

***"Proactive School Performance and Title IX"***

# ***A View of Educational Equity***

## **Ohio Interscholastic Athletic Administrator's Association**

*2013 Fall Workshop*

*November 17, 18 & 19, 2013*

**Presenters:**

*High School Title IX Consulting Services*

**Peg Pennepacker, C.A.A**

**Robyn Kermes, Project Manager**

# Disclaimer

The information presented this evening is NOT a substitute for legal advice. School districts are strongly encouraged to seek the advice of their school solicitor or legal counsel. *High School Title IX Consulting Services* is not a law firm. *High School Title IX Consulting Services* provides recommendations and opinions on Title IX compliance of high school athletic programs based on over twenty years experience working with the law throughout various venues.

# 37 Words...

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."*

*- Title IX, 1972. Education Amendments*







**Misunderstood**

# Light Bulb Moment





# *Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964*

- The first comprehensive federal law that prohibits sex discrimination in education programs and activities that receive federal financial assistance.
- Requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on sex.
- Is at the heart of efforts to create gender equitable schools. Males and females are expected to receive fair and equal treatment in all arenas of public schooling.
- *It includes sexual harassment.*

# What Does Title IX Cover?

- Admissions
- Access to Courses or Programs
  - Includes Physical Education, career and technical education, etc.
- Counseling
- Student Rules and Policies
- Treatment of Students
  - Pregnant or Parenting Students
- Financial Assistance
- Student Housing
- Athletics
- Co-Curricular and Extra-Curricular Activities
- Employment Practices
- Sexual Harassment of Students and Employees



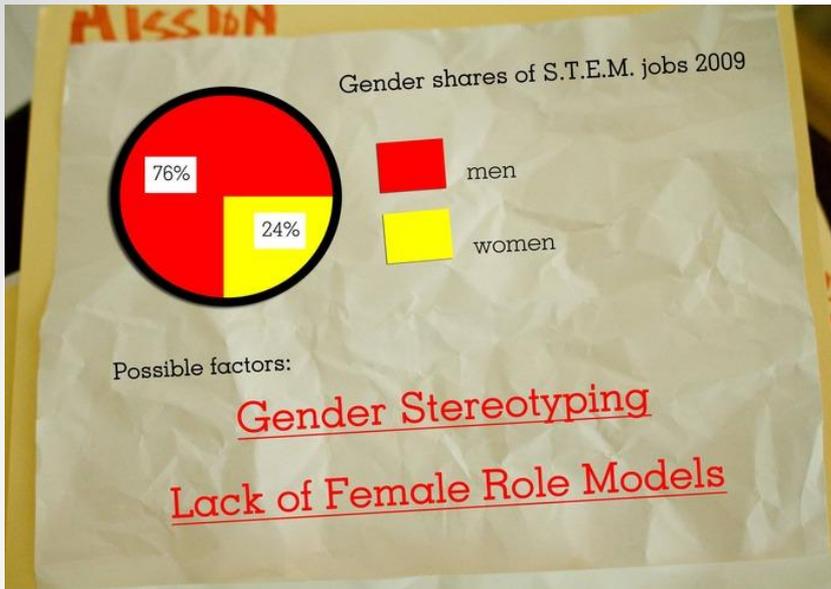


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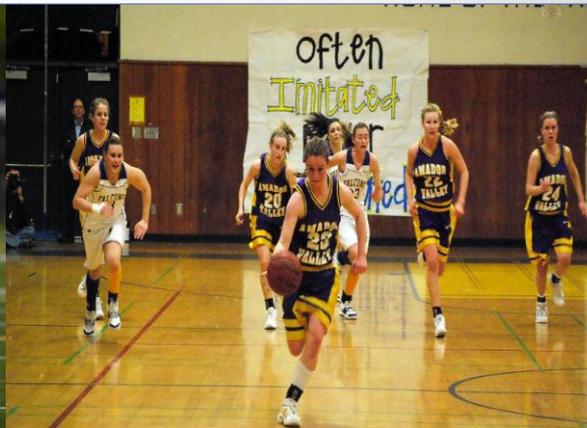


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# Curriculum Matters

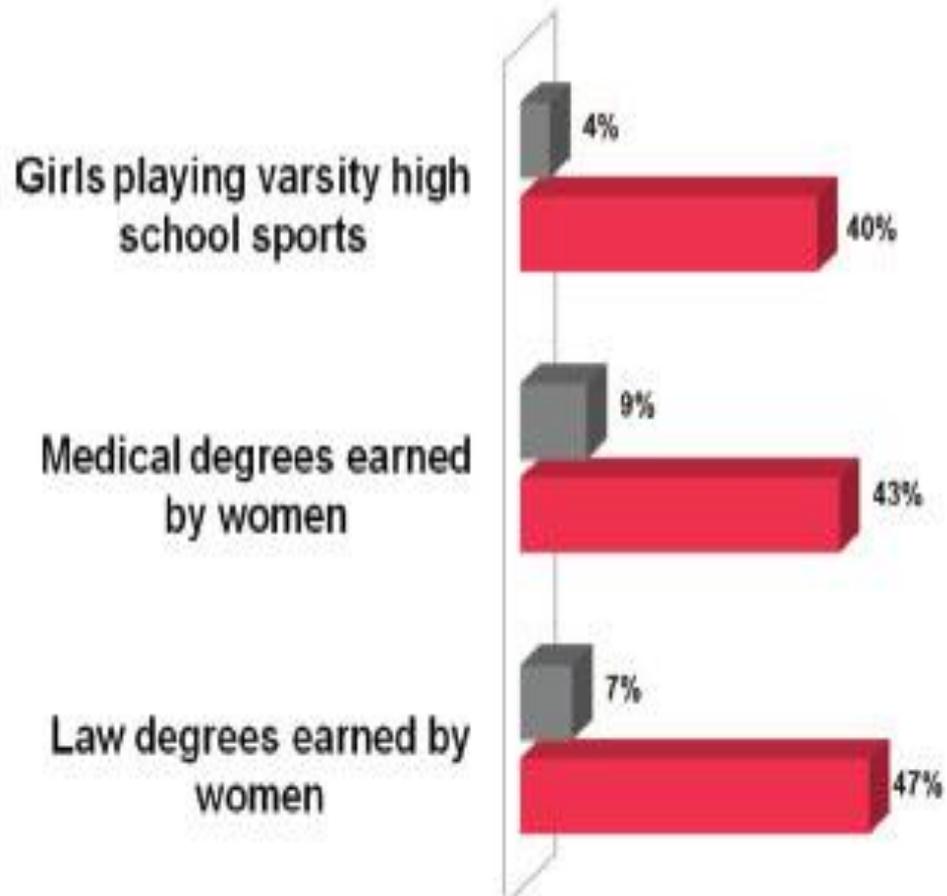




**Since Title IX was enacted, female high school athletic participation has increased 904%.**

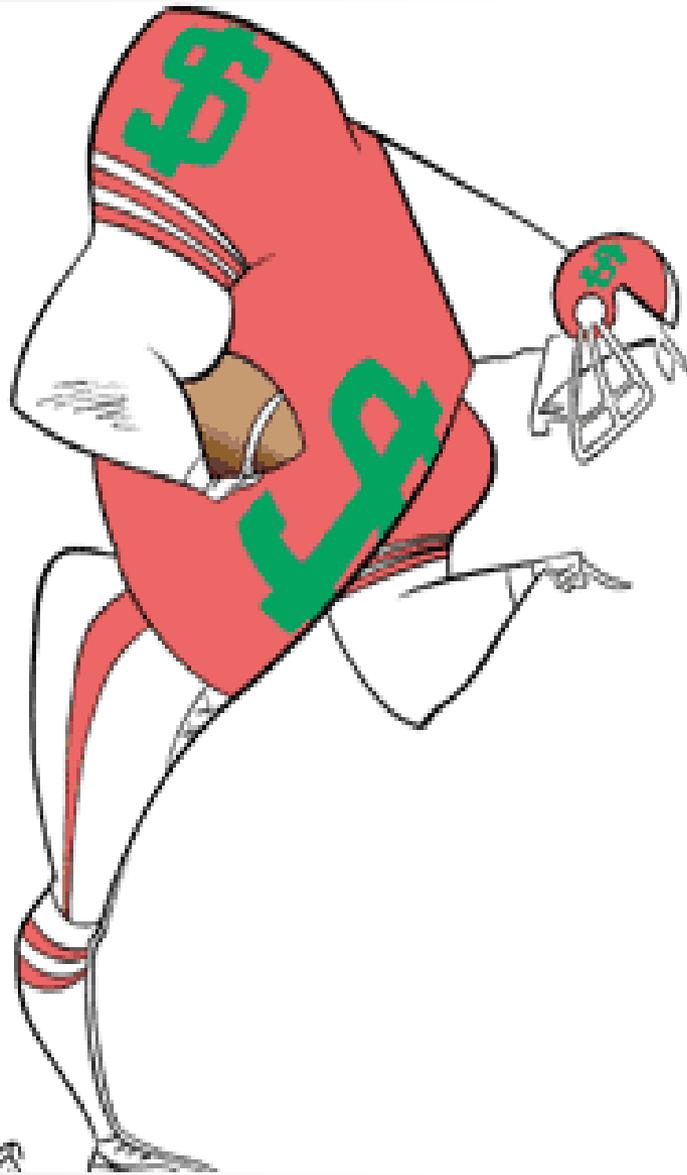


■ 1972 ■ Now



Athletics \* Access to Courses or Programs \* Counseling  
\* Student Rules and Policies \* Treatment of Students \*  
Financial Assistance \* Student Housing \* Athletics \* Co-  
Curricular/Extra-Curricular Activities \* Employment  
Practices \* Sexual Harassment \* Athletics \* Access to  
Courses or Programs \* Counseling \* Student Rules and  
Policies \* Treatment of Students \* Financial Assistance \*  
Student Housing \* Athletics \* Co-Curricular/Extra-  
Curricular Activities \* Employment Practices \* Sexual  
Harassment \* Athletics \* Access to Courses or Programs  
\* Counseling \* Student Rules and Policies \* Treatment  
of Students \* Financial Assistance \* Student Housing \*  
Athletics \* Co-Curricular/Extra-Curricular Activities \*  
Employment Practices \* Sexual Harassment \* Athletics





IT'S YOUR FAULT  
OTHER MEN'S  
SPORTS ARE  
BEING CUT!



ANTHONY



Prince George's  
County Public  
Schools' Title IX  
Agreement with the  
National Women's  
Law Center

National Women's Law  
Center Files Title IX  
Athletics Complaint  
Against DC Public  
Schools



It is in large part what happens at the K-12 level that prepares or does not prepare young women to want to be involved when they get to the collegiate level.

# If you let me play...



If you let me play

- I will like myself more
- I will have more self-confidence
- I will suffer less depression
- I will be 60% less likely to get breast cancer
- I will be more likely to leave a man who beats me
- I will be less likely to get pregnant before I want to
- I will learn what it means to be strong

If you let me play sports

# High School Interscholastic Athletics

## ***Girls who play sports...***

- Less likely to use drugs
- Less likely to get pregnant
- Higher self esteem and confidence
- Higher chance of graduating from high school
- Teamwork, camaraderie, work ethic, sense of belonging, accomplishment, a chance to play at the next level...



# The Courts have said:

Title IX was enacted in order to remedy discrimination that results from stereotyped notions of women's interests and abilities.

Interests and ability rarely develop in a vacuum; they evolve as a function of opportunity of experience.

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~~Reactive~~

Proactive





**NEW**  
Nontraditional Employment  
for Women  
Hard Hats. Strong Women. Building the Future.



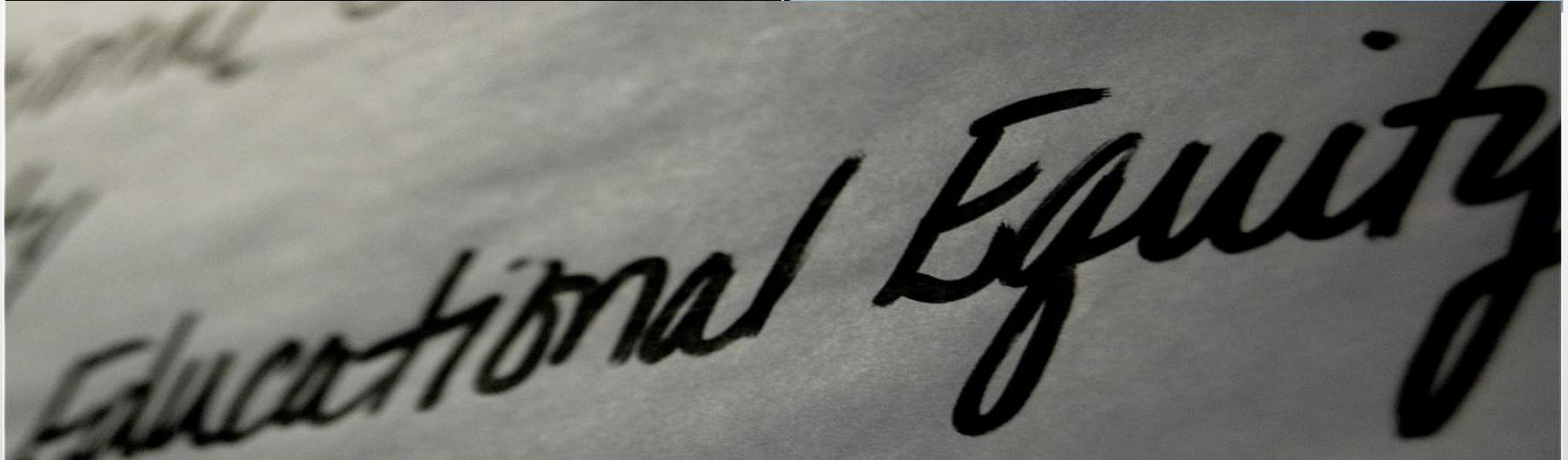
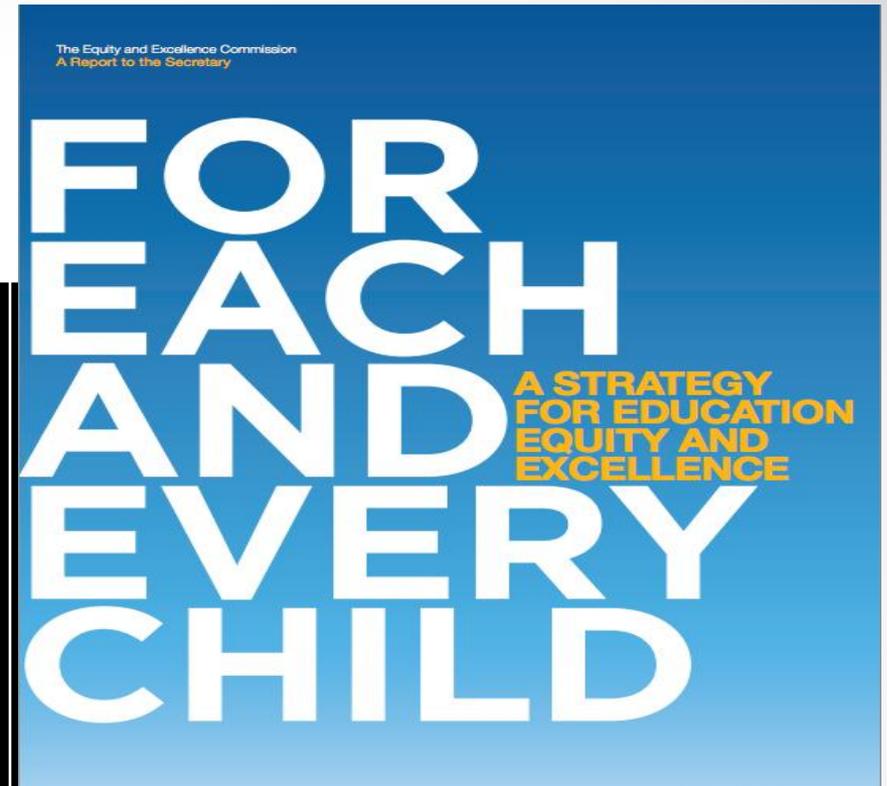
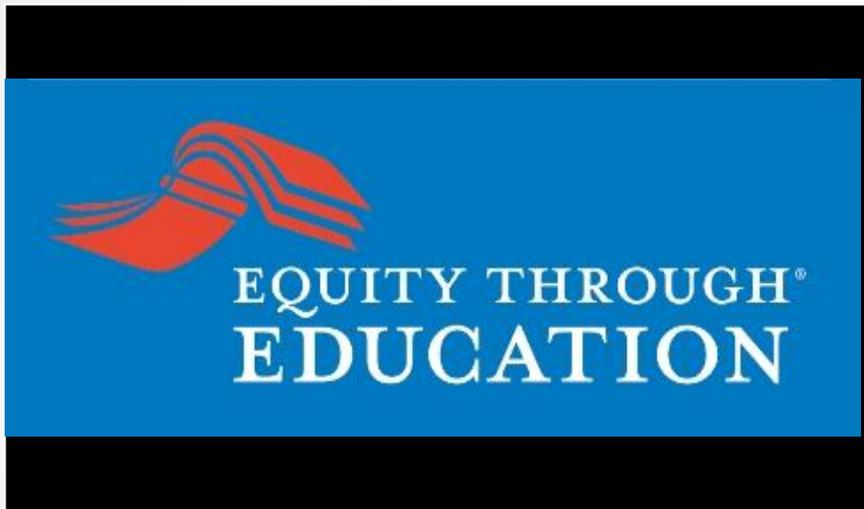




**BIG SPORTS,  
BIG BUSINESS**  
A Century of League Expansions, Mergers,  
and Reorganizations  
FRANK R. JOSEPH, JR.



# Open to All







# *The Litmus Test*

*"An athletic program can be considered gender equitable when the participants in both the men's and women's sports programs would accept as fair and equitable the overall program of the other gender."*

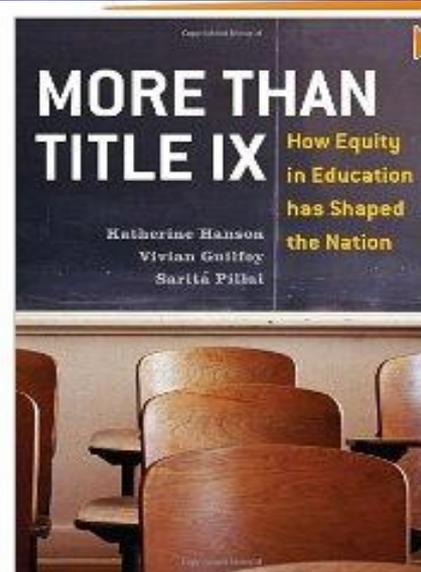
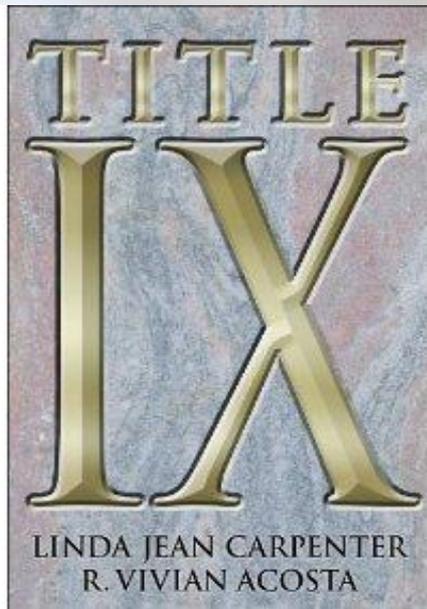
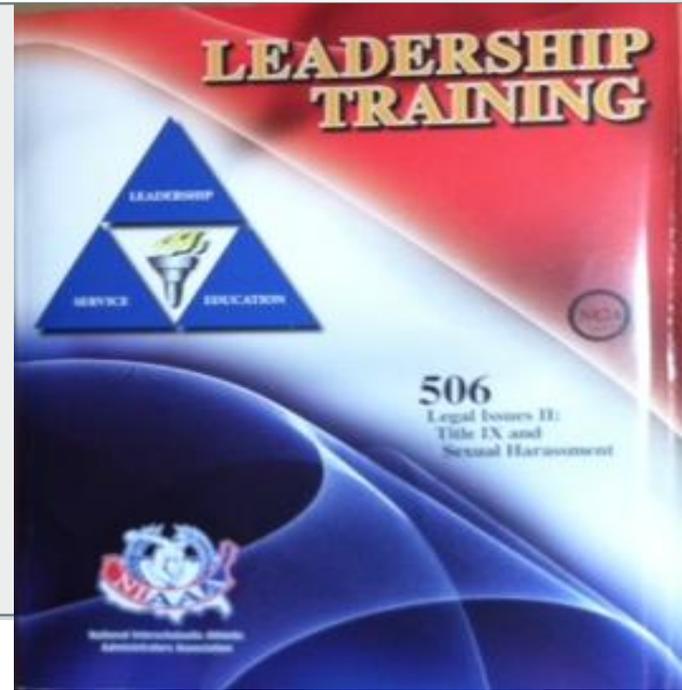
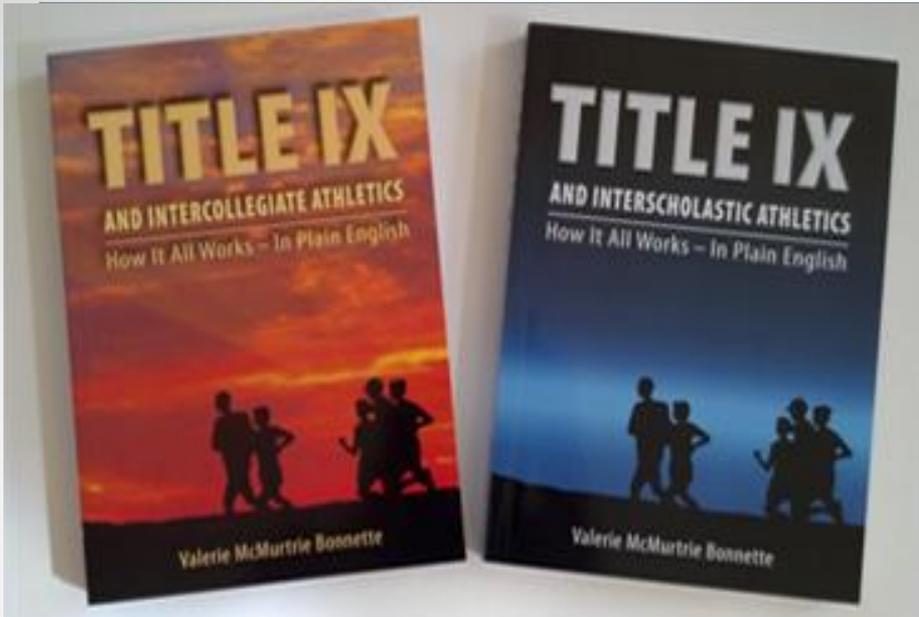
*NCAA Gender Equity Task Force*

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# Budget Constraints







In education, gender equity is specific action undertaken to create conditions that provide high-quality educational experiences for female and male students and enable outcomes of educational achievement with no differences based on gender.



**Georgia**

The image shows a black outline of the state of Georgia on a white background. The word "Georgia" is written in a bold, green, sans-serif font across the center of the outline.

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**KENTUCKY**

The image features a green silhouette of the state of Kentucky on a light green background. The word "KENTUCKY" is written in a bold, green, serif font below the silhouette.

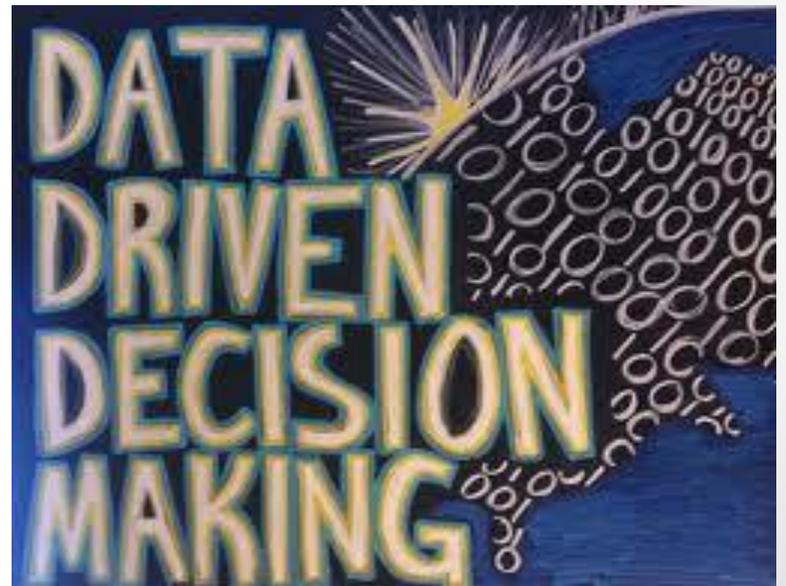


**Pennsylvania**

The image shows a grey silhouette of the state of Pennsylvania on a white background. The word "Pennsylvania" is written in a bold, black, sans-serif font across the center of the silhouette.

# *Data to be collected...*

- Student enrollment numbers identified by gender
- Number of male and female participants
- Year each sport was established, eliminated, demoted or reestablished
- Season in which each sport competes
- Total expenditures for each sport: travel, uniforms, equipment and supplies, facilities
- Number of competitions
- Number of coaches
- Number of athletic trainers
- Name of Title IX Compliance Officer



# *Decision-makers and Stakeholders*

School Board Members

Superintendents

Assistant Superintendents

Title IX Compliance Officers

Principals

**Athletic Administrators**

Coaches

Student-Athletes

Parents

# Title IX Gender Equity Committee



*"Sports is my passion, paving access for others is my purpose."* Tatyana McFadden



# January 25, 2013

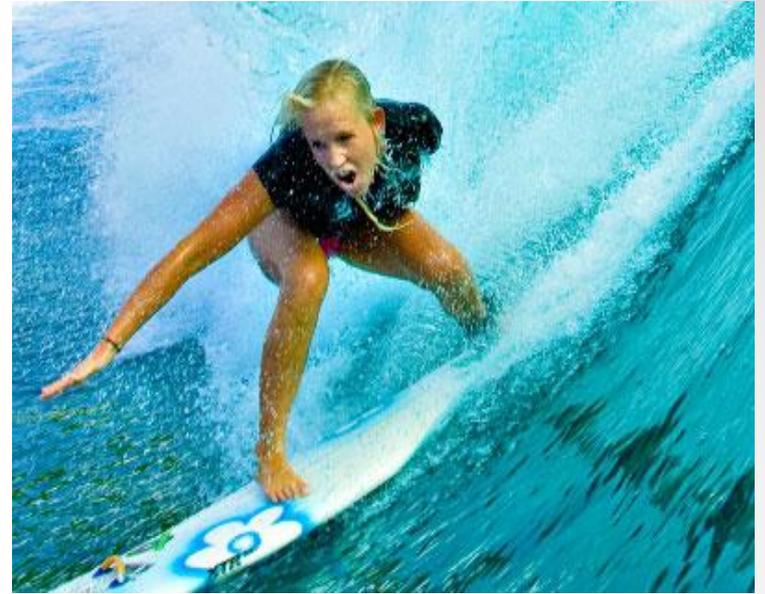
## *"Dear Colleague"* Letter

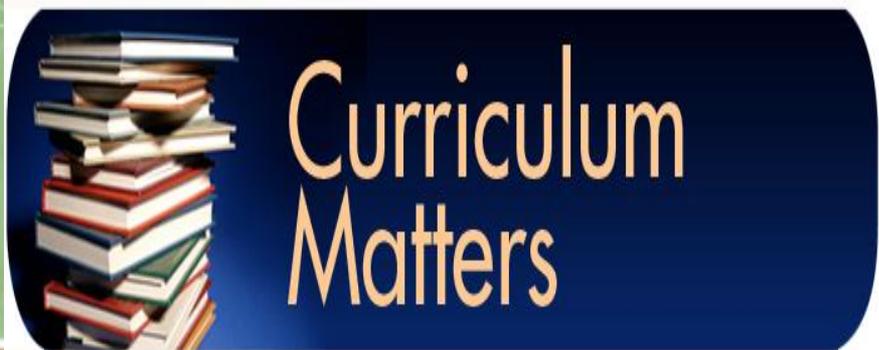
- Core message: student athletes be granted equal opportunity to participate alongside their peers in school athletics programs, club sports, intramural sports and physical education courses.
- Does not create new law – clarifies the legal obligations of educational institutions under already-existing laws dealing with the rights of students with disabilities.

**Section 504 of the Rehabilitation Act (Section 504)**  
**Individuals With Disabilities Education Act (IDEA)**  
**Americans With Disabilities Act (ADA)**

# Equal Opportunities

- Schools required to provide students with disabilities equal opportunities to participate.
- Equal Opportunity: schools must conduct an individualized assessment of a student with a disability to determine reasonable accommodations...
- Reasonable Accommodation: one that does not fundamentally alter the nature of the sport or activity; does not give a competitive advantage; does not present a safety risk.
- Does not mandate automatic placement – individual assessment be made to determine whether a reasonable accommodation exists.





LEADERSHIP FOR  
EDUCATIONAL EQUITY



# Recommendations

- ✓ BE PROACTIVE
- ✓ Identify your school's Title IX Compliance Officer
- ✓ Gender Equity Committee
- ✓ Provide all stakeholders of the school community with information about Title IX
- ✓ Conduct a self-audit regularly
- ✓ Continue to expand opportunities to attract girls to STEM career pathways

# Recommendations - continued

- ✓ Develop a strategic plan  
*(Stated goals to reach compliance with target dates)*
- ✓ Year-by-year evidence of improvement
- ✓ Provide professional development for educators and administrators about approaches to counteracting gender stereotyping and sex discrimination
- ✓ HIDE NOTHING – be transparent – everyone wins!



**Opinion**

**LAW**



EQUITY THROUGH<sup>®</sup>  
EDUCATION

# Go Buckeyes!



***Thank you!***

*Have a great conference!*

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