

AAUW Capitol Hill Lobby Corps
The High School Athletics Accountability Act
April 2, 2009

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

Request: Please be an original co-sponsor for the High School Athletics Accountability Act. This bill 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.

Athletic opportunities are invaluable for women. 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.¹ They also graduate at a significantly higher rate (68%) than women students in general (59%),² 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.³ Additionally, 80% of women identified as key leaders in Fortune 500 companies participated in sports while growing up,⁴ and 82% of executive businesswomen played sports and the majority said lessons learned on the playing field contributed to their success in business.⁵

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,⁶ yet they receive only 41 percent of all athletic participation opportunities, which is 1.3 million fewer participation opportunities than male high school athletes.⁷ Boys' participation has not suffered because of Title IX – overall male athletics participation is still up 6.9% from 1972.

As the National Coalition for Women and Girls in Education (which AAUW chairs) 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.

There is already a model for this type of data collection. 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:

- 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
- 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).

But, 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 legislation 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 expenses for the team for
 - travel
 - equipment
 - uniforms
 - facilities, including locker rooms, fields, and gymnasiums
 - trainers (full and part time), and for each trainer the following data:
 - gender
 - employment status
 - qualifications
 - publicity for competitions
 - Total number of coaches (full and part time, head and assistant) and for each coach the following data:
 - gender
 - employment status
 - qualifications
 - Average salary information for coaches and assistant coaches for men's teams and women's teams
 - Total number of competitions scheduled, and what time they are scheduled
 - Whether the teams participated in postseason competition

The bill would make the above information publicly available.

IV. 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.
- **Girls still do not receive as many opportunities to play sports as boys do.** Despite the growth of female athletic participation since Title IX was enacted, the gap in athletic participation opportunities between boys and girls has widened from 1.13 seven years ago to over 1.3 million today.⁸ Girls make up half of the high school population,⁹ but receive only 41% of all athletic participation opportunities.¹⁰ No state is providing athletic opportunities to its female athletes in numbers that are proportionate to their enrollment in school.
- **School officials already collect the information that they are required to report under the High School Athletics Accountability Act, but it is not readily available to the public.** The National Federation of State High School Associations already requires that school administrators submit annual reports of their athletic participation numbers by sport and gender to their state high school athletic associations. Additionally, school bookkeepers already keep records of all school expenditures—including those made within the athletic department—and athletics administrators maintain budgets for each male and female sport. Therefore, the Act merely requires that schools transfer this existing data into a report that is publicly available, a task that should take an administrator from two to six hours maximum, depending on the number of sports offered.¹¹
- **Legislation similar to the High School Athletics Accountability Act has already been adopted and successfully implemented in several states and localities.** For example, Kentucky and Georgia have adopted and successfully implemented state legislation that requires high schools to submit annual reports with information regarding their athletic participation rates as well as budgets and expenditures. Since the implementation of this legislation, the administrators of the compliance programs in the Kentucky and Georgia State High School Athletic Associations have said they have seen significant improvements in the Title IX compliance of their member schools.¹²

V. STATUS

The High School Athletics Accountability Act will be introduced by Representatives Slaughter (D-NY) and Capito (R-WV). There are currently 15 bipartisan Representatives who have signed up to be original cosponsors. The Senate companion (S. 471) was introduced in the Senate on February 25, 2009 by Senator Snowe (R-ME) and currently has 5 cosponsors.

VI. TARGETS: Dems on Ed and Labor, Dem Women

VII. WHO TO ASK FOR: Education LA

¹ The Women's Sports Foundation Report: Sport and Teen Pregnancy, May 1998; Women's Sports Foundation, 1989

² Division 1 NCAA Study on Graduation Rates, 2000

³ Women's Sports Foundation Health Risks and the Teen Athlete, March 2001

⁴ Bunker, L.K. "Life Long Benefits of Sports Participation", June 22, 1988

⁵ National Survey Game Face – From Locker Room to Boardroom: Survey on Sports in the Lives of Women Business Executives, February 2002

⁶ 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.

⁷ National Federation of State High School Associations (NFHS). *2007-2008 High School Athletics Participation Survey*. (<http://www.nfhs.org/>).

⁸ National Federation of State High School Associations (NFHS). *2007-2008 High School Athletics Participation Survey*. (<http://www.nfhs.org/>).

⁹ National Center for Educational Statistics (NCES). 2006-2007. (<http://nces.ed.gov/>).

¹⁰ See note 1.

¹² Conversations between Women's Sports Foundation staff and compliance officers at the Georgia and Kentucky State High School Athletic Associations and high school athletic directors in Missouri. May 2007.

¹³ See note 12.