

Title IX at 30

Report Card on Gender Equity

SUBJECT	GRADE
ACCESS TO HIGHER EDUCATION	B
ATHLETICS	C+
CAREER EDUCATION	D
EMPLOYMENT	C-
LEARNING ENVIRONMENT	C-
MATH AND SCIENCE	B-
SEXUAL HARASSMENT	C
STANDARDIZED TESTING	C
TECHNOLOGY	D+
TREATMENT OF PREGNANT AND PARENTING STUDENTS	C+

A Report of the National Coalition for
Women and Girls in Education

June 2002

The National Coalition for Women and Girls in Education (NCWGE) is a nonprofit organization composed of about 50 diverse organizations dedicated to improving education opportunities for girls and women. Established in 1975, the coalition has been a major force in developing national education policies that benefit all women and girls.

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INTRODUCTION

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

20 U.S.C. § 1681

In passing Title IX of the Education Amendments in 1972, Congress intended to give girls and women opportunities equal to those offered boys and men in all education programs receiving taxpayer dollars. As we celebrate Title IX's 30th anniversary, girls and women do enjoy more opportunities. Indeed, as the federal mandate against sex discrimination in education, Title IX is key to achieving the goal to “leave no child behind.” But despite the progress, barriers remain and more must be done to make Title IX the vehicle for equity it was intended to be.

Before Title IX, schools at all levels limited the participation of women and girls. Many colleges and professional schools had quotas limiting the number of women who could attend. Female athletics programming generally consisted of cheerleading. With the exception of historically black colleges and universities, virtually no college offered women athletic scholarships. Many high schools prohibited boys from taking home economics and girls from taking vocational classes such as auto mechanics. Female elementary and secondary school teachers often had to leave their jobs when they married or became pregnant, and pregnant and parenting students frequently were forced to drop out.

Title IX was designed to be a strong and comprehensive measure that would tackle all those forms of discrimination and more. The law addresses every aspect of education—from admissions and tracking to glass ceilings that have kept women from reaching the highest ranks of academia. In so doing, Title IX was meant to open the doors to educational opportunities formerly closed to women and girls, providing

avenues for enhancing their economic futures. Title IX was the nation's promise for ensuring that the talents of half its citizens—women—no longer would be constricted by discrimination.

Every federal agency that funds educational programs or activities must enforce Title IX. The U.S. Department of Education's Office for Civil Rights (OCR) is recognized as the primary agency charged with making Title IX's anti-discrimination mandate a reality, and the Department of Education promulgated regulations in 1975 to enforce the law.

Room for Improvement

- Sexual harassment remains pervasive in public schools—81 percent of students surveyed have experienced it.
- Sex segregation persists in career education, with more than 90 percent of girls clustered in training programs for the traditionally female fields of health, teaching, graphic arts, and office technology.
- Just 21 percent of all full professors at colleges and universities are women.
- For every new dollar going into athletics at the Division I and II levels, male sports receive 65 cents while female sports receive 35 cents.
- Women receive only 20 percent of computer science and engineering-related technology bachelor's degrees.
- Female students typically get less attention, praise, criticism, and encouragement from teachers than male students get.
- The lower test scores of African American females, Native American females, and Latinas compared to their white and Asian peers remains a serious and deep educational divide.
- Pregnant students are steered towards separate and less academically rigorous schools.

The regulations require education programs or activities that receive federal financial assistance to take steps to prevent and address sex discrimination, including designating an employee to coordinate Title IX compliance and investigate complaints, adopting and publishing grievance procedures that allow for prompt and equitable resolution of complaints, and implementing and disseminating a policy that prohibits sex discrimination.

New Tools for Title IX

Enforcement. Although all federal agencies that fund education programs or activities were required to develop regulations to enforce Title IX, until recently, only four agencies (the Departments of Education, Energy, Agriculture, and Health and Human Services) had done so. In August 2000 the Department of Justice, in its capacity to coordinate civil rights enforcement, issued final regulations, modeled on the existing Department of Education regulations, for 20 federal agencies. With these new

regulations, federal executive branch agencies have the means to enforce Title IX's prohibition against sex discrimination. In 2001 the Department of Justice developed a legal manual for federal agencies regarding the variety of education programs and activities subject to Title IX regulations.

Another important enforcement tool is Executive Order 13,160, issued in June 2000. This order prohibits discrimination based on sex, race, and national origin, among other characteristics, in any education program or activity that the federal government conducts. Executive Order 13,160 would cover, for example, education scholarships and fellowships provided by the National Science Foundation. With this order, education programs conducted by the federal government will now be held accountable for complying with Title IX.

Funding Cut for Programs Supporting Title IX. While the new Title IX regulations for federal agencies and Executive Order 13,160 are important steps forward, other means for Title IX compliance and enforcement have not fared well. Funding has been slashed for numerous programs that support gender equity in education. In 1996 Congress eliminated funding under Title IV of the Civil Rights Act of 1964 for programs that had for two decades supported Title IX and gender-equity services in 49 state education agencies. These programs traditionally funded a state Title IX coordinator position and statewide training and assistance to local school districts. Since 1997 only two states have maintained their previous level of services, while only 14 states maintain even part-time services. In a telephone survey conducted by the Women's Educational Equity Act Resource Center after Title IX's 25th anniversary, some state education offices stated, "We don't do Title IX anymore."

Phone surveys by the National Women's Law Center in 2001 and 2002 found that about half of the states have no employee designated to coordinate efforts to comply with Title IX, as required by the regulations. Further, while 10 regional federally funded Equity Assistance Centers continue to provide gender, race, and national origin equity assistance to local school systems, the centers have received no funding increase in the last five years, despite a significant increase in requests for services following the loss of state department of education programs. Additionally, the Women's Educational Equity Act, the only federal program that focuses specifically on increasing education opportunities for women and girls, is inadequately funded and was given no funding in President Bush's 2003 budget.

Challenges to Title IX Enforcement. Of further concern is a growing movement to roll back Title IX protections. Attacks on Title IX and gender equity have been growing, highlighted by the popular media and in the Republican presidential agenda

during the 2000 election. In January 2002 the National Wrestling Coaches Association and other Title IX opponents filed a federal lawsuit against the Department of Education challenging the Title IX regulations and guidance regarding athletics opportunities. That suit is pending.

In addition, U.S. Supreme Court rulings and legal challenges threaten to significantly hamper efforts to enforce Title IX. In 2001 the Supreme Court ruled that individuals cannot bring private lawsuits to enforce regulations implementing Title VI of the Civil Rights Act of 1964 that prohibit practices that have the effect of discriminating on the basis of race, color, or national origin. If this decision were applied to Title IX, which is modeled after Title VI, it would have serious implications for women and girls seeking to challenge practices, such as standardized tests, that limit their access to educational opportunities. Some lower courts have already held that in light of this decision, an individual may not file a private lawsuit under Title IX alleging retaliation. If this decision stands, a school would face no threat of a court challenge if, for example, it expelled a student because she complained about sexual harassment. These court decisions and legal challenges demonstrate the need for heightened public education about Title IX and for remedies to address the discrimination that still plagues girls and women in education.

Strong Enforcement of Title IX Needed. On the 25th anniversary of Title IX, the National Coalition for Women and Girls in Education issued *Title IX at 25: Report Card on Gender Equity*. This report updates that analysis. Thirty years after the enactment of Title IX, while educational opportunities for girls and women have increased, there is much room for improvement in the enforcement of Title IX. As the following progress reports demonstrate, while some gains have been made in many areas—such as higher education, athletics programming, and math and science—many barriers remain. Too many girls and women still confront sex discrimination in their education programs. Girls and women are severely underrepresented in the critical area of technology. Sex segregation is persistent in vocational training programs, with girls and women clustered in programs that are traditional for their sex and that lead to low-wage jobs. Colleges and universities continue to spend the lion's share of athletics money on men's programming. Scoring gaps persist in high-stakes standardized testing across all races and ethnicities, limiting women's access to education institutions, financial aid, and careers. Employment numbers for women at colleges and universities tend to decrease as the rank in the career ladder or the prestige of the institution increases. Women still lag behind men in earning doctoral and professional degrees. Sexual harassment continues to undermine equal opportunity for male and female students. Gender bias continues to

permeate the learning environment. Schools continue to brush aside pregnant and parenting students. And little has been done to address the multiple barriers faced by girls of color, girls with disabilities, and girls from poor backgrounds—all of whom experience a disproportionate number of inequities.

The progress reports that follow examine these obstacles through the lens of 30 years of Title IX. The reports assess how far we have come in making Title IX's goal of equal opportunity a reality—and how far the United States as a nation has yet to go.

PROGRESS REPORTS

The National Coalition for Women and Girls in Education *Report Card* examines the state of gender equity in education in 10 key areas: access to higher education, athletics, career education, employment, learning environment, math and science, sexual harassment, standardized testing, technology, and treatment of pregnant and parenting students.

The progress reports grade the nation's efforts to implement Title IX based on a variety of indicators, such as women's participation rates, the federal government's enforcement actions, and legal developments. Based on these indicators, the progress reports assess how far the nation has come in realizing Title IX's goal of eliminating sex discrimination in education—first compared to before Title IX, and then compared to Title IX at 25.

Progress Toward Gender Equity		
Subject	2002	1997
Access to Higher Education	<i>B</i>	<i>B-</i>
Athletics	<i>C+</i>	<i>C</i>
Career Education	<i>D</i>	<i>C</i>
Employment	<i>C-</i>	<i>C-</i>
Learning Environment	<i>C-</i>	<i>C-</i>
Math and Science	<i>B-</i>	<i>C+</i>
Sexual Harassment	<i>C</i>	<i>D+</i>
Standardized Testing	<i>C</i>	<i>C</i>
Technology	<i>D+</i>	<i>NOT GRADED</i>
Treatment of Pregnant and Parenting Teens	<i>C+</i>	<i>C+</i>

The grading scale is as follows:

- A** – Equitable: Gender and other areas of diversity respected and affirmed
- B** – Substantial Progress: Most gender-based barriers eliminated
- C** – Some Progress: Some barriers addressed, but more improvement necessary
- D** – Little Progress: Significant barriers remain
- F** – Failure: No progress

How did the nation fare? As the chart indicates, the nation has made some progress over the last 30 years, but there is much room for improvement. The recommendations at the end of each progress report and in the Action Agenda section provide suggestions about how the nation can make the grade for gender equity in the coming years.

Access to Higher Education

B

Since its passage in 1972, Title IX has dramatically expanded women's access to higher education. The increased representation of women in degree-granting programs has contributed to the economic progress of women and their families. Title IX has helped reduce sex discrimination, most notably in admissions standards, to the benefit of women and men alike. But other barriers to higher education persist, including sex segregation by academic subject and disparities in financial aid awards.

Admissions. Until the 1970s a great many of the nation's colleges and universities—private and public—simply excluded women outright. Institutions that admitted women welcomed them with a maze of obstacles including quotas, requirements to live in limited on-campus housing, and admissions criteria tougher than those for men. Based on the assumption that women were most interested in marriage and children, other colleges and universities scrutinized whether women applicants were serious about pursuing a degree. In college interviews, female applicants to doctoral programs often had to explain how they would combine a career with a family. Admissions policies too frequently were guided by traditional attitudes about the “proper” place of women and the widespread belief that women would drop out of

school to take their “rightful” place in the home. As a result, many colleges and universities limited women's entry to ensure that only the most “committed” students—men—would have access to educational opportunities.

Thirty years later, such overt practices have mostly been eliminated throughout higher education. Women have taken advantage of these new opportunities to earn degrees at astonishing rates. Women still lag behind their male counterparts, however, in earning

Title IX Snapshot

- Harvard University, which opened its doors in 1636, did not admit women until 1943.
- The University of Virginia excluded women until 1970.
- Before Title IX, the University of North Carolina limited the number of women students by requiring them to live on campus, where there was little housing. Men, in contrast, could live anywhere.
- Women seeking admission to the New York State College of Agriculture in the early 1970s needed SAT scores 30 to 40 points higher than those of men.

doctoral and professional degrees, which is especially striking in light of the number of women receiving bachelor's degrees. Women also receive far fewer math and science bachelor's degrees, which typically offer greater earning potential.

Financial Aid. With the ever-increasing cost of college, financial aid has never been more important to providing access to higher education. Prior to Title IX, many colleges and universities kept women from receiving this critical assistance by

- Restricting the most prestigious scholarships, such as the Rhodes Scholarship, to men
- Giving preference to men in the award of other scholarships, fellowships, and loans
- Withholding financial aid from women who were married, pregnant, or parenting
- Withholding financial aid from part-time students, who were more likely to be women
- Failing to allow for child care expenses
- Tracking women into low-paying work-study jobs

Title IX meant an end to many policies and practices denying women financial aid. Over the past 30 years, financial aid programs have been modified to facilitate women's access into higher education, recognizing that many women pursuing degrees must support not only themselves but also their families. Women make up almost 60 percent of part-time students and 58 percent of students over age 24. Compared to men, women who attend a postsecondary institution are twice as likely to have dependents and three times as likely to be single parents. To make higher education more accessible to these students, Congress enacted several key provisions in the 1986 reauthorization of the Higher Education Act. For example, Pell Grants and campus-based aid are now awarded to part-time as well as full-time students. Moreover, to determine eligibility for financial aid, students can waive the value of their homes in the calculation of expected family contributions.

Despite these advances, disparities still exist in the distribution of financial aid. Financial aid budgets include little or no allowance for dependent care, forcing many student parents to rely on friends and family, reduce their course loads, or leave school altogether. In the 1999–2000 school year, the National Collegiate Athletic Association (NCAA) reported that women athletes received as little as 40 percent of scholarship dollars in some athletic divisions, although this number reflects a steady increase over the last nine years. In addition, although Title IX allows education institutions to take affirmative steps to remedy past discrimination, the law also allows colleges and universities to exclude women from certain scholarships that have no remedial purpose.

Percentage of Degrees Awarded to Women			
Degree (Projected)	1971–72	1996–97	1997–98
Associate of Arts	45	60	61
Bachelor of Arts	44	56	56
Master of Arts	41	51	57
Doctorate	16	39	42
First Professional	6	40	43

Title IX's implementing regulation permits schools to administer scholarships created under a will, bequest, or other legal instrument that is sex specific. For example, scholarships exist for men from New

Jersey, male engineering students who are members of the Sigma Chi Fraternity, or men who attended certain high schools. Unlike many scholarships targeting women and people of color, these scholarships do not remedy past discrimination; in fact, they reinforce the gender disparities in many fields, conferring advantages from one generation of men to the next.

Sex Segregation in Courses. Even though women have made progress at all levels of education, they continue to be underrepresented in traditionally male fields that lead to greater earning power upon graduation. Women continue to be clustered in areas traditional for their gender. Undergraduate data from the 1997–98 academic year show that women received 75 percent of the education degrees, 74 percent of psychology degrees, and 67 percent of English degrees, all fields in which women have traditionally participated. In contrast, women earned only 39 percent of physical science degrees, 27 percent of bachelor's degrees in computer and information sciences (a gain of just 1 percent from five years earlier), and 18 percent of engineering degrees. This pattern of sex segregation directly limits women's earning power because careers in math and the sciences frequently result in higher pay. For example, in 2001 engineers had median weekly earnings of \$1,142; in contrast, elementary school teachers' median weekly earnings were \$774, about 30 percent less.

Sex segregation by academic concentration is even more acute in doctoral degree programs, where women already are underrepresented. For 1997–98 women received only 26 percent of doctorate degrees in mathematics, 16 percent of doctorates awarded in computers and information sciences, and 12 percent of doctorates awarded in engineering. Women received none of the doctoral degrees awarded in engineering-related technologies. Even in areas where women are strongly represented among undergraduate students, women's numbers drop at the doctoral level. In 1997–98, for example, women earned 63 percent of education doctoral degrees and 59 percent of English doctoral degrees.

Women's underrepresentation in math- and science-related fields has a cyclic effect, depriving girls and young women of role models and mentors, in effect further discouraging women and girls from pursuing degrees in those fields.

The hostile environment many women encounter in science, mathematics, and engineering no doubt plays a great role in women's underrepresentation in these fields. Research has shown that women pursuing math and sciences in higher education face outright hostility in many instances, including

- Deliberate sabotaging of female students' experiments
- Constant comments that women do not belong in certain departments or schools
- Slide presentations interspersed with pictures of nude women, purportedly to "liven up" the classroom
- Sexual harassment in laboratory or field work, causing women to avoid these settings altogether

Less blatant forms of sexism also are commonplace and make the environment equally unpleasant. Examples follow:

- Male faculty may be reluctant to work with women because they question women's competence.
- Male students may exclude women from study groups and project teams.
- Male students who do work with women may try to dominate projects.
- Many faculty refuse to incorporate the work of women in math and science in the curriculum, reinforcing women's invisibility in these areas.

The "chilly" climate for women coupled with the small number of female faculty in math, science, and engineering effectively limits women's access to these fields and, in so doing, closes off important career alternatives for women.

Limiting Access in the Future. Despite the progress made over the last 30 years of Title IX enforcement, even today new policy developments threaten women's progress in higher education. In 1996 Congress and President Clinton approved a new welfare law

Room for Improvement

- Women still lag behind men in earning doctoral and professional degrees.
- Some scholarships still are reserved for men.
- Women are underrepresented in math and science, in large part because of the hostile environment many confront in these fields.
- Education institutions are moving to dismantle affirmative action programs that have increased access for women and students of color.
- Low-income women have lost an avenue to higher education under the new welfare law.

that prohibits women receiving public assistance from meeting their work requirement by attending a postsecondary institution. Prior to this law, welfare recipients could, at the states' discretion, attend a two- or four-year college. As this report goes to press, Congress is deliberating the reauthorization of the welfare law. While several proposals could expand welfare recipients' access to higher education, partisan entrenchment may prevent these proposals from becoming a reality, preventing many women from pursuing their dreams of a college degree and a means to support their families.

Currently changes are being made to the Department of Education's research division. While many of these changes could be productive, there is some concern that the department will shift its focus from the research that has been so important to advocates working to make higher education more equitable and accessible. For instance, department data that disaggregate student information by race and gender—essential to monitoring the effects of Title IX and other equity measures—are being reconsidered.

In addition, recent assaults on affirmative action could mean the end of programs that have helped women redress past sex discrimination and enhanced their educational opportunities, particularly in areas where women have been and continue to be underrepresented, such as math and science. Although Congress defeated legislative proposals to dismantle affirmative action in the last reauthorization of the Higher Education Act, more attempts may be proposed in the upcoming reauthorization. The 1996 passage of California Proposition 209 and the *Hopwood v. State of Texas* and *Johnson v. University of Georgia* decisions led many colleges and universities to dismantle affirmative action policies to avoid lawsuits, impeding access to higher education for women and people of color. Most recently, in *Gratz v. University of Michigan*, the U.S. Court of Appeals in Cincinnati heard arguments regarding the constitutionality of the university's affirmative action admissions plan at the undergraduate level for students of color. A decision from that court is pending. In May 2002, however, the Sixth Circuit Court of Appeals upheld the constitutionality of the use of affirmative action in the law school's admissions process. It is widely believed that one of these cases will ultimately be heard by the Supreme Court and determine the future of affirmative action in higher education.

Recommendations.

- The Department of Education should submit an annual report to Congress detailing disbursement of financial aid, loans, grants, and awards in higher education disaggregated by race and gender and offer recommendations for addressing disparities.

- The Department of Education and other federal agencies funding higher education programs should target Title IX enforcement to address discriminatory practices that discourage women from pursuing math and science majors.
- Education institutions should provide opportunities to encourage women to pursue math and science and develop programs designed to increase women's retention in these fields.
- Congress should amend the welfare law to allow women on welfare the opportunity to pursue postsecondary education by counting college study and work study toward a work requirement.
- The Department of Education should clarify and encourage the use of legally acceptable forms of affirmative action for women and people of color.

Athletics

C+

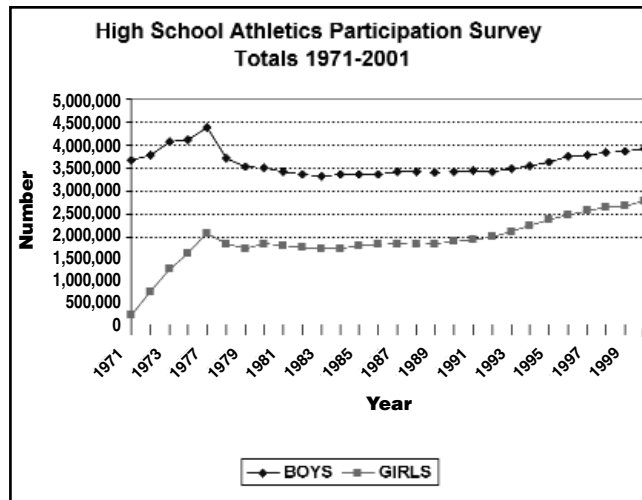
For many people, Title IX is synonymous with expanded opportunities in athletics. Women's and girls' increased participation in sports, the impressive achievements of the nation's female athletes, their stunning advances in summer and winter Olympic Games, and the creation of nationally televised professional women's basketball and soccer leagues demonstrate Title IX's success. It takes a large and vibrant base of general sports participants and 15 to 20 years of elite athlete support to create an Olympic gold medalist or professional athlete—years in which an athlete is given access to quality coaching, sports facilities, weight rooms, athletic scholarships, and competition. Before Title IX, women and girls were precluded from taking advantage of most athletic opportunities in school, but the outcome of equal opportunity on the playing fields is becoming more apparent.

Still, Olympic medals and professional sports contracts are not what Title IX is all about. Rather, the quest for equal opportunity in sports has always been about the physiological, sociological, and psychological benefits of sports and physical activity participation. Research studies commissioned by the Women's Sports Foundation in 1998 and 2000 found that girls who play sports enjoy greater physical and emotional health and are less likely to engage in a host of risky health behaviors (i.e., drug use, smoking, and drinking) than nonparticipants. Other studies have linked sports participation to reduced incidences of breast cancer and osteoporosis later in life. Yet compared to boys, girls enjoy 30 percent fewer opportunities to participate in high school and college sports and are twice as likely to be inactive. Much distance remains between the current status of women and girls in sports and the ultimate goal of gender equity.

Participation Rates and Resource Allocation. Prior to 1972, women and girls looking for opportunities for athletic competition were more likely to try out for cheerleading or secure places in the bleachers as spectators. In 1971 fewer than 295,000 girls participated in high school varsity athletics, accounting for just 7 percent of all high school varsity athletes. The outlook for college women was equally grim: Fewer than 30,000 females competed in intercollegiate athletics. Low participation rates reflected the lack of institutional commitment to providing athletics programming for women. Before Title IX, female college athletes received only 2 percent of overall athletic budgets, and athletic scholarships for women were virtually nonexistent.

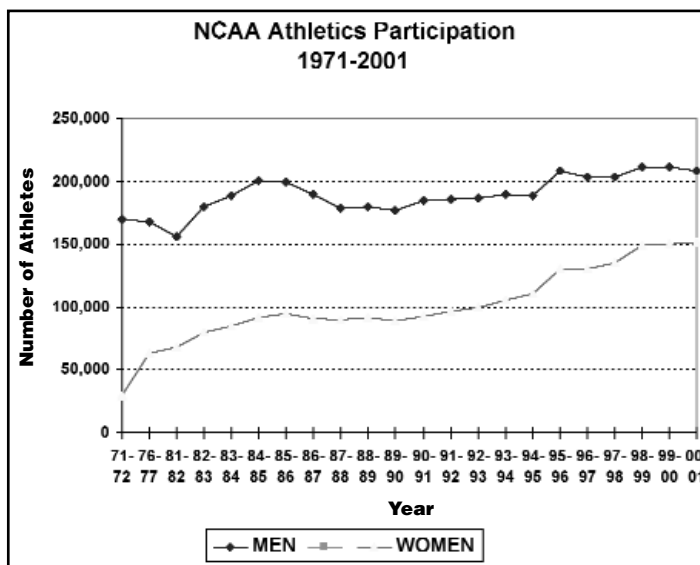
Title IX has changed the playing field significantly. By 2001 nearly 2.8 million girls participated in athletics, representing 41.5 percent of varsity athletes in U.S. high schools—an increase of more than an 847 percent from 1971. Progress on college campuses also has been impressive. Today 150,916 women compete in intercollegiate sports, accounting for 43 percent of college varsity athletes—an increase of more than 403 percent from 1971. Contrary to media reports, men's participation levels at both the high school and college level have also increased. See Figure 1, Figure 2, and Table 1.

Figure 1



National Federation of State High School Associations, 2001

Figure 2



NCAA Year-By-Year Sports Participation 1982-2001; Sports and Recreation Programs of Universities and Colleges 1957-82 (NCAA)

Table 1: Female High School and Collegiate Participation

Year	1971–72	2000–01	Increase
High School Varsity Athletes			
Female	294,015	2,784,154	847%
Male	3,666,917	3,921,069	6.9%
Collegiate Varsity Athletes			
Female	29,972	150,916	403%
Male	170,384	208,866	23%

While significant, these gains still stop short of providing girls and women with their fair share of opportunities to compete. In 1999–2000 female students represented about 54 percent of the student body at four-year colleges, yet only 23 percent of all NCAA Division

I colleges provided women with athletic opportunities within five percentage points of female student enrollment. This percentage increased from 9 percent in 1995–96.

Although the resources and benefits allocated to female athletes also have improved significantly since Title IX’s passage, they also fall far short of what equity requires. After 30 years, the gap is still significant and closing much too slowly. Institutions are not exercising restraint on men’s sports expenditures while women’s sports catch up. See Table 2.

- In the past four years, for every new dollar going into athletics at the Division I and Division II levels, male sports received 58 cents while female sports received 42 cents.
- Each year male athletes receive \$133 million or 36 percent more than female athletes in college athletic scholarships at NCAA member institutions.
- In Division I, colleges spent an average of \$2,983 per female athlete compared to \$3,786 for male athletes.

No national data on expenditures exist for girls’ and boys’ interscholastic sports, but anecdotal evidence suggests that similar financial disparities also exist at the elementary and secondary levels.

Coaches, Administrators, and Other Athletic Personnel. Women in coaching, athletic administration, and other sports positions lack the improved opportunities enjoyed by female students and athletes since Title IX’s enactment. In the early 1970s

Table 2: Disparities in Funding Intercollegiate Athletics for 1999

	Division I		Division II		Division III	
	Men	Women	Men	Women	Men	Women
Scholarships	\$1,411,400	\$1,055,500	\$392,100	\$268,000	N/A	N/A
Recruiting	184,200	85,900	18,900	10,100	13,200	7,100
Head Coach Salaries	484,900	330,500	136,700	114,500	127,000	102,600
Operating Expense	882,100	486,200	225,600	115,100	137,000	94,700

women head coaches led 90 percent of women's collegiate teams. By the 2001–02 school year, female head coaches led only 44 percent of women's intercollegiate athletic teams, the lowest total since the passage of Title IX. This number is down from 47.7 percent in 1995–96. Since 2000, 90 percent of the available head coaching positions in women's athletics have gone to men. A similar decline in the percentage of women coaching girls' teams can be witnessed at the high school level.

To make matters worse, the loss of coaching opportunities in women's sports has not been offset by a corresponding increase in opportunities for women to coach men's teams. To the contrary, women are virtually shut out of these jobs, holding only 2 percent of the coaching positions in men's collegiate sports, a percentage that has remained constant over the last 30 years. No signs indicate a slowing in the downward trend.

Women's college basketball, considered by most to be the greatest economic success among all women's collegiate sports, is one of few exceptions to diminishing coaching opportunities for women. The number of women intercollegiate basketball coaches has remained relatively constant over the past 10 years, with women currently holding 62.8 percent of these head coaching jobs. Among 24 women's NCAA championship sports, however, female coaches rank in the majority in only seven. See Table 3.

The impact of such sex discrimination on coaching opportunities for women is exacerbated by the striking disparity in the salaries paid to coaches of men's and women's teams. At the Division I level, men's basketball head coaches average \$149,700.

Table 3: Coaches of Women's Sports by Gender for 2002

Sport	Female	Male	Sport	Female	Male
Archery	33.3%	66.7%	Riflery	27.3%	72.7%
Basketball	62.8%	37.2%	Sailing	11.1%	88.9%
Bowling	33.3%	66.7%	Skiing	6.9%	93.1%
Crew/Rowing	37.9%	62.1%	Soccer	30.7%	69.3%
Cross Country	21.3%	78.7%	Softball	65.1%	34.9%
Fencing	26.5%	73.5%	Squash	33.3%	66.7%
Field Hockey	96.8%	3.2%	Swimming/Diving	23.0%	77.0%
Golf	39.2%	60.8%	Synchronized Swimming	100.0%	0.0%
Gymnastics	44.3%	55.7%	Tennis	34.5%	65.5%
Ice Hockey	40.0%	60.0%	Track	19.0%	81.0%
Lacrosse	85.9%	14.1%	Volleyball	57.3%	42.7%
Ride/Equestrian	81.0%	19.0%	Water Polo	25.7%	74.3%

Acosta and Carpenter, *Women in Intercollegiate Sport*, 2002

By contrast, women's basketball head coaches average just \$91,300: 61 cents to every dollar paid to men. This trend continues at the assistant coach level, where men's basketball assistant coaches average \$44,000 while women's basketball assistant coaches average \$34,000. Only in fencing, volleyball, and tennis, the sports paying the lowest salaries to coaches of male teams, do coaches of women's sports receive equal or greater pay than coaches of the equivalent male sports.

Athletic directors at the college level are also predominately male (83.1 percent). As the status and salary of these positions increase, female representation decreases (8.4 percent in Division I versus 25.5 percent in Division III). Males also dominate the positions of sports information director (87.7 percent) and athletic trainer (72.2 percent). As the competitiveness of a division and average salary increases, women's representation in these athletics positions also decreases. This trend remains true for every position except for head coaching jobs, for which gender representation in Division I and Division III is equal, although average salaries are not. See Table 4.

Title IX Enforcement. The record of Title IX enforcement in interscholastic and intercollegiate athletics over the past 30 years is fair at best, as evidenced by the persistent disparities highlighted above. In 1975 the then Department of Health, Education, and Welfare (HEW) issued federal Title IX regulations, which included sweeping requirements for equal athletic participation opportunities, proportional athletic scholarship funding, and equality in the treatment of and benefits provided to male and female athletes. The regulations allowed colleges and high schools a three-year phase-in period and elementary schools a one-year phase-in period. HEW explained the regulations in greater detail through a Policy Interpretation issued in 1979. Enforcement

Table 4: Women in College Sports Positions 2000–02

	All Divisions		Division I		Division II		Division III	
	Men	Women	Men	Women	Men	Women	Men	Women
Athletic Directors	83.1%	16.9%	91.6%	8.4%	86.1%	13.9%	74.5%	25.5%
Head Coaches of Women's Teams	56.0%	44.0%	54.9%	45.1%	61.1%	38.9%	54.4%	45.6%
Head Coaches of Men's Teams	98.0%	2.0%	—	—	—	—	—	—
Full-Time Athletic Trainers	72.2%	27.8%	84.6%	15.4%	70.9%	29.1%	61.2%	38.8%
Full-Time Sports Information Directors	87.7%	12.3%	89.1%	10.9%	87.6%	12.4%	86.2%	13.8%

Acosta and Carpenter, *Women in Intercollegiate Sport*, 2002

in intercollegiate athletics, however, was largely nonexistent throughout the 1980s, in part because of the Supreme Court's 1984 decision in *Grove City College v. Bell*. In that case, the court limited Title IX's application to the specific programs within colleges and universities that actually received federal funds (usually not the case for athletic programs), rather than applying Title IX to entire institutions should any of their programs receive federal funds. Congress overturned this decision in 1988 through the passage of the Civil Rights Restoration Act.

Even with the full scope of Title IX restored, few enforcement actions were brought by OCR. When colleges responded to budget constraints by cutting already beleaguered women's teams, parents and female athletes responded by taking their Title IX complaints to court. Numerous lawsuits in the 1990s resulted in the creation of a uniform body of law protecting the right to equal athletic opportunity regardless of sex, despite defendants' strenuous objections that men purportedly are more interested in playing sports than women and therefore deserve disproportionate participation opportunities. Progress has been made largely on a case-by-case basis, with gains gradual and piecemeal. Most notably, in the case of *Cohen v. Brown University*, the First Circuit rejected the university's argument that women are less interested than men in playing sports because the argument rests on stereotypical notions about women and only perpetuates the discrimination that women face in athletics.

Other cases have helped root out discrimination by athletic associations, which control college and high school athletic programs but claim they have no responsibilities to comply with civil rights laws. The Supreme Court decided otherwise in *Brentwood Academy v. Tennessee Secondary School Athletic Association*. The court held that the high school athletic association is subject to the Constitution, which governs the conduct of government entities only, because the association is essentially an arm of the state. In *National Collegiate Athletic Association v. Smith*, the Supreme Court held that the NCAA is not subject to Title IX just because it receives dues from its federally funded member schools, but the court specifically left open other legal arguments for coverage of athletic associations. The court adopted one of these arguments in *Communities for Equity v. Michigan High School Athletic Association*, in which a federal district court in Michigan held that the association is subject to Title IX, the Constitution, and Michigan state law. Accordingly, the court found that the association discriminated against girls by scheduling six girls' sports, but no boys' sports, in nontraditional or disadvantageous seasons.

Women's progress, albeit limited, has sparked a backlash by Title IX opponents who claim that Title IX has gone "too far" and has "hurt" men's sports. After holding hearings on this issue in May 1995, some members of Congress asked OCR to revisit its

1979 Policy Interpretation and consider weakening its enforcement standards, particularly the equal participation requirement. In response, OCR strongly affirmed its longstanding interpretation through a 1996 Policy Clarification, which explains how institutions can and must comply with the equal participation opportunities requirement. Courts have also rejected suits brought by male athletes claiming their schools have discriminated against them by cutting or capping men's teams, holding that Title IX does not require these actions but gives schools flexibility in structuring their athletics programs as long as they treat men and women equally. Nonetheless, the challenges continue. In January 2002 the National Wrestling Coaches Association and other Title IX opponents filed a federal lawsuit against the Department of Education challenging the Title IX regulations and policy guidance regarding athletics opportunities; the government's response fails to indicate whether it will vigorously defend the longstanding athletics policies.

Given the absence of equal opportunity after 30 years, OCR is not providing adequate leadership in enforcement efforts. In 2001 OCR initiated only two Title IX athletics reviews of institutions. Since Title IX's inception, not one institution has had its federal funding withdrawn because it is in violation of Title IX. OCR's lack of enforcement coupled with an increase in Title IX lawsuits suggests aggrieved parties are required to seek relief through the court system. Parties filing lawsuits incur considerable costs and risk retribution. In light of the numbers of schools still not in compliance, OCR needs to step up its enforcement activities.

Recommendations.

- Congress should mandate data collection on the participation of high school students in physical education and high school athletics programs as part of the administration's proposal for the reauthorization of the Office for Educational Research and Improvement.
- The Department of Education should support the continuation of existing strong compliance standards and increase OCR enforcement of these standards.
- To encourage the filing of actionable complaints, OCR should develop a standard complaint form with a checklist of alleged Title IX violations.
- School athletic administrations should use the Equal Employment Opportunity Commission guidelines (www.eeoc.gov/regs/index.html) to make sure coaches of male and female sports receive equal treatment.

Career Education

D

Title IX has made training for nontraditional careers possible for girls and women. This option clearly was off limits to female students before 1972, when schools routinely denied girls the opportunity to take classes in shop, manufacturing, architectural drafting, and ceramics or to attend certain vocational schools. Girls were directed to classes where they would learn to cook and sew. Title IX's passage meant that schools no longer could shut the doors to certain courses on the basis of gender. Thirty years later, however, patterns of sex segregation persist, and vocational education opportunities for women and girls remain largely separate and unequal.

Access to Vocational Education and Nontraditional Areas. Before Title IX, the vocational education system was purposefully sex segregated. In high school, girls took home economics and boys took shop. Witnesses at hearings leading to passage of Title IX testified that in New York, for example, certain specialized vocational high schools were reserved for men: automotive, aviation, food, and maritime trades. At the postsecondary level, young women trained for low-wage, traditionally female jobs in health occupations and cosmetology, while young men trained for higher-wage, traditionally male jobs in trade and industry and technical occupations. Education institutions could, and did, legally deny girls and women entry into training deemed “inappropriate” for females. Title IX ended these restrictions, opening the door to greater vocational opportunities for female students.

But today, in far too many cases, female students continue to be discouraged from pursuing certain vocational education opportunities because of gender stereotypes in counseling or guidance material, differential treatment by teachers, or harassment by other students. These practices have reinforced the longstanding sex segregation in vocational education. The striking disparities in course enrollment throughout the nation illustrate the continued need for programs that encourage and support female students pursuing vocational education and that help eliminate gender stereotyping and bias in vocational education programs.

Pre-1998 Vocational Education Law Increases Access. Title IX ended restrictions to nontraditional programs. In addition, in 1978, with the reauthorization of vocational education legislation (the “Perkins Act”), Congress required that each state hire a sex-equity coordinator to carry out functions designed to make the vocational

education system more equitable and improve the access of women and girls to training from which they had previously been denied. Except for \$50,000 to support the sex-equity coordinator's position, however, Congress provided no federal funding to carry out these functions, although it was a permissible use of funds.

Research by the National Institute of Education in 1981 found that states spent less than 1 percent of their basic grant money for support services for women seeking to enter nontraditional vocational education, displaced homemakers, and child care. Moreover, only 0.2 percent of all state and local matching funds went for these purposes. The study concluded that most states used “paltry sums” to provide services for displaced homemakers and relied on “symbolic gestures” rather than providing real avenues for women to pursue nontraditional enrollment.

Congress changed this in 1984 during the reauthorization of the Perkins Act by requiring that states spend a specific percentage of their basic grant money to make training opportunities available to women. Congress required each state to set aside 8.5 percent (decreased to 7 percent in 1990) for displaced homemakers, single parents, and single pregnant teens, and 3.5 percent (decreased to 3 percent in 1990) for programs designed to eliminate sex bias and sex stereotyping in vocational education. Since 1984 the number of programs serving displaced homemakers and single parents has grown from 435 to more than 1,300. By 1997 the number of sex-equity programs exceeded 1,400.

1998 Vocational Education Law Eliminated Support. The National Coalition for Women and Girls' *Title IX at 25* report recommended that Congress maintain funding levels for sex-equity programs and services as well as the state equity leadership position and its functions. During the 1998 reauthorization of the Perkins Act (Perkins III), however, Congress eliminated these longstanding provisions that were helping women and girls succeed in vocational education.

- **State Sex-Equity Coordinator Position Eliminated.** Perkins III eliminated the full-time sex-equity coordinator position. The sex-equity coordinator was responsible for implementation of the sex-equity programs; the grant-making process; and the provision of leadership, training, and networking opportunities for programs engaged in equity activities. Perkins III integrated the functions and responsibilities of the state sex-equity coordinators into general state administration and state leadership programs, leaving states to decide whether to fund this position and at what level. Only four states—Hawaii, Oklahoma, California, and Wisconsin—have retained the full-time position. Most states have required that their sex-equity coordinator take on other duties and

responsibilities, significantly limiting the resources, efforts, and dedication available to eliminate sex discrimination in career and vocational education.

- **Specific Funding for Sex-Equity Programs Eliminated.** Perkins III eliminated the gender-equity set-asides enacted in the 1984 legislation. Instead, two provisions were added to the law: (1) States must reserve \$60,000 to \$150,000 of the funds allocated for “state leadership” activities to provide services to individuals pursuing nontraditional training and employment; and (2) States have the option of reserving 10 percent of the funds allocated for local educational agencies to be redistributed to the local agencies based on certain criteria (rural education, high vocational enrollment, or negative impact by changes in funding formula) and may require that local agencies use these funds to support programs for single parents, displaced homemakers, and students pursuing nontraditional training. These provisions do not mandate the same level of support for women and girls in vocational education that had been previously provided.

Sex-Equity Programs Now Struggling. The availability of services for female students has decreased dramatically with the 1998 changes to the vocational education law. The early outcomes are documented in *Invisible Again: The Impact of Changes in Federal Funding on Vocational Programs for Women and Girls*, released by the National Coalition for Women and Girls in Education. The survey of gender-equity programs nationwide revealed the following:

- Funding for programs has decreased since Perkins III took effect, and additional funding cuts are predicted for the future. (More than half the respondents reported this information.)
- The ability to provide services to students has decreased. (Seventy-one percent of respondents reported this information.)
- Essential student services, such as prevocational services, training, dependent care assistance, transportation assistance, and tuition assistance, are scarcer than they were before Perkins III took effect. (Nearly half the respondents reported this information.)

Thus, the change in the vocational education law represents a tremendous setback for female students.

Limited Academic Opportunities. Female students in vocational programs that are traditional for their gender often have limited academic course offerings. For example, the 18 career and technical high schools in New York City are highly sex segregated, with the majority of those schools having a student enrollment that is more than 70 percent one gender. The four predominantly female vocational high schools

Room for Improvement

- Sex segregation persists in vocational education: Male students predominate in high-skill, high-wage career tracks, while female students are clustered in the low-skilled, low-wage tracks.
- Programs where male students predominate are being updated with new technology opportunities while traditionally female programs receive no technology updates.
- Female students in programs that are traditional for their gender have limited access to high-level academic courses.
- The vocational education law no longer requires targeted support for programs that have helped women gain access to and succeed in nontraditional occupations.

offer, on average, 1.75 Advanced Placement (AP) courses per school, while the 11 predominantly male schools offer 3.89 AP courses. Only one of the predominantly female schools offers an AP math or science course. This New York City example suggests that 30 years after Title IX became law, female students in traditional vocational programs have fewer opportunities to participate in advanced academic course offerings.

Persistent Sex Segregation.

Although Title IX outlawed discriminatory school practices, female students remain concentrated in programs that prepare them for traditionally female, low-paying jobs.

For example, the most recent high school transcripts reviewed by the Department of Education found that trade and industry courses, a category including most of the skilled trades occupations, were 77 percent male. A 1998 survey of 14 school-to-work sites found more than 90 percent of girls clustered in five sites that trained students for jobs in the traditionally female fields of health, teaching, graphic arts, and office technology. Postsecondary associate degree programs show the same sex segregation. Women are almost four times as likely as men are to major in health fields, while men are more than 14 times as likely to major in trade and industry programs. This pattern of sex segregation in education perpetuates sex segregation in the workforce.

Nontraditional Occupations Still Key to a Living Wage. Census data show there were more than 7 million displaced homemakers and 8 million single parents in 1998. The data also tell us that these groups are likely to be poor, unemployed, or working in low-wage jobs. In fact, nearly 30 percent are working in low-paying service jobs that offer few, if any, benefits. For example, the Department of Labor reported that in 2000, women made up 91 percent of teachers aides, 90 percent of nurses aides, and 91 percent of hairdressers, earning a mean annual salary of \$18,770, \$19,100, and \$20,710 respectively. In comparison, women in nontraditional jobs such as carpenters, plumbers, and electricians earn a mean annual salary of \$35,100, \$40,170, and \$42,210

respectively. Although women in nontraditional jobs earn higher wages than women in traditionally female occupations, the former account for only 12 percent of the working female population. While this is an increase since the early 1990s, much work remains to be done to break down the barriers that keep women out of nontraditional occupations.

Title IX Enforcement. Title IX opened vocational education opportunities for girls and women in 1972, but there has been little federal enforcement activity in this area. In the few instances where the federal government initiated investigations under Title IX, problems were identified. For example, between 1996 and 1998 OCR initiated several compliance reviews in New England to examine whether girls enjoyed equal access to career and technical education programs pursuant to Title IX. OCR's investigations found sex segregation by school and sex segregation in vocational programs within schools. Additionally, the investigations revealed instances of unequal treatment of female students, including peer harassment that was unremedied by school officials, unequal access to locker room facilities, students steered away from nontraditional fields, and recruiting materials that perpetuated sex stereotypes. The schools entered into agreements with OCR to remedy the problems of sex discrimination. Thus, increased enforcement of Title IX can make a difference for women and girls in career education programs.

Congress will reauthorize the vocational education legislation in 2003. In the face of data demonstrating persistent sex segregation in vocational programs and few resources targeted at opening doors to nontraditional areas, it is imperative that Congress support measures that will enable female students to have equal educational opportunities in vocational programs. Further, Title IX enforcement efforts must be stepped up to ensure that women and girls have full access to opportunities.

Recommendations.

- Congress should restore the full-time state sex-equity coordinator position and funding for programs that support gender equity, displaced homemakers, single parents, and students preparing for nontraditional employment.
- Congress should establish a uniform data collection and reporting system on student participation in and completion of secondary and postsecondary vocational and technical education programs. The system should require information reported by specific program area and disaggregated by sex, race, ethnicity, disability, age, and socioeconomic status.
- OCR should conduct compliance reviews of vocational programs in every region of the country to ensure that the programs provide equal access and opportunity

for female students. The reviews should use Title IX and its implementing regulations as well as the Department of Education's Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap.

Employment

C-

The hearings leading up to the passage of Title IX were replete with statistical and anecdotal information highlighting the second-class status of women working in education institutions. At that time, employment for women in education was characterized by—

- Lack of tenure in colleges and universities, particularly elite institutions
- Nepotism rules that locked a woman out of a teaching position where her husband was employed
- Slower promotion rates than those for their male counterparts
- Smaller salaries than those of their male colleagues
- Little access to high-level administrative positions
- Virtually no opportunities to head colleges and universities, even women's institutions

After 30 years of Title IX and a Supreme Court decision declaring that this law prohibits employment discrimination in education based on sex, there is progress but much room for improvement. Notably, a pattern evident at the time lawmakers debated Title IX persists: Women's numbers tend to decrease as the rank in the career ladder or the prestige of the education institution increases. Women still have far to go to attain full equality with men in employment in education institutions.

Women on Faculties. Before Title IX, career opportunities for women in education were concentrated in elementary and secondary classrooms. Testimony at the hearings for Title IX showed that 68 percent of teachers in elementary and secondary schools but just 22 percent of elementary school principals and 4 percent of high school principals were women. The National Education Association (NEA) found only two women among 13,000 school superintendents.

In higher education, women fared no better. In the early 1970s women accounted for 18 percent of the teaching faculty in colleges and universities, clustered primarily in institutions that served predominantly women. For example, women accounted for 40 percent of the faculties in teachers colleges.

Thirty years after Title IX's enactment, women make up a higher number of faculty but remain significantly underrepresented in top positions. During the 1993–94 school year, the most recent year for which data are available, women account for about

73 percent of elementary and secondary school teachers, but only 35 percent of school principals. As of 1998–99, women made up less than 37 percent of faculty members in colleges and universities. The numbers of women are highest at two-year public colleges, where women make up 49.9 percent of full-time instructional faculty members and staff, and lowest at private four-year colleges and universities with significant research facilities, where women are only 26.2 percent of the faculty. Before Title IX, women made up 10 percent of the faculty at such institutions.

In addition to making up a minority of the teaching faculty at colleges and universities, women generally have remained in the lower faculty ranks, just as was true before Title IX's enactment. An NEA study cited during Title IX's hearings found that women made up 32.5 percent of instructors, 19.4 percent of assistant professors, 15.1 percent of associate professors, and 8.7 percent of full professors. Women were promoted far more slowly than their male counterparts and often lacked tenure. Only 9 percent of women who embarked on college teaching careers attained the rank of full professor.

In 1998 women were 53.5 percent of lecturers, 50.6 percent of instructors, 45 percent of assistant professors, 35.8 percent of associate professors, and 20.8 percent of all full professors. In addition, 49.5 percent of all female faculty were employed part-time, compared to 37.8 percent of male faculty. And 51.8 percent of female faculty were tenured, compared to 70.6 percent of all male teachers. Women of color made up 2.4 percent of full-time professors.

Women in the Hard Sciences. In 1994 tenured women faculty at MIT's School of Science formed a committee to investigate whether individual suspicions that they had experienced veiled discrimination in their professional lives represented a broader framework of inequality. The committee's report relied on and analyzed data and interviews conducted with MIT's women faculty and department heads.

The data portion of the report examined areas such as “salary, space, resources for research, named chairs, prizes, awards, amount of salary paid from individual grants, teaching obligations and assignments, committee assignments—department and institute—outside professional activities and committees, and pipeline data: numbers of women/men students and faculty over time.” The report found that tenured women faced “patterns of difference,” evidenced by consistently lower salaries, unequal access to resources, and persistent exclusion from any substantive power at MIT. The interview portion of the report revealed a correlation between these patterns of difference and the tenured women's consistent reporting of feeling increasingly excluded, disempowered, “invisible,” and “marginalized” within their departments as their careers progressed.

According to the report, “as of 1999 there has never been a woman department head, associate head, or center director in the School of Science in the history of MIT.”

As a result of the report, the committee, through collaboration with the dean of science, realized

significant progress toward redressing the enduring inequities. This study suggests the possibility to other similarly situated women that through organization, women can play a significant role in the achievement of tangible progress and the vision of Title IX.

Women in Administration. When Title IX became law, women were noticeably absent at the administrative level in education institutions across the country. Women reached the rank of department chair at the absurdly low level of less than 1 percent. The number of female presidents of colleges and universities—including women’s colleges—was incredibly low: less than 150.

According to a 1998 survey of institutes of higher education, men head more than 80 percent of the 3,800 institutions of higher education in this country. Women administrators are more likely than are men to hold positions in external affairs and student services than in executive, administrative, and academic affairs. Within each of these categories, women on average are employed at lower ranks and earn lower salaries than their male counterparts. Salary differences are especially prevalent in the upper ranks.

Wage Gaps. Equal pay for equal work is not a reality for women employed in education institutions. Before Title IX, women received smaller salaries than their male colleagues at all faculty ranks, and the wage gaps increased as women progressed up the career ladder. Testimony at the Title IX hearings showed that women professors received an average salary of \$11,649, compared to \$12,768 for men.

Women still have not achieved parity 30 years later. The average salary for women full professors for academic year 1998–99 was \$64,236, just 88 percent of the \$73,260 their male counterparts earned. Similar gaps exist for women associate and assistant professors who earned only 92 percent of the salaries earned by their male counterparts.

As in higher education, the salaries of women teachers and principals in elementary and secondary education continue to lag behind the salaries of their male counterparts. For example, the average base salary for full-time female teachers in public elementary schools during the 1993–94 school year was \$33,384, compared to \$36,182 for men;

Percentage of Women Teaching in Higher Education		
Status	1970	1998–99
Full Professors	8.7	20.8
Associate Professors	15.1	35.8
Assistant Professors	19.4	45.0
Instructors	32.5	50.6

Room for Improvement

- Less than 35 percent of school principals are women.
- Just 21 percent of full professors are women and 2.4 percent are women of color.
- Women are least represented at elite education institutions, making up just 26.2 percent of the faculty.
- Students and colleagues evaluate female faculty more harshly than male faculty.
- Women head only 19 percent of colleges and universities.
- Women full professors earn 88 percent of the salaries their male counterparts receive; women elementary school teachers earn 92 percent of the salaries their male counterparts receive.

the average base salary for full-time female teachers in private elementary schools was \$21,657, compared to \$28,948 for men. Salaries for male and female principals in public elementary schools had the smallest discrepancy: Women principals earned on average \$54,736 while male principals averaged \$54,922. In private elementary schools, the average salary for women principals was \$27,701, compared to \$32,039 for men.

The persistence of these disparities is troubling given that the Supreme Court ruled in 1982 in

North Haven Board of Education v. Bell that Title IX prohibits sex discrimination in employment in federally funded education programs. Ten years later, the Supreme Court held in *Franklin v. Gwinnett County Public Schools* that a damages remedy is available in an action brought to enforce Title IX. The law clearly was intended to protect women employed by education institutions. Despite this clear intent and Supreme Court decisions affirming this proposition, some lower courts have recently held that Title VII of the Civil Rights Act of 1964—the federal statute that prohibits sex-based employment discrimination—provides the exclusive remedy for individuals alleging employment discrimination based on sex in federally funded education institutions. Until the Supreme Court speaks on this issue, an individual's ability to bring a Title IX claim for sex-based employment discrimination varies depending on where the suit is filed, undermining congressional intent.

Unfortunately the statistics show that women still lag behind men in nearly every aspect of faculty and administrative employment at education institutions. While the gaps may have closed to some extent in the years since Title IX became law, significant disparities persist.

Recommendations.

- OCR should enforce employment issues by conducting compliance reviews, collecting data regarding the status of women employed in education institutions, referring cases of noncompliance to the Department of Justice, and taking other necessary actions.
- The Department of Education, the Department of Justice, and the Equal Employment Opportunity Commission should collaborate on reinstating collection of employment data from elementary and secondary school systems and the schools within such systems or districts. This practice was discontinued in 1996. Similar data should be collected for institutions of higher learning.
- Postsecondary institutions should gather their own statistical information, such as data regarding salaries, benefits, promotions, special perquisites, awards, grants, course load, advising load, and committee assignments, to determine if men and women at all ranks and within all units are treated equitably.
- Administrators at postsecondary institutions should monitor and train search committees to understand and address the barriers to hiring women.
- Postsecondary institutions should ensure that each search committee includes an advocate—not necessarily a woman or a person of color—who works to ensure that the committee treats all candidates fairly.
- Postsecondary institutions should develop an exit interview process to solicit information about the climate for women and other issues from faculty members and staff who leave for other employment, whatever the reason.

Learning Environment

C-

Title IX, in large part, has paved the way for research regarding the classroom climate. Thirty years ago, the public first became aware that sexist classroom practices can short-circuit the futures of both girls and boys. Before 1972 math and science were viewed as male domains, while literature and the arts were considered female-friendly subjects. Gender dictated class chores, with boys assigned physical tasks such as carrying boxes of books or setting up audiovisual equipment, while girls performed secretarial functions, such as taking attendance. Gender stereotypes played out in the classroom were mirrored on the pages of schoolbooks. Males far outnumbered females and were seen as active, inventive, and brave. The few females portrayed were presented as dependent, nurturing, and accommodating. While the future world of work seemed full of wondrous potential for boys, most women in the texts were full-time wives and mothers. When the curriculum portrayed careers for women at all, only three possibilities existed: secretary, nurse, and teacher.

Males were not only the center of the curriculum; they were also the center of classroom instruction. According to research by David and Myra Sadker, the American Association of University Women, and others, boys captured most of the teacher's time and talent, receiving more questions, more academic help, more praise, and far more behavioral reprimands than female students.

While the 1970s and 1980s witnessed clear progress in freeing students from the limits of gender stereotypes in the learning environment, the 1990s ushered in a new era challenging the progress to date. Critics of gender equity and Title IX now propose a return to many of these past practices. Some critics write that efforts to create equal learning opportunities for females detract from the educational quality provided boys. Recommendations range from creating different learning climates for boys and girls based on their "biological" differences to using textbooks that feature more males. One of the more startling suggestions is to abandon coeducation and return to the single-sex schools popular in the 1800s. While these suggestions pose blatant challenges to gender equity, more subtle gender bias still permeates learning climates, limiting the potential of both girls and boys.

Classroom Interaction. At all levels of education, gender continues to influence instruction. From grade school to graduate school, more active and assertive males

continue to attract more instructor attention, both positive and negative. Gender inequities in teaching present problems for all students. Female students continue to receive less individual encouragement and assistance and learn to accept a quieter, secondary role, both in school and often in the adult roles that follow. While many males benefit from the additional instructional attention they receive, some find the glare of the classroom spotlight an uncomfortable educational environment and would prefer to learn in a quieter, less public manner. The harsher disciplinary messages directed at males reinforce the notion that they are troublemakers and problem students. A more equitable distribution of the teacher's time and talent would benefit both boys and girls.

Some critics have attempted to discount the importance of inequitable teaching practices, pointing to the progress made by women in recent years as evidence that such classroom discrepancies are irrelevant. How can gender-biased teaching be a problem, they say, if females receive higher grades from elementary school through college and if more women than men attend college?

Although girls receive higher grades, many (including girls themselves) believe that this is more a result of pleasing teachers through conforming and compliant classroom behavior, according to research by Karen Arnold and others. Females may well be trading their independence for better grades and their unique and creative potential for conformity that pleases the adults in their lives. Males' lower grades may reflect their more aggressive, demanding, and independent behavior.

Gender-driven teacher expectations and behaviors continue to send males and females down very different paths. Although women are now the majority of college students, they are more likely to be the majority in less prestigious colleges and in less prestigious academic majors. Men continue to make up the vast majority of students in college engineering programs, while women are the majority of students enrolled in social work. In fact, in some careers, segregation by gender has actually increased in recent years. Elementary education majors are more likely to be female today than they were a decade ago, while the percentage of male computer science majors has grown from 65 percent to 75 percent over the past 10 years. These gender-segregated college majors set the stage for the wage gap that follows graduation.

The chilly college climate affects not just careers and wages. It impacts the self-confidence of even the brightest women. A study tracking the college progress of high school valedictorians found that while a significant number of male valedictorians continued to describe themselves as substantially brighter than their peers, female valedictorians actually lose self-esteem during their college years. By college graduation day, one in four male valedictorians rated himself at the top of his peer group in

intelligence; not a single female valedictorian in this study rated herself this way. While women are now the majority of students in college, higher education institutes continue to offer greater rewards and a wealthier future for male students.

Curricular Materials. Today's standards-driven curricula often set the pace and the tone for classroom instruction. Studies suggest that students spend as much as 80 to 95 percent of classroom time using textbooks and that teachers make a majority of their instructional decisions based on these textbooks. Although Title IX did not require changes in such books, three decades of effort directed at creating fairer school climates spilled over into attempts to improve the school curriculum.

In the 1970s professional associations and publishers created and distributed guidelines for creating non-sexist (and non-racist) books. The use of masculine nouns was one of the earliest forms of gender bias to be detected, and today's texts are less likely to use terms such as *caveman*, *forefathers*, or *policeman*. Yet other forms of linguistic bias persist. One current and popular high school history text describes the influential and famous 19th-century diplomat von Metternich, who shaped Europe's politics for decades, as a man whose "charm" worked well with "elegant ladies"—facts and adjectives of dubious historical import but not without prurient interest. A similar bias also diminishes the efforts of suffrage leaders like Elizabeth Cady Stanton. Few textbooks detail the bravery and sacrifices that resulted in women winning the right to vote, choosing instead to report that women were "given" the vote.

A 1970 study of history texts found that students had to read more than 500 pages before they read one page of information about women. In most history texts, the contributions of women are still minimized, with newer texts devoting only 2 to 3 percent of book space to the experiences or contributions of women. Through these books, both boys and girls learn erroneously that women were of little importance in creating our nation. When asked, most students cannot name 20 famous women from American history. Typically, they list fewer than five.

Mathematics and science curricula continue to reflect gender bias, both in textbooks and software. A 1990s study of elementary mathematics software revealed that when gender-identifiable characters were present (about 40 percent of the time), only 12 percent of the characters were female. Reinforcing stereotypes, the software portrayed female characters passively as mothers and princesses while male characters were shown as active and as "heavy equipment operators, factory workers, shopkeepers, mountain climbers, hang gliders, garage mechanics, and as a genie providing directions." Texts ask students to solve math problems describing males using math for construction, females using math for dressmaking.

Room for Improvement

Before Title IX

- Female and male students were treated differently. For example, girls' math problems dealt with recipes, while boys' math problems dealt with finance.
- Girls and women were virtually invisible in the college curriculum.
- Education and textbooks reinforced stereotypes about male and female students and people of color, setting the stage for disparate expectations.

30 Years Later

- Many educators integrate strategies that enhance treatment for both girls and boys.
- Some text selection committees analyze books for gender as well as race, ethnicity, and class bias.
- Female students still typically receive less attention, encouragement, praise, and criticism than their male counterparts.

Back in the 1970s male figures dominated three out of four commonly used reading textbooks. Boys were depicted as active—playing games, making things, learning, or working with their fathers. Girls, on the other hand, were depicted as passive—being helped by their brothers or engaging in activities such as playing with kittens.

In today's texts, male characters dominate both the narrative and the pictures. Yet these male characters are frequently one dimensional, while female characters possess a wider array of personal traits. Females are drawn as adventurous and nurturing, assertive and caring, offering a wider spectrum of traits and characteristics. Male characters, on the other hand, are confined to the traditional male qualities and have not changed much during the past three decades. Children rarely encounter caring, nurturing, sensitive, or empathetic male characters. Such characterizations put males in a gender-role straightjacket and send strong messages about what behaviors are expected—and not expected—from boys.

Teacher Education. Limited improvement in learning climates in the past three decades can be attributed in part to teacher education programs. In fact, the college textbooks used to educate future teachers often reflect the same gender bias found in elementary and secondary textbooks. Two decades ago, teacher education textbooks gave less than 1 percent of content coverage to the experiences of women, the issue of sexism in schools, and curricular resources or teaching strategies for overcoming such bias. Today, that figure is only 3 percent. Although teaching is commonly thought of as a female occupation, texts send a different message. For instance, a 36-page chapter on the

history of education describes female educators in only paragraphs—just 10 sentences. The rest is devoted to the contributions of male educators.

Twenty years ago, few texts mentioned Title IX. Today, materials describe Title IX, but the description rarely goes beyond athletics. Tomorrow's teachers do not learn that Title IX covers the treatment of students and teachers, counseling, testing, health care, scholarships, and a range of school policies and practices. Most texts offer no specific teaching strategies for more equitable gender instruction, and some recommendations may in fact reinforce gender stereotypes. For example, one textbook informs teachers that because of their innate ability to sit still, girls read better than boys. Another book declares that Title IX shortchanges boys and that gender fairness for females comes at the expense of males. These texts offer little information or skills that will help tomorrow's teachers create gender-equitable learning environments.

Recommendations.

- Teacher education programs, textbooks, and additional resources should offer tomorrow's teachers the information and skills they need to create effective classroom climates for both girls and boys.
- Congress should reinstate federal efforts to provide schools with materials and strategies to improve the classroom climate.
- Congress should reinstate funding for Title IV state educational agencies, which have helped schools improve the classroom environment for all students.
- Educators should make achieving gender equity a priority and continue receiving training to overcome bias and discriminatory practices in classrooms.
- Education institutions should assess and correct practices that lead to inequitable treatment of students.
- Education scholars should conduct additional gender-focused research, examining student treatment in single-sex, dominant-sex, biracial, multicultural, and homogeneous classrooms for the purpose of improving the practice of education.

Math and Science

B-

The enactment of Title IX 30 years ago removed many gender barriers in the nontraditional fields of math and science, areas critical to success in an increasingly technological world. Disparities still exist, however, in achievement and participation rates in these disciplines. Gender differences in math and science start small and grow as students reach secondary school, where boys outperform girls on standardized tests and participate in math and science classes at higher rates. In postsecondary schools, men major in math and the sciences at rates that exceed those of women, shutting women out of the career opportunities these fields can provide.

Exclusion and Underachievement. Before Title IX, educators, guided by stereotypes that girls could not achieve in math and science, sometimes steered high school girls from higher-level math and science classes and frequently excluded them from extracurricular activities such as science and math clubs. Not surprisingly, girls' achievement in science and math lagged behind boys'.

Science: The 1969–70 National Assessment of Education Progress (NAEP) of the country's students in science found grade school and middle-school boys outscored girls by an average of 5 points; in high school, the gap increased to 17 points. Today, the high school gap has decreased but the disturbing pattern persists.

Performance levels also vary by gender. According to the 1977 NAEP, in eighth grade 14 percent of boys compared to only 9 percent of girls performed at the highest levels. In high school, 61 percent of senior boys, but just 40 percent of senior girls, performed at the highest levels. In 2000, according to the NAEP, 36 percent of eighth-grade boys compared to 27 percent of eighth-grade girls performed at or above a level deemed proficient. Among 12th-graders, 21 percent of boys compared to 16 percent of girls performed at or above a proficient level.

Math: As in science, the gender gap in math starts out small in the early grades and grows by high school. The 1973 NAEP found that girls narrowly outscored boys at the fourth- and eighth-grade levels; by high school, however, girls had fallen significantly behind. By 2000 girls had lost their early edge, as 28 percent of boys compared to 24 percent of girls achieved at or above the proficiency level.

Performance levels vary by gender in math, just as in science. In 1978, 10 percent of senior boys performed at the highest math level, compared to 5 percent of senior

Room for Improvement

- Although decreasing, the gender gap persists in girls' science and math achievement, starting small in elementary school and increasing in high school.
- On high-stakes tests, such as the math SAT, scoring gaps persists, with girls scoring 3 points below boys.
- Women continue to be underrepresented in math and science in higher education, with their representation decreasing as the degree level increases.

girls. Although the gender gap for the NAEP has narrowed—2000 data show that 20 percent of senior boys compared to 14 percent of senior girls performed at or above the proficiency level—the gap is wider on high-stakes tests such as the SAT. More than half (53.6 percent) of SAT test takers are women, according to College Board data, but boys outscored girls in math by 35 points in 2000, compared to 44 points in 1972. Data from the 2001 report

maintain this 35-point gap, with boys outscoring girls.

The persistence of the gender gap in high school—and its tendency to grow as students advance in grade—continues to be a subject of great concern. According to a 2000 Department of Education report, the most marked gender differences in math and science achievement appear at age 17. This gap continues in higher education and in math- and science-related careers.

Participation Rates. Girls' participation rates have unquestionably increased since the passage of Title IX. High school girls now take upper-level math and science courses required for math and science majors at the college level at the same rate as boys. And, between 1987 and 1997, the percentage of girls taking Advanced Placement calculus increased by 6 percent and the percentage taking AP physics increased by 10 percent.

Female students' participation rates decline, however, once they enter postsecondary institutions and steadily decrease as degree level increases. For example, in the 1996–97 school year—

- In biological and agricultural sciences, women received 50 percent of bachelor's degrees but only 41 percent of doctoral degrees.
- Women's participation in engineering begins low and shrinks, with women receiving 18 percent of bachelor's degrees and 12 percent of doctoral degrees.

The drop in female students' participation in math and science could be attributed, in part, to the hostile environment they encounter in these fields. Where female students are outnumbered, they can be excluded from full participation in laboratory and fieldwork or experience gender-based harassment in these settings.

Recommendations.

- Educators and administrators should encourage girls to pursue math and science while in secondary school so that more women will enter these fields in college and pursue related careers.
- Education institutions should develop programs that increase female students' opportunities for career exploration in math and science.
- Educators should increase the numbers and use of mentoring programs to give students greater exposure to women scientists and engineers.
- High school science and math teachers should have the proper training, including hands-on retraining to update teaching techniques.
- OCR should step up its enforcement by conducting compliance reviews to determine the causes for women's decreased participation in math and science in higher education and by taking action against those education institutions that allow hostile environments in these areas to persist.

Sexual Harassment

C

Although some gains have been made in this area since 1997, when *Title IX at 25* was published, sexual harassment continues to plague our nation's schools and students—both boys and girls. Sexual harassment is unwanted and unwelcome sexual behavior that creates a hostile environment, limiting full access to education and work. Legal developments since the law's 25th anniversary confirm that schools have an obligation under Title IX to respond to sexual harassment in school. But in too many cases, sexual harassment continues to undermine equal opportunity for students and school employees.

Legal Changes Since 1997. It has been clear for more than a decade that Title IX prohibits the sexual harassment of students. In 1992, in its unanimous decision in *Franklin v. Gwinnett County Public Schools*, the Supreme Court held that a student could bring a Title IX claim for damages for a sexually hostile environment created by a teacher. And in 1999 the court announced, in *Davis v. Monroe County Board of Education*, that schools may also be liable under Title IX if one student sexually harasses another student in a school program. These decisions have made clear that schools have a legal responsibility to take steps to prevent sexual harassment and to respond appropriately to any sexual harassment that occurs.

Although no legal developments have undermined this fundamental principle, recent case law has restricted the scope of remedies available for victims of sexual harassment. In 1998, in *Gebser v. Lago Vista Independent School District*, the Supreme Court held that school districts are not liable for damages for the sexual harassment of students by teachers unless an appropriate official had actual notice of, and demonstrated deliberate indifference to, the teacher's misconduct. *Davis* adopted the same standard for evaluating school liability for damages for student-on-student harassment. In these cases, the court rejected application of the standards of Title VII of the Civil Rights Act of 1964, which protects employees from sexual harassment by their supervisors and colleagues. As a result, students—who are often more vulnerable to sexual harassment than adults, and who are required to attend school—have fewer protections from sexual harassment than do employees in the workplace.

Importantly, however, both *Gebser* and *Davis* made clear that the liability standards they established are limited to private actions for monetary damages. Nothing in either

decision changes a school's obligation to take reasonable steps under Title IX to prevent and eliminate sexual harassment. And nothing in the decisions limits OCR's authority to enforce its regulations and policies, including those provisions that require schools to adopt and publicize a policy against sexual harassment as well as grievance procedures for those subjected to it. OCR has made each of these points clear in its Revised Sexual Harassment Guidance, issued in January 2001.

The Scope of Sexual Harassment. Despite the attention paid to the issue in recent years, sexual harassment remains widespread, hurting girls and boys at every level of their education. This fact is confirmed by a 2001 study by the American Association of University Women (AAUW) Educational Foundation, *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, which followed up a similar Foundation study in 1993. According to the 2001 study—a representative sample of 2,064 public school students in eighth through 11th grades—81 percent of students have experienced some form of sexual harassment. As in 1993, girls in 2001 were more likely than boys were to have experienced sexual harassment at some point (83 percent vs. 79 percent). But boys today were more likely than were those in 1993 to experience sexual harassment often or occasionally (56 percent vs. 49 percent). As in 1993, nearly nine in 10 students (85 percent) reported that students sexually harass other students at their schools.

Sexual Harassment in Schools is All Too Common

- Eight in 10 students experience some form of harassment during their school lives, and more than one-quarter of them experience it often.
- Girls are more likely than boys to experience harassment, but boys today are more likely to be harassed than boys in 1993.
- Six in 10 students experience physical sexual harassment at some point in their school lives, one-third often or occasionally.
- The most common forms of sexual harassment in school span the nonphysical and physical:
 - ✓ Making sexual comments, jokes, gestures, or looks
 - ✓ Claiming that a person is gay or lesbian
 - ✓ Spreading sexual rumors about a person
 - ✓ Touching, grabbing, or pinching in a sexual way
 - ✓ Intentionally brushing up against someone in a sexual way
 - ✓ Flashing or “mooning”

How Did the Harassment Make You Feel?

Girls

- "I was very upset. I cried for someone even thinking that, but I had my friends to help me." (eighth-grader)
- "Angry, embarrassed, hurt feelings." (eighth-grader)
- "I didn't care. It's a joke." (ninth-grader)
- "Like guys like me!" (ninth-grader)
- "Like I have lost most of my respect for the male gender." (10th-grader)
- "Uncomfortable and uneasy." (11th-grader)

Boys

- "Disturbed and generally angry." (eighth-grader)
- "Good." (eighth-grader)
- "Mad and upset." (ninth-grader)
- "It was a joke, and you can just call him fag back and move on with your life." (ninth-grader)
- "I guess uncomfortable, of course. It's not fun for anyone to get harassed." (ninth-grader)
- "Kinda grossed out." (10th-grader)
- "Surprised." (11th-grader)

Moreover, a large number of students (38 percent) still reported that teachers and other school employees sexually harass students.

The Impact of Sexual Harassment. School sexual harassment has a negative impact on students' emotional and educational lives. For example, nearly half (47 percent) of all students who experienced sexual harassment feel very or somewhat upset right after. Those who experienced physical forms of harassment were even more likely to feel very or somewhat upset by the experience. And students' behavior in school was affected by the harassment. Students who experienced sexual harassment were most likely to react by avoiding the person who harassed them (40 percent), talking less in class (24 percent), not wanting to go to school (22 percent), changing their seat in class to get farther away from the harasser (21 percent), and finding it hard to pay attention in school (20 percent). Sexual harassment thus typically exacts high costs from its victims. And students were often quite aware of the feelings that harassment engenders in them, whether negative or more neutral.

Action/Inaction by Education Institutions. Overall, students in 2001 were more aware than were students in 1993 of the definition of sexual harassment and the actions their schools take to raise awareness on the subject. Of the students surveyed in 2001, nearly all (96 percent) understood sexual harassment.

Perhaps one of the most important findings of the AAUW report was that students in 2001 are much more likely than those in 1993 to say that their schools have a policy or distribute literature on sexual harassment. Specifically, 69 percent of students in 2001,

compared to just 26 percent in 1993, said their schools have a policy to deal with sexual harassment and complaints. Thirty-six percent of students, compared to 13 percent in 1993, said their schools distribute booklets, handouts, and other literature and materials about sexual harassment.

Despite an increased awareness of schools' distribution of information on sexual harassment, neither girls nor boys necessarily reported actual incidents to adults. While 71 percent of students said they would complain to an adult at school if they were sexually harassed by a teacher or another school employee, only 40 percent of students reported that they were likely to tell an adult at school if they were harassed by another student. Students were six times more likely to tell a friend than a teacher or other school employee about their experience with harassment.

While awareness of school efforts to distribute information to students on sexual harassment have increased along with student knowledge of sexual harassment, student unwillingness to come forward to report incidents of sexual harassment indicates that schools must do more to empower students to take that next step. When asked why they told no one, many students reported that they "didn't know;" "didn't want to be a tattletale;" or "didn't want to make a mountain out of a molehill." Students who did tell someone about their experience of sexual harassment were most likely to receive the following reactions:

What Could Your School Do to Address Sexual Harassment?

- "Maybe if they had an assembly about sexual harassment and expulsion for those who violate the rules." (eighth-grade boy)
- "My school handles the issue of sexual harassment very well." (eighth-grade girl)
- "Stop letting athletes get off easy." (ninth-grade boy)
- "I'd just like them to, if the matter comes up, deal with it swiftly and fairly, taking in all considerations." (ninth-grade girl)
- "Make aware what exactly it is and what to do about it if you are offended." (10th-grade boy)
- "Deal with the problem on the spot." (10th-grade girl)
- "I think that the current policies that deal with that subject are sufficient enough for the quantity and the degree of offense found at my school." (11th-grade boy)
- "Have the same no tolerance policy as knives or guns and make an example of anyone who does commit sexual harassment, so maybe it will stop others." (11th-grade girl)

- Told to go to the authorities and make them aware or tell parents (18 percent)
- Told it was a joke or were laughed at (13 percent)
- Told “don’t worry about it, it’s not a big deal, forget about it” (10 percent)

The highest percentage of boys said the people they told either laughed or thought it was a joke (21 percent), whereas the highest percentage of girls said they were told to report the incident (23 percent).

Title IX Enforcement. Complaints of sexual harassment constitute 63 percent of non-sports-related Title IX complaints filed with OCR. Seventy percent of elementary and secondary school and 59 percent of college and university Title IX complaints involve sexual harassment.

OCR’s 2001 Revised Sexual Harassment Guidance sets out the standards it will apply in investigating sexual harassment complaints and the steps that education institutions will be expected to take to comply with Title IX. The guidance makes clear that institutions have an obligation to ensure that sexual harassment is not a part of an education program or activity. Among the strategies OCR recommends to prevent sexual harassment is having and implementing a sexual harassment policy. When sexual harassment does occur, institutions must act promptly and appropriately, including investigating the complaint and taking steps to end the harassing conduct.

Recommendations.

- OCR should increase its enforcement, making use of its authority to conduct compliance reviews and refer cases to the Department of Justice.
- OCR should work with community-based organizations and advocacy groups to heighten awareness and conduct technical assistance about sexual harassment and the 2001 guidance.
- Other federal agencies should adopt OCR’s sexual harassment policy guidance and devise and pursue their own enforcement strategies for the education programs and activities they fund.
- Education institutions should adopt and enforce strong, comprehensive, and comprehensible sexual harassment policies.
- Education institutions should provide ongoing training for school employees to recognize and respond to sexual harassment in schools.

Standardized Testing

C

Standardized testing has become the battlefield for a national debate on educational equity and opportunity. In early 2002 President George W. Bush signed into law the “Leave No Child Behind” Act, which requires students to be assessed each year in third through eighth grades and once in high school. This act, as well as an increasingly competitive college admissions process that leads many students to take multiple standardized tests, means that students will sit through many more hours of testing than ever before—with the stakes attached higher than at any other time in history.

A substantial record of disparities in scoring between male and female students on many standardized tests date from before Title IX’s enactment and continue over the last 30 years. These gaps have had a harmful impact on educational and economic opportunities available to women and girls as well as students of color. Under Title IX, tests must be valid predictors of success in the areas being tested and must measure what they purport to measure. If a test does not meet this standard, and if it produces a scoring deficit for one sex, it has a discriminatory impact on the members of that sex and is unlawful. Despite these requirements, most standardized tests used in K–12 classrooms and for university admissions continue to show gender gaps and underpredict the abilities of females.

K–12 Testing. The late 1990s brought unprecedented growth in K–12 testing for students. By 2002, 17 states required students to pass a test to graduate, with seven other states planning similar measures. The overall gender impact appears relatively small on many state assessments, with few differences between males and females in the aggregate. On many state exams, males tend to score slightly higher in mathematics and science, while females have the edge in language arts. While relatively little research has been conducted regarding the impact on boys as a group versus girls as a group, when gender and race are looked at together, many (if not all) state assessments show large gaps between males and females of different races, with white and Asian male students meeting graduation testing requirements at much higher rates than Latina, African American, and Native American females. Such disparities have major consequences for females of color, who are denied a high school diploma in much higher proportions than white males even though the young women have otherwise satisfied graduation requirements.

In addition to sitting for state assessments, many students must also take Stanford Achievement Tests (SAT-9) or the National Assessment of Educational Progress (NAEP). As with state assessments, disparities in achievement appear most striking between males and females of different races. A study of more than 760,000 SAT-9 test takers conducted by the Council of the Great City Schools revealed few within-race differences between males and females in Great City Schools but large gaps in achievement levels among students of different races. For example, in grade 10 math, males and females of all races performed at or above the basic level in almost exactly the same percentage when compared with their same-race peers; yet 52 percent of white males and females scored at or above the basic level, while only 14 percent of African American females and 11 percent of Latinas achieved at similar levels. Females of all racial groups scored slightly higher than males in reading comprehension, yet girls of color earned much lower scores than their white peers. On the 2000 NAEP, females continued to trail behind males in mathematics and science, a gap that grew larger since the previous exam was administered in 1996.

Although relatively little research on gender gaps in standardized testing at the K-12 level has been conducted, now that tests are being developed and institutionalized in this arena, it is critical to begin to track performance by gender to root out problems of discrimination before they become set patterns that hinder opportunity.

University Admissions Testing. In addition to the proliferation of K-12 assessments, students must take more college admissions tests and at an earlier age. In an increasingly competitive world of college admissions, many students try to augment their credentials by taking one or more Advanced Placement (AP) exams. In 2001, although females represented a larger portion of AP test takers than males, they tended to score lower than males on most AP subject exams. Females of all ethnicities earned lower average scores than males on the AP biology, calculus, chemistry, computer science, economics, English language and composition, environmental science, French language, government, psychology, statistics, and U.S. and European history exams. The gender gaps were fairly consistent regardless of ethnicity, although the gaps between Latino male and female students were larger on many exams than for other ethnic groups. The smallest gender differences tended to be between male and female Asian test takers. Because such tests are optional, score differences have gone largely unchallenged. Yet the stakes attached to these once relatively obscure tests have grown considerably, sounding an alarm about the persisting gender gaps.

Title IX has played a positive role in improving the construction methods for college admissions tests. Allegations of bias have led test makers to run statistical analyses to

ensure that individual test items do not show large gender or racial differences. Blatantly biased questions are removed in a second screening process. Despite these measures, gender and racial gaps continue to appear and have diminished only slightly in the last 30 years. Among 2001 college-bound seniors, the average combined SAT I score for females was 42 points lower than males. ACT differences were slightly less, with females ranking just 0.2 points lower than males (on a 1–36 scale). While test makers offer little explanation for the persistent gender gaps, independent researchers point to several factors as the likely culprits: the timed, multiple-choice format of the exams, a method better suited for males than females; the “guessing penalty” on the SAT; and subtle bias in the content of test questions.

The test score gap is even more troubling when one considers racial differences, which place girls from underrepresented groups in double jeopardy. Within every racial category, males outscore females on the SAT (with the exception of African American females, who have a slight edge over their male peers on the SAT-Verbal). The gender score gaps become especially alarming when compared across racial groups; for example, white males averaged nearly 200 points more than Latinas and 230 points more than African American females on SAT combined scores (out of 1,600). In an admissions process that heavily weighs SAT results or uses “cut-off” (minimum) scores, such gaps act as a culling device for those groups at the bottom of the range. Moreover, as college admissions grow more competitive and affirmative action comes under attack, women of color will be shut out of the increasingly important world of higher education simply because of their test scores.

Females’ lower scores illustrate the serious shortcomings of university admissions exams: While in general young women earn higher grades than young men in both high school and college (when matched by comparable courses), females trail on the SAT and ACT. Such discrepancies challenge test-maker claims that their products are good predictors of academic success in college. Nearly 400 colleges and universities nationwide (see www.fairtest.org for a listing) recognize the shortcomings of college admissions tests and admit a substantial number of freshman applicants without regard to SAT or ACT scores.

The gap between the sexes continues with graduate school exams. The most popular of these tests, the Graduate Record Exam (GRE), shows a male advantage on two of the three portions of the 2000 exam: Males on average scored nine points higher on the verbal and 15 points higher on the analytical sections, while females earned three points higher than males on the quantitative portion. The Graduate Management Admission Test (GMAT), used for business school applicants, shows the most sizable gender

differences, with males of all ethnicities scoring on average 27 to 50 points higher than females (on a 200-800 scale). The largest gender gaps appeared between Native American and Puerto Rican males and females, and the smallest among Mexican Americans. The disparities on graduate school tests are especially problematic given that many admissions offices tend to rely on strict test score minimums when choosing among applicants.

Title IX Enforcement. Title IX has been used to challenge discriminatory scholarship programs that rely on standardized test scores as part of the qualifying criteria. One example of this is the National Merit Scholarship competition, the most prestigious award program in the country, which relies exclusively on PSAT scores to select semi-finalists. The sifting effect of using test score cut-offs results in a finalist pool that is disproportionately white and male. Over time, females and students of color have lost millions of dollars in tuition aid through state-run and private scholarship programs that rely on test scores. In response to a federal discrimination complaint filed under Title IX by the National Center for Fair & Open Testing (FairTest), in 1999 a multiple-choice “writing skills” section was added to the National Merit Scholarship Qualifying Test. While these changes helped close the gender gap slightly on the PSAT, disparities still exist and undoubtedly lead to shortchanging females in the scholarship competition. OCR monitors this settlement, but so far little has been done to investigate the impact of the changes.

Similarly, in 1989 a federal court ruled in *Sharif v. New York State Education Department* that the State of New York could no longer rely exclusively on SAT scores to determine recipients of state Regents and Empire State college scholarships. Use of SAT scores had a discriminatory impact on female students, violating the regulations under Title IX: While males represented 47 percent of the scholarship competitors, they received 72 percent of the Empire Scholarships and 57 percent of the Regents Scholarships. Under federal orders, the state added high school grades to the qualifying criteria, a change that resulted in a more equitable scholarship distribution among male and female students.

More recently, under the Clinton administration, OCR issued a set of guidelines regarding proper standardized test use. *The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers*, draws from principles specified under Title IX as well as Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans With Disabilities Act of 1990, which prohibit discrimination against students based on their race, national origin, sex, or disability. The OCR guidelines call for reviewing several

factors: test validity, reliability, fairness, and cut-off scores and their appropriate use. If a test's use is determined to have a disparate impact against a particular group, the education institution must justify that use and employ an alternative practice when feasible. While the OCR testing guidelines provide an important framework for ensuring equitable test use, the current Bush administration marked their current status as “archived,” making implementation difficult and leaving education institutions without clear federal guidance.

While the gender gap on standardized testing has certainly decreased under Title IX, the disparities have remained largely intractable over the last five years. The recommendation in *Title IX at 25* that education institutions not rely on standardized tests alone as measures of student achievement still remains a concern in the awarding of financial aid; and while most college admissions policies include other measures of achievement (such as grades), many still employ cut-off scores to determine initial eligibility. As state and federal educational policies come to rely more heavily on standardized testing, females—particularly young women of color—will be systematically disadvantaged and blocked from important educational opportunities. Rather than serving as a tool to address educational equity as the “leave no child behind” rhetoric claims, most standardized tests diminish the quality of females’ K–12 education and block them from valuable opportunities at the undergraduate and graduate levels. Therefore, standardized tests must still be scrutinized to ensure that their designs are not biased and that they are used in equitable ways.

Room for Improvement

- The increasingly high stakes attached to many standardized tests compound the problems associated with the longstanding gender gap. The lower test scores of African American, Latina, and Native American females compared to their white and Asian peers remain a serious educational divide.
- Scholarship programs, such as the National Merit contest, continue to use test scores as a qualifying criteria. Such use leads to disproportionately fewer females receiving the valuable awards.
- Rigid use of test scores in university admissions underestimates the potential achievement of women, who score lower on the exams but perform comparably to their male peers once enrolled.

Recommendations.

- OCR should monitor closely the implementation of tests under the No Child Left Behind Act and investigate states where high-stakes uses of tests result in a disparate impact based on gender or race.
- OCR should release and widely publicize and disseminate its “archived” publication, *The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers*.
- Government agencies and higher education institutions should not use standardized test scores for the sole measures of students’ achievement or academic potential or for high-stakes purposes. Other forms of assessment and data that better reflect students’ accomplishment and potential should be employed.
- Education institutions, scholarship programs, and athletics associations such as the NCAA should guard against the use of cut-off scores. Such use is against test-maker guidelines and frequently leads to gender and racial disparities.

Technology

D+

Assessing the progress of the nation's schools in providing technology opportunities for girls and women is critical in this information-driven economy. Fluency in technology often determines the ability to get jobs, and the high-tech jobs are often the high-paying jobs. While Title IX opened paths for girls and women in fields such as math and science, girls and women are now severely underrepresented in this new field of technology and face barriers that must be addressed. Unless women and girls achieve greater parity in technology, they will continue to be underrepresented and earn less in these fields.

Importance of Technology. The introduction of technology into daily life has greatly changed how individuals and corporations operate and communicate and altered the economy of the United States. Gone are the days when manufacturing was the lead industry. The service and information technology industries have risen in its place and become an integral part of society. The rise of information technology in the workplace requires a new kind of computer fluency—defined not as the ability to use e-mail and basic tool kit functions, but rather as a comprehensive approach to technology. Fluency assumes an ability to use abstract reasoning; to apply information technology in sophisticated, innovative ways to solve problems across disciplines and subject areas; to interpret vast amounts of information with analytic skill; to understand basic principles of programming and other computer science fundamentals; and to continually adapt and learn new technologies as they emerge in the future. And as colleges and universities increase their funding of online education classes and degree programs, it becomes even more important for females to be proficient in technology use. Online programs are often seen as ideal for women who are nontraditional students (because of their age or family responsibilities), but students' inability to navigate the system renders the programs worthless.

Inadequate Teacher Preparation and Lack of Resources. Most students attend schools in which the educational environment has not kept up with technology. In fact, less than 2 percent of all computer/technology teachers have a degree in computer science. Teachers are also unlikely to have received any substantial pre-service or in-service training on how to integrate technology into the curriculum. According to an AAUW Educational Foundation survey, only 30 percent of teachers reported that they

received any technology training in an undergraduate or master's teacher education program, which probably reflects in part responses from older teachers. Only 11 percent reported that they received training specifically in how to apply or integrate computer technology into their lesson plans. In addition, 75 percent of teachers cited shortage of computers in the classroom as a major obstacle, illustrating another major impediment to teaching computer fluency at the K–12 level. Lawmakers now recognize the need for professional development in the areas of curriculum development and technology integration in the classroom as well as the need to upgrade schools and classrooms. More funding, though, still needs to be dedicated to these areas for such proposal to be successful.

High School Girls Underrepresented in Technology and Computer Science.

At both the secondary and postsecondary levels, female students are less likely to receive the necessary training in computers and technology beyond the traditionally female areas of word processing or data entry. Such classes are equivalent to the typing classes of yesteryear: While they may teach skills needed to function in the workplace, in and of themselves they offer no well-paying employment opportunities. A study by the Department of Education found that among 1994 high school graduates, men were significantly more likely to have taken computer science and computer applications courses than women. The only computer-related courses girls took more than boys were data entry. In 1998, 57 percent of the males but only 43 percent of the females who took the SAT had taken computer math courses in high school.

Girls are also underrepresented in Advanced Placement (AP) computer science classes and exams, which can translate into college credit if students receive a high score on the exam. Nationwide in 2000, girls comprised only 17 percent of the introductory-level computer science exam takers and less than 11 percent of the advanced computer science exam takers. Those who took the exams also scored lower than did their male counterparts—41 percent received the lowest score of 1, compared to 28 percent of boys.

Underrepresentation in Higher Education. The gender disparity continues once young women leave high school. Among students working toward associate's degrees, 12 percent of males but less than 2 percent of females majored in engineering or science technologies. Women receive only 20 percent of computer science and engineering-related technology bachelor's degrees. While a computer science major is not the only path to competence, women seem to be dropping out of the arena at the same time that this field is becoming an essential component of many disciplines.

Female Students Face Unequal Treatment. In some cases, girls are not receiving an equal opportunity to learn in technology-oriented classes. A recent study found that

71 percent of male teachers believed that male students were more interested in the mechanics of computer technology, and the teachers were more likely to attribute boys' success in technology to talent, while dismissing girls' successes as luck or diligence. As a result, boys may get more time and encouragement from their technology teachers. Studies of students working in groups on technology projects have found that boys tended to take over the more technically challenging tasks from female peers, often relegating girls to lower-status tasks affording limited access to new technologies. Some female students also faced sexual harassment in these classes. For example, in May 2001 a female high school student in Hawaii filed a lawsuit in federal court against the state Department of Education, alleging that she was robbed of her

opportunity to continue her interest in computers after a boy in her computer class downloaded pornographic images, superimposed her face on the pictures, and circulated them. Thus, low teacher expectations based on gender stereotypes and hostile classroom environments interfere with female students' opportunities to learn.

Limited Career Opportunities. Girls' lack of advanced knowledge and degree completion in technology arenas will limit the ability to get and maintain jobs. Occupational outlooks predict that several of the fastest-growing occupations will require computer fluency, including systems analysts, computer support specialists, and computer engineers. The fastest-growing occupations—often precursors to long-term changes in the economy—show the new directions the economy is taking. But most children, and girls in particular, do not receive the education they need to acquire such

Room for Improvement

- Fewer girls than boys enroll in computer science, feel self-confident with computers, and use computers outside the classroom.
- According to a 2000 study by the Department of Labor, nearly 75 percent of future jobs will require the use of computers, but less than 33 percent of participants in computer courses and related activities are girls. Girls take approximately half of all AP exams but only 17 percent of the AP computer science exams. Further, women receive only 34 percent of math and computer science degrees—a number that has decreased 25 percent since 1984.
- Although teenage girls use computers and the Internet at rates similar to their male peers, girls are five times less likely to consider a technology-related career path or plan on taking postsecondary technology classes. According to a 1996 study of SAT test takers, female students are less likely to have experience using computers to solve math problems but more likely to have used a computer for word processing, a skill that will not lead to high-paying, high-tech jobs.

positions. Although teen girls now use computers and the Internet at rates similar to their male peers, girls are five times less likely to consider a career in technology. Indeed, a congressional commission studying the lack of women in science, engineering, and technology concluded that “active discouragement” contributes to females’ lack of interest in those careers.

Title IX Enforcement. The government has done little to enforce Title IX in this new area of technology. OCR has apparently conducted no compliance reviews to ensure that girls and women get equal opportunities, although such reviews are sorely needed. OCR needs to make a greater effort to ensure that as education institutions incorporate technology into their programs and provide more technology opportunities to students, girls and women are not left behind.

Recommendations.

- Congress should ensure adequate funding for school technology improvements and professional development.
- OCR should increase Title IX enforcement in the area of technology, making use of its authority to provide technical assistance, conduct compliance reviews, and refer cases to the Department of Justice.
- Schools of education should prepare tech-savvy teachers who can design curricula that incorporate technology in a way that is inclusive of all students.
- Educators should ensure that girls actively participate in technology-related courses to maximize girls’ understanding of the field and guarantee that they reach their full potential.
- Education institutions should convey the connection between technology and the world of work because all jobs, including those in the arts, medicine, law, design, literature, and the helping professions, will involve more and more technology.

Treatment of Pregnant and Parenting Students

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Prior to the enactment of Title IX, pregnancy and parenting typically signified the end of a young woman's formal education. Most schools expelled pregnant students and precluded their return to school if they chose to have their babies. Under Title IX, however, schools are prohibited from discrimination against pregnant and parenting students. The law also outlaws discrimination against a student because of childbirth, false pregnancy, or recovery from these conditions as well as marital status. Despite a glaring lack of national data on compliance with these protections, anecdotal evidence suggests that schools have far to go to ensure that pregnant and parenting students are afforded every opportunity to succeed in school and in life.

Importance of Education. The importance of teen parents having access to education cannot be overstated. Research clearly shows that education contributes to students' future economic independence and self-sufficiency, and for many teen parents, access to education improves their chances of moving out of poverty and off public assistance and contributes to the health and development of their children. Unfortunately, adolescent parents attain lower levels of educational achievement than other students. A 1997 Urban Institute study found that only 30 percent of adolescent mothers earned a high school diploma by age 30, compared to almost 76 percent in the comparison group of women who delay childbirth until age 20 to 21. Teen parents also have higher rates of single parenthood and, in their first 13 years of parenthood, have an annual income of less than half the poverty rate.

While many factors contribute to young women dropping out of school, pregnancy and parenting pose major barriers to full-time school attendance. Indeed, pregnancy and parenting are the leading reasons girls give for dropping out of school. Proper implementation of Title IX can protect pregnant and parenting students from discrimination and serve as a tool to ensuring that these students receive a quality education that will allow them to attain self-sufficiency.

Barriers to Educational Success. While no comprehensive study documents the treatment of pregnant or parenting students nationally, the research of several independent organizations reveals that discrimination against pregnant and parenting students still exists. Research by the Center for Assessment and Policy Development suggests that the most common barriers to education faced by pregnant and parenting

students are (1) being strongly encouraged to attend stand-alone alternative programs of questionable academic quality; and 2) unlawful leave and absence policies.

Title IX requires that students be allowed to voluntarily choose their educational options. If a student chooses an alternative school or program, it must be of comparable quality to programs offered at a comprehensive high school. Title IX also prohibits discriminatory absence and leave policies. Students who have a physician's note must be allowed excused absences, and pregnant and parenting students may not be penalized for absences due to childbirth. If a school requires a physician's certificate for pregnant students, the school must also require such certification from all other students with physical or emotional conditions requiring a physician's care. Many school districts, however, are unaware of these requirements and have not adopted district-wide policies consistent with Title IX.

Progress Achieved. Although in the last five years neither the Department of Education nor OCR has undertaken a national initiative to address the needs of pregnant and parenting students and systemically enforce Title IX, advocacy organizations have pursued their own initiatives to help schools comply with the law. From 1996 to 1999 the Center for Assessment and Policy Development implemented an initiative in a Pittsburgh school district to help its Teen Parent Program staff protect its students' rights and better meet their educational needs. The initiative focused on raising awareness among administrators, school personnel, and students about Title IX and its implications for pregnant and parenting students. For more than two years, the center worked with the district's superintendent to require each school to develop its own policy on pregnant and parenting students consistent with Title IX. This process helped concerned parties become aware of the law and allowed for a coordinated effort among faculty, administrators, and students to make education and support services fully accessible to pregnant teens and young mothers.

School districts in other states have also made efforts to expand the scope of their services and programs for pregnant and parenting students by providing alternative approaches to credit accumulation and by changing absence and school hour policies. Additionally, some school districts have successfully maximized flexibility and equity in access to education by instituting on-site day care and other services to ease the barriers many pregnant and parenting teens face in schools.

Persistent Lack of Government Enforcement. OCR has no information regarding the number of complaints it has received about the treatment of pregnant and parenting students because complaints regarding pregnant and parenting students are not identified in the department's coding system. Further, few states have accurate

information about the number of parenting teens, unless they are part of the welfare system.

As a result of this lack of basic data collection and analysis and the apparent lack of enforcement, many pregnant and parenting students are unaware of their rights and the steps they can take if they believe their rights have been violated.

Advocacy Efforts by Organizations. It is apparent that the rights of many pregnant teens and young mothers are in jeopardy. Without strong government enforcement, legal advocacy organizations have had to take steps on behalf of pregnant and parenting students to ensure compliance with Title IX. These efforts include public education, non-litigation advocacy, and, where necessary, litigation. For example, groups such as the New York Civil Liberties Union and the California Women's Law Center have launched "Know Your Rights" campaigns in their respective states' school districts to help educate students and parents about Title IX's protections for pregnant and parenting students.

In 1998, a year after Title IX's 25th anniversary, the National Honor Society refused to admit two young mothers from Grant County, Kentucky. The school district's policy excluded 100 percent of young women who had become pregnant from premarital sex and 0 percent of young men who had premarital sexual relations. The ACLU Women's Rights Project filed a Title IX lawsuit on behalf of the two young mothers, and the court issued a preliminary injunction ordering that they be readmitted. The presiding judge stated that "although the defendants argue that they are not basing their decision on pregnancy, but rather on nonmarital sexual relations, the disparate impact on young women such as [Chipman and Glass] is apparent." On the 30th anniversary of Title IX, this and other legal victories demonstrate that discrimination against pregnant and parenting students can be stopped where there is vigorous enforcement of Title IX.

Despite legal rulings reinforcing the rights of pregnant and parenting students, some schools continue to violate Title IX. In January 2002 the Virginia Military Institute (VMI) adopted a regulation requiring a student who is married or the parent of a child to resign from VMI voluntarily or be expelled. The National Women's Law Center immediately sent a letter to VMI, informing the school that because the regulation unfairly targets and burdens pregnant students, the regulation constitutes sex discrimination in violation of Title IX. Indeed, substantial evidence exists that VMI adopted its policy as a means to exclude pregnant female students because prior to its admission of women to the school (which VMI was forced to do after a Supreme Court decision), VMI did not act to expel students based on marriage or parental status. Thus, while some schools have made small strides toward eradicating discrimination against

pregnant and parenting students, a much more deliberate and coordinated effort is necessary to ensure compliance with the letter and spirit of Title IX.

Recommendations.

- The Department of Education should collect data on the numbers of parenting students in school and whether these young women are being provided with the opportunity to stay in school.
- OCR should track the number and type of Title IX complaints it receives regarding pregnant and parenting students and pursue enforcement actions and compliance reviews as necessary.
- OCR should develop a systemic plan for providing schools with technical assistance on the rights of pregnant and parenting students under Title IX and conduct compliance reviews in targeted areas.
- School district superintendents should develop a policy regarding pregnant and parenting students consistent with Title IX and ensure that all schools comply with the policy.

ACTION AGENDA

This Action Agenda provides recommendations designed to create a blueprint for change and move closer to achieving Title IX's goal of eliminating sex discrimination in education. The list of recommendations for Congress, administrative agencies, and education programs and activities should be viewed as a starting point; undoubtedly, people working on these issues will develop additional strategies. Further recommendations are also provided in the 10 progress reports. *The Report Card's* recommendations, in tandem with efforts by students, parents, educators, and policy-makers in communities throughout the country, can help ensure that gender is not a barrier to educational opportunity.

What Can Policy-Makers Do?

President Bush and congressional leaders have identified education as a top priority. Ensuring that education opportunities are available to all students—male and female—is a critical part of the goal to improve education in our nation. Congress should take the following steps:

- Reauthorize the welfare law with increased access to education and job training programs, which have proven critical to employability, earnings, and job retention to enable recipients to attain self-sufficiency and leave welfare permanently.
- Establish a data collection system that enables analysis and evaluation by specific program area of male and female enrollment in and completion of secondary and postsecondary vocational education in the states.
- Establish a data collection system for elementary and secondary school participation in athletics disaggregated by sex, race, and national origin. Data should be collected and made available to the public on a regular basis by the Department of Education.

- Make the achievement of gender equity in education a priority in the reauthorization of the Office of Educational Research and Improvement, including providing funding for gender-equity research and for the identification of promising and exemplary programs and practices.
- In reauthorizing vocational education legislation, reinstate funding for sex-equity programs and services and state-level sex-equity coordinators.
- Reinstall funding for Title IV state educational agencies, which have provided schools with important assistance in their efforts to cultivate a nondiscriminatory learning environment.
- Establish a system for the collection of information and reporting on the incidence of sexual harassment in schools.
- Provide adequate appropriations for the Women's Educational Equity Act, the only federal program that focuses specifically on increasing educational opportunity for women and girls.

What Can the President and Administrative Agencies Do?

Every administrative agency that provides funding for educational programs or activities has the authority and responsibility for enforcing Title IX. Thus, while the U.S. Department of Education's Office for Civil Rights is the lead agency for Title IX enforcement, other federal agencies must also take proactive measures to ensure compliance with Title IX.

- Every agency that has adopted the Title IX regulations should develop a comprehensive enforcement plan that includes conducting compliance reviews in areas where inequities persist.
- Every agency and executive department should develop a strategy to ensure that federally conducted education programs and activities comply with Executive Order 13,160.
- The Department of Education should adopt regulations and guidance for the No Child Left Behind Act that are consistent with civil rights laws.
- The Department of Education should vigorously defend the Title IX regulations and guidance as valid in any legal challenges.
- OCR should release and widely publicize and disseminate its archived publication, *The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers*, and monitor the implementation of

new testing requirements to ensure compliance with Title IX and other civil rights laws.

- Agencies should develop a comprehensive strategy for heightening awareness of Title IX's requirement concerning sexual harassment, including adopting and implementing OCR's 2001 sexual harassment guidance.
- OCR should disseminate its 2001 sexual harassment policy guidance to all school superintendents and college and university presidents.
- OCR should step up its Title IX enforcement efforts by undertaking more proactive compliance reviews related to sex discrimination.

What Can Education Programs and Activities Do?

All education programs or activities that receive federal financial assistance must comply with Title IX's requirements. This includes the following:

- Designate at least one person as Title IX coordinator to organize efforts to comply with Title IX and to investigate any Title IX complaints. This person should ensure that all staff and students are educated about their rights and responsibilities under Title IX.
- Inform all students and staff of the people responsible for Title IX compliance with contact information (name, address, and telephone number).
- Notify everyone in the education program or activity about the nondiscrimination policy. Groups to notify include admission and recruitment personnel and representatives, applicants for admission and employment, students, and unions and professional organizations holding collective bargaining or professional agreements with the institution.
- Place the notice of nondiscrimination prominently in recruitment materials, bulletins, catalogs, and application forms. Colleges recruiting athletes should be sure this notification appears in materials to prospective athletes.
- Ensure that all programs facilitated by the institution do not discriminate on the basis of sex. For example, an education institution that places students in internships or on-the-job training must ensure that those programs are nondiscriminatory.
- Ensure that classes disproportionately represented by one gender are not the result of sex discrimination in counseling or appraisal materials, the use of these materials, or academic or guidance counselors' actions.

- Ensure that any separate class, activity, or program offered to pregnant or parenting students is voluntary and comparable to those offered to non-pregnant students.
- Provide female and male students with equal opportunities to participate in athletics programs.

There are many more strategies that will help move our nation toward full equal educational opportunities for all. Students, parents, and educators have an important role to play in ensuring that education programs and activities live up to their obligations under the law. Communities should determine the steps they will take to help the nation make the grade for gender equity in education in the future.

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The National Coalition for Women and Girls in Education (NCWGE) represents a diverse group of organizations committed to improving educational opportunities for women and girls. NCWGE member organizations include the following:

Academy for Educational Development
American Association for the Advancement of Science
American Association of School Administrators
American Association of University Women
American Civil Liberties Union, Women's Rights Project
American Council on Education
American Educational Research Association
American Federation of Teachers
American Psychological Association
Association for Gender Equity Leadership in Education
Association for Women in Science
Association of American Colleges and Universities
Association of Junior Leagues International Inc.
Association of Teacher Educators
Business & Professional Women/USA
Center for Advancement of Public Policy
Center for Women's Policy Studies
Council of Chief State School Officers Resource Center on Educational Equity
Federation of Organizations for Professional Women
Feminist Majority Foundation
Gallaudet University
Girl Scouts of the USA
Girls Count
Girls Incorporated
Ms. Foundation for Women
Myra Sadker Advocates for Gender Equity
National Alliance for Partnerships in Equity
National Association for Girls and Women in Sport
National Association of Collegiate Women Athletic Administrators
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National Partnership for Women and Families
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