

THE ROLE OF GOVERNMENT IN ADVANCING GENDER EQUITY IN EDUCATION

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INTRODUCTION

This chapter discusses the critical role of government, especially at the federal and state levels, in institutionalizing gender equity policies and practices in K–12 and postsecondary education in the United States. Themes include:

- The passage of the federal Title IX and efforts to weaken its protections.
- Legislation and procedures used by federal, state, and local government agencies to implement laws to increase gender equity. Implementation includes funding gender focused programs and research as well as the enforcement of Title IX and other statutes.
- Implementation of state constitutional provisions and statutes prohibiting sex discrimination in education.
- The roles of states, education, civil rights, women’s rights, and other organizations in creating and implementing gender/sex equity laws and programs and the mechanisms found to be helpful in these endeavors.

Finally, the authors provide recommendations for additional policy, programs or practice and research to maximize the role government can play in advancing gender equity education goals as described in chapter 1.

HISTORY OF TITLE IX AND RELATED CIVIL RIGHTS LAWS

In 1972, the United States Congress passed the first legislation ever to prohibit sex discrimination in educational programs and activities in institutions that receive federal financial assistance. Title IX of the Education Amendments of 1972 (Title IX) banned sex discrimination in a wide range of institutions with education programs and activities, from prisons to schools to museums, and in many activities, from admissions to athletics to employment. Title IX was renamed “The Patsy T. Mink Equal Opportunity in Education Act” in October 2002 to honor one of the law’s foremost advocates.¹ As described in chapter 1 and in some of the following information on the history of Title IX, the Equal Protection Clause of the 14th Amendment to the U.S. Constitution has been used by the Supreme Court to provide protections against sex discrimination in many aspects of our society, including education. Other legislation has provided parallel protections. For instance, Title VI of the Civil Rights Act of 1964, which provides protection against discrimination on the basis of race, color, or national origin in all federally funded programs, was used as a model for Title IX. But unlike Title VI, Title IX coverage is limited to education.² Although Title IX covers education broadly, it does not cover sex bias in instructional materials.³

¹Patsy Mink and many other supporters of Title IX suffered sex discrimination first hand. For example, she was denied admission to medical school and then only used her first initial with her subsequently successful law school application.

²Other U.S. civil rights laws such as Title VII of the 1964 Civil Rights Act (prohibiting discrimination in employment) and the Americans with Disabilities Act of 1990 apply to many organizations in addition to those receiving federal financial assistance.

³Although women’s rights groups wanted to retain these prohibitions, arguments for omitting them were based on possible interference with Constitutional guarantees of freedom of speech and states’ rights and responsibilities to make decisions about education.

The June 1975 House of Representatives hearings on the Title IX regulations reported that before Title IX, differential admission, treatment, and hiring of students, staff, and faculty were commonplace. Vocational education programs and career interest tests were segregated by gender. Programs open to girls included training for low-paying occupations in clerical fields and in homemaking programs that did not train students for wage-earning occupations at all. Girls often were discouraged or excluded from advanced science and math courses and related clubs. Programs open to boys included industrial arts and production agriculture. Boys were excluded from home economics and business courses and the clubs associated with those program areas. Guidance counselors routinely gave students interest inventories that were gender-coded; a boy and girl with similar interests were directed into gender-specific careers. Some schools had sex-segregated lunch tables, closets, toys, lines, reading lists, and even water fountains. School sports, at both the secondary and postsecondary levels, offered few if any programs and opportunities for girls and women. As late as 1975 in high schools across the country, the average budget for boys' sports was five times more than the budget for girls' sports. At the college level, the proportion rose to 30 times more money for men's athletics than for women's athletics (*Sex Discrimination Regulations*, 1975).

Many scholarships to colleges could be awarded only to men, and financial aid, including loans, could be denied to women who were married, pregnant, or had children. Colleges and universities had quota systems limiting the number of women who could attend and had different standards for admission based on sex. For example, in the 1970s Cornell admitted women only if they had SAT scores 30–40 points higher than the male average, and at Pennsylvania State University men were five times more likely to be admitted than women. High schools and colleges generally expelled pregnant students, married or not, or required pregnant students to accept home instruction. Many elementary and secondary school systems fired pregnant teachers, including married ones, or required them to resign at the end of the semester. School systems routinely paid women less and invested less in pension programs for women employees than for men (National Advisory Council on Women's Educational Programs, 1981). Clearly, sex discrimination was rampant in school systems and institutions of higher education. The need for equal rights legislation was great.

Title IX has been critical in eliminating substantial sex discrimination in education in the U.S. Many of the *Handbook* chapters describe progress toward gender equity associated with Title IX (as well as parallel civil rights laws, and social or political pressures). They show that opportunities expanded for both girls and boys in elementary and secondary education especially in sports and athletics, mathematics achievement scores for girls and boys became more similar as they took more of the same courses, the number and proportion of women enrolled in postsecondary institutions increased, and educational and employment opportunities for females and males expanded and in some cases became more equitable.

Congress Passes Title IX

During the 1950s and 1960s Congress passed a number of laws providing financial aid to institutions of higher education and

their students. Many of these laws were set to expire in 1971, and in 1970 members of Congress introduced various bills to extend and expand these programs. Several key events led Congress to discuss legislation prohibiting sex discrimination in education in conjunction with the extension of these financial aid laws. In 1963, the U.S. Commission on the Status of Women issued a report documenting the secondary status of women in the U.S., with a special focus on women's economic disadvantages. This helped justify the passage of the Equal Pay Act of 1963. The Federation of Business and Professional Women worked quickly to establish state-level commissions on the status of women that would parallel the U.S. Commission. This created a network of women and men on the state level who researched and documented discrimination against women across the country, and therefore helped to build grassroots support for legislation aimed at gender equity (Threinen & Weck, 1983). In 1970, Dr. Bernice Sandler, under the auspices of the Women's Equity Action League (WEAL), filed a class action administrative complaint against hundreds of colleges and universities that had contracts with the federal government and charged them with violating President Johnson's 1965 Executive Order 11246, which was amended in 1968 to prohibit sex discrimination in federal contracts (Sandler, 1997).

Also in 1970, a presidential task force on women's rights and responsibilities issued its report that documented the existence of sex bias in American society and recommended legislative changes to ban sex discrimination in education and other areas (Fishel & Pottker, 1977; Threinen & Weck, 1983). The key proposed legislative change addressing this broad challenge to protect against sex discrimination was the Equal Rights Amendment (ERA), a proposed amendment to the U.S. Constitution, first introduced in Congress in 1923 and every year thereafter until it was approved by the House of Representatives in 1971 and by the Senate in March 1972. Section 1 of the ERA states that "Equality of Rights under the law shall not be denied or abridged by the United States or by any state on account of sex." However, the ERA fell just three states short of the necessary 38 states needed to gain ratification, and it has not yet been ratified by enough states to become law. Section III of this chapter describes how many states use wording similar to the ERA to provide their own constitutional protections.

Various education bills, such as the omnibus higher education bill, were up for extension in 1970. As part of this higher education legislation, Representative Edith Green (OR) sponsored a bill to outlaw sex discrimination in education despite the general belief that sex discrimination was not a big education issue. Documentation of the need for such a law was not hard to find, and at the summer 1970 hearings held by Green with the assistance of Dr. Bernice Sandler, 75 different statements documenting the problems related to sex-role stereotyping and discrimination in education were made by educators and various women's groups. Representative Green hired Dr. Sandler to compile two volumes of testimony about sex discrimination in education from the hearings (Fishel & Pottker, 1977; Nash, 2002; Sandler, 1997; Threinen & Weck, 1983).

The following year, however, the House again was working on an omnibus higher education bill. The subcommittee, headed by Edith Green, again included a special provision banning sex discrimination in any program or activity receiving federal financial assistance, including education, housing, and pub-

lic accommodations, modeled on Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin. Various members wanted the prohibition of sex discrimination to have limited coverage related to admissions policies; finally they agreed to exempt all undergraduate college admissions policies from coverage. The bill next went to the Education and Labor Committee, where Green, with help from women's groups, lobbied to have that exemption deleted and replaced with one that would exempt schools that were 90% or more of one sex. That version passed the committee and was sent to the House, with an attached note from nine Republican members who objected to the prohibitions against sex discrimination. The stated basis of their objection was federal restrictions and controls of higher education (Fishel & Pottker, 1977).

When the Education bill was sent to the House, once again the amendment exempting all undergraduate admissions was introduced, and passed. The House inserted this language in the Senate's bill and sent it back. In November 1971, with the bill in the Senate's Committee on Labor and Public Welfare, Senator Birch Bayh (IN) introduced an amended version of his earlier proposal. On the Senate floor, Bayh proposed a new amendment; it required protection against sex discrimination in services available to students within an institution or in employment within an institution; in the area of admissions, it exempted academic elementary and secondary schools, military and religious schools, and private undergraduate colleges. This amendment was passed and sent to Senate-House conference (Fishel & Pottker, 1977).

The conference committee took three months to resolve all the differences between the bills—250 in all, only 11 of which dealt with sex discrimination. Most of the higher education community spent their time trying to influence the outcome of other sections of the bill that they considered more important. Without this opposition, the Conference Committee adopted Title IX. President Nixon signed the Education Amendments of 1972 in June, and they became effective July 1, 1972. The first and key sentence of Title IX said simply and straightforwardly:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

It is worth noting that this included educational agencies serving K–12 populations, as well as higher education and many other recipients of federal funds such as museums and prisons. Although Congress did not pass Title IX easily, there was relatively little debate about it. Court-ordered busing was both more visible and more controversial than banning sex discrimination in schools. To a large extent, Title IX did not garner attention from the media, the public, or from Congress until it already was law. When some representatives realized what they had done, they immediately started efforts to weaken Title IX (Salomone, 1986). When the hearings were held, the American Council on Education (ACE; higher education's lobbying arm) was asked to testify. They refused, stating that there was no sex discrimination, and besides, it was no problem. Thus they were not watching the bill at all and were not aware of its implications

for sports and other areas, except the admissions problems for single-sex schools and private undergraduate institutions.

Hot debates over busing and the March 1972 passage of the Equal Rights Amendment in Congress and its early state ratifications, and the Supreme Court's 1973 decision in *Roe v. Wade*, may have overshadowed Title IX initially, but soon opponents of Title IX created sensationalistic press coverage of their own. The main targets of criticism were coeducational physical education classes, intercollegiate athletics, and traditional single sex organizations such as fraternities and sororities. In 1974, Congress passed amendments that limited Title IX by excluding from coverage social fraternities and sororities, Boy Scouts, Girl Scouts, YMCA, YWCA, Camp Fire Girls, and other voluntary youth service organizations. In 1976, Congress passed several other amendments limiting Title IX. These amendments allowed scholarships to be awarded as prizes for beauty contests, and allowed single-sex events, such as Boys' State and Girls' State programs and father-son and mother-daughter events, to continue to be sponsored by schools (Fishel & Pottker, 1977; Salomone, 1986).

The National Collegiate Athletic Association (NCAA), which had administered only male athletic programs since 1910, conducted the biggest lobbying campaign against Title IX. The NCAA argued that if colleges had to fund women's athletics more than they already did, implementation of Title IX would "destroy major college football and basketball programs" (*Sex Discrimination Regulations*, 1975, p. 101). The NCAA continued to make this argument even after Congress passed the Javits Amendment in 1974, which stipulated, not that there should be immediate or total equality of expenditures in athletics (Title IX never called for such a plan), but simply required that there should be "reasonable provisions" concerning participation in intercollegiate athletic activities (Fishel & Pottker, 1977). While the NCAA was worrying about the destruction of football and basketball, women's athletics were in disastrous shape. In 1975, three years after Title IX became law, women's programs accounted for about 2% of total collegiate athletic budgets (*Sex Discrimination Regulations*, 1975, p. 70).

The Association for Intercollegiate Athletics for Women (AIAW) was created in 1971 (prior to the passage of Title IX). The AIAW organized and ran sport opportunities for college women. It advocated equality in sport and successfully provided competitive sports opportunities for collegiate women until 1982 when the NCAA, recognizing the monetary potential in women's sports related to Title IX, voted to administer competitive opportunities for women. The quest for gender equity in education has meant the loss of some organizations that pioneered support for girls and women until more mainstream organizations began to address the needs of all. Chapter 18 on "Gender Equity in Physical Education and Athletics" provides examples of how the NCAA has been more supportive of Title IX in recent years.

Title IX's Implementing Regulations

Once Congress passed Title IX, the next step was for the Department of Health, Education, and Welfare (HEW) to write the implementing regulation. In late July of 1972, Office for Civil Rights (OCR) staff and lawyers from HEW's General Counsel's

office began discussing the regulation. In August 1972, a letter was sent to all public education institutions affected by Title IX. The memo merely stated the law, offering no guidance on what would be required of schools. As a result, few schools or colleges initiated policy changes (Fishel & Pottker, 1977; Nash, 2002).

In November 1972, OCR and General Counsel staff circulated a first draft of the regulation to various offices within HEW for review and comment. The regulation was criticized for being extremely general and vague and thus likely to result in enforcement disputes. OCR and the General Counsel staffs went back to work. There was a limited amount of case law on sex discrimination in education from which legal precedents could be drawn. The staff turned to precedents established in enforcing Title VI, which prohibits discrimination on the basis of race, color, and national origin for recipients of federal financial assistance (Fishel & Pottker, 1977).

Despite pressure from women's rights groups to develop strong regulations to guide the implementation of Title IX, the Department of Health, Education and Welfare did not make drafting the regulation a high priority. Only two lawyers in the General Counsel's office were assigned to work on Title IX, and this assignment was given to them in addition to their other responsibilities. During early 1973, there was no permanent director of OCR. The OCR and General Counsel staff working on Title IX were unsure who had the real decision-making authority. As a result, issues of policy and procedure often were left unraised and unresolved for long periods of time.

In June 1974, HEW released the proposed regulation, 2 years after Title IX became law.⁴ The regulation covered three general areas: admissions, treatment, and employment. Regarding admissions, the regulation covered vocational education schools, professional education institutions, graduate schools of higher education, and public undergraduate colleges and universities. The regulation required that comparable efforts be made to recruit students of each sex, and that people not be treated differently because of sex in the admissions process.

Regarding treatment, the regulation covered guidance on nondiscrimination in access to and participation in courses and extracurriculars, including athletics; eligibility and receipt of benefits, services and financial aid; use of school facilities; and rules governing student housing and appearance codes. Essentially, the regulation required that once admitted to school, all students should be treated in a nondiscriminatory manner. Finally, the regulation stated that Title IX covered all full- and part-time employees. Like Title VII of the Civil Rights Act, Title IX prohibited discrimination in recruiting, hiring, promotion, tenure, termination, pay, job assignments, granting of leaves, fringe benefits, selection and support for training, sabbaticals, leaves of absence, employer-sponsored activities, and all other terms and conditions of employment (Fishel & Pottker, 1977). The Title IX regulation also contained three important requirements to help implement the law: the (one-time) institutional self-assessment, the development of a Title IX policy statement and supporting

grievance procedure, and the designation of at least one Title IX Coordinator.

In developing the Title IX regulation, HEW met several times with college groups, sports groups, and women's rights groups. Many of the implementation suggestions such as the self-assessment, a grievance procedure and the Title IX coordinator came from the women's groups which testified on the proposed regulation in several states. In 1975, these women's rights groups established the National Coalition for Women and Girls in Education, a more formal group to support strong Title IX regulations.

Health Education and Welfare Secretary Caspar Weinberger allowed public comments on the regulation to be submitted for 4 months, rather than the more standard 30 days, in order to provide ample time for public consideration of the issues. The Project on the Status and Education of Women headed by Dr. Bernice Sandler, at the Association of American Colleges and Universities, sent to every college and university president as well as another 10,000 or more persons an analysis of the regulation, in great detail, showing what each section said, and why it was bad or good for women's equity, and if needed, what the language should state. This analysis played a role in the large number of comments received. Individuals and representatives of various organizations submitted an unprecedented 10,000 written comments to HEW. There was no consensus. Organizations representing women's, teachers', students', and civil rights groups advocated stronger national policies than did organizations representing elementary, secondary and higher education administrators and officials. With no consensus, HEW policymakers felt free to decide the issues themselves (Fishel & Pottker, 1977).

The most controversial issues were sent to Secretary Weinberger who modified the requirement of coeducational physical education to exclude contact sports and to allow for separation during sex education classes. In athletics, the final regulation deleted the requirement to take affirmative recruitment efforts for women in traditionally male sports and vice versa. The final regulation concurred with the proposed regulation that curriculum and textbooks are not covered in Title IX.⁵ The proposed regulation exempted from compliance single-sex scholarships; the final regulation permitted schools to administer single-sex scholarships if the school made similar opportunities available for the other sex (Office for Civil Rights, 1975). Most often the position the Secretary took was the most conservative. The final regulation was considerably weaker than the proposed regulation (Fishel & Pottker, 1977).

In February 1975, Secretary Weinberger sent the final draft of the regulation to President Gerald Ford for his approval. The regulation was supposed to be secret at this point, but someone leaked a copy to a women's group leader, who distributed copies to other leaders. The women's groups were distressed with what they considered to be weakened regulation. In particular, they were upset by a requirement that individuals complaining about sex discrimination use an internal grievance procedure

⁴The Nixon Administration was by this time embroiled in proceedings that resulted in Nixon's July 27, 1974 impeachment for actions that started on or before June 17, 1972.

⁵Women's rights groups, led by the National Organization for Women, testified against this omission because both curriculum and textbooks not only omitted women's history and experience, but engaged in gross sex stereotyping.

established by a school before HEW would act on a complaint. This had not been in the proposed regulation, and the women's groups had not been aware that HEW was even considering such a requirement. The National Coalition for Women and Girls in Education (NCWGE) immediately sent a telegram to the president asking to meet with him, with no response. After numerous other efforts to reach the president, the White House finally told them to contact a member of the president's Domestic Council. Efforts to meet with that staff member also were unsuccessful. The women met with prominent Republicans who were interested in women's rights, asking them to use their influence to help arrange a meeting. Finally the Domestic Council staff agreed to meet with the women's groups, which proposed that schools be required to make a self-evaluation of their policies to determine the existence of sex discrimination; the Council and HEW eventually agreed to this. The Department of Health, Education and Welfare also agreed to drop the requirement that internal grievance procedures be used prior to filing a complaint, although it decided that the regulation would require schools to establish an internal grievance process. The Domestic Council staff and HEW disagreed on whether foreign scholarships should be covered; this was left to the president to resolve, who sided with HEW to allow schools to continue to nominate only male students for Rhodes scholarships. In a compromise, the final regulation required that schools participating in the Rhodes program had to provide comparable scholarships for women (Fishel & Pottker, 1977).

On May 27, 1975, President Ford signed the final regulation and forwarded it to Congress for review. Congress had 45 days to review the regulation, at the end of which it could pass a resolution by a majority vote of both Houses, or disapprove the regulation and order HEW to redraft. Women's groups were dissatisfied with a regulation they saw as being too weak and flawed to be effective, and considered supporting a Congressional resolution disapproving the regulation. In the end they chose not to oppose the regulation for fear that rewritten regulation might be even weaker. They also were concerned that school and college administrators would interpret a Congressional rejection of the regulation as a sign that schools could continue to discriminate. They began a massive lobbying effort to keep Congress from voting to disapprove the regulation or to amend the law (Fishel & Pottker, 1977). At the hearings in June, the most vocal opponents of the regulation were members of the NCAA (*Sex Discrimination Regulation*, 1975). Finally, on July 21, 1975, the regulation became effective. The National Coalition for Women and Girls in Education also met with Secretary Weinberger and convinced him to send a letter to every college president and superintendent of schools enclosing the regulation. This was and is unprecedented since regulations generally appear in the Federal Register and are not sent to those who might be affected by it. This action by Weinberger made many schools at all levels far more aware of Title IX and their obligations than had it only been printed in the Federal Register.

Enforcement of Title IX

Although enforcement of Title IX could have begun immediately after Congress voted it into law in 1972, the Office for Civil

Rights did not actively pursue complaints for the first 3 years, citing the lack of regulation to provide guidance to OCR in evaluating compliance with the law. While there was some justification for not pursuing complaints of subtle bias without having the regulation, there was no legal necessity for not pursuing complaints of overt bias and discrimination.

Annoyed that so much time had passed without any apparent effort on the part of OCR to enforce Title IX, several women's groups banded together to file suit. In November 1974, the Women's Equity Action League (WEAL) and four other women's rights groups charged that the Department of Health, Education and Welfare and the Department of Labor (DOL) had failed to enforce anti-sex discrimination laws. The suit (originally referred to as *WEAL v. Weinberger*, it later became part of a larger case known as the Adams case) asked the U.S. District Court in D.C. to order HEW and DOL to begin concentrated enforcement programs. The suit also asked that the Departments cut off federal funds from institutions that refused to come into compliance with Title IX. The suit specifically charged that HEW had failed to take even initial steps to begin enforcing Title IX (Fishel & Pottker, 1977).

Certainly, OCR had plenty of complaints to investigate. In the calendar year of 1974, individuals and groups filed 127 higher education Title IX complaints with OCR. Of these, OCR resolved only 20. As of April, 1975, 250 student and employment complaints in higher education were filed under Title IX. During FY 75, OCR conducted only 38 compliance reviews in higher education institutions. In elementary and secondary education, individuals and groups filed 154 complaints in FY 74, and 196 in FY 75. During FY 75, OCR conducted only two Title IX on-site investigations; Title IX was included in 31 other investigations that primarily focused on Title VI (Raffel, 1975).

Officially, OCR listed Title IX as a low priority in its plans for FY 76. OCR ranked Title IX complaints eighth, Title IX investigations ninth, and combined Title VI and IX investigations twelfth out of 12 established priorities. OCR acknowledged that some regions would be able to deal only with the first three priorities, effectively ruling out any enforcement or investigation of sex discrimination in those regions (Raffel, 1975). In short, although individuals continued to be guaranteed the right to have their complaints investigated by OCR, in reality few complaints by individuals or groups were investigated at all. Only one out of five Title IX complaints filed against elementary and secondary schools between June 1972 and October 1976 were resolved by OCR. The Project on Equal Education Rights (PEER) of the National Organization for Women, Legal Defense and Education Fund (NOWLDEF) reported that 96% of complaints filed in 1973 were still pending in 1976 without either findings or negotiated remedies. Cases that were resolved took an average of 14 months (PEER, 1977; Salomone, 1986).

In 1976, the National Coalition for Women and Girls in Education charged that HEW had minimized the impact of Title IX in two major ways. First, HEW failed to take any "highly visible, aggressive enforcement action" that might "lend credibility to the threat of aid cutoff." Without such a threat, schools could choose not to obey the regulations without suffering any consequences. Second, the Coalition charged that HEW had contributed to negative views of Title IX by drawing publicity to unpopular and largely irrelevant issues, such as father/son banquets. They argued that because there had been only limited publicity covering Title

IX's impact on more important issues, Title IX "has become a symbol of bureaucratic intrusion" into "frivolous and purely local concerns" (Dunkle & Richards, 1977, pp. 3–4).

Reports issued by the Office of Education in 1978 and 1979 concluded that schools had not done much to comply with Title IX. One study found that efforts to increase enrollment of students in programs nontraditional for their gender had been "slow" or "mixed," and that while some states and schools had made progress, some "seem to have moved not at all." A second study concluded that most schools were not in compliance and "were exerting only minimal efforts to comply." In part, schools were not complying because administrators didn't have enough information; but where administrators were aware of the law, they saw sanctions for noncompliance as "no serious threat" (*Enforcing Title IX*, 1980, pp. 2, 28). In 1977, the American Friends Service Committee (AFSC) published a report on implementation and enforcement of Title IX regulations in six southern states. The Committee had done similar monitoring in these states regarding racial desegregation, and hoped that "the years of delay, evasion and defiance" experienced in regard to racial desegregation would not be repeated with Title IX. They concluded, however, that "identical patterns are being set and reinforced" (SPEP, 1977, p. i). The AFSC conducted its study 1 year after the final Title IX regulations (June 1975) were published, 4 years after Title IX became law. What they found caused them to issue a formal complaint to OCR and to request an immediate compliance review of each district in the six states.

The AFSC charged HEW with failure to disseminate clear regulations for Title IX. Even when school district administrators wanted to obey the law, they did not know how to do so. For instance, the city schools in Oxford, MS had not taken any initial steps toward compliance because the superintendent had "no idea" what the law required (SPEP, 1977, p. 10). Sometimes administrators conducted the required self-evaluation without remedying—or even seeing—existing problems. A guidance counselor in a Sumter, SC middle school reported that the principal said the self-evaluation had "not produced any vestiges of sex discrimination," yet parents told monitors that they had to fight to get their daughters enrolled in certain vocational education classes. At the high school in that same city, the principal said that as a result of the self-evaluation, the school added two sports for girls. He was not concerned that the athletic director requested more funds for boys' football equipment alone than for the entire girls' athletic budget (SPEP, 1977, p. 12).

More often than ignorance, however, the AFSC monitors found administrators who simply refused to follow the law. The superintendent of a Fairview, AR school district declared that he would not meet the Title IX regulations until "the last minute of the last day." A Title IX coordinator in South Carolina saw no need to conduct a Title IX evaluation, even though it was required by law; he felt that failure to conduct the evaluation posed "no danger" to the school from HEW. An attorney for the Starkville, MS school board told board members that they didn't need to do anything about Title IX "until people in the community got wind of it," adding that the board should take no steps to inform the community. In the same district, a teacher who read an article about Title IX in a National Education Association publication asked a school official about its application to her school. She was told, "It really doesn't make any difference here.

We have our laws and they [the NEA] have their laws" (SPEP, 1977, pp. 10, 15).

In the area of employment, AFSC monitors found many problems. The Oxford, MS school district included in its published criteria for employment the notice that men would be considered over women for all jobs. Once hired, the Sumter, SC school district helped male teachers financially to earn their master's degrees; women who requested such help were refused. In Greenville, SC, male teachers were given supplemental pay for the extra duties assigned to them, such as coaching. Female teachers were not paid for the extra duties assigned to them, which included drama coach, yearbook advisor, department chair, cheerleader coach, and class sponsors. In Arkansas, an elementary school principal stated that there were no women principals because "we need big tough men to deal with older students." He added that if women were hired on an equal basis with men, "spouses would have to be considered" and that such employment "might strain a home relationship." As late as 1976, teachers and secretaries in South Carolina were required to quit their jobs when their pregnancy became visible (SPEP, 1977, pp. 70, 73, 74, 76).

School system refusal to comply with Title IX continued well into the 1980s and beyond. As late as 1981 an OCR survey showed that there were still 86 all-male high schools, most of which were vocational-technical (Salomone, 1986). Not until 1983 was the Philadelphia school district obligated by a court decision that found the district in violation of the equal protection clause of the 14th Amendment and the Equal Rights Amendment to the Pennsylvania Constitution to admit girls to its prestigious Central High School. The school district argued that it offered comparable education at Girls High. However, when the schools were compared on the basis of campus size in proportion to student body, size of school library, faculty members with PhDs, course offerings in mathematics, and extracurricular programs, Girls High clearly came up short. A 1980 survey in one state concluded that 99% of the local education agencies in that state were not in compliance with Title IX. The same survey found 39 instances of course catalogs that listed sex-restricted courses (CCSSO, 1980).

HEW found that compliance reviews—independent of a complaint—were more effective in implementing the requirements of Title IX than individual complaint investigations. Compliance reviews resulted in change twice as often, and affected an average of six times as many people as complaint investigations. Yet in 1978, OCR planned only 14 Title IX compliance reviews and completed only 5. In 1979, OCR planned 77 reviews and completed only 24. The U.S. Commission on Civil Rights reported that OCR staff settled for compromise positions rather than full compliance when OCR staff and educational institutions knew that sanctions would not be imposed (*Enforcing Title IX*, 1980).

In the mid-1970s, the federal government (HEW) started funding training institutes through higher education agencies and state education agencies (SEA) to provide training and technical assistance to school districts on Title IX. Soon after, the Regional Desegregation Assistance Centers (DAC) funding expanded to provide training and technical assistance for race, sex and national origin desegregation. Some local educational agencies (LEAs) also received funding for assistance with compliance and implementation of Title IX. All of this was under the CRA

Title IV funds. In 1976, the federal Vocational Education Act created state sex equity coordinators and referenced the terms *sex equity*, *sex bias*, as well as *sex discrimination*. In 1978, the training provided to SEA personnel by Shirley McCune, and later Susan Bailey through the Council of Chief State School Officers (CCSSO), laid the groundwork for much of the technical assistance and training that would be provided to schools and districts throughout the 1980s and into the 1990s. Many of these projects were instrumental in moving OCR along in their enforcement efforts. In 1978, OCR acknowledged that it had failed to inform administrators adequately. The director promised to publish interpretations and guidelines and send them to administrators. Instead, OCR published small digests of case memoranda, and did so only for 2 months. OCR sent these digests to 700 addresses, only 3.5% of the possible 20,000 institutions receiving federal funds (*Enforcing Title IX*, 1980).

The Reagan Administration slowed even further any enforcement of Title IX. In 1982, it rescinded the Title IX regulation prohibiting discrimination in dress codes. Girls had used this important regulation to protest school policies that did not allow them to wear pants, and boys, especially Native American boys, had used it to protest policies that required them to wear short hair. The Reagan Administration also sought to narrow the definition of “federal financial assistance,” change the definition of discrimination, and restrict the meaning of “program and activity.” It also switched many discretionary funding programs into block grants to states so that a specific funding trail could not be established for a specific program. The Civil Rights Leadership Conference Fund documented the Administration’s dislike of Title IX in a 1983 report, *An Oath Betrayed*. The Fund’s report quoted Secretary of Education Terrel Bell as saying, “It seems that we have some laws we should not have and my obligation to enforce them is against my own philosophy” (*An Oath Betrayed*, 1983, p. 1). Beginning at least as early as the spring of 1982, the Department’s General Counsel and Secretary Bell sought exemptions from civil rights compliance (including Title VI, Title IX, and Section 504) for educational institutions that received federal aid only in the form of student financial assistance. Even though the Civil Rights Division of the Justice Department determined that this position could not be legally defended, the General Counsel advised Secretary Bell to appeal directly to the Attorney General, arguing that their job was “to curtail the interference of the federal government” (*An Oath Betrayed*, 1983).

Additionally, the Reagan Administration worked to make it harder to prove a violation of civil rights. Previously, a claimant needed only to prove that an action had a discriminatory effect or result. Under the Reagan Administration, however, the definition of discrimination changed so that a claimant had to prove that the institution intended to discriminate (*An Oath Betrayed*, 1983). Further, the Reagan Administration used the *pinpoint* theory to limit the coverage of civil rights laws. Under this theory, enforcement would apply only to the specific programs or activities receiving federal funds, and not to the entire institution.

The Grove City Supreme Court (*Grove City College v. Bell* 465 U.S. 555, 1984) decision dramatically limited the impact of Title IX. The case began in 1977 when Grove City College refused to sign the assurance of compliance with Title IX form, arguing that it received no direct federal aid and therefore was not subject to Title IX. When threatened with termination of federal student aid funds, the college sued HEW.⁶ The Third Circuit, in August, 1982, ruled that private educational institutions such as Grove City College are covered as a whole when they or any of their students receive federal scholarship loans or grants (Salomone, 1986). But the Reagan Administration didn’t agree. When the Grove City case came before the Supreme Court in 1984, this Reagan Administration position was presented to the Court in support of Grove City by the Solicitor General. In upholding the U.S. Supreme Court *Grove City College v. Bell* case, the Court ruled that *program or activity* could be defined narrowly meaning that only the particular program, not the entire institution, receiving federal financial assistance must comply.

The Grove City decision substantially gutted Title IX and similar civil rights provisions. The Supreme Court’s ruling essentially allowed schools to discriminate in all areas that did not receive direct federal funding. Thus, athletic programs or particular academic programs of universities—for example, engineering schools—could discriminate based on sex so long as those specific programs did not directly receive federal funds. Within days, the Assistant Attorney General for Civil Rights told reporters that the Administration also would apply this “program specific” standard not only to Title IX, but to Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 (which provides nondiscrimination protections for individuals with disabilities).⁷ Within a year, the Department of Education had closed, limited or suspended at least 63 discrimination cases: 44 Title IX, 5 Title VI, and 14 Section 504, based on the Grove City decision (Salomone, 1986). This provided the motivation for Eleanor Smeal as president of the National Organization for Women, and other supporters of Title IX to work closely with leaders of other civil rights organizations to convince Congress to counteract the Grove City College decision and the Federal government’s curtailment of civil rights protections.

In April, 1984 Senators Edward Kennedy (MA) and Paul Simon (IL) introduced the Civil Rights Act of 1984, replacing Title IX’s phrase *program or activity* with the term *recipient*. This passed overwhelmingly in the House, but Orrin Hatch (UT) argued that *recipient* was overly broad and beyond the scope of the law’s original intent. The bill died in the Senate. In the next session, Kennedy and Gus Hawkins (CA) introduced the Civil Rights Restoration Act of 1985, amending Title IX, Title VI, Section 504, and the 1975 Age Discrimination Act to include an interpretation of *program or activity* that expressly covered all operations. Fund termination, however, would be limited to the specific program or activity that was discriminatory.

Opposition to this was strong and swift. The Assistant Attorney General for Civil Rights called it “one of the most far-reaching

⁶The U.S. Department of Education was created in 1980, but the Grove City case against HEW was earlier.

⁷All three civil rights provisions applied to recipients of federal financial assistance. Title IX and Section 504 were modeled after the language in Title VI of the 1964 Civil Rights Act.

legislative efforts in memory to stretch the tentacles of the federal government to every crevice of public and private-sector activity” (Salomone, 1986, pp. 132–133). In March of 1988, Congress voted in favor of the Civil Rights Restoration Act of 1987, passing it into law over President Reagan’s veto, who called the Act “vague and sweeping,” subjecting “nearly every facet of American life” to government interference (Suggs, 2005, p. 91). Thanks to the Civil Rights Restoration Act, the broad Title IX coverage in place before 1984 (but suspended from 1984–1987 by the Grove City Supreme Court decision) again applies to the entire institution receiving federal funds (Project on the Status and Education of Women, 1989).

The reach of Title IX has continued to be challenged and refined around several key issues. In the area of sexual harassment, the 1979 U.S. Supreme Court decision, *Cannon v. University of Chicago*, established that an individual can sue an educational institution for injunctive relief for violating Title IX. The following year, the United States Court of Appeals for the Second Circuit held in *Alexander v. Yale University* (2d Cir. 1980) that sexual harassment is included in Title IX’s definition of sex discrimination. In 1992, in *Franklin v. Gwinnett County Public Schools*, the Supreme Court unanimously held that Title IX allows private individuals to bring claims for money damages. In 1998, in *Gebser v. Lago Vista Independent School District* case and again in 1999, in *Davis v. Monroe County Board of Education*, the Supreme Court further established that schools are required to take action to stop harassment. For more on issues of harassment, see the chapter on “Sexual Harassment: The Hidden Gender Equity Problem” in this *Handbook*. There have also been challenges to the Title IX regulation related to intercollegiate athletics. These are described in the “Gender Equity in Physical Education and Athletics” chapter so they will not be repeated here.

Another issue raised by Title IX and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution is the legality of single-sex education. Based on the legal precedents set in the 1954 *Brown v. Board of Education of Topeka et al.* (347 U.S. 483) and the 1996 Virginia Military Institute Supreme Court (*U.S. v. Virginia et al.* (1996) decisions, separate is viewed as not equal. The 1975 Title IX regulation allows some single-sex education for limited purposes, such as using remedial or affirmative activities to overcome the effects of past sex discrimination, and for specific exceptions such as sexuality education or previously established single-sex schools or colleges. In May 2002, the Department of Education issued guidelines on these complicated sections of the Title IX regulation as required by provisions in the No Child Left Behind Act, which said that some Department funds could be used for single-sex schools or classes consistent with current applicable law. However, at that time the Department also issued a notice of proposed rulemaking and asked for public comment on how to change the Title IX regulations relating to single-sex schools and classes. Despite many objections to changes in the regulation, in March 2004 the Department issued the proposed new regulation to make it easier to establish single-sex schools or classes without regard to the current justifications in the Title IX regulation such as allowing

single-sex interventions only if there was evidence that it would decrease sex discrimination in the outcomes or reduce the gender gaps in what is desired for all students (OCR, 2004). Despite the short time (less than 40 working days) period allowed for public response to the proposed changes, the Department received over 5,000 comments against this change, and only around 100 supporting the proposed changes, and even some of these comments expressed concerns with the full set of proposed changes.⁸ On October 25, 2006, the Department issued its final single-sex regulations, which were similar to the 2004 Proposed Regulations, in decreasing protections against sex discrimination while increasing the allowable types of single-sex education (OCR, 2006). The chapter on “Gender Equity in Coeducational and Single Sex Educational Environments” provides more information on this new regulation and summarizes research on sex segregation.

Congressional Actions to Strengthen the Implementation of Title IX

Recognizing the need for further efforts to achieve gender equity in education, in the fall of 1993 Senators Barbara Mikulski (MD), Paul Simon (IL), Carol Moseley-Braun (IL), Tom Harkin (IA) and Edward Kennedy (MA) introduced new federal gender equity in education legislative initiatives. Part of the reauthorization of the Elementary and Secondary Education Act, the bill included the creation of a Gender Equity Office with a full-time coordinator in the U.S. Department of Education, expansion of gender equity research and training in all areas of education, additional resources set aside for gender equity in mathematics and science, sexual harassment prevention and elimination training programs, and disclosure of data related to equity in athletics (“Federal ‘Gender Equity in Education’ Legislation,” 1993). Only some of these ideas were actually included, often in a weakened form, in subsequent legislation. The next section will provide details on how these additional federal laws have been used to increase federal leadership, technical assistance, and program support to advance gender equity in education.

FEDERAL GENDER EQUITY LEADERSHIP, TECHNICAL ASSISTANCE, AND FUNDING

Supporters of educational equity did not stop working for legislative change once Congress passed Title IX. Inspired by Title IX, advocates of equity worked to pass additional federal legislation to provide funding and other types of support to implement Title IX and address other gender equity challenges in the years immediately following the authorization of Title IX. Together, Title IX (which sets out policy, procedures, and prohibitions, but no funding), and programmatic laws with funding provisions such as Title IV of the Civil Rights Act (1964), the Women’s Educational Equity Act (1974) and the Vocational Education Act (1976) provided the initial implementation infra-

⁸Key objections to these regulations from the Feminist Majority Foundation and other members of the National Coalition for Women and Girls in Education (NCWGE) are posted on their respective Web sites www.feminist.org/education and www.ncwge.org, etc. (See Feminist Majority Foundation, 2006.)

structure for achieving gender equity at all levels of education. The infrastructure was largely constructed in the 1970s and enhanced in the 1980s. By the middle of the 1980s some programs and funding began to be cut as the Reagan Administration pushed consolidating national programs and giving block funding to the states. By the end of the 1990s, little remained of the federally supported gender equity assistance infrastructure. By 2006, federal support was reduced even more in the areas of leadership, technical assistance to educators and the public, as well as in funding local gender equity work.

Since the mid 1960s, both the “carrot and stick” were used to enable the federal government to implement civil rights laws such as Title IX. The Office for Civil Rights has responsibility for enforcing the laws by using compliance investigations, resolution agreements, and compliance reviews. Possible negative consequences for discrimination include withdrawing federal funding and large monetary settlements related to lawsuits. However, these negative consequences are rare. Other offices in the Department of Education (ED) use positive incentives for compliance with civil rights laws by providing technical assistance to help implement the laws and program funds for gender equity research, development, evaluation, and dissemination. Unlike other important federal programs such as special education receiving billions of federal dollars, almost no funding was provided for direct services to people facing sex discrimination. Even in comparably favorable years for funding gender equity, the federal financial support of Title IX and other activities to advance gender equity has been miniscule (less than .02% of the annual education agency budgets). It has also been much smaller than for other specific population groups such as individuals with disabilities, American Indians, or English Language Learners. These groups had their own offices within ED to administer funding for various types of education research, development, and services to their unique populations, but addressing gender inequities within their own populations has been a lower priority.

The federal role in protecting civil rights has been acknowledged for the past 4 decades. The first part of the mission statement in the Department of Education Organization Act (1979) is “to Strengthen the Federal commitment to assuring access to equal educational opportunity for every individual.” States and local governments provide over 93% of the education funding and are responsible for decisions on curriculum content such as reading, mathematics, and social studies. Civil rights laws such as Title VI, Section 504, ADA, and Title IX must be followed by all recipients of federal financial assistance. Thus, despite providing only a 7% financial contribution to education across the nation, the federal government’s role in enforcing civil rights related to education covers most educational institutions in the U.S. This includes approximately 15,000 school districts, 4,000 colleges and universities, 5,000 proprietary organizations, as well as libraries, museums, scientific research laboratories, vocational rehabilitation organizations, recreation departments, and correctional facilities (*OCR Annual Report*, 2000, U.S. GAO, 2004). Additionally, the Office for Civil Rights in the U.S. Department of Education is just one of the many civil rights offices in federal agencies with responsibility for implementing Title IX for recipients of federal financial assistance.

The federal leadership role in implementing civil rights laws and collecting national statistics was sustained even in the early

1980s when there were extensive efforts to substantially decrease the federal role in education by abolishing the newly created Department of Education and block granting (consolidating and cutting overall levels of previously restricted funding for specific purposes and allowing states to decide what to fund) most of the federal funds to the states. But over the years there have been numerous efforts to narrow interpretations of the protections provided by Title IX and other civil rights laws and to even decrease the collection of statistics by sex. There have also been substantial decreases in the federal *carrot* programs to help implement Title IX. The Reagan Administration recommended that competitive grant programs such as the 1974 Women’s Educational Equity Act (WEEA) and the 1964 Civil Rights Act (CRA) Title IV receive no FY 1982 funds (Klein, 1981, 1984). Attempts to reduce federal support for these gender equity programs were repeated over the next decades, but Congress generally maintained a minimal funding level for them. Even when the dollar amounts remained stable, such as the fairly constant annual appropriation for the CRA Title IV activities (currently funded at a paltry \$7 million for the entire nation), the actual resources to do the work decreased because of inflation.

Although investment in identifiable federally sponsored activities to advance gender equity has been a miniscule proportion of the education agencies’ budgets, it has had some influence especially since it is tied to Title IX, which applies to all federal programs dealing with education, not just those focused on specific populations such as women or low income students. For example, NACWEP’s report on *Sex Bias: Education Legislation and Regulations*, recommended ways the 1965 Higher Education Act should be changed to ensure that the federal funds for student financial assistance and programs become gender fair (Mastelli, 1977).

As previously mentioned, Title IX and the other federal civil rights laws also apply to agencies outside the Department of Education. If these agencies do not have their own Title IX regulation, they use the Final Common Rule (U.S. Department of Justice, 2000) which is modeled on the 1975 Title IX regulation used by the Department of Education (see www.feminist.org/education, Title IX Defined). Due to Title IX, all education programs in the Department of Education and other federal agencies should be paying attention to guaranteeing gender equitable treatment by organizations that receive funds from their agencies. Executive Order 13160 prohibits discrimination in federally conducted education and training programs. In addition to the Department of Education, key agencies with programs to provide funds to advance gender equity in education and training are the Women’s Bureau in the U.S. Department of Labor, the Human Resources Development programs, especially the Gender Equity Program in the National Science Foundation (NSF) and the Women in Development, Girls Education programs in the U.S. Agency for International Development, now in the Department of State.

In recent years the usefulness of the federal *carrot and stick* analogy has decreased since funding laws such as the Elementary and Secondary Education Act, also known as No Child Left Behind Act (NCLB) of 2002 focus heavily on outcomes such as achievement scores and since funding for specific gender equity research, development, and service programs (such as pro-

grams to help displaced homemakers) has declined. Additionally, the federal use of the stick to provide penalties for non-compliance has often been seen as less of a threat than private law suits. Since there are few strong carrots or sticks, the Civil Rights laws are seen by those concerned with social justice as essential elements of many educational policies from athletics to testing to educating students about their rights and opportunities to achieve equality. Discussions of federal leadership in gender equity, technical assistance, and program funding to advance gender equity follow.

Federal Agency Gender Equity Leadership: Past, Current, and Future

Federal agencies have helped advance gender equity by using positive incentive strategies and some enforcement activities in both their internal staff management and training activities and in their administration of a wide variety of education programs carried out by recipients of agency financial assistance. This has and could be done by rigorous attention to existing gender equality laws and provisions such as helping educators and others know about and enforce Title IX and related policies. For example, one of the continuing leadership challenges in ED is to collect, report, and analyze data by sex as well as race, age, family income, disability status, etc. Gender equity leadership may also involve identifying specific gender equity challenges in education, and giving priority attention to addressing them in funding programs, data collection and in using the public bully pulpit to publicize problems such as sexual harassment as well as strategies to address these inequities. It can be accomplished through legally mandated job responsibilities such as the work of the required Title IX Coordinators, and to some extent, by proactive actions of employees at all levels of responsibility who pay special attention to gender equity needs and opportunities. For example, the 20-member National Advisory Council on Women's Educational Programs (NACWEP) under the direction of executive director, Joy Simonson, from 1975 to 1982, did this effectively until Simonson was replaced by the Illinois state director of the anti-ERA Eagle Forum during the Reagan Administration (Simonson, undated). Instead of working on improving gender equity, the new Council and staff members traveled around the country to help outreach to women voters for Reagan's reelection. When gender equity advocacy groups observed this misuse of federal funds, they no longer saw value in asking Congress to preserve this Council, and it ended in 1984. Another example of integrating gender equity throughout the agency has been the work of the USAID in incorporating gender analysis and technical assistance in all of its sector programs and giving attention to gender considerations in cross-cutting activities, as well, in its small Women in Development program. Similarly, the Women's Bureau has had coordinating and leadership responsibilities on gender issues in the Department of Labor.

High-level agency officials who are most visible in providing gender equity leadership can also rely on staff with expertise and designated responsibilities for gender equity. In 1994, the U.S. Department of Education Organization Act was changed to include a Special Assistant for Gender Equity (SAGE) to advise the Secretary and Deputy Secretary of Education. The SAGE is to promote, coordinate, and evaluate gender equity programs

and provide technical assistance. While it remains in the law, the position has not been filled since the end of the Clinton Administration. Deputy Secretary Kunin appointed an Equity Task Force that worked on gender equity and other issues with staff from across the agency and the help of the SAGE. Also, in 1994, section 427 was added to the General Education Provisions Act (GEPA). It was designed to insure that all recipients of federal funds describe how they will address barriers to equality for specific population groups. For example, would the grantee need to provide transportation for low-income single parents to get to their job training programs? However, this GEPA 427 provision lacked key guidance and incentives to make it more than additional equity intentions and assurances to add to funding proposals. Further, there was no analysis of the types of gender or other equity barriers described by the potential grantees for most of the ED programs.

Starting in 1995 until the end of the Clinton Administration, the ED also participated in the president's Interagency Council on Women (PICW), which among other things contributed to the reports on the U.S. follow-up to the Platform for Action from the 1995 4th World Conference on Women in Beijing. Both this Council and the NACWEP had active outreach activities such as hearings and meetings in various parts of the country to work with constituents across the nation interested in advancing gender equity. Table I shows how some of these education agency leadership activities were related to legislation and administration policies. Other agencies such as the National Science Foundation (NSF) had some similar patterns. NSF equity leadership benefitted from Congressionally mandated commissions that focused on increasing the participation of women and minorities in science, mathematics, and engineering.

Table 5.1 shows that many previous gender equity leadership structures in the ED and its predecessor federal agencies have disappeared, although some, such the Federal Women's Program and SAGE, remain in the laws even if they are not being implemented by current ED leaders.

Federal Technical Assistance Related to Gender Equity

A key aspect of federal technical assistance related to gender equity involves educating and helping the agency staff attend to these important civil rights responsibilities so that they can also help their constituents in elementary, secondary, and postsecondary education. A focus on advancing gender equity should be part of the responsibilities of all agency staff who manage programs since all of these programs must complete assurances that they comply with Title IX and other Civil Rights laws. For example, the National Advisory Council on Women's Educational Programs published documents such as *Efforts Toward Sex Fairness in the Use of Education Division Funds* (Steiger & Szanton, 1977), *Sex Bias: Education Legislation and Regulations* (Mastelli, 1977), *The Unenforced Law: Title IX Activity by Federal Agencies other Than HEW* (Balles, 1978), *Sex Fairness in Education Division Publications* (National Advisory Council, 1979) and *Title IX: The Half Full, Half Empty Glass* (National Advisory Council, 1981) while the Federal Women's Program Coordinator helped educate staff about nondiscrimination policies. But since this Council and the Federal Women's Program Coordinator positions ended, there has been almost no attention to educating ED staff about

TABLE 5.1 Federal Education Agency Leadership Activities to Advance Gender Equity in Education

Federal Law/Program	National Annual Budget & Activities	Multi-State	State	Local Education Level
OCR staff operations started in the Department of Health, Education and Welfare (HEW) and continue in the ED and other agencies	Develop policy & manage work	10 OCR Regional Offices are started in ED. (They do compliance reviews, review complaints, provide technical assistance.)	OCR provides annual training to SEA MOA Coordinators re 1979 Voc Ed Guidelines	All Ed Levels Pre K to postsec
Federal Women's Program, created in 1967 by Exec. Order 11375. Each Agency is supposed to have at least one Federal Women's Program Manager to advise the agency head. The Education Agency had an active Office on Women's Concerns in 1970s. Office of Education, Women's Program Office created 1974.	Identifies barriers to the hiring and advancement of women in federal gov. Now a responsibility of the EEOC. Requested Program Offices to report data collected by sex. (Steiger, 1977)			
NACWEP a 20-member council established by WEEA in 1975 ended in 1984.	NACWEP operated 1975–82 under Executive Director, Joy Simonson. It advised federal officials on a variety of activities to advance women's educational equity, held public hearings, and published influential reports.			
Special Assistant for Gender Equity (SAGE) required by The Improving America's Schools Act of 1994. Also in 8-03-05 Title 20, chap. 48 Subchapter 3412 Principal officers in the law establishing ED.	SAGE (if appointed) promotes, coordinates and evaluates gender equity programs and provides technical assistance, coordination and dissemination in addition to advising the Secretary and Deputy Secretary in all matters relating to gender equity.			
GEPA 427, General Education Provisions Act. Passed as part of IASA of 1994	Applicants for all federal financial assistance required to provide information on ensuring equitable access and participation in proposed activity.			
Equity Task Forces have been used in 1974 and then again in 1993 with senior officers and designated representatives	Intra-agency Equity Task Force under Deputy Sec. Kunin coordinated policy and management initiatives to promote equity practices in ED			
President's Interagency Council on Women, (PICW) 1995 2004 U.S. rejoins UNESCO (See chap. 1 for gender equity in UNESCO goals)	Coordinated U.S. implementation of the Platform for Action from the 4th World Conference on Women in Beijing in 1995.			

civil rights laws and responsibilities. About the only activity was an occasional program for women's history month with other agencies in the SW Washington, DC area, and a few mandated employee training sessions to discourage sexual harassment.

Even specific gender equity technical assistance activities to educators across the nation have decreased dramatically. In 1984 there were 12 Sex Desegregation Assistance Centers funded under CRA IV, and until 1996 there was competitive

funding for at least a part-time gender equity/Title IX Coordinator and program funds in each participating state. The professionals working in these Title IV funded projects and others concerned about gender equity formed the Association for Gender Equity Leadership in Education (AGELE) (www.agele.org) in 1979 (formerly named NCSEE-National Coalition for Sex Equity in Education). By 1997, there was only \$7 million for 10 multi-state Equity Assistance Centers (EACS; formerly called Desegregation Assistance Centers [DAC]). These Centers provided assistance to states and K–12 school districts in their regions in preventing sex, race, and national origin discrimination. By 2001, only two states (Washington and Florida) maintained full-time Title IX Coordinators, and only seven maintained part-time staff specifically designated to provide Title IX technical assistance as well as assistance with their own state-level equity laws. Many states closed down their equity offices completely, impacting negatively not only on Title IX services, but on race and national-origin equity services as well. In 2006, only one of the remaining 10 Equity Assistance Centers (The Mid-Atlantic Equity Assistance Center) had specific information on sex equity resources on their web page. The total annual funding of \$7 million for all 10 of these Equity Assistance Centers has also decreased from 1996–2007 because of inflation and because of broader responsibilities to assist with the goals of NCLB and with more customers like charter schools. Due to this and the few staff members with special responsibility for gender equity, it is probable that less than \$2 million of the EAC resources focus on technical assistance related to sex discrimination. The *OCR Annual Report to Congress FY 2004* indicates that only 6% of the 5,044 complaints received by OCR focused on sex discrimination; most focused on special education and race discrimination issues. The OCR annual reports indicated that 7% of the OCR complaints in 2001, 2002, and 2003 focused on sex discrimination (Office for Civil Rights annual reports 2001–2004). However, it is possible that there are many serious violations that do not get pursued as OCR complaints.

The U.S. Department of Education's OCR sent "Dear Colleague" letters to state and local school superintendents and college presidents in 1997, 2004, and 2006 reminding them to pay attention to regulations requiring Title IX coordinators, grievance procedures, and reaffirming the OCR policy guidance on intercollegiate athletics as well as the 2001 sexual harassment guidance. However, OCR has done little to provide meaningful technical assistance or follow up. Technical assistance is necessary to both encourage educators, students, and others to know about their civil rights, and to be able to apply the detailed guidelines in appropriate and sensible ways. Instead of helping with the full implementation of Title IX, some of the ED actions have resulted in confusion and even backtracking on full implementation of Title IX. Examples of this ED created confusion include: the previously discussed federal government role in the Supreme Court *Grove City College* decision (1984), the creation of the Secretary's Commission on Intercollegiate Athletics and its resulting "majority" report which would have limited Title IX protections, the U.S. Department of Education changes in the rules related to single-sex education (Office for Civil Rights, 2006), and the inappropriate 2005 "clarification" guidance on using an e-mail survey as a sufficient only way to assess the interest of female students in intercollegiate athletics. These threats to full

and appropriate use of Title IX are discussed in more detail in other parts of this chapter and in other chapters in this *Handbook*. Additionally, the key federally funded national provider of technical assistance and resources related to gender equity to both equity professionals and the public was the WEEA Equity Resource Center funded under a contract using some of the WEEA Program funds. ED decided not to recomplete this contract despite the requests of many for its continued services. It ceased operation in early 2003. Education Development Center, Inc., its host organization, has maintained its archived Web site, which was still listed as a resource on the OCR Web site as of February 20, 2006. The WEEA Equity Resource Center also helped launch another important leadership activity, the Gender Equity Expert Panel, which will be discussed in the later section on federal education programs focusing on gender equity.

While many of the *Handbook* chapters show progress in decreasing some types of sex discrimination in education, it is possible that the relatively small percent of sex discrimination complaints to OCR may be related to ignorance of rights under Title IX. Reinstatement of support for previous federal technical assistance mechanisms such as State Title IX grants and a national Gender Equity Resource Center Web site and electronic mailing list may contribute substantially to rebuilding an effective gender equity infrastructure.

Federal Programs Supporting Gender Equity Research, Development, Dissemination, and Technical Assistance

Federal gender equity program funding generally means providing specified amounts of federal money appropriated by Congress for legislatively authorized discretionary competitive funding programs. However, most Department of Education and Department of Labor federal education funds go directly to states through formula funding to be distributed to districts in their states or to student grants and loans for postsecondary education. Agencies do not track how these block or multipurpose state or local funds are used to support gender-related activities. For example, when asked, ED staff said they could not provide information on whether any of the No Child Left Behind Local Innovative Program funds, which allowed for "Programs to provide same-gender schools and classrooms (consistent with applicable law)," were being used for this purpose or for any of the 26 other activities allowed in this section of the law (Klein, 2005).

National discretionary funding is usually through competitive grants for model programs or research or by contracts to accomplish specific technical assistance or dissemination services such as the Civil Rights Act Title IV Equity Assistance Centers. Most education funding programs authorized by Congress contain general mandates to improve education by addressing education equity needs. However, sometimes the separate annual Congressional funding appropriations also have specific provisions or priorities related to the authorized program. For example, in the 1978 reauthorization of the Women's Educational Equity Act Program, in addition to developing model programs, WEEA was authorized to use funds to help school districts implement Title IX and other sex-equity activities after the first \$15 million, but the appropriation was always too small to do so. Similarly, in recent years while programs like the Fund for

TABLE 5.2 Federal Education Agency Technical Assistance Activities to Advance Gender Equity in Education

Federal Law/Program	National Annual Budget & Activities	Multi-state/ Regional	State	Local Education Level
OCR staff operations started in the Department of Health, Education and Welfare and continue in ED and other agencies.	ED OCR Staff provide consultations, training and materials. In FY 89 OCR received a little over \$40 million for staffing and budget. In FY 95 it was over \$58 million. In 1995 OCR had 778 FTE staff. OCR data collection ended 2002.	10 OCR Regional Offices. ED staff do compliance & complaint reviews, provide technical assistance & training if requested.	Using the 1979 Voc Ed Guidelines, OCR provides TA to state MOA staff who conduct civil rights reviews of their subrecipients.	All Ed Levels Pre-K to postsec
Title IV Civil Rights Act of 1964. Provide Technical Assistance for SEAs, K–12 school districts and others to combat race, national origin and sex discrimination. (Less than 1/3 of the total funds were used for sex equity although some EACS spend more than others.)	In FY 77 only \$1.5 million of the \$34.7 million went to projects specifically focusing on sex discrimination (Mastelli, 1977). In the 1990s, the funding for the CRA IV program was \$21–24 million with 2/3 going to SEAs and 1/3 to EACs. In FY 96 it was reduced to \$7 million only for EACs. In 2005 the Office of Elementary and Secondary Ed awarded 3 yr. contracts for 10 EACs.	12 regional Sex Desegregation Centers were funded from 1978–1987. Since 1987 multi-focus EACS have served states in their regions.	Title IV SEA grant program competition started in 1978 and ended 1996. Until 1987 SEAs could apply for sex desegregation grants separately.	Grants to local education agencies ended in 1982 Grants for training institutes run by higher ed. institutions ended by 1985.
WEEA Program contracts for technical assistance and dissemination	Over its 26-year existence, the WEEA Equity Resource Center worked with grantees to develop and disseminate products that captured the learning from local grants, provided technical assistance to the field on Title IX compliance and gender equitable education, developed and operated the EdEquity electronic discussion list, created a popular Web site with gender equity resources and information (now archived at http://www2.edc.org), and published periodicals addressing aspects of educational equity.			

the Improvement of Postsecondary Education (FIPSE) and the Fund for the Improvement of Education (FIE) were authorized to have competitions that addressed equity as well as other needs, most of their funding was reserved for Congressionally specified *earmarks* or projects to be given to a grantee specified by Congress without a federal merit-based competition. Very few of these earmark grants have gone to programs designed to advance gender equity. Information on each of the key programs that supported gender-equity education work is summarized in the following section, and additional details are provided in Table 5.2.

The Women's Educational Equity Act (WEEA). WEEA has been created in 1974 and the only legislatively authorized program in the U.S. Department of Education and its predecessor

agencies specifically focused on gender equity. It promotes educational equity for girls and women and pays special attention to populations likely to suffer from multiple types of discrimination based on gender, as well as race, ethnicity, limited English proficiency, disability, or age. The wide range of activities authorized include: assistance to educational agencies and institutions in Title IX compliance and training in gender-equitable practices. Since its initial operation in 1976, WEEA has funded over 800 projects through highly competitive grant competitions. However, many were short term and minimally evaluated. The highest annual appropriation was \$10 million, in FY 1980. The five multi-state demonstration projects funded at this time are described in the 1985 *Handbook*. From 2000 through 2007, the Administration requested no funding for WEEA, but Congress appropriated approximately \$3 million annually through

FY06. Because of limited funding, the program did not hold its annual competition during several of these years, when it only funded continuing grants.

Since the 1994 WEEA reauthorization, at least two thirds of the funds were to be used for grants that implement gender equitable programs in educational institutions including the evaluation of model programs. Up to one third of the appropriation was allowed for research and development grants, but when appropriations were low, this area of activity suffered. Research-and-development funding was designed to support such activities as development of strategies and model programs to promote equity in education; development of equitable assessment tools; evaluation, dissemination, and replication of promising or exemplary programs; and development and evaluation of model curricula, textbooks, software, and other educational materials. The federal contract for the national WEEA technical assistance center—designed to provide technical assistance to schools and broaden the impact of the grants program—was discontinued by the Department of Education in early 2003. Since 1978, the contract had been awarded to Education Development Center, Inc.. As described in the previous technical assistance section, it involved working with grantees to develop and disseminate materials about effective programs, providing technical assistance to states and local entities on Title IX compliance, and generally acting as a resource center to individuals and organizations on gender equitable education.

In 1996, the WEEA Equity Resource Center helped design and initiate the work of the Gender Equity Expert Panel, which was established to identify replicable policies, products, and programs that could provide evidence that they were effective in advancing gender equity. However, when Administrative support for gender equity was lowered, WEEA efforts to increase and share knowledge were curtailed. For example, in 1991 and again in 1999, reports coordinated by the WEEA Center on efforts to promote and assess the status of educational equity, both initially requested by the Department, were halted. Beginning in 2001, the Department's approval process for grantee products and informational materials slowed drastically, and very few materials were allowed to be printed and disseminated. Electronic products and dissemination, which were not then thoroughly covered by the ED regulations, became the principal means by which new publications and information were made available. In FY 2003, in spite of public support for the work and consistent increases in requests to the WEEA Center for its resources and services, the funding that had been utilized for 26 years to provide national technical assistance and dissemination was transferred out from oversight of the WEEA Program to fund a portion of a \$1.5 million review of the research on single-sex education, a policy interest of the Administration. Worthy projects continue to be funded through WEEA, but without the WEEA Center or a federal entity committed to collecting and disseminating information nationally about project effectiveness, the potential impact of the projects is likely to remain limited in scope.

The Career and Technical Education. This programs supporting gender equity were previously primarily supported by federal vocational education acts and called sex equity rather than gender equity programs. Starting in 1976 and 1977, there were two related Congressional laws which specifically ad-

ressed gender inequities in career and vocational education. The 1976 Amendments to the Vocational Education Act of 1963 required a state sex equity coordinator in each state to be supported by a minimum of \$50,000 of the state's vocational education funds. Each sex equity coordinator was to perform seven key functions, such as to create awareness of programs to reduce sex bias and stereotyping in vocational education, gather and analyze data on men and women in state vocational education programs, and assist local education agencies and others in improving vocational education opportunities for women. (More details are provided in the "Gender Equity in Career and Technical Education" chapter in this *Handbook*.) This amendment also required local applicants to promote sex equity in all career and vocational programs. Second, the Career Incentive Education Act of 1977 specifically provided for funding of career education activities designed to eliminate sex discrimination and stereotyping as part of the overall federal Career Education program. The Career Education program disappeared when it was put in the state block grants in 1981.

From 1984 to 1998 Perkins Vocational Education Act programs provided more funding and support for gender equity for students and adults in education than any other federal program. About \$100 million annually was designated for gender equity activities during 1984–1998 when the Perkins Act I and II required percentage set-asides for sex equity and displaced homemakers from the overall vocational education appropriations to the states. Much attention was given to encouraging males and females in nontraditional occupations. Some of these funds that flowed through states were designated primarily for services to specified populations such as displaced homemakers, individuals who had been underserved, or individuals who had special educational needs relating to disabilities, poverty or limited English proficiency. These funds and requirements for state sex equity personnel to administer federal funds for sex equity programs in their states led to the important leadership roles of state career and technical education (CTE) sex equity coordinators. The federal vocational education staff also helped organize some initial meetings and networking of these coordinators who soon formed their own organizations, including the Vocational Education Equity Council (VEEC), which continues now as the Career and Technical Education Equity Council (CTEEC), and the Sex Equity Leadership Development Conference, which continues now as the National Alliance for Partnerships in Equity (NAPE; www.napeequity.org).

The Carl D. Perkins Vocational and Applied Technology Act of 1998 eliminated the set-asides of a percent of the overall funding for special needs such as gender equity, but included requirements for both states and participating districts to make progress on Non Traditional Occupations core performance indicators by sex, and race. Support for the sex equity coordinators and their gender equity programs decreased from \$107 million in FY 98 to \$5.6 million in FY 99. In the following years few states continued to support full-time sex equity coordinators although they were allowed, but not mandated, to use federal funds for these positions (Klein, Ortman, & Friedman, 2002).

The U.S. Department of Labor employment training programs and some provisions in the welfare and work programs also pay attention to various gender equity concerns as part of

the requirements to provide services. In 2006, the Congress reauthorized the Perkins Act despite efforts by the Bush Administration to eliminate this funding. The Act retained the non-traditional core indicators and provisions to help special populations including displaced homemakers, single parents and students training for nontraditional employment.

Fund for the Improvement of Postsecondary Education (FIPSE). This program to fund and evaluate innovative models was created in the same set of 1972 Amendments to the Education Act as Title IX. Since 1974, FIPSE has supported some very useful projects to address gender equity needs. For example, in 1975 it supported a grant to Sheila Tobias for a Math Anxiety Clinic at Wesleyan University, and later, various women's studies projects including a project on evaluating women's studies programs. A 1984 project by David and the late Myra Sadker helped postsecondary faculty teach in ways that don't discriminate against women or men in the classroom. FIPSE supported the National Center for Curriculum Transformation Resources on Women from 1994–1998 and two MentorNet Projects from 1998 to 2002. There have been 11 grants focusing to some extent on women's issues since 2000, including a grant to study women's human rights in North America and a dissemination grant for a women's health curriculum (U.S. Department of Education FIPSE Grant Database, 2006). In FY 06 FIPSE had about \$22 million for competitive projects without the earmarks that consumed its whole budget in FY 05.

Education Agency Research Office Support for Gender Equity R&D. The National Institute of Education (NIE) was created in 1972 as the major research component of the federal education agency then part of the Department of Health, Education and Welfare and later the Department of Education. As seen in Table III, NIE did more to advance research on gender equity than its successors, the Office of Educational Research and Improvement (OERI) and the Institute of Education Sciences (IES). Its earliest large investment in 1977 was in creating a well evaluated "Freestyle" career awareness TV program. One of the shows was about a girl who fought discrimination to learn how to become a "grease monkey" or car mechanic. As of 1981, NIE funded about 200 research-and-development projects related to gender equity issues (Klein and Thomas, 1981). The Women's Research team also organized research colloquia and NIE staff and grantees created numerous publications. NIE research-supported national studies of sex equity in classroom interactions have had a broad impact. (See *Handbook* chapter on Gender Equity in Coeducational and Single Sex Environments.) When the political climate changed, these important multi-year classroom interaction studies almost ended before they could be finished, but a compromise was made to continue them by changing their titles so they no longer said "sex equity." In 2000, the OERI group studying high-risk students sponsored a conference on African American boys, but they didn't consider this a gender equity issue although many of the conference participants did.

OERI's major contribution to gender equity was the leadership role of its Gender Equity Expert Panel (GEEP). The GEEP was created by Sue Klein, a staff member⁹ who was committed to good evaluations and to gender equity. Klein admired the model program strategy used by WEEA and later the NSF gender equity program (NSF, 2002), but felt that it was hard for most users to know which programs were most likely to help them address the types of gender inequities they were facing. As other expert panels were created in areas of mathematics and science, safe and drug-free schools, and technology, Klein and the GEEP members encouraged them to use gender equity criteria such as making sure that the quality of the materials they reviewed avoided sex stereotyping and that when they analyzed evidence of effectiveness, they would check to see if the results were equally positive for males and females. The new OERI director who became the IES director ended all the expert panels and substituted a new *What Works Clearinghouse*, which focuses on rigorous evidence of effectiveness criteria, but has no provisions to search for, review, and prepare a comparative report on the relative merits of replicable programs that may advance gender equity. However, Clearinghouse instructions do ask if the program was differentially effective with different populations. While IES no longer has a plan like GEEP to learn about comparative replicable programs to advance gender equity, it funded a four-year, \$2.2 million evaluation of "Replication and Outcomes of the Teaching SMART[®] Program in Elementary Science Classrooms," which is designed in part to help girls and minority students. However, the control groups in this study have no comparable focus on gender equity. As previously noted, the National Center for Education Statistics often reports results by sex and published *Trends in Educational Equity of Girls & Women: 2004*. The legislation creating IES and its National Center for Education Statistics contains requirements for disaggregation of research information by sex, race, and disability, but to date no analysis has been provided on the extent of compliance with these provisions.

National Science Foundation (NSF). NSF has been focusing on increasing the participation of women in science since the 1981 Equal Opportunities for Women and Minorities in Science and Technology Act (NSF, 2002). Over the years the program has changed names and broadened its focus to include many aspects of gender equity, including new programs for women in computer science and technology as well as helping women succeed in academic science careers via the ADVANCE program started in 2003. By 2006, NSF was the largest supporter of gender equity programs in the government with over \$40 million going to four programs. The core Program on Gender in Science and Engineering, has distributed over \$9 million each year since 1999 for work at all levels of education. The other NSF funding programs include ADVANCE, Women in Engineering & Computer Science, and IT Workforce Research. The Program on Gender in Science and Engineering has supported experimental projects, model projects, and dissemination. In fact, the Department of Education's Gender Eq-

⁹Dr. Sue Klein, who worked in the federal education agency for 34 years before joining the Feminist Majority Foundation in 2003.

uity Expert Panel found that the NSF-funded model gender equity programs had better evaluation evidence than the gender equity programs funded by ED. There have also been a few smaller programs in other agencies such as a Women's Program at NASA and some programs in the Departments of Defense and Energy that provided some additional support for women.

U.S. Department of Labor (DOL), Women's Bureau.

Created in 1920, the Women's Bureau has responsibility for ensuring that all DOL programs pay attention to the needs of women in the workforce and for coordinating activities across the agency to accomplish these goals. For example it co-administered the Women in Apprenticeship and Nontraditional Occupations Grant Program (WANTO) until 2003. The DOL employment and Training Administration is managing WANTO grants from the 2006 appropriation. Women's Bureau staff provide assistance and leadership in regional offices as well as in policy activities in the Washington, DC headquarters. They also fund some replicable demonstration projects that serve working women and young girls. Many of these projects, such as Girls' E-Mentoring in Science, Engineering, and Technology (GEM-SET) developed partnerships with companies, universities, and community-based organizations. GEM-SET is being continued in the private sector. Protests by Women's groups helped stop the plans to close many of the Women's Bureau Regional Offices. But as of 2007, three of the 10 Regional Office Directors had responsibility for two regions. An additional threat to the effectiveness of the Women's Bureau is making the career staff, including staff in policy positions in headquarters, compete with contractors for their own jobs. In 2006, the budget for the whole Women's Bureau including the regional offices and the supported demonstration programs was \$9 million, but it is difficult to judge the percentage of this that is focused on education and training to advance gender equity.

US AID, Office of Women in Development Program (WID).

The Office of Women in Development was established in 1974 to integrate gender considerations throughout USAID programs and to contribute to certain areas such as girls' education or later gender equality in education as well. Activities in this area focus on instituting gender equitable policies and practices in basic education, especially for girls, and addressing barriers such as sex discrimination in teaching, stereotypes in learning materials, and unsafe school environments. For example, the Girls Education Mentoring System (GEMS) project from 1999 to 2003 helped countries develop appropriate indicators to monitor and measure girls' education initiatives. A related Strategies to Advance Girls' Education (SAGE) project used a multisectorial approach to learn how to foster partnerships to increase girls' completion of primary school. The 1997–2002 Equity in the Classroom project trained educators, policy makers, and curriculum developers in eight countries. An influential conference in 1998 brought delegations of high-level education officials from many developing countries including India, Egypt, and China to Washington, DC to plan strategies to advance girls' education in their own countries. More recent 2003–2006 projects focus on implementing pilot initiatives on issues such as safe schools and providing technical assistance to strengthen institutional capacity to im-

plement gender equitable practices and policies. From FY 03–05 the WID budget has been about \$11 million with about 21% for Girls and Women's Education.

The Millennium Challenge Corporation (MCC).

A U.S. government corporation created by Congress in 2004, has distributed about \$6 billion to eligible countries to reduce poverty through sustainable economic growth. To be eligible for funding, countries must do well on performance indicators such as governing justly, investing in people, and encouraging economic freedom. The MCC Threshold Program helps countries improve their performance so that they can later apply for the larger grants. One of the Threshold Programs in Burkina Faso is designed to increase girls' primary school completion rates by constructing schools, funding day care centers by providing materials, furniture, books, and even dry rations to female students who maintain an 80% attendance level, and by supporting adult literacy training for the mothers of students and a girls' mentoring program. (See www.mcc.gov.)

Department of Health and Human Services (HHS) Programs and Activities to Support Adolescent Pregnancy Prevention.

These programs, funded by different federal legislation, are administered in various parts of the HHS, including some activities in the Centers for Disease Control and Prevention and the Office of Women's Health. The more education specific programs focused on gender include demonstration programs in the Office of Adolescent Pregnancy Prevention at \$30.7 million in FY 06, State Abstinence Education Program (Section 510) Title V Social Security Act Programs at \$50 million in FY 06 (allocated on a formula basis to states), and the most restrictive of all, the abstinence-only until marriage grant programs, the Community-Based Abstinence Education/Special Programs of National and Regional Significance (CBAE/SPRANS) for Adolescents at \$115 million in FY 06.

HHS probably spent more than \$200 million in FY 06 on adolescent health programs that contain some requirements for abstinence only education. Many of these programs have been criticized for using curricula that are scientifically inaccurate and lack evidence that they prevent either sexual activity or adolescent pregnancy (It gets worse: A revamped federal abstinence-only program goes extreme, 2006). As of 2006, four states have rejected some federal abstinence education funding because government restrictions such as limiting discussions of contraception are too strict (Samuels, 2006; A brief history of abstinence-only-until-marriage education, 2006). The *Handbook* chapter on Gender Equity in Formal Sexuality Education concludes that while abstinence only programs do not work, there is evidence that many comprehensive sexuality education programs, which may not be able to receive HHS funding, do reduce adolescent pregnancy. The estimate of over \$200 million in FY 06 for adolescent pregnancy prevention programs with abstinence only restrictions is probably low. For example, it doesn't include funding that may go to these activities via the Title X Family Planning Grants, or HIV/AIDS and STD prevention programs, or special earmark grants (A brief history of abstinence-only-until-marriage education, 2006).

TABLE 5.3 Key Federal Programs to Address Gender Equity in Education

Federal Law/Program	National Annual Budget & Activities	Multi-State/Regional	State	Local Education Level
<p>The Women's Educational Equity Act (WEEA) Promote educational equity for girls and boys, women and men, while paying special attention to those who suffer multiple discrimination based on gender and on race, ethnicity, national origin, disability, or age, and to provide funds to help education agencies and institutions meet the requirements of Title IX.)</p> <p>Reauthorized or amended in 1978, 1984, and in 1994 as part of the Improving America's Schools Act. The Women's Educational Equity Act of 2001 was included in the No Child Left Behind Act. http://www.ed.gov/policy/elsec/leg/esea02/pg86.html</p>	<p>It was funded at \$6.27 million in 1976; \$10 million in FY 1980. From 1982 to 1986 it had about 5.7 million annually. From 1987-89 it had around \$3 million annually. From 1990 to 1994 it was \$2 million or less each year. This funding has continued at \$3 million or less annually to 2006.</p> <p>WEEA funded over 800 projects from 1976 to 2006. Much of the focus has been on model replicable programs.</p>	<p>Five demonstration site contractors each worked with several states 1980-1983.</p>	<p>States have been occasional recipients of WEEA grant funds. However, during the period 1999-2003 no awards were made to state education agencies.</p>	<p>During the period 1999-2003, 7 grants went to local education agencies, representing approximately a quarter of all implementation grants. Local education agencies were frequent users of WEEA products and technical assistance.</p>
<p>Career and Technical Education Acts The 1976 amendments to the Vocational Education Act (VEA) of 1963.</p>	<p>Administered by Bureau for Occupational and Adult Education, then Office for Adult and Vocational Education (OVAE) FY 80 \$5,634,243 for national projects and state funds.</p>		<p>'76 Required State plan and a full time State Sex Equity Coordinator to implement 7 functions. Had minimum of \$50,000 for each state sex equity coordinator.</p>	<p>Required Local applicants to promote sex equity in all career and vocational programs.</p>
<p>Carl D. Perkins Vocational Education Act of 1984.</p>	<p>Allocated funds to consumer and homemaking education and provided for a National Advisory Council on Vocational Education. Provided model policies & programs for non-traditional careers that are effective.</p> <p>Network of Required State Sex Equity Coordinators who administered distribution of federal funds in states for sex equity programs. There was at least \$3 million to cover \$60,000 for each state sex equity coordinator.</p>		<p>'84 Expanded to 10 Functions, 3.5% Sex Equity Set-Aside and 7.5% Single Parent/Displaced Homemaker Set-Aside.</p>	
<p>The Carl D. Perkins Vocational and Applied Technology Act of 1990.</p>	<p>State sex equity coordinators allowed but not required. Many joined NAPE.</p> <p>Focus on Nontraditional Occupations, and Special Populations</p>		<p>'90 Required State Plan, State Sex Equity Coordinator; implement 10 Functions. Sex Equity and Single Parent & Displaced Homemaker Set-Asides of 12.5%.</p>	
<p>The Carl D. Perkins Vocational and Applied Technology Act of 1998.</p>			<p>'98 Required State Plan, Eliminated Set-Asides but included an NTO Performance Indicator.</p>	
<p>The Carl D. Perkins Career & Technical Education Improvement Act of 2006</p>	<p>Increases programs to address the needs of special populations such as displaced homemakers, single parents and students training for non-traditional employment.</p>			

(continued)

TABLE 5.3 (Continued)

Federal Law/Program	National Annual Budget & Activities	Multi-state/Regional	State	Local Education Level
<p>Career Incentive Education Act of 1977 (repealed in 1981) Career education program for elementary and secondary schools with post-secondary demonstration projects.</p> <p>Fund for the Improvement of Postsecondary Education (FIPSE) Part of the 1965 Higher Education Act Amendments of 1972 with funding for innovative projects starting in 1973.</p>	<p>Some of the funding was for activities designed to eliminate sex discrimination and sex role stereotyping.</p> <p>Total 1980 appropriation \$13.5 million with \$1,579,725 for gender equity projects.</p> <p>1984 was \$11.71 with \$1,053,900 for gender equity projects.</p> <p>2004 supported 2 new multiyear projects with less than \$200,000 supporting women's issues. In 2006 the FIPSE total is about \$22 million with no earmarks.</p>		State career education leaders.	
<p>Research Programs in Education Agency <i>National Institute of Education</i> (NIE) was created in 1972 as key federal agency for educational research and development. Its mission was to promote educational equity and improve the quality of educational practice. When NIE was reauthorized in 1976 and 1980, educational equity was a mandated funding priority. In 1980, there was a Social/Process/Women's Research Team, a Women's Studies Team, a National Commission on Working Women, studies on teen pregnancy, a Congressionally mandated vocational education study focusing on eliminating sex stereotyping, etc., and a Minorities and Women's R&D Training Program (Klein, 1980). By 1982, the Women's teams and the Minorities' and Women's Program were dissolved. Some of the regional labs continued small programs for minorities and women, but they were no longer coordinated by federal staff.</p> <p><i>Office of Educational Research and Improvement</i> (OERI) 1985–2002. OERI was reauthorized in 1994. The Institute of Education Sciences (IES) was created by the Education Sciences Reform Act of 2002. The National Center for Education Statistics was a part of each of these offices in the U.S. ED. All the legislation for these research offices specified the need to pay attention to equity and to disaggregate information by sex, race, and other appropriate categories, but there was little organizational attention to gender equity research until the Gender Equity Expert Panel 1996–2002.</p>	<p>The following are estimates of funding for sex equity research in NIE. The higher amounts in FY 79 include \$3 million for the Minorities and Women's Program.</p> <p>\$5,100,000 in FY 79 \$3,180,000 in FY 80 \$774,628 in FY 81 \$513,240 in FY 82 and also FY83 \$100,000 in FY 85 (Levy, 1985)</p> <p>There are compilations describing about 200 NIE sex equity research projects up to 1981 (Klein, 1980; Klein & Thomas, 1981)</p> <p>In 1981, the Women's research team funded 2 multiyear research projects on sex equity in classroom interactions.</p> <p>There was no formal crosscutting or other group in OERI with a focus on gender equity. However, OERI supported a few gender equity projects some focusing on single-sex schools and colleges. There were also some small unsolicited research projects on gender equity topics.</p> <p>NCES prepared <i>Trends in Educational Equity for Girls and Women</i> (NCES, 2000, 2004). The first was for a Congressional requirement in the 1994 WEEA reauthorization.</p>			

The 1994 OERI reauthorization requested the establishment of panels of experts to identify promising and exemplary programs, products, practices, policies, and research findings to increase gender and other aspects of equity, and the 1994 reauthorization of WEEA called for new evaluation and dissemination responsibilities so WEEA and OERI worked together on the GEEP.

While the 2002 legislation establishing IES continued some gender equity provisions, much IES work focuses on rigorous evaluation to determine what works, but little attention has been given to learning if it works differently for different populations on the basis of gender, race, etc. But, there is no focus on advancing gender equity.

National Science Foundation (NSF) was established in 1950. The Women in Science Program, created in 1976, provided experimental grants to learn how to address the underrepresentation of women in science and technical careers.

The Equal Opportunities for Women and Minorities in Science and Technology Act created the Committee on Equal Opportunities in Science and Technology and started activities such as Visiting Professorships for Women. A 1999 Congressionally created Commission on the Advancement of Women was influential in publicizing barriers faced by women and minority scientists and engineers.

The 2006 Research on Gender in Science and Engineering Program has been funding research, development, and dissemination projects since 1993 under different names. However it added funding for extension services projects to help educators implement the research-based practices that increase participation of women in science and engineering.

**U.S. Department of Labor
Women's Bureau and Job Training**

Women's Bureau created in 1920, has encouraged people to seek gender equity R&D and other funding from the 1978 Comprehensive Employment and Training Act and the Work Incentive Program and their successors (ITPA and WIA).

The 11 GEEP promising and exemplary programs were announced after developing criteria to describe: effectiveness in promoting gender equity, the quality of the program, its educational significance, and usefulness to others or replicability. (Fox, 2000; OERI, 2001).

In 2005, one of the IES teacher quality studies was designed in part to learn if the replicable teacher training program was especially effective for girls and minority students, but it was not to be compared with other programs with similar goals.

Funded model, research, and dissemination projects, elementary through college level

FY 84 \$2,500,000

FY 93 \$7,000,000 called Program for Gender

Equity

FY 99 \$9,750,000

FY 02 \$9,700,000

FY 06 \$40,300,000 for gender-based programs include ADVANCE (R&RA) \$19,630,000

Women in Engineering & Computer Science \$7,990,000 IT Workforce Research \$3,000,000 Program for Gender Equity \$9,680,000. (The annual budget totals include continuations for multi-year projects.)

FY 05, \$9 million for entire Bureau and regional offices

Used to have regional administrator for each of 10 offices. In 2006, 2 administrators manage more than one region.

Funds for clinics, etc via 10 regional offices.

(continued)

TABLE 5.3 (Continued)

Federal Law/Program	National Annual Budget & Activities	Multi-state/Regional	State	Local Education Level
Over the years the Women's Bureau has supported demonstration projects and it co-administered the Women in Apprenticeship and Nontraditional Occupations Grant Program until 2003.				
U.S. AID, Women in Development, Girls' Education 1973 Percy Amendment for USAID to integrate women into national economies of foreign countries to increase their status and the country's development.	Focuses on improving basic education of girls in developing countries From FY 03-5 WID budget has been about \$11 million with about 21% for education of girls and women.			
Millennium Challenge Corporation (MCC) Established by Congress in 2004, MCC provides funds to help countries doing well on 16 indicators to reduce poverty through large grants to qualifying countries, as well as a smaller Threshold program for countries who need help to reach all indicators such as creating parity in girls' education rates.	In FY 06, \$13 million is going to Burkina Faso to help build girl-friendly coed schools, which also includes providing day care to relieve older daughters from sibling-care responsibilities. Other projects also provide some help to gender equity education such as school construction or training both boys and girls in better agricultural practices.			
Dept. of Health and Human Services Office of Adolescent Pregnancy Programs (OAPP) created in 1981 as Title XX of the Public Health Service Act the Adolescent Family Life Program that supports research and demonstration projects for: abstinence education and care programs for parenting teens and their family members to decrease effects of too-early childbearing for teen parents.	OAPP FY 82 \$11.4 for grants in Adolescent Family Life program FY 06 \$90.7 million. Supported 58 abstinence education multiyear projects and 43 care projects		States must match \$3 for every \$4 in federal funding they receive.	Sexuality ed programs provided by public agencies, faith-based groups and other subcontractors
Title X Family Planning Grants created in 1970 to provide a wide range of acceptable and effective family planning methods and services.	FY 05 \$288 million in HRSA	Funds for clinics, etc via 10 regional offices		
State Abstinence Education Program (Section 510 of Title V of the Social Security Act) Personal Responsibility and Work Opportunity Act of 1996 (the so-called Welfare Reform bill or TANF) to support abstinence-only programs.	\$50 million total in block grants per year to participating states from 1998-2006 to teach abstinence only. (Participating states provide \$3 for every \$4 in federal funds.)		Participating states get money according to formula tied to low-income children and have an Abstinence Education Coordinator.	
Community-Based Abstinence Education/Special Programs of National and Regional Significance (CBAE/SPRANS) for adolescents 12-18, the Administration for Children and Families, under 1110 of the Social Security Act.	Public or private recipients of these implementation grants must agree not to provide any information that is inconsistent with the abstinence-until-marriage message. FY 05 \$103.7 million FY 06 \$115 million			CBAE funds go directly to public and private program suppliers

The Department of HHS has funded other types of worthwhile and hopefully effective gender equity health education activities such as the Girls Neighborhood Power initiative and the ongoing Office of Women's Health activities such as the 4girls.gov Web site and the National Bone Health Campaign, which especially focuses on helping girls combat osteoporosis, or the BodyWise Eating Disorder Educational Campaign.

Summary. Federal leadership, technical assistance, and funding to support sex or gender equity work have always been miniscule compared to federal funding for other specific population groups where there has been a history of stereotyping and discrimination such as for special education or English Language Learners. "For example, in FY 80 at \$33.9 million, its highest level of support, the Office of Education spent only .2% of its budget on sex equity" (Levy, 1985). This proportion would be even smaller today as the total ED budget has grown substantially, but the only programs and activities to specifically support gender equity that remain as of FY 06 are: WEEA with less than \$3 million, Gender Equity Assistance work by the CRA Title IV Equity Assistance Centers with less than \$2 million (out of the total of \$7 million for race, gender, and national origin), some competitive awards in FIPSE and IES, some ongoing staff work in OCR and the production of occasional descriptive reports in NCES.

At over \$40 million, the NSF is the largest positive supporter of gender equity programs with its four FY 06 programs to increase the participation of women in science, mathematics, engineering, and technology. HHS spends more (over \$200 million in FY 06) on education programs with a focus on gender, but most of these programs are required to emphasize HHS approved abstinence-only-until-marriage messages. Given that many of these abstinence-only programs are not gender equitable, and since they perpetuate gender stereotypes and misinformation, and since there is no evidence that they are effective in reducing pregnancies, many equity advocates recommend that this federal money be used instead for other worthwhile gender equity programs.

There is much room for enhancing the federal role in advancing gender equity. In addition to limited enforcement of Title IX, the U.S. Department of Education played a minimal role in supporting technical assistance and even the relatively inexpensive development and dissemination of high-quality gender equity resources. Starting in the early 1970s, ED collected some resources for the ERIC system and helped publish and share WEEA and other products via the WEEA Equity Resource Center. Additionally, the OCR in ED published a few brochures and guidelines on civil rights. The CRA IV-funded Equity Assistance Centers (<http://www.ed.gov/about/contacts/gen/othersites/equity.html>) published some information, increasingly Web-based, on gender equity such as the Mid-Atlantic Equity Center (MAEC) report cards and have also held training sessions and conferences on gender equity topics. However, with the exception of some work by NSF related to gender equity in mathematics and the sciences, most of this federal assistance with gender equity resources

ended by 2003 when ED decided to discontinue the WEEA Equity Resource Center and the Gender Equity Expert Panel, which was designed to encourage the production and evaluation of replicable high quality and effective gender equity programs.

HOW STATES AND LOCAL GOVERNMENTS SUPPORT GENDER EQUITY IN EDUCATION

States and local governments can support gender equity in education through their leadership, technical assistance, budgets, and through their influence on how federal funds that flow through their agencies are used. Moreover, many states have state laws and constitutional provisions prohibiting discrimination. Therefore, this section will focus on state- and local-government responsibilities to implement federal and state laws intended to protect all types of students and employees from discrimination based on sex.

In the majority of states, the State Education Agency (SEA) for public K–12 schools is separate from the state higher education agency. Generally state education agencies (SEAs) provide funds, assistance, and some regulatory functions for local school districts, educator preparation programs, and much more. Since SEAs and institutions of higher education (IHE) and local education agencies (LEA) receive federal financial assistance, they must comply with federal civil rights laws.

Additionally, many states have their own gender equity laws such as state constitutional equal rights amendments or Title IX-type statutory laws to protect against sex discrimination in education. Often these state equity laws are broader than the federal equal protection clause of the U.S. Constitution or the federal Title IX. Sexual orientation is a protected class in 13 states, but is not protected directly under federal law.

Summary of State Laws that Advance Gender Equity in Education

In addition to federal statutory and constitutional protection from sex discrimination in education, a variety of state antidiscrimination laws bar sex discrimination in schools. Since primary responsibility for education rests with each state, it is critical that nondiscrimination in education be included in state laws and regulations. State laws can be explicitly written or judicially interpreted to provide students with far greater protection against sex discrimination than federal laws. Especially when the federal and administrative branches and the United States Supreme Court are conservative, state laws are an especially important source of protection against sex discrimination in education. They may also provide enforcement mechanisms that supplement those available under federal law (National Women's Law Center, 2005).¹⁰ State protection from sex discrimination comes from a variety of sources within state law; the

¹⁰For an overview of state law remedies for sex discrimination in education, see National Women's Law Center, *Tools of the Trade: Using the Law to Address Sex Segregation in High School Career and Technical Education* 17–22 (2005).

scope and breadth of protection varies considerably from state to state. The main sources of state law protection are: state constitutions, state statutes, and administrative regulations. However, even state guidelines that do not have the force of law can be a powerful tool to support equity in education.

State constitutions can be a strong source of protection from sex discrimination in education. This protection may come from general “equal protection” clauses within state constitutions or from provisions that specifically mandate gender equality. Some state constitutions have specific provisions that bar sex discrimination in education. Hawaii’s constitution, for example, provides that “There shall be no discrimination in public education institutions because of race, religion, sex or ancestry. . . .”¹¹ Other states have more general sex-equality provisions. These so-called state Equal Rights Amendments can be an especially powerful source of protection.¹² Today, 22 states have some form of explicit protection against sex discrimination in their state constitutions.¹³ Some of these state provisions have been interpreted under judicial review as being quite weak e.g., Virginia, Utah, and Illinois. In some noteworthy instances, however, these state equality guarantees have been interpreted to provide greater protection against sex discrimination than may be available under federal law. In *Commonwealth v. Pennsylvania Interscholastic Athletic Ass’n*, 334 A.2d 839 (Pa. 1975), the Pennsylvania Supreme Court used the Pennsylvania ERA to strike down a rule excluding girls from practice or competition with boys in all interscholastic sports, emphasizing that “even where separate teams are offered for boys and girls in the same sport, the most talented girls may still be denied the right to play at that level of competition which their ability might otherwise permit them.”¹⁴ In *Newberg v. Board of Public Education*, 26 Pa. D. & C.3d 682 (1983), a Pennsylvania Court held that Philadelphia’s Central High School’s all-male admissions policy violated both the federal constitution and the Pennsylvania ERA. The federal violation of the Constitution was based on the Equal Protection Clause of the Fourteenth Amendment.

Other important sources of state law protection for sex equity in schools are statutes and administrative regulations. Many states with statutes that specifically prohibit sex discrimination in education have language that is similar to Title IX. Most states have antidiscrimination statutes prohibiting sex discrimination in employment, housing, and places of public accommodation. Some states explicitly classify education as a place of public accommodation. These antidiscrimination laws may explicitly extend protection beyond Title IX. California,

New Jersey, and Wisconsin’s laws against discrimination, for example, provide that schools may not discriminate based on sexual orientation.¹⁵ These statutes are often implemented and clarified through administrative regulations issued by state departments of education or state civil rights agencies and approved by the legislature. Local ordinances and board of education policies may provide additional protection. Statutory protection may also be found in a variety of other state statutes not directed at education or civil rights, including those addressing hate crimes, bullying, and sexual assault.

Even where the language of these state statutes does not explicitly extend beyond Title IX, judges and administrative agencies have interpreted them as providing broader protection than Title IX based on their legislative history or state public policy.¹⁶ For example, in *E.B. v. North Hunterdon Regional School District*, 12 N.J.A.R. 232 (1986), the New Jersey Commissioner of Education held that a female student must be allowed to try out for the boys’ high school football team. Courts have extended broader protection than that afforded at the federal level in cases involving sexual harassment, pregnancy discrimination, and other sex equality issues.

Implementation of Federal and State Gender Equity Laws and Policies

States vary widely in the structure and organization of their state education agencies (SEAs), in the roles of the State Superintendent (or Commissioner) of Education and other agency heads, and in the relationships of SEAs with other state agencies and with local education agencies. In all but a handful of states, the governance of education lies with several agencies. Primary through secondary education often is under the authority of one state agency, while colleges and universities and two-year colleges may be under the jurisdiction of other entities. Many states also have a human rights agency to oversee federal and state civil rights laws. Whether elected or appointed, state superintendents or agency heads and state boards of education with a strong commitment to equity play an important part in providing leadership in support of Title IX, and state gender equity laws and in collaborating with other state agencies on gender equity issues.

With or without budgets for gender equity programs, one of the key ways states can provide leadership and oversight on gender and other aspects of equity is to employ experts with specific responsibilities for implementing these laws. The Ca-

¹¹HAW. CONST. art. X, § 1. See also CAL. CONST. art. I, § 31(a); WYO. CONST. art. VII, §10; MONT. CONST. art. 10 § 7.

¹²For a thorough discussion of the impact of state equal rights amendments in advancing sex equality, see Linda J. Wharton, (2005), State Equal Rights Amendments Revisited: Evaluating Their Effectiveness in Advancing Protection Against Sex Discrimination, *Rutgers Law Journal*, 36, 1201.

¹³ALASKA CONST. art I, § 3; CAL. CONST. art. I, § 8; COLO. CONST. art. II, § 29; CONN. CONST. art. I, § 20; FLA. CONST. art. I, § 1; HAW. CONST. art. I, § 21; ILL. CONST. art. I, § 18; IOWA CONST. art. I, § 1; LA. CONST. art. I, § 3; MD. CONST. art. I, § 3; MASS. CONST. pt. I, art. 1; MONT. CONST. art. II, § 4; N.H. CONST. pt. I, art. 2; N.J. CONST. art. I, para. 1 & art. X, para. 4; N.M. CONST. art. II, § 1; PA. CONST. art. I, § 28; R.I. CONST. art. I, § 2; TEX. CONST. art. I, § 3a; VA. CONST. art. I, § 11;; UTAH CONST. art. IV, § 1; WASH. CONST. art. XXXI, § 1; WYO. CONST. art. I, § 2

¹⁴This case was initiated by Pennsylvania National Organization for Women, under the leadership of its president, Eleanor Smeal.

¹⁵N.J. Stat. Ann. § 10:5-1 et. Seq. (2005).

¹⁶Some state courts might be more favorable to implementing anti sex discrimination laws than federal courts, which are dominated by conservative judicial appointments. It is wise to be aware of the chances for success when choosing a legal approach.

reer and Technical Education chapter describes the state sex equity coordinators who were required from 1976 until 1990 to administer sex equity programs under the federal Perkins Vocational Education Acts. However, when this requirement was eliminated, only a few of these coordinators, their budgets, and staffs were maintained by the states even though states were allowed to continue to use federal vocational education funds to do so. The remaining federal requirements for gender equity personnel in the state education agencies are for Title IX coordinators and administrators of the Memorandum of Agreement (MOA) developed to implement the 1979 vocational education guidelines to assure that subrecipients of federal funds comply with the civil rights laws related to race, color, national origin, sex, and handicap. However, it is common for individuals with these MOA assignments to have additional responsibilities as well.

Title IX Coordinators in the State Education Agencies

In 2004, the National Coalition for Women and Girls in Education (NCWGE) surveyed state education agencies to obtain information about their Title IX coordinators. They found that it was difficult to identify more than the 20 state coordinators who responded, and that even those who did respond to the survey were “undervalued, underutilized, and under funded” (Baulch, 2004). At the state level, Title IX coordinators often have multiple responsibilities. For example, one state Title IX coordinator is also the personnel director for her SEA and some are also MOA administrators. But more typically, the state Title IX coordinator also handles multicultural education programs, sexual harassment issues, bullying, and discrimination based on sexual orientation and other protected classes. In some states the designated state Title IX coordinator is only responsible for addressing sex discrimination related to SEA staff and a few SEA run schools, while in some states they have both an internal and external role. In some states individuals in affirmative action or human resources offices serve in the internal SEA role and another state Title IX Coordinator has responsibility for implementing gender equity laws in LEAs throughout the state. The previously discussed 2004 survey of state Title IX coordinators found that:

Even at the SEA level, the majority of Title IX coordinators report spending 10% or less of their time on their Title IX coordinator responsibilities. From 1976 to 1997, Title IV of the Civil Rights Act of 1964 provided funds to SEAs to administer race, national origin, and gender equity (Title IX coordinator) programs. At that time there were many states that had full-time Title IX coordinators. With the elimination of these funds for SEAs by Congress in 1996, no SEA now has a full-time Title IX coordinator. (Baulch, 2004, p. 3)

In June–July 2006, a survey of state Title IX coordinators was conducted by William A. Howe of the Connecticut State Department of Education. Forty-seven states responded to an e-mail and telephone survey. Of the 47 states, only 13 states permit the state Title IX coordinator to conduct investigations of Title IX violations although more may conduct investigations under their state civil rights laws. The average state Title IX coordinator reported only 15% of their work assignments were related to Title

IX. The range is from 1–40%. The median was 10%. Connecticut and Tennessee have the highest FTE percentage at 40. Several states indicated less than 3–5% of their work log was devoted to Title IX.

Under urging from NCWGE members, in 2004 the Office for Civil Rights within the U.S. Department of Education sent “Dear Colleague” letters to heads of state and local education agencies and institutions of higher education, reminding them of their obligation to have a Title IX coordinator. The Feminist Majority Foundation (FMF), with help from NCWGE members and the Equity Assistance Centers (EAC), identified Title IX coordinators for each state and the District of Columbia and made their contact information available on their Web site: www.feminist.org/education. This public listing of state Title IX coordinators led some states (that had previously neglected to make or renew such appointments) to appoint Title IX coordinators. But it took 18 months of extensive calls and e-mails, as well as reminders that compliance with the Title IX regulation required a public posting of information on how to contact each organization’s Title IX coordinators, to complete this list. The FMF Education Equity Program tries to keep this list of state Title IX coordinators updated, but finds that sometimes when the Title IX coordinators leave their position, they are not replaced. A state Title IX coordinator working with the Title IX Action Network has established an electronic mailing list to facilitate communication among the state Title IX coordinators, and FMF is working with the Association for Gender Equity Leadership in Education (AGELE) and others to provide Web resources on Title IX such as training materials and descriptions of the roles of Title IX coordinators in state education agencies, school districts, postsecondary institutions, and other organizations. Coordination and collaboration among state Title IX coordinators is needed to build support and visibility for their work.

Although the 1975 federal Title IX regulations require recipients to provide public information on their grievance procedures and contact information on Title IX coordinators, it is a challenge to find them in school handbooks, telephone directories, or bulletin boards. Although Web sites did not exist in 1975, they are now a logical place for institutions to provide information on Title IX, Title IX coordinators, and grievance procedures. However, a 2005 FMF survey of SEA Web sites revealed that only 16 had contact information on their state Title IX coordinators clearly posted on their Web site. Some of these state education agency Web sites provide helpful information about Title IX and state gender equity laws and policies, as well as information on state Section 504 Handicapped coordinators, Civil Rights Act Title VI diversity or multicultural coordinators, and other civil rights laws (Walker, 2005).

In 2001, the U.S. Department of Justice prepared “Questions and Answers Regarding Title IX Procedural Requirements,” which contains some guidance on the responsibilities and competencies needed by Title IX coordinators and on grievance procedures. Similarly, some regional Department of Education OCR offices have provided similar guidance. Various state and local agencies assign different responsibilities to their designated Title IX coordinators. Some state Title IX coordinators have had responsibility for training and assisting Title IX coordinators in local education agencies and other re-

cipients of federal financial assistance in their states. Sometimes these coordinators have also worked closely with the Perkins sex equity coordinators as described in the Career and Technical Education chapter in this *Handbook* and in the next section of this chapter.

Most state Title IX coordinators have little or no funding to provide training activities, develop resources, or fund local district initiatives. Only two of the twenty 2004 survey respondents said that they received at least some minimal funds for their Title IX program (Baulch, 2004). Thus, they must rely on other departments in their agencies to provide financial support for their activities or infuse equity within their activities. Within SEAs, gender equity/Title IX issues are often addressed by offices that manage programs in the areas of career and technical education, athletics/physical education/health, science, technology, engineering and mathematics or other instructional discipline areas, as well as offices that address sexual harassment and bullying prevention. Outreach to colleges and universities by these Title IX coordinators and their SEA colleagues often focuses on preservice teacher education, counselor and administrator education, and nontraditional career awareness, exploration and preparation.

Relationship of State Education Agencies and the U.S. Department of Education

The federal government has provided the key impetus for most state education agency attention to gender equity and Title IX requirements. States vary in how closely they work with either the regional or federal level offices of the U.S. Department of Education, Office for Civil Rights. In some cases the relationship is virtually nonexistent. Part of the limited interaction is related to the lack of staff, budget, expertise, perceived conflicts of interest, and limited outreach or initiative on the part of regional OCR offices. Other times SEAs make little, if any effort to collaborate with OCR on Title IX issues. However, all recipients of federal financial assistance, including the various education agencies in each state, are required to have a designated Title IX coordinator (and they may have more than one). Key gender equity support to states from the federal government includes limited support from the 2006 Perkins Act¹⁷ and the contractors for the Civil Rights Title IV Equity Assistance Centers for K–12 equity issues related to sex, race, and national origin.

The SEA Title IX coordinators have no formal relationship with the Office for Civil Rights and receive no direct or specialized information, support, or contact. The Office for Civil Rights has provided limited technical assistance (phone, e-mail), and through OCR, staff participation in an annual training conference to which MOA administrators from every state are strongly encouraged (by OCR) to attend. The likely reason for this federal support of the state MOA coordinators is because MOA coordinators have specified duties for which OCR has oversight responsibility as established by federal regulation. Although some assistance is available to state Title IX coordinators through regional OCR offices and Equity Assistance Centers, there is no

designated Title IX official in OCR headquarters, nor is there OCR sponsored annual Title IX coordinator training or a formal mechanism for technical assistance or communication from the federal Department of Education. Since, there is a lack of federal coordination of Title IX implementation. Instead, efforts to urge the Department to act on Title IX issues come from external nongovernmental organizations like the National Women's Law Center (NWLC) or the National Coalition for Women and Girls in Education (NCWGE).

Relationships of the SEA Title IX Coordinators, LEAs, and Other State Entities Covered by Title IX

There should be between 50,000 and 150,000 active Title IX coordinators in the public and private educational institutions in the U.S. that receive federal financial assistance. This includes the 50 plus Title IX coordinators in all state education agencies for postsecondary and career and technical education as well as the state agency with K–12 responsibilities. This estimate of required Title IX coordinators is based on estimates for numbers of school districts and public and private schools and postsecondary institutions receiving federal financial assistance. It does not include other covered institutions such as scientific laboratories, prisons, recreation departments, museums, and various health and labor training programs that might receive federal financial assistance from agencies such as the Departments of Agriculture, Defense, Labor, and Health and Human Services.

While it is not explicit in the Title IX regulations, many SEA Title IX coordinators have taken an active role in providing assistance to the local Title IX coordinators in a wide variety of institutions in their state. In some states these resources are focused on the largest LEAs. State staff have often combined this with guidance on their own state gender and other equity laws and policies. Some states even list LEA or Community College Title IX coordinators on their SEA web page and have formal procedures for state Title IX coordinators to work with them.

The technical assistance provided by SEAs to others in their states usually consists of interpreting Title IX regulations and requirements, helping develop policies and procedures, providing consultation on sexual harassment and gender equity issues, and training. Some states do some data collection and conduct surveys, but less than two dozen do compliance investigations since this is generally the responsibility of the ED OCR and may not be part of state agency policy even in states with their own gender equity laws. Since most state Title IX coordinators are located in the K–12 part of the SEA, little attention is provided on assisting Title IX coordinators in public and private postsecondary institutions, which is surprising since almost all are covered by Title IX as their students receive federal financial assistance. Similarly, state Title IX coordinators rarely provide assistance to other types of entities covered by Title IX, such as museums, recreation departments, or prisons. Figure 5.1 “Title IX Coordinator Roles and Responsibilities for Local School Districts” was developed by state Title IX coordinators based on

¹⁷For many of the years each state had a minimum of \$60,000 for the sex equity coordinator, plus program funds under the Perkins Vocational Education Acts.

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Legal Citation: *Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX)*

Designation of a Coordinator

- A.** School systems or other recipients of federal funds (including all public schools, charter schools and magnet schools) must designate at least one professional employee as the Title IX coordinator to oversee compliance efforts and investigate any complaints of sex discrimination.
- B.** All students, applicants, employees, parents/guardians, and residents must be notified of the names, office address(es), and telephone number(s) of the designated coordinator(s) of Title IX.

Dissemination of Policy

The school district's policy of nondiscrimination must be prominently included in each student handbook, bulletin, catalog, booklet, announcement, brochure, student application form or other publication distributed to students, potential students, parents, and any other persons benefiting from the school district's activities and programs. The name and contact information (office address, telephone number, fax number, email address) of the Title IX Coordinator must also be included in this announcement. *(Although Internet was not available in 1975 when this policy was developed, all this Title IX information should now be made easily accessible on the institution's Web site.)*

Monitoring Compliance

The Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for the school district and coordinating the institution's compliance with Title IX in all areas covered by the implementing regulations. The overall responsibility is the prevention of sex discrimination. Major monitoring duties include, but are not limited to, the following:

Admissions: Admissions and Recruitment

Education Programs and Activities: Housing, Comparable Facilities, Access to Course Offerings, Access to Schools operated by the School District, Counseling and Related Materials, participation in extra-curricular activities, Financial Assistance, Employment Assistance, Health Services and Insurance, Marital/Parental Status, Athletics and Physical Education.

Employment in Education Programs and Activities: Employment Criteria, Recruitment, Compensation, Job Classification, Fringe Benefits, Marital or Parental Status, Advertising, Pre-employment Activities

Sexual Harassment

Other areas of consideration include:

- Developing a committee to assist in meeting Title IX obligations is highly recommended.
- Arranging to have a Title IX/Equity coordinator in each school building enables better monitoring of Title IX in individual schools leaving the District Title IX Coordinator to take care of the district as a whole.
- Participating in the development and implementation of the school system's sexual harassment policy. Be aware of new needs which may dictate changes or revisions in existing policies or practices. For example, since sexual harassment is a violation of Title IX, the school district's list of disciplinary infractions should include prohibition of sexual harassment.
- Assisting faculty, counselors and administrators in complying with Title IX, and when a need arises, planning remedial actions. For example, if females are under-represented in advanced mathematics, science or computer programming courses, ask the faculty to plan for several workshops, student tutorial services, or other ways to increase enrollment of females in these advanced courses.
- Making the Title IX Coordinator known in the community by disseminating civil rights information or by speaking at parent-teacher group meetings, social or professional organization meetings, and other community functions and by providing contact and other information on the institution's Web-site.
- Serving as a resource to the local superintendent of schools on Title IX/Gender issues, and submitting annual reports on Title IX compliance activities to the district superintendent.

FIGURE 5.1 Title IX Coordinator Roles and Responsibilities for Local School Districts

- Monitoring and evaluating the district's Title IX compliance efforts and making recommendations for any appropriate changes.
- Providing updated information to schools on Title IX implementation and issues.
- Maintaining contact with the state education agency Title IX coordinator and with the federal regional equity assistance center
- Identifying and disseminating information about Title IX educational resources (organizations, individuals, print, Internet, and audio-visual)

Grievance Procedures

Adoption and publication of procedures providing prompt and equitable resolution of complaints is critical. Nondiscrimination policy notices and their attendant Grievance Procedures must be made public and disseminated throughout the educational community. Develop Title IX grievance procedures for students and teachers in cooperation with local student service and human resources staff; give public notice of the procedures and the name and contact information of the school system Title IX coordinator.

Have copies of the grievance procedure and any related forms available in schools and libraries to students, parents or school personnel alleging sexual harassment or discrimination. Assist them in filing their grievance and oversee the step-by-step procedure to be sure that time frames are met. Assist administrative personnel who need a better understanding of the grievance based on Title IX. Keep records of all grievances filed.

In carrying out this responsibility, the Title IX coordinator may actually investigate any complaint filed under the institution's grievance procedures. If the Title IX coordinator does not conduct the investigation of complaints, she or he should receive information about any grievance filed and the resolution. This will allow the institution to identify any patterns, and repeat offenders that may be missed when grievances are handled by several individuals. The coordinator should receive sufficient information throughout the process so that she or he can provide guidance or information to ensure that the institution carries out its responsibilities under Title IX. The Title IX coordinator should also be sufficiently knowledgeable about the requirements of the regulations to advise the institution about policies and practices, which may violate Title IX.

Core Responsibilities of Title IX Coordinators

- Develop a working knowledge of the federal Title IX (of the Education Amendments of 1972) law and its implementation regulations. Have a copy of Title IX readily available and understand the requirements and the intent of the law. Keep informed of current research and legal and judicial decisions related to Title IX and gender equity.
- Be informed about state laws, regulations and policies on all equity issues, including bullying and harassment and child abuse laws.
- Be knowledgeable of federal and state laws (e.g. ADA, Section 504, IDEA) prohibiting discrimination against all protected classes (including race, national origin, religion, disability, and sexual orientation) and assist whenever possible.
- Be sure female and male students participating in work-based learning programs are guaranteed equal treatment by their employers.
- Coordinate with other staff and document an internal self-evaluation of practices and policies with respect to treatment of female and male students, if this responsibility was never completed. If the evaluation was completed by a previous Title IX coordinator, check if the evaluation's remedies for eliminating segregation and discrimination were carried out.
- Provide program development, including in-service training, to eliminate sex discrimination in the district. Consider conducting a school-wide in-service or assembly on sexual harassment. For another example, continued gender-segregated classes in workforce development education courses should prompt quick remediation and activities to decrease students' gender role .
- Attend state and national conferences specifically for Title IX coordinators and/or on gender equity issues generally, and share the information with local administrators, staff and faculty.
- Provide updated resources on Title IX and gender equity to local school districts
- Keep all relevant records.

Adapted from the US Department of Education/Office for Civil Rights/Boston Regional Office, North Carolina State Board of Education, the New Hampshire Department of Education, the Connecticut State Department of Education and the Equity Assistance Center/NYU at Rutgers University, and the Maryland State Department of Education.

Minor update 6-24-06.

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FIGURE 5.1 (Continued).

previous guidance from OCR and Title IX coordinator job descriptions from several states. It provides a good overview of LEA Title IX coordinator responsibilities that can be adapted for other organizations such as postsecondary institutions.

Background and Potential for LEA Title IX Coordinators

After the 1975 Title IX regulations were issued, Title IX coordinators at all levels were active in instituting change toward gender equality in their institutions. This was spurred by the requirement that recipient organizations conduct by July 21, 1976 an institution-wide, self-assessment to learn where they were and were not in compliance with Title IX. Public reports on these assessments were shared at the district level, and in some cases states or related entities such as Commissions on Women conducted periodic updates of these initially required self-assessments. Some state Title IX coordinators also organized state networks, conducted site visits to review compliance with Title IX, and provided training programs, often supported by federal funding. However, in recent years in many states, Title IX coordinators, where still present, have received little attention or support from public officials, and many institutions have been failing to appoint a Title IX coordinator altogether. Increasingly, educators who benefited from gender equity training in the 1975–1995 era are retiring, and educators stepping into leadership positions are completely unaware of the requirements.

Even when Title IX coordinators in local education agencies are designated, none are full-time and few receive funds for gender equity programs. In many cases, the person designated as the Title IX coordinator has other unrelated primary assignments, ranging from superintendent to football coach, and may not be very knowledgeable or interested in full implementation of Title IX. Few Title IX coordinators receive the support, training, technical assistance, and recognition that they need to perform even the minimum complaint-related aspects of their jobs. Thus, their Title IX responsibilities are often ignored or given short shrift. After the ED OCR sent letters to state and local education agencies in 1997 reminding them to designate and train a Title IX coordinator, evidence of noncompliance persisted. For example, in 2001 the *Pittsburgh Tribune* reported finding that Title IX coordinators in its area were unaware they were the coordinators, had not been trained to be coordinators, and were rarely consulted when the school made decisions concerning Title IX. Similarly in 2002, “the Chicago *Daily Herald* revealed that only six of 17 suburban districts contacted by the paper could direct the caller to the Title IX coordinator. When OCR conducted its own compliance investigations in areas such as sex discrimination in career and technical (formerly vocational) education or sexual harassment, it often found that the recipient institution facing these other charges also lacked a Title IX coordinator” (Baulch, 2004, p. 4). In 2005, when FMF called various offices on campus in two states to ask for contact information on the institution’s Title IX coordinators, they had practically no success.

Importance of Title IX Coordinators at All Levels

Well-informed Title IX gender equity coordinators are needed to counteract the neglect of Title IX and help all educators and stu-

dents learn about their rights and responsibilities to treat and be treated in a non sex discriminatory way. Without the essential Title IX gender equity coordinators in place, educators, parents, and students are frequently left unable to effectively solve or prevent problems. A recent study suggests that fewer than 50% of educators understand what Title IX covers, and that only a minuscule percentage of students and parents are aware of their rights under Title IX (Zittleman, 2005).

Perhaps more than entreaties to follow the law, negative consequences related to complaint investigations or litigation seem to encourage districts to appoint Title IX coordinators. For example, Title IX coordinators are often appointed after a complaint is advanced, instead of having a system in place to prevent the initial sex discrimination, or they are appointed after the district has had to settle by paying a large fine as was the case when Hawaii (in its school district capacity) had to pay \$900,000 on a sexual harassment case. Filing complaints, the slowest and least cost-effective way to handle issues, is the only recourse left to many students and employees when the Title IX regulation provisions to prevent sex discrimination are ignored. (See www.feminist.org/education for information on some Title IX cases and settlements.)

Importance of Multiple Supporters for State, Local and Other Efforts to Advance Gender Equity in Education

Title IX coordinators often work with other state agencies or nonprofit organizations on gender equity issues. State and local Commissions for Women and nongovernmental organizations (NGOs) such as the National Organization for Women (NOW) and the American Association of University Women (AAUW) will often be involved with sexual harassment or sex equity claims in schools. Sexual Assault Crisis Centers provide training to schools and counseling on sexual assault. The American Civil Liberties Union (ACLU) is often involved with free speech and other civil rights matters. Local affiliates of national advocacy groups for gay and lesbian students, such as the Gay Lesbian & Straight Education Network (GLSEN) or Parents, Families & Friends of Lesbians & Gays (PFLAG), will seek out the Title IX coordinators in SEAs and LEAs for assistance. National human rights groups such as the organizations participating in the Leadership Conference on Civil Rights and the National Council of Women’s Organizations often are active at all levels of government. The next section of this chapter describes the role of many of these gender equity allies.

ROLE OF NONGOVERNMENTAL GENDER EQUITY EDUCATION ALLIES AND KEY STRATEGIES THEY EMPLOY

In the U.S., the government is supposed to be responsive to the will of the majority while protecting the rights of the minority. Government executive department employees at all levels are responsible for implementing the laws and policies in their agencies. The chapter so far has focused on the role of the federal and state governments in establishing and using poli-

cies specifically designed to advance gender equity in education contexts. This section will highlight key strategies non-governmental organizations have used to help government agencies attend to gender equity. The NGOs have been critical in getting these laws passed and in sustaining them even when the administration, some congressional leaders, or the courts have tried to weaken or eliminate them. However, the NGOs have been less successful in maintaining federal funding and federal staff to provide leadership for gender equity in education programs. Several key types of NGOs have a special focus on gender equity education issues and include: professional and advocacy organizations such as members of the National Coalition for Women and Girls in Education (NCWGE), public interest law firms such as the National Women's Law Center, recipients of government funding for gender equity work, foundations and corporations that support this work, and media groups. There have also been a few national NGO organizations that fight against gender equity. Some of these forces are described in other parts of the *Handbook* and will not be covered in this chapter. In making their anti-gender equity arguments, they frequently use misguided or inaccurate information.

NGO Gender Equity Allies or Support Groups

NGO membership and advocacy organizations supporting gender equity in education are quite diverse.

Some have grass roots chapters in many areas of the country. Others are national organizations that are primarily supported by external grants. There are two major national umbrella organizations in the U.S. that are expressly focused on many aspects of gender equity education. They are the NCWGE (www.ncwge.org) and the Association for Gender Equity Leadership in Education (AGELE; www.agele.org), which was originally called the National Coalition for Sex Equity in Education (NCSEE). NCSEE was formed in 1979 by and for CRA Title IV-funded gender equity professionals and their allies. It is the only U.S. organization that hosts an annual conference focusing specifically on gender equity in education at every level and discipline. NCWGE formed in 1975 to push for good regulations to implement Title IX, and many other useful laws and regulations, and has national organization members including AGELE and 50 other organizations. NCWGE members such as the American Association of University Women (AAUW), the Feminist Majority Foundation (FMF), Girls Incorporated, National Organization for Women (NOW), and the National Women's Law Center (NWLC), and Legal Momentum focus on many women's rights issues from education to employment to ending violence against women. Members such as the Association for Women in Science (AWIS), National Alliance for Partnerships in Equity (NAPE), the National Women's History Project, the Women's Sports Foundation, and Women Work! focus on women's education issues in specific areas. Additional NCWGE members include education organizations that also care about gender equity such as the American Federation of Teachers (AFT), the National Education Association (NEA), the American Educational Research Association, the American Psychological Association, and the U.S. Student Association (USSA). Additionally

there are good alliances with other civil rights organizations. Many members of the NCWGE are also participants in the National Council of Women's Organizations, the National Council for Research on Women, the National Association for Multicultural Education, and the Leadership Conference on Civil Rights. Often NCWGE members work closely with organizations concerned with race, disability, and Lesbian, Gay, Bisexual, or Transgender (LGBT) rights at both the national and grass roots or local levels. Some previously influential organizations such as Women's Equity Action League (WEAL), the Federation of Organizations for Professional Women (FOPW), and the Project on Equal Education Rights (PEER) of the NOW Legal Defense and Education Fund have disbanded, but many of their activist members continue to work for gender equity in other organizations. A more extensive analysis of gender equity ally organizations is included in "What is the Field of Gender Equity in Education" by Klein, Ortman, and Friedman, 2002.

NCWGE monitors and influences Congress and federal agencies related to Title IX and other laws that fund gender equity programs and activities, as well as mainstream provisions that could help or harm women's rights related to education, such as provisions to allow parents on welfare to go to college or requirements to collect and report data by participants' sex, race, and disability. NCWGE helped sponsor a Gender Equity and Educational Achievement Conference in April 2004 and has prepared various publications such as *Title IX at 30: Report Card on Gender Equity* (2002) and *Title IX at 25: Report Card on Gender Equity* (1997).

Recipients of federal government funding for gender equity work include organizations that were awarded contracts or grants often to do development, dissemination, or coordination work for the federal programs.

For example, the Education Development Center won the contracts for the WEEA Equity Resource Center (1977 to 2003), the Academy for Education Development works primarily in the areas of global gender equity and domestically with issues such as gender equity for young children. Many of the recipients of federal gender equity awards (especially from NSF) have been universities. Often individuals at these organizations and universities who obtain external federal and other funding for gender equity education work are able to institutionalize long-term projects or centers to maintain work in this area for many years and to bring in additional colleagues interested in advancing gender equity. The research component of the federal education agency has supported many specialized research centers, but none have focused on gender equity.

A wide variety of foundations and corporations also support gender equity research, model development and action projects.

But their support has been minimal and infinitesimal compared to their overall investments on other education issues. A 2006 report by the Foundation Center found that 23% of the \$15.5 billion foundation grant funds went to education, with health second highest at 22%. The fastest increases to beneficiary groups went to gays, lesbians, and people with AIDS (Foundation Center, 2006). The most

well-known foundation supporter of gender equity education has been the Ford Foundation, which helped establish many of the university-based women's research centers. In 1979, a Ford Foundation program officer estimated that about 10% of the Ford Foundation projects from 1970–78 focused on women (Hunter & Marzone, 1980). University women's research centers have joined with other organizations with gender research activities, such as FMF and the Institute for Women's Policy Research (IWPR), to form the National Council for Research on Women (NCRW). Many other large and small foundations fund local, national, and international gender equity projects. For example, the W.K. Kellogg Foundation supported some of the initial Feminist Majority Foundation work related to this *Handbook* and the Title IX Action Network.

The mainstream and education media and more recently electronic media services have been important disseminators of gender equity information. For example, *Education Week* and *Inside Higher Education*, an electronic news service, provide information on gender equity challenges and sometimes the solutions. Mainstream media, such as TV and movies such as *North Country* that portrayed sexual harassment starting with high school and continuing in the iron ore mines in northern Minnesota (see Bingham & Gansler, 2005) and news articles (often by women reporters) help inform the public about gender equity issues in education. However, the most consistent coverage is by women's media. For example, "To the Contrary," a public television show on women's issues, mentions the importance of Title IX in a high percentage of its half hour shows and it is even distributed outside the U.S. by the Voice of America. Similarly, *Ms. magazine* covers important issues such *Handbook* author Phyllis Rosser's article on "Too Many Women in College?" (Fall 2005). Since 2000, an excellent source of information on gender equity education issues in the U.S., including many reports by previously mentioned gender equity organizations, is through the women's electronic news sources such as the *Feminist Daily News* from the Feminist Majority Foundation www.feminist.org and www.msmagazine.com and Women's eNews www.womensenews.com. Additionally, many organizations focusing on gender equity and education such as AAUW, AGELE, NAPE, NWLC, NOW have electronic alerts, newsletters, and blogs, and maintain well-organized information on their Web pages. The Feminist Majority Foundation Web site www.feminist.org contains the "Feminist Internet Gateway" with many types of reviewed links that are useful for gender equity and the "Feminist Research Center" with information on feminist journals, magazines, and even feminist Internet search utilities. Its sister site www.FeministCampus.org lists global women's studies programs with Web sites in English. Additionally, the Women's Studies Online Resources lists "Women's Studies Online Resources" <http://research.umbc.edu/~korenman/wmst> lists over 700 women's studies programs and research centers,¹⁸ women and gender related e-mail lists, the file collection for the popular Academic Women's Studies List (WMST-L) electronic mailing list, and resources for women's studies students on financial aid and job opportunities.

Key Strategies Used by NGOs to Institutionalize Gender Equity Education Activities

From the history of Title IX in the first part of this chapter, it is clear that NGOs with a commitment to advancing gender and other types of education equity have been key players in developing and defending federal and state gender equity laws and policies, as well as in helping people pay attention to them. However, as this and other *Handbook* chapters show, while there has been some progress, there has been some backlash, and some slowing of the national momentum to support gender equity laws and programs since Title IX was passed in 1972, so the active and coordinated roles of the NGO equity allies is increasingly important:

NGOs help establish, maintain, refine, and implement gender equity laws and policies. Civil rights laws, include program authorizations and appropriations for research, development, evaluation, and technical assistance to support gender equity activities. The early part of this chapter and the parallel chapter (Schmuck et al., 1985) on the role of government in the 1985 *Handbook* describe how gender equity advocates in NGOs helped create Title IX and its regulations, as well as how they helped save Title IX from various threats to limit its coverage. The second part of this chapter shows less NGO success in saving federal funds for technical assistance and other types of research, development, and evaluation activities to advance gender equity. In recent years, NGOs have been supporting the use of Title IX and state equity laws by monitoring governmental activities and by working with other organizations in coalitions to influence government decision makers within the Executive Branch and Congress and the states. NGOs have also helped with litigation to both remedy individual grievances and establish precedent that will advance gender equity in future cases at the state and national level.

To assure adequate implementation of the gender equity policies, NGOs and independent consulting agencies play a major accountability role in making sure that the laws and policies designed to decrease sex discrimination are known and enforced. In addition to educating students, parents, and educators about their civil rights, they have helped develop and use accountability procedures and laws such as institutional self-assessments, checklists, and *gender equity report cards*. NGOs have also encouraged Congress to pass new accountability laws such as the Athletics Disclosure Act and other procedures to provide information on the sex of participants in various education situations.

NGOs focus on supporting individuals with gender equity responsibilities and interests. The role of government chapter in the 1985 *Handbook* and the previous section of this chapter on state and local governments show the importance of employing a person with gender equity responsibilities, such as a Title IX coordinator or a career and technical education Perkins Act sex equity coordinator. These agency employees and leaders are most likely to be effective in advancing gender equity if they see their role as advocates, have well-defined gender equity responsibilities, can devote a substantial

¹⁸This is up from 600 in the same data base in 2002, as reported in Klein, Ortman and Friedman, 2002, page 17.

amount of time to their gender equity work, have expertise in the federal and state laws related to gender equity, and if they have sufficient authority or support to carry out their responsibilities from the frequently changing agency leaders or legislators. Many of these gender equity leaders found it critical to participate in networks with their peers, independent equity consultants, and NGOs who have expertise in various aspects of gender equity. The NCWGE has played a strong role in supporting both full-time state sex equity CTE coordinators and Title IX Coordinators (Baulch, 2004; NAPE, 2004).

NGOs develop and share information and other resources to advance gender equity. This research, development, evaluation, and dissemination work has been both proactive and responsive to the needs of the gender equity professionals and those they serve. It has been supported by federal and private funds and by volunteers. Gender equity information, tools, and training resources are needed by students, educators, administrators, parents, employees, and community members. If well done and accurate, these resources can help potential users understand what is known and not known about gender issues, as well as legal rights related to discrimination. As described in the second section of this chapter, ED played a minimal role in supporting the development of or making high-quality gender equity resources available. With the exception of ongoing work at NSF, most of the support for gender equity resource disappeared by 2003 with the ending of the WEEA Equity Resource Center and the substitution of the What Works Clearinghouse for the Gender Equity and other Expert Panels.

Thus, this important gender equity resource development and dissemination work has fallen to the NGO community and some independent consulting agencies. AAUW has been especially productive in this area over the years. The AAUW report, *How Schools Shortchange Girls* (AAUW, 1992), prepared by Susan Bailey and her colleagues at the Wellesley College Center for Research on Women, was influential in informing the public about gender equity challenges for girls with the help of the national media and by forums involving AAUW members and gender equity experts. AAUW provided leadership in later years by helping the public understand that gender equity was also important for males and that the characterization of “gender wars” was inaccurate and inappropriate. With the advent of widespread use of the Internet, Web pages, and electronic mailing lists, NGOs have played an efficient role in developing and sharing gender equity resources. In general these NGOs and independent consultants have more freedom to do this than government agencies, which are increasingly concerned with making sure that the information they share fits the political agenda of the administration in power. (See National Council for Research on Women “Misinformation Clearinghouse” on www.ncrw.org) Some members of the NGO gender equity community are cooperating on providing complementary Web-based resources for different audiences and also doing more to share each others’ good work. For example, the Title IX info Web site associated with the National Women’s Law Center focuses on providing information for the general public, while the Feminist Majority Foundation Education Equity Program Web pages are more focused on serving the needs of gender equity professionals such as Title IX coordinators. The National Women’s History Project Web site (www.nwhp.org) and other

resources focus on assisting educators in incorporating women’s history into curricula.

RECOMMENDATIONS

This chapter has shown how the federal, state, and nongovernmental organizations in the U.S. have played roles in developing and using laws and policies designed to advance gender equity. The laws prohibit sex discrimination and encourage activities that might result in more desirable gender equitable outcomes. However, having laws “on the books” is not enough to attain the desired equity goals. Using our democratic process, citizens and experts in gender equity have been responsible for obtaining the laws in the first place and later in trying to ensure they are used. The following recommendations for public policies, effective practices and programs, and for important research to advance gender equity in and through education related to the role of government in institutionalizing gender equity are based on understandings from this chapter, as well as related insights from other chapters in this *Handbook*.

Policy Recommendations to Institutionalize Gender Equity in Education

At this period in our history we need to take full advantage of the role of government, especially at the federal and state levels, in institutionalizing gender equity in education. The governments can contribute to this by having comprehensive clear laws prohibiting sex discrimination, laws that support positive actions to advance gender equity, and educated and helpful employees who make sure that these laws and policies are fully implemented to attain the gender equity goals. We also realize that this proactive role of government is most likely if citizens monitor and support the government commitments. Thus we should:

Maintain Full Federal Coverage of Title IX and Other Current Civil Rights Laws and Regulations

There have been a variety of threats to maintaining the full protections of Title IX and other civil rights laws. The chapter describes the challenges in limiting these continuing threats. Some strategies to support this recommendation include:

- All supporters of gender equity in education must stay connected and vigilant to save Title IX and other civil rights laws from ongoing challenges, as well as atrophy. They should know about the threats to Title IX and other governmental equity assistance so these challenges can be counteracted as quickly and effectively as possible (See www.feminist.org/education).
- Elect federal, state, and local representatives who will support and defend these laws and not approve judicial or other nominees who would weaken them.
- Make sure candidates and applicants for educational leadership positions are aware of and supportive of gender equity education. Ask candidates questions specifically related to Title IX.

- Insure that the Office for Civil Rights in the federal agencies work together to provide helpful interpretations of Title IX and other civil rights regulations as they did with the 2001 Sexual Harassment Guidelines. Insure that OCR initiatives avoid any weakening provision to the Title IX regulation or guidance documents.
- Increase funding for the Civil Rights Act Title IV Equity Assistance Centers (EACs) for them to actively advance gender equity along with race and national origin equity. They should be funded to support more entities than are covered by Title IX, including Bureau of Indian Affairs (BIA) schools, museums, and recreation departments. These Centers should help build and maintain the gender equity infrastructures such as networks of Title IX and other equity coordinators, and they should help collect and share research and evaluation information on what works as they provide technical assistance to their constituents. These EACs should also work with NGOs and others to insure the training and full use of education employees and community members who are interested in knowing how to advance gender equity in their regions. For example, EACs could co-sponsor annual national and regional conferences on gender equity in connection with organizations such as AGELE.

Work for Full Implementation of Title IX and Other Civil Rights Laws, Regulations, and Policies.

One of the threats to Title IX is that it is often ignored because most educators do not know what it covers and how it can be used to help eliminate sex discrimination. (See research on lack of knowledge in the teacher education and the coeducation and single sex chapters.) Also see information on how the Title IX Action Network composed of Title IX coordinators and others who care about gender equity can work together to remedy this situation by visiting www.feminist.org/education. It is important for governments to develop and use both *carrots* (incentives) and *sticks* (punishments) in new and better ways.

Carrot strategies. To increase the implementation of these laws may include new legislation and funding that builds on models that work, funding mechanisms such as an expanded Women's Educational Equity Act program to provide support for development, technical assistance and dissemination, and the improvement of governmental and NGO infrastructures such as networks of Title IX coordinators and their gender equity partners. Both governmental employees and NGO experts should receive government resources to help provide these incentives and assistance to reach equity goals. Funding for these incentive strategies should come from all levels of government, but mostly from the federal government as civil rights protections are one of the key overarching federal education responsibilities. Most states do little to support their staff in these activities and it has been extremely rare for states to use state funds to support others in their states to do important gender equity work.

Some specific recommendations at the federal level include:

- Encourage federal agency leaders to actively support civil rights laws such as Title IX by their public statements and actions in providing implementation guidance within and out-

side their agency. Mitigate the effects of weakening Title IX, such as the October 25, 2006 regulation changes by withdrawing this regulation and also by educating the public about the costs and dangers of increasing single-sex education unless it is specifically designed to decrease sex discrimination as allowed under the 1975 Title IX regulation. If single-sex education is instituted, insist on safeguards such as reports of external evaluations that provide evidence of the presence or absence of sex stereotyping and sex discrimination in the classrooms and schools, as well as evidence that the single-sex intervention decreases sex discrimination in the outcomes better than mixed sex alternatives. We recommend that each school post an annual evaluation report on gender equity in their school on their Web site, that each report be reviewed and approved by the Title IX coordinator, and that it provide comparable information on gender equity results for any single sex-education activity.

- Fully implement the provisions to support the federal leadership and coordination role in gender equity such as appointing a full-time, well-qualified civil servant to serve as the Special Assistant for Gender Equity. Support and give prestige to intra- and interagency permanent committees on advancing gender equity to maximize benefit from implementing gender and related civil rights laws. Also improve on the model of coordination and assistance used by OCR in working with the state administrators of the Memorandum of Understanding provisions to implement the 1979 vocational education guidelines to avoid discrimination. Special effort should be made by OCR to work with NGOs with gender equity expertise, and to communicate with and provide training and assistance to Title IX coordinators at the state education agencies, and in postsecondary institutions.
- Establish an advisory group of national gender equity education experts recommended by gender equity organizations like the National Coalition for Women and Girls in Education, the Association for Gender Equity Leadership in Education, and the National Council for Research on Women to help increase the scope and effectiveness of activities within ED and with other agencies supporting gender equity education.
- Provide federal funding for gender analyses of gender-specific programs, as well as all other federally financially assisted programs, to identify any gender differences in outcomes. All federal funding and quality control should be based on scientific evidence and the responsibility of the contractor/grantees and their advisors, rather than direction and censorship by the federal staff as has been reported for the What Works Clearinghouse (Schoenfeld, 2006) and the employees and advisors at the Food and Drug Administration (FDA) on issues such as the approval of over-the-counter sales of emergency contraceptives (FDA Controversy, February, 2006).
- Expand and revise WEEA, the only ED legislation specifically focused on implementing Title IX and advancing gender equity. The new WEEA should have an appropriation of \$100 million annually. It should focus on effective replicable models and supporting networks of NGOs and Title IX coordinators, as well as technical assistance and national dissemination of high-quality gender equity information. Key aspects of the Gender Equity Expert Panel should be in-

cluded in this plan to support the ongoing development, evaluation, and refinement of replicable gender equity education programs in a wide variety of topic areas. It should also be tied to networks of gender equity specialists in various topic areas.

- Reinstate the Title IV CRA SEA funding that was eliminated in 1996. Specify that gender, race, and national origin issues must all be addressed. Funding should be provided to support full-time staff including a full time Title IX coordinator in each state education agency and programs in all states, with more funding going to states with larger populations.
- Allocate substantial federal funding for building networks for gender equity professionals and allies such as Title IX coordinators. Most of the funding should be prioritized for gender equity NGOs to provide expertise and services to their constituents as well as the larger interested public.
- Reinstigate the state career and technical education leadership offices (former sex equity administrators), including \$100 million annual funding for state career and technical gender equity coordinators, and have them work with Title IX coordinators. Continue building on the MOA activities to assure compliance with court orders and Title IX. Provide more national leadership support for their coordination work with NAPE. Coordinate with related programs to help women in the work force in partnership with DOL.
- Continue support for the NSF gender equity programs and learn from them about other effective support mechanisms for other types of gender equity education programs.
- Increase specific support for gender equity program development and assistance in other parts of ED such as FIPSE, Indian Education, Special Education, and the Institute for Education Sciences work.
- Transfer all funding from Health and Human Services abstinence education programs to comprehensive sexuality programs and gender equity programs, supported by evidence that they will decrease unwanted pregnancy and sexual diseases and increase attention to health challenges that may impact one sex more than the other.
- Increase funding and support for gender equity education in developing countries via the U.S. Agency for International Development. Build on the good research base established by previous funding, and support international conferences and electronic information exchanges on gender equity education.

Some specific recommendations at the state level include:

- Provide funding and adequate budgets for state Title IX coordinators so they can work with and provide leadership and education within their state as well as outside their state to others nationally and internationally.
- Help state Title IX coordinators lead and develop networks of Title IX coordinators at all levels of their state so that these individuals as well as their interested colleagues can work together. Develop and use state and local Web sites that include information to advance gender equity.
- Promote and implement additional state laws and policies that advance gender equity. Publicize especially effective policies and strategies to implement them so that other states can use them as models for their own laws as they strengthen implementation of federal civil rights laws.

Stick or enforcement strategies. Should be much more thorough and effective. Many of the Title IX regulations are ignored—including the use of Title IX coordinators to help implement the laws in the recipient organization. There have been few cases where federal financial assistance was withheld for noncompliance. It is difficult for the federal or state level officials to stop the many infractions of Title IX without substantial systematic technical assistance, monitoring, and actual rewards and penalties. Although it can be costly for both the responsible parties (generally the educational institution) and the recipient of discrimination, law suits and legal settlements may be increasingly effective deterrents, especially if they are well publicized. Some specific recommendations include:

- The Office for Civil Rights must be more proactive in monitoring schools, responding to complaints, and bringing enforcement actions for noncompliance with Title IX. This will be especially important if the October 2006 Regulations are not rescinded since sex-segregated environments are likely to be unequal and perpetuate sex stereotypes.
- Publicize OCR decisions and cases as exemplars to show why law suits and settlements may be more powerful than withdrawal of federal funds.
- Encourage the filing and public posting of Title IX complaints, including complaints about nonexistent or inadequate Title IX coordinators and guidance policies. Dr. Bernice Sandler, who frequently serves as an expert witness on Title IX cases, noted that soon after any type of Title IX complaint is filed the recipient organization often appoints a Title IX coordinator. With a well-informed Title IX coordinator in the first place, they may have avoided the complaint (B. R. Sandler personal communication with Sue Klein, Washington, DC, April 19, 2006).
- Publicize complaint resolutions and compliance reviews and require OCR to make a public Web listing of institutions found out of compliance with Title IX, their infractions and the remedies. One of the remedies may be a required Title IX self-assessment. This remedy should be applied to all recipients who don't have an appropriately qualified Title IX coordinator because it can be assumed that they weren't paying adequate attention to implementing Title IX.
- Remind recipients covered by Title IX that institutions should be interested in complying not only to provide each student with the best education possible, but also so they won't be sued if they implement the laws fairly based on the 1975 Title IX regulations and the 14th Amendment to the U.S. Constitution.
- Help educators and the public learn what is legal or illegal under federal and related state laws providing protections against sex discrimination.

Expand the Coverage, Guidance, and Support for Gender Equity

When students or others feel that they are being treated unfairly, they often assume that there is a law that will protect them against sex discrimination. Depending on where they live, this is not necessarily true in part because we don't have a national ERA and because Title IX is limited to education programs and activities of recipients of federal financial assistance. However, as de-

scribed earlier, 22 states have some form of constitutional protection for sex discrimination in their state constitutions, and many states have their own Title IX-type state gender equity laws, regulations, and policies (which need to be defended as well). As previously noted, there is only a miniscule amount of federal or state support for research, development, and dissemination of related activities to implement gender equity laws. Although there is more federal support to help other populations in need of equitable treatment on the basis of race, disability, and poverty, the critical role of gender is rarely considered in these programs. Additionally, just as there are laws prohibiting discrimination on the basis of sex, there should be equally comprehensive laws prohibiting discrimination on the basis of sexual orientation or gender identity. Thus the U.S. needs:

- Passage and enforcement of a national Equal Rights Amendment, state ERAs, and state Title IX-type laws.
- Passage and enforcement of national and state laws prohibiting discrimination on the basis of sexual orientation and gender identity.
- More funding and other federal and state government support for gender equity research, development, evaluation and technical assistance in many areas such as those recommended in this *Handbook*.
- Supporting proactive Title IX coordinators, and including their contact information and activities on behalf of gender equity on their institution Web sites.
- Encouraging more institutional self-assessment reports and their publication on Web sites
- Ensuring that recipient institutions appoint legally required Title IX coordinators and Section 504 (disability) coordinators, and encouraging these experts to work with each other and others in their institutions who address equity issues such as race and national origin.
- Supporting greater collaboration among gender equity organizations such as members of the National Coalition for Women and Girls in Education

Assure Extensive Use of Monitoring and Accountability Practices to Help Implement equity Laws and Policies and to Judge Progress Toward Gender Equitable Education Goals.

There is a continuing trend to assess federal and state laws and programs to learn if they should be retained, eliminated, changed or implemented in different ways. However, gender equity analysis is often neglected.

- Gender equity goals need to be assessed in two ways:
 - a. There should be a gender analysis of all government-supported programs to learn if they increase or decrease gender equity, and if possible, if this is true in specific sub-populations such as Hispanic/Latino males or females with mental disabilities. USAID has provided much guidance to various programs on how to do this type of gender analysis. Currently, there is little gender analysis in the performance reports from U.S. Department of Education pro-

grams. For example, the analysis of scores on standardized tests of student performance used to judge schools' Adequate Yearly Progress (AYP) under the No Child Left Behind legislation does not require gender analysis (But it does require reporting on students according to their race, disability, LEP, and poverty status).

- b. All laws intended to advance gender equity and to avoid discrimination on the basis of sex should require a full gender analysis of the *inputs* as well as the *outcomes*. The educational inputs would require a careful analysis of the resources used for implementation, and the outcomes would be meaningful indicators of attainment that are likely to be associated with the use of the law or policy. Increases in sex stereotyping and sex discrimination would be considered undesirable inputs and outcomes.
- Examples of needed monitoring and accountability related to increasing the effectiveness of Title IX include:
 - a. Implementation of the Title IX regulation requiring Title IX coordinators needs to be monitored more thoroughly. There is substantial evidence that this regulation is regularly neglected. This is especially important when paying attention to gender and accountability because the Title IX coordinators bring a critical perspective and assistance to an agency's requirements to collect and report on gender analyses, hopefully on the institution's Web site.
 - Request that baseline data be collected on compliance with Title IX coordinators and obtain other information on how they do their jobs, such as what kind of accountability gender analysis information they provide on their institution's Web site.
 - Request that GAO do this as an initial study of Title IX compliance with an additional purpose of finding examples of Title IX coordinators' effective use of accountability information to advance gender equity in their institution.
 - b. Examine the equitable allocation of institutional resources for student activities and courses where there is less than one-third participation of either males or females. This could get at the gender disparities for both students and employees related to specific courses and majors especially in postsecondary education and also in programs such as athletics. Often faculty of female-dominant schools or departments such as education and art are paid less and supported less than more male-dominated departments such as physics. See chapters on teacher education and postsecondary education in the *Handbook* as well as chapters in the ten content areas.
 - c. Governments should require more extensive use of checklists and other types of assessments related to compliance with Title IX as well as Web postings of the results. The initial regulation required a Title IX self-assessment within the first 3 years, but it did not require any periodic assessments. Some states have encouraged site visits and other monitoring to insure compliance with Title IX. This valuable process is still used in implementing the Methods of Administration requirements in career and technical education, however only 2.5% of subrecipients are visited each year.

Practice and Program Recommendations to Institutionalize Gender Equity

As described in this chapter and suggested by many of the policy recommendations, there is a great need for improving the quality and availability of gender equity professionals, resources, and an increased demand by educators and the public to advance gender equity in systematic ways. In implementing these recommendations it is feasible to build on past examples of government support, but it is also important to adapt them to maximize current resources such as the Internet, and to minimize current restraints such as the lack of support from some education and government officials and others in fully implementing the letter and spirit of gender equity laws and policies. Key recommendations include:

Increase Demand for Gender Equity in Education

Education of people in the U.S. about their gender equality rights is vital. Understanding of why stereotypes, biases and apathy are likely to contribute to harmful sex discrimination is also essential. Many of the chapters in this Handbook describe both subtle and overt types of discrimination, as well as long-standing patterns of inequities that limit the quality of life of both females and males and deprive society of benefiting from the quality contributions from all. Research shows that even educators who are advocates of gender equity have little knowledge of laws such as Title IX. They don't know what it covers or doesn't cover and have vague ideas that it is good because it might help us elect a woman as president of the U.S. or that it has something to do with athletics (Zittleman, 2005). Similarly, they know nothing about Title IX coordinators in their own school or where to go for resources on gender equity.

The general public knows even less about these civil rights protections and is often misinformed by news stories as well as research articles that provide inaccurate information. This is especially a problem related to the more complicated or unclear protections of Title IX. The same legal analysis is not used across the board. For example, Title IX allows certain types of single-sex classes for some aspects of sexuality education but not for most physical education classes. Some recommendations to address this challenge include:

- Increase awareness of the value of gender equity in and through education for individuals and groups. This is needed at all levels of sophistication and across many topic areas.
 - Education and training about sex discrimination should cover what it is, why it is illegal, and how it can be ended. Some good education models such as training developed for sexual harassment could be adapted to address other common types of gender inequities.
 - The media should commit to increasing public interest in and understanding of gender equity and Title IX. This can be done in fictional TV stories as well as news and opinion programs.
- Help people understand how full implementation of Title IX and other civil rights laws will improve society, and that there

are various threats to Title IX from opponents of gender equity and from lack of knowledge of its value.

- Increase the numbers and types of Title IX advocates ranging from parents and community members to student organizations and university presidents. This will be augmented by the full use of Title IX coordinators as recommended in the following section.

Improve Educators' and Students' Knowledge and Commitment to Attaining Gender Equity

Recommended strategies to do this include:

- Increase numbers of and the knowledge and skills of all gender equity professionals and educators working in governmental and nongovernmental organizations.
 - All educators including administrators, teachers, and counselors should know about and help implement Title IX and related civil rights laws and policies.
 - Schools of education should review teacher education programs to ensure that gender equity, including attention to Title IX, is a topic that is addressed and discussed throughout their programs to prepare new teachers.
 - Students should learn about their rights to equality and nondiscrimination and also how to ensure that they treat others fairly.
 - All recipients of federal financial assistance, including schools, should have at least one fully trained and highly accessible Title IX coordinator.
- Clarify and enhance the roles of Title IX coordinators and assure that they have adequate resources for their work within their own institution, as well as to work with peers and allies outside their institution. For example, Title IX coordinators should have:
 - Adequate resources, such as a budget for their work, including staff gender equity training, time to do their Title IX work, and a role in contributing to overall institutional policies.
 - Responsibilities for providing supportive leadership and accountability roles by managing permanent gender equity committees, advisory groups, commissions, or task forces, and using effective accountability, assessment, and public reporting strategies to keep their constituents informed of gender equity challenges and progress.
 - A focus on prevention first and foremost as well as responsive complaint resolution.
- NGOs can help develop effective networks of Title IX coordinators and their allies. (Expand the national Title IX network of SEA Title IX coordinators to include local school system K–12 Title IX Coordinators and institutions of higher education.)
 - Use electronic mailing lists and voluntary mailing lists.
 - Have national NGOs help with the development of public listings of Title IX coordinators.
 - Encourage Title IX coordinators to develop extensive helpful Web sites in their own institutions, which would include gender analyses and guidance.

- Facilitate the sharing of information and meetings of Title IX coordinators with gender equity allies locally, regionally, and nationally, and arrange for them to meet physically as well as virtually.
- Expand relationships with other educational equity organizations such as the National Association for Multicultural Education, Leadership Conference on Civil Rights, etc. to make connections between gender equity and other equity issues (e.g., race, ethnicity, national origin, sexual orientation, disability).
- Develop and share resources and models to help Title IX coordinators work with each other as well as other gender equity advocates. Suggestions include horizontal (peer) and vertical technical assistance and training networks. Use and adapt past gender equity education practices, training models, and guidance policies that are still likely to have good results in the current climate.

Improve and Make High Quality and Effective Gender Equity Resources and Information Easily Available to Constitutents

When the 1985 *Handbook* was produced, the authors were optimistic that many model training materials based on the latest accurate information about gender equity would be developed, found to be effective, and replicated across the country. However, with the exception of some materials in the areas of mathematics and science this expectation was not met. Also, there were no systematic procedures to identify and revise effective programs or to easily and inexpensively get them to users for inservice, preservice, or informal training. This expectation was further thwarted when the Women's Educational Equity Act Resource Center, the major federal publication and dissemination service, was discontinued by the Department of Education in 2003, when the Perkins Vocational Education Act funding for sex equity was eliminated in 1998, and when the Gender Equity Expert Panel in the ED Office of Educational Research and Improvement ended after one cycle in 2000. If this Panel and related federal dissemination support had been allowed to continue, it would have been able to serve as a quality control and motivator for high-quality, replicable gender equity training programs. In recent years, with the exception of the gender equity work in the National Science Foundation there has been little federal help in developing and sharing high-quality, effective programs and strategies to advance gender equity. Recommended strategies include:

- Restore and expand federal support for development, evaluation, dissemination, and implementation of high-quality, replicable gender equity materials for students, educators, and equity professionals.
- Establish a federally supported advisory board composed of nationally recognized gender equity experts to facilitate distribution and coordination of federal support across all the topic areas.
- Use the World Wide Web and Internet to share detailed information on gender equity resources including those un-

der revision or development. Provide evidence on their quality and ongoing user feedback on their usefulness and effectiveness in various contexts.

Research Recommendations to Institutionalize Gender Equity

Research is essential in guiding the implementation of effective gender equity policies, practices, and programs recommended here. However, federally supported research and evaluation should address a cumulative development of knowledge instead of small studies that aren't worth replication. To the extent possible, all information should be disaggregated by gender, race, ethnicity, disability, socioeconomic status (SES), and age. Gender analysis involving comparisons of males and females, as well as examining indicators of gender stereotyping, is important when studying diverse populations such as lesbian, gay, bisexual or transgender (LGBT) or American Indians.

Research to Improve Governmental Policies

- Have the U.S. Government Accountability Office (GAO) study the roles and responsibilities of Title IX coordinators with a specific focus on obtaining baseline information on compliance with Title IX regulation as well as learning about and publicizing exemplary Title IX coordinator activities.
- Help identify effective ways to build the gender equity education infrastructure with a focus on Title IX gender equity coordinators. This research should focus on strategies and campaigns, developing helpful liaisons with other gender equity experts and advocates and with governmental peers with responsibility for other populations that face discrimination (race, ethnicity, disability, poverty, or sexual orientation).
- Develop effective education strategies or best practices to help people get fair treatment using Title IX and other laws. For example,
 - Title IX and related gender equity assessments and progress performance reports should be posted on the Web sites of recipient organizations using comparable information within and among states to make it easier to assess national trends and challenges.
 - Gender equity researchers may be able to develop guidelines for schools considering implementing single-sex education that would help them identify research-based interventions that have a track record of increasing gender equitable outcomes. The guidelines would describe evaluation and accountability standards that need to be met to learn if the approved implementation of the single-sex intervention was followed and whether or not it had the desired results in decreasing gender inequities in outcomes.
 - Gender equity researchers can recommend fair and practical ways to assess and report on athletic interests and opportunities using multiple measures.
 - State laws should be studied to learn how they differ or could be adapted to work in other states.

Research and Development on Practices to Eliminate Detrimental Sex Stereotyping and Discrimination

- The federal government should fund an improved Gender Equity Expert Panel (GEEP) that would build on the recommendations from the previous Panel (Fox, 2000) and assure full independence of the gender equity experts.
- The federal government should fund the development and evaluation of gender equity solutions in needed areas. This funding should be based on knowledge of effective approaches and what is learned from the GEEP.¹⁹ As described in previous recommendations, much of this funding could come from an expanded WEEA or Gender Equity Education Act (GEEA) by including gender issues in national competitions for other programs such as FIPSE and special education in the U.S. Department of Education, as well as related increases in attention to gender equity in other agencies such as DOL, NSF, and USAID in the Department of State. Similarly, the government should focus on supporting funding for programs where there is evidence that they will result in desirable outcomes related to decreased sex discrimination.
- The federal government should work closely with national gender equity education experts in supporting research and evaluation on gender equity and education. If the Special Assistant for Gender Equity in ED is reinstated as recommended in policy recommendation #2, this individual should not only facilitate coordination of gender equity work among the Department offices, but with external gender equity groups.

The Federal Agencies Should Provide Routine Periodic Analysis and Reporting on What's Learned from Accountability Research and Gender Analysis (including subpopulations) on All Education Programs

- The National Center for Education Statistics (NCES) trends reports on *Education Equity for Girls and Women* should be expanded to include trends for boys and men and should (with input from nongovernmental gender equity experts) be issued every other year. Increased information should be provided on trends within subgroups such as low income Latinas.
- States and other recipients of federal financial assistance should report consistently on key indicators of populations served and outcomes by gender, race, national origin, disability, and income at the minimum. If decisions are based on comparisons within or among specific populations such as the Adequate Yearly Progress (AYP) requirements in the No Child Left Behind Act, gender analysis should be required. (For more details, see the testing chapter in this *Handbook*.) Additionally, evaluation and accountability requirements should be tied to compliance with important aspects of Title IX such as athletics and physical education, single-sex education, career and technical education and sexual harassment.

- The Department of Education-sponsored What Works Clearinghouse and related evaluation activities should consistently report on results by gender and other populations since it is possible that the intervention may have a differential impact with different categories of users.

CONCLUSION

Educational institutions have changed, and Title IX played an essential role in changes related to increased gender equality. Federal legislation prohibiting sex discrimination in education was necessary as a foundation for change. However, the movement toward gender equity in education has not been a clear linear progression. There have been setbacks along the way. For instance, immediately after passing Title IX and continuing through 2006, some members of Congress and leaders of the administration in power used numerous strategies to whittle away at Title IX's scope of coverage. Except for some science and technology programs, federal grant and assistance programs designed to advance gender equality in education, and those designed to open up careers to all, have been diminished. Sadly, there has been little systematic federal leadership in advancing gender equity in education even when there was specific legislation directing them to do so. For example,

- The U.S. Department of Education has not filled the legislated position of Special Assistant for Gender Equity in the Office of the Secretary to coordinate activities throughout the Department of Education since the Clinton Administration.
- There have been few Title IX investigations or formal threats to cut off federal funds as required by enforcement responsibilities in the Office for Civil Rights. Less than 1% of the nation's schools and colleges have ever seen—or are likely to see—a federal investigator (Sandler, 1981).
- There were no provisions to encourage any kind of periodic self-assessment for compliance with Title IX even though some states and districts did this voluntarily for a while.
- There were no organized federal efforts to assist, train, and publicize the required Title IX coordinators. Although it was common for federal programs to sponsor regional or national meetings for coordinators for various federal programs such as Title I, there were no similar meetings or communication networks developed for the Title IX coordinators. However, a successful related model was used for the vocational education legislatively mandated state sex equity coordinators, and although federal leadership and Congressional support for these important gender equity leaders ended in 1998, it can be reinstated in more powerful ways for all with gender equity responsibilities.

At the same time, Title IX provided “hope and a tool.” Students, faculty, and staff for the first time had the means to amend or abolish sex discriminatory practices and policies. Once the 1975 Title IX regulation was in place, schools that took

¹⁹Training materials recommended by GEEP generally combined materials for teacher training and use by their students. (See Fox, 2000.)

it seriously learned a great deal about sex discrimination as they conducted the required institutional self-assessment to identify the initial inequities that they should address. Some states also provided guidance and training to Title IX coordinators and others, often by conducting site visits using well-structured observation checklists. In addition to education and assistance activities, successful lawsuits helped people understand the importance and power of Title IX and helped clarify its scope. Some law suits even used state laws such as Pennsylvania's ERA or the 14th Amendment to the Constitution, which provide broader protections against sex discrimination than Title IX.

To counteract the especially limited federal support for achieving gender equity, this chapter shows the power and effectiveness of women's rights groups and other nongovernmental organizations especially when they work together. With the major change in the mid-term elections in November 2006, many of these gender equity supporters should be encouraged

to reactivate their efforts to reverse recent federal activities to weaken Title IX and instead develop strong legislative and action agendas to advance gender equity at the federal, state, and local levels.

ACKNOWLEDGMENTS

Major chapter reviewers include: Bernice Sandler, Women's Research and Education Institute, Washington, DC; Mary Gallet, CA State Department of Education, Sacramento, CA; Kathy Rigsby and Ramon Villarreal, Interwest Equity Assistance Center, Denver, CO; Darcy Lees, former Title IX Coordinator, Washington State; and Section editor, Dolores Grayson, GrayMill Consulting, Tehachapi, CA.

Thanks to Sundra Flansburg, Oklahoma City for WEEA information.

References

- A brief history of abstinence-only-until-marriage education. (2006). No more money for abstinence-only-until-marriage programs. Retrieved November 10, 2006, from www.nonewmoney.org/history.html
- Alexander v. Yale University*, 631 F. 2d 178 (2d Cir. 1980).
- American Association of University Women. (1992). *How schools short-change girls*. Washington, DC: AAUW Educational Foundation.
- An oath betrayed: The Reagan Administration's civil rights enforcement record in education*. (1983). Washington, DC: Civil Rights Leadership Conference Fund.
- Balles, N. J. (1978). *The unenforced law: Title IX activity by federal agencies other than HEW*. Washington, DC: National Advisory Council on Women's Educational Programs.
- Baulch, C. (2004). *History, status, and future roles of Title IX Gender Equity Coordinators*. Feminist Majority Foundation. Retrieved June 12, 2006, from http://www.feminist.org/education/TitleIX_Coordinators.pdf
- Bingham, C., & Gansler, L. L. (2005). Tough as iron: How the courageous women depicted in North Country made legal history—and helped protect all of us against sexual harassment. *Ms. magazine*, (Fall), 38–41.
- Brown v. Board of Education of Topeka et. al.*, 347 U.S. 483 (1954).
- Cannon v. University of Chicago*, 441 U.S. 677 (1979).
- Commonwealth v. Pennsylvania Interscholastic Athletic Ass'n.*, 334 A.2d 839 (1975).
- Council of Chief State School Officers (CCSSO). (1980). *Facing the future: Education and equity for females and males*. Washington, DC: Council of Chief State School Officers.
- Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999).
- Dunkle, M., & Richards, C. (1977). *Sex discrimination in education: A policy handbook*. Washington, DC: National Coalition for Women and Girls in Education.
- E. B. v. North Hunterdon Regional School District*, 12 N.J. Admin 232 (1986).
- Enforcing Title IX*. (1980). Washington, DC: U.S. Commission on Civil Rights.
- FDA Controversy Over Plan B Continues. (February 22, 2006). *Feminist Daily News Wire*. Retrieved February 1, 2007 from <http://www.feminist.org/news/newsyte/uswirestory.asp?id=9530>
- Federal 'gender equity in education' legislation*. (1993). *NCSEE News*, 93–94(1), 14.
- Feminist Majority Foundation. *Education equality: Sex segregation*. Retrieved June 12, 2006, from <http://www.feminist.org/education/SexSegregation.asp>
- Final Title IX regulation implementing education amendments of 1972 prohibiting sex discrimination in education*. (June 1975). Washington, DC: U.S. Department of Health, Education and Welfare/Office for Civil Rights.
- Fishel, A., & Pottker, J. (1977). *National politics and sex discrimination in education*. Lexington, MA: Lexington Books.
- Foundation Center. (2006). *Highlights of foundation giving trends*. Retrieved March, 6, 2006, from http://fdncenter.org/research/trends_analysis/pdf/fgt06highlights.pdf
- Fox, L. (Ed.). (2000). *The gender equity expert panel: History and rationale*. Report to OERI, U.S. Department of Education, Washington, DC.
- Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992).
- Gebser v. Lago Vista Independent School Dist.*, 524 U.S. 274 (1998).
- Grove City College v. Bell*, 465 U.S. 555 (1984).
- Hunter, L., & Marzone, J. (Eds.). (1980). *Funding for women's educational equity: Papers presented at the 1979 AERA Symposium. Funding for women with a special emphasis on sources for women's educational equity*. San Francisco, CA: Women's Educational Equity Communications Network, Far West Laboratory for Educational R&D. S. S. Klein (Compiler). (Feb. 1980) *Sex equity in education: NIE-sponsored projects and publications*. Washington, DC: National Institute of Education, U.S. Department of Health, Education and Welfare.
- It gets worse: A revamped federal abstinence-only program goes extreme. (2006). Special Report. Sexuality Information and Education Council of the United States. Retrieved November 10, 2006, from www.nomoremoney.org/
- Klein, S. S. (1981). *Summary of recent U.S. Department of Education activities to increase equal access and equal opportunities for women*. Washington, DC: National Advisory Council on Women's Educational Programs.
- Klein, S. S. (1984). Education. In S. M. Pritchard (Ed.), *The women's annual*, 4 (pp. 9–30). Boston, MA: G. K. Hall Women's Studies Publications.
- Klein, S. (2005, October) *Title IX and single sex education*. Adapted from a presentation at the American Educational Research Association.

- tion, Special Interest Group: Research on Women and Education Conference, Oct. 20, 2005 Opening Plenary. Available on <http://www.feminist.org/education/SexSegregation.asp>
- Klein, S., Ortman, P., & Friedman, E. (2002). What is the field of gender equity in education? Questions and answers. In J. Koch & B. Irby (Eds.). *Defining and redefining gender equity in education*. Greenwich, CT: Information Age Publishing.
- Klein, S. S., & Thomas, V. (Compilers). (1981, May). *Sex equity in education: NIE-sponsored projects and publications 1981*. Washington, DC: National Institute of Education, U.S. Department of Education.
- Levy, K. E. (1985). *What's left of federal funding for sex equity in education and social science research?* Washington, DC: Federation of Organizations for Professional Women and Others.
- Mastelli, G. L. (1977). *Sex bias: Education legislation and regulations*. Washington, DC: National Advisory Council on Women's Educational Programs.
- Nash, M. A. (2002). *A history of Title IX*. *NCSEE/AGELE News*, 01-02(3): 5-7.
- National Advisory Council on Women's Educational Programs. (1979). *Efforts toward sex fairness in education division publications*. Washington, DC: Department of Health, Education and Welfare.
- National Advisory Council on Women's Educational Programs. (1981, Fall). *Title IX: The half full, half empty glass*. Washington, DC: U.S. Department of Education.
- National Alliance for Partnerships in Equity (NAPE). (2004). *Equity pioneers: The sex equity coordinators: 1976-1998*. Retrieved June 12, 2006, from www.napequity.org
- National Center for Education Statistics. (2000). *Trends in educational equity of girls and women* (NCES 2000-30). Washington, DC: Office of Educational Research and Improvement, U.S. Department of Education.
- National Center for Education Statistics. (2004). *Trends in educational equity of girls and women: 2004* (NCES 2005-016). Washington, DC: Institute of Education Sciences, U.S. Department of Education.
- National Coalition for Women and Girls in Education (NCWGE). (2002). *Title IX at 30: Report card on gender equity*. Washington, DC: Author.
- National Coalition for Women and Girls in Education website. Retrieved March 2, 2006, from www.ncwge.org
- National Council for Research on Women. (2006). *The misinformation clearinghouse*. Retrieved March 15, 2006, from <http://www.ncrw.org/misinfo/index.htm>
- National Science Foundation (NSF). (2002). *NSF's program for gender equity in science, technology, engineering and mathematics: A brief retrospective 1993-2001*. Arlington, VA: National Science Foundation.
- National Women's Law Center. (2005). *Tools of the trade: Using the law to address sex segregation in high school career and technical education*. Retrieved June 12, 2006, from www.nwlc.org
- Newberg v. Board of Public Education*, 26 Pa. D. & C. 3d 682 (pa. Ct. of Com. Pleas 1983).
- Office for Civil Rights. (1975, June). *Final Title IX regulation implementing education amendments of 1972 prohibiting sex discrimination in education*. Washington, DC: U.S. Department of Health, Education and Welfare/Office for Civil Rights.
- Office for Civil Rights (2004, March 9). Proposed Rules. *Nondiscrimination on the basis of sex in education programs or activities receiving federal financial assistance*. Washington, DC: U.S. Department of Education/Office for Civil Rights. *Federal Register*/Vol. 69, No. 46/Tuesday, March 9, 2004. Pages 11276. Retrieved February 1, 2007 from www.ed.gov/legislation/FedRegister/proprule/2004-1/030904a.pdf
- Office for Civil Rights. (2006, October 25). *Final regulations. Nondiscrimination on the basis of sex in education programs or activities receiving federal financial assistance*. Washington, DC: U.S. Department of Education/Office for Civil Rights. *Federal Register*/Vol. 71, No. 206/Wednesday, October 25, 2006 Pages 62529-62543. Retrieved October 30, 2006, from www.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.html
- Office for Civil Rights Annual Reports to Congress. (2000, 2001, 2002, 2003, 2004). Washington, DC: U.S. Department of Education.
- Office of Educational Research and Improvement. (2001). *The U.S. Department of Education's Gender Equity Expert Panel, exemplary and promising gender equity programs, 2000*. Washington, DC: U.S. Department of Education.
- Project on Equal Education Rights (PEER). (1977). *Stalled at the start: Government action on sex bias in the schools*. Washington, DC: Project on Equal Education Rights.
- Project on the Status and Education of Women. (1989). *The restoration of Title IX: Implications for higher education*. Washington, DC: Association of American Colleges.
- Raffel, N. K. (1975). *The enforcement of federal laws and regulations prohibiting sex discrimination in education*. Washington, DC: Women's Equity Action League.
- Rosser, P. (2006). Too Many Women in College? *Ms.*, (Fall), 42-45.
- Salomone, R. C. (1986). *Equal education under law*. NY: St. Martin's Press.
- Samuels, C. A. (2006). GAO Opinion Renews Debate on Abstinence-Only Programs. November 1, 2006. *Education Week*, 26(10), 7. Retrieved November 2, 2006, from [Edweek.org](http://edweek.org)
- Sandler, B. (1981). Happy birthday Title IX! *On Campus with Women* 12, 1-2.
- Sandler, B. (1997). "Too strong for a woman"—The five words that created Title IX. *About Women on Campus*. Retrieved June 12, 2006, from <http://bernicessandler.com/id44.htm>
- Schmuck, P. A., Adkison, J. A., Peterson, B., Bailey, S., Glick, G. S., Klein, S. S., et al. (1985). Administrative strategies for institutionalizing sex equity in education and the role of government. In S. Klein (Ed.), *Handbook for achieving sex equity through education* (pp. 95-123). Baltimore: Johns Hopkins Press.
- Schoenfeld, A. H. (March 2006). What doesn't work: The challenge and failure of the What Works Clearinghouse to conduct meaningful reviews of studies of mathematics curricula. *Educational Researcher*, 35(2), 13-21.
- Sex discrimination regulations*. (June 1975). Hearings before the Subcommittee on Postsecondary Education of the Committee on Education and Labor. Washington, DC: House of Representatives Committee on Education and Labor.
- Simonson, J. R. (undated, around 2002). *The rise and decline of the Advisory Council on Women's Educational Equity*. Archived on Women's Educational Equity Act Archived Web site www.edc.or/WomensEquity/resource/title9/article.htm
- Southeastern Public Education Program (SPEP). (1977). *Almost as fairly: The first year of Title IX implementation in six Southern states*. Atlanta, GA: American Friends Service Committee.
- Steiger, J. M., & Szanton, E. (1977). *Efforts toward sex fairness in the use of education division funds*. Washington, DC: National Advisory Council on Women's Educational Programs.
- Suggs, W. (2005). *A place on the team: The triumph and tragedy of Title IX*. Princeton, NJ: Princeton University Press.
- Threinen, C., & Weck, A. (1983). *Ten Years of Title IX*. Madison, WI: Wisconsin Department of Public Instruction.
- U.S. Department of Education. (2006). FIPSE grant database. Retrieved March 9, 2006, from <http://www.fipse.aed.org/search.cfm>
- U.S. Department of Justice. (2000). *Final common rule. Nondiscrimination on the basis of sex in education programs or activities receiving federal financial assistance*. Retrieved June 12, 2006 from <http://www.usdoj.gov/crt/cor/coord/t9final.htm>
- U.S. Department of Justice. (2001). *Questions and answers regarding Title IX procedural requirements*. Retrieved June 12, 2006, from <http://www.usdoj.gov/crt/cor/coord/TitleIXQandA.htm>
- U.S. General Accountability Office. (July 2004). Report to Congressional requesters, Gender issues: Women's participation in the sciences

has increased, but agencies need to do more to ensure compliance with Title IX, Washington DC. Retrieved June 12, 2006 from <http://www.gao.gov/new.items/d04639.pdf>

United States v. Virginia et. al., 518 U.S. 515 (1996).

Walker, J. (2005, July). Title IX on State Education Agency (SEA) websites. Arlington, VA: Feminist Majority Foundation. Retrieved June 28, 2006, from <http://www.feminist.org/education/StateEducationAgencySites.pdf>

Wharton, L. J. (2005). State equal rights amendments revisited: Evaluating their effectiveness in advancing protection against sex discrimination. *Rutgers Law Journal*, 36(4).

Zittleman, K. R. (2005). Gender and Title IX: A study of the knowledge, perceptions, and experiences of middle and junior high school teachers and students. Unpublished doctoral dissertation, American University, Washington, DC.