

Introduction

New Title IX debate flares after ‘clarification’

Orlando Sentinel, April 4, 2005

High Court Supports Title IX Protection: Law Now Covers Whistle-Blowers

The Washington Post, March 30, 2005

Study Notes Lack of Female Professors

University Wire, February 23, 2004

Harvard president shocks with comments on gender differences

University Wire, February 22, 2005

Many Women at Elite Colleges Set Career Path to Motherhood

The New York Times, September 20, 2005

Study Casts Doubt on the ‘Boy Crisis’

The Washington Post, June 26, 2006

Point: Don't Marry Career Women

Forbes.com, August 22, 2006

Study: Teacher's Gender Affects Learning

The Washington Post (AP), August 27, 2006

James Madison to drop 10 athletic teams for Title IX compliance

USA Today, September 29, 2006

Harvard Plans to Name Its First Female President

The New York Times, February 10, 2007

A New London School Where Boys Can Be Boys And Girls Can Be Girls

TheDay.com, July 1, 2007

Thirty-five years ago, Congress enacted Title IX of the Education Amendments of 1972. This landmark civil rights legislation proclaims that

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.

— 20 U.S.C. §1681.

These thirty-seven words created sweeping changes in our nation's education system, gaining women and girls newfound opportunities in America's classrooms, lecture halls, research labs, and playing fields. These advances in education have reshaped the American landscape; today, women have assumed unprecedented power as corporate executives, Cabinet officials, and university presidents. Indeed, for the first time a woman now holds the highest position of elected leadership in the Congress, serving as the Speaker of the United States House of Representatives. Since Title IX was enacted, more women than ever are pursuing their dreams by graduating from college and professional schools, becoming doctors and lawyers, and starting small businesses. No one can doubt that Title IX has enabled this progress, and that women's achievements are a testament to the enormous power of this groundbreaking law.¹

But despite these advances, girls and women continue to face difficulties and to lag behind boys and men in too

many educational endeavors. For example:

- Almost 40% of students report that teachers and other school employees sexually harass students in their schools.²
- In the 2003-2004 school year, while females were 57% of the students in colleges and universities, they comprised only 43% of the athletes. Female collegiate athletes received only 37% of sports operating dollars and 32% of recruitment dollars.³
- Women and girls are largely absent from traditionally male courses in career and technical education and they comprise only 4% of heating, A/C, and refrigeration students, 5% of welding students, 6% of electrician and plumber/pipefitter students, and 9% of automotive students—occupations that pay substantially more than jobs in traditionally female fields.⁴
- Women comprise 79% of the public school teachers in the United States but are only 44% of the principals.⁵
- Women represent less than one in five faculty members in science, technology, engineering and mathematics (the STEM fields). In engineering in particular, women account for just over one in ten faculty members.⁶
- Over a third of students surveyed in grades 3-12 agreed with the statement that “people think that the

most important thing for girls is to get married and have children.”⁷

Moreover, since its enactment 35 years ago, Title IX—and indeed, basic concepts of gender equity for women—have been under continuous attack. For example, despite the evidence to the contrary, some gender equity opponents continue to insist that Title IX has diminished opportunities for men and led to cuts in their teams. Although these kinds of attacks have been rejected in every forum in which they have been mounted, and all the courts of appeals that have considered the issue have upheld the lawfulness of the Title IX athletics’ policies, these opponents have found a powerful ally in the Department of Education, which has launched a variety of efforts over the last five years to eviscerate the regulatory policies guaranteeing equality of opportunity to participate in sports. Most recently, the Department issued, without notice or opportunity for public comment, a “Clarification” of its policies that authorizes schools to deny participation opportunities for women on the basis of a single e-mail survey. In another move that weakened fundamental civil rights principles, the Department released new Title IX regulations allowing more single-sex education in public schools without requiring safeguards or accountability for equal treatment. Each of these changes represents a significant setback for Title IX and gender equity in education.

While women rarely confront some of the most overt forms of discrimination that were common three decades ago (e.g., low quotas for admission of women, assertions that athletics participation would harm their reproductive potential), stereotypical thinking continues to pervade even the highest levels of business, academia and the popular culture. In January 2005, Harvard President Lawrence Summers suggested that differences in “intrinsic aptitude” might explain why there are so few women in the highest levels of science, technology, and engineering positions in academia. A September 2005 article in *The New York Times*, based on interviews with only 85 students, asserted that the newest wave of Yale undergraduate women planned to drop out of the workforce to become mothers. In August 2006, Michael Noer, an Executive News Editor for *Forbes.com* magazine, urged men to avoid marrying professional women, who, according to the article, are more likely to get divorced and be unhappy in their marriages. Each of these statements and articles tried to repack-age old, worn-out sex-based stereotypes as a form of novel thinking, a new cultural phenomenon, or the inevitable result of new scientific research.

Equally significantly, the media and some policymakers have promoted the notion that gender equity for women has

gone too far—that women today not only do not face discrimination in education but have become the victors, at the expense of boys and men, in an educational zero-sum game. Title IX has been accused of inspiring “feminized” curricula and learning environments that disadvantage boys. Over the last five years, the so-called “boys’ crisis” has received growing attention in the media. In 2006, there were numerous cover stories, articles and editorials in major news publications touting this crisis and calling for increased attention to boys. Many of these articles frame girls’ advancement as having an inverse relationship to boys’ achievement, putting boys at a disadvantage. Adversaries of Title IX have sought to pit this supposed lack of attention to boys’ needs against efforts to improve girls’ educational experience, fueling a backlash against Title IX and gender equity policies.

It is undeniably true—and a cause for substantial concern—that boys in school today confront some significant challenges. Over the last 30 years, the number of boys diagnosed with attention deficit hyperactivity disorder and other disabilities has increased dramatically. Boys are more likely than girls to be suspended or expelled from school and are overall less likely to graduate from high school and college. There is stark underachievement plaguing boys from low income and racial minority backgrounds.

However, the reality is that boys continue to increase their overall performance in all areas of achievement and attainment. Many who look at the educational performance of boys find a complex picture of continued achievement, albeit at a slower rate of improvement than girls’ post-Title IX gains. *The Truth About Boys and Girls*, a report released in June 2006 analyzing the National Assessment of Educational Progress (NAEP) data, states:

“[T]he truth is far different from what these accounts [of the boys’ crisis] suggest. The real story is not bad news about boys doing worse; it’s good news about girls doing better. In fact, with a few exceptions, American boys are scoring higher and achieving more than they ever have before. But girls have just improved their per-

Unfortunately, the current boy crisis hype and the debate around it are based more on hopes and fears than on evidence. This debate benefits neither boys nor girls, while distracting attention from more serious educational problems—such as large racial and economic achievement gaps—and practical ways to help both boys and girls succeed in school.

— *The Truth About Boys and Girls*

formance on some measures even faster. As a result, girls have narrowed or even closed some academic gaps that previously favored boys, while other long-standing gaps that favored girls have widened, leading to the belief that boys are falling behind.”⁸

Further complicating this picture is the reality that many of the challenges affecting boys are also affecting girls. For example, diagnoses of disabilities are also growing rapidly for girls, and research suggests that complex school and family factors play a role in this increase for both boys and girls. And girls’ dropout rates, like those of boys, remain much too high, and the economic consequences of dropping out for girls are particularly severe.⁹ Nationally, 72% of female students graduate from high school, compared to 65% of male students. As is the case for boys, race and economic status strongly influence girls’ performance. The graduation rates for all African American and Hispanic students are 55% and 53% respectively, compared with 78% for white students.¹⁰

These facts, among others, make clear both that girls continue to face significant challenges in school and that Title IX and increased opportunities for girls are not responsible for the barriers that boys encounter. Education is not a zero sum game in which one group of students advances only to the detriment of another. In fact, Title IX has promoted educational innovations that have served both sexes, such as efforts to address sexual harassment that can hinder both boys’ and girls’ educational performance. And Title IX offers protection for boys, as well as girls, if the barriers they face are based on their sex.

Thus, the task at hand is to identify and provide the educational support that will enable each student, whether male or female, to achieve success in school—not to advance divisive and irrelevant allegations that girls’ advancements have come at boys’ expense. In our zeal for solutions, we cannot embrace those that rely on the damaging stereotypes that have limited prospects and opportunities for both women and men.

And yet, we are in danger of doing just that. Proposals for improving classroom settings for boys’ learning have included recommendations for blatantly sex-stereotyped books and tasks. For example, a report on single-sex academies in California noted a school with a social studies lesson on American pioneers in which boys learned about survival skills and girls learned about quilting and sewing.¹¹ The new Title IX regulations expanding allowable single-sex education in public schools stand to reinforce harmful sex stereotypes, such as the notions that girls cannot or do not want to learn in fast paced or competitive environments, or that separating

girls and boys is the best way to remedy sexual harassment. A study published in August 2006 extended the arguments for single-sex education to the front of the classroom, arguing that boys and girls learn better from teachers of their own sex.¹² New York Times columnist John Tierney argued for rolling back Title IX protections in athletics in a July 2006 column, asserting that men not only enjoy sports more than women, but that they “have a better chance of glory—and of impressing the opposite sex.”¹³ These ideas, if put into action, could reverse the progress that has been made over the past 35 years.

To promote continued progress, this NCWGE report focuses on the status of gender equity in those areas of education that have received intensive focus in recent years, including athletics, mathematics and science, non-traditional career and technical education, employment, sexual harassment and single-sex education. In each of these areas, the report looks beyond the media headlines to explore the progress brought by 35 years of Title IX, as well as the ways in which our nation’s schools still fall short of the law’s mandate for gender equity.¹⁴ Throughout, the report analyzes government enforcement and assistance activities since Title IX was enacted, with particular emphasis on recent regulatory changes and clarifications to policy. To provide context for this analysis, the report opens with a timeline summarizing the history of Title IX, including the issuance of regulations and policies, and major legal challenges.

Our goal is to provide analyses that will inform the continued search for policies that will promote true equality of educational opportunity. To that end, the report closes with recommendations for moving education policy beyond the rhetoric to address the inequities that still exist in each of the areas covered. A survey released on the eve of the 35th anniversary of Title IX found that there is extensive public support for the law, but that many individuals lack knowledge about the protections it offers.¹⁵ Many of the recommendations are aimed at providing this knowledge.

Protecting Title IX from rollbacks and working to further gender equity in our schools will benefit not only women and girls, but all of society. Amid progress and setbacks, policy debates and culture wars, this report shows that we have seen only a fraction of the transformative power of Title IX. Many opportunities to advance women’s and girls’ opportunities in education remain unrealized, and Title IX remains an essential policy tool for moving forward. Together with advocates and policymakers, administrators and teachers, NCWGE will continue its work to realize the potential of Title IX and inspire the positive headlines of the future.