



# THE HISTORY AND IMPORTANCE OF TITLE IX

National Federation of State  
High School Associations



## Title IX Education Subcommittee

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# CONTENT ACKNOWLEDGEMENT

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- 2020 NIAAA Thomas E. Frederick Award of Excellence recipient

A photograph of two female field hockey players in action on a grass field. The player on the left is wearing a white jersey with "RED HEAT" and the number 35, and is reaching down with her stick. The player on the right is wearing a dark jersey with "ASSUMPTION" and the number 2, and is also reaching down. A white field hockey ball is on the ground between them. The image has a dark red overlay.

# POLL QUESTION

What year was Title IX passed?



# WHAT IS TITLE IX?

- On June 23, 1972, President Richard Nixon signed Title IX of the Education amendments of 1972 into law.
- It is a comprehensive federal law that prohibits sex discrimination in education programs (ALL aspects of a school's educational programs) that receive federal funds.





## TITLE IX LANGUAGE

*“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.”*

[Original 37-word statute]



# REMEMBERING BIRCH BAYH



1928-2019

- “One of the great failings of the American educational system is the continuation of corrosive and unjustified discrimination against women. It is clear to me that sex discrimination reaches into all facets of education — admissions, scholarship programs, faculty hiring and promotion, professional staffing and pay scales.”
- Birch Bayh, Indiana Senator 1963-1981
- Championed Title IX language



# GENERAL TITLE IX CONCEPTS

- Title IX does not only pertain to sports.
- Title IX is the first comprehensive federal law that prohibits sex discrimination in education programs and activities that receive Federal financial assistance.
- Title IX does not only protect females.
- *Title IX covers sexual harassment/sexual assault in schools.* (5-6-2020 New Regulations)
- Title IX requires schools to maintain policies, practices and programs that do not discriminate against anyone based on sex.
- *Title IX is at the heart of efforts to create gender equitable schools.*



# TITLE IX COORDINATOR



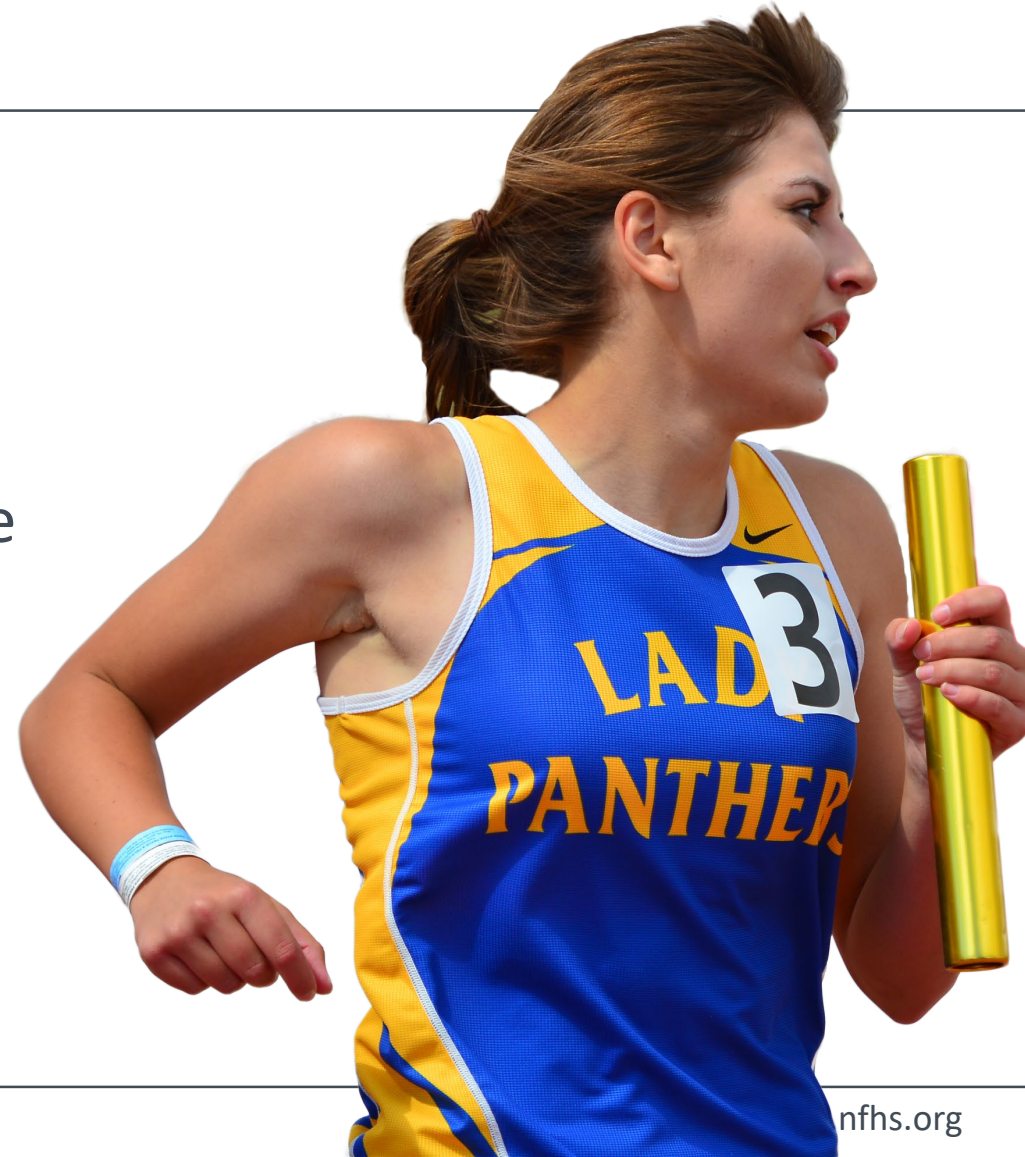
- Title IX Coordinators are a school district's primary resource for identifying sex discrimination, including sexual harassment. Having a Title IX Coordinator in place is not only **required law**, but also essential for helping schools fulfill their mission of providing students with the best possible education.





# 2018 GOVERNMENT ACCOUNTABILITY OFFICE (GAO) REPORT

- Purpose of report was to examine how public high schools encouraged equal opportunities for students
- GAO estimated 40 percent of athletic directors surveyed were unaware of a Title IX coordinator in their school district and that an additional 12 percent were aware of their Title IX coordinator but received little to no support from the individual.
- Title IX is still a work in progress!



A group of female soccer players in white uniforms with 'EAGLES' and numbers on them, celebrating on a field. The image is overlaid with a dark blue filter.

# POLL QUESTION

Title IX requires schools spend the same amount of money on boys and girls teams



## TITLE IX DOES NOT REQUIRE A SCHOOL TO:

- Offer an athletics/activities program
- Offer a good athletics/activities program
- Provide the same funding to the overall girls' and boys' programs
- Provide the same funding to boys' and girls' teams in the same sport/activity
- Provide specific benefits such as equipment, coaching, facilities, or scheduling
- Provide specific benefits to a specific team
- Offer a specific number of teams
- Offer the same number of teams for boys and girls
- Offer the same sports/activities for boys and girls
- Provide the same benefits for boys' and girls' teams in the same sport/activity
- Compete at a specific competitive level
- Join a specific conference – local, regional, national or otherwise





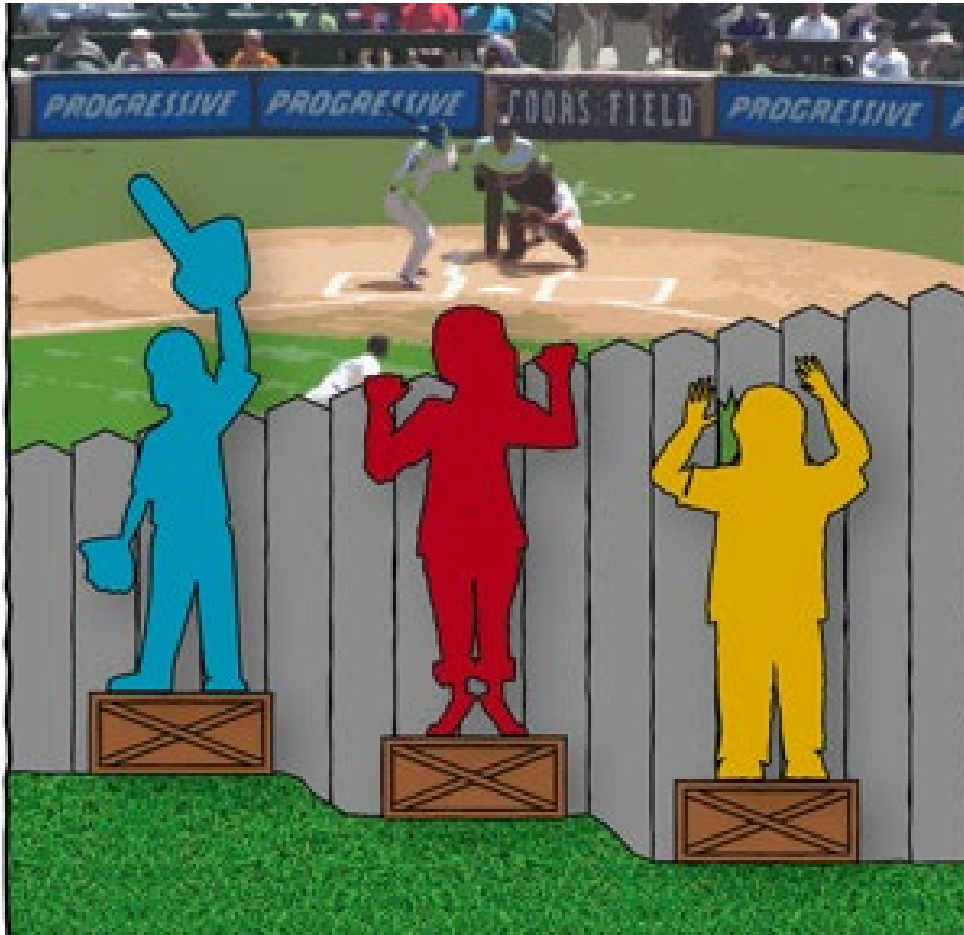
## TITLE IX DOES REQUIRE A SCHOOL TO:

- Provide an equal opportunity for female and male students to become interscholastic participants (analyzed by means of the “Three-Prong Test”) and,
- Provide equivalent treatment of participants in the overall girls’ program as compared to the overall boys’ program.

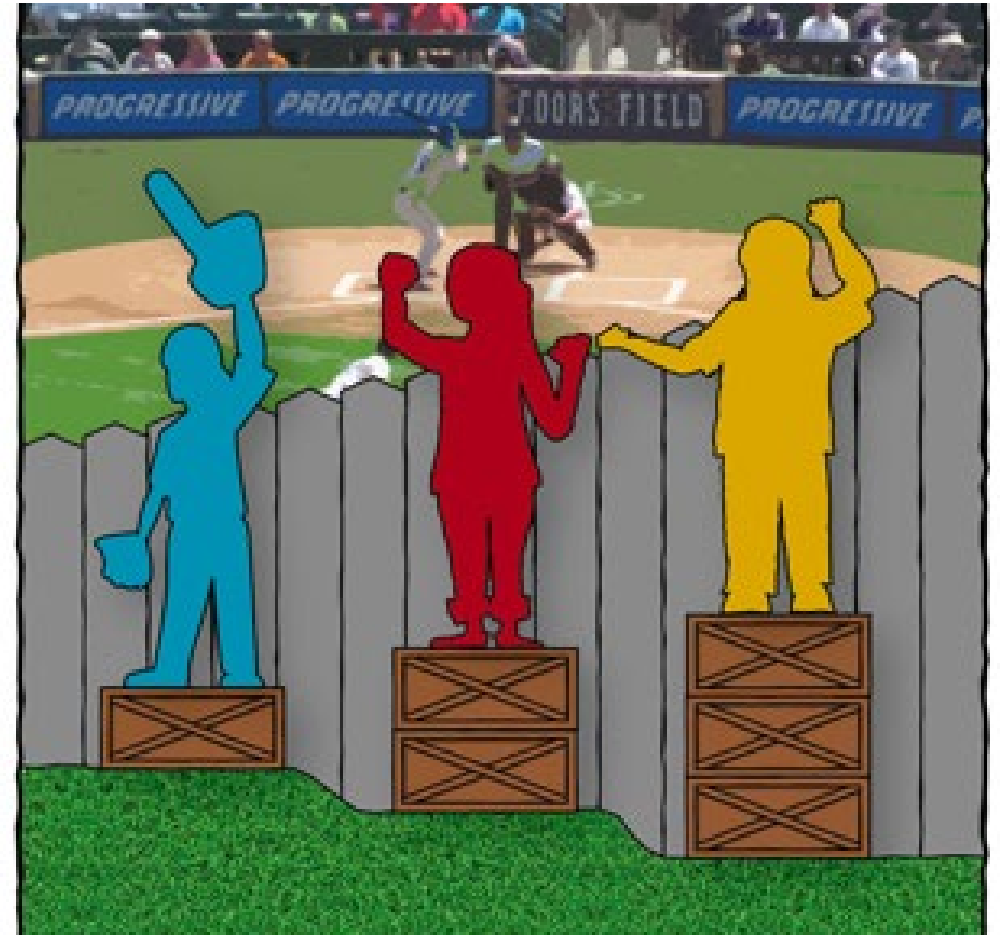




# EQUALITY



# EQUITY





# TITLE IX ATHLETICS COMPLIANCE FRAMEWORK

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- Component I : Effective Accommodation of Athletics Interests & Abilities
  - Participation Opportunities – The Three-Prong Test
  - Levels of Competition: The Two-Prong Test
- Component II: Athletics Financial Assistance for Student-Athletes
- Component III: Equivalence in Other Athletics Benefits & Opportunities





# COMPONENT I : EFFECTIVE ACCOMMODATION OF ATHLETICS INTERESTS & ABILITIES

- Participation Opportunities – The Three-Prong Test

Substantial Proportionality	Ratios of male athletic participation and female athletic participation must be “substantially proportional” to ratios of male enrollment and female enrollment OR,
History and Continuing Practice	The school must show a continuing practice, in the very recent past, of expanding its girls’ sports offerings OR,
Full and Effective Accommodation	The school must show that the athletics interests and athletics abilities of the institutions female enrollment have been fully and effectively accommodated.



## 3-PRONG TEST CASE STUDY

- A school cut 3 girls programs as part of a budget-cut.
- Title IX's "three-prong test" revealed enrollment was 49% female, however only 39% of sports participation opportunities were available to girls.
- Analysis of Title IX's "other athletics benefits and opportunities" offered to boys teams as compared to girls teams indicated significant disparities for female student-athletes with regard to uniforms, equipment, supplies, facilities, locker rooms, access to quality coaching, practice times and scheduling methods, game times and scheduling methods, and modes of transportation.







# COMPONENT I : EFFECTIVE ACCOMMODATION OF ATHLETICS INTERESTS & ABILITIES

- Levels of Competition – The Two-Prong Test

Equivalently Advanced Competitive Opportunities	Ratios of male athletic participation and female athletic participation must be “substantially proportional” to ratios of male enrollment and female enrollment OR,
History and Continuing Practice	The school must show a continuing practice, in the very recent past, of expanding its girls’ sports offerings.



## COMPONENT II: FINANCIAL ASSISTANCE

- Equity in the allocation of athletics scholarships is rarely an issue at the interscholastic sports level. It is relevant only for those coeducational private schools which award financial aid or which administer work-study programs.



## COMPONENT III: EQUIVALENCE IN OTHER BENEFITS AND OPPORTUNITIES



- The third broad component of Title IX compliance deals with the issue as to whether, in an overall sense, evaluating a school's athletics programs as a whole, boys and girls have comparable access to all of the "perks" of athletic participation. In order to measure compliance, the OCR will examine the following eleven areas of *"other athletics benefits and opportunities."*





## COMPONENT III: EQUIVALENCE IN OTHER BENEFITS AND OPPORTUNITIES

- Protective athletic equipment and other athletic supplies
- Locker rooms and practice and competition facilities
- Allocation of travel and transportation benefits and per diem allowances
- Years of experience, quality, compensation, and assignment of coaches
- Institutional housing and dining facilities and related services
- Nature of publicity-marketing-media services for athletic programs
- Game and practice times and scheduling
- Facilities for and access to athletic training benefits and medical services
- Academic tutoring services for student-athletes
- Institutional support services for athletic programs
- Recruiting resources provided to athletic programs





A photograph of two female field hockey players in action on a grass field. The player on the left is wearing a white jersey with "RED HEAT" and the number 35, and is reaching down with her stick. The player on the right is wearing a dark jersey with "ASSUMPTION" and the number 2, and is also reaching down. A white field hockey ball is on the ground between them. The background is a blurred field. The entire image has a dark red overlay.

# POLL QUESTION

What year were the last updates  
made to Title IX?

# NEW 2020 TITLE IX REGULATIONS

- New Title IX regulations on May 6, 2020 and implementation on September 20, 2020, there is increased focus on Title IX for K-12 schools, specifically sexual harassment.
- The new regulations require K-12 schools to have in place specific procedures, policies and protocols with regard to handling sexual harassment complaints. The responsibility for ensuring that these new regulations are followed and carried out falls to the school district's Title IX coordinator.



# NEW 2020 TITLE IX REGULATIONS



- The new regulations require schools to develop a “Title IX Team” in order to adequately address sexual harassment complaints. The athletic director should be a part of the district’s “Title IX Team” and fully participate in the trainings provided by the school district.
- The athletic director and Title IX coordinator must work together to provide equitable opportunities for all students. They must be the experts of Title IX and its application to athletics and beyond.



# THE IMPACT OF TITLE IX

- The first Title IX regulations were not available until 1974 and appeared to ***not*** require boys and girls teams to be separate!
- NFHS and States lobbied to be able to legally have both boys and girls teams and prevailed.
- Imagine if boys and girls would have been forced to play on the same teams. Participation would have been limited, especially for girls.







# POLL QUESTION

294,000 girls participated in 1971-72.

How many girls participated in 2018-19?

# THE IMPACT OF TITLE IX



- Title IX has provided opportunities for millions of girls to participate in school programs
- 1971-72 - 294K girls (3.6 million boys)
- 1981-82 - 1.8M girls (3.4 million boys)
- 1991-92 - 1.9M girls (3.4 million boys)
- 2001-02 - 2.8M girls (3.9 million boys)
- 2011-12 - 3.2M girls (4.4 million boys)
- 2018-19 - 3.4M girls (4.5 million boys)



# THE FUTURE OF TITLE IX AND ROLE OF THE NFHS

- Education and awareness
- Celebration of Title IX and all its impact on schools, communities and girls across the United States
- Continue to improve pipeline issues and continue to provide more opportunities for girls and minorities
- More Equity

