

# Single-Sex Education

---

---

## **Austin Explores All-Boys Academy**

*Austin American-Statesman, April 9, 2007*

## **Muskegon May Test Same-Sex Classrooms**

*Muskegon Chronicle, December 13, 2006*

## **Nashville to Test Single-Sex Classes**

*Tennessean.com, April 4, 2007*

## **More Public Schools Dividing Boys, Girls**

*Houston Chronicle (AP), January 25, 2007*

---

A profound challenge to gender equity in education has been mounted in recent years that threatens to undermine Title IX and hamper future efforts to assure that girls and boys are provided equal learning opportunities in K-12 public schools. This challenge is embodied in regulations issued by the Department of Education in 2006 that vastly expand the circumstances in which schools will be permitted to offer sex-segregated educational programs. Although both Title IX and the U.S. Constitution allow single-sex programs in appropriate circumstances, both require careful safeguards to ensure that these programs, where offered, serve appropriate purposes and do not perpetuate sex discrimination. However, the new regulations lack these safeguards and could encourage schools to establish single-sex programs that turn the clock back to the time when girls were separate and unequal in education.<sup>180</sup>

### **Single-Sex Education and the Law**

While single-sex programs can be beneficial and lawful under certain circumstances, the law has always insisted that such programs be undertaken with caution. This is because without adequate safeguards, single-sex programs can actually increase discrimination. When schools offer programs only to students of one sex, they are by definition using the gender of students of the other sex as the sole basis for excluding those students from educational opportunities from which they could benefit. By excluding students of one sex, moreover, schools risk reaffirming stereotypes about the interests, abilities or learning styles of both genders.

Additionally, history has shown that girls' programs typically receive fewer resources than boys' programs, and that girls and women tend to be treated inequitably in other ways when programs are separate. Girls have been steered to programs designed to prepare them for lives as homemakers and boys have been encouraged to pursue higher education and career training. Indeed, the persistence of these inequities can be seen even today in sex-segregated programs. In athletics, for example, where single-sex teams are not only per-

mitted but the norm, girls are subject to inequities in every measurable aspect of the programs.<sup>181</sup>

Both the U.S. Constitution and Title IX have safeguards to ensure that single-sex programs will not be discriminatory. The Constitution requires that any gender-based classification have an "exceedingly persuasive justification," and be "substantially related" to an important governmental objective.<sup>182</sup> Under the decisions of the Supreme Court, such justifications are limited: "Sex classifications may be used to compensate women 'for particular economic disabilities [they have] suffered,' . . . to 'promote equal employment opportunity,' . . . [or] to advance full development of the talent and capacities of our Nation's people."<sup>183</sup> The Court has also made clear that the "classification [must be] determined through reasoned analysis rather than through the mechanical application of traditional, often inaccurate, assumptions about the proper roles of men and women."<sup>184</sup>

In accord with this standard, prior to 2006, the Title IX regulations allowed schools to offer single-sex classes for instruction in specific areas, such as contact sports or human sexuality, and to promote "remedial or affirmative action" related to ending sex discrimination in education. These exceptions to the general prohibition on gender-based classifications have been used in the past to enhance women's opportunities in fields from which they were traditionally excluded and in which they remain significantly under-represented. For example, the Department of Education's Gender Equity Expert Panel in 2000 recognized the Orientation to Nontraditional Occupations for Women program, which was primarily used for incarcerated women, as an exemplary program.<sup>185</sup>

Safeguards against sex discrimination under the 1975 Title IX regulations were summarized in a 1996 U.S. Government Accountability Office report on "Issues Involving Single-Gender Schools and Programs." As set forth in that report, single-gender classes or programs are justified only if "(1) beneficiaries of the single-sex classes or programs . . . had limited opportunities to participate in a school's programs or

activities due to their sex, (2) less restrictive or segregated alternatives that may have accomplished the goals of the single-gender classes or programs [had] been considered and rejected, and (3) there [was] evidence that comparable sex neutral means could not be reasonably expected to produce the results sought through the single-gender classrooms or programs.”<sup>186</sup>

### The Department of Education’s 2006 Single-Sex Regulations

On May 3, 2002, OCR issued a *Notice of Intent to Regulate* that proposed to change the 1975 Title IX regulations to make it easier for schools to offer single-sex programs.<sup>187</sup> Despite receiving numerous public comments opposing this regulatory change, OCR issued a *Notice of Proposed Rulemaking* on March 9, 2004, and requested public comments by April 23, 2004. Although the vast majority of submitted comments opposed any changes to the longstanding Title IX regulations (only about 100 of the close to 6,000 public comments supported the proposed changes),<sup>188</sup> OCR issued final regulations for implementation of the single-sex provisions on October 25, 2006 that were similar to the proposed regulations. The final regulations became effective 30 days later, on November 24, 2006.

The Department’s new regulations dangerously expand authorization for schools to offer single-sex programs for their K-12 students. Because they abandon the long-standing legal safeguards that are designed to ensure that single-sex programs will not result in sex stereotyping or discrimination, the new regulations authorize programs that will ill serve both male and female students and that could result in legal liability for the schools that offer them.

- **The Department’s new regulations throw out the most basic safeguards.** Under the new regulations, schools can exclude boys or girls from classrooms or schools based on vague goals such as “improving the educational achievement of students” by “providing diverse educational opportunities” or meeting the particular, identified educational needs of their students. There is nothing in the regulations that prevents schools from acting based on harmful sex stereotypes—for example, that girls cannot learn in fast paced or competitive environments or that separating boys and girls is the only way to remedy sexual harassment. The new regulations would even allow schools to create sex-segregated programs based on parent or student preferences—a practice that would never be allowed were the issue to be segregation on the basis of race.
- **The Department’s new regulations do not mandate equal treatment for students excluded from a single-sex program.** The regulations require only that the excluded gender receive “substantially” equal educational opportunities. But “close enough” is not an acceptable legal or policy standard.
- **The Department’s new regulations rely on faulty and unproven assumptions about the benefits of single-sex programs.** Despite the Department’s insistence that educational innovations be premised on “scientifically-based evidence,” a major review of the research sponsored by the Department has acknowledged that the evidence that single-sex programs produce more educational benefits than coeducational schooling is “equivocal,” at best.<sup>189</sup> Reviews of multiple research studies support this conclusion and fail to support single-sex education proponents’ position that separating boys and girls increases educational benefits. In fact, a research review that was issued at the same time the Department of Education was releasing its 2006 changes to the Title IX regulations, found that half a century of research in many western countries has not shown any dramatic or consistent advantages for single-sex education for boys or girls.<sup>190</sup>

Recent studies of single-sex education have been poorly designed and inadequate, and few have even looked at gender equity outcomes. For example, the comprehensive research review sponsored by the Department of Education in 2005 reported mixed results on achievement outcomes and no results on

gender equity outcomes.<sup>191</sup> Many studies of single-sex schools failed to control for factors that are likely to affect student performance, such as socioeconomic status of the students, selectivity of admissions, resources invested in the program, and class size.<sup>192</sup>

Furthermore, researchers report negative sex stereotyping associated with single-sex education for both girls and boys. Some studies show that all-boys schools promote sexism and feelings of superiority toward women. Unless programs are carefully designed, girls, as the traditionally subordinated group, may experience a badge of inferiority as a result of being grouped on the basis of sex.<sup>193</sup> Advocates of single-sex education have argued that it will reduce boy-girl distractions and sexual harassment, yet one study on single-sex dual academies in California found that students still experienced teasing and harassment in both the single-sex and co-educational spaces of the dual academies and that students who attended single-sex academies were often labeled as “bad”, “preppy” or “gay”.<sup>194</sup>

- **The Department’s new regulations make inadequate provision for accountability.** The regulations authorize schools to conduct their own evaluations of their programs, provide no guidance on how schools should make the required assessments, and establish no monitoring role for the Department. There is no required accountability or review of the justifications or results. Nor is there any requirement that schools separately report the results for the girls and boys, or produce evidence that sex-segregated education meets students’ needs or improves educational achievement outcomes any better than mixed-sex education.

“I don't know. To all the moms out there I'd like to let them know that when their girls come home saying that boys want to be a nurse or a dancer, the moms would let them know that it is okay. Because I have actually considered being a dancer myself. Boys have pressure on them too to be all strong and macho and stuff and even though we try we are not always that strong or macho.”

**3rd grade boy**

**“It is hard because there are some things you want to do that parents think that boys should not do like be a teacher or nurse.”**

*3rd grade boy*

“There are too many gender based rules and expectations of boys. I don't like sports and I'm not obsessed with computers. I am a boy who likes looking good and wants to be a fashion designer, and I always get shoved into statistics with boys who aren't like me at all. I am expected to do tough manly things. Things that I don't do, and don't want to do. It's degrading to me. People need to treat me as a person, not just a boy.”

**9th grade boy**

Quotes from Supergirl Dilemma report<sup>197</sup>

## Increased Attention to Single-Sex Education

Despite the clear vulnerabilities of the Department's 2006 regulatory changes, the number of public schools offering single-sex programs has been growing rapidly in recent years while there have been decreases in many private single-sex schools. As of March 2007, the National Association for Single Sex Public Education reported that for the 2006-07 school year, "at least 262 public schools in the United States were offering gender-separate educational opportunities" and that 52 of those schools were completely single-sex. The others have single-sex classrooms and some coed activities such as electives or lunch.<sup>195</sup> However, the number of single-sex schools and classes is still small compared to the total number of schools and classes in the 16,000 school districts across the country.

There are varied reasons that schools have acted on the Department's authorization of additional single-sex activities. Many educators and parents are in districts that struggle with inadequate resources, large classrooms, insufficiently trained teachers, multiple socio-economic challenges and under-performing students. They may be attracted to sex segregation as a panacea to improve their student outcomes. Other districts find sex-segregated education appealing based on unfounded ideas about how boys and girls learn, assertions that separating the sexes will produce increased learning, and because they see sex-segregated education as promoting diversity of choice. For example, a Connecticut school is designing the girls' classroom with circular seating so they can "have more of a sense of community" and the boys' classroom with "optional sitting" because they believe "studies have shown that boys learn better when standing."<sup>196</sup>

But, for the reasons set forth above, single-sex education is not the panacea that some may believe it to be. And while there are some differences in male and female physiology and common patterns of socialization, the meaning and implications for most areas of education are highly debatable and far from conclusive. Females and males have multiple ways of learning and there is more variation within the sexes than between them. Importantly, research does not show that gender is an accurate, consistent, or even useful determinant of educational needs.<sup>198</sup> If anything, studies show that gender gaps in academic achievement have been decreasing since the passage of Title IX and that both boys and girls are doing better in school.<sup>199</sup> Given that the commonalities between boys and girls far exceed the differences, the drastic step of separating boys and girls in public schools is not warranted.

Significantly, there are also practical reasons for schools to tread carefully in adopting single-sex programs. First, school districts may be vulnerable to expensive legal challenges if their programs violate their own district policies, state laws, Title IX or the U.S. Constitution. In addition, if implemented properly to decrease sex discrimination and improve desired education outcomes, single-sex education is likely to be more expensive than coeducation. In many cases schools will have additional administrative burdens, teacher training costs, and evaluation and legal costs. Re-directing funding to reducing classroom size, increasing other resources and providing additional training of teachers to meet their students' academic and social and emotional needs and to avoid sex discrimination and stereotyping could well produce better outcomes for districts with large numbers of under-achieving students.

## ***Garrett v. Board of Education***

The complex problems that some minority males face are widely recognized. However, as stated in a case challenging all-male public schools in Detroit, "while the purpose for which the male academies came into being is an important one, the objectives, no matter how compelling, cannot override the rights of females to

equal opportunities."<sup>200</sup> The court noted that no evidence had been proffered that the presence of girls in the classrooms bears a substantial relationship to the difficulties facing urban males. The judge also found that segregating boys led them to believe that girls were the cause of their educational problems.

## **PROFILE—*The dangers of single-sex education under new regulations***

The new Title IX regulations for single-sex education opened the door to practically any program, and dangerous practices have already been seen in the field. In September 2006, Livingston Parish, Louisiana, planned to change a coeducational school into a school where girls and boys were separated in all classes so that the school could teach girls “character education” and boys “heroic behavior.” In its plan the parish cited an ‘expert’ who contended that “boys need to

practice pursuing and killing prey, while girls need to practice taking care of babies. As a result, boys should be permitted to roughhouse during recess and play contact sports to learn the rules of aggression. Such play is more dangerous for girls, because girls are less biologically able to manage aggression.” The plan was withdrawn because of a lawsuit brought by the ACLU, and these stereotyped justifications did not prevail.<sup>201</sup>

### **Conclusion**

The new single-sex regulations were not official until November 24, 2006, so it is too soon to observe their full impact on increasing single-sex education. However, the 2006 changes gut key non-discrimination provisions of Title IX, and since they were announced there have been more news stories about schools considering and implementing single-sex classrooms and schools. States such as Michigan and Florida and some school districts are now allowing more single-sex education,

and educators have also observed more sex segregation for non-instructional purposes. The proportion of single-sex public education settings in the United States is still small, but without vigilance and increased understanding of the problems with sex segregation, it is possible that the 2006 changes to the Title IX regulations of single-sex education will reverse progress made since 1972.



# NCWGE RECOMMENDATIONS

## CONGRESS

- Congress should authorize and fund research and program development to continue to make coeducation more gender equitable and effective by using multiple teaching approaches designed to counteract sex stereotyping and sex discrimination and to meet individual needs of all. Eliminating root causes of educational failure resulting from stereotyping, discriminatory treatment and poverty is critical to meeting the needs of girls and boys without segregating them.
- Congress should direct the Department of Education to allow single-sex education only when permissible under the Title IX regulations issued in 1975 and under the U.S. Constitution.

## ADMINISTRATIVE AGENCIES

- The Department of Education should rescind the 2006 changes to the 1975 Title IX regulations. Schools should implement single-sex programs only to the extent consistent with the 1975 Title IX regulations and the standards of the U.S. Constitution and their state and local laws.
- OCR should actively monitor single-sex educational activities using the 1975 Title IX Regulations and take remedial action against any recipients who maintain single-sex education programs that are found to be discriminatory. The Department of Education should work with state and other Title IX coordinators to collect annual information from their schools and districts on all proposed and approved plans, and should obtain implementation and outcome evaluation reports for all single-sex programs. Evidence of the effectiveness of the single-sex programs compared to coeducational programs should also be sent for review to the Department of Education's What Works Clearinghouse and should be made publicly available.
- OCR should make it clear to the public that any discriminatory sex segregation should be reported directly to their office for investigation.
- In addition, OCR should provide on its web site a comprehensive annual report analyzing the information it receives on sex segregated activities and evaluations of programs and activities receiving federal financial assistance. OCR should also work with the Department of Education Institute of Education Sciences to facilitate the accumulation of knowledge about what does or does not work related to using Title IX approved sex segregation in publicly supported K-12 education.

## EDUCATION PROGRAMS AND ACTIVITIES

- School districts that allow any single-sex educational programs should have publicly stated policies about standards for implementing and evaluating such programs. They should also have procedures for how the district will make decisions to modify or discontinue the programs if they are found to be discriminatory or no more effective than mixed sex options.
- Where single-sex education is offered, a comprehensive monitoring system is needed to ensure that it does not result in sex discrimination. Title IX Coordinators should work with qualified external evaluators and other gender equity education experts to develop plans, conduct reviews and evaluate outcomes.

# NCWGE ACTION AGENDA

This report looks critically at 35 years of progress under Title IX. Probing beyond the headlines in six key areas covered by the law, NCWGE has found serious enforcement gaps and disappointing setbacks. However, looking forward, it has identified key opportunities to continue improving women's and girls' access to educational opportunities. Con-

gress, administrative agencies, and educational institutions all have an important role to play, along with students, parents and teachers, in effectively applying Title IX. NCWGE believes that implementing this action agenda will expand progress toward gender equity in education and lead to more positive headlines in the years to come.

## CONGRESS

Fulfilling the promise of Title IX will further the goal of improving educational opportunities for all students throughout our nation—both female and male. Congress should take the following steps:

- Conduct oversight hearings and call for enhanced agency enforcement, particularly an increase in the number and frequency of compliance reviews conducted by the Offices for Civil Rights (OCRs) in the Department of Education and other federal agencies, to ensure that federally-funded education programs provide equal access and opportunity to all students.
- Restore federal funding to states for gender equity work, including funding for state Title IX coordinators and programs.
- Pass legislation improving protections for equal pay for women and men working at all levels of educational institutions, from pre-K through universities as well as in all other areas of our society.
- Authorize and fund a comprehensive public education campaign to raise awareness of rights and responsibilities under Title IX as well as the importance of gender equity in education among students, parents, teachers and administrators.

- Require increased data collection, including analysis and disaggregation of data by gender, race and other appropriate characteristics, for use in ensuring accountability and progress in attaining gender equity in educational institutions receiving federal financial assistance and require schools to publicize this information. For example, enact the High School Athletics Accountability Act/High School Sports Information Collection Act to require high schools to report key data, including participation numbers, budgets and expenditures, which can be used to gauge schools' compliance with Title IX in athletics.
- Fund research and program development to improve gender equity in education through federal programs such as the Women's Educational Equity Act (WEEA), the Fund for the Improvement of Postsecondary Education and the Institute of Education Sciences in the Department of Education.
- Increase funding for programs that focus on attracting and retaining women and girls in non-traditional and STEM careers, including afterschool programs and the National Science Foundation's ADVANCE grants for STEM faculty.

## ADMINISTRATIVE AGENCIES

Title IX applies to every educational institution and activity that receives federal funds. The federal agencies that oversee that funding should implement Congressional mandates and take the following steps to strengthen enforcement of Title IX and further gender equity in education:

- The Department of Education should rescind the March 2005 Clarification allowing email surveys to be used as the sole means to satisfy the third prong of the test for determining whether schools are providing equal opportunity for males and females to participate in athletics programs. It should affirm the 1996 Policy

Clarification, pursuant to which surveys are only one of a multitude of factors schools can use to determine whether they are satisfying the interests of their female students.

- The Department of Education should rescind the 2006 amendments to the 1975 Title IX regulations that allow single-sex education without accountability or protections against discrimination.
- In addition to responding to complaints, OCRs in the federal agencies must initiate more compliance reviews of educational institutions and be vigilant in following through to ensure that

schools implement their compliance plans. Where appropriate, OCRs should deny funding when schools fail to comply with Title IX.

- The Department of Education should reinstate the Gender Equity Expert Panel and support the use of effective replicable gender equity programs.
- Collect detailed data on employment from elementary and secondary school districts and postsecondary institutions to better analyze educator pay rates and promotional opportunities. This data should be used, among other things, to develop programs to promote a wide range of diversity (gender, ethnicity, race, age, sexual orientation, etc.) in teaching, including tenure track jobs and administrative positions.

- Provide technical assistance to schools to help them understand their obligations under Title IX and to disseminate promising practices. Enforce the Title IX requirement that each institution receiving federal funds have a coordinator to ensure proper implementation of Title IX.
- Support high quality evaluation and research on single-sex education, focusing on comparing single-sex education programs with appropriately matched coeducational programs. Fund gender equity organizations to develop and disseminate model criteria, standards and procedures to evaluate single-sex education programs to ensure that they are not discriminatory.

### STATE AND LOCAL EDUCATIONAL PROGRAMS AND ACTIVITIES

All education programs or activities receiving federal financial assistance must comply with Title IX's requirements. The following activities will further compliance and improve educational equity:

- Appoint Title IX coordinators for each educational institution and school district to organize efforts to comply with the law, investigate complaints, and publicize information on patterns of compliance with Title IX. The Title IX coordinators should ensure that all staff and students are educated about their rights and responsibilities under Title IX and that plans are implemented to end sex discrimination.
- Provide all members of the school community, including students, applicants, parents, admissions and recruitment personnel, union representatives, faculty, and staff, with information about Title IX protections, grievance procedures and the name and contact information of the Title IX coordinator at the school, using the Internet and other means.
- The Title IX coordinators should participate in an annual self-assessment of compliance with the 1975 Title IX regulations and subsequent policies and guidances. This assessment should include an examination of institutional policies, procedures and practices for ending gender bias.
- Provide professional development and training to educators and administrators about approaches to counteracting sex stereotyping and sex discrimination to meet the needs of all students and society.

- Continue and expand programs to attract women into career fields relying on science, technology, engineering and mathematics, at every level from career and technical education to higher education. This includes strategies such as educating parents, increasing networking and peer support activities, integrating more hands-on activities into curricula and offering after-school and other informal education programs that can engage women and girls in these fields.
- Work with search committees and personnel departments to effectively address all hiring programs and promote diversity among staff and faculty. Provide employees with opportunities for advancement, such as training and mentoring for administrative positions. Support family-friendly employment policies and provide increased networking opportunities.
- Ensure that female and male students have equal opportunities to participate in athletics and other types of education programs where one sex is under-represented, and ensure equal treatment when students of the under-represented sex do participate.

With community cooperation and increased enforcement of Title IX, the nation can ensure that the headlines of the future will reflect increased progress in ending sex discrimination in education.



# References

- <sup>1</sup> Other progress under Title IX, including increases in the participation and achievement of girls in mathematics and science, protecting pregnant girls and women from discrimination, and decreasing sex bias in standardized tests, is highlighted in the 35th Anniversary Issue of *Ms. Magazine*, Fall 2007, Vol. xvii, Number 4.
- <sup>2</sup> *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in Schools*, (Washington, DC: The American Association of University Women Educational Foundation, 2001).
- <sup>3</sup> Denise DeHass, *Gender-Equity Report, 2003-2004*, (Indianapolis, IN: National Collegiate Athletics Association, 2006).
- <sup>4</sup> *Tools of the Trade: Using the Law to Address Sex Segregation in High School Career and Technical Education*, (Washington, DC: National Women's Law Center, 2005), 4-5.
- <sup>5</sup> Margaret Grogan and C. Cryss Brunner, "Women Leading Systems: What the latest facts and figures say about women in the superintendency today," *The School Administrator*, American Association of School Administrators, (February 2005)  
<http://www.aasa.org/publications/saarticledetail.cfm?ItemNumber=1020&snItemNumber=950&tnItemNumber=951>.
- <sup>6</sup> *CPST Professional Women and Minorities: A Total Human Resources Data Compendium. 16th ed.* (Washington, DC: Commission on Professionals in Science and Technology, CPST, 2006).
- <sup>7</sup> *The Supergirl Dilemma: Girls Grapple with the Mounting Pressure of Expectations*, (New York, NY: Girls Incorporated, October 2006).  
<http://www.girlsinc.org/ic/page.php?id=2.4.30>.
- <sup>8</sup> Sarah Mead, *The Truth About Girls and Boys*, (Washington, DC: Education Sector, 2006), [http://www.educationsector.org/analysis/analysis\\_show.htm?doc\\_id=378705](http://www.educationsector.org/analysis/analysis_show.htm?doc_id=378705).
- <sup>9</sup> National Women's Law Center. *When Girls Don't Graduate We All Fail, A Call to Improve High School Graduation Rates for Girls, 2007*, <http://www.nwlc.org/pdf/DropoutReport.pdf>
- <sup>10</sup> Jay P. Greene and Marcus A. Winters, "Leaving Boys Behind: Public High School Graduation Rates," *Civic Report*, No. 48 (April 2006), [http://www.manhattan-institute.org/html/cr\\_48.htm](http://www.manhattan-institute.org/html/cr_48.htm). The Executive Summary of this report also cites specific data on the gender gap in graduation rates for minority students. Nationally, among African-Americans, 59% of female students and 48% of male students graduated. For Hispanic students, 58% of females and 49% of males graduated. Among whites and Asian-American students, the gender differences were smaller.
- <sup>11</sup> Amanda Datnow, Lea Hubbard & Elisabeth Woody, *Is single-gender schooling viable in the public sector? Lessons from California's pilot program*, (New York, NY: Ford Foundation and Chicago, IL: Spencer Foundation, 2001) p. 40.
- <sup>12</sup> Thomas Dee, "The Why Chromosome: How a teacher's gender affects boys and girls," *Education Next*, 2006 No. 4 (2006), <http://www.hoover.org/publications/ednext/3853842.html>.
- <sup>13</sup> John Tierney, "Let the Guys Win One," *The New York Times*, July 11, 2006.
- <sup>14</sup> Numerous research studies and analyses in these areas are synthesized in *The Handbook for Achieving Gender Equity through Education, Second Edition*, ed. Susan S. Klein (New York, Lawrence Erlbaum Associates, Taylor and Francis Group, 2007).
- <sup>15</sup> Memorandum to Interested Parties from the Mellman Group. Published June 14, 2007. Available from the National Women's Law Center at <http://www.nwlc.org/details.cfm?id=3063&section=newsroom>
- <sup>16</sup> The following publications were used as references for the creation of this timeline: Kristen Galles, "Title IX History." Summary prepared by Equity Legal, 2003; Bernice R. Sandler and Harriett M. Stonehill, "Appendix C: A Brief History of Student-to-Student Harassment." In *Student-to-Student Sexual Harassment K-12: Strategies and solutions for educators to use in the classroom, school, and community*. Lanham, MD: Rowman & Littlefield Education, 2005; Susan Ware, "Title IX: A Brief History with Documents." In the *Bedford Series in History and Culture*. Boston: Bedford/St. Martin's, 2007; and Women's Sports Foundation. "Title IX Legislative Chronology." Available online at <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/history/article.html?record=875>.
- <sup>17</sup> Erin L. Richman and David R. Shaffer, "'If you let me play sport': How might sport participation influence the self-esteem of adolescent females?" *Psychology of Women Quarterly* 24 (2000):189-199.
- <sup>18</sup> President's Council on Physical Fitness and Sports, *Physical activity and sport in the lives of girls: Physical and mental health dimensions from an interdisciplinary approach*, (Washington, DC: Department of Health and Human Services, 1997).
- <sup>19</sup> Tonya Dodge and James Jaccard, "Participation in athletics and female sexual risk behavior: The evaluation of four causal structures." *Journal of Adolescent Research* 17 (2002): 42-67.
- <sup>20</sup> Randy M. Page, et al., "Is school sports participation a protective factor against adolescent health risk behaviors?" *Journal of Health Education* 29 no. 3 (1998): 186-192.
- <sup>21</sup> Don Sabo, Merrill Melnick, and Beth Vanfossen, *The Women's Sports Foundation Report: Minorities in Sports*, (Eisenhower Park, East Meadow, NY: Women's Sports Foundation, 1989).
- <sup>22</sup> U.S. Department of Health and Human Services, *Physical Activity and Health: a Report of the Surgeon General*, (Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, 1996).
- <sup>23</sup> Pekka Kannus, "Preventing osteoporosis, falls, and fractures among elderly people," *British Medical Journal*, 318 (1999): 205-206.
- <sup>24</sup> Inger Thune et al., "Physical activity and the risk of breast cancer," *New England Journal of Medicine*, 18 (1997): 1269-1275.
- <sup>25</sup> Centers for Disease Control and Prevention, "Surveillance Summaries," *Morbidity and Mortality Weekly Report*, 51 (No.SS-4) (2002).
- <sup>26</sup> "Gender Equity in High School and College Athletics: Most Recent Participation & Budget Statistics," (Eisenhower Park, East Meadow, NY: Women's Sports Foundation, 2007), <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/article.html?record=1017>.
- <sup>27</sup> See *Barriers to Fair Play* (National Women's Law Center, June 2007), a report on athletics complaints filed with OCR from January 2002 through December 2006, which documents continuing discrimination against female athletes. Available at <http://www.nwlc.org/pdf/BarriersToFairPlay.pdf>

- <sup>28</sup> For more information on the Title IX requirements, see *Check It Out: Is the Playing Field Level for Women and Girls at Your School?* (National Women's Law Center, September 2007) available at <http://www.nwlc.org/pdf/Checkoutout.pdf>; *Breaking Down Barriers, A Legal Guide to Title IX and Athletic Opportunities* (National Women's Law Center /DLA Piper (June 2007), available at <http://www.nwlc.org/details.cfm?id=3061&section=athletics><http://www.nwlc.org/details.cfm?id=3061&section=athletics;andPlayingFair> (Women's Sports Foundation) available at <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/rights/article.html?record=195>.
- <sup>29</sup> 34 C.F.R. Part 106.
- <sup>30</sup> 44 Fed. Reg. 71413 et seq (1979).
- <sup>31</sup> Norma V. Cantú, *Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test*, (U.S. Department of Education, Office for Civil Rights, January 16, 1996).
- <sup>32</sup> 34 C.F.R. § 106.37(c).
- <sup>33</sup> 34 C.F.R. § 106.41(c) and Norma V. Cantú, *Dear Colleague Letter: Bowling Green State University*, (U.S. Department of Education, Office for Civil Rights, July 23, 1998).
- <sup>34</sup> 34 C.F.R. § 106.41(c).
- <sup>35</sup> 34 C.F.R. § 106.41(c) (1-10).
- <sup>36</sup> *2004-05 High School Athletics Participation Survey*, (Indianapolis, IN: National Federation of State High School Associations (NFHS), 2006).
- <sup>37</sup> Roberto Vincente, *1981-82 – 2004-05 Sports Sponsorship and Participation Report*, (Indianapolis, IN: National Collegiate Athletics Association, 2006).
- <sup>38</sup> U.S. Gov. Accountability Office, *Intercollegiate Athletics: Recent Trends in Teams and Participants in National Collegiate Athletic Association Sports 2* (2007).
- <sup>39</sup> Roberto Vincente, *1981-82 – 2004-05 Sports Sponsorship and Participation Report*, (Indianapolis, IN: National Collegiate Athletics Association, 2006).
- <sup>40</sup> *2004-05 High School Athletics Participation Survey*, (Indianapolis, IN: National Federation of State High School Associations (NFHS), 2006).
- <sup>41</sup> National Coalition for Women and Girls in Education, *Title IX Athletics Policies: Issues and Data for Education Decision Makers* (NCWGE, 2007), <http://www.ncwge.org/pubs-reports.html>
- <sup>42</sup> National Center for Educational Statistics (NCES) (<http://nces.ed.gov/>) High school enrollment data for grades 9-12, 2004-2005.
- <sup>43</sup> *2005-05 High School Athletics Participation Survey*, (Indianapolis, IN: National Federation of State High School Associations (NFHS), 2006).
- <sup>44</sup> National Center for Educational Statistics (NCES) (<http://nces.ed.gov/>), Fall 2004.
- <sup>45</sup> Roberto Vincente, *1981-82 – 2004-05 Sports Sponsorship and Participation Report*, (Indianapolis, IN: National Collegiate Athletics Association, 2006).
- <sup>46</sup> *Barrett v. West Chester University*, 2003 WL 22803477 (ED Pa. 2003).
- <sup>47</sup> Denise DeHass, *Gender-Equity Report, 2003-2004*, (Indianapolis, IN: National Collegiate Athletics Association, 2006).
- <sup>48</sup> See also *Landow v. Sch. Bd. of Brevard County*, 132 F. Supp. 2d 958 (M.D. 2001).
- <sup>49</sup> National Women's Law Center, "Groundbreaking Title IX Agreement Will Boost Athletic Opportunities For Prince George's County Girls," August 25, 2006, <http://nwlc.org/details.cfm?id=2836&section=newsroom>.
- <sup>50</sup> *Cmtys. for Equity v. Mich. High Sch. Ath. Ass'n*, 459 F.3d 676, 696 (6th Cir. 2006).
- <sup>51</sup> OCR Resolution Agreements for Cases Nos. 02-06-1217, 02-06-1243, 02-06-1211, 02-06-1185, 02-06-1206, 02-06-1225, 02-06-1188, 02-06-1190
- <sup>52</sup> R. Vivian Acosta and Linda Jean Carpenter, *Women in Intercollegiate Sport: A Longitudinal, National Study Twenty Nine Year Update 1977-2006*, (2006), <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/part/article.html?record=1107>.
- <sup>53</sup> Robert R. Weathers II, "A Guide to Disability Statistics from the American Community Survey," (Ithaca, New York: Cornell University, 2005).
- <sup>54</sup> International Wheelchair Basketball Federation-Europe, 2002, [http://www.iwbfeurope.org/game/game\\_03.htm](http://www.iwbfeurope.org/game/game_03.htm).
- <sup>55</sup> Ann Cody, "IPC Women in Sport Committee – Progress Report 2005," (Bonn, Germany: International Paralympic Committee: 2005), [http://www.paralympic.org/release/Main\\_Sections\\_Menu/IPC/Organization/Standing\\_Committees/Commission\\_Women\\_Sport/WISC.html](http://www.paralympic.org/release/Main_Sections_Menu/IPC/Organization/Standing_Committees/Commission_Women_Sport/WISC.html).
- <sup>56</sup> Lisa Zurn, Donna Lopiano, and Marjorie Snyder, *Women in the 2006 Olympic and Paralympic Winter Games: An Analysis of Participation, Leadership and Media Coverage*, (Eisenhower Park, East Meadow, NY: Women's Sports Foundation, 2006).
- <sup>57</sup> *Ibid.*
- <sup>58</sup> Jennifer Butler and Donna Lopiano, *The Women's Sports Foundation Report: Title IX and Race in Intercollegiate Sports*, (Eisenhower Park, East Meadow, NY: Women's Sports Foundation, 2003).
- <sup>59</sup> Roberto Vincente, *1981-82 – 2004-05 Sports Sponsorship and Participation Report*, (Indianapolis, IN: National Collegiate Athletics Association, 2006).
- <sup>60</sup> National Center for Educational Statistics (NCES) (<http://nces.ed.gov/>), Fall 2004, <http://nces.ed.gov/programs/coe/2007/section1/indicator05.asp#info>.
- <sup>61</sup> Donna Lopiano, "Gender Equity and the Black Female in Sport," Women's Sports Foundation, <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/disc/article.html?record=869>.
- <sup>62</sup> *Ibid.* National Center for Education Statistics (<http://nces.ed.gov>) data shows that African-American students make up 16% of secondary school students and 12.5% of college students. The data was not disaggregated by sex, however, so the percentage of high school and college students who are African-American females is not readily available.
- <sup>63</sup> Richard Lapchick and Jenny Brenden, *The 2005 Racial and Gender Report Card: College Sports*, (Orlando, FL: University of Central Florida, 2006).
- <sup>64</sup> *National Wrestling Coaches Ass'n v. Dep't of Educ.*, 383 F.3d 1047 (D.C. Cir. 2004), *cert. denied*, 545 1104 (2005) and *Equity in Athletics, Inc. v. U.S. Department of Education*, Civil Action No. 5:07-0028-GEC (W.D.Va.).
- <sup>65</sup> 991 F.2d 891, 170-71 (1st Cir. 1993).
- <sup>66</sup> See *Cohen v. Brown Univ.*, 101 F.3d 155, 173 (1st Cir. 1996); *Williams v. Sch. Dist. of Bethlehem*, 998 F.2d 168, 171 (3d Cir. 1993); *Pederson v. La. State Univ.*, 213 F.3d 858, 880 (5th Cir. 2000); *Miami University Wrestling Club v. Miami University*, 302 F.3d 608, 612-13 (6th Cir. 2002); *Kelley v. Bd. of Trs.*, 35 F.3d 265, 270 (7th Cir. 1994); *Chalenor v. Univ. of N.D.*, 291 F.3d 1042, 1046 (8th Cir. 2002); *Neal v. Bd. of Trs.*, 198 F.3d 763, 771 (9th Cir. 1999); *Roberts v. Colo. State Univ.*, 998 F.2d 824, 828-29 (10th Cir. 1993); see also *Nat'l Wrestling Coaches Ass'n v. U.S. Dep't of Educ.*, 263 F. Supp. 2d 82, 95-96 (D.D.C. 2003), *aff'd*, 366 F.3d 930 (D.C. Cir. 2004), *cert. denied*, 545 U.S. 1104 (2005).
- <sup>67</sup> Roberto Vincente, *1981-82 – 2004-05 Sports Sponsorship and Participation Report*, (Indianapolis, IN: National Collegiate Athletics Association, 2006).
- <sup>68</sup> *1982-2001 Sports Sponsorship and Participation Statistics Report*, (Indianapolis, IN: National Collegiate Athletics Association) 119.
- <sup>69</sup> NCAA.org, "Study Reviews College Athletics Spending," April 29, 2005, <http://www.ncaasports.com/story/8429284>

- <sup>70</sup> Quote of Myles Brand from Lemke, Tim, "Group Protests Title IX," *The Washington Times*, November 3, 2006.
- <sup>71</sup> Daniel Fulks, *2002-03 NCAA Revenues and Divisions I and II Intercollegiate Athletics Programs Report*, (Indianapolis, IN: National Collegiate Athletics Association, 2005).
- <sup>72</sup> Daniel Fulks, *2002-03 NCAA Revenues and Divisions I and II Intercollegiate Athletics Programs Report*, (Indianapolis, IN: National Collegiate Athletics Association, 2005).
- <sup>73</sup> Linda Jean Carpenter and R. Vivian Acosta, *Title IX* (Champaign, IL: Human Kinetics, 2005), 188-189.
- <sup>74</sup> Donna de Varona and Julie Foudy, "Minority Views on the Report of the Commission on Opportunity in Athletics," February 2003. <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/rights/article.html?record=944>
- <sup>75</sup> Gerald Reynolds, Office for Civil Rights, "Dear Colleague Letter," July 11, 2003.
- <sup>76</sup> Donna Lopiano, "Department of Education Creates Huge Title IX Compliance Loophole: The Foundation Position," Women's Sports Foundation, <http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/rights/article.html?record=1009>.
- <sup>77</sup> Campbell, Jay R., Catherine M. Hombo, and John Mazzeo. NAEP 1999 Trends in Academic Progress: Three Decades of Student Performance. (Washington, D.C.: National Center for Education Statistics, Aug 2000, 42-45).
- <sup>78</sup> National Center for Education Statistics. *2005 Assessment Results, The Nation's Report Card*, (Washington, DC: U.S. Department of Education, Institute of Education Sciences, 2005), [http://nces.ed.gov/nationsreportcard/nrc/reading\\_math\\_2005/](http://nces.ed.gov/nationsreportcard/nrc/reading_math_2005/).
- <sup>79</sup> Ibid.
- <sup>80</sup> National Center for Education Statistics. *Digest of education statistics: 2005*, (Washington, DC: U.S. Department of Education, Institute of Education Sciences, 2006), <http://nces.ed.gov/programs/digest/d05/>.
- <sup>81</sup> College Board, "AP Summary Report: 2006," [http://www.collegeboard.com/student/testing/ap/exgrd\\_sum/2006.html](http://www.collegeboard.com/student/testing/ap/exgrd_sum/2006.html).
- <sup>82</sup> College Board, "AP Summary Report: 2006," [http://www.collegeboard.com/student/testing/ap/exgrd\\_sum/2006.html](http://www.collegeboard.com/student/testing/ap/exgrd_sum/2006.html).
- <sup>83</sup> "66th Annual Intel Science Talent Search (2006-2007) Finalists," Science Service, Jan 2007. <http://www.sciserv.org/sts/66sts/finalists.asp>
- <sup>84</sup> Commission on Professionals in Science and Technology, *Four Decades of STEM Degrees, 1966-2004: "The Devil is in the Details,"* STEM Workforce Data Project: Report No. 6, (Washington, DC: Commission on Professionals in Science and Technology, CPST), [https://www.cpst.org/STEM/STEM6\\_Report.pdf](https://www.cpst.org/STEM/STEM6_Report.pdf).
- <sup>85</sup> Ibid
- <sup>86</sup> National Science Foundation, Division of Science Resources Statistics, *Women, Minorities, and Persons with Disabilities in Science and Engineering: 2004*, NSF 04-317 (Arlington, VA: 2004).
- <sup>87</sup> National Science Foundation, Division of Science Resources Statistics, *Women, Minorities, and Persons with Disabilities in Science and Engineering: 2004*, NSF 04-317 (Arlington, VA: 2004).
- <sup>88</sup> National Science Foundation, Division of Science Resources Statistics, *Women, Minorities, and Persons with Disabilities in Science and Engineering*, Table C-5, (Arlington, VA: December 2006). <http://www.nsf.gov/statistics/wmpd/underdeg.htm>
- <sup>89</sup> National Academies of Science. *Beyond Bias and Barriers: Fulfilling the Potential of Women in Academic Science and Engineering: 2006*, National Academies Press (Washington, D.C., 2006).
- <sup>90</sup> *The Super Girl Dilemma: Girls Feel the Pressure to be Perfect, Accomplished, Thin, and Accommodating*. October 2006. <http://www.girlsinc.org/ic/page.php?id=2.1.36>
- <sup>91</sup> Margolis and Fisher, "Unlocking the Clubhouse" (2002) pp. 35-36.
- <sup>92</sup> Carlson, Scott. "Wanted: Female Computer-Science Students: Colleges work to attract and support women in technology majors," *The Chronicle of Higher Education*, (13 Jan 2006). <http://chronicle.com/temp/email2.php?id=yjmCGg4WqYrYkDvzzjxgQRgyWCxjrkH>
- <sup>93</sup> Miller, Jeff. "Are You a Science Impostor? Self-Help PhD Valerie Young Questions UCSF." Science Cafe. (University of California at San Francisco, 2007). Online. Accessed 28 Jun 2007. <http://www.ucsf.edu/sciencecafe/2007/imposter.html>
- <sup>94</sup> [http://www.dartmouth.edu/~chance/course/student\\_projects/morgen/node1.html](http://www.dartmouth.edu/~chance/course/student_projects/morgen/node1.html)
- <sup>95</sup> Commission on Professionals in Science and Technology. *CPST (2006) Professional Women and Minorities: A Total Human Resources Data Compendium. 16th ed.* Washington, D.C.
- <sup>96</sup> U.S. G.A.O., *Women's Participation in the Sciences Has Increased, but Agencies Need to Do More to Ensure Compliance with Title IX*, GAO-04-639 (Washington, DC, 2004).
- <sup>97</sup> Ibid.
- <sup>98</sup> Ibid
- <sup>99</sup> Ibid
- <sup>100</sup> Ibid
- <sup>101</sup> *Jackson v. Birmingham Board of Education*, 125 U.S. 1497 (2005).
- <sup>102</sup> National Science Board, *Science and Engineering Indicators 2006*.
- <sup>103</sup> Wulf, William A, "The Importance of Foreign-born Scientists and Engineers to the Security of The United States," Testimony to U.S. House of Representatives Subcommittee on Immigration, Border Security, and Claims, Committee on the Judiciary, 15 September 2005.
- <sup>104</sup> Congressional Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development [CAWMSET], *Land of Plenty: Diversity as America's Competitive Edge in Science, Engineering, and Technology*, (September 2000).
- <sup>105</sup> Basch, 2001; Schiebinger, 2002; Thom, 2001
- <sup>106</sup> National Coalition for Women and Girls in Education, *Title IX at 30: Report Card on Gender Equity* (2002), 21, citing 117 Cong. Rec. 25,507 (July 15, 1971) (Remarks of Rep. Bella Abzug).
- <sup>107</sup> U.S. Department of Education, 1979, Vocational Education Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap, *Federal Register* 45 (21 March).
- <sup>108</sup> Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681-1688 (1972).
- <sup>109</sup> Education Amendments of 1976, Pub. L. 94-482 (1976).
- <sup>110</sup> The Carl D. Perkins Vocational Education Act of 1984, Pub. L. 98-524 (1984); Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, Pub. L. 101-392 (1990).
- <sup>111</sup> National Coalition for Women and Girls in Education, *Invisible Again: The Impact of Changes in Federal Funding on Vocational Programs for Women and Girls*, (2001), 6.



- <sup>112</sup> Mary E. Lufkin et. al, “Gender Equity in Career and Technical Education,” in *Handbook for Achieving Gender Equity through Education, Second Edition, ed. Susan S. Klein* (New York: Erlbaum Associates, Taylor and Francis Group, 2007).
- <sup>113</sup> Carl D. Perkins Vocational and Technical Education Act of 1998, 20 U.S.C. §2343 (1998).
- <sup>114</sup> Ibid.
- <sup>115</sup> Lufkin, Gender Equity in Career and Technical Education.
- <sup>116</sup> Ibid.
- <sup>117</sup> National Women’s Law Center, *Tools of the Trade: Using the Law to Address Sex segregation in High School Career and Technical Education*, (2005). States included: Arizona, California, Florida, Illinois, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina and Washington.
- <sup>118</sup> Ibid, 4 -5.
- <sup>119</sup> Ibid, 10-12.
- <sup>120</sup> Department of Labor, Women’s Bureau, “Quick Facts on Nontraditional Occupations for Women,” <http://www.dol.gov/wb/factsheets/nontra2006.htm>.
- <sup>121</sup> Bureau of Labor Statistics, “Median weekly earnings of full-time wage and salary workers by detailed occupation and sex,” <http://www.bls.gov/cps/cpsaat39.pdf>.
- <sup>122</sup> Ibid.
- <sup>123</sup> Carl D. Perkins Career and Technical Improvement Act Of 2006, 20 U.S.C. §2301 (2006).
- <sup>124</sup> Minneapolis Public Schools, “High Tech Girls Society,” [http://cte.mpls.k12.mn.us/High\\_Tech\\_Girl\\_s\\_Society.html](http://cte.mpls.k12.mn.us/High_Tech_Girl_s_Society.html).
- <sup>125</sup> Donna J. Nelson and Diana C. Rogers, *A National Analysis of Diversity in Science and Engineering Faculties at Research Universities* (Norman, OK: University of Oklahoma Press, 2005), <http://cheminfo.chem.ou.edu/faculty/djn/diversity/briefings/Diversity%20Report%20Final.pdf>.
- <sup>126</sup> Tamar Lewin, “Despite Gain in Degrees, Women Lag in Tenure in 2 Main Fields,” *New York Times*, (January 15, 2004).
- <sup>127</sup> “A Study on the Status of Women Faculty in Science at MIT,” (Massachusetts Institute of Technology, 1999), <http://web.mit.edu/fnl/women/women.pdf>, and MIT Gender Equity Project, “Reports from MIT’s Schools’ Equity Committee,” Massachusetts Institute of Technology, <http://web.mit.edu/gep/res.html>.
- <sup>128</sup> William C. Symonds, “A Breakthrough For MIT -- And Science,” *Business Week Online* (October 4, 2004), [http://www.businessweek.com/magazine/content/04\\_40/b3902102\\_mz018.htm](http://www.businessweek.com/magazine/content/04_40/b3902102_mz018.htm).
- <sup>129</sup> Marcella Bombardieri, “Summers' Remarks on Women Draw Fire,” *Boston Globe*, (January 17, 2005), [http://www.boston.com/news/education/higher/articles/2005/01/17/summers\\_remarks\\_on\\_women\\_draw\\_fire/](http://www.boston.com/news/education/higher/articles/2005/01/17/summers_remarks_on_women_draw_fire/).
- <sup>130</sup> Associated Press, “Harvard board names first woman president - Drew Gilpin Faust ends Lawrence Summers' stormy 5-year tenure,” MSNBC (February 11, 2007), <http://www.msnbc.msn.com/id/17103390/?GT1=9033>.
- <sup>131</sup> Scott Jaschik, “9 University Presidents Issue Statement on Gender Equity,” *Inside Higher Ed*, (December 7, 2005) <http://insidhighered.com/news/2005/12/07/gender>.
- <sup>132</sup> Margaret Nash, Susan Klein and Barbara Bitters et al., “The Role of Government in Advancing Gender Equity in Education, in *Handbook for Achieving Gender Equity through Education, Second Edition, ed. Susan S. Klein* (New York: Lawrence Erlbaum Associates, Taylor and Francis Group, 2007).
- <sup>133</sup> *North Haven Board of Education v. Bell*, 456 U.S. 512 (1982).
- <sup>134</sup> Office for Civil Rights, “Nondiscrimination in Employment Practices in Education,” (Washington, DC: U.S. Department of Education, 1991), <http://www.ed.gov/about/offices/list/ocr/docs/hq53e8.html>.
- <sup>135</sup> Charles Lane, “High Court Supports Title IX Protection - Law Now Covers Whistle-Blowers,” *Washington Post*, March 30, 2005, Front Page.
- <sup>136</sup> National Center for Educational Statistics, “Chapter 2: Elementary and Secondary Education,” *Digest of Education Statistics, 2004*, Table 84, (Washington, DC: U.S. Department of Education, Institute of Education Sciences), [http://nces.ed.gov/programs/digest/d04/ch\\_2.asp](http://nces.ed.gov/programs/digest/d04/ch_2.asp).
- <sup>137</sup> Martha S. West and John W. Curtis, *AAUP Faculty Gender Equity Indicators 2006* (Washington, DC: American Association of University Professors, 2006), p.20.
- <sup>138</sup> National Center for Educational Statistics, “Chapter 2: Elementary and Secondary Education,” *Digest of Education Statistics, 2004*, Table 84, (Washington, DC: U.S. Department of Education, Institute of Education Sciences), [http://nces.ed.gov/programs/digest/d04/ch\\_2.asp](http://nces.ed.gov/programs/digest/d04/ch_2.asp).
- <sup>139</sup> Martha S. West and John W. Curtis, *AAUP Faculty Gender Equity Indicators 2006* (Washington, DC: American Association of University Professors, 2006), p.11.
- <sup>140</sup> Council of Chief State School Officers, “Chief State School Officer Addresses,” [http://www.ccsso.org/chief\\_state\\_school\\_officers/chiefs\\_addresses/index.cfm](http://www.ccsso.org/chief_state_school_officers/chiefs_addresses/index.cfm).
- <sup>141</sup> Audrey Williams June, “Presidents: Same Look, Different Decade,” *Chronicle of Higher Education*, February 16, 2007.
- <sup>142</sup> Martha S. West and John W. Curtis, *AAUP Faculty Gender Equity Indicators 2006* (Washington, DC: American Association of University Professors, 2006). Unless otherwise specified, data in this section is from this AAUP study.
- <sup>143</sup> *The Growth of Full-Time Nontenure-Track Faculty*, (Washington, DC: American Federation of Teachers, 2003).
- <sup>144</sup> National Center for Education Statistics, “Table 227: Full time instructional faculty in degree-granting institutions, by race/ethnicity, residency status, sex, and academic rank: Fall 2003,” and, “Table 218. Full-time instructional faculty in institutions of higher education, by race/ethnicity, academic rank, and sex: Fall 1991,” *Digest of Education Statistics Tables and Figures*, (Washington, DC: U.S. Department of Education, Institute of Education Sciences).
- <sup>145</sup> National Organization for Women, “Study Shows Top Colleges Have Few Women Profs in Hard Sciences,” <http://www.now.org/issues/diverse/011504study.html>.
- <sup>146</sup> Donna J. Nelson and Diana C. Rogers, *A National Analysis of Diversity in Science and Engineering Faculties at Research Universities* (Norman, OK: University of Oklahoma Press, 2005), <http://cheminfo.chem.ou.edu/faculty/djn/diversity/briefings/Diversity%20Report%20Final.pdf>.
- <sup>147</sup> Mary Thom, *Balancing the Equation: Where are Women & Girls in Science, Engineering & Technology?* (New York, NY: National Council for Research on Women, 2001).
- <sup>148</sup> Donna J. Nelson and Diana C. Rogers, *A National Analysis of Diversity in Science and Engineering Faculties at Research Universities* (Norman, OK: University of Oklahoma Press, 2005), <http://cheminfo.chem.ou.edu/faculty/djn/diversity/briefings/Diversity%20Report%20Final.pdf>.
- <sup>149</sup> National Academies of Science. *Beyond Bias and Barriers: Fulfilling the Potential of Women in Academic Science and Engineering: 2006*, National Academies Press (Washington, D.C., 2006).
- <sup>150</sup> The Rand Corporation. Gender Differences in Major External Federal Grant Programs: Technical Report sponsored by NSF 2005.

- <sup>151</sup> Hopkins, Nancy. "Academic Responsibility and Gender Bias," MIT Faculty Newsletter. Vol. XVII No. 4, March/April 2005. p 22
- <sup>152</sup> Rimer, Sarah. "For Women in Sciences, Slow Progress in Academia," *New York Times*. <http://www.nytimes.com/2005/04/15/education/15women.html?ex=1271217600&en=e5322d3fd78ddf3&ei=5088&partner=rssnyt&cmc=rss>
- <sup>153</sup> Virginia Valian, *Why So Slow? The Advancement of Women*, (Cambridge, MA: The MIT Press, 1999).
- <sup>154</sup> National Center for Education Statistics, "Table 83: Principals in public and private elementary and secondary schools, by selected characteristics: 1993-94 and 1999-2000," *Digest of Education Statistics, 2005*, (Washington, DC: U.S. Department of Education, Institute of Education Sciences), [http://nces.ed.gov/programs/digest/d05/tables/dt05\\_083.asp](http://nces.ed.gov/programs/digest/d05/tables/dt05_083.asp).
- <sup>155</sup> C. Cryss Brunner and Margaret Grogan, *Women Leading School Systems: Uncommon Roads to Fulfillment*, (Lanham, MD: Rowman & Littlefield Education: In partnership with the American Association of School Administrators, 2006).
- <sup>156</sup> Margaret Grogan and Cryss Brunner, "Women Leading Systems," *The School Administrator* (February 2005), <http://www.aasa.org/publications/saarticledetail.cfm?ItemNumber=1020&snItemNumber=950&tnItemNumber=951>
- <sup>157</sup> *Highlights of Women's Earnings*, (Washington, D.C.: U.S. Bureau of Labor Statistics, 2001 - 2006) and *Current Population Surveys*, (Washington, D.C.: U.S. Census Bureau and U.S. Bureau of Labor Statistics, 2001 - 2006).
- <sup>158</sup> *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992).
- <sup>159</sup> *Gebser v. Lago Vista Independent School Dist.* 524 U.S. 274 (1998).
- <sup>160</sup> *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999).
- <sup>161</sup> *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX*, (Washington, D.C.: U.S. Department of Education, Office for Civil Rights, January 19, 2001). <http://www.ed.gov/about/offices/list/ocr/docs/shguide.html>
- <sup>162</sup> U.S. Department of Education Office for Civil Rights. *Title IX and Sexual Harassment*. <http://www.ed.gov/about/offices/list/ocr/docs/ocrshpam.html>. Accessed April 12, 2005.
- <sup>163</sup> U.S. Department of Education Office for Civil Rights. *Title IX and Sexual Harassment*. <http://www.ed.gov/about/offices/list/ocr/docs/ocrshpam.html>. Accessed April 12, 2005.
- <sup>164</sup> *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in Schools*, (Washington, DC: The American Association of University Women Educational Foundation, 2001).
- <sup>165</sup> *Ibid.*
- <sup>166</sup> *Ibid.*
- <sup>167</sup> *Ibid.*
- <sup>168</sup> J.G. Kosciw, *The 2003 National School Climate Survey: the school-related experiences of our nation's lesbian, gay, bisexual and transgender youth*, (New York: Gay, Lesbian, and Straight Education Network, 2004).
- <sup>169</sup> *Harassment Free-Hallways: How to Stop Harassment in School*, (Washington, DC: The American Association of University Women Educational Foundation, 2004), p. 17.
- <sup>170</sup> *What Can Parents Do?*, National Mental Health Information Center, [http://mentalhealth.samhsa.gov/publications/allpubs/bullying/SVP-0052\\_18-27.pdf](http://mentalhealth.samhsa.gov/publications/allpubs/bullying/SVP-0052_18-27.pdf)
- <sup>171</sup> *Drawing the Line: Sexual Harassment on Campus*, (Washington, DC: The American Association of University Women Educational Foundation, 2006). A free copy of the report may be downloaded at <http://www.aauw.org/research/dtl.cfm>
- <sup>172</sup> *Harassment Free-Hallways: How to Stop Harassment in School*, (Washington, DC: The American Association of University Women Educational Foundation, 2004). A free copy may be downloaded at <http://www.aauw.org/ef/harass/index.cfm>.
- <sup>173</sup> *Harassment Free-Hallways: How to Stop Harassment in School*, (Washington, DC: The American Association of University Women Educational Foundation, 2004), p. 10.
- <sup>174</sup> *Ibid.*, p. 18.
- <sup>175</sup> *Ibid.*, p. 16.
- <sup>176</sup> *Ibid.*
- <sup>177</sup> Office on Women's Health, "Bullying and Your Daughter," *U.S. Department of Health and Human Services*, <http://www.girlshealth.gov/parents/bullying.cfm>.
- <sup>178</sup> *Harassment Free-Hallways: How to Stop Harassment in School*, (Washington, DC: The American Association of University Women Educational Foundation, 2004), p. 16.
- <sup>179</sup> *What Can Parents Do?*, National Mental Health Information Center, [http://mentalhealth.samhsa.gov/publications/allpubs/bullying/SVP-0052\\_18-27.pdf](http://mentalhealth.samhsa.gov/publications/allpubs/bullying/SVP-0052_18-27.pdf)
- <sup>180</sup> Lory Stone, "Turning Back the Clock: How the Department of Education's 2006 Amendments Violate the Constitution and Undermine the Purpose of Title IX," (Arlington, VA: Feminist Majority Foundation, June 2007). Retrieved July 4, 2007 <http://www.feminist.org/education/pdfs/StonePaper.pdf>
- <sup>181</sup> See the previous chapter on Athletics.
- <sup>182</sup> *United States v. Virginia*, 518 U.S. 515 (1996).
- <sup>183</sup> *Ibid.* p. 533.
- <sup>184</sup> *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 726 (1982); see American Civil Liberties Union, *ACLU Single-Sex Notice of Intent Comments to the Department of Education* (July 8, 2002), available at [www.aclu.org/news/NewsPrint.cfm?ID=10481&c=174](http://www.aclu.org/news/NewsPrint.cfm?ID=10481&c=174) (last visited Dec. 11, 2006)
- <sup>185</sup> *Gender Equity Expert Panel: Exemplary & Promising Gender Equity Programs*, (Washington, DC: U.S. Department of Education, 2000).
- <sup>186</sup> *Issues Involving Single-Gender Schools and Programs*, GAO/HEHS-96-122 (Washington, DC: U.S. Government Accountability Office, 1996) 22-23.
- <sup>187</sup> Advocates of single-sex education and charter schools pushed for the adoption of a provision in the 2002 No Child Left Behind Act (NCLB) that said funds under the Local Innovative Education Programs could be used for "Programs to provide same-gender schools and classrooms (consistent with applicable law)". NCWGE members convinced Congress to add the phrase "consistent with applicable law" to remind recipients that Title IX and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution restrict the use of sex segregation for this NCLB provision and all other federal financial assistance covered by Title IX. However, the Bush administration started working on changing the applicable law so that sex segregation would be more acceptable.
- <sup>188</sup> Margaret A. Nash, Susan S. Klein, Barbara Bitters, et. al. Chapter 5, "The Role of Government in Advancing Gender Equity" in the *Handbook for Achieving Gender Equity through Education, Second Edition*, ed. Susan S. Klein (New York, Lawrence Erlbaum Associates, Taylor and Francis Group, 2007.) page 70.



- <sup>189</sup> Emily Arms, Chapter 9 “Gender Equity in Coeducational and Single-sex Environments” in the *Handbook for Achieving Gender Equity through Education, Second Edition*, ed. Susan S. Klein (New York, Lawrence Erlbaum Associates, Taylor and Francis Group, 2007.) pages 173, 178.
- <sup>190</sup> Alan Smithers and Pamela Robinson, “The Paradox of Single-Sex and Co-Educational Schooling,” (Liverpool, England: Carmichael Press, Crown Printing Co., 2006)
- <sup>191</sup> *Single-sex versus coeducational schooling: A systematic review*, U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service, (Washington, DC: 2005), <http://www.ed.gov/rschstat/eval/other/single-sex/single-sex.pdf>. The funding for this multi year research contract, whose principal investigator, C. Riordan is a proponent of single-sex schools, was taken from the tiny budget of the Women’s Educational Equity Act Program.
- <sup>192</sup> Emily Arms, Chapter 9 “Gender Equity in Coeducational and Single-sex Environments” in the *Handbook for Achieving Gender Equity through Education, Second Edition*, ed. Susan S. Klein (New York, Lawrence Erlbaum Associates, Taylor and Francis Group, 2007.) pages 173, 178.
- <sup>193</sup> Amanda Datnow, Lea Hubbard & Elisabeth Woody, *Is single-gender schooling viable in the public sector? Lessons from California’s pilot program*, (New York, NY: Ford Foundation and Chicago, IL: Spencer Foundation, 2001).
- <sup>194</sup> Ibid.
- <sup>195</sup> National Association for Single Sex Public Education, “Single-Sex Schools,” <http://www.singlesexschools.org/schools-schools.htm>, (Last visited 4-30-07).
- <sup>196</sup> Jenna Cho, “A New London School Where Boys Can Be Boys And Girls Can Be Girls,” TheDay.com, July 1, 2007.
- <sup>197</sup> *The Supergirl Dilemma: Girls Grapple with the Mounting Pressure of Expectations*, (New York, NY: Girls Incorporated, October 2006). <http://www.girlsinc.org/ic/page.php?id=2.4.30>.
- <sup>198</sup> Janet Shibley Hyde and Sara M. Lindberg, Chapter 2, “Facts and Assumptions About the Nature of Gender Differences and the Implications for Gender Equity” in *The Handbook for Achieving Gender Equity through Education, Second Edition*, ed. Susan S. Klein (New York, Lawrence Erlbaum Associates, Taylor and Francis Group, 2007).
- <sup>199</sup> Education Sector, a highly-respected Washington-based education think tank, reports that the decrease in the gender gap does not mean that males are doing worse than previously. This analysis by Sarah Mead, which is also cited in the Introduction, found that during the past three decades, boys’ test scores are mostly on the rise, more boys are going to college and more are earning BAs. The study shows educational inequities are more a matter of income than of gender. It concludes that much of the pessimism about young males seems to derive from inadequate research, sloppy analysis and discomfort with the fact that while the average boy is doing better, the average girl has been improving at a faster rate, so the achievement gap is closing. And, while many want to see single-sex public education options because they emulate wealthy, privileged, private educational institutions, the assumptions about the value are flawed. As described earlier, there has been an overall decrease in single-sex education in many areas of private education in the U.S. Additionally, a July 2006 report from the National Center for Education Statistics, U.S. Department of Education, *Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling*, showed children in public schools generally perform as well or better in reading and mathematics than comparable children in private schools.
- <sup>200</sup> *Garrett v. Board of Education*, 775 F. Supp. 1004 (ED Mich 1991).
- <sup>201</sup> The quotations are from pages 11-12 of the Complaint filed in *Selden v. Livingston Parish School Board*, No. 06-533, MD La., [www.aclu.org/pdfs/womensrights/20060801seldencomplaint.pdf](http://www.aclu.org/pdfs/womensrights/20060801seldencomplaint.pdf).



## NCWGE Affiliate Organizations

Academy for Educational Development  
American Association for the Advancement of Science  
American Association of School Administrators  
American Association of University Women  
American Civil Liberties Union: Women's Rights Project  
American Civil Liberties Union  
American Federation of Teachers  
American Psychological Association  
Association for Gender Equity Leadership in Education  
Association for Women in Science  
Association of American Colleges and Universities  
Association of Junior Leagues International, Inc.  
Association of Teacher Educators  
Business & Professional Women USA  
Center for Advancement of Public Policy  
Center for Women's Policy Studies  
Council of Chief State School Officers Resource Center on Educational Equity  
Dads and Daughters  
Equal Rights Advocates  
Federation of Organizations for Professional Women  
Feminist Majority Foundation  
Gallaudet University  
Girl Scouts of the USA  
Girls Incorporated  
Girlstart  
Healthy Teen Network  
Leadership Conference on Civil Rights  
Ms. Foundation for Women  
Myra Sadker Advocates for Gender Equity  
National Alliance for Partnerships in Equity  
National Association for Girls & Women in Sport  
National Association of Collegiate Women Athletic Administrators  
National Center for Lesbian Rights  
National Council of Administrative Women in Education  
National Council of Negro Women  
National Education Association  
National Organization for Women  
National Partnership for Women and Families  
National Women's History Project  
National Women's Law Center  
National Women's Political Caucus  
Legal Momentum  
NOW Legal Defense and Education Fund  
Parent and Teacher Association  
Partners of the Americas  
Society of Women Engineers  
U.S. Student Association  
Wider Opportunities for Women  
Women Work!  
Women's Edge  
Women's Research and Education Institute  
Women's Sports Foundation  
YWCA