

Title IX

Training from National Federation of High Schools

August 2022

10/18/2022



Title IX



The **best** in online
education for *interscholastic*
athletics and activities

- Title IX is patterned after Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in federally funded programs.
- Signed into law June 23rd, 1972, Title IX reads, ***“No person in the United States shall on the basis of sex be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”***
- The principle objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices.



Introduction to Title IX

Virtually **ALL** educational institutions receive some form of federal funding

Nearly every university, high school, middle school, and elementary school **is required to comply with Title IX**



Title IX covers all aspects of a school's educational programs, including:

- Program equity
- Recruitment
- Admissions and access to course offerings
- Pregnancy
- Athletics
- Employee recruitment and hiring
- Extracurricular activities
- Housing
- Salaries and benefits
- Financial assistance
- Facilities
- Funding
- Sex/gender/gender identity
- Sexual harassment



Title IX is not limited to *athletics*

Athletics is considered an educational program

Title IX

Title IX protects:

- Boys
- Girls
- Faculty
- Staff

Title IX is at the heart of efforts to create **gender equitable schools**



- Title IX has been interpreted to require compliance of schools in three basic areas.

1. **Effective Accommodations** of Athletics Interests and Abilities commonly referred to as the Three-Prong test,

2. **Equivalence of Other Athletic Benefits and Opportunities** often referred to as the Laundry List.

3. **Athletics Financial Assistance for Student-Athletes**

- The third area only applies to colleges and universities, so this course will focus on the first two as the core components of Title IX compliance for High Schools and Middle Schools.

A graphic with a dark blue background and a blurred image of students. It features the title "Title IX Compliance Components" at the top. Below the title are three numbered boxes, each containing a component name and its common name in parentheses. The boxes are white with a thin blue border and a large number in a white square on the left.

Title IX Compliance Components

- 1** *Effective Accommodations of Athletics Interests and Abilities* (Three-Prong Test)
- 2** *Equivalence of other Athletic Benefits and Opportunities* (Laundry List)
- 3** *Athletics Financial Assistance for Student-Athletes*

Title IX

Compliance Components

Two Components of Title IX Compliance

Participation opportunities
for students

Treatment of student-athletes

Title IX Compliance Framework

I. Effective Accommodation of Athletic Interests and Abilities

Participation Opportunities (3-Pronged Test)

Substantial Proportionality, OR
History and Continuing Practice, OR
Full and Effective Accommodations

Levels of Competition (2-Prong Test)

Equivalently Advanced Competitive Opportunities, OR
History and Continuing Practice

Accommodation of Athletic Interests

- Three- Prong Test

Three-Prong Test

We will begin with a description of each Prong of the Three-Prong Test:

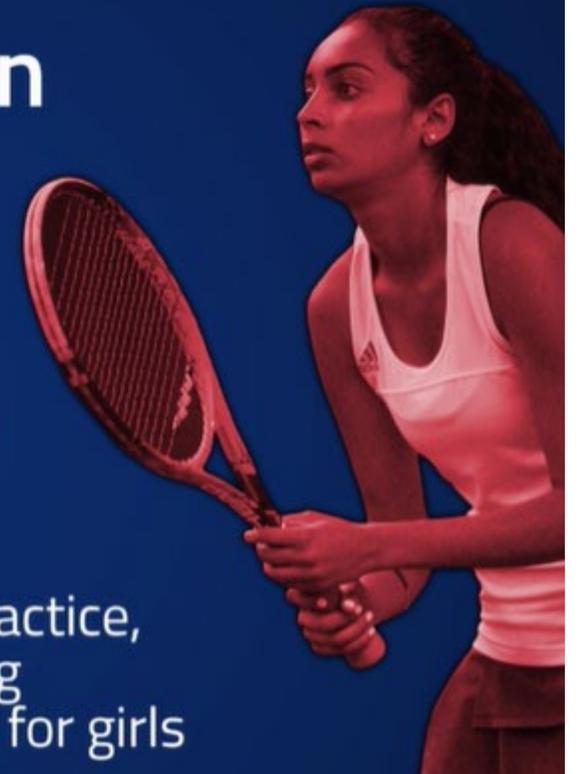
1. Substantial Proportionality
2. History and Continuing Practice of Program Expansion
3. Full and Effective Accommodation of Athletic Interests and Abilities.

Title IX

- Two-Prong Test

Levels of Competition Two-Prong Test

1. A school may provide similar numbers of male and female student-athletes with equivalently advanced levels of competition
2. A school may show a continuing practice, in the very recent past, of upgrading competitive athletics opportunities for girls





Compliance, Part II- a partial list

Title IX Compliance Framework

Component II

Equipment and Supplies

Scheduling of Games and Practice Times

Travel and Per Diem Allowance

Tutoring

Coaching

Locker Rooms, Practice and Competitive Facilities

Click each factor to learn more about the factors of Component II

It is important to understand that the factors listed under each program area require detailed analysis in the compliance process. **Therefore, school officials should seek training in order to gain an understanding of how each factor is analyzed and applied to the school's athletics program.**

Note that not all eleven areas may be relevant issues for high schools and middle schools.

Check your understanding!

True/False Questions

1. True
2. True
3. False
4. True
5. True

1. The compliance framework for Title IX consists of two broad components that basically analyze participation opportunities and treatment of student-athletes.

2. Title IX athletics compliance has been used to remedy the disparities for the “historically underrepresented gender” – females.

3. Schools must meet **all three prongs** of the three-prong test in order to be in compliance.

4. The compliance standard for Prong-One is for girls’ and boys’ rates of participation to be substantially proportionate to their respective rates of enrollment.

5. Lack of adequate sports participation opportunities is perhaps the most common Title IX compliance problem and one of the most highly litigated Title IX issues.

Title IX

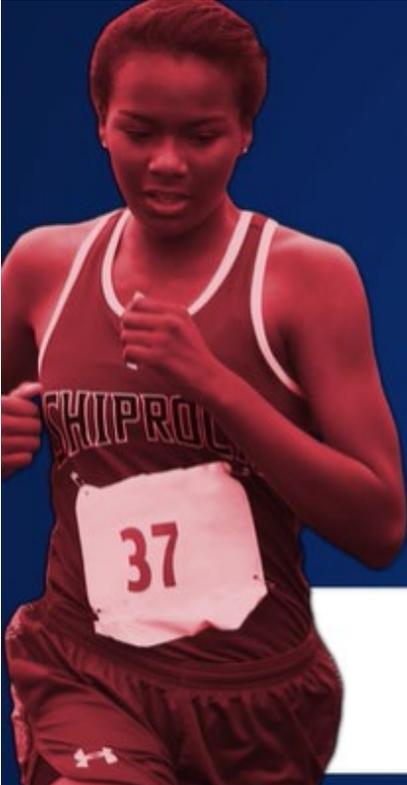
- Program Funding

ALL benefits provided to student-athletes are viewed under Title IX as *benefits provided by the school*

School districts should implement guidance of all outside funding permitted to be used for athletic programs

Title IX

- Program Funding



School officials must choose:

- Offer a program?*
- Which sports?*
- Coach compensation?*
- Facilities spending?*

These choices do not exempt a school from Title IX

Title IX

- Title IX Coordinator:
- **Staff/student, staff/staff**
 - ❖ *David Chavez-*
Title IX District Coordinator
- **Student on student sexual harassment**
 - ❖ *Brian Wall*
- **Athletics and Facilities**
 - ❖ Bryan Wells

Schools must designate a Title IX Coordinator

Title IX Coordinator processes grievance complaints and helps ensure the school is complying

Students and employees must be notified of the coordinator's name, office, and phone number

