

Title IX: A Promise Not Yet Fulfilled

Title IX, the federal law that prohibits sex discrimination in federally funded education programs, has led to tremendous advances since it was enacted in 1972. Yet inequities persist across educational activities, and more must be done to level the playing field for women and girls. This fact sheet addresses important problem areas, and identifies what needs to be done to make long over-due progress.

Athletics

According to the National Federation of State High School Associations, female students received 1.3 million fewer opportunities to participate in high school athletics than their male peers in the 2006-2007 school year. Girls are also frequently shortchanged in the treatment of their teams when they are allowed to play. And at the college level, women continue to face limitations on their opportunities to play sports, their receipt of athletics scholarships, and the resources provided to their athletics programs.

Compounding these inequities, over the last eight years the Department of Education has failed to adequately enforce Title IX's mandate of equality in athletics. From 2002 through 2006, the Office for Civil Rights (OCR) initiated only one compliance review of a school's athletics program, even though during this time period 375 complaints were filed about lack of participation opportunities for female athletes and unequal treatment of those who were playing. Moreover, the Department actually took a step back by issuing an "Athletics Clarification" in 2005 that lowers the bar for providing equal opportunities for women and girls. More information on the Clarification is available here:

<http://www.nwlc.org/details.cfm?id=2733§ion=athletics>.

OCR should immediately rescind the damaging 2005 Clarification, and take additional steps to enforce the law – including compliance reviews to ensure that schools meet their obligations under Title IX.

Congress should pass the High School Athletics Accountability Act of 2009 (H.R. 2882) and the High School Sports Information Collection Act of 2009 (S. 471). These bipartisan bills – introduced by U.S. Rep. Louise McIntosh Slaughter (NY-28) and U.S. Sen. Olympia Snowe (ME) – require high schools to report and publicly disclose data on athletics opportunities for boys and girls. The bills fill a gaping hole in the law by providing vital information to parents and educators to help them ensure gender equity in their school athletics programs. This information, which has long been available at the college level, will improve compliance in secondary schools across the country. More information on these bills may be found here: <http://www.nwlc.org/pdf/MythFactHSAthleticsDataCollectionBills.pdf>.

Non-Traditional Fields

Sex-segregation and sex-stereotyping in education remain pervasive, discouraging women from exploring traditionally male areas such as career and technical education, the hard sciences, technology, and engineering. Girls represent only 15 percent of students taking high school classes in many of these traditionally male and higher-paid fields – a statistic that has remained virtually unchanged since 1977. At colleges and universities, women still receive just 20 to 25 percent of degrees in physics and engineering. This under-representation is exacerbated by lax enforcement to ensure that schools take proactive measures to improve opportunities for under-represented groups. More information may be found in the NWLC report *Tools of the Trade*, available here: <http://www.nwlc.org/details.cfm?id=2462>.

Schools should take proactive steps to cultivate girls' and young women's talents in these fields, and policy makers should help schools to do so. The Administration should provide technical assistance to schools on the ways to implement such programs. Congress should also provide help to schools to expand their efforts to recruit and retain students from under-represented populations and hold schools accountable – including by reporting requirements – for making progress to fully diversify their programs.

Sexual Harassment

Title IX protects female and male students and employees from sexual harassment in all school programs and activities, yet harassment persists at all levels of education. A 2001 study by the American Association of University Women (AAUW) found that 80 percent of students in K-12 experienced some type of sexual harassment. A 2006 report by AAUW found that nearly two-thirds of college students reported that they had been sexually harassed.

Congress should enact legislation that will give students the same legal protections that apply to employees in the workplace. In addition, OCR must improve enforcement of the law by undertaking compliance reviews and providing guidance and technical assistance on effective procedures to prevent harassment and address it if it occurs.

High School Dropouts

As detailed in NWLC's report *When Girls Don't Graduate, We All Fail: A Call to Improve High School Graduation Rates for Girls*, available at http://action.nwlc.org/site/PageNavigator/Dropout_Report_Intermediary_Request, girls are dropping out of school at an alarming rate; an estimated one in four female students does not graduate with a high school diploma in the standard, four-year time period. For students of color, the numbers are even worse. While the overall dropout rate for girls is nearly the same as the rate for boys, the economic consequences for girls are far more severe. Female dropouts earn significantly lower wages than male dropouts, are at greater risk of unemployment, and are more likely to rely on public support programs.

Schools should include dropout prevention programs tailored to the needs of girls, and in particular address the specific needs of pregnant and parenting students. Close to one-half of female dropouts surveyed said that pregnancy and parenting responsibilities were a factor in their decisions to leave school. The Department of Education should inform schools of their responsibilities to avoid discrimination against pregnant and parenting students, and take steps to ensure that schools meet their requirements under the law. The Department should enforce Title IX by requiring schools to change policies, practices, and school cultures that stigmatize or discriminate against pregnant and parenting students. In addition, the Department can provide technical assistance to help schools develop programs for pregnant and parenting students and educate the public about the prohibitions of Title IX.

Schools must ensure that school policies and personnel do not discriminate against pregnant and parenting students. For example, schools may not exclude a student from school or extracurricular activities because she is pregnant, has had a child, has had an abortion, or is recovering from any of these conditions. And where schools provide special services for temporarily disabled students (such as homebound instruction or tutoring) the same accommodations must also be made available to pregnant students. For more information on these and other requirements under Title IX, see NWLC's fact sheet on the rights of pregnant and parenting students at <http://www.nwlc.org/pdf/RightsPregnantParentingStudentsTitleIX.pdf>.

Single-Sex Education

As highlighted frequently in the news, single-sex education remains a contentious topic. Although single-sex programs can be lawful and beneficial in some circumstances, attempts to segregate students by sex too frequently result in discrimination against girls.

Title IX provides safeguards to ensure that single sex programs will not be discriminatory. Yet those protections were severely weakened in 2006, when OCR issued regulations that dangerously expand the ability of schools to offer single-sex programs for their K-12 students. Schools are now required only to offer "substantially" equal educational opportunities for boys and girls and can allow programs based simply on parents' or students' preferences. The Department of Education must rescind the 2006 changes to Title IX regulations, and restore the safeguards of Title IX. For more information on the regulations, visit here: <http://www.nwlc.org/details.cfm?id=2866§ion=newsroom>.