


Title IX

ADVANCING OPPORTUNITY THROUGH
EQUITY IN EDUCATION



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IN **EDUCATION**

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EXECUTIVE SUMMARY

STRONG EDUCATION FOR A SUCCESSFUL FUTURE



IN THE 45 YEARS SINCE Congress passed Title IX legislation prohibiting sex-based discrimination in federally funded education programs, schools have made huge strides in providing equal access to education. Simply by creating the same opportunities to learn for all students, K–12 schools and higher education institutions have paved the way for new levels of achievement.

The effects have been far-reaching. Women’s gains in science, technology, engineering, and math (STEM) have expanded the country’s innovation workforce. Efforts to expand access to career and technical education (CTE) have increased the pool and earning capacity of skilled trade workers. Greater chances to participate in school sports have led to unprecedented success for U.S. female athletes while conferring long-term health and social benefits. Protections for pregnant and parenting students and against sexual harassment have helped more students—both male and female—remain in school and succeed.

Despite these advances, many challenges to equity in education remain. Gender stereotyping continues to limit opportunities in CTE for women and men alike. Women still face hurdles in STEM, particularly in academia and in fields

like computer science and engineering. Sexual harassment and assault are persistent problems across the education spectrum, affecting large proportions of both male and female students. Softer regulations have opened the door for single-sex classes and schools, which often rely on debunked notions about differences in the ways boys and girls learn.

Continued education and leadership on Title IX, as well as monitoring and enforcement of compliance, are essential for helping students succeed in school and beyond. Competing in an increasingly innovation-driven marketplace depends on the ability of our education system to produce a large, skilled, and productive workforce. Ensuring that Title IX protections are strengthened, not weakened, is critical for meeting that need.

Why Title IX Matters

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any education program or activity that receives federal funding. It applies to all students and staff, male or female, in preschool through postgraduate school.

In the 45 years since the legislation passed, girls and women have proved that they have the interest and ability to succeed in areas once considered beyond their reach. Concerns that more opportunity for females would come at the expense of their male counterparts have proved

wholly unfounded. In fact, greater equality has helped shape learning environments in which *all* students can succeed.

WHO BENEFITS?

Both women and men have benefited from Title IX. At the time the legislation passed, female students were habitually marginalized or steered toward courses based on gender stereotypes. At the K–12 level, girls were often segregated into home economics or other “softer” classes, and many pregnant students were forced out of school altogether. Girls made up just 7% of high school athletes, and women earned a vanishingly small proportion of degrees in science, engineering, and technical fields.

Gender stereotypes limited learning for boys and men as well. Separate classes for boys often had much harsher discipline, and non-athletic boys were commonly pushed into sports to “toughen them up” rather than encouraged to pursue their skills in other areas. Men were largely locked out of studying certain fields, especially in healthcare, that were traditionally occupied by women—despite the earning capacity those fields offered.

Title IX has opened opportunities for both male and female students to reach new heights of achievement. Boys and men have continued to see major gains in athletic participation, math and science attainment, and science and engineering degrees earned, even as girls and women have advanced in these areas. Moreover, by prohibiting hostile, threatening, and discriminatory behavior, Title IX protects the rights of all students to learn in a healthy environment.

The benefits of equal access to education extend beyond students to their families and their communities. Education attainment drives both employment and wage growth in the United States (see Figure 1). It also expands the pool of highly qualified workers with the ability to innovate. As demand for such workers continues to rise in both the domestic and global economies, the nation as a whole stands to gain from the education improvements conferred by Title IX.

WHY IS TITLE IX STILL NECESSARY?

If Title IX has been so successful, why are measures to maintain and reinforce its protections still necessary? Even after 45 years, adherence to Title IX’s provisions is still far from universal. Some schools fail to designate a Title IX coordinator to oversee compliance, as the law requires; others don’t provide the training or support needed to allow the coordinator to work effectively. Confusion about some aspects of the law and poor tracking of information on what is actually happening in schools have also caused problems. In some cases, schools simply refuse to adhere to the law.

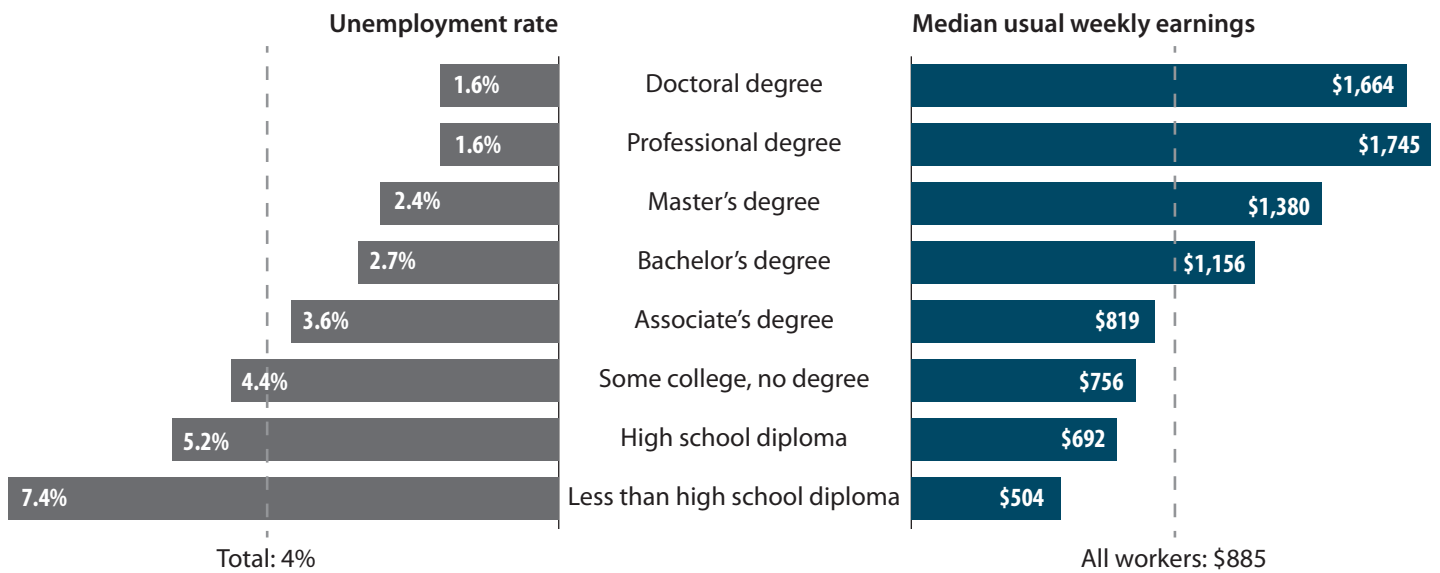
These lapses lead not only to discrimination but also, in many cases, to a hostile school environment that impedes learning. As the issues surrounding gender equity become more complex and nuanced, more information and stronger regulation and enforcement are necessary to ensure that our education system works for everyone.

ABOUT THIS REPORT

The National Coalition for Women and Girls in Education (NCWGE) produces reports every five years on the impact of Title IX, which mandates gender equity in education. *Title IX at 45* outlines issues and recommendations in six areas covered by Title IX: STEM, CTE, athletics, sexual harassment and assault, single-sex education, and the rights of pregnant and parenting students. It also looks at the role of Title IX coordinators in helping schools comply with the law.

Through this examination, NCWGE seeks to inform the continued search for policies that will promote equal education opportunity for all students. To learn more, see www.ncwge.org.

FIGURE 1:
Education Pays: Impact of Education on Employment and Earnings, 2016



NOTE: Data are for persons age 25 and over. Earnings are for full-time wage and salary workers.
 SOURCE: U.S. Bureau of Labor Statistics, Current Population Survey.

How Title IX Affects Education

Title IX applies to all aspects of education, both in and out of the classroom. Areas of particular concern in terms of providing equal access to education include STEM, CTE, athletics, sexual harassment and assault, single-sex education, and the rights of pregnant and parenting students. The U.S. Department of Education has developed guidance documents on how Title IX applies in each of these areas, as well as on the designation of Title IX coordinators, to guide schools in complying with the law.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH

Both research and practice have shown that women and girls are as adept at STEM as their male counterparts. As opportunities to study and work in STEM have increased over the past 45 years, girls and women have gained ground in many fields, particularly biological, environmental, and chemical/material sciences. Opening opportunity has benefited men as well, as some fields traditionally occupied by

women, notably in healthcare, have become more broadly accessible.

Yet gender bias still persists at all levels of education, from subtle differences in encouragement to outright discrimination. Such biases contribute to an ongoing gender gap in key areas such as engineering and computer science, preventing women from entering fields where workforce need is high—and where innovation will be crucial for both economic expansion and national security.

Complying with Title IX can close this gap through measures to address gender biases, ensure equal access to STEM-related courses and activities, and safeguard equity in academic admissions and employment. With global competitiveness increasingly linked to building a technologically proficient workforce, ensuring that women and girls have equal access to STEM education is vital for this country's future economic growth.

CAREER AND TECHNICAL EDUCATION

Equal opportunity in CTE can expand economic growth by putting training for middle- and high-wage jobs in reach for all capable students, regardless of gender. Despite Title IX protections, the gender divide in CTE remains wide, with women still concentrated in areas leading to lower-wage occupations.

Measures to counter gender bias and sex stereotyping in CTE can expand opportunities for women in fields traditionally dominated by men, such as information technology, transportation and logistics, and advanced manufac-

turing. At the same time, encouraging gender equity in CTE will reduce barriers for men seeking entry into fields traditionally occupied by women, including high-growth areas such as nursing and paralegal work. Eliminating discriminatory practices in CTE therefore has important implications for all students.

Given increasing demand for workers with technical skillsets, expanding opportunity in CTE is unlikely to benefit women at the expense of men; rather, it will increase the total pool of skilled workers. Thus, removing the barriers to female enrollment in higher-

TEN THINGS YOU MAY NOT KNOW ABOUT TITLE IX

- 1. Title IX protects all students and staff—male and female—from discrimination on the basis of sex** in education programs or activities that receive federal funding. The law applies to all public K–12 schools and nearly all colleges and universities.
- 2. Schools must designate a Title IX coordinator to oversee compliance with the law.** Government guidance documents specify that these coordinators should be given the time, authority, and independence to perform effectively.
- 3. Title IX protects girls' and women's rights to equal access in academic and other areas,** including STEM courses, school-related extracurricular activities, and university research resources.
- 4. Title IX requires that schools provide male and female students with equal opportunities to participate in athletics; it does not set quotas** or demand equal funding for different sports. As women's participation in school athletics has expanded, men's sports have continued to grow.
- 5. Title IX mandates equal opportunity in career and technical education programs,** including those traditionally dominated by women (e.g., nursing) as well as those traditionally dominated by men (e.g., construction, IT).
- 6. Title IX offers both male and female students protection against sex-based harassment and assault** from teachers, school staff, and other students. This includes harassment based on gender stereotypes or gender identity.
- 7. In cases of sexual assault and other harassment serious enough to create a hostile environment, Title IX requires schools to take immediate action** to end the behavior, prevent its occurrence, and address its effects. Grievance procedures in these cases must be equitable for both the accused and the accuser.
- 8. Title IX sets strict limits on programs that separate girls and boys,** and prohibits the discrimination that can occur when such programs are based on gender stereotypes.
- 9. Title IX protects students from being refused enrollment** or excluded from school-related activities because of pregnancy or parenting status. This protection applies to young fathers as well as mothers.
- 10. Eight in ten voters (82%) support Title IX,** with agreement across all political parties and among voters with and without children.^a

a. Women's Sports Foundation, *Title IX Myths and Facts*. See <https://www.womenssportsfoundation.org/advocate/title-ix-issues/what-is-title-ix/title-ix-myths-facts/>.

wage CTE fields can both reduce the pay gap between male and female workers and benefit the economy as a whole.

ATHLETICS

Myths about the requirements and impact of Title IX on school athletics are prevalent. The law requires that schools treat the sexes equally with regard to participation opportunities, athletic scholarships, and the benefits and services provided to male and female teams. It does not require schools to spend the same amount on both sexes or to cut male teams to make room for female sports. In fact, male sports at both the high school and college levels have continued to expand under Title IX.

By opening opportunity, Title IX has had a huge impact on female participation and achievement in sports. Increased participation in school athletics confers a wide range of societal benefits, including better short- and long-term health, lower unintended pregnancy rates, and greater academic and professional accomplishment. It has also played out in unprecedented success for U.S. female athletes competing in the global arena. This success not only affirms the value of Title IX, it negates the claim that girls and women don't deserve equal access to athletics because they don't have the same interest as their male counterparts.

Despite substantial gains since the passage of Title IX, the playing field is still not level for girls and women. Girls are much more likely than boys to enter into sports later in life and drop out of sports earlier in life, and they still have far fewer opportunities to participate in high school and college sports. Continued efforts are necessary to reap the full benefits of equal access to athletics.

SEXUAL HARASSMENT AND ASSAULT

Sexual harassment and assault harm students in many ways, including their ability to succeed academically. Supreme Court rulings have established that sexual harassment and assault

of students violates Title IX. Despite the protection of the law and greater attention to this problem in recent years, sexual and gender-based harassment remain pervasive in K–12 schools and on college campuses.

While sexual harassment and assault disproportionately affect girls and women, boys and men also face this issue. One national study found that 40% of boys and 56% of girls in grades 7–12 experienced sexual harassment in school. On campus, more than 20% of women and 5% of men report experiencing rape or sexual assault. Lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ) students are particularly vulnerable. In addition to the impact on individual students, sexual harassment and assault create a hostile environment that undermines learning for all.

While some have argued that Title IX protections go too far, the law does not give students the same level of protection granted to employees in the workforce. Strong measures are still needed to protect students and create an environment that supports learning, including accurate tracking of sexual harassment, better enforcement of existing regulations, and funding to help schools develop effective policies to prevent and address problems.

SINGLE-SEX EDUCATION

Separating boys and girls in the classroom may seem like a good way to ensure that the needs of both groups are being met, but in fact separation serves neither group well. Evidence of the benefits of single-sex education is sketchy at best, while the stereotyping that typically occurs can stifle learning for both boys and girls. (If you think classes where boys learn multiplication by playing ball while girls have tea parties are a thing of the past, think again.)

Both the U.S. Constitution and Title IX limit the separation of students by gender in publicly funded educational programs and activities. Although Title IX regulations issued by the

U.S. Department of Education in 2006 opened the door to some single-sex education, gender separation requires a strong justification, and discrimination based on sex is still unlawful.

Single-sex programs often violate the law by failing to justify sex separation, allocating resources inequitably, or assigning students to single-sex classes on an involuntary basis. Moreover, the rationale for separation is often based on notions about gender differences in brain development and learning that have been soundly debunked. With so many pitfalls to single-sex programming and little if any proven benefit, schools and districts should think twice before starting down this path. Ensuring full Title IX compliance in this area is essential for halting the proliferation of single-sex programming based on harmful stereotypes.

PREGNANT AND PARENTING STUDENTS

Provisions that protect the rights of pregnant and parenting students to stay in school and have equitable educational opportunities are among the least well-known aspects of Title IX. Despite specific protection under the law, these students often face policies that segregate them, exclude them from class or extracurricular activities, or punish them for missing school for medical reasons (e.g., pre- or postnatal care or the need to tend to a sick child).

These discriminatory practices can have devastating consequences. Faced with missed work and other obstacles, many pregnant and parenting students drop out of school, thus lowering their chances of finding stable employment that will let them support their families. With parents of dependent children making up nearly a quarter of U.S. undergraduates, the impact of this lost opportunity is far-reaching.

For the most part, compliance with Title IX entails simply treating pregnant and parenting students like any other students; for example, a pregnant or parenting student with a medically

excused absence must be allowed to make up work. Schools can ensure compliance with Title IX by establishing equitable policies, educating the school community about the rights of pregnant and parenting students, and putting support structures in place. Such measures can help young parents—both mothers and fathers—stay in school and succeed.

TITLE IX COORDINATORS

By law, every institution that receives federal funds for education programs or activities must designate at least one employee as a Title IX coordinator to oversee compliance with the law. Title IX coordinators are the primary on-the-ground experts for identifying sex discrimination, resolving grievances, and providing equity information and training for the school community. As such, they play a vital role in protecting all students by preventing and addressing unlawful sex discrimination.

Having a Title IX coordinator in place is not only required, it is also essential for helping schools fulfill their mission of providing students with the best possible education. Yet gaps in compliance persist, with many schools failing to give coordinators adequate training or authority, or even to designate a Title IX coordinator at all. The Department of Education has found that the most egregious violations of the law occur at schools that do not have a Title IX coordinator, opening the school to legal and other consequences.

Recent guidance from the U.S. Department of Education and new resources for finding Title IX coordinators serving in specific locations allow education stakeholders to hold schools accountable for filling and supporting these positions. Congress can play its part by ensuring that the Department of Education's Office for Civil Rights (OCR) has adequate funding to collect and disseminate information, provide technical assistance, and investigate complaints. These measures can bolster the work of Title IX coordinators as catalysts for educational opportunity.

The Path to Continued Progress

Forty-five years after the passage of Title IX, the goal of gender equity in education has not been fully realized. Each chapter of this report includes topic-specific recommendations for improvement. In addition, NCWGE believes that the following overarching recommendations will enable continued progress.

1. Awareness. All stakeholders, including students, parents, advocacy groups, and policymakers, should continue to work to extend awareness about the purpose and provisions of Title IX. Education institutions must be fully aware of their responsibilities under the law. They should also put communication mechanisms in place to ensure that all school community members understand students' rights in the areas covered by Title IX.

2. Information. Schools at all levels must improve their data collection and reporting to provide an accurate picture of how students are faring. Better tracking in areas such as sexual harassment, school climate, and graduation rates for pregnant and parenting students will help in developing effective policies to ensure a safe and equitable learning environment. In addition, more transparency around participation and spending in athletics, CTE, and STEM will increase understanding of the issues at stake.

3. Enforcement. OCR must enforce Title IX. This includes ensuring that qualified Title IX coordinators are in place, conducting compliance reviews, and promptly investigating complaints. Granting agencies should conduct regular and random Title IX compliance reviews of their grantee institutions, ensuring educational equity across all areas of Title IX.

4. Enhancement. While Title IX offers strong protection for students, additional guidance in some areas—for example, to ensure the rights of LGBTQ students and more clearly restrict use of single-sex programming—will help guide schools in making sound programming and policy decisions. Greater funding for gender equity efforts, including enforcement of existing legislation, will also help ensure that schools are able to provide a learning environment in which all students can thrive.



About NCWGE

The National Coalition for Women and Girls in Education is a nonprofit organization established to educate the public about issues concerning equal rights for women and girls in education, monitor the enforcement and administration of current legislation, and conduct and publish research and analysis of issues concerning equity in education.

NCWGE was formed in 1975 by representatives of national organizations concerned about the government's failure to issue regulations implementing Title IX of the Education Amendments of 1972. NCWGE was successful in mobilizing strong support, resulting in the publication of the 1975 Title IX regulations by the Department of Health, Education, and Welfare (now the Department of Education).

NCWGE continues to be a major force in developing national education policies that benefit all students; providing a valuable forum to share information and strategies to advance educational equity; advocating for women and girls regarding educational issues, including the interpretation and implementation of Title IX; and monitoring the work of Congress and federal agencies on education policies and programs.



WOMEN AND STEM

PREPARING FOR A TECHNOLOGY-DRIVEN ECONOMY

BOTH RESEARCH AND PRACTICE HAVE shown that women and girls are as adept at science, technology, engineering, and math (STEM) as their male counterparts. Given equal opportunity, girls and women can excel in STEM fields. With global competitiveness increasingly linked to building a technologically proficient workforce, ensuring that women and girls have equal access to STEM education is vital for this country's future economic growth.

As opportunities to study and work in STEM have increased over the past 45 years, girls and women have gained ground in many fields, particularly biological, environmental, and chemical/material sciences. Opening opportunity has benefited men as well, as some fields traditionally occupied by women, notably in healthcare, have become more broadly accessible.

Yet gender bias still persists at all levels of education, from subtle differences in encouragement to outright discrimination. Such biases

contribute to an ongoing gender gap in key areas such as engineering and computer science, preventing women from entering fields where workforce need is high—and where innovation will be crucial for both economic expansion and national security. Complying

with Title IX can help close this gap through measures to ensure equal access to STEM-related courses and activities, recognize and address gender biases, and ensure equality in academic admissions and employment.

Behind the Gender Gap: Ability or Bias?

Although the stereotype persists that boys are innately better than girls at math and science, recent trends in achievement, combined with years of scientific research, prove that this notion is simply incorrect. Cultural factors,

including opportunity, gender bias, and stereotyping, all affect participation and performance in STEM.

The varying participation of women in STEM in different parts of the world demonstrates the impact of culture. For example, while just 14.9% of engineers in the United States were women as of 2013,¹ in Romania 51% of researchers in engineering and technology are women.²

Education opportunity clearly makes a difference. A European Commission study that looked only at highly educated men and women in Europe (those with tertiary education) found virtually no gender difference in STEM careers across 28 countries, with 56.5% of such women working in science and technology, compared with 56.6% of men. Even within this select group, culture plays a role, with notable differences among countries. For example, in Lithuania, 65.5% of highly educated women worked in science and technology, compared with 46.0% of men; in Malta the figures were 66.7% for men and 54.5% for women.³

CULTURAL BIAS AFFECTS PERFORMANCE

A large body of research has found that cultural bias affects student interest and performance in STEM.⁴ One recent multinational study demonstrated that a society's bias against women in science is linked to gender differences in aptitude. The study compared the scores of 300,000 eighth graders in 34 countries

KEY FINDINGS

- 1. Gender bias can prevent girls and women from pursuing an education in STEM;** it can also deter men from studying certain fields. Ensuring equal access to STEM education can increase overall participation in fields that are driving economic opportunity.
- 2. Both interest and achievement in STEM are at an all-time high among high school girls,** yet female students are still less likely than their male peers to go on to study and work in STEM fields.
- 3. Although women have made impressive gains in STEM at the postsecondary level, attrition remains high** at every stage, from undergraduate school through professorship. In addition, women continue to lag in key fields such as engineering and computer science. This loss of talent comes at a devastating cost to U.S. competitiveness.
- 4. Outreach and retention programs, family-friendly faculty policies, and stronger monitoring of regulatory compliance** would help ensure that our nation's schools, colleges, and research institutions are able to retain women in STEM. These actions will vastly expand the country's capacity for technological innovation.
- 5. Compliance with Title IX provisions relating to STEM education is essential** to take full advantage of the potential of both men and women to advance in technology, health, and related fields.



Our science, technology, engineering and math (STEM) workforce is crucial to America’s innovative capacity and global competitiveness. Yet women are vastly underrepresented in STEM jobs and among STEM degree holders.... That leaves an untapped opportunity to expand STEM employment in the United States, even as there is wide agreement that the nation must do more to improve its competitiveness.”

WOMEN IN STEM: A GENDER GAP TO INNOVATION, ECONOMICS & STATISTICS ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, 2011.

on a standardized math and science test with population scores on the Implicit Association Test on gender and science—the standard test for detecting unconscious bias, developed by researchers at Harvard. The study shows a strong association between a country’s gender bias about science and the gender difference in test scores of students in that country.⁵

This evidence corroborates that gender differences in math and science performance stem from cultural, rather than biological, factors. Where gender bias is low, female performance is correspondingly high.

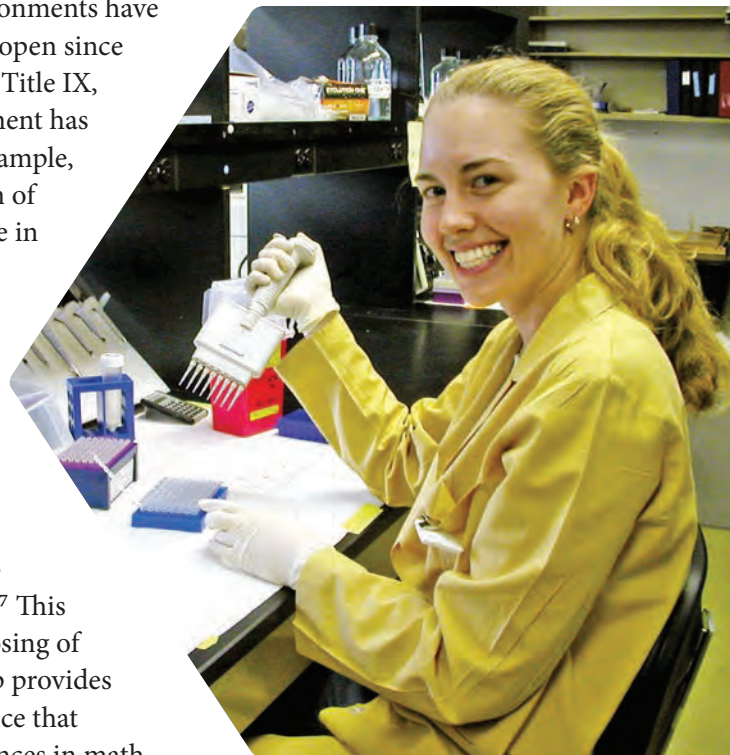
In addition to hindering performance, gender biases can affect whether girls and women choose to enter and stay in STEM fields. They may prevent female students from studying science and math in school or influence whether teachers encourage them to pursue science and engineering careers. They may also directly or indirectly influence hiring and promotion of women in the STEM workforce.

NEUTRALIZING STEREOTYPES BOOSTS ACHIEVEMENT

Stereotypes about girls’ math and science ability can affect their achievement through an effect called “stereotype threat”—the feeling of being judged by a negative stereotype, or fear of reinforcing that stereotype. Stereotype threat is known to impede girls’ performance. In one landmark study, girls who were primed to feel inadequate did significantly worse than their

male peers on a challenging math test, whereas girls in the control group, who did not face a stereotype threat condition, scored similarly to the boys.⁶ In the decade and a half since that investigation appeared, hundreds of additional studies have been published that support this finding.

Recent gains in girls’ mathematical achievement demonstrate the impact of culture and learning environments on students’ abilities and interests. As learning environments have become more open since the passage of Title IX, girls’ achievement has soared. For example, the proportion of girls who score in the top 0.01% of seventh and eighth graders on the math SAT rose from 1 in 13 in the early 1980s to 1 in 3 more recently.⁷ This short-term closing of the gender gap provides further evidence that gender differences in math ability are not innate.



Advances and Obstacles in STEM Education

Under Title IX, education programs that receive federal funding must ensure equity in STEM education for all students. Since the advent of Title IX, women have made significant gains in STEM achievement at both the secondary and postsecondary levels—confirmation in practice of research suggesting that given equal opportunity, girls and women will perform at an equal level to boys and men.

Progress has not been uniform across disciplines, however. Government education statistics show that in fields like biology, psychology, and chemistry, women now make up close to, or more than, half of those receiving bachelor's or postgraduate degrees. At the same time, participation rates of women and girls in secondary and postsecondary technical fields, particularly engineering and computer science, are still very low.⁸ Given the importance of these fields for the ongoing development of the national and global economies, more needs to be done to achieve true gender parity in STEM.

PRIMARY AND SECONDARY EDUCATION

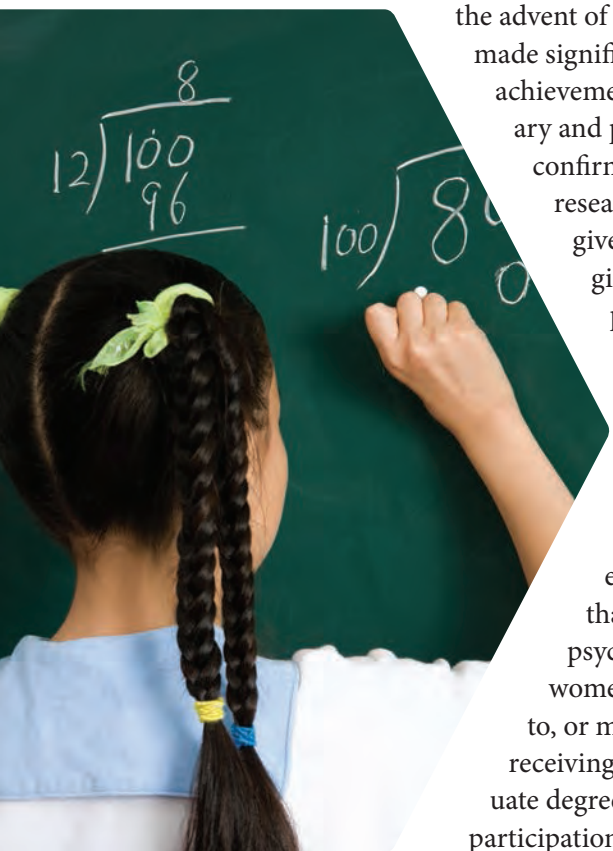
Among primary and secondary school students, the gender gap in math and science is closing, but results in some areas are mixed. For example, science scores on the 2015 National Assessment of Educational Progress (NAEP) were the same for males and females in grade 4 but had a several-point gap in grades 8 and 12. The gap resulted from scores in physical and space sciences, while scores in

life sciences showed little or no difference.⁹ The reasons for these later, discipline-specific gaps are unclear; lack of role models or encouragement for girls in traditionally male-dominated fields like physics or astronomy may affect interest and therefore performance.

In high school, girls have caught up with boys in number of credits earned in math and science, with steady increases since 1990 (Figure 1). Both interest and achievement in STEM are at an all-time high, with females participating in more school-sponsored math and science activities and earning higher grades in these fields than their male peers. Gaps in specific areas of study persist at this level, with girls more likely than boys to take biology, chemistry, and precalculus and less likely to take physics.¹⁰

Even with girls' growing participation and success in math and science at the K–12 level, this academic success very often does not translate into college and career choices in STEM. Girls are taking more advanced placement (AP) classes overall, but fewer go on to take AP tests in STEM fields, and the differences across subject areas are pronounced. According to the College Board, which administers the AP exam, in 2016 61% of students who took the AP test in biology were girls, compared with just 23% of those who took the test in computer science.¹¹ (There is a bright spot here, in that the percentage of girls taking the computer science exam is up from 17% in 2009.¹²) The participation rate of girls in STEM-related programs of study in high school career and technical education similarly lags, at 20%.¹³

Encouraging girls to consider entering these high-growth areas is an important step in moving toward full equality. This will in turn unlock the potential for greater economic opportunity—not just for women and their families but for the country as a whole.



POSTSECONDARY EDUCATION

Gaps in women's pursuit of technical fields carry through to postsecondary studies. Across all levels of higher education (less than bachelor's through postgraduate/professional), women received more STEM degrees than men in 2012–13 (63%), but the bulk of these were in healthcare, where women received 82% of all degrees. Among the “core” STEM fields, which do not include healthcare, women earned more life sciences degrees (58%), while men received the vast majority of technician (85%), engineering (80%), and computer science (77%) degrees.¹⁴ (Core STEM fields include engineering, life sciences, physical sciences, computer and information technology, and math.)

With a growing number of students choosing community college as their first college experience, the STEM gender gap on community college campuses across this country is concerning. In 2014, only 21.7% of associate's

degrees in STEM were earned by women. Although the total number of women earning such degrees increased over the prior five years—from under 17,000 in 2009 to just over 20,000 in 2014—the percentage of STEM associate's degrees going to women has actually declined slightly since 2009.¹⁵

At the undergraduate level, women are less likely than men to concentrate on a core STEM field. In 2014, just 7.9% of female freshmen indicated that they planned to major in engineering, math, statistics, or computer science, compared with 26.9% of males (Figure 2). In one spot of good news, figures for both groups were at ten-year highs in 2014, with

“ We look at science as something very elite, which only a few people can learn. That's just not true. You just have to start early and give kids a foundation. Kids live up, or down, to expectations.”

MAE JEMISON, FIRST BLACK WOMAN IN SPACE

ENCOURAGING GIRLS IN MATH AND SCIENCE

Following are research-based suggestions for encouraging girls in math and science at the primary and secondary school levels.

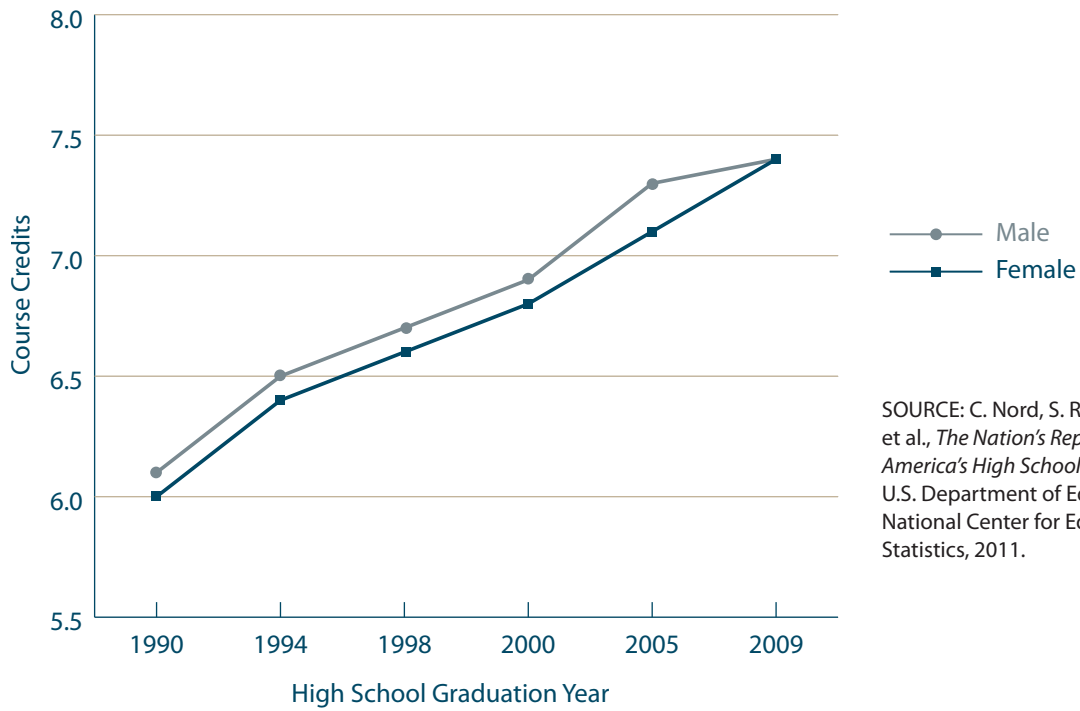
- 1. Teach students that academic abilities are expandable and improvable.** Students who are more confident about their abilities in math and science are more likely to take elective math and science courses in high school and to choose STEM-related college majors and careers.
- 2. Provide students with prescriptive, informational feedback about their performance.** Feedback that focuses on strategies, effort, and the process of learning enhances students' beliefs about their abilities and improves both persistence and performance on tasks.
- 3. Expose girls to female role models who have succeeded in math and science.** Exposing girls to female role models (e.g., through biographies, guest speakers,

or tutoring by older female students) can help invalidate the stereotype that men are better than women in math and science.

- 4. Create a classroom environment that sparks curiosity and fosters long-term interest.** Teachers can 1) choose activities connecting math and science to careers in ways that do not reinforce gender stereotypes, and 2) provide ongoing resources for students who continue to express interest in a topic.
- 5. Provide spatial skills training.** Training in spatial skills is associated with performance in mathematics and science.

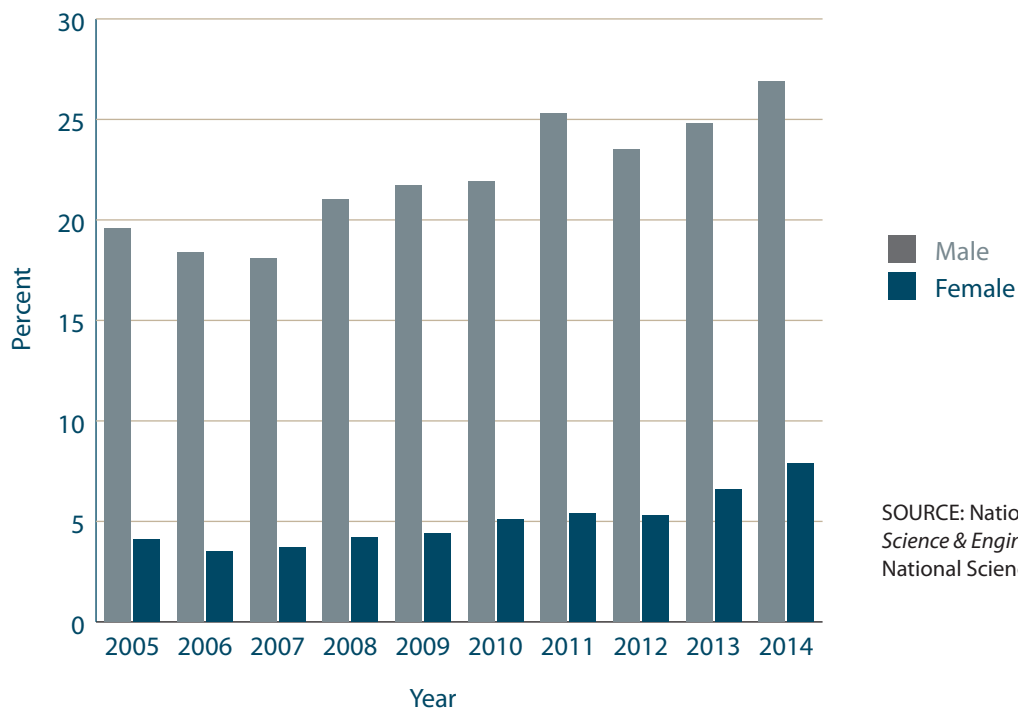
SOURCE: *Encouraging Girls in Math and Science: IES Practice Guide*, U.S. Department of Education, 2007. See <https://ies.ed.gov/ncee/wwc/Docs/PracticeGuide/20072003.pdf>.

FIGURE 1:
Average High School Credits Earned in Math and Science, by Gender, 1990–2009



SOURCE: C. Nord, S. Roey, R. Perkins et al., *The Nation's Report Card: America's High School Graduates*. U.S. Department of Education, National Center for Education Statistics, 2011.

FIGURE 2:
Percent of College Freshmen Indicating Intent to Major in Engineering, Math, Statistics, or Computer Science Fields, 2005–2014



SOURCE: National Science Board, *Science & Engineering Indicators 2016*. National Science Foundation, 2016.

The loss of women in STEM majors results in a major missed opportunity to expand our technical workforce.

women seeing the biggest one-year uptick in the past decade. The overall trend in women's attainment of STEM bachelor's degrees since 2000 is sobering, however. While women's share of degrees in biological and agricultural sciences has increased slightly, it has remained flat in most STEM fields and has actually fallen in math and computer science (Figure 3).

Retaining women in STEM courses of study is an important priority. Although they are less likely to drop out than their male counterparts, women who start off in a STEM major are

more likely to switch to a non-STEM major (Figure 4). The loss of women in STEM majors results in a major missed opportunity to expand our technical workforce.

Culture is likely a bigger culprit here than course content. Studies have found that culture, including harassment or simply a lack of female graduate students, can affect women's persistence in STEM.¹⁶ One review of student enrollment in STEM courses over a nine-year period found that attrition varied greatly by field. For example, the proportion of women taking computer science declined from 31% in the first semester to just 17% in the fourth semester, while female participation in biology increased over the same period. High attrition in many STEM fields signals a cultural problem that needs to be addressed through

ENSURING GENDER EQUITY IN COLLEGE STEM PROGRAMS

Colleges and universities can ensure equitable access to STEM education with a few simple measures, some of which are required by Title IX:

Admissions. STEM departments can eliminate some prerequisites and offer multi-level first-year courses to expand opportunities for women who may not have taken advanced high school courses or AP tests in STEM.

Recruitment. Colleges can partner with K–12 schools in their community to help all students prepare for higher education in STEM fields, provide mentors, and recruit promising students.

Scholarships and fellowships. By periodically examining financial assistance data, STEM departments can ensure that subtle gender bias has not crept into the awarding of assistantships—e.g., female students primarily getting teaching assistantships and male students receiving research assistantships.

Counseling and appraisal materials. If a school finds that a disproportionate number of students enrolled in a major are men, it must review its policies and materials to ensure that this imbalance is not due to academic advisors steering females away.

Administration of courses. STEM departments can consider how to make better use of their existing class and program evaluation tools to assess whether their program administration treats female and male students equally.

Harassment. If a school is made aware of any harassment based on gender, whether originating from students or from faculty or staff, it must take steps to end the conduct, eliminate the hostile environment, and prevent its recurrence.

SOURCE: Adapted from *Title IX and Access to Courses and Programs in Science, Technology, Math, and Engineering (STEM)*, U.S. Department of Education, Office for Civic Rights, 2012. See <https://www2.ed.gov/about/offices/list/ocr/presentations/stem-t9-powerpoint.pdf>

FIGURE 3:
Women's Share of Science and Engineering Bachelor's Degrees, by Field, 2000–2013

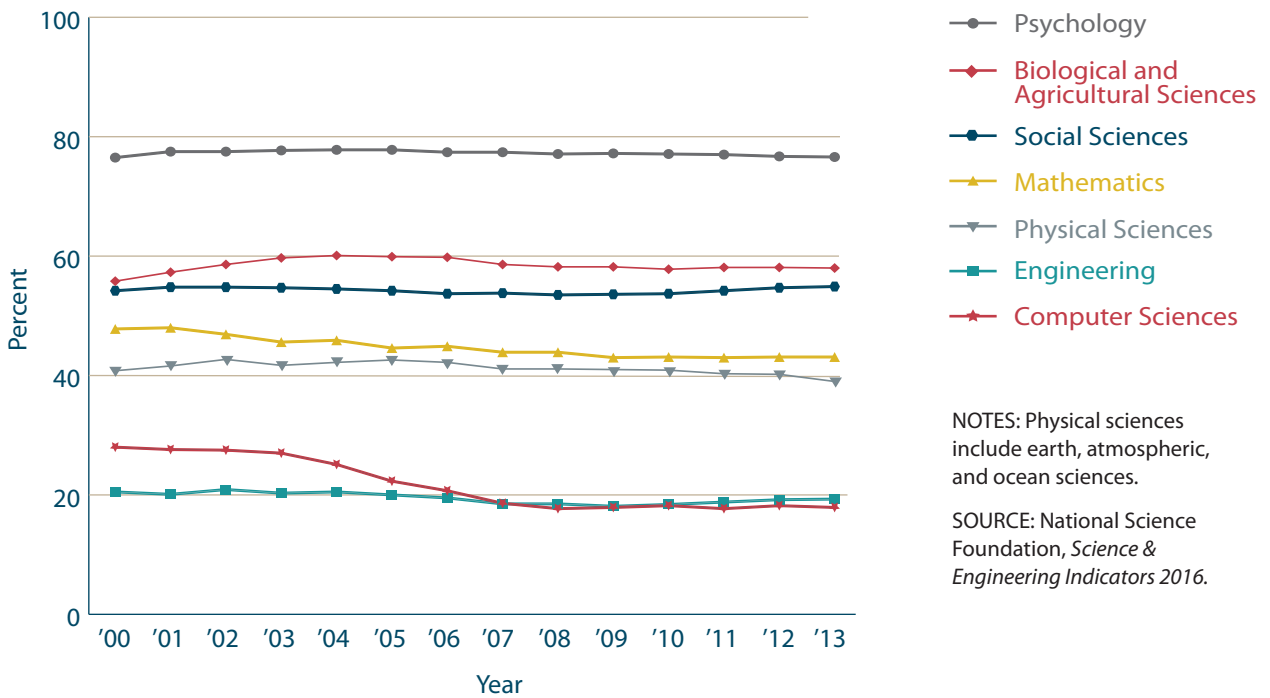
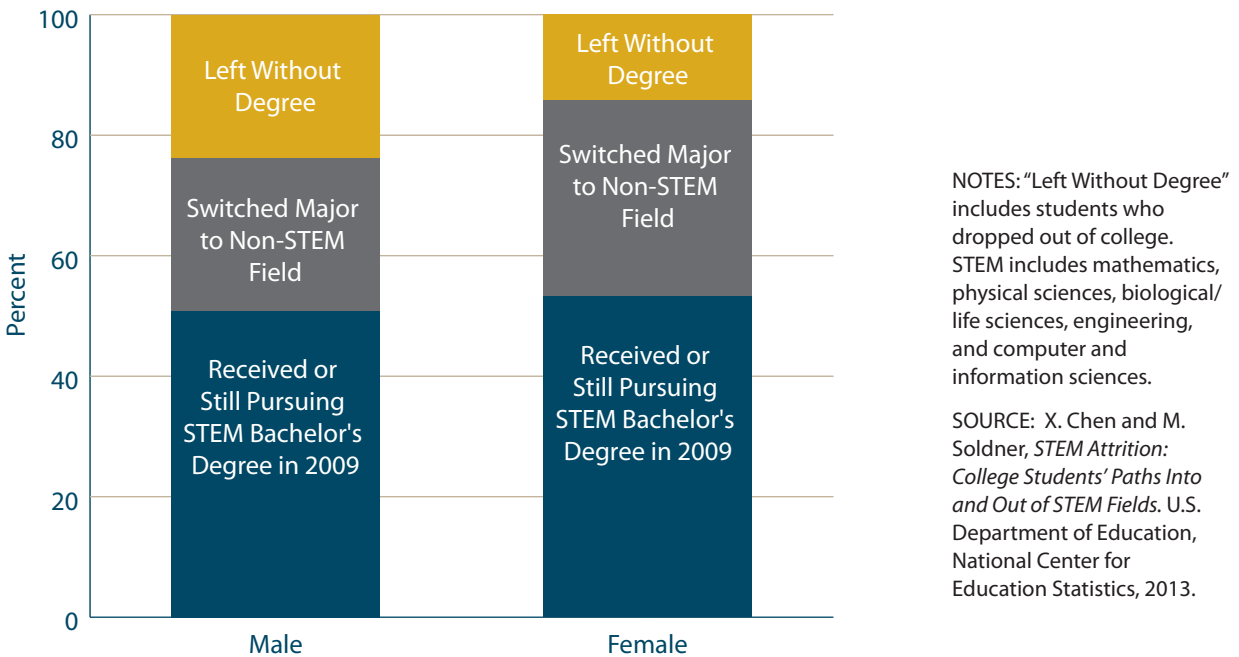


FIGURE 4:
2009 Outcomes of 2003–2004 Beginning STEM Bachelor's Degree Students



institutional and attitudinal changes as well as broader participation of women in STEM.

At the postgraduate level, women have continued to gain ground in recent years, although again with wide variation by field. The overall proportion of science and engineering doctoral degrees earned by women grew from 43% in 2000 to 48% in 2013, with the greatest gains in the natural sciences.¹⁷ The number of engineering doctoral degrees earned by women doubled during this period, with their proportion of these degrees climbing from 16% to 22%. Although women have made gains in nearly all fields, they still earned fewer than a third of doctorates awarded in math, physical sciences, and computer science in 2013.

With technology governing much of global industry, and with cybersecurity issues affecting everything from the protection of individuals' data to national safety threats, ensuring that half of the workforce has access to technology learning at all levels is essential. In addition, bringing a diversity of ideas to the technology workplace can strengthen both innovation and quality.



Academia: An Opportunity for Advancement

Since the passage of Title IX, the number of women doctorates employed in academia in STEM fields has increased tenfold, reaching approximately 114,000 in 2013.¹⁸ The share of women in all faculty ranks has risen consistently, reaching 24% of full professors, 38% of associate professors, and 45% of assistant professors in 2013 (Figure 5).

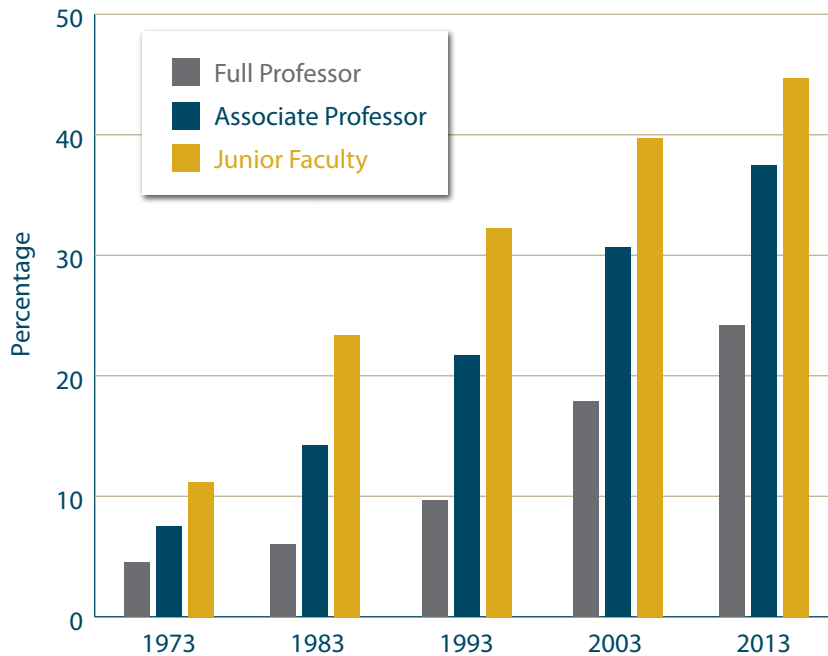
Despite these gains, women are less likely than men to be promoted to full professorship, tenure status, and the highest ranks of academia, such as deans and department chairs.¹⁹ This gap reflects a tradition of institutional practices that make it difficult for women to advance through the ranks of academia.

The academic pipeline for women in STEM fields is perpetually leaking, with the attrition of women outpacing that of men at all levels, from undergraduate school through tenured professorship. Even though many women persist through the attainment of a PhD, attrition continues at each step of career transition and promotion.

Part of the problem is that the tenure track often coincides with prime childbearing age for female academics, which can harm their chances for advancement. Typically, faculty members who do not receive tenure within a certain amount of time after obtaining a PhD will be encouraged to leave, although some institutions allow them to remain at the lower adjunct or assistant professor level. Women who have babies are 29% less likely to enter a tenure-track position than those who don't, while having children has little effect on men's likelihood of attaining promotions or tenure. Overall, women are 25% less likely to attain full professorship than men.²⁰

For faculty members who take time off to raise families, the lack of supportive policies is detrimental to their careers and ultimately harmful to the STEM workforce. Implementing flexible options, such as stop-the-tenure-clock policies for all faculty who need to take care of children or other family members, can help create a supportive culture that will filter through all levels of higher education, ultimately improving the country's ability to produce technologically skilled workers.

FIGURE 5:
Women as a Percentage of Science & Engineering Doctorate Holders Employed Full Time in Academia, by Academic Rank, 1973–2013



NOTES: Academic employment is limited to U.S. doctorate holders employed at 2- or 4-year colleges or universities, medical schools, and university research institutes, excluding those employed part time who are students or retired. Junior faculty includes assistant professors and instructors in 1973, 1983, and 1993; in 2003 and 2013, junior faculty includes assistant professors.

SOURCE: National Science Foundation, *Science & Engineering Indicators 2016*.

Expanding the U.S. STEM Workforce

As in academia, culture and expectations can make advancement in the workplace difficult for women in STEM careers, particularly those with family obligations. According to National Science Foundation (NSF) statistics, women comprise 47% of the total U.S. workforce, including more than half of all professional and related occupations, but only 25.5% of workers in STEM fields.²¹

The range of female participation in different STEM careers varies widely. According to new figures from the NSF, 48% of the workforce in life and biological sciences is female, up

from 40% in 2006. In contrast, the proportion of women working in engineering is still extremely low. Women made up 15% of engineers in 2015, up from 6% in 1983 but only a slight gain over the 2006 figure of 12%. In mathematics and computer science, the proportion of women in the workforce continues to decline, from 31% in 1983 to 27% in 2006 and less than 25% in 2015.²² It is unlikely that women’s ability in these fields has deteriorated, so this decline more likely reflects working conditions or other factors that impede female participation.

At the same time, men have made gains in several areas within healthcare that have traditionally been dominated by women, a finding that highlights the benefits of equal opportunity in STEM for all workers. For example, men made up 22% of health technicians in 2015, up from 16% in 1983. Similarly, men comprised

“ I would not trade working as an engineer for anything, and am incredibly motivated to continue in the hopes that things are easier for the women following after me.”

LATINA ENGINEER

11% of registered nurses in 2015, up from just 4% in 1983 and 9% in 2006.²³

In addition, corporations are letting employees take advantage of more flexible work options. In 1991, the Bureau of Labor Statistics found that only 14% of women had flexible work schedules. That number had climbed to 26% in 2007 and to 34% in 2012.²⁴ This flexibility will give female employees more opportunity to stay in their STEM careers.

As the global marketplace becomes more focused on technology and innovation, it's important to ensure that men and women have equal opportunities to participate and advance through the STEM pipeline. The attrition of women and girls from STEM fields does not benefit their male counterparts; rather, it removes major opportunities to increase our nation's economic competitiveness in science and technology. Institutional and workplace policies that promote the full participation of women are needed in order to take advantage of our nation's capacity for innovation.

Improving STEM Education and Research through Title IX

Title IX provisions mandate equal access to STEM courses and activities at the primary, secondary, and college levels as well as equal compensation, lab space, and institutional resources at research universities. In addition, federal agencies that award grants to education institutions are obligated to take steps to ensure that these institutions provide equal opportunities for women and girls in STEM education, including equal consideration in promotion and tenure for faculty.

Many students, and even educators, do not realize that Title IX applies to STEM. This means that compliance often goes unmonitored and infractions unreported. Compliance translates into equal treatment, from giving

WORKING ON WORKPLACE CULTURE

"When we wring our hands and ask why more women do not study STEM in schools, perhaps we should also look at how women are treated in the workplace after we get those STEM credentials." – FEMALE COMPUTER SCIENTIST

"It is disappointing how large, progressive companies still have the good old boy networks and silently expect women not to be in leadership roles." – FEMALE CHEMICAL ENGINEER

"The message I get over and over is that I am capable of getting things done right but I don't deserve the right to be promoted." – FEMALE AEROSPACE ENGINEER

"During my career, my workplace has become much more welcoming for women engineers, but there are still some lingering (and mostly subconscious) issues that arise." – MALE MECHANICAL ENGINEER

"I have noticed a direct correlation between a higher concentration of women in upper management and the attitude engineers show towards women. Having three women bosses right now I find the differing perspective and style quite refreshing." – MALE MECHANICAL ENGINEER

SOURCE: J. C. Williams, S. Li, R. Rincon, and P. Finn, *Climate Control: Gender and Racial Bias in Engineering?* Center for Worklife Law and Society of Women Engineers, 2016. See <http://research.swe.org/climate-control>.

boys and girls the same level of encouragement in the classroom, to investigating whether substantial underrepresentation of women in STEM courses results from discriminatory practices, to ensuring that research assistantships are allocated fairly.

Increasing awareness of schools' responsibilities under Title IX can help close the STEM gender gap. The U.S. Department of Education and the White House have issued several briefs and other resources to help schools understand and fulfill their obligations.²⁵ Familiarizing themselves with these materials will allow Title IX coordinators and other school personnel to oversee compliance more effectively. On campuses and in national laboratories, adver-

RESOURCES ON WOMEN AND STEM

Solving the Equation: The Variables for Women's Success in Engineering and Computing. C. Corbett and C. Hill, American Association of University Women (AAUW), 2015. Available at <http://www.aauw.org/research/solving-the-equation/>.

Debunking Myths about Gender and Mathematics Performance. J. M. Kane and J. E. Mertz, *Notices of the American Mathematical Society*, January 2012. Available at <http://www.ams.org/notices/201201/rtx120100010p.pdf>.

Title IX and STEM: Promising Practices for Science, Technology, Engineering and Math. National Aeronautics and Space Administration (NASA), 2009. Available at https://odeo.hq.nasa.gov/documents/71900_HI-RES.8-4-09.pdf.

Why So Few? Women in Science, Technology, Engineering, and Mathematics. C. Hill, C. Corbett, and A. St. Rose, AAUW, 2010. Available at <http://www.aauw.org/learn/research/whysofew.cfm>.

Title IX Coordinators Guidance Package, U.S. Department of Education. Available at <https://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html>.

Find Your Title IX Coordinator. AAUW. Available at <http://www.aauw.org/resource/find-your-title-ix-coordinator/>.

tisements or other awareness efforts would help boost compliance and therefore reduce the risk of institutions losing their federal funding.

Federal science agencies, which are responsible for ensuring that their academic grantees comply with Title IX, have an uneven track record in monitoring compliance. NASA

has done consistent compliance reviews and has published Title IX resources, including a comprehensive best practices report that can be used as a model.²⁶ The Department of Energy (DOE) and other agencies have also conducted Title IX reviews. Some agencies have been less rigorous, however. A recent report by the U.S. Government Accountability Office (GAO) found that neither the Department of Defense (DOD) nor Health and Human Services (HHS) conducted required Title IX reviews between 2009 and 2013.²⁷

In addition to lack of Title IX and STEM reviews, lack of good data on grant proposals and awards has made it difficult to monitor some agencies. The GAO report, which examined federal STEM research grants from six agencies for disparities in funding between women and men, found some inequities but also noted that poor data hindered analysis. The report concluded that this issue is serious enough to keep some agencies—specifically DOE, DOD, and NASA—from knowing whether they are meeting “their stated goals of funding the most qualified scientists.”

To remedy this problem, the GAO recommends that these agencies collect additional data on grant proposals and awards, as well as that DOD and HHS conduct required Title IX compliance reviews. Such measures will help ensure that the government supports the most valuable STEM research while promoting equity among education institutions that receive funding.²⁸

NCWGE Recommendations

- Current Department of Education guidelines for Title IX coordinators, which outline their responsibilities in ensuring equity in STEM education, should be broadly disseminated and publicized.
- Teachers should foster all students' interest in STEM by incorporating female as well as male role models into their teaching and encouraging students to take advanced classes and exams in STEM fields.

- Colleges and universities should examine their admissions and scholarship awarding practices to ensure that they do not foster discrimination. To forestall loss of talent, they should also establish standardized guidelines for tenure-track eligibility and offer a stop-the-clock option for women and men with small children.
- Federal, state, and local agencies should establish outreach and retention programs at the elementary, secondary, and postsecondary levels to engage girls and women in STEM activities, courses, and career development.
- All federal science agencies should conduct Title IX and STEM reviews and track grant award data to ensure that their grantee institutions are providing equal opportunities for women and girls in STEM, including education for students and promotion and tenure for faculty. This will help ensure that the country benefits from the work of its brightest minds.

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3. Ibid., p. 45.
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CAREER & TECHNICAL EDUCATION

A PATH TO ECONOMIC GROWTH

TITLE IX OUTLAWES SEX DISCRIMINATION in career and technical education (CTE), including training programs offered by any school or organization that receives federal funding. Equal opportunity in CTE can expand economic growth by putting training for middle- and high-wage jobs in reach for all capable students, regardless of gender. Despite Title IX protections, however, women still face hurdles in CTE, where the gender divide has women much more likely to study in areas leading to lower-wage occupations.

Measures to counter gender bias and sex stereotyping in CTE can expand opportunities for women in areas traditionally dominated by men, such as information technology (IT) and other technical fields. At the same time, encouraging gender equity in CTE will reduce barriers for men seeking entry into fields traditionally occupied by women, including high-growth areas in healthcare. Eliminating discriminatory practices in CTE therefore has important implications for all students.

Expanding opportunity in CTE is an important strategy for ensuring the future health of the U.S. economy. Measures to help women

enroll and succeed in high-wage CTE fields will increase the total pool of skilled workers, for which global demand is growing. Thus, greater

equity in CTE can both reduce the wage gap between male and female workers and benefit the economy as a whole.

CTE and Career Preparation

CTE prepares both youth and adults for a wide range of careers. These careers may require varying levels of education, including industry-recognized credentials, postsecondary certificates, and two- and four-year degrees.

CTE begins early and carries through higher education. It is offered in middle schools, high

schools, career and technical centers, community and technical colleges, and other postsecondary institutions.

TRAINING MILLIONS OF SKILLED WORKERS

According to the U.S. Department of Education's Office of Career, Technical, and Adult Education (OCTAE), almost all high school students take at least one CTE course, and one in four students take three or more courses in a single program area. In 2014, about one in five college students were involved in CTE programs, and millions of adults participated in some form of short-term postsecondary occupational training.

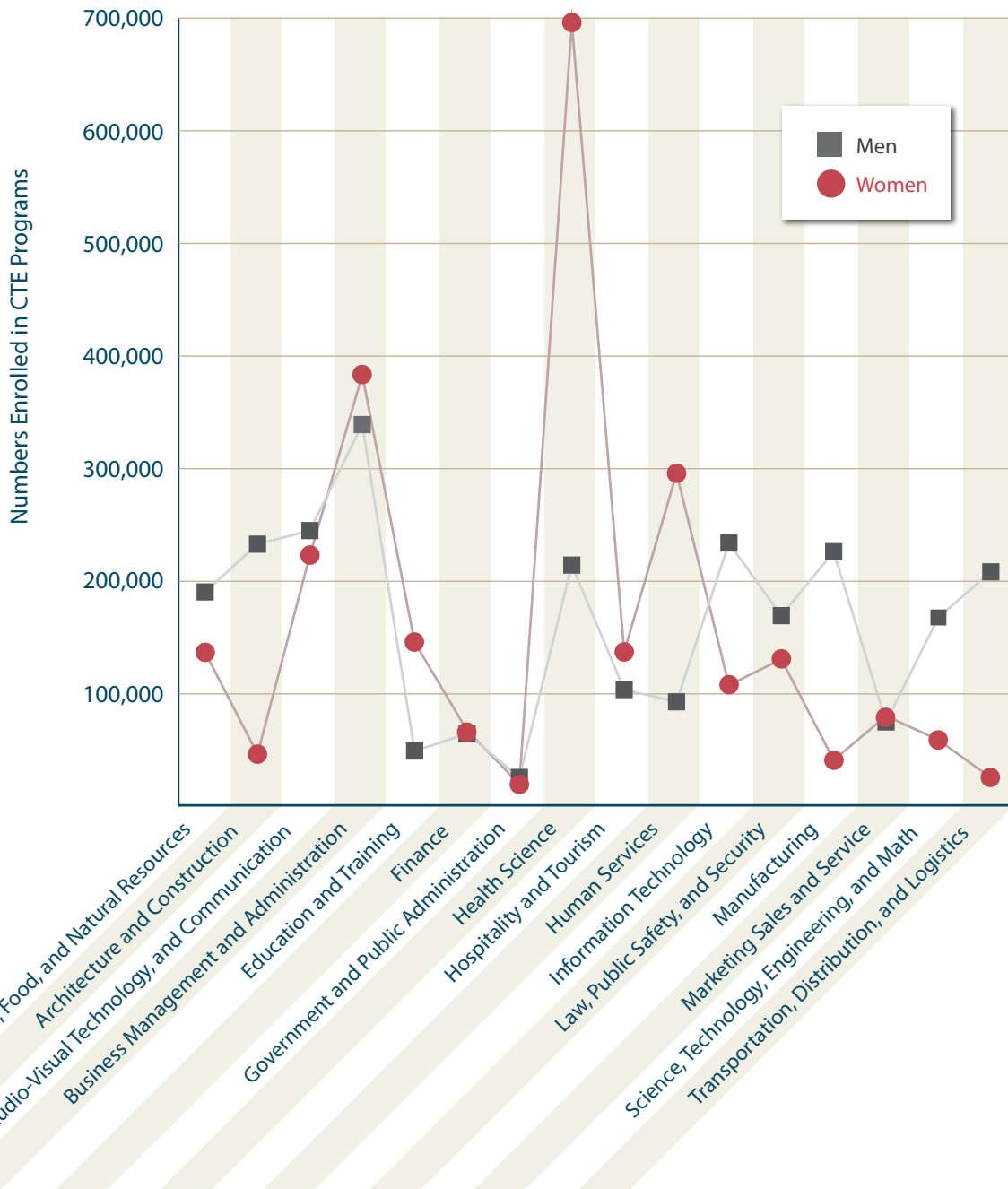
CTE is organized around 16 career clusters¹ based on a set of common knowledge and skills that prepare learners for a full range of opportunities. Figure 1 shows the distribution of enrollment for women and men in these clusters among CTE "concentrators" (students taking at least three different courses in a field). Women dominate in health science and human services, while lagging in architecture and construction, IT, manufacturing, and transportation and logistics.

Interest in postsecondary CTE has grown as the cost of four-year colleges has risen, and as postsecondary training and industry-recognized credentials have become more important in high-growth industries needed to expand the U.S. economy. Nearly 11% of all 18- to 24-year olds in the country are enrolled at a two-year college.² These students make up a large proportion of degree seekers; as of 2014, 42% of college undergraduates were enrolled in community colleges.³

KEY FINDINGS

- 1. Although women have made advances in career and technical education (CTE) since the passage of Title IX, they are still largely restricted to lower-wage fields.** Measures to counter gender stereotypes and eliminate discrimination will increase participation in industries needed to expand the U.S. economy.
- 2. Ensuring gender equity in secondary, postsecondary, and apprenticeship programs in CTE offers the promise of expanding careers** for women in technical and other trades, thus increasing the total pool of skilled workers. It can also improve men's access to high-growth fields dominated by women.
- 3. Increasing female participation in CTE programs that lead to high-wage jobs** can meet local demand for skilled workers, lower the wage gap, and improve the income potential for families.
- 4. Measures such as better tracking and reporting of data, incentives for increasing female participation** in high-wage CTE areas, and sanctions for discrimination can help ensure equal access to CTE.
- 5. Outreach efforts and funding for support services such as child care can attract and retain women** in fields where they are underrepresented. States, schools, other organizations taking part in these efforts are seeing impressive success rates, which will help drive future economic growth.

FIGURE 1:
Enrollment of CTE Concentrators in CTE Programs by Gender and Career Cluster Area, Program Year 2013–2014



SOURCE: Carl D. Perkins Career and Technical Education Act of 2006: Report to Congress on State Performance, Program Year 2013–14. U.S. Department of Education, Office of Career, Technical, and Adult Education (OCTAE), 2016.



For students with young families, CTE offers a path to steady-wage careers. Some 30% of community college students are parents of children under age 18. For women, the figure is close to 40%, including 2 million single mothers.⁴

SHRINKING THE WAGE GAP

Women are more likely than men both to hold four-year degrees and to work in middle-skill occupations that require some additional training or college certification beyond high school completion.⁵ Yet, as Figure 2 shows, women are much less likely than men to work in well-paid middle-skill occupations.

Women are concentrated in fields such as child care, preschool education, home care, and hairdressing—all occupations with median earnings for full-time work that would leave a family of three in near-poverty.⁶ These occupations tend to have much lower earnings than occupations that are more gender balanced or that have a predominantly male workforce. Middle-skill occupations where women dominate (making up 75% or more of the workforce) pay median wages of just 66 cents for every dollar in middle-skill occupations where men similarly dominate. Yet training and educational requirements for female- and male-dominated occupations are broadly equivalent.⁷

Expanding Opportunity in CTE

One of the purposes of Title IX was to expand opportunity in CTE by ending discrimination among education institutions that routinely denied students admission into classes deemed “improper” for their sex. Historically, vocational classes were restricted by gender: men took shop and automotive courses, while

As the current workforce ages, many well-paid occupations in which women make up a minority of workers—such as IT, transportation and logistics, advanced manufacturing, and construction—are projected to have a growing number of job openings for new generations of skilled workers. Through CTE, women can gain the knowledge and skills required to enter these higher-paying, “nontraditional” occupations (defined by law as those in which less than 25% of the workforce is of their gender).

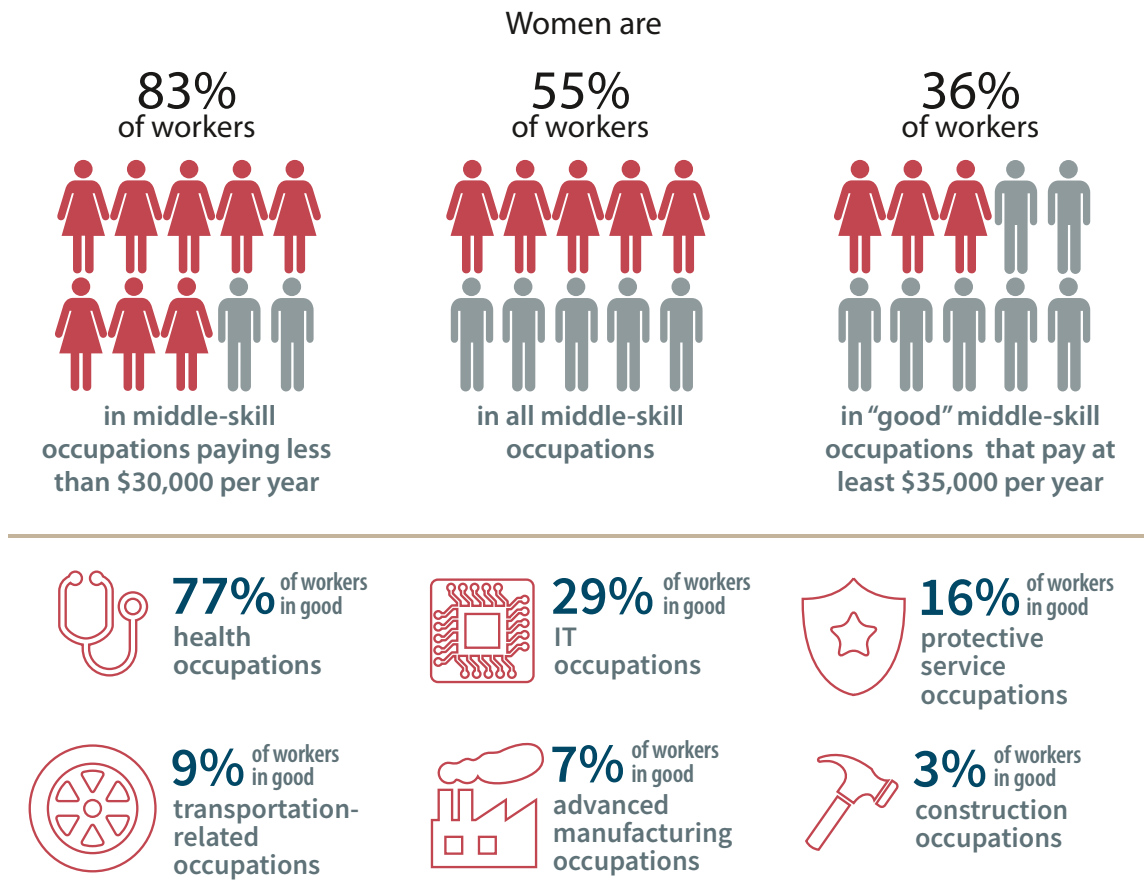
Gaining skills and qualifications in a nontraditional occupation can substantially increase the return on investment in education. For example, 80% of librarians (84% of whom are women) have at least a master’s degree, but their earnings are no higher than those of computer user support staff (75% men), the majority of whom have an associate’s degree or less.⁸

Expanding access to high-paid technical occupations can be a major factor in shrinking the gender wage gap. To achieve this end, participation and achievement in CTE should not be bound by sex separation, gender stereotypes, harassment, or other barriers that prevent girls and women from succeeding. Removing these barriers can help women—including single mothers, pregnant and parenting students, and those seeking to end their reliance on public assistance—become economically self-sufficient.

women took classes in child care, cosmetology, typing, and home economics. This separation reinforced gender stereotypes and limited choice for both women and men.

Title IX made it unlawful for schools to steer students into CTE classes based on their

FIGURE 2:
Women’s Share of Middle-Skill Occupations, 2014



SOURCE: A. Hegewisch, M. Bendick Jr., B. Gault, and H. Hartmann, *Pathways to Equity: Narrowing the Wage Gap by Improving Women’s Access to Good Middle-Skill Jobs*. Institute for Women’s Policy Research (IWPR), 2016.

gender. Further, it required schools to take steps to ensure that disproportionate enrollment of students of one sex in a course was not the result of discrimination.

Despite these protections, many hurdles remain for women in CTE. These hurdles keep women from achieving their full earning potential, with implications for the nation’s economy as a whole.

BARRIERS TO EQUALITY

Barriers to equality in CTE range from a lack of role models and information on nontraditional fields to overt discrimination. Students may also face career counseling biased by gender

stereotyping, unequal treatment by teachers, and various types and degrees of sexual harassment. Although these issues disproportionately affect girls and women, they can impede boys and men as well.

Girls and women are discouraged from pursuing traditionally male training programs in ways that are both subtle—such as an instructor inadvertently allowing male students to monopolize attention—and not so subtle—such as a guidance counselor telling a student that an electronics course is “not for girls.” Those who brave the barriers to take nontraditional courses often face an unwelcoming atmosphere, and many report being harassed.⁹

Men may be similarly discouraged from taking nontraditional courses, including courses in relatively high-growth, high-wage fields such as nursing and paralegal work, as well as in lower-wage fields like child care. Title IX protects men as well as women, so discrimination in these settings is also unlawful.

For those who can overcome barriers, the benefits gained from training in nontraditional CTE areas are substantial. One recent survey found that women who completed training in a nontraditional field were significantly more likely to find employment after program completion than women who trained in other fields.¹⁰

LEADERSHIP FOR CHANGE

In the 45 years since the passage of Title IX, there has been a gradual increase in the number of women and girls in technical and other occupational programs leading to nontraditional careers. According to state-level data from OCTAE, women’s participation in secondary nontraditional CTE programs increased from close to 0% in 1972 to 27.6% nationally in 2013–2014.¹¹

Because of the lack of uniform definitions and reporting procedures, much of this gain is likely attributable to female participation in broadly defined categories such as arts, audiovisual technology, and communications; nonetheless, women have made some progress. Men have also made gains in nontraditional fields for their gender, with those preparing for teaching and nursing careers, relatively high-paying occupations, growing steadily.

The federal statute that funds CTE, the Carl D. Perkins Career and Technical Education Act of 2006 (known as the Perkins Act), requires states to set targets for performance in nontraditional enrollment and completion by gender. A handful of states have boosted female participation and completion to unprecedented levels. For 2015, eight states reported female participation in nontraditional fields of at least 40% at the secondary level, and two reported participation of 40% or more at the postsecondary level—well above the national average (Table 1).

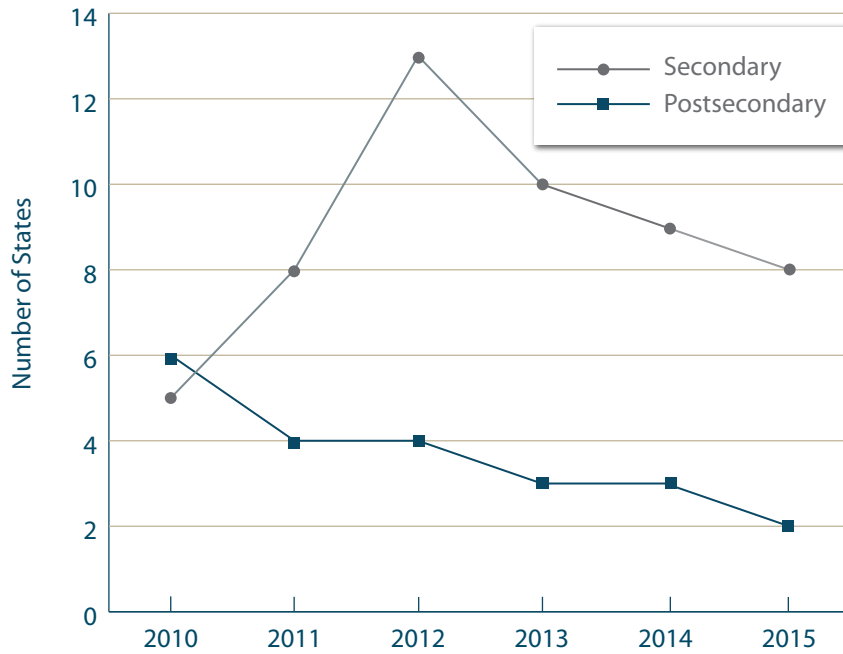
Progress at the state level has been uneven, however. Although overall national averages of

TABLE 1:
States with High Female Participation in Nontraditional Perkins-Funded CTE Programs, 2015

SECONDARY PARTICIPATION OF 40%+	POSTSECONDARY PARTICIPATION OF 40%+
California	Kansas
Utah	Alabama
Washington	
South Dakota	
Texas	
Massachusetts	
Florida	
Arizona	
National average: 34.1%	National average: 32.8%

SOURCE: IWPR and National Alliance for Partnerships in Equity (NAPE) analysis of U.S. Department of Education OCTAE data, April 2017.

FIGURE 3:
Number of States with Female Participation of 40% or More in Nontraditional CTE Programs at the Secondary or Postsecondary Level, 2010–2015



SOURCE: IWPR and NAPE analysis of U.S. Department of Education OCTAE data, April 2017.

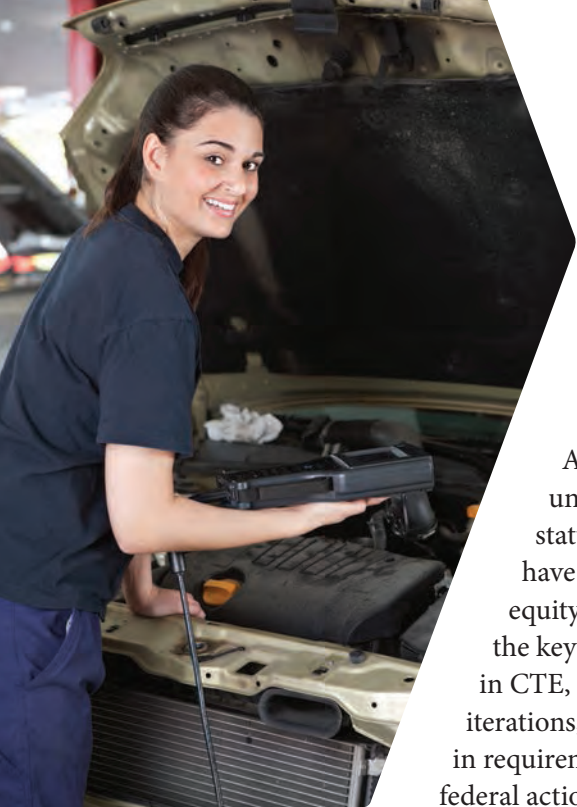
women studying in nontraditional CTE fields increased slightly between 2010 and 2015, the number of states making strong progress has actually declined in recent years. In 2015, just 2 states had female participation of at least 40% in nontraditional CTE fields at the postsecondary level, down from 6 in 2010. At the secondary level, the number spiked from 5 states in 2010 to 13 in 2012 before declining to 8 in 2015 (Figure 3).

Despite women’s gains in nontraditional fields as a whole, the rate of female enrollment in certain career clusters remains at stubbornly low levels, with some well beneath the 25% threshold. As shown in Figure 4, women made up a quarter or less of participants in STEM programs nationally (25% at the secondary level and 23% at the postsecondary level), and much lower percentages in manufacturing (14% and 11%, respectively); architecture and construction (15% and 10%); and transporta-

tion, distribution, and logistics (9% and 8%).¹²

Experience shows that obstacles to equity in CTE can be overcome by a commitment to change from the institution’s leadership. Schools that have taken measures designed to reduce gender stereotyping and expand access across programs have had success in enrolling and retaining students in CTE focused on areas that are nontraditional for their gender.¹³ Successful measures include tracking information on program participation and outcomes, assigning staff to





monitor and coordinate activities, providing specialized professional development

for career counselors and educators, forging partnerships with employers, and introducing students to role models. (See the boxed insert near the end of this chapter for examples.)

Title IX and Equity in CTE

As with other areas covered under Title IX, federal statutes and regulations can have a major impact on gender equity in CTE. The Perkins Act, the key statute governing equity in CTE, has undergone several iterations, with accompanying shifts in requirements and funding. Other federal actions have also affected Title IX as it relates to CTE.

A HISTORY OF SHIFTING SUPPORT

Support of CTE, and specifically of women in CTE, has an uneven legislative history. In 1976, Congress amended the Vocational Education Act to require states to hire a “sex equity coordinator.” Each state received \$50,000 to support this position. In 1979, the U.S. Department of Education’s Office for Civil Rights (OCR) issued guidelines to reduce discrimination in vocational education, requiring states to collect and report data, conduct compliance reviews, and provide technical assistance.¹⁴

With passage of the Perkins Act in 1984, Congress put additional muscle behind this effort, requiring states to set aside 3.5% of their CTE funding for programs to eliminate sex bias and stereotyping. Another 8.5% was to serve individuals with significant barriers to occupational skill training, including those returning to the workforce after caring for family members, single parents, and pregnant or parenting teens. By 1997, the number of sex equity programs exceeded 1,400 across the country.¹⁵

In 1998, the reauthorization of the Perkins Act removed most of these requirements and set-asides except for a small reserve of \$60,000 to \$150,000 a year for state “leadership activities” for students preparing for nontraditional careers. The law created performance measures requiring states to increase participation in and completion of nontraditional CTE programs among both men and women, but provided no incentives or sanctions.

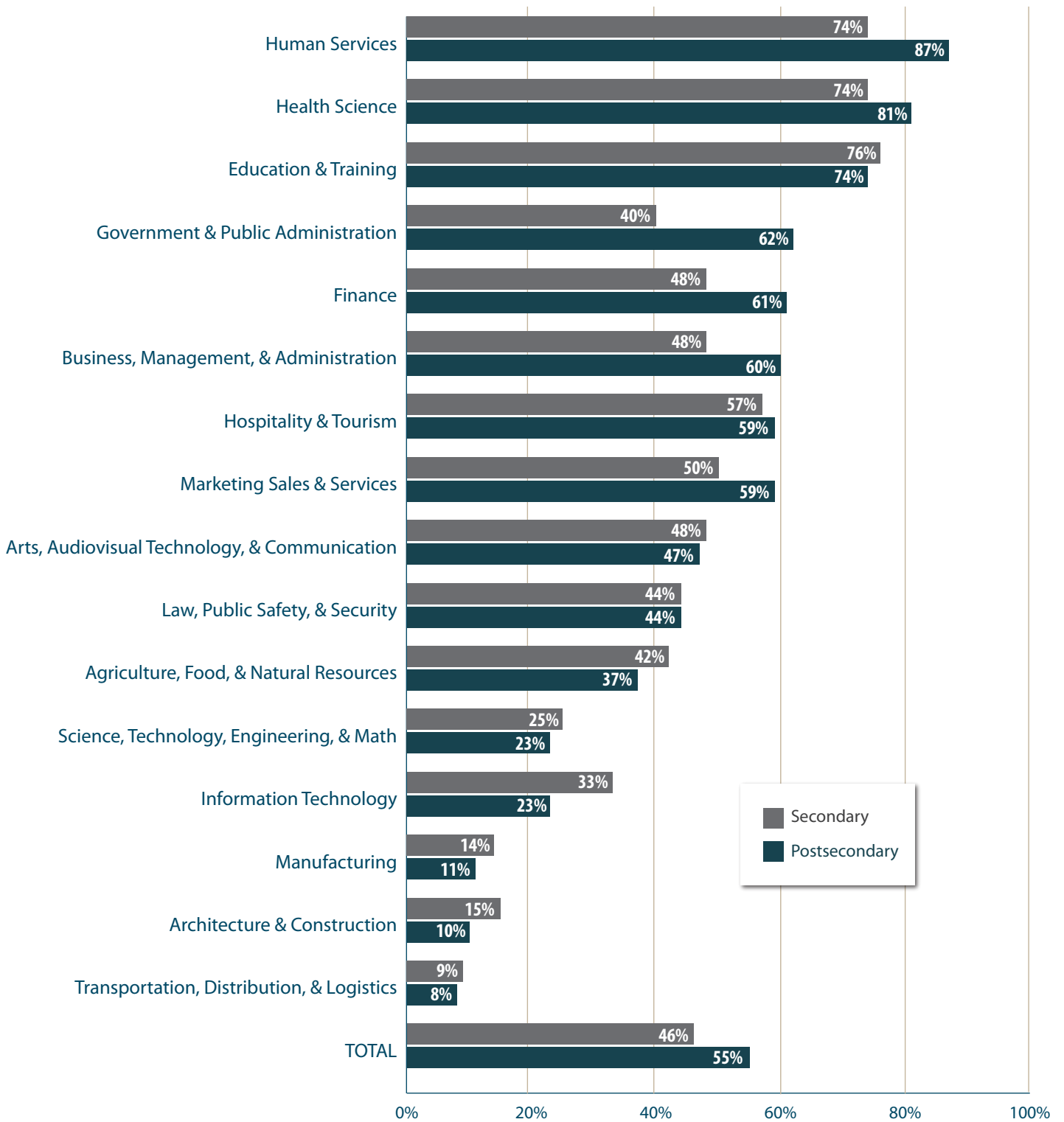
The most recent iteration of the law, adopted in 2006, continued the approach of requiring states to meet negotiated targets for placing men and women into programs leading to nontraditional occupations. This time, however, the law authorized sanctions and required performance triggers for state and local improvement plans. The legislation also retained the state set-asides for students preparing for nontraditional fields.

RECENT LEGISLATION AND GUIDANCE

Although reauthorization of the Perkins Act is still pending, additional legislation and guidance from Congress and the Department of Education have made some advances in expanding opportunity in CTE. The Perkins reauthorization offers additional opportunities for promoting equality in this important area.

The Workforce Innovation and Opportunity Act (WIOA). This legislation, which took effect in 2015, mandates greater integration between job training activities funded through WIOA and CTE activities funded through Perkins. It also mandates state plans outlining goals for

FIGURE 4:
Women’s Share of Secondary and Postsecondary Enrollment by Career Cluster, 2014–2015



SOURCE: IWPR and NAPE analysis of U.S. Department of Education OCTAE data, April 2017.

preparing an educated and skilled workforce in consultation with the state's Perkins agencies.¹⁶

WIOA highlights the critical contribution of apprenticeships in building workers' skills and establishing pathways to good jobs.¹⁷

RESOURCES ON TITLE IX IN CTE

Pathways to Equity: Narrowing the Wage Gap by Improving Women's Access to Middle-Wage Jobs.

Institute for Women's Policy Research (IWPR), 2016.

Available at http://womenandgoodjobs.org/wp-content/uploads/2016/03/Middle-skills_layout-FINAL.pdf.

Carl D. Perkins Career and Technical Education Act of 2006: Report to Congress on State Performance, Program Year 2013–2014.

U.S. Department of Education, Office of Career, Technical, and Adult Education (OCTAE), 2016. Available at https://s3.amazonaws.com/PCRN/uploads/Perkins_RTC_2013-14.pdf.

National Center for Innovation in Career and Technical Education. Research and resources available at <http://ctecenter.ed.gov/>.

CTE Policy Watch. Association for Career & Technical Education. Available at <http://ctepolicywatch.acteonline.org/>.

Nontraditional Career Preparation. A section of the National Alliance for Partnerships in Equity (NAPE) website, with a literature review and other resources. Available at <http://www.napequity.org/nontraditional-career-preparation/>.

Undervalued and Underpaid in America: Women in Low-Wage, Female-Dominated Jobs. IWPR, 2016. Available at <https://iwpr.org/publications/undervalued-and-underpaid-in-america-women-in-low-wage-female-dominated-jobs/>.

Increasing Opportunities for Low-Income Women and Student Parents in Science, Technology, Engineering, and Math at Community Colleges. IWPR, 2012. Available at <https://iwpr.org/publications/increasing-opportunities-for-low-income-women-and-student-parents-in-science-technology-engineering-and-math-at-community-colleges/>.

Find Your Title IX Coordinator. American Association of University Women (AAUW). Available at <http://www.aauw.org/resource/find-your-title-ix-coordinator/>.

Apprenticeships are particularly common in the building trades but are growing in a range of other middle-skill occupations (e.g., chef, dental assistant, law enforcement agent, and truck driver, among others). Apprenticeships are valuable because they offer the opportunity to gain industry-recognized certification while earning a wage. The average starting wage of an apprentice is about \$15/hour; a worker with a completed apprenticeship can expect earnings of \$50,000 and up annually.¹⁸

Apprenticeship programs must follow affirmative action programs to ensure equal opportunity, but even so, only 7% of apprentices are women.¹⁹ Pre-apprenticeship programs, which typically receive some federal funds and thus are subject to Title IX, can play an important role in helping women enter and succeed in apprenticeship programs.²⁰

OCR guidance. In June 2016, OCTAE and OCR teamed up to release a guidance document on Title IX and CTE in the form of a “Dear Colleague” letter.²¹ The document outlines schools’ obligations to prevent and remedy sex discrimination in CTE programs, including in recruitment, admissions, and counseling. It also provides information on the prohibition of sexual harassment, the rights of pregnant and parenting students, grievance procedures, and the role of the Title IX coordinator in ensuring equitable opportunity in CTE. Finally, it provides examples of Title IX violations, such as sex-based harassment of women in a male-dominated course, along with required remedies.

Perkins reauthorization. In September 2016, the House passed its version of the Perkins reauthorization legislation (titled the Strengthening Career and Technical Education for the 21st Century Act) with a vote of 405-5. The bipartisan bill incorporated most of the gender equity provisions in the current law, including the state leadership set-aside, the indicator of participation in nontraditional programs, and

SUCCESSFUL CTE EQUITY PROGRAMS

WELDING AT ROSEBURG HIGH SCHOOL

After implementing NAPE's Program Improvement Process for Equity™ (PIPE), Roseburg High School in Oregon saw a ninefold increase in the number of young women in its welding program (from 4 to 38). Welding has high projected job growth and good earnings; it is part of the region's manufacturing workforce development priority.

Roseburg identified the causes for low female enrollment in welding by surveying some 1,300 students. Reasons given included parents' attitudes, scheduling issues, reaction from friends,

and lack of encouragement from counselors. Roseburg responded with a variety of strategies to encourage greater enrollment, including seeking buy-in from welding instructors and organizing open houses to let parents and students explore the facility and learn about career prospects. The school also had students try out all CTE programs before making their enrollment choices.

These measures helped young women feel welcome and provided a low-risk learning environment. Gains in female enrollment have persisted since these changes were made.

MANUFACTURING AT RAISE THE FLOOR

Raise the Floor at Gateway Community and Technical College in Kentucky recruits, trains, supports, and places women in manufacturing jobs. The program began in 2014 to meet projected job openings in manufacturing and to improve opportunity in women's employment.

Raise the Floor connects participants with partner organizations to provide support services, includ-

ing assistance with child care and transportation, as well as help in applying for public benefits. Participants work with a case manager and an academic counselor, and meet regularly with peers to discuss obstacles and successes.

Out of the 77 students who have completed the program, 60 are employed or in school full-time, including 33 who are employed in manufacturing.

NAPE'S STEM EQUITY PIPELINE

NAPE's STEM Equity Pipeline provides a suite of professional development offerings focused on increasing the participation and completion of women in high school and community college STEM fields and in STEM-related CTE programs. By working with state leadership teams, the project has been successful in influencing state policy, increasing resource investment, and integrating gender equity into professional development for STEM and CTE educators in 20 states.

At local pilot sites, teams of administrators, teachers, counselors, and students conduct a performance gap analysis, identify causes for gaps, and implement research-based strategies to increase women's participation in STEM programs. Examples of outcomes include an increase in female participation from 0% to 33% in pre-engineering; from 0% to 43% in design technology; from 12% to 36% in auto technology; and from 15% to 55% in advanced-level math.

CONNECTICUT REGIONAL CENTER FOR NEXT-GENERATION MANUFACTURING

With funding from the National Science Foundation, the Connecticut College of Technology (COT)—a virtual organization serving 12 community colleges—prepares students for STEM careers in high-demand fields such as lasers,

photonics, precision manufacturing, and alternative energy. The program allows high school students to receive credit for dual-enrollment programs in engineering and technology at nearby community colleges.

continued on next page

SUCCESSFUL CTE EQUITY PROGRAMS (CONT.)

A concerted effort to engage women has had tangible results. For example, women make up a majority of participants in a program that pairs students with peers from four-year institutions to work on joint technology projects. COT encourages female students to mentor each other across

campuses and interact with members of women's professional associations, who participate in events and seminars. Family-friendly policies include child care provision on all campuses, as well as the ability to take classes and even some laboratories online.

BUILDING PATHWAYS BOSTON

Building Pathways is a pre-apprenticeship program in Boston that prepares participants for a career in construction. Supported by construction unions, the program was set up to reach a more diverse pool of apprentices. Through outreach and support, Building Pathways has succeeded in this goal; half of the program's participants are women and more than 90% are people of color.

The 6-week program gives participants basic knowledge about apprenticeship in the build-

ing trades, including the tools and math skills required. A partnership with the Boston Build Trades Council ensures that graduates are connected with the building trades apprenticeship network.

The program also has close partnerships with the Policy Group on Tradeswomen's Issues and local contractors and employers. Working together, they have increased the number of women apprentices in Boston by 260% in just four years.

improvement plan requirements. It also added provisions for conducting a gap analysis of students by gender, race, and special population status to guide state and local planning. The bill eliminated sanctions but increased the rigor of the improvement planning process.

Because the Senate did not complete its own reauthorization proposal in the 114th Congress, the reauthorization process restarted in the 115th Congress. In May 2017 the House again introduced reauthorization legislation, which the Education and Workforce Commit-

tee passed.²² As of this report's release, no further action had been taken.

FUTURE PROGRESS

With a large population of students pursuing CTE, legislation protecting equal access to nontraditional and high-wage fields is critical for advancing economic opportunity among both women and men. In particular, ensuring equity in CTE programs in high-growth technical, health, and other fields will help expand the professional workforce, increasing the nation's overall productivity and competitiveness.

NCWGE Recommendations

- Institutions offering CTE programs should make a concerted effort to reduce gender inequities by training career counselors and educators in their Title IX responsibilities, establishing inclusive outreach efforts, partnering with employers to create a school-to-work pipeline, and introducing role models that counter gender stereotypes.
- Local, state, and federal decision making must include gender equity in CTE as a quality standard before investing in the

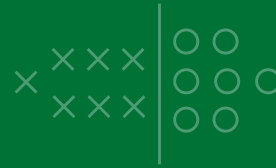
development, improvement, or expansion of CTE programs.

- Schools, municipalities, and states should track data on program participation and outcomes in order to identify and address performance gaps. To target improvements that will have the most economic impact, gender-specific data should be cross-tabulated with other demographic characteristics, including race, socioeconomic status, disability, and parental status.
- Apprenticeship and pre-apprenticeship programs in construction and other fields with high projected skill shortages should strive to attract and retain women by targeting recruitment efforts, training, and support systems to their needs.
- New legislation should continue to include accountability measures and improvement plans, and should reinstate sanctions, to hold states and municipalities accountable for increasing women's completion of CTE programs that prepare them for high-wage careers.
- Congress should legislate requirements for leadership and investments at the state and local levels to implement research-based strategies for increasing female participation and achievement in nontraditional CTE programs.

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TITLE IX AND ATHLETICS

LEVELING THE PLAYING FIELD LEADS TO LONG-TERM SUCCESS

AT THE 2016 SUMMER OLYMPIC Games in Rio de Janeiro, the U.S. Olympic team fielded a record 292 female athletes. These women not only outnumbered their male teammates, they formed the largest group of women ever to compete in Olympic history. The U.S. women earned 61 medals at the games, more than any other group—male or female—from any country. U.S. women performed similarly well in the Paralympic Games, earning 70 of Team USA's 115 medals.

In the wake of the games, many players, coaches, and commentators have noted the impact of Title IX on the success of U.S. women athletes. Figures from the past 45 years of international competition support this connection. In 1972, the year the legislation passed, the U.S. summer Olympic team's 400 athletes included just 84 women; the trend in female participation and success has been upward ever since.¹

While most have lauded the new heights of achievement reached by U.S. women athletes, a few naysayers have resurrected the complaint that by

granting female students equal access to school sports, Title IX somehow discriminates against male athletes. In fact, the success of U.S. women in the global sports arena not only affirms the value of Title IX, it negates the claim that girls and women don't deserve equal access to athletics because they don't have the same level of interest as their male counterparts.

Although the athletic provisions of Title IX are probably the most well-known aspects of the legislation, myths about the requirements

and impact of Title IX are prevalent. The law requires that schools treat the sexes equally with regard to participation opportunities, athletic scholarships, and the benefits and services provided to male and female teams. It does not require that schools spend the same amount on both sexes, nor has it resulted in reduced opportunities for boys and men to play sports.

Despite substantial gains since the passage of Title IX, the playing field is still not level for girls and women. Compared with their male counterparts, girls are twice as likely to be inactive, enter into sports later in life, drop out of sports earlier in life, and have fewer opportunities to participate in both high school and college sports. Greater enforcement of Title IX and diligent efforts to advance women and girls in sports are still necessary to achieve truly equal opportunity on the playing fields.

KEY FINDINGS

- 1. Title IX has led to unprecedented participation and success for girls and women in sports.** With more opportunities to play, the number of female high school athletes has risen more than tenfold in the past 45 years, while seven times as many women compete in college sports. These gains have helped elevate U.S. women's sports both nationally and internationally.
- 2. Participation in sports confers health and social benefits that extend well beyond school.** Female athletes are less likely to develop health problems, less likely to engage in risky behavior, and more likely to do well in school than their non-athlete peers. They also develop leadership skills that can help them succeed professionally.
- 3. These gains have not come at the expense of male athletes.** In fact, participation in sports among boys and men has continued to expand under Title IX, at both the high school and the college level.
- 4. Attacks on Title IX often spring from misconceptions about the law.** In specifying equal opportunity for women and girls in sports, the law does not mandate quotas or lower opportunities for male athletes.
- 5. Despite many gains over the past 45 years, more needs to be done to address barriers for girls and women in sports.** Greater enforcement of the law by the federal and state governments, self-policing of compliance by schools, and greater transparency of information on sports participation and spending will help bring about a truly level playing field that will benefit all.

Despite substantial gains since the passage of Title IX, the playing field is still not level for girls and women.

Greater Opportunity = More Participation for Everyone

Opportunities for girls and women in athletics have increased exponentially since the passage of Title IX. During the 1971–1972 school year, immediately before the legislation passed, fewer than 300,000 girls participated in U.S. high school athletics. To put that number in perspective, just 7% of all high school athletes were girls. In 2015–2016, the number of female athletes had climbed more than tenfold to 3.3 million, or 42% of all high school athletes (Figure 1).²

Title IX has also had a huge impact on women's participation in college athletics. In 1971–1972, fewer than 30,000 women participated in college sports. In 2015–2016, that number exceeded 214,000—about 7 times the pre-Title

FIGURE 1:
Male and Female Participation in High School Sports, 1972–2016

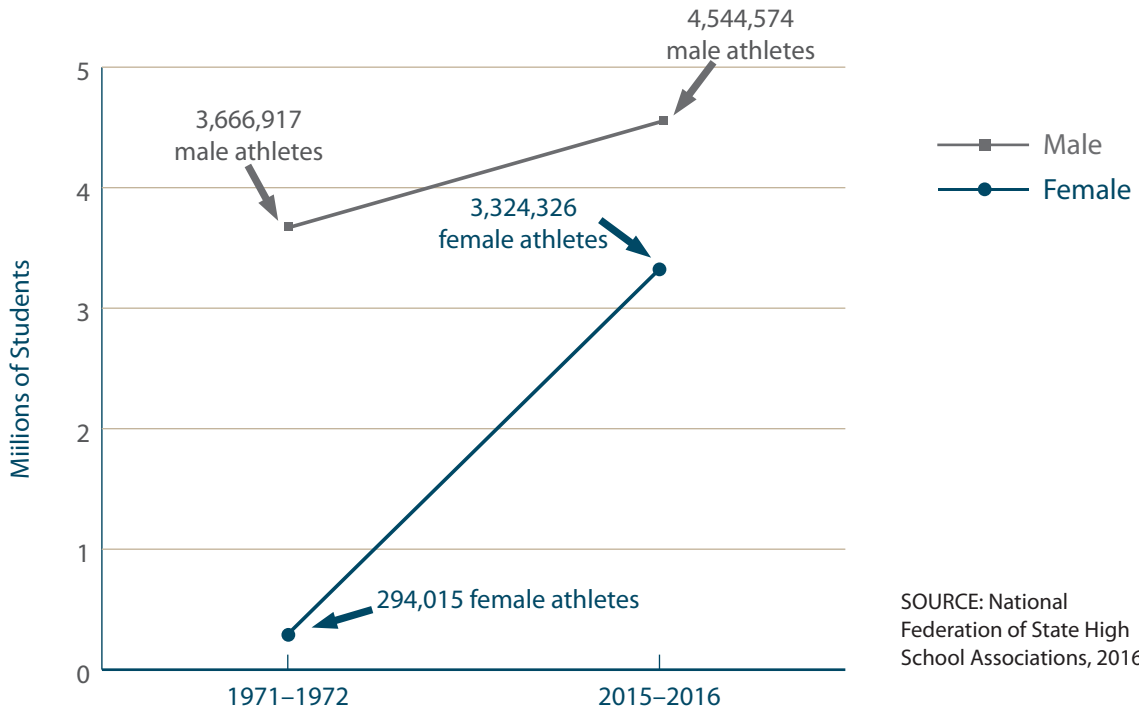
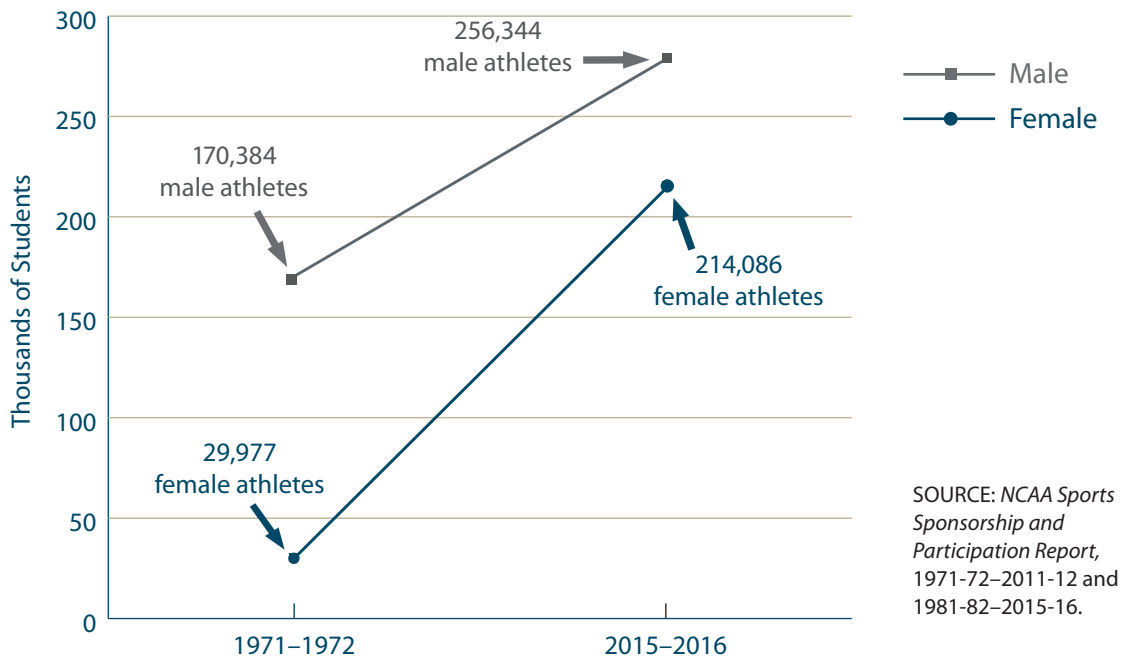


FIGURE 2:
Male and Female Participation in College Sports, 1972–2016



IX rate (Figure 2).³ In 1972, women received only 2% of schools' athletic budgets, and athletic college scholarships for women were nonexistent.⁴ In 2013–2014, women received 47% of the athletic scholarship dollars at Division 1 schools, although their overall funding continues to lag.⁵

As the graphs show, greater female participation in school sports has not caused a decline among boys and men. In fact, male participation in both high school and college athletics has continued to *increase* since Title IX's enactment, and males continue to have more opportunities to participate in sports than females at all school levels.

The same is true of funding. As an example, in Division 1-FBS (the most competitive college division, formerly Division I-A), median

expenditures have doubled for men as well as for women since 2004; expenditures for women are still less than half those for men (\$10.6 million vs. \$26.1 million). Moreover, median expenses per athlete in every category of Division I (FBS, FCS, and Division 1 without football) have increased more rapidly for men than for women over the past 10 years.⁶

Despite the gains over the past 45 years, much work remains to be done to ensure equal access to school sports. Girls' and women's participation still lags behind that of their male counterparts, and the sharp increases in female participation through the beginning of the decade have leveled off in recent years. Given the proven benefits of athletics, it is essential that women and girls be given equal opportunities to participate.

Health and Social Benefits of Sports

The benefits of participation in athletics for girls and women encompass both immediate and long-term health advantages. They also confer a range of academic and social benefits that can have a deep and lasting impact.

Many of the benefits linked to sports participation offer a positive trajectory for later physical, social, emotional, educational, and economic outcomes. These benefits apply beginning in elementary school and carry through to all points of entry into athletics during childhood and adolescence.

BETTER SHORT-TERM AND LONG-TERM HEALTH

Sports can have a major impact on girls' and women's health. It is well documented that regular physical activity can reduce the risk of obesity for adolescent girls, making it an important strategy for combating obesity-related health issues.⁷ These benefits are long lasting; one study found that women who played sports while young had a 7% lower risk of obesity 20–25 years later, when women were in their late 30s and early 40s.⁸ The study notes that while a 7% decline in obesity is modest, “no other public health program can claim similar success.”

Obesity is a concern for all girls, but particularly for those of color. Of girls aged 2–19, obesity affects 15% of white girls, 21% of African American girls, and 22% of Hispanic girls.⁹ Because girls of color often have limited out-of-school sports opportunities in their communities and face other challenges to participation



(e.g., financial and transportation needs), they are more likely to participate in sports through school than through private organizations.¹⁰ This makes it even more critical that they have equal access to school-sponsored sports to enable them to be physically active.

The long-term health benefits of participation in school athletics extend well beyond combating obesity. Regular physical activity also decreases a young woman's chance of developing a range of other diseases, including heart disease, osteoporosis, and breast cancer.¹¹ Given the high social and financial costs of such illnesses, the societal benefits of school sports programs can be enormous.

The direct health benefits of increased activity may come as no surprise, but participation in sports can have less obvious benefits as well. For example, girls and women who play sports have higher levels of confidence and self-esteem and lower levels of depression than those who don't. They also have a more positive body image and experience higher states of psychological well-being.¹²

Sports participation can also affect risk behaviors. High school athletes are less likely to smoke cigarettes or use drugs than their peers who don't play sports.¹³ One study found that female athletes are 29% less likely to smoke than non-athletes.¹⁴ Given the high costs of smoking-related illnesses and deaths, these figures are significant. Moreover, adolescent female athletes have lower rates of both sexual activity and unintended pregnancy than their non-athlete counterparts.¹⁵ This is true for white, African American, and Latina athletes.¹⁶

ACADEMIC AND PROFESSIONAL ACHIEVEMENT

Studies have found that female participation in sports offers a range of academic benefits. Young women who play sports are more likely to graduate from high school, have better grades, and score higher on standardized

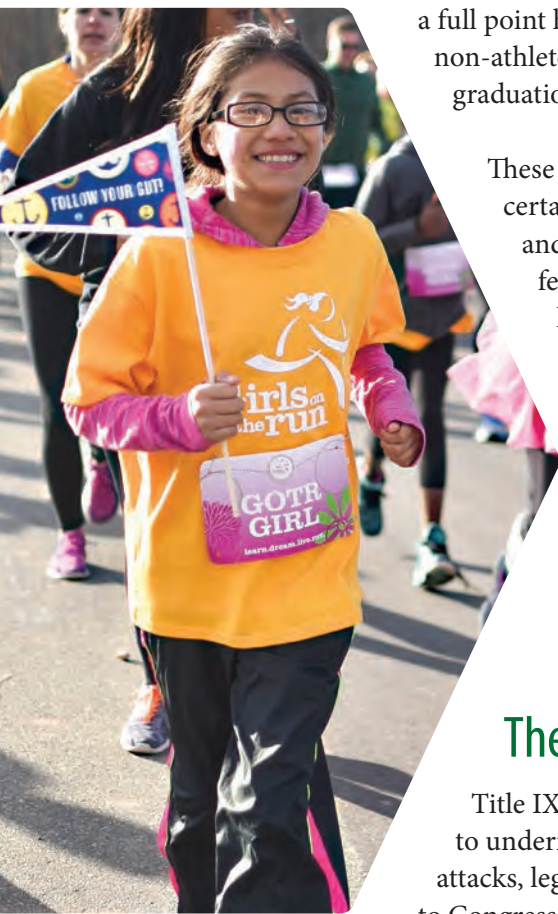
MAKING THE MOST OF OPPORTUNITIES IN ATHLETICS

Increased participation by women and girls in sports since Title IX has led to a new generation of athletes and fans who pack stadiums and spend a growing number of consumer dollars on women's sports. Following are just a few examples of how expanded opportunity in athletics leads to greater participation and success.

- The U.S. women's basketball team won an unprecedented sixth straight gold medal during the 2016 Olympics, once again going undefeated and racking up a total of 49 straight Olympic match wins. The average margin of victory during the 2016 games was nearly 40 points.
- With a silver medal at the 2014 Winter Olympics, the U.S. women's ice hockey team continued its streak of medaling at every Olympics since the sport was introduced in 1998.
- Women's soccer has expanded rapidly as more girls and women have had a chance to participate. Girls now make up 48% of U.S. Youth Soccer membership, and the number of women's NCAA soccer teams has more than tripled over the past 25 years, from 318 in 1991 to 1,034 in 2016.
- Professional women's soccer also continues to grow in popularity. In 2015, the U.S. became the first women's team to win three World Cup titles when it defeated Japan in the final match. That game took the record as the most-watched soccer match—men's or women's—in U.S. history.
- In 2012, the 40th anniversary of Title IX, women outnumbered men on the U.S. Olympic team for the first time and garnered 58 medals, earning the games the media nickname "the Title IX Olympics." In 2016, U.S. women Olympians earned 61 medals—more than nearly all countries' combined men's and women's teams.

SOURCE: Adapted from *The Battle for Gender Equity in Athletics in Colleges and Universities*, National Women's Law Center, 2015.

tests than non-athletes.¹⁷ This pattern of greater academic achievement is consistent across community income levels. A statewide, three-year study by the North Carolina High School Athletic Association found that athletes achieved grade point averages that were nearly



a full point higher than those of their non-athlete peers, in addition to higher graduation rates.¹⁸

These benefits are helping to close certain education gaps for girls and women. For example, female athletes are more likely to do well in science classes than their classmates who do not play sports.¹⁹ In addition, female athletes of color consistently benefit from increased academic success throughout their education. Female Hispanic

athletes, for example, are more likely than non-athletes to improve their academic standing, graduate from high school, and attend college.²⁰ Overall, female athletes have higher college graduation rates than their non-athlete peers.²¹

The lessons of teamwork, leadership, and confidence that girls and women gain from participating in athletics can help them after graduation as well as during school. A whopping 94% of female business executives played sports, with the majority saying that lessons learned on the playing field contributed to their success. Former female athletes also earn an average of 7% more in annual wages than their non-athlete peers.²²

The Truth about Title IX and Athletics

Title IX opponents continue to try to undermine the law through media attacks, legal challenges, and appeals to Congress and the Executive Branch.

The basic claim made by opponents is that women and girls are inherently less interested in sports than their male counterparts, and that providing females with equal opportunities therefore harms male athletes.

These criticisms are not supported by the facts, nor do they represent what the law says. They have been resoundingly rejected by all of the federal appellate courts that have considered them.²³

The latest attacks have targeted secondary school programs. In 2011, the American Sports Council filed a lawsuit against the U.S. Department of Education, claiming that Title IX should not apply to secondary schools. This case, like other similar cases, was dismissed. The court found that because the law does not require schools to reduce opportunities, the council could not show that Title IX caused the injuries at the base of the suit (described as the potential reduction of athletic opportunities for boys).²⁴

WHAT THE LAW SAYS

Title IX requires that schools treat both sexes equally with regard to three distinct aspects of athletics: participation opportunities, athletic scholarships, and the benefits and services provided to male and female teams.

Participation. The Department of Education uses a “three-part test” to evaluate schools’ compliance with the requirement to provide equal participation opportunities (see the boxed insert for details). This test was set forth

A whopping 94% of female business executives played sports, with the majority saying that lessons learned on the playing field contributed to their success.

THE THREE-PART TEST

Under the three-part test, a school is in compliance with the law if:

01

The percentages of spots on teams allocated to males and females are substantially proportionate to the percentages of male and female students enrolled; *or*

02

It has a history and continuing practice of expanding athletic opportunities for the underrepresented sex; *or*

03

Its athletics program fully and effectively accommodates the interests and abilities of the underrepresented sex.

in a Policy Interpretation issued by the Department's Office for Civil Rights (OCR) in 1979²⁵ and has withstood legal challenges.

Athletic Financial Assistance. Title IX requires that athletic scholarships be allocated in proportion to the number of female and male students participating in intercollegiate athletics.²⁶ OCR has made clear that schools will be found in compliance with this requirement if the percentage of total athletic scholarship dollars received for each sex is within one percentage point of their levels of participation.²⁷ In other words, if women comprise 42% of the athletes on campus, the school must

provide between 41% and 43% of its athletic scholarship dollars to female athletes.

Other Benefits and Services. Title IX also requires equity in benefits and services. The law does not require that each men's and women's team get exactly the same benefits and services, but it does require that male and female athletes receive equal treatment overall in areas such as locker rooms, equipment, practice and game facilities, recruitment, academic support, and publicity.²⁸

Debunking the Myths: No Cuts or Quotas

One feature the law does *not* include is any form of discrimination against or harm to male athletes. Despite this, myths abound about how Title IX affects athletics, particularly at the high school and college levels. Most of these myths reflect the unfounded fear that increasing athletics opportunities for girls and women will correspondingly decrease opportunities for boys and men. In fact, boys and men have continued to make gains in athletics as opportunities for their female counterparts have grown, with corresponding benefits for all students.

Myth 1: Title IX requires quotas. Title IX does not set quotas; it simply requires that schools allocate participation opportunities in a nondiscriminatory way. The three-part test is lenient and flexible, allowing schools to comply even if they do not satisfy the first part. The federal courts have consistently rejected arguments that Title IX imposes quotas.





Myth 2: Title IX forces schools to cut male sports. Title IX does not require or encourage the cutting of any sports. It does allow schools to make choices about how to structure their programs as long as they do not discriminate. Instead of allocating resources among a variety of sports, many college administrators are choosing to take part in the basketball and football “arms race” at the expense of other athletic programs. In Division I-FBS, for example, basketball and football consume 80% of total men’s athletic expenses. Average expenditures on football alone in this division (\$12+ million) still exceed average expenditures on *all* women’s sports (\$9+ million).²⁹

Myth 3: Men’s sports are declining because of Title IX. Opportunities for men in sports—measured by numbers of teams as well as athletes—have continued to expand since the passage of Title IX. Between the 1988–1989 and the 2015–2016 school years, National Colle-

giate Athletic Association (NCAA) member institutions added 4,045 men’s sports teams and dropped 3,016, for a net gain of more than 1,000 men’s teams. Women made greater gains over the same period, but only because they started at such a deficit; 5,660 women’s teams were added and 2,185 were dropped. During the 2015–2016 school year, NCAA member institutions actually dropped more women’s teams than men’s teams (44 vs. 35).³⁰

Myth 4: Title IX requires equal spending on male and female sports. The fact is that spending does not have to be the same as long as the benefits and services provided to the men’s and women’s programs are equal overall. The law recognizes, for instance, that football uniforms cost more than swimsuits; therefore, a discrepancy in the amount spent on uniforms for men’s and women’s teams is not necessarily a problem. However, the school cannot provide men with top-notch uniforms and women with low-quality uniforms, or give male athletes home, away, and practice uniforms and female athletes only one set of uniforms. A large discrepancy in overall funding is a red flag that warrants further scrutiny.

Myth 5: Men’s football and basketball programs subsidize female sports. The truth is that these high-profile programs don’t even pay for themselves at most schools. Even among the most elite divisions, nearly half of men’s football and basketball programs spend more money than they generate.³¹

Moving Toward Equality: Recent Progress and Remaining Challenges

MAJOR STEPS FORWARD

In 2010, the Department of Education issued a new policy document revoking an earlier document from 2005 that weakened Title IX protections by allowing schools to gauge female students’ interest in athletics by relying on responses (or lack of responses) to an

email survey. The 2010 Clarification states that schools cannot rely solely on surveys to demonstrate that they are in compliance with part three of Title IX’s participation test. Instead, schools must adhere to a longstanding policy requiring them to evaluate multiple indicators of interest to show that they are fully

and effectively accommodating their female students' interests.³²

In another step forward, courts have held that women's sports must adhere to certain criteria to count under Title IX. In 2010, after one university attempted to eliminate varsity women's volleyball and instead elevate the less expensive competitive cheerleading squad to varsity status, a federal district court in Connecticut held that competitive cheerleading is not yet a sport for the purposes of Title IX.

In its decision, the court cited cheerleading's lack of a central governing body, standardized rules, defined season, or post-season structure, among other issues. While competitive cheerleading certainly requires athleticism of its participants, the court found that the opportunities provided were not consistent with a true varsity experience.³³ A federal appeals court upheld this decision in 2012.

CONTINUING BARRIERS FOR GIRLS AND WOMEN

Despite great gains over the past 45 years, barriers to true equality in school athletics still remain:

- Girls have 1.2 million fewer chances to play sports in high school than boys.³⁴ In addition, opportunities are not equal among different groups of girls. Fewer than two-thirds of African American and Hispanic girls play sports, while more than three-quarters of Caucasian girls do.
- Girls of color are doubly disadvantaged by race and gender when it comes to high school athletic opportunities. Schools that are heavily minority (90% or more) have fewer resources and often do not allocate athletic opportunities equitably; girls in these schools receive just 39% of the opportunities that girls in heavily white schools receive.³⁵

- Three-quarters of boys from immigrant families are involved in athletics, while fewer than half of girls from immigrant families are.³⁶
- In addition to having fewer participation opportunities, girls often endure inferior treatment in areas such as equipment, facilities, coaching, scheduling, and publicity. Such inferior treatment violates Title IX.³⁷

RESOURCES ON TITLE IX AND ATHLETICS

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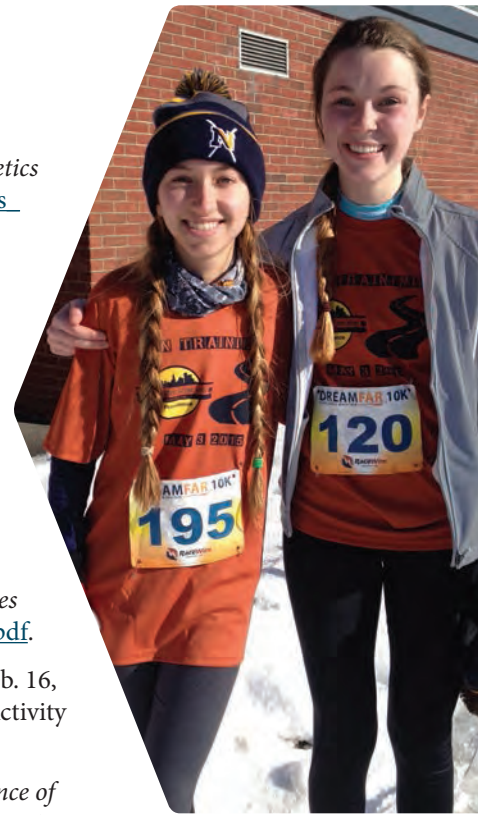
- At the most competitive college level, Division I-FBS schools, women make up nearly 52% of students, yet they have only 47% of the opportunities to play intercollegiate sports. Female athletes at these schools receive 43% of the total athletic scholarship dollars, 31% of the dollars spent to recruit new athletes, and less than 30% of the total money spent on athletics.³⁸
- Since Title IX passed, the proportionate role of female coaches has decreased dramatically. In 1972, 90% of women's college teams were coached by women, while as of 2014 just 43% were. Only 3% of men's teams are coached by women. As the number of women's teams has increased, the percentage of female coaches has continued to drop.³⁹

NCWGE Recommendations

- Schools at all levels must monitor their athletic departments' compliance with Title IX to ensure that girls and women have access to school sports. This includes implementing measures to gauge interest as well as to allocate resources equitably.
- High schools should make data available on male and female participation in sports, including budgets and expenditures for each team. This information, which they already collect, would help dispel myths about Title IX and its impact on athletics.
- Transparency of information should be a priority for legislators as well as for individual schools and communities. One effective measure would be passage of the federal High School Athletics Transparency Bills,⁴⁰ which require high schools to make their existing data public (something colleges already have to do).⁴¹ State legislatures should also consider passing such legislation, which would allow communities to be informed about the treatment of boys and girls in high school sports without creating an additional burden on schools.
- OCR must receive adequate funding and strengthen its efforts to enforce Title IX by initiating proactive compliance reviews at more educational institutions and providing technical assistance and guidance on emerging Title IX questions.
- Schools should seek to hire qualified women in positions of administrative authority. In addition to serving as role models, female administrators may help improve gender equity. For example, schools with female athletic directors have a higher percentage of women coaches.

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ENDING SEXUAL HARASSMENT AND ASSAULT

EFFECTIVE MEASURES PROTECT ALL STUDENTS

SEXUAL HARASSMENT AND ASSAULT NEGATIVELY affect students' well-being and their ability to succeed academically. Supreme Court rulings have established that sexual harassment and assault of students constitutes discrimination on the basis of sex and violates Title IX. Despite the protection of the law and greater attention to this problem in recent years, sexual and gender-based harassment remain pervasive in K–12 schools and on college campuses.

While sexual harassment and assault disproportionately affect girls and women, boys and men also face this issue, and lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ) students are particularly vulnerable. Moreover, when one student or group of students faces harassment or violence, it can create a hostile environment that undermines learning for *all* students.

Knowledge is essential for countering this form of discrimination. Students need to know their rights, and schools need to know their responsibilities under the law. All stakeholders, including the public, need to be aware of the extent of the problem, its effects, and the protections put in place to help address it.

What Constitutes Sexual Harassment under Title IX?

Sexual harassment includes any unwelcome behavior that is sexual in nature, including name-calling, unwanted sexual advances, acts of physical aggression, posting of inappropriate images or messages, or other actions that may be threatening, humiliating, or harmful. Title IX's protection extends to sexual harassment of students in all of a school's programs or activities, whether the harassment occurs on school property, on a school bus, or at an off-site school event. Harassment may come from other students or from school employees such as teachers, coaches, or other staff.

Having a school or district anti-bullying policy is not enough to comply with the law. A school must take prompt and effective steps to address sexual harassment if such harassment is severe, pervasive, or persistent enough that it creates a hostile school environment—meaning that it interferes with or limits a student's ability to participate in or benefit from school, including all activities and services. This applies to any sexual harassment that the school either knows about or reasonably should have known about, which precludes willful ignorance.

KEY FINDINGS

- 1. Sexual harassment is prevalent in schools and on college campuses.** Both male and female students report being sexually harassed, with consequences that can undermine their academic success.
- 2. Nearly half of middle and high school students report being sexually harassed,** including 40% of boys. Harassment is particularly extensive among lesbian, gay, bisexual, and transgender students, with nearly a third saying that harassment made them feel unsafe or uncomfortable enough to miss school.
- 3. More than 60% of college undergraduates experience some form of sexual harassment,** with nearly equivalent numbers for men and women. Most disturbingly, more than 20% of women and 5% of men report being raped or sexually assaulted in college.
- 4. When sexual harassment occurs, Title IX requires that schools take immediate, effective action** to eliminate the hostile environment, prevent its recurrence, and remedy the effects on the victim. These steps are essential for creating an environment in which all students can succeed.
- 5. Understanding schools' obligations under Title IX is essential for combating sexual harassment.** This includes accurately tracking and reporting allegations as well as establishing equitable procedures for investigating and addressing harassment.

HARASSMENT BASED ON GENDER STEREOTYPES

Title IX prohibits harassment of students because they do not conform to stereotypical notions of masculinity or femininity or on the basis of gender identity. In this way, the law protects LGBTQ students.

SEX-BASED BULLYING AND CYBERBULLYING

Title IX also prohibits sex-based bullying that creates a hostile environment, including hazing and cyberbullying. Common forms of such bullying include using social media to target students by calling them sexually charged names, spreading sexual rumors, rating students on sexual activity or performance, spreading compromising photographs, and creating or circulating emails or websites of a sexual nature. Conduct often dismissed as just "boys being boys" or "mean girls" can actually be prohibited harassment.

The U.S. Department of Education's Office for Civil Rights (OCR) issued a guidance document in 2010 specifying that Title IX prohibits sex-based bullying and harassment that interferes with a student's education, whether it is conducted in person or in electronic form. The guidance states, "bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological

health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential.”¹

SEXUAL VIOLENCE

Any form of sexual violence, including rape, constitutes sexual harassment and is prohibited by Title IX as well as other statutes. OCR reaffirmed in a 2011 guidance that rape is *always* severe enough to create a hostile school

environment.² Through this guidance and a subsequent Q&A document in 2014, OCR further explained schools’ responsibilities in responding to sexual violence against students. The latter document outlines requirements for how schools must act to prevent, investigate, and remedy sexual assault, noting that “a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students.”³

Impact of Sexual Harassment on K–12 Students

Bullying and other forms of sexual harassment are prevalent in K–12 schools. Recent surveys have found that although girls face harassment more frequently than boys, both male and female students are affected in large numbers. LGBTQ students face some of the highest rates of harassment.

Harassment can have serious emotional consequences for these students; it can also cause educational problems such as difficulty concentrating on schoolwork, absenteeism, and poor academic performance.⁴ Recognizing and addressing sexual harassment in schools is essential for providing a safe and respectful learning environment in which all students can thrive.

TRACKING THE EXTENT OF THE PROBLEM

The frequency of sexual harassment and bullying reported by many schools does not match what students say is actually happening at their schools. A recent review of the U.S. Depart-

ment of Education’s Civil Rights Data Collection (CRDC) found that 67% of local education agencies (LEAs), which include public school districts, charter schools, and charter school systems, reported *zero allegations* of sexual harassment or bullying during the 2013–14 school year.⁵ If these figures are to be believed, two-thirds of schools have completely eliminated sexual harassment and bullying.

National studies refute this finding. One report from the American Association of University Women (AAUW) found that 40% of boys and 56% of girls in grades 7–12 reported experiencing sexual harassment during the 2010–11 school year.⁶ In 2015, a large-scale national survey by GLSEN found that 85% of LGBTQ students in middle and high school were verbally harassed in the prior year, and more than a quarter were physically harassed.⁷ (More detail on these findings appears below.)

Recognizing and addressing sexual harassment in schools is essential for providing a safe and respectful learning environment in which all students can thrive.





Clearly, schools included in the CRDC data are vastly underreporting the frequency of sexual harassment and bullying. It is likely that many of these schools simply haven't taken the steps necessary to educate the school community about what to do when sexual harassment occurs and don't have the proper policies and procedures in place for addressing harassment.

Multiple stakeholders can play a role in addressing this critical issue. In its 2015 *Title IX Resource Guide*, OCR recommended that Title IX coordinators train relevant staff about how information on sex-based harassment should be reported under the CRDC and work to ensure the accuracy of the reporting.⁸ Parents, students, and advocates can help by locating their local school's Title IX coordinator and bringing these findings to their attention. State and federal officials should step in to ensure that numbers are tracked and reported accurately so harassment can be addressed. Finally, schools can conduct school climate surveys to help fill the gap between what occurs in school and what gets reported. The U.S. Department of Justice offers a variety of tools and models for conducting climate surveys at www.NotAlone.gov.

HARASSMENT OF ELEMENTARY SCHOOL STUDENTS

Sexual harassment in school starts early. A 2010 nationwide survey of more than 1,000 students and 1,000 teachers at elementary schools, conducted by GLSEN, found that sexual harassment is common even though

most schools have anti-bullying and/or anti-harassment policies in place:⁹

- Three-quarters of all elementary school students (75%) reported that students at their school are called names, made fun of, or bullied with at least some regularity.
- Nearly half of elementary school teachers (47%) believe that bullying, name calling, or harassment is a very serious or somewhat serious problem at their school.
- Students who do not conform to traditional gender norms are more likely than others to say they are called names, made fun of, or bullied at least sometimes at school (56% versus 33%).
- One-third of students (33%) have heard kids at school say that girls should not do or wear certain things because they are girls. Even more (39%) have heard their peers say that boys should not do or wear certain things because they are boys.
- Nearly half of all teachers (48%) reported that they hear students make sexist remarks at their school.

HARASSMENT OF MIDDLE AND HIGH SCHOOL STUDENTS

Sexual harassment is part of everyday life at many middle and high schools. A nationally representative survey from AAUW of 1,965 students in grades 7–12 found that nearly half of students (48%) experienced some form

HIGH SCHOOL HARASSMENT: NOT JUST WORDS

According to a 2015 Centers for Disease Control and Prevention survey, more than 10% of high school girls and 3% of boys report having been physically forced to have sexual intercourse.¹¹

of sexual harassment during the 2010–2011 school year.¹⁰ The majority of those students (87%) said it had a negative effect on them. Nearly all the behavior documented in the survey was peer-to-peer sexual harassment.

Other findings are equally sobering:

- Girls were significantly more likely than boys to face sexual harassment, although the numbers for both were high, with 56% of girls and 40% of boys reporting that they had been sexually harassed.
- Sexual harassment by text, email, social media, or other electronic means affected 30% of all students. Many of the students who were sexually harassed electronically were also sexually harassed in person.
- Verbal harassment was the most frequently cited behavior, reported by 46% of girls and 22% of boys. Physical harassment was also disturbingly common, particularly among girls. Unwelcome touching was reported by 13% of girls and 3% of boys, while 4% of girls and fewer than 1% of boys said they had been forced to do something sexual.
- Being called gay or lesbian in a negative way was reported by girls and boys in equal numbers (18%), although reactions differed, with 21% of boys and 9% of girls identifying it as their worst experience with harassment.
- The survey revealed a cycle of harassment, with many victims reporting that they victimized others. Most students who admitted to sexually harassing another student (92% of girls and 80% of boys) were also targets of sexual harassment themselves.

HARASSMENT OF LGBTQ STUDENTS

LGBTQ students are frequent victims of sex-based harassment in school. Many of these students face harassment that is serious enough to make them stay away from school activities

or miss school altogether. A GLSEN national survey of 10,528 students in grades 6 through 12 conducted in 2015 found that the overwhelming majority of LGBTQ students face some form of sex-based harassment:¹²

- A full 85% of LGBTQ students experienced verbal harassment at school based on a personal characteristic—most commonly sexual orientation (71%) or gender expression (55%)—during the prior school year.
- More than a quarter of these students (27%) were physically harassed (e.g., pushed or shoved) at school in the prior year because of their sexual orientation, and 20% were physically harassed because of their gender expression.
- Some 13% were physically assaulted (e.g., punched, kicked, injured with a weapon) because of their sexual orientation, and 9% because of their gender expression.
- Almost half of LGBTQ students (49%) were harassed or threatened by their peers via electronic media.
- Nearly a third of of LGBTQ students (32%) missed at least one day of school in the prior month because they felt unsafe or uncomfortable, and 10% missed four or more days.

High as they are, rates of harassment among LGBTQ students have declined in recent years, thanks to increased awareness and advocacy. Surveys between 2001 and 2015 show consis-





tent drops in the number of LGBTQ students reporting “frequent” verbal or physical harassment or assault, coinciding with increases in the availability of resources such as supportive teachers and

gay-straight alliances.¹³ Additional support measures, including policies specifically protecting LGBTQ students, would help make a difference both for these students and for the overall learning environment.

Impact of Sexual Harassment on College Students

Sexual harassment is prevalent on college campuses and can prevent students, both male and female, from receiving the full social and academic benefits of higher education. Creating a campus environment that is free from bias and harassment is important both for ensuring success in education and for shaping the attitudes and behaviors that will govern the nation’s future workforce and broader society.

THE TOLL OF HARASSMENT

A research report from AAUW, *Drawing the Line: Sexual Harassment on Campus*,¹⁴ found that sexual harassment on campus is widespread among both men and women, yet often goes unreported:

- Nearly two-thirds of college students, including 62% of women and 61% of men, experience some type of sexual harassment.
- Fewer than 10% of these students tell a college or university employee about their experiences, and an even smaller number report them to a Title IX coordinator.
- LGBTQ students are more likely to be harassed; nearly three-quarters (73%) say

they have experienced sexual harassment on campus.

- Both women and men say that harassment affects their education, including by making them avoid places on campus (27% of women and 11% of men), finding it hard to study or pay attention in class (16% and 8%), halting participation in a sport or activity (9% and 5%), or skipping or dropping classes (9% and 4%).

Perpetrators of sexual harassment and violence on campus are not limited to fellow students; incidents have also involved faculty, administrators, and other staff members. Harassment of students by professors or others on staff also violates Title IX and must be investigated and addressed immediately to end the hostile climate such behavior creates.

A campus culture that tolerates inappropriate verbal and physical contact and that intentionally or unintentionally discourages reporting these behaviors undermines the emotional, intellectual, and professional growth of millions of young adults. Sexual harassment on campus takes an especially heavy toll on young women, making it harder for them to succeed in school and compete in today’s economy.

SEXUAL ASSAULT ON CAMPUS

Sexual assault on campus is an ugly and persistent problem. A 1997 National Institute of Justice study estimated that between one-fifth and one-quarter of women had survived a rape or attempted rape while in college.¹⁵ The

Title IX Requires Schools to Address Sexual Violence (<https://nwlc.org/resources/title-ix-requires-schools-to-address-sexual-violence/>) – This fact sheet from the National Women’s Law Center sets forth schools’ responsibilities under Title IX and provides students, parents, and advocates with information about their rights.

Ending Campus Sexual Assault Toolkit (www.aauw.org/resource/campus-sexual-assault-tool-kit) – This toolkit from the American Association of University Women (AAUW) includes Title IX resources, funding sources for prevention and awareness initiatives, and concrete ways for students, faculty, and staff to fight sexual assault on campus.

RAINN (<https://www.rainn.org>) – In addition to a 24-hour hotline, the Rape, Abuse & Incest National Network (RAINN) offers information on safety and prevention, help for those who have been assaulted, and public policy resources.

Drawing the Line: Sexual Harassment on Campus (<http://www.aauw.org/files/2013/02/drawing-the-line-sexual-harassment-on-campus.pdf>) – This AAUW report provides information on the prevalence, impact, and handling of sexual harassment.

Not Alone (www.NotAlone.gov) – An initiative of the U.S. Department of Justice’s Office on Violence Against Women, Not Alone provides model campus policies, climate surveys, and other education and prevention resources.

Center for Changing Our Campus Culture (www.changingourcampus.org) – This site offers resources for students, campus administrators, law enforcement, and other stakeholders.

Title IX and Sexual Assault: Know Your Rights and Your College’s Responsibilities (<http://www.aclu.org/files/pdfs/womensrights/titleixandsexualassaultknowyourrightsandyourcollege%27s-responsibilities.pdf>) – This resource, from the American Civil Liberties Union (ACLU), offers examples of case law, ways to work with schools to end assault, and other information.

The Right to Safe Housing on College Campuses for Survivors of Sexual Assault, Stalking, Domestic Violence, and Dating Violence (<http://www.aclu.org/womens-rights/right-safe-housing-college-campuses-survivors-sexual-assault-stalking-domestic-violence>) – This ACLU guide offers legal and other guidance on safe housing.

situation has not improved since then. Campus and national surveys, including a 2016 survey by the Bureau of Justice Statistics,¹⁶ consistently find sexual assault rates of 20% or more among women undergraduates.

Sexual violence affects men as well as women. According to a 2015 survey of students on

27 campuses, a significant proportion of all students are exposed to sexual violence:¹⁷

- Among undergraduates, 23.1% of females and 5.4% of males experience rape or sexual assault through physical force or incapacitation.

- Among graduate and professional students, 8.8% of females and 2.2% of males experience rape or sexual assault through physical force or incapacitation.
- Among those identifying as transgender, queer, or nonconforming, 24.1% of undergraduates and 15.5% of graduate students have been sexually assaulted.

TITLE IX AND SEXUAL HARASSMENT: MYTHS AND FACTS

Myths about the role of Title IX in addressing sexual harassment abound, especially when it comes to sexual assault.

Myth: Department of Education guidance documents and enforcement agreements stifle students' rights to free speech.

Fact: Sexual harassment is not free speech—particularly when it rises to the level of unwelcome sexual conduct that is so severe and pervasive that it creates or contributes to a hostile environment.

Myth: Title IX procedures deprive accused students of their due process rights.

Fact: The 2011 OCR guidance says that both the survivor and the accused have the same rights and must be treated equally during all proceedings. Both parties must have the same opportunity to present witnesses and other evidence and have equal, timely access to information. In fact, Title IX provides greater procedural protections than what the Supreme Court has said schools must provide students under the Constitution (*Goss v. Lopez*, 419 U.S. 565 (1975)).

Myth: The standard of proof in sexual misconduct cases unfairly burdens the accused.

Fact: College administrative proceedings are to establish whether the school's policies have been violated, not to determine criminal or even civil liability. The "preponderance of the evidence" standard is the most commonly used standard of proof and is in keeping with other non-criminal cases, including equity cases (e.g., those involving race, religion, or disability).

Myth: Survivors on college campuses speaking out about their experiences of sexual assault signals a war on men.

Fact: Sexual assault is a pervasive problem on college campuses for men as well as women. Surveys have shown that campus sexual assault affects 1 in 5 women and 1 in 20 men each year. Speaking out pushes schools to ensure that all students are able to learn in an educational environment free from sexual harassment and assault.

Myth: Students should take their claims of sexual misconduct to the police, and colleges should stay out of it.

Fact: Under Title IX, colleges have a responsibility to ensure that sexual assault survivors are not deprived of educational opportunity because of sex discrimination. This is in keeping with protections afforded accusers in the workplace and other settings, and is something the police are not equipped to handle. Making colleges responsible also prevents the kinds of abuses seen in the past, when campuses often treated sexual violence as a minor code violation. Finally, relying on law enforcement would make campuses less safe, as survivors are less likely to report sexual assault to the police.

SOURCE: Adapted from "Protecting Survivors of Sexual Assault on Campus: Myths and Facts," National Women's Law Center, 2014. See <https://nwl.org/resources/protecting-survivors-sexual-assault-campus-myths-and-facts/>.

Title IX: Vital Protection for All Students

SCHOOLS' RESPONSIBILITIES TOWARD THEIR STUDENTS

A series of Supreme Court rulings in the 1990s recognized that sexual harassment is a type of sex discrimination prohibited by Title IX and that schools may be liable for monetary damages in cases of harassment by staff or students. In 1998, the Court established the standard for recovering damages in such cases: A harassed student must show that a school official with authority to take corrective measures had “actual knowledge” of the harassment and responded with “deliberate indifference”—a higher standard than exists for employees who are sexually harassed.¹⁸

A year later, the Supreme Court ruled that schools may also be liable for damages under Title IX for peer-on-peer harassment. To recover damages, the harassed student must show that the school had actual knowledge of the harassment and responded with deliberate indifference, and that the harassment was “so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school.”¹⁹

In addition to filing a lawsuit for money damages, a student who has been harassed can file a suit asking the court to make a school stop a particular act or behavior or can seek a remedy from OCR. OCR has repeatedly made clear in its guidance documents that if a school knows, or should know, that a hostile environment exists, it is “responsible for taking immediate effective action to eliminate the hostile environment and prevent its recurrence.” A school also has a responsibility “to remedy the effects on the victim that could reasonably have been prevented had the school responded promptly and effectively.”²⁰

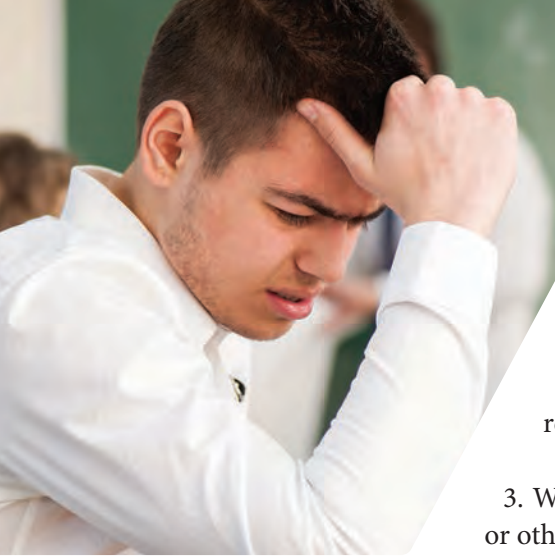
Schools have a legal obligation to protect their students by acting to end harassment and provide a safe learning environment. This is similar to employers' responsibilities to their employees, but the standard students have to meet to recover damages for harassment is higher than the one employees have to meet, leaving students with less protection from such harmful behavior. Given the importance of education to the country's social and economic well-being, enforcing the protections in place for students should be a vital priority for school and government officials at the local, state, and national levels.

REQUIRED PROCEDURES FOR RESPONDING TO HARASSMENT

A 2011 guidance document from OCR notes the seriousness of sexual harassment, including sexual violence, and spells out Title IX's procedural requirements for schools in responding to reported incidents:²¹

1. Each institution covered by Title IX is required to create and widely distribute a notice of nondiscrimination, designate at least one employee to coordinate its efforts, and adopt and publish grievance procedures for prompt and equitable resolution of complaints of sex discrimination, including sexual harassment and sexual violence.
2. Schools must ensure that their employees are trained to identify harassment and report it





to appropriate school officials. In addition, schools must provide training so officials with the authority to address harassment know how to respond properly.

3. When a harassed student or other party files a complaint, the school must investigate the allegations in a prompt, thorough, and impartial way. Both parties must have an equal opportunity to present witnesses and other evidence. In determining whether sexual harassment occurred, the school must use the “preponderance of the evidence” standard of proof, which asks whether it is more likely than not that the sexual harassment occurred.
4. It is improper for a school to require a student who complains of harassment to work out the problem directly with the alleged perpetrator. In cases of sexual assault, even voluntary mediation is not appropriate.
5. Both parties must be notified in writing about the outcome of the complaint and any appeal.

To create a school environment in which all students can succeed, students must feel comfortable acknowledging and reporting harassment, and schools must respond in accordance with Title IX requirements.

Recent OCR documents clarify roles and provide additional procedural information to help guide schools in complying with Title IX. The 2015 *Title IX Resource Guide* details how school officials should handle the school’s obligation to end sexual harassment and violence.²²

In addition, OCR’s 2014 Q&A document addresses numerous procedural issues, including concerns such as balancing the rights of those involved and avoiding undue administrative burdens. For example, the document notes specifically that both the complainant’s and the accused party’s rights must be protected: “Procedures that ensure the Title IX rights of the complainant, while at the same time according any federally guaranteed due process to both parties involved, will lead to sound and supportable decisions.” It also clarifies that schools can use existing grievance procedures, so long as they “meet the Title IX requirement of affording a complainant a prompt and equitable resolution.”²³

ENFORCEMENT AS A TOOL FOR IMPROVING EDUCATION

Enforcement of Title IX at all levels of education is necessary to ensure that schools provide an environment in which all students can learn. Recent guidance from the Department of Education to help schools comply is a major step forward. Ongoing communication will help ensure that schools understand and meet their obligations toward students. Investigations of sexual harassment at the school level, and Department of Education investigations where schools fail in their roles, are also essential.

Government funding for enforcement efforts at the state and federal levels can make a huge difference for students. The proposed Patsy Mink Gender Equity in Education Act of 2016 (GEEA) provides resources, training, and technical assistance to support gender equity work in schools and establishes an Office of Gender Equity in the U.S. Department of Education to coordinate activities within the department and among other federal agencies. GEEA also supports Title IX coordinators by providing annual training and competitive grants for gender equity programs in K–12 schools, school districts, colleges, or states.

ADDITIONAL RESOURCES FOR COMBATting SEXUAL HARASSMENT

Crossing the Line: Sexual Harassment at School. American Association of University Women (AAUW). Available at <http://www.aauw.org/research/crossing-the-line/>.

Title IX Protections from Bullying & Harassment in School: FAQs for Students. National Women’s Law Center (NWLC). Available at <http://www.nwlc.org/resource/title-ix-protections-bullying-harassment-school-faqs-students>.

Harassment-Free Hallways: How to Stop Sexual Harassment in School. AAUW Educational Foundation. Available at <http://history.aauw.org/files/2013/01/harassment-free.pdf>.

Know Your Rights: Title IX Requires Your School To Address Sexual Violence. U.S. Department of Education, Office for Civil Rights (OCR). See <https://www2.ed.gov/about/offices/list/ocr/docs/201404-title-ix.pdf> and a related NWLC resource at <https://nwlc.org/resources/title-ix-requires-schools-to-address-sexual-violence/>.

Gender-Based Violence and Harassment: Your School, Your Rights. American Civil Liberties Union (ACLU). Available at <http://www.aclu.org/womens-rights/gender-based-violence-harassment-your-school-your-rights>.

Sexual Harassment: Not In Our School! Stop Sexual Assault in Schools. Educational video and companion materials available at <http://ssais.org/video/>.

Cyberbullying and Sexual Harassment: FAQs about Cyberbullying and Title IX. NWLC. Available at <https://nwlc.org/resources/cyberbullying-and-sexual-harassment-frequently-asked-questions/>.

Pregnancy Harassment Is Sexual Harassment: FAQs about Title IX and Pregnancy Harassment. NWLC. Available at www.nwlc.org/sites/default/files/pdfs/titleixpregnancyharassmentfactsheet.pdf.

Questions and Answers on Title IX and Sexual Violence. U.S. Department of Education, OCR. Available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

How to File a Title IX Sexual Harassment or Assault Complaint with the U.S. Department of Education. NWLC. Available at <https://nwlc.org/resources/how-to-file-a-title-ix-sexual-harassment-or-assault-complaint-with-the-u-s-department-of-education/>.

Find Your Title IX Coordinator. AAUW. Available at <http://www.aauw.org/resource/find-your-title-ix-coordinator/>.

NCWGE Recommendations

- Schools must accurately track sexual harassment so it can be addressed before it becomes severe or pervasive enough to create a hostile environment. Teachers and administrators can work with Title IX coordinators to ensure accurate reporting in the CRDC.

Where schools fail in their efforts, state regulators should step in to require adequate tracking and reporting.

- Education institutions at all levels should create clear and accessible sexual harassment



policies to protect and educate students. These policies should explicitly prohibit harassment based on actual or perceived LGBTQ status. They also should include provisions for effectively protecting students after harassment has occurred.

- Title IX coordinators and their respective institutions should disseminate information and conduct trainings to ensure that students and employees are aware of sexual harassment policies, as well as the process for filing complaints.
- Schools should protect harassment victims by providing close follow-up, including working with victims' families, and be on the lookout for continued harassment and retaliation. They should also provide appropriate services to survivors of sexual assault and be able to refer survivors to additional services as needed.
- Students, faculty, staff, and parents/guardians should talk openly about attitudes and behaviors that promote or impede progress toward a harassment-free climate in which all students can reach their full potential.
- Congress should enact legislation to ensure that students receive the same level of protection from harassment in school that employees receive in the workforce. Schools, like employers, should be obligated to prevent harassment and to address any harassment that they know about or should know about. Also, harassment should be deemed to create a hostile environment when it is sufficiently severe *or* pervasive to deny a victim access to the educational opportunities and benefits provided by the school.
- Congress should pass additional legislation to protect students, including the GEEA, the Student Non-Discrimination Act, and the Safe Schools Improvement Act. In addition to providing funding, these acts would ban harassment based on sexual orientation or gender identity and require K–12 schools and districts to develop student conduct policies that clearly prohibit bullying and harassment.
- OCR should conduct public education and technical assistance activities to guide school districts in their compliance efforts, particularly in light of the October 2010 and April 2011 guidance documents issued and the constant technological developments affecting cyberbullying and harassment.

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SINGLE-SEX EDUCATION

SEPARATION SERVES NO ONE

SEPARATING BOYS AND GIRLS IN the classroom may seem like a good way to ensure that the needs of both groups are being met, but in fact separation serves neither group well. Evidence of the benefits of single-sex education is sketchy at best, while the stereotyping that typically accompanies teaching in separate classrooms can create an environment that stifles learning for both boys and girls.

Both the U.S. Constitution and Title IX limit the separation of students by gender in publicly funded educational programs and activities. Although Title IX regulations issued by the U.S. Department of Education in 2006 opened the door to some single-sex education, gender separation requires a strong justification, and discrimination based on sex is still unlawful.

Single-sex programs often violate the law by failing to offer equal educational opportunity. Moreover, the rationale for separation is often based on flawed notions about gender differences in brain development and learning. Schools and districts that are thinking about single-sex education as a means of improving teaching and learning should be mindful of the pitfalls of such programs, as well as of their limited value.

Schools' Obligations Under the Law

One of the primary purposes of Title IX was to put an end to educational practices that separated boys and girls on the basis of stereotypes about their interests and capabilities. A widespread example was steering girls into home economics classes and boys into wood shop. Because of this history of educational inequity, as well as the continued risk of sex stereotyping, both Title IX and the U.S. Consti-

tution include safeguards to ensure that educational programs do not classify students on the basis of sex in a discriminatory manner.

LEGAL HISTORY OF TITLE IX AND SINGLE-SEX EDUCATION

Although it permits some single-sex schools, Title IX prohibits separation of boys and girls within coeducational schools except under certain narrow circumstances. Moreover, the Constitution requires that any gender-based classification (whether in a coeducational school or a single-sex school) have an “exceedingly persuasive justification,” and be “substantially related” to an important governmental objective.¹

The Supreme Court has limited when gender classifications are justified under the Constitution, noting that such classifications 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.” The Court has further clarified that “overbroad stereotypes” about the typical talents, capacities, and preferences of men and women are an impermissible basis for separation of the sexes.²

In 2002, the Department of Education issued a notice that it intended to relax regulatory restrictions on single-sex programs. This move was spurred by provisions in the education reform law known as No Child Left Behind that permitted funding of “innovative” programs, including single-sex education “consistent with applicable law.”³ In preparation, the Department commissioned a study to survey existing research on the efficacy of single-sex education. The study found that such research generally failed to meet accepted standards for design and methodology and that even the better-designed studies had “equivocal” results.

KEY FINDINGS

- 1. Single-sex education programs have no sound basis in research.** Studies by neuroscientists and child development experts have consistently found that cognitive abilities and learning needs differ more within groups of boys or girls than between the sexes. Moreover, separating boys and girls has not been shown to improve education outcomes for either group.
- 2. Single-sex programs often differentiate teaching based on stereotypes that limit learning**—for example, social studies instruction that focuses on maps and technical details for boys and on the arts for girls. These stereotypes can keep all students from learning the full range of skills necessary for future success.
- 3. In public schools, the circumstances under which students can be separated by sex are limited** by the Constitution and Title IX. Schools must meet a host of legal requirements before separating students by sex; few meet these safeguards.
- 4. Many schools have abandoned single-sex programs** after challenges revealed that their practices violated the law by incorporating sex stereotypes, providing unequal resources, or failing to ensure that participation is voluntary.
- 5. Recent clarifying guidance from the Department of Education has not succeeded in closing the door to discrimination** opened by weaker regulations issued in 2006. Federal and state agencies, school districts, and local stakeholders should be aware of schools' obligations and demand accountability when programs fail to meet those obligations.

Nonetheless, over the objections of a wide coalition of education advocates, in 2006 the Department of Education issued Title IX regulations that eased restrictions. While they lowered the bar, the regulations still required that single-sex classes satisfy a host of conditions before being implemented.

RECENT REGULATORY GUIDANCE

Because the 2006 conditions have been frequently misunderstood, in 2014 the Department of Education issued a lengthy guidance explaining what is allowed and under what conditions.⁴ Under the 2006 regulations, schools can exclude boys or girls from a class only if that exclusion is justified on the basis of one of two objectives: 1) improving the educational achievement of students through established policies of providing diverse educational options, or 2) meeting the particular, identified educational needs of students. Critically, as both the 2006 regulations and the 2014 guidance state, these objectives serve as a justification only if “the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective.”

Despite clear guidelines, many schools persist in establishing single-sex classes that fail to meet Constitutional or regulatory requirements.

Few schools have attempted to—or could—demonstrate that superior student achievement is substantially related to sex separation. But even if justified, participation in the classes must be entirely voluntary. In addition, substantially equal coed classes must be available; no student may be denied a coeducational class.

By making it clear that sex separation is very hard to implement and should be used with something akin to surgical precision in a

coeducational school, the Department of Education’s regulatory guidance has both helped school districts understand the law and improved enforcement. For example, when a high school in Lawrence, Kansas, planned to assign ninth graders to sex-separated classrooms because the principal believed that boys and girls have different learning needs, it took only an hour for the superintendent to shut down the program after receiving a complaint letter from the American Civil Liberties Union (ACLU) citing portions of the guidance. Administrative complaints to the Department of Education about sex separation at schools in other states across the country have similarly resulted in school districts terminating single-sex programs.

Despite these clear guidelines, many schools and districts persist in establishing single-sex classes that fail to meet Constitutional or regulatory requirements, often without any attempt to provide adequate justification. In addition to harming both boys and girls, these practices open schools and school districts to legal action by the Department of Education, the Department of Justice, state education agencies, and private citizens. (See the Challenging Discrimination section for examples of programs that have faced legal challenges.) For that reason, the 2014 guidance recommends that schools “consult with legal counsel prior to offering single-sex classes” to ensure compliance with both the Constitution and federal law.



The Flawed Rationale for Separating Boys and Girls

The “reasoned analysis” for single-sex programs required by the Supreme Court and Department of Education regulations is often notably absent from the rationale for separate programs, particularly when scientific claims are examined carefully. Many single-sex programs are based on the notion that boys’ and girls’ brains are so fundamentally different that they need to be taught not only separately but also using different methods, even though neuroscientists and experts in child development and education have discredited these assertions. Rather than sound science, such conclusions often rest on stereotypes about the interests and abilities of boys and girls.⁵

Claims that differences in boys’ and girls’ brains warrant different teaching methods have been overwhelmingly debunked by reputable scientists.

THE CLAIMS

Advocates for single-sex education often argue that separation by sex is necessary because of purported hard-wired differences in the brains of girls and boys. In his book *Why Gender Matters*,⁶ Leonard Sax—a physician and psychologist who founded the National Association for Single Sex Public Education and runs teacher training sessions nationally—makes these claims, among others:

- Girls’ hearing is far more sensitive than boys’, so teachers should speak softly to girls but yell at boys.
- When girls are under stress blood rushes away from their brains, while stress causes blood to rush to boys’ brains, thus priming them to learn.

- Boys should receive strict, authoritarian discipline and respond best to power assertion. Boys may be spanked, while girls may not.
- A boy who likes to read, does not enjoy contact sports, and does not have a lot of close male friends should be firmly disciplined, required to spend time with “normal males,” and made to play sports.

Michael Gurian, author and founder of the Gurian Institute, which also trains teachers, propounds similar theories. For instance, according to Gurian:⁷

- Boys are better than girls in math because their bodies receive daily surges of testosterone, while girls have equivalent mathematics skills only during the few days in their menstrual cycle when they have an estrogen surge.
- Boys are by nature abstract thinkers and so are naturally good at things like philosophy and engineering, while girls are by nature concrete thinkers.
- Full female participation in athletics is not “neurologically or hormonally realistic.”

THE REALITY

Claims that differences in boys’ and girls’ brains warrant different teaching methods have been overwhelmingly debunked by reputable scientists. For example, the Association for Psychological Science recently selected six independent cognitive experts to examine sex differences in learning math and science. These experts concluded, “None of the data regarding brain structure or function suggests that girls and boys learn differently or that either sex would benefit from single-sex schools.”⁸



Other research abounds. Neuroscientist and Chicago Medical School professor Lise Eliot, who has explored gender differences and their biological and social causes, concludes, “the argument that boys and girls need different educational experiences because ‘their brains are different’ is patently absurd. The same goes for arguments based on cognitive abilities, which differ far more *within* groups of boys or girls than *between* the average boy and girl.”⁹

Psychologist Janet Shibley Hyde, another recognized expert on gender differences and similarities, further notes: “Educators should be wary of arguments for single-sex education that rest on assumptions of large psychological differences between boys and girls. These assumptions are not supported by data.”¹⁰ A 2011 *Science* article by an interdisciplinary group of researchers, “The Pseudoscience of Single-Sex Schooling,” concludes that single-sex education “is deeply misguided, and often justified by weak, cherry-picked, or misconstrued scientific claims rather than by valid scientific evidence.”¹¹

“A loud, cold classroom where you toss balls around...might be great for some boys, and for some girls, but for some boys, it would be a living hell.”

DIANE F. HALPERN, PROFESSOR OF PSYCHOLOGY,
CLAREMONT MCKENNA COLLEGE

MORE EVIDENCE

In addition to the flawed scientific rationale for single-sex education, evaluations of single-sex programs have failed to demonstrate real benefit. A research review conducted at the time of the 2006 regulation changes found that half a century of research across Western

countries has shown no dramatic or consistent advantages for single-sex education, either for boys or for girls.¹²

Although there is no doubt that some single-sex education programs have enjoyed successful outcomes, no rigorous studies have linked their successes to the single-sex structure rather than to other factors.¹³ For example, studies that have claimed to demonstrate a causal relationship between the single-sex structure and improved outcomes have failed to control for variables such as class size, socioeconomic status, or student ability. Most studies do not have comparable control groups in coed programs, making it impossible to draw any meaningful comparisons at all.

In 2014, the American Psychological Association published a National Science Foundation-funded meta-analysis of 184 studies, representing testing of more than 1.6 million K–12 students, looking at the impact of single-sex versus coeducational schooling across a range of outcomes. The authors conclude that when proper controls are used, studies show that single-sex education provides no benefits over coeducational schooling.¹⁴

THE UPSHOT

In the absence of evidence of either gender-based learning differences or benefits from single-sex schooling, there is little basis for

separating girls and boys without relying on stereotypes—and separation based on gender stereotyping is not only unlawful but also potentially harmful. For example, the assumption that boys need active, loud environments focused on abstract thinking skills and girls need quiet activities that emphasize concrete

thinking makes it *less* likely that the classroom will meet the varying learning needs of all students. Teaching to these stereotypes limits opportunities for both boys and girls and keeps both groups from learning the full range of skills necessary for future success in school, work, and life.

How Sex Separation Can Stifle Learning

Most single-sex programs in public education started after 2000, relying on the flawed and stereotyped-laden rationales described earlier. By 2011–2012, more than 1,000 coeducational public schools included at least some single-sex programming at the K–12 level, including academic classes. In addition, it is estimated that the U.S. has more than 100 all-girl or all-boy public schools, including public charter and magnet schools.¹⁵

Many such programs either flout the spirit of or outright fail to comply with the legal standards set forth in Title IX, the Constitution, and the 2006 Department of Education regulations. These programs often reinforce gender

stereotypes, fail to offer comparable subjects for boys and girls, provide no comparable option for students who prefer coeducation, or allocate fewer resources for girls' programs.

Publicly available information and litigation surrounding single-sex programs strongly suggest that these programs often force boys and girls into gender stereotypes that serve neither group. For example,

boys-only classes often focus on sports and leadership themes, while girls-only programs teach manners and cooperation.

Following are just a few of many examples. This information comes mostly from press reports, as there is often little public oversight or debate regarding the initiation of these programs, and few schools even indicate publicly that they operate sex-separated classes. The ACLU has also collected examples from schools across the country, drawn from open records requests.¹⁶

- A single-sex kindergarten program in Pittsburgh taught boys vocabulary using basketball and relay races, while teachers read girls stories about fairies and used wands and tiaras as learning incentives.¹⁷
- In single-sex first-grade classes at a charter school in Lansing, Michigan, boys drew monsters and played games with balls, while girls had tea parties to teach social skills and manners.¹⁸
- A sex-separated middle school in South Carolina allowed boys to move around and toss a ball to determine whose turn it was to talk, while girls had to raise their hands to talk in a room that smelled like flowers, and “were taught to cooperate in different ways.”¹⁹
- At a school in Tacoma, Washington, where boys and girls were separated in sixth-grade academic courses, boys played catch to help learn multiplication, while girls could “do what girls do: talk at great length about their subjects.”²⁰

“Segregating boys and girls didn’t make things any better for our children. In fact they made things worse. Our kids were basically being taught ideas about gender that come from the Dark Ages.”

PARENT OF A MIDDLE SCHOOL STUDENT IN MOBILE, ALABAMA

- A Wisconsin superintendent justified a plan to create single-sex high school science classes based on “research data” showing that boys like “creative hands-on projects that culminate in something with a different level of understanding,” while girls “may not even understand what happened in the science lab, but they got the right answers.”²¹

Practices like these not only reinforce stereotypes, they also create inflexible learning environments that fail to serve students’ individual needs and learning styles and that can be particularly harmful to students who do not conform to gender stereotypes. Neither boys nor girls thrive in such environments.

In addition, research has shown that separating students by gender keeps boys and girls from gaining valuable opportunities to learn from

each other.²² Spending time together not only promotes mutual understanding, it also influences interests and behaviors that can affect academic performance.²³ For example, girls who spend time with boys tend to be more interested in sports and building activities than those who don’t, while boys who spend time and space with girls develop better verbal and reading skills.²⁴



TEACHING TO STEREOTYPES

Following are examples that highlight how attempts to cater to illusory differences between boys and girls result in stereotyping that can hamper learning for all students.

Wisconsin’s Beloit Area School District put boys and girls in separate academic classes and gave teachers training materials that stated:

- “Do NUMBERS for numbers’ sake” for boys and “demonstrate RELEVANCE to the real world” for girls when teaching math.
- In social studies, “focus on REAL men” and “highlight technical details and use maps” when teaching boys, but use “art/music/literature” with girls.
- Form “teams” and use “hierarchy” and “competition” to motivate boys, while

getting girls to “care” because they are motivated by “being accepted, liked, loved.”

Teachers in Florida’s Broward, Volusia, and Hernando Counties received training from Stetson University’s Hollis Institute, whose training documents include this advice:

- Reassure a girl who is struggling with math that “when her brain is ready she’ll be ready.”
- Use a “commanding” voice for boys’ classes but not for girls, as it would be “too loud or assertive for an all girls’ class.”

These examples also demonstrate that challenging practices can result in change. In 2015, Beloit Area School District agreed to abandon single-sex elementary classrooms. Broward County has agreed to end sex separation of students; investigations in the other Florida counties are ongoing.

Challenging Discrimination

When sex stereotypes guide educational programming, discrimination is at the program's root. Discrimination can play out in practices that violate students' civil rights, such as involuntary assignment to single-sex classrooms, failure to provide coed options in addition to the single-sex classes, and inequitable use of resources. Such practices in a public school setting are unlawful under Title IX. The ACLU, on behalf of parents and students, has successfully challenged sex separation in school districts throughout the country by filing complaints in federal court, state agencies, and the Department of Education's Office for Civil Rights (OCR).

Schools and school districts need to make informed decisions about sex separation in order to serve their students' best interests—and to avoid violating the law. The resources

When sex stereotypes guide educational programming, discrimination is at the program's root.

required to develop separate classes and teaching strategies for boys and girls are almost certainly better spent elsewhere, especially if these practices will need to be reversed following a challenge. Conversely, students and parents in schools with inequitable programs should know that they can challenge these programs on legal grounds.

Following are several recent examples of single-sex programs that were abandoned after being successfully challenged. In many cases, information brought out through a challenge reveals the stereotypes that underlie single-sex programs as well as the failure of such programs to comply with the law.

- In Wood County, West Virginia, boys and girls were separated for all core curriculum classes, with no coed option. Among other differences, girls were asked to discuss their feelings about books while boys discussed the action; boys were allowed to move around freely while girls were expected to stay in their seats; and boys were rewarded with outdoor play after tests, while girls got stickers.

A District Court rejected the sex separation because it was not voluntary. The Court also noted that “teaching techniques based on stereotypes and lacking any scientific basis may very well be harmful to students.” Even the school's expert witness agreed that claims of sex differences in brain development were based on pseudoscience and suggested that many schools were “led astray” by the teachings of Leonard Sax.²⁵

- In Vermilion Parish, Louisiana, boys and girls were separated into different classes and students were given different assignments based solely on gender. The program was ultimately abandoned in the wake of a decision from the United States Court of Appeals for the Fifth Circuit that pointed out the detailed requirements of the Department of Education's regulations. The ruling also noted the applicability of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution to public schools.²⁶
- A middle school in Birmingham, Alabama, separated boys and girls for all core curriculum classes on the theory that “hard-wired” differences between boys' and girls' brains require different teaching methods, and that such methods would lead to better results. Birmingham's own testing researchers found “no definitive proof that the percentage of students scoring proficient is significantly impacted by students being taught in

same-gender classroom settings.” The district agreed to abandon single-sex classes after an ACLU challenge.²⁷

- In Middleton, Idaho, one elementary school taught boys and girls separately in grades 2–4, ostensibly to improve boys’ reading scores, among other goals. In 2016, OCR concluded that the district was unable to explain how separating boys and girls would meet its stated learning objectives and therefore had not justified the separation. Moreover, the district had put in place

practices that led to unequal opportunity, such as higher student-to-teacher ratios for girls. The district agreed to return to coeducational classrooms, to institute Title IX training for administration and staff, and to remain under Department of Education supervision through 2019–2020.²⁸



The Problem with Single-Sex Schools

LIMITED OVERSIGHT

Perhaps because it is clear that separating students by gender in coeducational schools is generally unlawful and fraught with pitfalls, several school districts have recently chosen to create single-sex schools instead. Admissions policies at single-sex elementary and secondary schools are not covered under Title IX, as only a handful of single-sex public schools existed when Title IX legislation was enacted. Consequently, these schools receive less oversight.

Although many single-sex schools have faced no federal scrutiny, the Department of Education does have the authority to act when the creation of single-sex schools favors one group (either girls or boys) over the other, or when the rationale for such schools is based on sex stereotypes. The Department also has some discretion when a district requests federal funding under the Magnet School Assistance Program; it has declined to fund at least one proposed single-sex magnet school on the grounds that its proposal did not satisfy the requirements of the Equal Protection Clause.

AN UNSOUND CHOICE FOR CLOSING THE ACHIEVEMENT GAP

In a disturbing trend, most of these new schools are targeted at minority students in

an attempt to address the gap in educational outcomes between minority students and their white counterparts. While the desire to find innovative ways of closing the achievement gap is understandable, a method that has failed to

RESOURCES FOR UNDERSTANDING TITLE IX AND SINGLE-SEX EDUCATION

Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities. U.S. Department of Education, Office for Civil Rights, 2014. Available at <https://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>.

Preliminary Findings of ACLU’s “Teach Kids, Not Stereotypes” Campaign. American Civil Liberties Union, 2012. Available at https://www.aclu.org/files/assets/doe_ocr_report2_0.pdf.

Suggestions for Evaluation Guidelines for Schools Contemplating or Using Single-Sex Education. Feminist Majority Foundation. Available at <http://www.feminist.org/education/pdfs/SuggestedEvaluationGuidanceSingleSexEd.pdf>.

Find Your Title IX Coordinator. American Association of University Women (AAUW). Available at <http://www.aauw.org/resource/find-your-title-ix-coordinator/>.



produce evidence of success while inevitably reinforcing sex stereotypes is an unfortunate choice.

Inspired by President Obama’s My Brother’s Keeper initiative, many school districts have pledged to help black males with special programs. The proposals for these programs frequently fail to consider the equally pressing needs of black girls, who are presumed to be doing well despite

evidence to the contrary. For example, the Washington, DC, Public Schools have created an Empowering Males of Color initiative that includes mentoring and tutoring for males in coeducational schools and the creation of an all-boys college preparatory high school. Yet the district’s own data demonstrates that both girls and boys of color need the interventions planned just for boys.²⁹

Although the initiative refers to “Males of Color,” its programs are open to all boys regardless of race. The initiative’s attempt at inclusiveness does not, however, extend to female students. Vigilance and advocacy will be required to ensure that girls of color, already too often overlooked, are not once again left behind.

NCWGE Recommendations

- Teachers and school administrators should look to evidence-based practices to meet the needs of all students without relying on sex stereotypes that limit learning.
- Sex separation should not be instituted for administrative convenience or for any other reason without an exceedingly persuasive justification. Furthermore, sex separation must be based on valid evidence that it will be effective in achieving a stated educational purpose, and should be instituted only as a last resort, after other methods have been attempted.
- School districts with single-sex programs should increase transparency by fully informing parents of the rationale and curricula for these programs and by making such information publicly available. Parents and other stakeholders should seek greater accountability by demanding that schools disclose program data, including evaluation outcomes, for all single-sex programming.
- Federal and state education agencies, school boards, and school administrators (including Title IX coordinators) should improve monitoring and enforcement of Title IX compliance to prevent discriminatory practices such as reliance on sex stereotypes or unequal allocation of resources.
- School districts should ensure that educational programs aimed at addressing the racial achievement gap benefit male and female students equally.
- The Department of Education should act to stop sex separation in school districts against which complaints are pending.

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PREGNANT AND PARENTING STUDENTS

SUPPORTING ACADEMIC SUCCESS THROUGH TITLE IX

TITLE IX'S PROMISE OF EQUAL opportunity for girls and women is still far from being fulfilled when it comes to pregnant and parenting students. Title IX prohibits discrimination on the basis of pregnancy or parenting, yet these students frequently face policies that segregate them, exclude them from class or extracurricular activities, or punish them for excused medical absences.

These discriminatory practices can have devastating consequences. Faced with missed work and other obstacles, many pregnant and parenting students drop out of school, thus lowering their chances of finding stable employment that will let them support their families.

Schools can ensure compliance with Title IX by establishing equitable policies, educating the school community about the rights of pregnant and parenting students, and putting support structures in place. Such measures can help young parents—both mothers and fathers—stay in school and succeed.

Adhering to the Law

Provisions protecting the rights of pregnant and parenting students to stay in school and have equitable educational opportunities are among the least well-known aspects of Title IX. Understanding these provisions can help education systems and institutions come into compliance and end discrimination. In this, as in other areas, the role of Title IX coordinators is key.

GENERAL PROTECTION

Title IX prohibits discrimination on the basis of a student's "actual or potential" parental, family, or marital status or "pregnancy, childbirth, termination of pregnancy, or recovery

Title IX compliance entails simply treating pregnant and parenting students the same way schools treat other students.

therefrom."¹ Generally speaking, this means that schools must give all students who *might be, are, or have been* pregnant (whether currently parenting or not) equal access to school programs and extracurricular activities.

For the most part, compliance entails simply treating pregnant and parenting students in the same way that schools treat other students who are similarly able or unable to participate in school activities. Title IX also requires schools to prevent and address sex-based harassment, which includes harassment based on pregnancy.

TITLE IX REGULATIONS

In addition to offering general protection, Title IX regulations detail how the law applies to a range of specific activities and policies that affect pregnant and parenting students. These regulations govern activities both in and outside of the classroom.

Class attendance. Students may not be prevented from attending class on the basis of pregnancy. Separate programs or schools for pregnant and parenting students must be completely voluntary and must offer opportunities equal to those offered for students who are not pregnant or parenting.

Excused absences. Absences due to pregnancy or childbirth must be excused for as long as is deemed medically necessary by the student's doctor.

Make-up work. Schools must let students make up work missed because of pregnancy or related conditions, including recovery from childbirth. If a teacher or professor awards

KEY FINDINGS

- 1. Despite legal protection under Title IX, pregnant and parenting students often face discrimination in school,** including policies that segregate or exclude them from school activities or that keep them from making up missed work.
- 2. Barriers to education lead many pregnant and parenting students to leave school,** lowering their chances of finding good jobs that will let them provide for their families. This is true for young fathers as well as young mothers.
- 3. Knowledge is key to ending discrimination.** Measures such as tracking student outcomes and training school officials to understand the rights and needs of pregnant and parenting students can help ensure equal access to education.
- 4. Stronger enforcement is needed** at the federal, state, and institutional levels to protect pregnant and parenting students from discrimination. Enforcement should include ongoing compliance reviews and education efforts to inform students of their rights under the law.
- 5. Greater support for pregnant and parenting students,** including flexible leave options and funding for services such as child care and tutoring, can help ensure that these students have the opportunity to remain and succeed in school.

“points” or other advantages on the basis of class attendance, students must have an opportunity to earn back credit from classes missed because of pregnancy.

Tutoring or other accommodations. If the school provides tutoring or homebound instruction services to other students with medical conditions or temporary disabilities, it must provide such services to pregnant or parenting students on the same basis.

Breast milk expression. Parenting students must be permitted reasonable breaks to express breast milk during educational programming and should have access to a private space that is not a bathroom in which to do so.

School activities. Schools must allow pregnant or parenting students to continue participating in activities and programs outside of class, such

as sports, extracurricular activities, labs, field trips, and career rotations. The school can require a doctor’s note for pregnant students to participate in activities only if it requires a doctor’s note from *all* students who have conditions that require medical care.

Scholarships. Schools cannot terminate or reduce athletic, merit, or need-based scholarships because of pregnancy.



Overcoming Challenges in Education

Pregnant and parenting students face numerous hurdles in enrolling in, attending, and succeeding in school. In addition to the inherent difficulty of juggling schoolwork with parenting responsibilities and issues such as lack of affordable child care, these students often suffer discrimination at the hands of teachers, coaches, or school administrators.

DISCRIMINATION IMPEDES SUCCESS

Research by the Center for Assessment and Policy Development suggests that the most common barriers to education faced by pregnant and parenting students are: 1) required attendance at stand-alone alternative programs of questionable academic quality, and 2) discriminatory leave policies, including flunking students because of birth-related absences.² These unlawful practices can prevent pregnant and parenting students from finishing high school and from entering and completing postsecondary education. This form of

discrimination thus has a lifelong impact on young parents’ ability to earn sufficient wages to support their families.

Schools sometimes push students toward separate programs or facilities for pregnant students out of fear that these students will be a “bad influence” on others, or to avoid having to deal with pregnancy-related health issues. By law, participation in separate programs must be voluntary, yet students report that schools often tell them that they have no choice. Separate programs generally do not include the full range of academic coursework and extracurricular activities; therefore they do not leave these students as prepared to succeed as their classmates.

In other cases schools simply refuse to enroll pregnant students, either directing them elsewhere or actually encouraging them to drop out and get their GED instead of trying to

IMPACT OF PREGNANCY AND PARENTING ON EDUCATION ATTAINMENT

Studies have shown that barriers to education for pregnant and parenting students lead to high dropout rates among both male and female students:

- Only 51% of women who had been teen mothers earn their high school diplomas by age 22.^a
- Fewer than 2% of young teen mothers (those who have a baby before age 18) attain a college degree by age 30.^b
- In a nationwide survey, half of female dropouts said that becoming a parent was a factor in their decision to leave high school; one-third said it was a major factor.^c
- The same survey found that parenthood was a factor in leaving school for one-third of male students who dropped out.
- Parents and other students with caregiving responsibilities are the group mostly likely to say they “would have worked harder if their schools had demanded more of them and provided the necessary support.”^d

a. U.S. Bureau of Labor Statistics, *National Longitudinal Survey of Youth*, 1997 cohort. See <http://www.bls.gov/nls/nlsy97.htm/>. b. The National Campaign to Prevent Teen Pregnancy, *By the Numbers: The Public Costs of Teen Childbearing* (2006). c. Bill & Melinda Gates Foundation, *The Silent Epidemic: Perspectives of High School Dropouts* (2006). d. Ibid.

finish high school. Students also report that many schools consider pregnancy or parenting-related absences “unexcused,” or fail to let them make up missed work—practices that impede academic success and are specifically prohibited under Title IX.

SUPPORT LOWERS BARRIERS

Although some challenges are unavoidable, providing support for pregnant and parenting students—including, at a minimum, complying with the provisions of Title IX—can remove barriers to success. Equitable policies, flexibility in accommodating students’ needs, and structures for ensuring that all school personnel understand students’ rights under the law can help pregnant and parenting students stay in school through graduation.

New York City offers an example of how secondary school programs can evolve for the better. In 2007, the city announced a decision to shut down its alternative program for pregnant and parenting students, which offered parenting classes and child care but no opportunities for graduation or preparation for postsecondary education or careers. A new voluntary program, Living for the Young Family through Education (LYFE), provides free child care access in dozens of locations across the city as well as a range of programming aimed at helping pregnant and parenting students finish their high school education in the manner that works best for them and on equal par with their classmates.³

Given the importance of a college education in the current economy, supporting pregnant and parenting students at the postsecondary level is also crucial. These students make up a large and often vulnerable population for whom a college degree can make a lifelong difference.

Given the importance of a college education in the current economy, supporting pregnant and parenting students at the postsecondary level is crucial.

According to the Institute for Women’s Policy Research, parents of dependent children make up nearly a quarter of U.S. undergraduates, or 3.9 million students. Half of those are single parents, who are more likely than others to come from disadvantaged backgrounds. In addition, nearly half of parenting students work full-time while enrolled.

For these students, obtaining quality, affordable child care is one of the greatest challenges; the availability of child care is cited as an important factor in making the decision to attend college by four out of five parenting students.⁴ The federal Child Care Access Means Parents in School (CCAMPIS) program finances some

child care for low-income parents, but funding has declined in recent years, from \$16 million and 155 awards in 2010 to \$15 million and 86

awards in 2014.⁵ Increased funding for this program would help parenting students stay in college through graduation.

Steps Toward Ending Discrimination

Despite clear legal protection for pregnant and parenting students, practices that hinder the ability of these students to succeed in school are widespread. Discrimination and biases persist; many schools continue to enact policies that punish pregnant and parenting students rather than supporting them.

The key to ending such discrimination is knowledge. Students need to know their rights; those responsible for establishing and implementing school policies must understand their obligations under Title IX; and regulators must recognize the social consequences of non-compliance with Title IX in order to support stronger enforcement.

TRACKING AND DISSEMINATING INFORMATION

No reliable data exists on the numbers of pregnant and parenting students or on the numbers of these students who face discrimination in violation of Title IX. Better data on these numbers—which could be gathered via the Department of Education’s Civil Rights Data Collection (CRDC) process—would help in crafting strategies for countering discrimination.

Lack of knowledge among schools is another major hurdle. Many schools have not appointed Title IX coordinators, in violation of the statute, so they may not know that Title IX applies to pregnant and parenting students. Others simply do not fully understand their responsibilities to these students under the law. For example, colleges and universities sometimes allow individual instructors to set policies for their classes, including refusing entry to pregnant students, because school administrators fail to

recognize that the school is accountable for such discrimination.⁶

Some schools are misled by unlawful policies at the state and local level. At least two state Departments of Education recently had official policies in place that violated Title IX by excluding pregnant and parenting students from receiving services that were made available to those with other medically excused absences. These policies, in Georgia and Michigan, were revised after being challenged.

Students themselves often have no idea that Title IX prohibits discrimination against pregnant and parenting students.⁷ These students are particularly vulnerable if their school gives them incorrect information about enrollment, absence, or other policies. Given the high dropout rate among students who become pregnant, ensuring that these students understand their rights with regard to education is essential.

In 2013 the U.S. Department of Education’s Office for Civil Rights (OCR) issued a guidance document on the application of Title IX to pregnant and parenting students. The guidance serves as a critical reminder that schools have responsibilities to these students, including making adjustments or accommodations that are “reasonable and responsive to the student’s temporary pregnancy status.”⁸ The guidance also reminds schools that sexual harassment





of students, which includes harassment because of pregnancy or parenting status, is prohibited by Title IX. Wide dissemination of this document can help school departments, districts, and institutions inform their school communities about their rights and obligations under Title IX.

STRENGTHENING ENFORCEMENT

Although OCR investigates claims of discrimination against pregnant and parenting students, enforcement of Title IX remains difficult. Students are unlikely to lodge formal complaints with OCR for a number of reasons, including lack of knowledge of their rights, already feeling overwhelmed and vulnerable, and lack of resources or guidance from the adults in their lives. These issues make it even less likely that they will file lawsuits in court.

Despite these obstacles, OCR has had some recent successes. Since issuing the updated guidance in 2013, OCR has entered into multiple resolutions with schools, school districts, and colleges that have resulted in agreed-on measures to protect the rights of pregnant and parenting students. Such measures include reporting data on whether pregnant students were directed into specific programs due to their pregnancies; training staff members on Title IX obligations; revising policies that exclude pregnant and parenting students from academic programs; and initiating interactive processes to determine whether individual students require adjustments to their academic programs.⁹

While these investigations and resolutions show that OCR is working to enforce Title IX's protections for pregnant and parenting students, OCR is understaffed, and its investigations often take months or even years. Moreover, OCR does not collect data on pregnant and parenting students, which hinders its ability to monitor compliance on a larger scale.

Enforcement has been supplemented by legal action brought by other groups, notably the National Women's Law Center (NWLC). Legal actions at the state and federal level have brought about some needed changes (see the sidebar on the next page). To build on these successes, OCR should continue to educate pregnant and parenting students about their

KEY POINTS FROM OCR'S GUIDANCE ON PREGNANT AND PARENTING STUDENTS

- Schools must ensure access to their regular educational program by making adjustments that are reasonable and responsive to a student's pregnancy status.
- Pregnant or parenting students cannot be excluded from academic or extracurricular activities run or supported by the school.
- Absences due to pregnancy, recovery, or related conditions must be excused if the student's doctor deems the absence medically necessary.
- A student who has missed work due to pregnancy or a related condition must be allowed to make up the work. Schools have an obligation to ensure that individual teachers' grading and missed-work policies conform to Title IX.
- Schools must adopt and widely publicize grievance procedures for filing a discrimination complaint and must provide a prompt and equitable resolution of any such complaint.

SOURCE: U.S. Department of Education, Office for Civil Rights, *Supporting the Academic Success of Pregnant and Parenting Students* (June 2013). See <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.

rights and should ensure that all students are aware of how to make a complaint to OCR if their school fails to comply with Title IX. The

work of Title IX coordinators, who oversee compliance at the institution and district level, will be crucial in these efforts.

Creating Systemic Change

Action at multiple levels is needed to bring about systemic change in helping pregnant and parenting students achieve academic success.

In addition to disseminating knowledge, two areas where intervention can make a huge impact are federal support—including both

IMPACT OF ENFORCEMENT ON ENDING DISCRIMINATION

As the following examples show, Title IX enforcement can make a huge difference in ensuring education opportunities and access for pregnant and parenting students.

ENFORCEMENT AT THE DISTRICT AND SCHOOL LEVEL

2015 (GA): NWLC represented a pregnant student in an OCR complaint when her school refused to excuse absences for medically needed bed rest. An agreement with the school district allowed the student to make up her work and graduate on time. The district also agreed to change its written policies and to re-train faculty and staff on Title IX.

2015 (IL): NWLC wrote a letter in support of the Northwestern University Student Parent Alliance, which was lobbying for policies to accommodate student parents. In 2016, the university implemented new policies for portable child care grants, paid family leave for graduate students, and a doubling of campus lactation rooms.

2013 (NY): NWLC filed an OCR complaint on behalf of a pregnant student against City University of NY for allowing individual instructors to decide whether students could make up work missed because of pregnancy and for retaliating against a student for challenging the policy. The university agreed to provide Title IX training for staff and to reimburse the student's tuition losses.

ENFORCEMENT THROUGH COURT RULINGS

Several district and federal court cases have addressed whether a school may exclude a pregnant or parenting student from membership in the National Honor Society (NHS) or other programs.

- Multiple federal courts have determined that exclusion of pregnant or parenting students constitutes unlawful discrimination under Title IX.^a
- Most courts have rejected schools' attempts to defend such exclusion on the grounds of premarital sex. One district court found that denying NHS membership to a pregnant student violated Title IX because a male student who had fathered a child out of wedlock was not similarly excluded.
- In 2016, the U.S. Court of Appeals for the Sixth Circuit found a school in violation of Title IX and awarded \$850,000 to a pregnant student who had been discriminated against by her supervisor in a school-sponsored internship.^b

a. Conley v. Northwest Fla. State College, 145 F.Supp.3d 1073 (N.D. Fla. 2015); *Chipman v. Grant County Sch. Dist.*, 30 F. Supp.2d 975 (E.D. Ky. 1998); *Wort v. Vierling*, No. 82-3169 (C.D. Ill. Sept. 4, 1984). *b. Varlesi v. Wayne State University*, 643 Fed. Appx. 507, 509 (6th Cir. Mich. 2016).

guidance and funding—and effective policy-making at the school level.

FEDERAL ACTION

Two recent federal actions take aim at improving high school graduation rates and increasing access to education for pregnant and parenting students. Both offer practical support that can have a lasting impact on the economic stability of young families.

The Pregnant and Parenting Students Access to Education Act, introduced in the House of Representatives and the Senate in February 2015 (and previously introduced in one or both chambers in 2011 and 2013), authorizes the

U.S. Secretary of Education to make state and local grants to promote education for pregnant and parenting students. The act was devised to support states in creating a plan for educating pregnant and parenting students, providing professional development and technical assistance to school districts, and coordinating services with other state agencies. The act also has provisions for rigorous program evaluation and for collection and reporting of data on pregnant and parenting students, including educational outcomes.¹⁰

This legislation would provide states and school districts with much-needed resources not only for ensuring Title IX compliance but also for promoting graduation and college and career readiness for pregnant and parenting students. It thus offers a path toward economic opportunity for young families.

The Pregnancy Assistance Fund, a component of the Affordable Care Act, provides \$25 million annually for fiscal years 2010 through 2019 for the purpose of awarding competitive grants to states and Native American tribes or reservations. The law provides for up to 25 grants of \$500,000 to \$2 million a year. As of fall 2015, 17 states and three tribal entities had received awards for programming to connect young families with the support services they need and to ensure a focus on important outcomes such as graduation rates, maternal and child health outcomes, and parenting skills.¹¹

INSTITUTIONAL ACTION

All schools should ensure that their leaders and staff understand the rights of pregnant and parenting students under Title IX. That is just one piece of the puzzle for improving outcomes, however. Schools that want to increase graduation rates and provide support for motivated students facing the challenges of parenthood can do much more than just avoid discrimination.

RESOURCES FOR STUDENTS AND SCHOOLS

Know Your Title IX Rights: A Guide for Pregnant and Parenting Students. Legal Momentum, 2014.

Available at https://www.legalmomentum.org/sites/default/files/reports/Know%20Your%20Rights%20for%20Pregnant%20and%20Parenting%20Students%2012.30.2014_0.pdf.

Pregnant and Parenting Students' Rights Toolkit.

National Women's Law Center (NWLC), 2016. A collection of fact sheets, including a summary of students' rights, FAQs, and actions students can take when faced with discrimination. Available at <https://nwlc.org/resources/pregnant-and-parenting-students-rights-toolkit/>.

A Pregnancy Test for Schools. NWLC, 2012. Available at <https://nwlc.org/resources/a-pregnancy-test-for-schools-the-impact-of-education-laws-on-pregnant-and-parenting-students/>.

Supporting the Academic Success of Pregnant and Parenting Students. U.S. Department of Education, Office for Civil Rights, 2013. <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.

Find Your Title IX Coordinator. American Association of University Women (AAUW). Available at <http://www.aauw.org/resource/find-your-title-ix-coordinator/>.

Below are simple measures that both secondary and postsecondary schools can put in place to help pregnant and parenting students succeed in school:

- Create flexible leave options and mechanisms for making up missed work.
- Provide services such as child care, transportation, and tutoring.
- Excuse absences related to the illness of a student's child.
- Allow students time and space to express breast milk.
- Provide added guidance and case management to help students develop short- and long-term education goals, apply for public benefits, and access available health and other social services.
- Offer life skills classes that provide information on parenting as well as comprehensive

and medically accurate information on secondary pregnancy prevention.

- Track data on student outcomes.

The 2013 OCR guidance on pregnant and parenting students offers additional strategies for school administrators, teachers, and counselors to support mothers and fathers in school. These include preparing guidance materials to help school personnel respond to the needs of pregnant and parenting students; having Title IX coordinators provide training sessions for students, teachers, and others; and asking pregnant and parenting students for ideas on how districts can help them remain in school.¹²



NCWGE Recommendations

- School administrators should work with Title IX coordinators to make sure that all school personnel understand the rights of pregnant and parenting students.
- Dropout prevention programs should be targeted to meet the needs of students affected by pregnancy and parenting, including specific support measures to help both male and female students remain in school.
- The federal government should use its CRDC process to capture the number of pregnant and parenting students, and should back legislation directing schools to track the academic progress of these students. These measures will create a body of data on where and how efforts to support the education of pregnant and parenting students have succeeded.
- The Department of Education should develop a comprehensive plan for providing schools with technical assistance in protecting the rights of pregnant and parenting students under Title IX, and in conducting compliance reviews to ensure that students are able to complete their education in the school of their choice.
- The federal government should fund programs to enhance support for pregnant and parenting students, including accommodations and services to help them complete their education. Passing the Pregnant and Parenting Students Access to Education Act and increasing funding for affordable, quality childcare under the CCAMPIS program are two ways to achieve this goal.



References

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2. W. C. Wolf, *Using Title IX to Protect the Rights of Pregnant and Parenting Teens*. Center for Assessment and Policy Development, 1999.
3. See <http://lyfenyc.org/>.
4. K. Miller and B. Gault, *Improving Child Care Access to Promote Postsecondary Success Among Low-Income Parents*. Institute for Women's Policy Research, 2011. Available at <http://www.iwpr.org/publications/pubs/improving-child-care-access-to-promote-postsecondary-success-among-low-income-parents/>.
5. Source: U.S. Department of Education. See <https://www2.ed.gov/programs/campisp/funding.html>.
6. National Women's Law Center (NWLC), *Pregnant and Parenting Students' Rights: FAQs for College and Graduate Students*. Available at <https://nwlc.org/resources/faq-pregnant-and-parenting-college-graduate-students-rights/>.
7. See NWLC, *Pregnant and Parenting Students' Rights*, available at <https://nwlc.org/resources/pregnant-and-parenting-students-rights-2/>; NWLC, *Pregnant and Parenting Students' Rights: FAQs for College and Graduate Students*, available at <https://nwlc.org/resources/faq-pregnant-and-parenting-college-graduate-students-rights/>; and Legal Momentum, *Know Your Title IX Rights: A Guide for Pregnant and Parenting Students*, available at https://www.legalmomentum.org/sites/default/files/reports/Know%20Your%20Rights%20for%20Pregnant%20and%20Parenting%20Students%2012.30.2014_0.pdf.
8. U.S. Department of Education, Office for Civil Rights, *Supporting the Academic Success of Pregnant and Parenting Students* (June 2013), p. 9. See <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.
9. See, for example, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09152059-b.pdf>, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/11082079-a.pdf>, and <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/07152016-b.pdf>.
10. NWLC, *Fact Sheet: Pregnant and Parenting Students Access to Education Act*. Available at <https://nwlc.org/resources/pregnant-and-parenting-students-access-education-act-section-section-summary/>.
11. See https://www.hhs.gov/ash/oah/oah-initiatives/paf_program/about.html.
12. See <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.



TITLE IX COORDINATORS

ESSENTIAL CHAMPIONS OF EDUCATIONAL EQUITY

TITLE IX COORDINATORS ARE INTERNAL staff members who are accountable for ensuring that public schools, higher education institutions, and other education providers address the full scope of Title IX, which prohibits sex discrimination in federally funded education programs and activities. As such, Title IX coordinators play a vital role in protecting all students, both male and female, by preventing and addressing unlawful sex discrimination in school.

In overseeing compliance, Title IX coordinators serve as catalysts for equal opportunity in all areas covered in this report—athletics, sexual harassment and assault, single-sex education, pregnant and parenting students, career and technical education, and science, technology, engineering, and math (STEM)—as well as in employment and other aspects of education. They are the primary resource in identifying sex discrimination, resolving grievances, and providing equity information and training. Their work also ensures that education institutions take proactive steps to remain in compliance with Title IX.

Having a Title IX coordinator in place is not only required law, it is also essential for helping schools fulfill their mission of providing students with the best possible education. Yet gaps in compliance persist, with many schools failing to give coordinators adequate training or authority, or even to designate a Title IX coordinator. With new sources of information to help find where Title IX coordinators serve,

education stakeholders are in a strong position to hold schools and districts accountable for safeguarding students by filling and supporting these positions.

40+ Years of Protecting Students' Rights

The role of the Title IX coordinator originated with the 1975 regulations developed to implement the Title IX legislation of 1972. Title IX coordinators may be men or women. Multiple designations are used, but whether they are called Title IX coordinators, compliance officers, or equity coordinators, the concept and overall purpose of those in this position is consistent: to provide leadership and support in ensuring equal opportunity in education for all students, regardless of sex.

By protecting students, Title IX coordinators also protect their organization from complaints that can lead to negative publicity and expensive lawsuits. Institutional leaders thus have a vested interest in ensuring that a Title IX coordinator is in place and receives institutional support, including preventing retaliation against IX coordinators and others who report discrimination—something that is specifically prohibited by law.¹

AN INCREASINGLY COMPLEX ROLE

While the overarching responsibility of the Title IX coordinator has remained the same since 1975, the challenges of ending sex discrimination have become more complicated as institutional policies and other driving forces have evolved. Many forms of overt sex discrimination have been curbed—for example, women no longer face official quotas for acceptance into graduate programs—but gender stereotyping and other subtle forms of discrimination persist at all levels of education.

Common forms of sex discrimination include different treatment of boys and girls in class,

KEY FINDINGS

- 1. By law, every institution that receives federal funds for education programs or activities must designate at least one employee as a Title IX coordinator.** Coordinators oversee all aspects of Title IX at their schools, including fielding complaints and identifying and addressing any problems or patterns of sex discrimination.
- 2. Title IX coordinators are critical advocates for addressing gender equity concerns** throughout the school community, in areas ranging from academics to athletics to sexual harassment and assault. They can also work with their peers and other stakeholders across schools, districts, and states to implement Title IX fully and consistently.
- 3. Despite clear federal guidelines, many education institutions do not have a Title IX coordinator in place.** Even where Title IX coordinators are appointed, they often lack the training, autonomy, or authority to do their jobs effectively. These lapses can lead to Title IX violations that harm students and open the door for investigations and legal action.
- 4. Recent Department of Education resources offer both guidelines for supporting the work of Title IX coordinators** and tools for identifying and contacting coordinators working in specific locations. These tools can help Title IX coordinators work more effectively while providing students with the access they need to these advocates.
- 5. Efforts to distribute these resources nationally have improved the flow of information** and started much-needed conversations about how to bolster compliance. Students, parents, and other stakeholders can also use these resources to help advance gender equity in their schools, districts, and colleges.

counseling that directs students away from certain fields, biases in allocating funding for STEM research or athletics, and failure to address sexual harassment, among others. By limiting opportunity in many aspects of education, these forms of discrimination can have long-term effects that extend beyond school and into the workforce. Yet they can be difficult to combat, even where they clearly violate the law.

In addition, the role of the Title IX coordinator has become more complex as new issues such as cyberbullying arise, as existing issues gain broader recognition, and as the need to address the intersection of sex discrimination and discrimination based on factors such as race or disability becomes more apparent. In some cases, state and federal Title IX guidance has provided strong reinforcement of mandated responsibilities; for example, guidance documents from the U.S. Department of Education have made clear that schools must protect all students by working to prevent and address sexual harassment and assault. Lack of strong federal guidance in other areas leaves students vulnerable and schools uncertain about how best to comply with Title IX.

As the issues surrounding equity in education continue to evolve in ways that affect both male and female students, the need for designated staff to oversee Title IX compliance is higher than ever. By continuing to address sex discrimination, Title IX coordinators can help safeguard education opportunities for all students at a time when education is becoming increasingly important for achieving economic and social stability.

While gender equity work has become more complex, federal and state support for these endeavors continues to diminish.

DECLINING FUNDING FOR GENDER EQUITY WORK

While gender equity work has become more complex, federal and state support for these endeavors continues to diminish. The years following the passage of Title IX saw important federal funding that indirectly supported Title IX coordinators and other equity advocates through measures such as Title IV of the Civil Rights Act of 1964, the 1974 Women's Educational Equity Act (WEEA), the Perkins Vocational Education Act, and other federal education programs.²

Funding for gender equity has generally been in decline since the 1990s, however. The WEEA annual appropriation peaked at \$10 million in 1980 and remained under \$4 million a year from 1987 until the last WEEA funding in 2010.³ The 1984 Perkins Vocational Education Act provided the most generous federal funding for gender equity, but the bulk of the funding ended in 1998. Other federal programs, such as efforts by the National Science Foundation to increase the participation of women and people of color in STEM, have addressed gender equity to a greater or lesser degree. In recent years, however, funding responsibility for Title IX coordinators has largely rested with school districts or education institutions, which rarely make it an explicit budget item.

Passage of new federal legislation with funding to support the Title IX infrastructure would enhance opportunity in all aspects of education, thus better preparing students for success in school and beyond. One proposed piece of legislation is the Patsy Mink Gender Equity in Education Act, which would fund training for Title IX coordinators, among other activities.⁴ In the absence of such legislation, schools can



use federal funds to help implement Title IX even if these funds are not specifically designated for that role.

CHALLENGES IN COMPLIANCE

Every education entity that receives federal financial assistance must designate at least one employee as the Title IX coordinator. This includes public schools, school districts, state education departments, colleges and universities, and other education providers that receive federal support (e.g., libraries, museums, and health and justice facilities).

Title IX coordinators oversee all aspects of Title IX compliance at their institutions, including

fielding complaints and identifying and addressing systemic problems or patterns of sex discrimination. To do this work effectively, Title IX coordinators need continuity, independence, authority, and training in federal and state regulations and school/district policy.

In practice, many education entities fail to meet the most basic requirement of having a Title IX coordinator in place. In its investigations of alleged Title IX violations at more than 100 schools, the U.S. Department of Education's Office for Civil Rights (OCR) found that many had not designated a Title IX coordinator.⁵ Not surprisingly, OCR has noted that some of the most "egregious and harmful" Title IX violations occur when schools fail to have a Title IX coordinator in place, or when a Title IX coordinator does not have the training or authority to oversee compliance.⁶

Lack of proper training, authority, and systemic support are persistent issues for Title IX coordinators. Many Title IX coordinators are unaware of the full scope of their work and focus exclusively on gender equity in athletics, the most well-known aspect of Title IX, or on one or two other aspects. In its research, the Feminist Majority Foundation (FMF) has found multiple other issues in the implementation of Title IX at the state and local levels:⁷

- At the state, district, and campus levels, many Title IX coordinators fail to cover all aspects of Title IX, including academics, employment, and school climate. In addition, districts often do not provide training and

TITLE IX COORDINATORS AS LEADERS AND COLLABORATORS

Title IX coordinators work to protect the rights of students and others at education institutions to ensure an equitable learning environment. They can also help their institutions avoid sanctions and lawsuits by creating a strong Title IX infrastructure. To do so, they must:

Be proactive gender equity leaders in their institutions.

They should work within their communities to identify discrimination and to educate students, staff, and others about their rights and responsibilities with regard to Title IX.

Have the expertise, authority, and time built into their work schedule to ensure compliance with all aspects of Title IX.

This includes working to end sex discrimination and stereotyping in academics and athletics, to ensure equitable treatment of pregnant and parenting students, to end sexual harassment and assault, and to prevent discrimination in employment. It also includes examining grievance and disciplinary practices.

Work with key stakeholders to build a national Title IX infrastructure to prevent sex discrimination in education.

This includes using vertical networks to share information and training from state education agencies as well as horizontal networks of Title IX coordinators that include other civil rights coordinators and gender equity advocates.

SOURCE: Adapted from S. Klein et al., *Reinvigorating the Role of the Title IX Coordinator*. Feminist Majority Foundation, 2016.

Some of the most egregious and harmful Title IX violations occur when schools fail to have a Title IX coordinator in place, or when a Title IX coordinator does not have the training or authority to oversee compliance.

assistance to Title IX coordinators in all of the district's schools.

- Most state education agency websites have limited information on Title IX–related issues or on Title IX coordinators. School district websites are typically even worse.
- Many Title IX coordinators do not operate independently, and few work on Title IX full time.
- Title IX coordinators often do not receive sufficient support in their work to ensure high-quality, systematic, sustainable, and proactive guidance. Their roles are often seen as reactive—that is, primarily as responding to complaints and protecting their employer from sex discrimination lawsuits.
- There is little systematic oversight of the gender equity aspects of educational programs. This has resulted in school-sanctioned sex discrimination, especially with regard to single-sex programs, as well as



inadequate protection of students from sexual harassment and assault.

One solution to some of these issues is to create teams of Title IX coordinators with expertise in different areas serving under a lead coordinator. Reducing turnover by providing incentives to retain experienced Title IX coordinators would also improve their ability to fulfill their role, with benefits accruing to the entire education community.

Resources for Enhancing Effectiveness

To address compliance issues, in 2004 OCR sent letters to all school district superintendents and college presidents about the requirement to appoint Title IX coordinators. OCR and the Department of Justice's Civil Rights Division have also included information on the role of Title IX coordinators in policy guidance documents relating to issues such as single-sex education, sexual harassment and assault, and athletics, among others.

With Title IX compliance still in need of shoring up, the Department of Education and other organizations have developed a host of more recent materials to guide schools in putting in place systems to ensure that all students have equitable access to education opportunities. These resources can help educa-

tion institutions, their communities, and Title IX coordinators themselves understand the roles and responsibilities of this vital position.

FEDERAL GUIDANCE ON THE ROLE OF THE TITLE IX COORDINATOR

In 2015, OCR released a guidance package to help educators understand the role of Title IX coordinators.⁸ The package includes the *Title IX Resource Guide* and a “Dear Colleague” letter on Title IX coordinators, which went out to schools and higher education institutions throughout the country. The letter outlines both obligations and recommendations for schools to maximize compliance. It also emphasizes the importance of making Title IX coordinators accessible to the school community. Key points include:⁹

Designation. Every education institution that receives federal financial assistance must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. This position may not be left vacant; a recipient must have at least one person designated and actually serving as the Title IX coordinator at all times.

Independence. The Title IX coordinator's role should be independent to avoid any potential conflicts of interest. The Title IX coordinator should report directly to senior leadership, such as the district superintendent or the college or university president.

Time. Designating a full-time Title IX coordinator minimizes the risk of a conflict of interest and helps ensure that sufficient time is available to perform all of the role's responsibilities. Although not required by Title IX, it may be good practice for larger school districts, colleges, and universities to designate multiple Title IX coordinators.

Authority. The Title IX coordinator must have the authority necessary to fulfill the responsibility of coordinating compliance with Title IX, including grievance procedures for resolving Title IX complaints.

Visibility. Institutions should make the role of the Title IX coordinator visible by widely distributing the coordinator's contact information, including making it easily found on the school's website and in various publications.

Training. Schools should ensure that Title IX coordinators are aware of the full scope of issues covered by Title IX, as well as other relevant federal

and state laws. Title IX coordinators should also know the requirements for grievance procedures and their role in ensuring that community members know how to file a Title IX complaint.

ONLINE TOOLS FOR FINDING TITLE IX COORDINATORS

Several online tools now exist for identifying and contacting the Title IX coordinators who serve in specific locations. These tools were developed using information from OCR and the Department of Education's Office of Postsecondary Education (OPE). These agencies recently collected and published contact information on more than 23,000 Title IX coordinators across the country. Information came from the required Civil Rights Data Collection (CRDC) and Clery Act reporting processes, which gather information from K-12 schools and postsecondary institutions, respectively.

Online tools to help students and other stakeholders locate Title IX coordinators include a database of K-12 Title IX coordinators from OCR;¹⁰ the Campus Safety and Security Database, which includes information on the Title IX coordinators at some 7,000 colleges and universities;¹¹ *Find Your Title IX Coordinator*, an interactive tool that includes Title IX coordinators across K-12 and higher education;¹² and a list of Title IX coordinators at state education departments.¹³ The Resources sidebar on the next page includes more information and URLs for these resources.

Given the lack of such information available through school websites and other public forums, these tools are a major step forward in providing students with access to the school staff members who are tasked with protecting their rights. Ensuring that this information remains up to date is an important priority, particularly since turnover for this position can be high.



RESOURCES FOR ACCESSING AND SUPPORTING TITLE IX COORDINATORS

LOCATING TITLE IX COORDINATORS

Find Your Title IX Coordinator. An interactive tool from the American Association of University Women (AAUW) with information on Title IX coordinators in K–12 and higher education, by state. See <http://www.aauw.org/resource/find-your-title-ix-coordinator/>.

Civil Rights Coordinators Database. OCR has compiled names, titles, and contact information for Title IX and other civil rights coordinators at virtually every public school district in the country. See <https://www.ed.gov/civ-rts-coordinators>.

Campus Safety and Security Database. OPE's database includes contact information for the security officer, the fire safety officer, and the lead Title IX coordinator at every college and university. See <https://ope.ed.gov/campussafety/>.

Title IX Coordinators in State Education Agencies. Developed by FMF, this list of Title IX coordinators serving at the state level is designed not only to inform state and school communities but also to help Title IX coordinators exchange information. See http://www.feminist.org/education/NetworkCoordinators_state.asp.

UNDERSTANDING THE WORK OF TITLE IX COORDINATORS

Title IX Resource Guide. U.S. Department of Education, OCR, April 2015. Information on the scope of Title IX, the role and authority of Title IX coordinators, and more. See <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>.

Dear Colleague Letter on Title IX Coordinators. U.S. Department of Education, OCR, April 2015. A reminder of the responsibilities of school districts, colleges, and universities in designating and supporting Title IX coordinators. See <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>.

Reinvigorating the Role of the Title IX Coordinator: A Requirement and Resource. FMF, 2016. Research findings and recommendations for maximizing the effectiveness of Title IX coordinators. See <http://www.feminist.org/education/pdfs/Title-IX-Coordinators-Full-9-13-16.pdf>.

Title IX Coordinators Web Page. A special section of the FMF Education Equity website, which includes *Essential Resources for Title IX Coordinators*, the state Title IX coordinator finder, research reports, a handout on campus Title IX coordinators, and other resources. See <http://www.feminist.org/education/TitleIXcoordinatorsNetwork.asp>.

Making Title IX History at the Office for Civil Rights. AAUW, December 2016. A summary of the impact of OCR's recent Title IX work, including data collection on Title IX coordinators. See <http://www.aauw.org/article/making-title-ix-history-at-the-ocr/>.

Video (part 1): Sexual Harassment: Not in Our School! A training video from Stop Sexual Assault in Schools that includes a parent interview with a Title IX coordinator. See <http://www.ssais.org/video>.



Advocating for Information and Enforcement

For Title IX coordinators to be effective, they need to be fully aware of their responsibilities to the institutions and students they serve. Federal guidance documents can help them advance implementation and enforcement, but only if they know where to find them and implement them appropriately.

Given ongoing discrimination at every level of education, there is a great need to get information into the hands of identifiable, responsible Title IX coordinators to help them do their jobs effectively. Tools that identify Title IX coordinators working in specific locations have made direct advocacy and outreach efforts possible.

These tools have been indispensable in AAUW's Title IX Delivery project, which encourages advocates to meet with their Title IX coordinators and deliver OCR's 2015 *Title IX Resource Guide*. In just one year, the project has resulted in over 700 meetings with K–12

coordinators in 29 states. Following are just a few examples of the impact of efforts coordinated by state-level AAUW organizations:

- In Oregon, Title IX resource guides were delivered to 199 school district offices—98% of the districts in the state.
- In North Dakota, Title IX coordinators at 378 schools received federal Title IX resources.
- AAUW members discovered that in Hawaii, which has a single public school district, only one Title IX coordinator oversees K–12 compliance for the entire state. National and state AAUW leaders met with the state superintendent of schools to discuss concerns about Title IX and encourage the designation of additional Title IX coordinators.

These cases represent the influence that advocates and constituents can make on Title IX enforcement, with or without enforcement or other action from federal lawmakers.

NCWGE Recommendations

- Students, parents, and other advocates should meet with local Title IX coordinators to review the scope of their work and discuss any equity concerns. They can deliver OCR's *Title IX Resource Guide*, this report, and other relevant resources (see the Resources sidebar). In addition to supporting Title IX coordinators, advocates can participate in Title IX training and advisory groups.
- Title IX coordinators should receive technical assistance and training at least once a year to ensure that they understand all of their responsibilities, including how to facilitate grievance procedures. Training should include networks of Title IX coordinators at the school and district level, as well as other stakeholders.
- Every education institution that receives federal funding should post contact and other relevant information on Title IX coordinators on the institution's website.
- The Department of Education should clarify that in addition to state education depart-

ments and school districts, all individual schools and other entities that receive federal funding must designate a Title IX coordinator.

- Congress should provide adequate funding for OCR and other federal agencies with Title IX responsibilities to ensure that they can maintain critical services, such as disseminating up-to-date information, providing technical assistance, investigating

complaints, and using the CRDC to collect information on Title IX coordinators as a means of ensuring gender equity.

- Congress should pass the Gender Equity in Education Act, which would create an Office for Gender Equity in the U.S. Department of Education and provide support for implementation of Title IX, including training of Title IX coordinators.

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4. For information on this legislation, see <https://feminist.org/blog/index.php/2016/07/18/patsy-mink-gender-equity-in-education-act-introduced-in-house-and-senate/>.
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6. OCR, *Dear Colleague Letter on Title IX Coordinators*, April 2015. See <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>.
7. S. Klein et al., *Reinvigorating the Role of the Title IX Coordinator*, p. v. FMF, 2016.
8. The guidance package can be found here: <https://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html>.
9. Information in this section is summarized from OCR’s *Dear Colleague Letter on Title IX Coordinators*, April 2015. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>.
10. OCR’s K–12 Title IX coordinator locator is available at <https://www.ed.gov/civ-rts-coordinators>.
11. The campus safety database from the Office of Postsecondary Education, which includes information on Title IX coordinators at colleges and universities, can be found at <https://ope.ed.gov/campussafety/>.
12. AAUW’s *Find Your Title IX Coordinator*, a searchable database of Title IX coordinators at K–12 and higher education institutions, can be found at <http://www.aauw.org/resource/find-your-title-ix-coordinator>.
13. FMF’s list of Title IX coordinators working at the state and territory level, along with other resources, is available at http://www.feminist.org/education/NetworkCoordinators_state.asp.

TITLE IX TIMELINE

- 1964 Title VII of the Civil Rights Act of 1964 is enacted, prohibiting discrimination in employment based on race, color, sex, national origin, or religion. Title VI of this Act prohibits discrimination in federally assisted programs—including education programs—on the basis of race, color and national origin, but not on the basis of sex.
- 1970 Congress holds first hearings on sex discrimination in higher education.
- 1972 Title IX of the Education Amendments of 1972 is enacted, prohibiting discrimination on the basis of sex in all federally funded education programs and activities.
- 1974 The Tower Amendment, which would have exempted revenue-producing sports from Title IX compliance, is proposed and rejected. The alternative Javits Amendment passes, providing that Title IX regulations be issued and include reasonable provisions considering the nature of particular sports.
- Congress passes the Women’s Educational Equity Act, designed to build a gender-equity infrastructure at the local and national levels that both supports Title IX and combats sex stereotyping in education.
- 1975 The U.S. Department of Health, Education and Welfare (HEW) issues final Title IX regulations. Elementary schools are given one year to comply; high schools and colleges are given three years. Several attempts in Congress to disapprove the HEW regulations and to amend Title IX are rejected.
- HEW publishes “Elimination of Sex Discrimination in Athletics Programs” in the Federal Register and sends it to school officials and college and university presidents.
- 1976 The NCAA unsuccessfully files a lawsuit challenging the Title IX athletic regulations.
- 1977 A U.S. Court of Appeals rules that sexual harassment is sex discrimination and therefore covered under Title IX.
- 1979 After notice and comment, HEW issues a Policy Interpretation, “Title IX and Intercollegiate Athletics,” introducing the “three-part test” for assessing compliance with Title IX’s requirements for equal participation opportunities.
- The U.S. Supreme Court rules in *Cannon v. University of Chicago* that private individuals have the right to sue under Title IX.

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- 1980 Federal education responsibilities are transferred from HEW to the new Department of Education. Primary oversight of Title IX is transferred to the Department's Office for Civil Rights (OCR).
- OCR issues the *Interim Athletics Investigator's Manual* on Title IX compliance to investigators in its regional offices.
- 1982 The U.S. Supreme Court upholds Title IX regulations prohibiting sex discrimination in employment.
- 1984 The U.S. Supreme Court rules in *Grove City v. Bell* that Title IX applies only to the specific programs within an institution that receive targeted federal funds. This decision effectively eliminates Title IX coverage of most school athletics programs and other areas not directly receiving federal funds.
- 1987 OCR publishes *Title IX Grievance Procedures: An Introductory Manual* to assist schools with their obligation to establish a Title IX complaint procedure and designate a Title IX coordinator to receive those complaints.
- 1988 Congress overrides President Reagan's veto to pass the Civil Rights Restoration Act, which restores Title IX coverage to all of an educational institution's programs and activities if any part of the institution receives federal funds.
- 1990 OCR updates and finalizes its *Title IX Athletics Investigator's Manual*.
- 1992 The U.S. Supreme Court rules unanimously in *Franklin v. Gwinnett County Public Schools* that plaintiffs who sue under Title IX may be awarded monetary damages.
- The NCAA publishes a Gender Equity Study of its member institutions, detailing widespread sex discrimination in athletics programs.
- 1994 The Equity in Athletics Disclosure Act passes, requiring federally assisted, coeducational institutions of higher education to disclose certain gender equity information about their intercollegiate athletics programs, allowing better monitoring of Title IX compliance.
- 1996 OCR issues the "Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test," explaining in detail how schools can comply with each prong of the three-part participation test first set forth in the 1979 Policy Interpretation.
- The U.S. Court of Appeals for the First Circuit, after an extensive analysis, upholds the lawfulness of the three-part test in *Cohen v. Brown University*.
- The U.S. Government Accountability Office issues a report entitled *Issues Involving Single-Gender Schools and Programs*, which concludes that such programs may violate Title IX, the U.S. Constitution, and state constitutions.

1997 OCR issues “Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,” which establishes standards for Title IX compliance and emphasizes that institutions are responsible for preventing and punishing student-on-student sexual harassment.

1998 The U.S. Supreme Court rules in *Gebser v. Lago Vista Independent School District* that a student may sue for damages for a teacher’s sexual harassment only if the school had notice of the teacher’s misconduct and acted with “deliberate indifference”—a higher standard for recovering damages than employees have to meet for harassment in the workplace.

1999 The U.S. Supreme Court rules in *Davis v. Monroe County Board of Education* that Title IX covers student-on-student harassment and that damages are available if the school had notice of, and was deliberately indifferent to, the harassment. The Court holds that the harassment must be so severe, pervasive, and objectively offensive that it deprives the victim of the benefits of education.

Two teen mothers who were denied membership in the National Honor Society because of their parental status settle their Title IX lawsuit, *Chipman v. Grant County School District*.

2000 The Department of Justice issues the Final Common Rule on Title IX enforcement for all federal agencies that do not already have their own regulations.

President Clinton issues Executive Order 13160, stating that federal civil rights protections, including Title IX’s prohibition against sex discrimination, apply to federally conducted education and training programs and activities because “The Federal Government must hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance.”¹

2001 OCR issues “Revised Sexual Harassment Guidance” reaffirming in large part the compliance standards described in the 1997 Guidance. It makes clear that standards set forth in the 1998 and 1999 Supreme Court rulings (*Gebser* and *Davis*) apply only to suits for damages, not to OCR’s enforcement or to suits for injunctive relief.

The Department of Justice issues the *Title IX Legal Manual*, providing guidance to federal agencies regarding compliance with Title IX.

2002 The National Wrestling Coaches Association files suit against the Department of Education challenging the three-part test. The Department establishes a Commission on Opportunity in Athletics to evaluate changes to Title IX athletics policies.

President Bush’s budget calls for elimination of the Women’s Educational Equity Act, which leads to the closing of the WEAA Equity Resource Center the following year.

2003 The Commission on Opportunity in Athletics issues its report, recommending significant and damaging changes to the Department of Education’s regulatory policies. The Secretary of Education rejects all recommendations and issues a “Further Clarification



of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance” affirming the existing policies.

2005

Lawrence H. Summers, President of Harvard University, draws criticism for proposing that “innate” differences in sex may explain why fewer women succeed in science and math careers. One year later, Summers announces his resignation from Harvard; Drew Gilpin Faust becomes the first female president of Harvard in 2007.

The U.S. Supreme Court rules in *Jackson v. Birmingham Board of Education* that individuals, including coaches and teachers, have a right of action under Title IX if they are retaliated against for protesting sex discrimination.

The Department of Education issues an “Additional Clarification of Intercollegiate Athletics Policy Guidance: Three-Part Test—Part Three,” which weakens schools’ obligations under Title IX by allowing them to rely on a single email survey to support assertions that they are meeting women’s interest in playing sports.

2006

The Department of Education promulgates new regulations expanding the authorization for schools to offer single-sex programs.

The College of Education at Arizona State University releases a study showing that current research into single-sex education is neither conclusive nor of acceptable quality. The study notes that the research “is mostly flawed by failure to control for important variables such as class, financial status, selective admissions, religious values, prior learning or ethnicity.”²

2009

The Supreme Court holds, in *Fitzgerald v. Barnstable School Committee*, that individuals can bring suits alleging sex discrimination by public entities under both Title IX and the U.S. Constitution.

2010

OCR releases guidance to schools clarifying that, under current civil rights laws, they are responsible for stopping, remedying, and preventing bullying and harassment based on sex, including gender stereotypes.³ If a school fails to recognize and address discriminatory harassment, it can be held responsible for violating students’ civil rights.

The Department of Education rescinds the 2005 “Additional Clarification of Intercollegiate Athletics Policy Guidance: Three-Part Test—Part Three,” returning athletics enforcement efforts to the previous standard, which requires schools to evaluate multiple indicators of interest to demonstrate that they are fully and effectively accommodating their female students’ interests.

2011

OCR releases guidance clarifying that schools are obliged to prevent and respond to sexual violence under Title IX’s prohibition of sex discrimination.⁴ The guidance reiterates that sexual harassment of students, including acts of sexual violence, are prohibited under Title IX.

2012 OCR releases Part 2 of the 2009–10 Civil Rights Data Collection (CRDC), showing that minority students face harsher discipline, are taught by less experienced and lower-paid teachers, and have less access to rigorous high school curricula.⁵

2013 OCR releases guidance clarifying the Title IX rights and requirements regarding pregnant and parenting students.⁶ It reminds schools and other stakeholders that pregnant students are protected by Title IX and lists strategies to assist educators in supporting these students.

2014 OCR releases “Questions and Answers on Title IX and Sexual Violence,” a dear colleague letter clarifying legal requirements and the 2011 guidance on sexual violence.⁷ This document includes steps schools can take to prevent and respond to sexual violence.

OCR releases a guidance clarifying details on single-sex classes and extracurricular activities.⁸ The document details questions and answers to help K–12 educators assess their Title IX compliance with regard to single-sex programming.

2015 OCR releases a guidance package reminding the community that any educational institution receiving federal funding must appoint at least one employee to coordinate Title IX compliance.⁹ It specifies factors to consider when choosing a coordinator and suggests the responsibilities and authority that must be allocated to the position.

2016 OCR issues a guidance on Title IX obligations for supporting transgender students.¹⁰ The document clarifies that Title IX prohibits discrimination based on gender identity or transgender status, and outlines examples of best practices for a nondiscriminatory school environment.

OCR and the Office of Career, Technical, and Adult Education issue guidance reminding federal assistance recipients that all students must have access to career and technical education (CTE) programs, regardless of their sex.¹¹ The letter provides support and clarification to all its recipients by clarifying the legal requirements to ensure equal access to CTE programs.

OCR releases the 2013–2014 CRDC, a survey of all public schools and school districts in the United States. The CRDC measures student access to courses, programs, instructional and other staff, and resources, as well as school climate factors—such as student discipline, bullying, and harassment—that affect education equity and opportunity for students. OCR issues a report on the data entitled *Key Data Highlights on Equity and Opportunity Gaps in Our Nation’s Public Schools*.¹²

NOTE: The following publications were used as references for this timeline: K. Galles, “Title IX History” (Equity Legal, 2003); B. R. Sandler and H.M. Stonehill, “Appendix C: A Brief History of Student-to-Student Harassment,” in *Student-to-Student Sexual Harassment K–12* (Rowman & Littlefield Education, 2005); S. Ware, “Title IX: A Brief History with Documents,” in the *Bedford Series in History and Culture* (Bedford/St. Martin’s, 2007); Women’s Sports Foundation, “Title IX Legislative Chronology,” available at <http://www.womenssportsfoundation.org/home/advocate/title-ix-and-issues/history-of-title-ix/history-of-title-ix/>.



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8. Department of Education, OCR, *Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities*, December 1, 2014. See <http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>.
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AMERICAN CIVIL LIBERTIES UNION

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AMERICAN FEDERATION OF TEACHERS

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AMERICAN PSYCHOLOGICAL ASSOCIATION

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ASSOCIATION OF AMERICAN COLLEGES & UNIVERSITIES

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BUSINESS AND PROFESSIONAL WOMEN'S FOUNDATION

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