institutional commitment to providing athletics programming for women. Before Title IX, female college athletes received only 2 percent of overall athletic budgets, and athletic scholarships for women were virtually nonexistent.

Since enactment of Title IX of the Education Amendments of 1972, opportunities for women and girls in sports have increased dramatically. Despite these significant improvements, however, there is still an opportunity gap for boys and girls at the high school level. In fact, it is at this level where girls are failed the most. Currently, girls comprise 49 percent of the high school population,¹ yet they receive only 41 percent of all athletic participation opportunities, which is 1.3 million fewer participation opportunities than male high school athletes.² Boys' participation has not suffered because of Title IX – overall male athletics participation is still up 6.9% from 1972.

Significant strides have been made for women in college, due in no small part to the passage of the **Equity in Athletics Disclosure Act (EADA) of 1994**. This bill requires **colleges and universities** to report to the Department of Education data on the following areas for each men's team, women's team, and any team that includes both male and female athletes:

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|---|--|
| <ul style="list-style-type: none">• Total number of participants and their gender• Total scholarship expenditures• Quotient representing total scholarship expenditures divided by total number of students• Total number of contests for the team | <ul style="list-style-type: none">• Total operating expenses for the team• Total recruiting expenses for the team• Total personnel expenses for the team• Whether the head coach is male or female, and whether they are full time or part time |
|---|--|

- Number of assistant coaches by gender and whether each particular coach is full time or part time
- Number of graduate assistant coaches and their respective genders
- Number of volunteer assistant coaches and their respective gender
- Ratio of participants to coaches
- Full compensation of the head coach
- Full compensation of assistant coaches
- Ratio of male participants to female participants in the entire athletic program
- Ratio of male scholarship expenses to female scholarship expenses in the entire athletic program
- Revenues from male and female athletics (broken down by football, men's basketball, all other men's programs, women's basketball, and all other women's programs)
- Total expenses for male and female athletics (broken down as above)

After passage of the EADA, it became clear which schools were doing a good job and which schools were failing women. The EADA requires that this data be made available to all students and to the public (the Department of Education has subsequently created a website where these statistics can be searched on any school in the country - www.ope.ed.gov/athletics).

No such reporting requirement exists for high schools, and AAUW believes this lack of “sunshine” accounts for the disparities we see in secondary schools. Enforcement at this level is usually retroactive, through the court system. The Department of Education’s Office of Civil Rights (OCR) conducts no audit to determine if schools are doing their jobs on Title IX. While the law does require every school to appoint a Title IX coordinator to ensure compliance, the vast majority of schools have no such coordinator. Of the few schools that claim to have a coordinator, often it is the case that the particular teacher doesn’t even know they are the coordinator, and doesn’t know enough about Title IX and its regulations to ensure compliance.

III. WHAT THIS BILL WOULD DO

Differing slightly from the EADA (primarily because of scholarship and recruiting at the college level), the HSAAA would require the Statistics Commissioner at the Department of Education to collect annual data from all schools receiving public funds, including:

- Number of male and female students
- Listing of the teams that competed in athletic competition, and for each
 - Season in which the team competed
 - Total number of participants, broken down by
 - gender
 - race
 - ethnicity
 - Total budget and expenses for the team for
 - travel
 - equipment
 - uniforms
 - facilities, including locker rooms, fields, and gymnasiums
 - trainers (full and part time), identifying trainers by gender
 - publicity for competitions

- Total number of coaches (full and part time, head and assistant) and for each coach the following data:
 - gender
 - qualifications
- Total number of competitions scheduled, and what time they are scheduled
- Whether the teams participated in postseason competition, and the relative success of such competition

AAUW is hopeful that some of the provisions from HR 901 can be included in the reauthorization of No Child Left Behind. More cosponsors means more support, which means a higher likelihood of inclusion!

IV. STATUS

Introduced on 2/7/2007 by Rep Louise McIntosh Slaughter (D-NY-28) and was referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education on 6/5/2007. There are currently 61 cosponsors.

<u>Rep Abercrombie, Neil</u> [HI-1] - 3/8/2007	<u>Rep Arcuri, Michael A.</u> [NY-24] - 7/18/2007
<u>Rep Berkley, Shelley</u> [NV-1] - 3/5/2007	<u>Rep Biggert, Judy</u> [IL-13] - 2/7/2007
<u>Rep Bordallo, Madeleine Z.</u> [GU] - 2/7/2007	<u>Rep Boswell, Leonard L.</u> [IA-3] - 6/25/2007
<u>Rep Boucher, Rick</u> [VA-9] - 3/26/2007	<u>Rep Brown, Corrine</u> [FL-3] - 2/13/2007
<u>Rep Capito, Shelley Moore</u> [WV-2] - 2/7/2007	<u>Rep Capps, Lois</u> [CA-23] - 2/7/2007
<u>Rep Christensen, Donna M.</u> [VI] - 3/8/2007	<u>Rep Clarke, Yvette D.</u> [NY-11] - 2/7/2007
<u>Rep Cleaver, Emanuel</u> [MO-5] - 11/13/2007	<u>Rep Conyers, John, Jr.</u> [MI-14] - 2/7/2007
<u>Rep Crowley, Joseph</u> [NY-7] - 3/6/2007	<u>Rep Cummings, Elijah E.</u> [MD-7] - 6/25/2007
<u>Rep Davis, Danny K.</u> [IL-7] - 2/27/2007	<u>Rep Davis, Susan A.</u> [CA-53] - 2/7/2007
<u>Rep DeLauro, Rosa L.</u> [CT-3] - 2/7/2007	<u>Rep Ellison, Keith</u> [MN-5] - 2/7/2007
<u>Rep Fattah, Chaka</u> [PA-2] - 3/1/2007	<u>Rep Filner, Bob</u> [CA-51] - 11/13/2007
<u>Rep Grijalva, Raul M.</u> [AZ-7] - 2/7/2007	<u>Rep Hare, Phil</u> [IL-17] - 6/22/2007
<u>Rep Harman, Jane</u> [CA-36] - 2/7/2007	<u>Rep Hirono, Mazie K.</u> [HI-2] - 2/27/2007
<u>Rep Jackson-Lee, Sheila</u> [TX-18] - 2/7/2007	<u>Rep Jefferson, William J.</u> [LA-2] - 3/5/2007
<u>Rep Jones, Stephanie Tubbs</u> [OH-11] - 2/7/2007	<u>Rep Kennedy, Patrick J.</u> [RI-1] - 2/7/2007
<u>Rep Larson, John B.</u> [CT-1] - 2/7/2007	<u>Rep Lee, Barbara</u> [CA-9] - 2/7/2007
<u>Rep Lofgren, Zoe</u> [CA-16] - 3/5/2007	<u>Rep Maloney, Carolyn B.</u> [NY-14] - 2/7/2007
<u>Rep Matsui, Doris O.</u> [CA-5] - 3/1/2007	<u>Rep McCarthy, Carolyn</u> [NY-4] - 3/6/2007
<u>Rep McCollum, Betty</u> [MN-4] - 2/7/2007	<u>Rep McGovern, James P.</u> [MA-3] - 2/13/2007

Rep McIntyre, Mike [NC-7] - 2/27/2007

Rep Meeks, Gregory W. [NY-6] - 2/27/2007

Rep Napolitano, Grace F. [CA-38] - 2/27/2007

Rep Oberstar, James L. [MN-8] - 3/13/2007

Rep Rangel, Charles B. [NY-15] - 3/9/2007

Rep Rothman, Steven R. [NJ-9] - 6/22/2007

Rep Schakowsky, Janice D. [IL-9] - 2/7/2007

Rep Solis, Hilda L. [CA-32] - 3/1/2007

Rep Van Hollen, Chris [MD-8] - 2/7/2007

Rep Waxman, Henry A. [CA-30] - 3/6/2007

Rep Woolsey, Lynn C. [CA-6] - 2/7/2007

Rep Yarmuth, John A. [KY-3] - 9/18/2007

Rep McNulty, Michael R. [NY-21] - 5/3/2007

Rep Nadler, Jerrold [NY-8] - 2/27/2007

Rep Neal, Richard E. [MA-2] - 2/13/2007

Rep Payne, Donald M. [NJ-10] - 2/13/2007

Rep Ros-Lehtinen, Ileana [FL-18] - 2/7/2007

Rep Rush, Bobby L. [IL-1] - 3/8/2007

Rep Shays, Christopher [CT-4] - 2/7/2007

Rep Udall, Mark [CO-2] - 3/13/2007

Rep Watson, Diane E. [CA-33] - 3/20/2007

Rep Wexler, Robert [FL-19] - 2/13/2007

Rep Wynn, Albert Russell [MD-4] - 4/19/2007

V. TALKING POINTS

- **“Sunshine is the best disinfectant.”** The old political cliché applies here, implying that by making information public, existing problems will be identified and can be solved. By requiring schools to make disclosures about their athletic offerings and expenses for male and female students, Congress would be taking positive, proactive steps to ensuring compliance with Title IX. Shedding light on current deficiencies is the best way to determine where we stand, and where we need to make improvements.
- **As the NCWGE Report *Title IX at 35* points out, Title IX has provided gains for women without harming opportunities for men.** Since 1972, Title IX has facilitated a 403% increase in women’s athletic participation. But, women and girls still lag behind men and boys in participation, resources and coaching. Although girls comprise 49% of the high school population, they receive only 41% of all athletic participation opportunities – 1.3 million fewer participation opportunities than male high school athletes.³ Boys’ and men’s opportunities have continually increased since 1972.
- **Sport participation is an investment in the psychological health of women.**⁴ Girls and women who participate in sports have higher levels of confidence, stronger self-images and lower levels of depression.
- **Female athletes are more likely to develop positive school and lifestyle habits.** High school girls who participate in sports are less likely to experience an unintended pregnancy.⁵ They also graduate at a significantly higher rate (68%) than women students in general (59%),⁶ and get better grades. Statistics have shown that teenage female athletes are less likely to smoke, to use marijuana, alcohol, cocaine, or other illicit drugs; they are also less likely to be suicidal, and are more likely to have a positive body image than female nonathletes.⁷ Additionally, 80% of women identified as key leaders in Fortune 500 companies participated in sports while growing up,⁸ and 82% of executive businesswomen played sports and the majority said lessons learned on the playing field contributed to their success in business.⁹
- **Athletics participation during high school has significant lifetime health benefits.** Research has shown that in many areas, early physical activity can bolster health in later life. For example, eighty percent of all people with osteoporosis (brittle bones) are female, and one out of every two women over the age of 60 has osteoporosis. Adequate calcium intake and weight-bearing exercise, especially in a female’s high school and college years, is crucial in the prevention of osteoporosis, a \$15 billion/year health problem.¹⁰ Girls who participate in as little as four hours of exercise per week may reduce their lifelong risk of breast cancer (a disease that will affect one out of every eight women) by up to 60%.¹¹
- **High school athletics offers many students a ticket to higher education.** The opportunity to play sports helps many middle and low-income students – who may

otherwise be unable to attend college – gain access to higher education. Female students receive 1.1 million fewer opportunities to play high school sports than do male students, which translate into many lost opportunities for athletic scholarships which are often their ticket to higher education.

- **Participation in sports provides many teenagers with a structured, positive after-school environment.** Working parents often worry about where their kids are after the school day is finished. Like after-school programs and activities, participation in sports helps keep girls and boys focused and out of trouble after the bell rings.

VI. TARGETS

VII. WHO TO ASK FOR : Education LA

¹ U.S. Census Bureau, Current Population Survey 2005. School Enrollment, Table 1.

<http://www.census.gov/population/socdemo/school/cps2005/tab01-01.xls> Accessed January 19, 2007.

² *2005-05 High School Athletics Participation Survey*, (Indianapolis, IN: National Federation of State High School Associations (NFHS), 2006).

³ *2005-05 High School Athletics Participation Survey*, (Indianapolis, IN: National Federation of State High School Associations (NFHS), 2006).

⁴ Miller Lite Report, 1985; Melpomene Institute, 1995; Colton & Gore, Risk, Resiliency, and Resistance: Current Research on Adolescent Girls, Ms. Foundation, 1991

⁵ The Women's Sports Foundation Report: Sport and Teen Pregnancy, May 1998; Women's Sports Foundation, 1989

⁶ Division 1 NCAA Study on Graduation Rates, 2000

⁷ Women's Sports Foundation Health Risks and the Teen Athlete, March 2001

⁸ Bunker, L.K. "Life Long Benefits of Sports Participation", June 22, 1988

⁹ National Survey Game Face – From Locker Room to Boardroom: Survey on Sports in the Lives of Women Business Executives, February 2002

¹⁰ Teegarden, Proulx, et al., 1996, *Medicine and Science in Sports and Exercise*, 1996; vol. 28, pp. 105-113

¹¹ Journal of the National Cancer Institute, 1994