

Help Us Beta Test!

**OPENING DOORS & OPPORTUNITIES
FOR GIRLS**

**A TITLE IX COMPLIANCE CHECK LIST:
TOP 14 QUESTIONS
TO ASK & ACT ON**

**Produced by the:
California Title IX Coalition**

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California Title IX Coalition

AAUW of California
California Center for Research on Women & Families
California Women's Law Center
Equal Rights Advocates
Legal Aid Society – Employment Law Center

What is Title IX?

Title IX is a federal law, passed in 1972, that prohibits sex discrimination in educational institutions receiving federal funding. Title IX covers all educational activities and applies to an entire school if any part of that school receives federal funds. Title IX requires that schools have a Title IX coordinator, that girls be treated equally in athletics, that students not be subjected to sexual harassment, and that pregnant and parenting teens not be discriminated against while at school.

Although the failure to comply with Title IX could lead to withdrawal of federal funds, no institution has ever had their federal funds cut for failure to comply. The U.S. Department of Education, Office of Civil Rights (OCR) is the primary federal enforcement agency that enforces Title IX. Individuals with a Title IX issue can file a complaint directly with OCR.

January 16, 2014

Parents, School Board Members, Community Leaders & Students:

The California Title IX Coalition invites you to join us in opening doors and opportunities for girls and young women in your community.

You can do this by using the enclosed *Title IX Check List* to assess your local high school's compliance with Title IX. We encourage you to make this a positive process where you conduct research and identify action steps to bring your school into compliance, if you find that it is not.

Title IX is an important federal law that requires school districts and schools to provide equal access, resources, opportunities and facilities for girls.

You can help lead this effort in your community!

We have compiled FOUR MODULES that include priority questions that you can research yourself and ask of your school's administrators. This Title IX Check List does not comprise a full-blown compliance review, but rather a set of indicators that Title IX experts believe are the most important to address in the near term.

We believe that parents and administrators, once they are aware of the law and their opportunities to support their female students and daughters, will work in partnership and make good faith efforts to bring their school into compliance.

That's why we provide an Action Work Sheet at the end of this document to compile your recommended action steps for your high school.

We also invite you to present your findings at a legislative hearing in Sacramento. Thanks to our partnership with California State Senator Hannah-Beth Jackson, we are organizing a hearing for local leaders to share the findings from their assessments using the Title IX Check List.

We look forward to working with you. Information on technical assistance, the upcoming hearing, and other updates can be found on the Title IX page at www.ccrwf.org.

Title IX Check List Contact Information

Name of Your High School _____

City _____

School Phone Number _____

School Website _____

Who completed this assessment?

List up to two contacts:

NAME _____ **Affiliation** _____

Phone Number _____ **Email** _____

NAME _____ **Affiliation** _____

Phone Number _____ **Email** _____

MODULE 1: TITLE IX COORDINATOR

Researching the questions in this module will help you understand the degree your school has identified and empowered a Title IX Coordinator to achieve compliance with this important federal law.

Research these questions at your high school:

1. How does your high school publicize the name and contact information for the Title IX Coordinator?

Check all that apply:

- On the school website
- Printed materials distributed to student and/or parents
Describe: _____
- Other: _____
- Not available

If available, please provide contact information for your high school's Title IX Coordinator:

Name _____ Title _____
Phone _____ Email _____

Observations and Comments:

Call your Title IX Coordinator and ask the following questions.

Be sure to read through the entire Title IX Check List so you understand the terms!

2. In the last year, did your Title IX Coordinator:

Assess the proportionality of girls' athletic participation? (See Module 2)

Yes No

Provide notice about the school's sexual harassment policy and complaint procedures to students, staff, and parents? (See Module 3)

Yes No

Train staff on how to respond to sexual harassment and gender-based bullying? (See Module 4)

Yes No

____ Total # of Yes Responses ____ Total # of No Responses

Observations and Comments:

What You Need to Know

Title IX requires each District to have a Title IX Coordinator and to publicize the Coordinator's contact information.

The Title IX Coordinator is the designated individual at the District who should be knowledgeable about Title IX and is responsible for ensuring that his or her District is in compliance with its requirements.

MODULE 2: ATHLETICS

Title IX requires equal athletic participation *opportunities* for girls and *equal treatment and benefits*. It also *prohibits retaliation* for complaining about inequalities for girls.

Researching the questions in this module will help you determine if your school is providing opportunities, facilities, support and equipment for girls to participate in athletics equally with boys.

Research these questions at your high school:

Opportunities for Equal Participation

Why this matters! Girls derive important benefits from participating in sports including better health, education and employment outcomes.

3. Is girls' participation in athletics proportional to their enrollment in the school?

___ Yes ___ No

Research these statistics to answer Question #3:

___ What is the number and percentage of girls enrolled at the school?

Example: If enrollment at the school is 2000 students and 1000 are girls and 1000 are boys, girls are 50% of the enrolled students.

___ What is the number and percentage of girls participating in athletics at the school?

Example: If there are 400 students participating in athletics at the school and 168 are girls and 232 are boys, girls receive 42% of the athletic opportunities ($168/400=.42$).

___ Is there a gap between the percentage of girls enrolled and the percentage of girls participating in athletics?

Example: If your school's enrollment is 50% female but the percentage of girls who are athletes is 42%, there is an 8% gap – and girls' participation would not be proportional to enrollment. *Talk to your school Principal about how opportunities for girls can be increased.*

Observations and Comments:

How to Research Enrollment & Participation

If your Title IX Coordinator or other school staff don't know the answer to these questions (they should!), then there is a website that has data on school enrollment and athletic participation! The data isn't always completely up-to-date, but it can help give you a rough approximation of girls' participation in athletics.

Here's the website:

<http://ocrdata.ed.gov/DistrictSchoolSearch>

What You Need to Know

Title IX uses a "three part test" to examine whether girls have equal opportunities to participate in athletics:

- **Proportionality:** Part one of the test looks at whether there is proportionality between girls' enrollment and girls' athletic participation.
- **History:** Part two considers whether the school has a history and continuing practice of adding athletic opportunities for girls.
- **Interest:** Part three determines if girls are interested in playing sports in greater numbers.

To determine proportionality, you must examine the percentage of girls enrolled and the percentage of girls participating in athletics.

If there is proportionality, the school is in compliance with this part of Title IX. If not, you must consider the other two parts of the test.

Equal Treatment and Benefits

Why this matters! If locker rooms, team rooms, sports facilities, weight rooms, schedules or publicity are of poorer quantity or quality for female athletes, it sends a harmful message to girls and may violate Title IX. Note that a full Title IX evaluation requires looking at more indicators, but the ones selected here are important.

Locker Rooms

4. Are female athletes provided locker rooms of the same quantity and quality as those provided for male athletes?

Yes No

Does your school have locker rooms for athletes?

Does your school have locker room exclusively for the football team?

When you inspect the locker rooms for girls and boys, do you see differences in quality, quantity, location, cleanliness, other? Explain below.

Observations and Comments:

Sports Fields

5. Are female athletes provided equal access to sports fields of equal quality?

Yes No

Does your school have a baseball field and a softball field?

When you inspect the baseball and softball fields, do you see differences in those facilities, such as the presence of cinderblock dugouts, scoreboards, bullpens, batting cages, bleachers, lights, concession stands, perimeter fencing, signage, grass quality, dirt quality, cleanliness, other?

What fields do your girls' and boys' soccer teams use?

When you inspect the fields, do you see differences such as the quality of the grass, the presence of scoreboards, lights, other?

Observations and Comments:

Schedules for Athletic Facilities

6. Are the schedules for female athletes the same in terms of convenience and visibility as those for male athletes?

Yes No

Does your school have a schedule for athletic games?

When you inspect the schedule for basketball, for example, do you see boys having games at better times or days (e.g., 7:00 p.m. on Fridays) or more games or tournaments?

Does your school have a schedule for athletic practices?

When you inspect the schedule, do you see boys having practice at better times (e.g., right after school) or for longer amounts of time or at better facilities?

Is there a schedule for weight room use? When you inspect the schedule, do you see boys having access to the weight room more often? For longer periods of time? At better times (e.g., after school)?

Observations and Comments:

Publicity

7. Are female athletes' games provided with the same quality and quantity of publicity as those for male athletes?

Yes No

Does your school have a school newspaper? A school yearbook?

When you inspect the school newspaper and/or yearbook, do you see more coverage of boys' athletics (e.g., more pages, more pictures)?

Does your school have a marquee – a physical or electronic bulletin board for posting event notices?

When you inspect the marquee(s), do you see more coverage of boys' athletics (e.g., more announcements)?

Does your school regularly send out press releases for one or several sports, but not for others?

If Yes, are boys' sports favored over girls' sports in the number or quality of the press releases?

Observations and Comments:

Module 3: SEXUAL HARASSMENT

Researching the questions in this module will help you determine if your school has taken adequate steps to prevent and address sexual harassment and gender-based bullying.

Research these questions at your high school:

Sexual Harassment Policy

8. Is there a policy against sexual harassment that is written for and directed at *students*?

Yes No

Why this matters! Many schools and school districts have policies against discrimination and harassment that are aimed at their employees, often referred to as “EEO” (equal employment opportunity) policies. However, these policies may not be applicable to or helpful for *students* facing sexual harassment.

Observations and Comments:

What You Need to Know

Sexual harassment of students is unwelcome behavior that is based on a student’s sex or gender and is bad enough or happens often enough to interfere with a student’s ability to learn and/or participate fully in school activities. It is a serious problem that can affect students at all grade levels.

Title IX requires all schools and school districts that receive federal funds to take steps to prevent and effectively address sexual harassment, including teacher-on-student or student-on-student sexual harassment and gender-based bullying. Schools and districts must also ensure that students know how to report these problems.

Complaint Procedure

9. Does your school post a clear policy or procedure for students to report or make *complaints* about harassment or gender-based bullying?

___ Yes ___ No

Observations and Comments:

Notification

10. Does the school notify students, families, and school staff about the existence and content of its sexual harassment and complaint policy for students?

___ Yes ___ No

Does your school provide the policy:

- to students and families at the beginning of the school year?
- on your school's and district's website – in a visible and accessible location?
- in a style and format that is easy to read and follow?
- in languages other than English for non-English speakers?

Tip! Enter the terms *Title IX*, *sexual harassment*, and *bullying* into the search engine for your school's or district's website. Can you easily locate and download a copy of the full policy?

Observations and Comments:

Training

11. Does the school provide training to teachers and other school staff about the sexual harassment policy that applies to students?

___ Yes ___ No

If Yes, when and how often does this training occur?

Observations and Comments:

Complaint Policy

Your school's complaint policy should include the following required or recommended elements:

- Clearly announce **to whom and where students can complain** about harassment.
- State what **conduct is covered** by the policy.
- List the **possible penalties** (e.g., punishments for students and disciplinary consequences for school employees) for committing sexual harassment.
- Explain what will happen during the **investigative process**, how **final determinations** will be made, and the **time frames** that will generally apply.
- Describe what **remedies** are available to complainants.
- Require that the school give **notice of investigation outcomes and complaint resolutions** to the parties involved.
- Explain how to file an **appeal**.
- Notify students of their right to file a claim or pursue other legal remedies** with the OCR.(www2.ed.gov/ocr), or to bring a lawsuit in court.
- Prohibit retaliation** against individuals who make a complaint or participate in an investigation of sexual harassment.
- Include a promise and procedures to **protect confidentiality**.

MODULE 4: PREGNANT TEENS

Researching the questions in this module will help you determine if your school provides pregnant teens with educational opportunities and experiences equal to their non-pregnant peers.

Research these questions at your high school:

Access to Education

12. Are pregnant students allowed to remain in the mainstream education program?

Yes No

If yes:

Are pregnant students *excluded* from any particular program or class, such as physical education or advanced placement classes? Yes No

Observations and Comments:

13. Is there an alternative or independent program (or school) for pregnant students?

Yes No

If yes:

What is the policy for placing pregnant students into such programs?

Voluntary Mandatory

If yes:

Is the alternative program comparable or equal to the mainstream program (e.g., type of curriculum provided, interaction with teachers, etc.)?

Comparable Not Comparable

Note: Schools can offer a separate program for pregnant teens but entry into the program must be voluntary. Moreover, the quality and breadth of the program must be comparable to the quality and breadth of the mainstream program.

Observations and Comments:

What You Need to Know

Under Title IX, pregnant students have the right to remain in their mainstream school and be treated as *equal* to their non-pregnant peers without discrimination or harassment by school administrators or other students.

Why this Matters!

Despite Title IX's protections, pregnant students still face a significant amount of discrimination at school.

Pregnant girls are routinely pushed out of mainstream schools and forced into "independent" or alternative educational programs that provide an inferior education.

Pregnant teens have also been banned from school activities, such as graduation ceremonies and homecoming events, because they are deemed to project an "inappropriate image" for the school. **Title IX prohibits all such actions.**

Absence Policies

14. Does the school absence policy excuse *all* absences due to pregnancy, childbirth or related medical conditions?

Yes **No**

Are there any limits on the number of absences allowed?

Yes **No**

Are there any penalties, like lower grades, associated with “excused” absences?

Yes **No**

Are there any specific classes or programs that limit the number of absences allowed? (For example, some advanced placement classes allow only 3 absences per semester in order for students to remain in the class).

Yes **No**

Note: Schools must excuse all absences due to pregnancy, childbirth or related medical conditions – with no penalties.

Observations and Comments:

Action Work Sheet

After you review all of your research and findings, identify 5-10 actions that your high school can take to improve compliance with Title IX – and open up doors and opportunities for girls! Share your results with students, parents, school administrators and school board members.

Action #1:

Action #2:

Action #3:

Action #4:

Action #5:

Action #6:

Action #7:

Action #8:

Action #9:

Action #10:

Please share your findings with the California Title IX Coalition. Email us at CATitleIX@ccrwf.org. To stay up-to-date about California Title IX Coalition activities and the availability of technical assistance, go to the Title IX page at www.ccrwf.org

CALIFORNIA TITLE IX COALITION



The Mission of **AAUW**, the American Association of University Women, is to advance equity for women and girls through advocacy, education, philanthropy, and research. AAUW was instrumental in securing Title IX passage and fighting for regulations to ensure compliance with the law, which it continues to do at local, state and national levels. AAUW has published studies on Title IX, including Sexual Harassment in Schools and Gender Inequity in Athletics, and uses these in its continuing advocacy efforts.

See <http://www.aauw.org/tag/title-ix/>



The **California Center for Research on Women and Families** (CCRWF) provides information, facilitation, analysis and policy options to help leaders improve the lives of women, families and children in our state and nation. We host the Women's Policy Summit, and have played a key role in convening and facilitating the California Title IX Coalition. Visit www.ccrwf.org or <http://ccrwf.org/title-ix/>

CALIFORNIA
WOMEN'S
LAW CENTER

The **California Women's Law Center** (CWLC) serves as a unique advocate in California, pursuing justice for women and girls in our state. Even though state and federal laws prohibit sex discrimination in sports programs in publicly funded educational institutions, girls are still losing out on the playing field. CWLC is focused on equity at the K-12 level and successfully represented Alhambra high school girls in the first Title IX class-action sports lawsuit ever certified in California for high school students.

Website: www.cwlc.org

Just Play Now (dedicated Title IX website): www.justplaynow.org



Equal Rights Advocates (ERA) protects and expands economic and education access and opportunities for women and girls. ERA is committed to ensuring that education is an opportunity enjoyed by all, regardless of sex or gender. ERA enforces Title IX, and other civil rights laws, and works to end sexual harassment and gender-based bullying in schools, ensure equal treatment and opportunities for female students and educators, and works to empower girls as leaders and break stereotypes.

Visit www.equalrights.org

<http://www.equalrights.org/legal-help/know-your-rights/sexual-harassment-at-school/>



The Legal Aid Society-Employment Law Center (LAS-ELC) promotes the rights of low-wage workers by providing working poor people and marginalized communities free legal services, education, and advocacy. Fair Play for Girls in Sports, a project of LAS-ELC, promotes the health, education, and future employment opportunities of low-income girls in grades K-12 by ensuring that school and community sports programs in low-income areas afford girls equal athletic opportunities under Title IX and AB 2404.

Visit www.las-etc.org

<http://www.las-etc.org/fair-play-for-girls-in-sports>

[http://www.las-](http://www.las-etc.org/sites/default/files/projects/Fair Play for Girls in Sports brochure.pdf)

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