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## An Analysis of the Implementation of Title IX in Secondary Schools of Cook County

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AN ANALYSIS OF THE IMPLEMENTATION OF TITLE IX  
IN SECONDARY SCHOOLS OF  
COOK COUNTY

by

Fredessa Mary Piper

A Dissertation Submitted to the Faculty of the Graduate  
School of Education of Loyola University  
of Chicago in Partial Fulfillment  
of the Requirements for the  
Degree of  
Doctor of Education

May

1984

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Fredessa Mary Piper  
Loyola University of Chicago  
AN ANALYSIS  
OF THE IMPLEMENTATION OF TITLE IX  
IN SECONDARY SCHOOLS OF  
COOK COUNTY

The purpose of this study was to examine the implementation process involved in executing a federal mandate at the local school district level. Title IX of the Education Amendments of 1972 was the statute used for this purpose. An additional dimension of the study involved the extent to which secondary school districts met the compliance criteria of the Title IX Regulations. The study sought specifically to ascertain: 1) What have local school districts done to meet the provisions of the Title IX statute and its regulations? 2) What was the nature of the problems local school districts encountered in implementing Title IX? 3) What changes have been made in the school districts as a result of Title IX compliance efforts? 4) What measures are needed to ensure the continuity of Title IX compliance within the school districts?

A questionnaire and an interview format relating to Title IX compliance and implementation were developed and used to obtain data from twenty-seven high school districts

and the unit district of Chicago located in Cook County. Both quantitative and qualitative methods and analyses were employed for the study.

Data included the following findings: Eighty-four percent of the administrative personnel in the districts were male; Superintendents indicated a deep commitment to implementing Title IX in the districts; Personnel was indicated to be the greatest obstacle to effective Title IX implementation; All of the districts had an established grievance procedure for handling Title IX complaints; A need for better monitoring of Title IX was indicated.

The following major conclusions were made:

1. The process of implementing Title IX created a major amount of change in certain areas of the schools, but educational leaders were in agreement with the goals of the statute. Low consensus for Title IX goals was found among male personnel in the schools.
2. A few secondary school districts were technically not in compliance with the Title IX statute.
3. Title IX had little impact on the employment practices of the school districts.
4. Societal and personal values influenced the extent to which Title IX changes were implemented.
5. Athletics and physical education were the areas of greatest change in the secondary schools.

## ACKNOWLEDGEMENTS

The writer owes a debt of gratitude to many persons for their assistance and support during this project. Special acknowledgement is due Dr. Melvin P. Heller, my advisor and committee chairman, whose insightful observations, comments and guidance contributed immeasurably to this study. Grateful appreciation is also due Dr. Max Bailey and Dr. Karen Gallagher, members of the committee, for their resourcefulness, interest and assistance in the development and completion of this dissertation.

A particular debt is owed the public school superintendents and administrators in Cook County who gave unstintingly of their time and resources to make the completion of this study a reality.

A special indebtedness is owed David whose abiding support, devotion, understanding, and advice inspired the writer to complete this work.

Finally, a tribute is owed my father, Floyd, and my mother, Zona, for indelibly etching the importance of academic achievement in my conscience, and above all else for instilling within me the knowledge that with God all things are possible.

## VITA

Fredessa Mary Piper is the daughter of Reverend Floyd Preston Piper and Zona (Jones) Piper. She was born in Monroe, Louisiana.

Her elementary and secondary education was obtained from the public schools of Houston, Texas and Chicago Heights, Illinois. She graduated from Bloom Township High School, Chicago Heights, Illinois in June 1960.

She attended Illinois State University at Normal, Illinois and received the degree of Bachelor of Science in June 1964. In September 1971, she enrolled at DePaul University where she was elected a member of Delta Epsilon Sigma. Graduating with distinction, she was awarded the Degree of Master of Education in June 1972.

She is a lecturer and a member of Phi Delta Kappa. As an educator in the public schools of Illinois, her experience has ranged from the elementary grades through junior college.

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## CHAPTER I

### INTRODUCTION

It has been eleven years since the Federal government enacted Title IX of the Education Amendments of 1972. This law was heralded as a needed piece of social engineering legislation.<sup>1</sup> Cultural attitudes toward females were outdated and needed to be reshaped.<sup>2</sup> As a catalyst for such phenomenal change, Title IX was to have eliminated sex discrimination from the educational institutions of the United States. Advocates of women's rights exposed previously unchallenged sexist policies and heightened the public's awareness of sex discrimination.<sup>3</sup> As a result, the abolition of sex discrimination in education became a national political issue in the decade of the 1970s.<sup>4</sup> Bernice Sandler, Director

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<sup>1</sup>Roger A. Freeman, "Uncle Sam's Heavy Hand in Education," National Review 30 (August 1978): 947.

<sup>2</sup>Rita Bornstein, "The Principal's Role in Title IX Compliance," National Association of Secondary School Principal's Bulletin 63 (April 1979): 42.

<sup>3</sup>Andrew Fishel and Janice Pottker, National Politics and Sex Discrimination in Education (Lexington: D.C. Heath, 1977), p. 1.

<sup>4</sup>Ibid.

of the Association of American Colleges' Project on the Status and Education of Women, said of Title IX: "It's a symbol of equity, and it's a symbol of hope, and in one sense it's a good example of how a federal law can work."<sup>5</sup> Has Title IX worked? What have women achieved since Title IX became the legal vehicle for assuring equal opportunity in education? Some say women and girls have made significant gains in achieving sex equity in federally funded education activities since its passage.<sup>6</sup> The National Advisory Council on Women's Educational Programs reported that much remains to be done to realize the original promise of Title IX in the decade of the 1980s.<sup>7</sup> Although Title IX has been effective in alleviating sex discrimination in some areas, much that has been done at the federal level, particularly by the courts, has been viewed as an attempt to weaken Title IX.<sup>8</sup> Much of the change brought by Title IX has come as a result of efforts at the local school district level.

The enactment of Title IX established the legisla-

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<sup>5</sup>"The Glass Still Only Half Full," Chicago Defender 19 October 1981, p. 14.

<sup>6</sup>"You've Come a Long Way Baby, Since '72," Chicago Tribune, 18 October 1981, sec. 2, p. 8.

<sup>7</sup>Fred S. Rosenau, "After Nearly a Decade, Is Title IX's Glass Half Full or Half Empty?" Phi Delta Kappan 63 (February 1982): 373.

<sup>8</sup>Ibid.

tive foundation for the Federal government's commitment to end sex discrimination in education. Mandating a statute and implementing its provisions in the spirit and the intent of the law through policy interpretations are often at variance with each other due to the idiosyncratic nature of particular local needs and the breadth of interpretations given the statute by these localities because of the peculiarities of local interests. School administrators have the obligation to uphold legally constituted mandates. Title IX is a legal mandate. As such, the implementation of Title IX became the responsibility of local school districts. The interim between the enactment of a federal statute and the interpretation of this mandate into school policy and administrative procedure can often be overly long because of perceived ambiguities within the wording of the statute by individuals who are responsible for translating the statute into local school district policy and practice. Title IX was authorized in 1972, but many school districts were not in compliance by the 1976 deadline. The Department of Health, Education and Welfare reported that more than 8,000 school districts were not in compliance by 1977.<sup>9</sup> Implementation and enforcement of Title IX are continuing problems of this statute.

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<sup>9</sup>Title IX News, 31 March 1977, p. 2.

Because Title IX has been fully operationalized for over 8 years, this study attempted to research the continuing efforts of school districts to achieve the changes mandated by the statute and its regulations.

#### STATEMENT OF THE PROBLEM

Virtually all educational institutions in the United States receive Federal financial assistance. With few exceptions, Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex against students and employees of education programs and activities receiving federal financial assistance. According to the regulations governing the implementation of Title IX, all school districts must comply with the Title IX statute. All school districts should have been in full compliance with all aspects of Title IX since 1978. The Commission on Civil Rights reported that most schools were still not in full compliance with Title IX as of 1980.<sup>10</sup> Moreover, those schools not complying with the statute did not perceive the sanctions for noncompliance as a real threat.<sup>11</sup>

The purpose of this study was to examine the implementation process involved in executing a federal mandate

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<sup>10</sup>Enforcing Title IX. A Report of the U.S. Commission on Civil Rights. (Bethesda, Md.: ERIC Document Reproduction Service, ED 198 647, 1980), p. 2.

<sup>11</sup>Ibid., p. 3.

at the local school district level. Title IX of the Education Amendments of 1972 is the mandate. The study identified the major performance factors superintendents utilized to implement Title IX in one county in the state of Illinois. The investigation sought specifically to ascertain:

1. What have local school districts done to meet the provisions of the Title IX statute and its regulations?
2. What was the nature of the problems local school districts encountered in implementing Title IX?
3. What changes have been made in the school districts as a result of Title IX compliance efforts?
4. What measures are needed to ensure the continuity of Title IX compliance within the school district?

#### SIGNIFICANCE OF THE PROBLEM

The denial of equal educational opportunity for girls and women in schools has also denied them equal opportunity in employment.<sup>12</sup> Differential treatment of males and females in the economic sector of the United States is a problem in our contemporary society. A large proportion of females who are members of the paid labor force occupy the worst jobs.<sup>13</sup> Although a job has no gender, past patterns of sex discrimination in occupational training

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<sup>12</sup>Ibid., p. 1.

<sup>13</sup>Taking Sexism Out of Education. (Washington, D.C.: U.S. Government Printing Office, 1978), p. 32.

and employment have kept a disproportionate number of females in low-paying, low-security jobs.<sup>14</sup> A report issued by the National Advisory Council of Economic Opportunity concurred that the employment outlook for women is bleak.<sup>15</sup>

Title IX of the Education Amendments of 1972 along with legislation such as the Equal Pay Act of 1963 and the Equal Employment Opportunity Act of 1972 was enacted to help rid the United States of discriminatory practices against females. Title IX was perceived by citizens and legislators as a strong measure which would legally remove barriers which prevented girls and women from attaining access to equal educational opportunities in our nation's schools. The promise of real equality of the sexes cannot become a reality if the laws granting the equality are not implemented and enforced in the manner they were originally meant to be. The link between education and wages from employment has been established in our society.<sup>16</sup> Moreover, the majority of American men and women condone the

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<sup>14</sup>Ibid., p. 50.

<sup>15</sup>"Every Woman has become Feminist in Her Own Way," Chicago Tribune, 27 June 1982, Perspective, p. 5.

<sup>16</sup>Martha Matthews and Shirley McCune, The Context of Title IX (Bethesda, Md.: ERIC Document Reproduction Service, ED 185 473, 1978), p. 24.



idea that the sexes are fully equal.<sup>17</sup> With the removal of legal and cultural barriers, girls and women should be able to participate fully in our educational institutions and in the labor force without the threat of pernicious discrimination relegating them to the status of inferior or second-class citizens.

Educational institutions have the responsibility of preparing all students, male and female alike, to participate in the sweeping technological, economic, and social changes permeating our society.<sup>18</sup> We cannot expect students to be free of sex-bias in their expectations for themselves and others as they prepare for a variety of life roles if the policies and practices of our educational institutions are not free of sex discrimination.

The thrust to rid the United States of discriminatory practices in education and employment became a joint effort between the Federal government and the separate states. For example, the state of Illinois' effort to end sex discrimination in Illinois schools became apparent in 1975

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<sup>17</sup>Taking Sexism Out of Education, p. 130.

<sup>18</sup>Shirley McCune and Martha Matthews. Planning for Change: . . . Implementing Title IX and Attaining Sex Equity (Bethesda, Md.: ERIC Document Reproduction Service, ED 185 471, 1978), p. 7.

with the enactment of P.A. 79-597.<sup>19</sup> This legislation sought to eliminate discriminatory practices in three areas:

1. Employment, including recruitment, hiring, placement, and promotion of educational personnel in the state's elementary and secondary schools.<sup>20</sup>

2. Student admission policies and practices regarding academic and vocational courses of instruction offered by the state.<sup>21</sup>

3. Physical education, intramural and interscholastic athletic programs or comparable programs supported from school district funds.<sup>22</sup>

The state's anti-discrimination legislation reflected the intent of the federal statute in that both students and employees of educational institutions were affected. The state of Illinois became allied with the federal government in its struggle against sex discrimination in education.

This study is significant because it is a contribution to the body of knowledge concerning policy implementa-

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<sup>19</sup>Illinois, Public Act 79-597, Revised Statutes, Chap. 122, 1975.

<sup>20</sup>Ibid, sec. 24-4.

<sup>21</sup>Ibid, sec. 21-1 and 34-18.

<sup>22</sup>Sex Equity in Illinois Schools: Problems, Research and Remedies (Springfield: Illinois Office of Education, 1977), p. 54.

tion. More specifically, current conditions of compliance with Title IX and the Title IX Regulations which were used to implement the nondiscrimination criteria in given policies and practices of academic secondary schools were researched. Data obtained from this study should be of worth to superintendents who are dedicated and committed to delivering non-discriminatory, sex equitable services based on the guidelines of Title IX to both males and females in public educational institutions.

#### RESEARCH METHODOLOGY

The descriptive survey was the method of research utilized to examine the implementation of Title IX at the local school district level. This method was considered appropriate for this study because descriptive research studies focus on determining the nature of the current status of phenomena.<sup>23</sup>

John Best said that descriptive research involved description, recording, analysis and interpretation of what is.<sup>24</sup> The researcher must compare, contrast and discover

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<sup>23</sup> Donald Ary, et. al, Introduction to Research in Education, 2nd. ed. (New York: Holt, Rinehart and Winston, 1979), p. 295.

<sup>24</sup> John Best, Research in Education, 4th ed. (Englewood Cliffs: Prentice-Hall, 1981), p. 25.

relationships between existing nonmanipulated variables.<sup>25</sup> The survey method can be most useful when the desired information is for problem solving rather than for hypothesis testing.<sup>26</sup> Present educational conditions or trends can be determined by survey methodology.<sup>27</sup> Surveys are not the sole ingredient of decision-making, but they can generate information upon which superintendents and other administrators can form sound decisions.

#### SUBJECTS OF THE STUDY

High school districts were utilized for this study because Title IX was aimed toward secondary and higher education programs and students. The twenty-seven high school districts plus the unit district of Chicago were selected as the target population for this study. All of these districts are located in Cook County. These districts range from large to small and they are sufficiently diverse to provide a microcosm of secondary schools in the Chicago metropolitan area.

The superintendent of each district was selected to furnish data on the implementation of Title IX. The selec-

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<sup>25</sup>Ibid.

<sup>26</sup>Introduction to Research, 2nd ed., p. 295.

<sup>27</sup>Tyrus Hillway, Handbook of Educational Research (Boston: Houghton Mifflin Company, 1969), p. 31.

tion of the superintendent was made because of the following considerations: (1) Local education agencies have been more directly responsible for implementing Title IX than has the Federal government. (2) As the chief school administrator, the superintendent is obligated to uphold legal mandates such as Title IX. (3) The superintendent is responsible for the day-to-day management of the entire school district.

Title IX coordinators and other district administrators furnished the data on the questionnaire and the interview in some instances where time constraints prevented the superintendent from participating in the study.

#### STUDY INSTRUMENTS

Both the questionnaire and the interview, common to descriptive research surveys, were employed as data gathering instruments for this study.

A questionnaire is used when factual information is sought. The questionnaire was employed for this study because it was considered efficient, practical and uncomplicated to analyze. The structured, closed-form questionnaire employed in this study was designed to secure factual information on Title IX. Some advantages of this type questionnaire are that it is easy to fill out, it takes little time, it keeps the respondent on the topic, it is relatively objective and it is easy to tabulate and analyze.<sup>28</sup>

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<sup>28</sup>Research in Education, p. 169.

Some disadvantages of this type questionnaire are that it forces subjects to choose from preselected answers, it is difficult to word questions clearly, limited alternatives do not represent the subjects' true attitude, and mailed questionnaires generally have a low return.<sup>29</sup>

Extensive reading on Title IX and the Regulations was the initial step in the preparation for drafting the questionnaire on Title IX used in this study. A review of the literature and other pertinent, related material led the researcher to formulate the four basic questions researched in the study.

Specific questions to be included on the questionnaire were prepared once the primary purpose of the study was known and the research questions defined. A number of sources were consulted to formulate these questions.<sup>30</sup>

Finally, using criteria suggested by Best and Hillway on what constitutes a good questionnaire,<sup>31</sup> the researcher developed the questionnaire used for this study. After the questionnaire was developed, it was submitted to three public

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<sup>29</sup>Introduction to Research in Education, p. 175.

<sup>30</sup>Several ERIC documents were used: A Guide for Title IX Self-Study, ED 170 931; Planning for Change, ED 185 471; Suggestions for Local School District Compliance with Title IX Rules and Regulations, ED 158 390; Title IX Signposts, ED 183 656.

<sup>31</sup>Best, Research in Education, pp. 32-35; Hillway Handbook of Educational Research, pp. 176-178.

school administrators, two teachers and several university professors for refinement and reaction to content and form. The questionnaire in its final form can be found in Appendix B.

The interview format on the implementation of Title IX was developed after the questionnaire but in much the same manner. Questions were categorized according to the four research questions under investigation. A major difference between the questions on the interview and those on the questionnaire was that the interview questions were open-ended. This format permitted the subjects to answer at length in their own words.

The interview technique calls for a verbal face-to-face relationship where certain types of information may be given. Because subjects are usually more willing to talk than to write, the interview is held by some as superior to other data-gathering techniques.<sup>32</sup> Similar to an oral questionnaire, the interview is capable of providing a greater depth of response.<sup>33</sup> Being able to explain the meanings of questions that are ambiguous to subjects is one advantage of the interview. Another advantage is being able to get be-

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<sup>32</sup>Best, Research in Education, p. 164.

<sup>33</sup>Ibid., p. 165

neath surface reactions.<sup>34</sup> The problems of interviewer bias and time are the major disadvantages of this technique.<sup>35</sup>

Using the same sources utilized in the construction of the questionnaire,<sup>36</sup> the researcher constructed the interview on Title IX. The first draft of the interview was submitted to several university professors for comment. Acting upon their suggestions, the researcher revised the interview to its final form as it appears in Appendix D.

#### METHOD OF DATA COLLECTION

The 1982-83 Directory of Suburban Cook County Public Schools was used to locate the addresses, telephone numbers and the names of the superintendents of the high school districts selected for this study.

A packet containing a cover letter (see Appendix A), the questionnaire and a stamped, self-addressed return envelope was mailed to each of the twenty-eight high school district superintendents in Cook County.

Two weeks later, a follow-up letter (see Appendix C) was sent to all districts in the survey area that had not returned the questionnaire.

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<sup>34</sup>Ibid., p. 167

<sup>35</sup>Ibid.

<sup>36</sup>See note 30.



After another two-week interval, telephone calls were made to the offices of those superintendents who still had not responded to the questionnaire. A request for assistance from another administrator who was assigned Title IX responsibility or who was knowledgeable about Title IX was made. Where requested, a second questionnaire was mailed to the district.

When a sixty percent return of the questionnaire was achieved, telephone calls were made to the district offices to secure an interview with the superintendent or the Title IX coordinator of the district.

#### TREATMENT OF THE DATA

A frequency count was made of individual responses to each of the items on the questionnaire. In addition to giving the number of responses, this procedure also gave the percentage of the responses for each item. Some of the data were organized into a composite index. The composite index was computed by summing the product of the numeric option that was selected by the number of times each option occurred. This sum was then divided by the total number of responses from the population of the study. Charts and tables were then constructed from these data.

Responses from the open-ended items on the questionnaire were scrutinized to ascertain variety, frequency, pat-

terns and inconsistencies. Some of these responses were utilized in the process of summarizing the data.

Data obtained from the interview which did not facilitate statistical treatment were analyzed and interpreted qualitatively.

#### LIMITATIONS OF THE STUDY

The researcher determined the following factors to be limitations to this study:

1. Only one statute, Title IX, plus its implementing Regulations were investigated in this study.

2. The study was limited to implementation of Title IX in selected public secondary schools.

3. Vocational secondary schools were excluded from this study.

4. Information relative to implementation was sought from administrators only and is limited to their knowledge base.

5. Generalizations to other educational institutions may not be based on the findings of this study.

6. The public school districts utilized in this study were limited to the state of Illinois.

7. The Illinois public school districts were all located in Cook County.

8. Private secondary schools were excluded from this study.

9. The findings were limited by the constraints inherent in the survey methodology utilized in the study.

#### DEFINITION OF TERMS

These definitions should provide clarity to terms used throughout this study.

Affirmative Action: Three meanings are currently used.<sup>37</sup>

1. The prevention and/or elimination of discrimination in employment by the systematic modification of institutional structures to insure equal employment opportunities for all.

2. Employer - initiated development of a set of procedures to insure that job applicants and employees are treated alike regardless of race, color, religion, sex, or national origin.

3. Corrective or remedial action which an institution takes as a result of the identification of discrimination.

Compliance: Compliance is conformity in fulfilling a formal or official requirement. It is cooperation prompted by official or legal authority. The act of conforming to official or legal norms.<sup>38</sup>

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<sup>37</sup>Ben M. Harris et al., Personnel Administration in Education (Boston: Allyn and Bacon, 1979), p. 224.

<sup>38</sup>Webster's Third New International Dictionary (Springfield: C.C. Merriam, 1976).

Contact Sports: Those sports which involve bodily contact: boxing, wrestling, rugby, ice hockey, football, and basketball.<sup>39</sup>

Educational Institution: A local educational agency such as a public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education.<sup>40</sup>

Equal Access: The availability of opportunity to participate fully in the learning process without discrimination on the basis of sex.<sup>41</sup>

Equal Employment Opportunity: This concept refers to administrative practices and policies which guarantee that staff will be hired, dismissed, promoted, demoted, assigned, paid, and otherwise treated without regard to race, sex, religion, or national origin.<sup>43</sup>

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<sup>39</sup>"Title IX Regulations," Part 106, sec. 106.41.

<sup>40</sup>P.L. 92-318, sec. 901(c).

<sup>41</sup>Matthews and McCune, Implementing Institutional Self-Evaluation, p. 7.

<sup>42</sup>Gordon Gee and David Sperry, Education Law and the Public Schools: A Compendium (Boston: Allyn and Bacon, 1978), p. E-8.

<sup>43</sup>Ibid., p. E-18, 19.

Federal Financial Assistance means any of the following: grants, loans, scholarships, wages, property, services, or contracts.<sup>44</sup>

Implementation is the stage of policy making between the establishment of the policy by legislative act and the consequences of the policy for the people whom it affects.<sup>45</sup>

Recipient: A recipient is any public or private agency, institution or organization, or other entity, or any person which operates an education program or activity and to whom Federal financial assistance is extended, directly or indirectly.<sup>46</sup>

School District: A school district is an instrument of the state which operates under state laws and is intended to execute the state's policy for the administration of public education. The geographical jurisdiction of the school district is determined by boundary lines that designate the area whose population it serves and whose population will support it.<sup>47</sup>

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<sup>44</sup>"Title IX Regulations," Part 106, sec. 106.2

<sup>45</sup>George C. Edwards, Implementing Public Policy (Washington, D.C.: Congressional Quarterly Press, 1980), p. 1.

<sup>46</sup>"Title IX Regulations," Part 106, sec. 106.2.

<sup>47</sup>Gerald L. Gutek, Education and Schooling in America (Englewood Cliffs: Prentice Hall, 1983), p. 104.

Secondary School: A school between elementary school and college which is commonly composed of grades nine through twelve.<sup>48</sup>

Secondary School (Academic): A secondary school that emphasizes non-vocational subjects, particularly those thought to constitute preparation for schools and colleges of arts and sciences.<sup>49</sup>

Secondary School (Vocational): A high school offering training in one or more skilled or semi-skilled trades or occupations, along with certain related subjects, as well as a wide variety of elective nonrelated subjects having general rather than purely vocational value.<sup>50</sup>

Sex-Bias: Attitudinal positions which demean females by using patronizing language, or the conscious omission of the actions and achievements of women, or the portrayal of females and males only in stereotyped roles with less than the full range of human interests, traits and capabilities.<sup>51</sup>

Superintendent: A specialized public school administrator who by virtue of professional training, license, and appointment is entrusted with responsibility for the day-to-

<sup>48</sup> Carter v. Good, ed. Dictionary of Education, 3rd ed. (New York: McGraw Hill, 1973), p. 436.

<sup>49</sup> Ibid., p. 281.

<sup>50</sup> Ibid., p. 283

<sup>51</sup> Taking Sexism Out of Education, p. 13.

day management of an entire school district or system.<sup>52</sup>

Title IX: A Federal law which prohibits sex discrimination in schools. Enacted in 1972, the main provision states:

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.<sup>53</sup>

Title IX Coordinator: The designated, responsible employee who coordinates the educational institution's efforts to comply and carry out its responsibility under Title IX guidelines.<sup>54</sup>

#### ORGANIZATION OF THE STUDY

Chapter I presented the nature and purposes of this study. The research methodology was given. The remaining chapters of this study will be organized as follows:

Chapter II will review the literature related to Title IX, the Title IX Regulations, and the policy implementation process. Case law and unpublished research studies will be included.

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<sup>52</sup>Ibid., p. 283.

<sup>53</sup>20 U.S. Code, sec. 1681.

<sup>54</sup>45 Code of Federal Regulations 30955, Part 106, sec. 106.8.

Chapter III will present the findings of this study. The presentation of data will be given with the interpretation and analysis of the data.

Chapter IV will give the summary, conclusions, and recommendations of this study.



## CHAPTER II

### A REVIEW OF THE LITERATURE

The purpose of this chapter is to review selected books, articles, papers and government documents which are significant to this study. The chapter will review: (1) the historical origin of Title IX, (2) the provisions of the Title IX statute, (3) the regulations governing Title IX, (4) the process of policy implementation, (5) case law and (6) unpublished studies which are relevant.

The efforts of women's rights advocates to overcome sex discrimination in education culminated in the passage of Title IX of the Education Amendments of 1972. At the time of its debate and passage, this public law offered a vehicle by which millions of federal dollars could be dispensed to higher education. Originally the law was to provide financial aid to higher education. With the process of amendment, this legislation became a significant federal policy to eradicate discriminatory practices as they relate to the sexes from the United States. Although Title VII of the Civil Rights Act of 1964 prohibited discrimination in private employment on the basis of race, color, religion, sex or national origin, it excluded educational

institutions from its terms.<sup>1</sup> Title IX of the Education Amendments of 1972 brought those in education under the equal employment provision of Title VII as it prohibited sex discrimination in educational institutions receiving federal funds.

### Title IX's Origin

Title IX had its genesis in the 91st Congress where the Committee on Education and Labor held hearings on H.R. 16098, an omnibus bill which encompassed many issues relating to higher education.<sup>2</sup> These hearings elicited sufficient testimony to establish that women were being discriminated against in higher education institutions. Disclosures that women were subjected to higher admissions standards than men and that differences in rank and salary of higher education faculty were sex based surfaced.

H.R. 7248 was the new higher education bill which was introduced in the 92nd Congress. This bill had an anti-discrimination section and contained substantially different wording than the Senate bill. The House of Representatives began considering H.R. 7248 on October 27, 1971. After debating the bill for four days, the House passed H.R. 7248 on November 5, 1971. The wording of the House bill read

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<sup>1</sup>U.S. Congressional and Administrative News, 92nd Cong., 2nd sess., 1972, p. 2512.

<sup>2</sup>Ibid., p. 2463.

in part:

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 educational program or activity receiving Federal financial assistance, except that this subsection shall not apply--

(1) in the case of an educational institution in which substantially all the students are of the same sex,<sup>3</sup>

(2) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such change which is approved by the Commissioner of Education, or

(3) to an educational institution which is controlled by a religious organization and where the application of this subsection would not be consistent with the religious tenets of such organization.<sup>4</sup>

The Senate sex discrimination bill was S.659. It was introduced in February of 1971 by Senator Claiborne Pell. Senate passage of this bill initially occurred in August of 1971 without a sex discrimination provision. The wording of the Senate bill read as follows:

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

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

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<sup>3</sup>House Report 554 defines "substantially" of the same sex as "an enrollment of 90% or more of one sex."

<sup>4</sup>Congressional Record 117, November 4, 1971, pp. 39364-39365.

(2) in regard to admissions to educational institutions, this section shall not apply for one year from the date of enactment, nor for six years thereafter in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such change which is approved by the commissioner of Education;

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization; and

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine.

(b) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such terms mean each school, college or department.<sup>5</sup>

Because the House of Representatives and the Senate passed substantially different versions of the then Title X, a Conference Committee was formed to resolve the differences in the two versions. The Committee's task was to incorporate provisions from both the House and Senate bills into a new Title IX.

Some Congressmen voiced their concern that the provisions of this title affecting enrollment admissions policies represented additional Federal intrusion into and restric-

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<sup>5</sup>Congressional Record 118, February 28, 1972, p. 5802.

tions and controls over higher education institutions that were not needed.<sup>6</sup> They felt that the federal government should not "reach into the heart" of private educational institutions to curtail or abrogate the institution's control over the composition of its own campus.

The change away from single sex institutions is occurring and we don't believe that it needs a Federal 'push'. . . . For the Federal Government to legislate away one of the most fundamental types of diversity, the ratio of sexes at any one institution, is to deny the individual student a full range of choice and to curtail the autonomy of private institutions.<sup>7</sup>

Believing it unreasonable to require colleges to change their admission policies in order to balance the ratio of the sexes in the student body, Congress adopted a text which would not require colleges to alter their admission policies or recruitment of students in order to achieve a certain quota of students based on the division of the sexes. The language of the subcommittee text incorporated into Title IX read:

Nothing contained in this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: Provided, That this subsection shall not be con-

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<sup>6</sup>U.S. Congressional and Administrative News, 92nd Cong., 2nd sess., 1972, p. 2590.

<sup>7</sup>Ibid.

strued to prevent the consideration in any hearing or proceeding under this title of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.<sup>8</sup>

Passage of the new Title IX legislation occurred on May 24, 1972 in the Senate and on June 8, 1972 in the House of Representatives.<sup>9</sup> President Richard Nixon signed S.659 into law on June 23, 1972. This new legislation became P.L-92-318.<sup>10</sup> The text of this statute reads:

#### TITLE IX - PROHIBITION OF SEX DISCRIMINATION

Sec. 901. (a) 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, except that:

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education:

(2) in regard to admissions to educational institutions, this section shall not apply (A) for one year from the date in the case of an educational institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education or (B) for seven years from being an institution which admits only students of only one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education, whichever is the later:

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<sup>8</sup>Ibid., p. 2591.

<sup>9</sup>Ibid., p. 2462.

<sup>10</sup>Weekly Compilation of Presidential Documents 8, Monday, June 26, 1972, pp. 1084-1085.

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization:

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the Merchant Marine; and

(5) in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(b) Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: Provided, That this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this title of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of any such program or activity by the members of one sex.

(c) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each school, college or department.<sup>11</sup>

### Title IX Changes

Title IX was analyzed as to its substance, its applicability and its implementation in the Education Amendments

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<sup>11</sup> Education Amendements of 1972 in U.S. Congressional and Administrative News, 92nd Cong., 2nd sess., 1972, pp. 444-445.

of 1974. During this review Senator Tower introduced an amendment to exempt revenue - producing sports from the jurisdiction of Title IX. This amendment was brought about due to the powerful lobbying efforts of male athletic directors and university presidents. The Senate approved this amendment with no debate.<sup>12</sup> Under provisions of the Education Amendments of 1974 Congress, via a concurrent resolution, could disapprove of the rules and regulations which had been signed by the President.<sup>13</sup>

President Gerald Ford made the following comment as he signed H.R. 69 into law:

A troublesome feature of this bill would inject the Congress into the process of administering education laws. For instance, some administrative and regulatory decision of the Department of Health, Education and Welfare would be subjected to various forms of Congressional review and possible veto. As a veteran of Congress, I fully appreciated the frustration that can result in dealing with the executive branch, but I am equally convinced that attempting to stretch the constitutional role of the Congress is not the best remedy. The Congress can and should hold the executive branch to account for its performance, but for the Congress to attempt to administer Federal programs is questionable on practical as well as constitutional grounds.<sup>14</sup>

Social fraternities and sororities, the Young Men's Christian Association, the Young Women's Christian Associa-

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<sup>12</sup>Congressional Record 120, May 21, 1974, p. 15323.

<sup>13</sup>Education Amendments of 1974, H. Conf. Rept. 93-1211 to Accompany H.R. 69, 93rd Cong., 2nd sess., 1974, pp. 91-92.

<sup>14</sup>Weekly Compilation of Presidential Documents 10, August 26, 1974, p. 1057.



tion, Girl Scouts, Boy Scouts, Camp Fire Girls and voluntary youth service organizations were exempted from the provisions of Title IX by a congressional amendment in December of 1974.<sup>15</sup> Further exemptions were made in October of 1976.

At that time the activities of Boys State, Girls State, father-son and mother-daughter activities, and scholarships awarded by beauty pageants were excluded from the provisions of Title IX.<sup>16</sup>

Although the amendments of 1974 and 1976 have been the only statutory changes in Title IX to date (1983), changes affecting the administration of Title IX have occurred. The Department of Health, Education, and Welfare became the Department of Education on October 17, 1979.<sup>17</sup> The person receiving responsibility for the administration of Title IX in this department is the Secretary of Education. On November 2, 1980, Executive Order 12250 gave the Attorney General authority for the coordination, the implementation and enforcement of Title IX.<sup>18</sup> The function of the President of the United States in approving rules and regulations of Title IX was also delegated to the Attorney General at that time.<sup>19</sup>

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<sup>15</sup>P.L. 93-568, sec. 3(a), 88 Stat. 1862.

<sup>16</sup>P.L. 94-482, Title IV, sec. 412(a) (1976).

<sup>17</sup>P.L. 96-88, Title III, sec. 301, 93 Stat. 677 (1979).

<sup>18</sup>45 Federal Register 72995.

<sup>19</sup>Ibid.

The federal government attempted to alter the American public's attitude on discriminatory practices toward women by passing Title IX of the Education Amendments of 1972. Essentially, this statute is a piece of civil rights legislation which prohibits sex discrimination in educational institutions receiving federal financial assistance. With its emphasis on equal rights for women, Title IX may be viewed as the most recent development in the legal structure of our government which attempts to rid this country of discrimination.

Although the Fourteenth Amendment has traditionally been the vehicle used by the courts to remedy all matters of discrimination, it has been ineffectual in the area of sex discrimination. Since its ratification and the era of the 1970s the Supreme Court has not found any statute which discriminated on the basis of sex to be in violation of the Fourteenth Amendment.<sup>20</sup> As a recent category, sex fits in with the categories of social minorities which are now being scrutinized under the umbrella of the equal protection clause.<sup>21</sup>

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<sup>20</sup>Mark Kadzielski, "Title IX of the Education Amendments of 1972: Change or Continuity?" Journal of Law and Education 6 (April 1977): 184.

<sup>21</sup>Ibid.

That sex discrimination in education is a result of traditional, societal values of the American people is recognized by Caspar Weinberger, former Secretary of Health, Education, and Welfare. He said in 1975: "Much of discrimination today against women in education exists unconsciously and through practice long enshrined in tradition."<sup>22</sup> Most individuals have failed to notice that sex discrimination in America is as pervasive as racial discrimination. Nevertheless, responsible measures such as Supreme Court decisions and statutory laws have done much to alleviate sex discrimination in America in the twentieth century. Title IX of the Education Amendments of 1972 is one such responsible statute which intended to establish and enforce women's rights in education.

Title IX: The Statute

The preamble to Title IX states the following:

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.<sup>23</sup>

As an outright prohibition of sex discrimination, Title IX is structured on the basis of Title VI of the Civil

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<sup>22</sup>Caspar Weinberg, H.E.W. News (Washington, D.C.: U.S. Government Printing Office, 1975), p. 1.

<sup>23</sup>20 United States Code Service, sec. 1681(a) (1976).

Rights Act of 1964. Title VI prohibits discrimination in all federally funded programs on the basis of race, color and national origin.<sup>24</sup> On the other hand, Title IX is applicable only to federally funded education programs and activities. Both students and employees in educational institutions are covered. The areas of student life which encompass the prohibition against sex discrimination include educational programs and activities, employment, health services, financial aid, housing, athletics, testing, admissions and virtually all other programs and services of the institution.<sup>25</sup>

Vocational, professional, graduate and public undergraduate schools are prohibited by this statute from discriminating on the basis of sex in admissions.<sup>26</sup> Any public or private educational institution which receives federal funds via grants, student loans or contracts--other than contracts of insurance or guaranty--are compelled to comply with the provisions of Title IX.<sup>27</sup> Educational institutions at all levels from preschool to graduate school are under the auspices of this statute.<sup>28</sup>

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<sup>24</sup>42 United States Code, sec. 2000 (1970).

<sup>25</sup>Mitzie Perry-Miller, Why, What and Where To? Title IX Educational Amendments of 1972. (Bethesda, Md.: ERIC Document Reproduction Service, ED 128 024, 1976), p. 3.

<sup>26</sup>20 United States Code Service:, sec. 1681(1) (1976).

<sup>27</sup>20 United States Code Annotated, sec. 1682 (1978).

<sup>28</sup>Ibid., sec. 1681(c).

Noticeable exemptions from Title IX's provisions include:

1. military schools which train individuals for military service or the merchant marine;<sup>29</sup>
2. religious educational institutions with contrary religious tenets;<sup>30</sup>
3. the membership practices of social fraternities and sororities at the post-secondary level;<sup>31</sup>
4. the Boy Scouts, Girl Scouts, Campfire Girls, Young Men's Christian Association, Young Women's Christian Association and certain voluntary youth service organizations;<sup>32</sup>
5. higher education scholarship awards in beauty pageants;<sup>33</sup>
6. father-son, mother-daughter activities at educational institutions;<sup>34</sup>
7. Boy's State, Girl's State, Boys Nation, Girls Nation conferences of the American legion.<sup>35</sup>

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<sup>29</sup>Ibid., sec. 1681(4)

<sup>30</sup>Ibid., sec. 1681(3).

<sup>31</sup>Ibid., sec. 1681(6) (A).

<sup>32</sup>Ibid., sec. 1681 (6) (B).

<sup>33</sup>Ibid., sec. 1681 (9).

<sup>34</sup>Ibid., sec. 1681 (8).

<sup>35</sup>Ibid., 1681 (7) (A) (B).

Private undergraduate schools, public and private pre-schools and elementary and secondary schools which are not vocational, and schools that have traditionally admitted only persons of one sex are exempted from the admissions requirements of Title IX.<sup>36</sup> Schools that are in transition from single sex to co-educational schools are given seven years to complete the transformation. During this seven year period, these schools may continue to make admissions decisions based on sex.<sup>37</sup>

The power to enforce the provisions of Title IX lies with the Office of Civil Rights which is responsible for the Department of Health, Education, and Welfare of the federal government. Section 1682 of the Title IX statute stipulates that:

1. Each federal agency which offers financial assistance to an educational program is also authorized to create rules and regulations which not only authorize the funds but which also spell out how the monies should be spent. All types of federal financial assistance are included except contracts of insurance or guaranty.

2. Presidential approval is needed to effectuate any rule, regulation or order of general applicability.

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<sup>36</sup>Ibid., sec. 1681 (5).

<sup>37</sup>Ibid., sec. 1681 (2) (B).

3. Financial assistance may be terminated after a finding of non-compliance with Title IX. A formal hearing is necessary before funds can be cut off. However, compliance can be enforced by "any other means authorized by law." For example, no hearing is required for HEW to delay funds while "negotiating" with an institution to bring about voluntary compliance. HEW may also refer non-complying institutions to the Department of Justice for judicial enforcement proceedings.<sup>38</sup>

4. The phrase "education program or activity" limits the types of political parts to which Title IX and terminations of financial assistance are applicable.

5. Due process must be adhered to. Before funds can be delayed or terminated under Title IX, HEW must notify the educational institution or department of its finding of non-compliance. Moreover, HEW must have exhausted its efforts to secure voluntary compliance from the institution or department involved.

6. No action terminating or refusing to grant or continue assistance will go into effect until 30 days after a report of the impending action has been sent to the appropriate congressional committees.

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<sup>38</sup>Ibid., sec. 1683.

The Title IX statute provides for judicial review. Once a ruling of non-compliance has been given to an educational institution, the institution can appeal under the federal court system.<sup>39</sup> Another section of the statute prohibits discrimination against individuals who are blind or visually impaired.<sup>40</sup> These individuals cannot be denied admission to courses within educational institutions receiving federal financial assistance. However, the institution is not obligated to offer "any special services" to such individuals.<sup>41</sup> The authority of other existing laws which may be applicable to educational institutions receiving federal financial assistance via contracts of insurance or guaranty are not affected by the Title IX statute.<sup>42</sup> The final section of the statute states that educational institutions are permitted to "maintain separate living facilities" for each sex.<sup>43</sup>

As a statute, Title IX intended to eliminate discrimination based on sex in educational institutions. Congress further intended to expand the educational opportunities for

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<sup>39</sup>Ibid.

<sup>40</sup>Ibid., sec. 1684.

<sup>41</sup>Ibid.

<sup>42</sup>Ibid., sec. 1685.

<sup>43</sup>Ibid., sec. 1686.



more Americans by making federal funds available to members of social minorities who had been discriminated against in securing equal access to educational opportunities in American educational institutions. Males, too, have won access to certain educational programs under Title IX.<sup>44</sup>

The issue of sex discrimination is a recent issue within the fabric of American society. As such, much ambivalence and uncertainty surrounds the direction this legislation should follow. That a three year period elapsed between the passage of the statute and the final regulation which implemented the statute is probably supportive of this view. The Title IX statute was signed into law June 23, 1972. The Title IX Regulations which established the criteria for institutional compliance with the statute did not become effective until July 21, 1975.

Holly Knox, Director of PEER, the Project on Equal Education Rights, commented on the delay between the enactment and the final regulations of Title IX. She said:

I think the reason is very simple. The people who ran HEW were afraid of Title IX. They were afraid of the controversies that they knew would arise over Title IX, and, in classic bureaucratic fashion they buried it in the hope that it might go away.<sup>45</sup>

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<sup>44</sup>Perry-Miller, p. 3.

<sup>45</sup>Neal Baer, et.al., "An Interview on Title IX with Shirley Chisholm, Holly Knox, Leslie R. Wolfe, Cynthia G. Brown, and Mary Kaaren Jolly," Harvard Educational Review 49 (November 1979): 510-511.

## Title IX Regulations

The regulations which the U.S. Department of Health, Education and Welfare promulgated for implementing Title IX consist of six subparts.<sup>46</sup> The salient areas of activity affecting educational institutions include coverage, admissions and recruitment, programs and activities and employment. President Gerald Ford signed the Title IX regulations on May 27, 1975 and it became effective on July 21, 1975.

Subpart A of the Title IX Regulations is the introductory section which spells out the application of the Title IX statute. General requirements call for each educational institution:

1. to have completed a self-evaluation by July 21, 1976.<sup>47</sup>
2. to take appropriate remedial action to overcome the effects of past discrimination.<sup>48</sup>
3. to file the appropriate assurance of compliance form with HEW.<sup>49</sup>
4. to appoint a specific individual to coordinate compliance activities.<sup>50</sup>

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<sup>46</sup>45 Code of Federal Regulations 30955, Part 106, May 9, 1980.

<sup>47</sup>Ibid., sec. 106.3.

<sup>48</sup>Ibid.

<sup>49</sup>Ibid., sec. 106.4.

<sup>50</sup>Ibid., sec. 106.8.

5. to adopt and publish a grievance procedure for filing sex discrimination complaints under Title IX by students and employees.<sup>51</sup>

6. to notify employees, students and parents of elementary and secondary students that the institution adheres to a policy of non-discrimination.<sup>52</sup>

Subpart B delineates the coverage of the Title IX statute. Title IX applies to all educational institutions, programs and activities receiving federal financial assistance.<sup>53</sup> Thus every school from pre-kindergarten to graduate school is covered by the Title IX statute. The exemptions which are noted earlier in this paper are narrowly limited. Specifically, if a religious institution claims that a guideline is inconsistent with a religious tenet, the religious institution must claim its exemption by submitting a written statement which cites the guideline which conflicts with a specifically stated tenet of the organization.<sup>54</sup>

Subpart C regulates sex discrimination in the area of admissions. Although some schools are exempt from admission prohibitions, all schools must treat their students without

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<sup>51</sup>Ibid.

<sup>52</sup>Ibid., sec. 106.9.

<sup>53</sup>Ibid., sec. 106.11.

<sup>54</sup>Ibid., sec. 106.12.

discrimination on the basis of sex.<sup>55</sup> The regulation prohibits the use of quotas, forbids the use of tests which have an adverse effect on members of a particular sex, prohibits ranking students separately on the basis of sex, prohibits giving preference to students who attended single sex schools,<sup>56</sup> and prohibits the unfair exclusion of members of one sex based on rules governing the marital or parental status of students.

Subpart D draws guidelines for the treatment of students within the confines of the educational institution. Educational institutions cannot provide different services, benefits or aid, or have rules which vary based on sex. Title IX clearly mandates that what schools do for one sex, must be done for the opposite sex as well. Once a student is accepted into an educational institution, the admissions exemptions stop.<sup>57</sup> Equal treatment becomes the rule. The Regulations outline specific criteria for the treatment of students in education programs and activities, housing, course offerings, counseling, financial assistance, employ-

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<sup>55</sup>Ibid., sec. 106.21

<sup>56</sup>Ibid., sec. 106.22.

<sup>57</sup>"Implementing Title IX: The HEW Regulations," University of Pennsylvania Law Review 124 (January 1976): 821.

ment assistance, health and insurance benefits and services, marital or parental status, athletics, and textbooks and curricular material.

Education programs and activities must be available to all students without regard to sex.<sup>58</sup> Schools cannot on the basis of sex:

1. Treat persons differently when determining the need for services, providing a service or denying a service.
2. Provide different benefits or services nor administer any benefit or service in a different manner.
3. Subject any person to separate or different rules of behavior or treatment, such as for dress or appearance.
4. Apply varying rules concerning residency or eligibility for in-state fees and tuition.
5. Aid or assist agencies, organizations or persons which discriminate on the basis of sex.
6. Limit the enjoyment of any right, privilege, advantage or opportunity.

Although Title IX allows educational institutions to maintain separate housing facilities for each sex, institutions may not allow different fees, rules or benefits.<sup>59</sup> For example, it is illegal to charge the same housing fee to

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<sup>58</sup>Title IX Regulations, sec. 106.31.

<sup>59</sup>Ibid., sec. 106.32.

both sexes and to provide maid service only to males. Housing must also be proportionate to the number of students of each sex that applies. An institution cannot use the lack of housing as an artificial excuse to limit attendance by females.<sup>60</sup> Separate locker rooms, bathrooms and showers are permissible under Title IX, but must be comparable for both sexes. Housing facilities for students of both sexes must be comparable in quantity, quality and cost. Regulations governing housing facilities must be the same for students of both sexes.<sup>61</sup>

Curricular materials, including textbooks, are exempted from the provisions of Title IX.<sup>62</sup> Nevertheless, course offerings cannot be provided on the basis of sex, nor can participation in courses be limited on the basis of a student's sex.<sup>63</sup> Classes which must be integrated on the basis of sex include health, physical education, industrial, business, vocational, technical, home economics, music and adult education courses. Health classes in elementary and

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<sup>60</sup>Bernice Sandler, "Title IX: Antisexism's Big Legal Stick," American Education (May 1977): 8.

<sup>61</sup>Title IX Regulations, sec. 106.33.

<sup>62</sup>Ibid., sec. 106.42.

<sup>63</sup>Ibid., sec. 106.34.

secondary schools which teach human sexuality may be separated on the basis of sex.<sup>64</sup> Choruses may be comprised of one or predominantly one sex when membership requirements are based on vocal range or quality.<sup>65</sup> Students may be separated in physical education activities which require body contact.<sup>66</sup> Students should be grouped according to ability as assessed by objective standards without regard to the sex of the person in physical education classes.<sup>67</sup> Single standards of skill measurement with an adverse effect on one sex is prohibited. Elementary school physical education programs were required to be integrated as of July 21, 1976. Secondary physical education had until July 21, 1978 to be in compliance.<sup>68</sup>

Title IX Regulations prohibit discrimination in counseling and in the use of appraisal and counseling materials.<sup>69</sup> Basically, materials and appraisal methods must be free from sex bias and stereotyping. Institutions should periodically review their course enrollments to detect a substantially

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<sup>64</sup>Ibid., (e).

<sup>65</sup>Ibid., (f).

<sup>66</sup>Ibid., (c). Body contact sports are identified as wrestling, boxing, rugby, ice hockey, football and basketball.

<sup>67</sup>Ibid., (b).

<sup>68</sup>Ibid., (a).

<sup>69</sup>Ibid., sec. 106.36.

disproportionate number of members of one sex and to implement corrective action if the disproportion is due to sex bias in counseling or appraisal materials or by persons who are counselors.

Financial assistance includes scholarships, loans, grants-in-aid, work study programs, and fellowships.<sup>70</sup> Educational institutions may award single-sex scholarships, including athletic scholarships, if the effect is not discriminatory and opportunity for similar participation is provided for the opposite sex.<sup>71</sup> Institutions may not provide different dollar amounts of assistance, use different criteria, or limit participation in financial aid programs based on the sex of the student.<sup>72</sup>

Employment of students within educational institutions must be nondiscriminatory and consistent with other employment legislation. If an educational institution assists an outside agency in making employment available to students, it must assure that such employment is available to both sexes.<sup>73</sup> There cannot exist differences in pay or conditions of employment which are based on sex.<sup>74</sup>

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<sup>70</sup>Sandler, p. 8.

<sup>71</sup>Title IX Regulations, sec. 106.37 (c) (2).

<sup>72</sup>Ibid., (1).

<sup>73</sup>Ibid., 106.38 (1).

<sup>74</sup>Ibid.



Health and insurance benefits and services must be provided equally for both sexes.<sup>75</sup> Health services may include family planning and gynecological care which may be used by a disproportionate number of members of one sex. This is permissible. Pregnancy and related conditions should be treated as temporary disabilities.<sup>76</sup>

No educational institution may "apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex."<sup>77</sup> A student cannot be denied access to any educational program or activity because of pregnancy or conditions related to pregnancy. Moreover, an educational institution cannot ask an individual's marital status for purposes of admission.<sup>78</sup> A pregnant student cannot be required to have a physician's certification of her ability to remain in school unless the same is required of other students with other physical conditions.<sup>79</sup> However, pregnancy may justify a student's leaving school if it is so deemed by her physician. Leave

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<sup>75</sup>Ibid., 106.39.

<sup>76</sup>Kadzielski, p. 377.

<sup>77</sup>Title IX Regulations, sec. 106.40 (a).

<sup>78</sup>Ibid., (b).

<sup>79</sup>Ibid., (2).

must be granted and the student must be allowed to resume her original status when she returns.<sup>80</sup>

The most controversial and perhaps the most complex to implement area of the Title IX Regulations is athletics. Specifically, educational institutions cannot discriminate in interscholastic, intercollegiate, club or intramural athletics.<sup>81</sup> Institutions can offer separate teams for each sex when team composition is based on competitive skill or the activity is a contact sport.<sup>82</sup> Teams for contact sports may remain of one sex, even if the excluded sex has no team. However, if no separate team for a particular noncontact sport exists for one sex and prior opportunities have been limited for this sex to participate, persons of both sexes must be permitted to try out for the one existing team.

Because discrimination is allowed in certain instances, the Regulations try to assure equality of opportunity for both sexes to participate in athletics by listing criteria which should be used to assess athletic services provided members of both sexes.<sup>83</sup> Equal funding is not required. Institutions are permitted to make unequal aggregate and per

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<sup>80</sup>Ibid., (5).

<sup>81</sup>Ibid., 106.41(a).

<sup>82</sup>Ibid., (b).

<sup>83</sup>Ibid., (c) (1-10).

capita expenditures for members of each sex on a team or for separate male and female teams. Educational institutions must provide the necessary funds for teams of each sex to meet the equal athletic opportunity requirement.<sup>84</sup>

Sex discrimination in textbooks and curricular material is not prohibited under the Title IX Regulations. Section 106.42 states: "Nothing in this regulation shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials."

Subpart E of the Regulations concerns sex discrimination in employment in education programs and activities. These Regulations supplement the nondiscrimination provisions contained in Title VII of the Civil Rights Act of 1964, the Equal Pay Act and Executive Order 11246.<sup>85</sup>

Employees in educational institutions are protected from discriminatory practices in recruitment, hiring, pay rates, job assignments, benefits and training programs.<sup>86</sup> Educational institutions are permitted to discriminate on the basis of sex where sex is a bona-fide occupational quali-

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<sup>84</sup>Ibid., (c).

<sup>85</sup>Kadzielski, p. 193.

<sup>86</sup>Title IX Regulations, sec. 106.51 (d) (1-10).

fication.<sup>87</sup> To be categorized as a bona-fide occupational qualification, sex has to be essential to the successful operation of the given job function and must not be the consequence of stereotyped characteristics.<sup>88</sup> Sex may be used as a basis for a job in a locker room or toilet facility used only by members of one sex.<sup>89</sup> However, females may not be excluded from night jobs or outdoor jobs on the basis of sex.<sup>90</sup>

Subpart F of the Regulations governs interim procedures. Title IX Regulations adopted the procedural provisions of Title VI of the Civil Rights Act of 1964.<sup>91</sup>

#### POLICY IMPLEMENTATION

This study is a contribution to the policy implementation process. Title IX should have been fully implemented since 1976. The efforts of school districts to achieve the changes mandated by the statute was investigated in the study. Not much is known about the process of policy implementation.<sup>92</sup>

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<sup>87</sup>Ibid., sec. 106.61.

<sup>88</sup>Ibid.

<sup>89</sup>Ibid.

<sup>90</sup>Sandler, p. 9.

<sup>91</sup>Title IX Regulations, sec. 106.71.

<sup>92</sup>Donald S. Van Meter and Carl E. Van Horn, "The Policy Implementation Process: A Conceptual Framework," Administration and Society 6 (February 1975): 449.

Policy implementation has been defined as individual or group actions that are directed at the achievement of objectives set forth in prior policy decisions.<sup>93</sup> Van Meter and Van Horn's theoretical model identified the policy as the natural starting point for the implementation process. The policy is then categorized according to the extent to which there is goal consensus among the participants in the implementation process, and the amount of change involved.<sup>94</sup>

Implementation of a policy is effective to the degree that the implementors agree on the objectives of the mandate.<sup>95</sup> Each administrator's interpretation of the statute will be influenced by his own value base.<sup>96</sup> The extent to which the implementors have participated in the policy decision is a crucial factor which also affects the implementation process.<sup>97</sup> Change is another crucial factor. Policy is affected by the amount of change sought in that drastic changes usually elicit negative responses. Small changes brought about in small increments will usually produce a more positive response.<sup>98</sup>

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<sup>93</sup>Ibid., p. 447.

<sup>94</sup>Ibid., p. 458.

<sup>95</sup>Ibid., 459.

<sup>96</sup>Ibid.

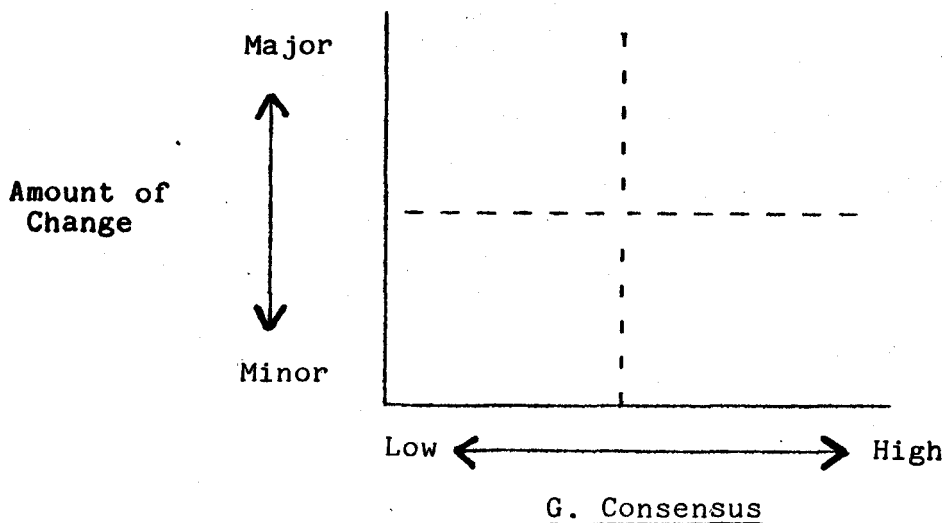
<sup>97</sup>Ibid.

<sup>98</sup>Ibid., 458.

Therefore, implementation of Title IX may very well have been affected by the extent that it deviated from previous policy regarding sex discrimination. Implementation may also be affected by the amount of change the implementing organization has to undergo. A policy which requires only marginal change in existing administrative structures and procedures is easier to implement than is one which calls for drastic changes.<sup>99</sup> Van Meter and Van Horn conclude that goal consensus would have a greater influence on the policy implementation process than would the element of change.<sup>100</sup>

The typology of public policies which Van Meter and Van Horn developed from the above characteristics is depicted in Figure I.<sup>101</sup>

Figure I. Dimensions of Policy Affecting Implementation



<sup>99</sup>Ibid., 459

<sup>100</sup>Ibid., 462.

<sup>101</sup>Ibid., 460.

To summarize the typology, Van Meter and Van Horn say:

...we are suggesting that the probability of effective implementation will depend--in part--on the type of policy being considered, and that the specific factors contributing to the realization or nonrealization of program objectives will vary from one policy type to another. More specifically, we are hypothesizing that implementation will be most successful where only marginal change is required and goal consensus is high. Conversely, where major change is mandated and goal consensus is low, the prospects for effective implementation will be most doubtful. Furthermore, we anticipate that major change/high consensus policies will be implemented more effectively than policies involving minor change and low consensus.<sup>102</sup>

G.C. Edwards says that implementation is a dynamic process and involves the interaction of many variables.<sup>103</sup> In his approach to understanding policy implementation, he utilizes four components: communications, resources, attitudes and bureaucratic structures.<sup>104</sup>

Clear, accurate, consistent communication on a policy like Title IX must be transmitted to those responsible for implementing it. Persons responsible for implementing a given policy should know what they are to do. Accuracy in communicating the policy and the implementation order will

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<sup>102</sup>Ibid., 461-462.

<sup>103</sup>George C. Edwards III, Implementing Public Policy (Washington, D.C.: Congressional Quarterly Press, 1980), p. 10.

<sup>104</sup>Ibid.

increase the chances for a successful implementation. Misunderstanding and confusion by implementors of a policy can result in the policy's being implemented contrary to its original intent.

Sufficient staff with the needed level of expertise, relevant information, the authority to enforce the implementation of policy, and facilities for providing services are important resources which implementors need to effectively implement a policy.

A third component which is specified is attitude. If implementors do not have the desire to implement a policy, implementation will be less than effective. Most implementors can exercise considerable discretion in the implementation of policy because they are at some distance from the superior who formulated the policy, or because of the complexity of the policy.<sup>105</sup> The attitudes of implementors are shaped by their views toward the policy and by how they see the policy affecting their organizational and personal interests.

The final component specified in Edward's approach to studying the process of policy implementation is bureau-

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<sup>104</sup>Ibid.

<sup>105</sup>Ibid, p. 89.



cratic structure. Standard operating procedures and fragmentation are the two major characteristics of bureaucracies. Standard Operating Procedures are the organization's effort to streamline complex tasks which are routine in light of limited time and resources. Fragmentation is the result of external pressures from various interest groups affecting the organization. Both components, standard operating procedures and fragmentation, can hinder policy implementation. "They often inhibit changes in policy, waste resources, generate undesired actions, impede coordination, confuse officials at lower level jurisdictions, result in policies working at cross-purposes, and result in important functions being overloaded."<sup>106</sup>

Policies that are new, complex, controversial, highly decentralized, crisis-related, and established by the judiciary are not easy to implement.<sup>107</sup>

#### TITLE IX IMPLEMENTATION FACTORS

A simple solution for implementing federal policy does not exist. The execution of federal policy into local prac-

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<sup>106</sup>Ibid., p. 125.

<sup>107</sup>Ibid., p. 12.

tice will vary from school district to school district. Effective implementation requires that implementors know what they are suppose to do. Title IX Regulations went into effect on July 21, 1975. All school districts were to have effected compliance a year later. The Regulations identified the specific criteria educational institutions should meet in eliminating sex discrimination. Four broad areas fall under the auspices of the Title IX Regulations.<sup>108</sup>

1. Criteria on general coverage.
2. Criteria for nondiscrimination on the basis of sex in admissions and recruitment.
3. Criteria for nondiscrimination on the basis of sex in education programs and activities.
4. Criteria for nondiscrimination on the basis of sex in employment.

All educational institutions receiving federal financial assistance should have completed a number of performance indicators of compliance with the Title IX statute as of July 21, 1976. These performance indicators are:

1. The publication and dissemination of a notification policy. Each educational institution has to notify certain publics that it follows a policy of nondiscrimination on the basis of sex. Students, parents of elementary and secondary

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<sup>108</sup>"Title IX Regulations," 45 Code of Federal Regulations 30955, Part 106, May 9, 1980.

school students, employees, applicants for admission and employment, referral agencies, unions and professional organizations are targeted for notification.<sup>109</sup> In effect the nondiscriminatory policy notification is an indication that the institution is in compliance with Title IX.<sup>110</sup>

2. The appointment of a designated compliance officer.

Title IX created a new administrative position, the Title IX compliance officer. More than one person can be designated. This person is responsible for working with other administrators in coordinating all Title IX compliance efforts in student admissions and programs in employment. The investigation of complaints is another responsibility of this position.<sup>111</sup>

3. The completion of an institutional self-evaluation.<sup>112</sup>

Each educational institution should have conducted a self-evaluation of its programs and documented modifications made to assure compliance with Title IX. This institutional self-evaluation should have consisted of an evaluation and appraisal of current policies and practices to determine if sex bias

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<sup>109</sup>Ibid. Subpart A, sec. 106.9.

<sup>110</sup>Martha Matthews and Shirley McCune. Complying With Title IX: Implementing Institutional Self-Evaluation (Bethesda, Md.: ERIC Document Reproduction Service, ED 125 468, 1976), p. 1.

<sup>111</sup>Ibid., p. 8.

<sup>112</sup>Ibid., p. 13.

was present; modifying any policy or practice which was found to be discriminatory, and developing remedial steps to overcome any policy or practice found to be discriminatory.<sup>113</sup>

4. The signing and filing of the Assurance of Compliance form. Each educational institution receiving federal financial assistance is required to submit an Assurance of Compliance form with each application for federal funds for any educational program activity.<sup>114</sup> The principal reason for completing the Assurance of Compliance form is to document the activities related to achieving compliance with Title IX. Activities include:

- a. Maintaining files on activities related to the modification of policies or practices found to be in non-compliance, the development of remedial steps, and the use of grievance procedures.
- b. Updating files on a regular basis.
- c. Analyzing files regularly to assess ongoing compliance.
- d. Supplying reports when needed for submission of assurance statements which accompany applications for federal funds.<sup>115</sup>

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<sup>113</sup>Ibid., p. 14.

<sup>114</sup>Shirley McCune and Martha Matthews. Complying With Title IX: The First Twelve Months (Bethesda, Md.: ERIC Document Reproduction Service, ED 125 466, 1976), p. 21.

<sup>115</sup>Ibid., p. 26.

5. The development and establishment of a grievance procedure for handling Title IX violation complaints. Grievance procedures should have been published and distributed to both students and employees.<sup>116</sup> Because these procedures are for the benefit of the local institutions, no set procedure was offered. Resolution of Title IX complaints could be expedited faster if handled at the local site following grievance procedures there. Like other discrimination complaints, Title IX complaints may also be filed with the Office of Civil Rights.

#### TITLE IX ENFORCEMENT

The implementation of Title IX would be impossible without proper enforcement. Former Secretary of Health, Education, and Welfare, Casper Weinberger, said in 1975:

We intend to approach Title IX enforcement in a constructive spirit. We want to achieve the goals of the title as soon as possible...We call upon schools...to do their utmost in the same spirit. To their great credit many are already moving in good faith to end sex discrimination...For those that are not trying in good faith to end discrimination against women, I have one message: We can wait no longer. Equal education opportunity for women is the law of the land--and it will be enforced.<sup>117</sup>

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<sup>116</sup>"Title IX Regulations," Part 106, sec. 106.8.

<sup>117</sup>William L. Craig. Implementing Title IX on the Secondary Level (Bethesda, Md.: ERIC Document Reproduction Service, ED 128 909, 1976), p. 9.

Title IX enforcement procedures are patterned on those of Title VI of the Civil Rights Act of 1964. The authority for compliance enforcement is invested in the Office of Civil Rights. Within this office, the Department of Education (formerly Health, Education and Welfare) has had primary responsibility for enforcement of Title IX because it assists virtually every educational institution in the United States.<sup>118</sup> The Department of Education handles compliance reviews and complaints from individuals and groups. If there are indications that the institution is discriminating on the basis of sex, the Department of Education will try to achieve compliance informally on a voluntary basis. If the institution refuses to negotiate, the Department of Education initiates hearings which may conclude with the termination of federal financial assistance to the non-complying institution. The Department of Education may refer the matter to the Department of Justice with a recommendation for legal action.<sup>119</sup> After a complaint has been received, the Department of Education has the responsibility to resolve the matter. The person or

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<sup>118</sup>Enforcing Title IX A Report of the U.S. Commission on Civil Rights (Bethesda, Md.: ERIC Document Reproduction Service, ED 198 647, 1980), p. 3.

<sup>119</sup>Ibid., pp. 77-78.

group bringing the complaint is involved only to the point where the complaint is filed.<sup>120</sup>

Initially, the Federal governments' enforcement activities under the auspices of HEW were not enthusiastic.<sup>121</sup> Enforcement of Title IX continues to be a problem, but Mary Berry, former Assistant Secretary of HEW, said that official enforcement in the future is "likely" instead of "unlikely" as it has been in the past,<sup>122</sup> possibly due to the Adams order which was a measure to increase the efficiency with which the Office of Civil Rights processed complaints arising from Title IX.<sup>123</sup> A more energetic enforcement program and a timely resolution of sex discrimination complaints resulted from this order. The Department of Education is committed to continue this aggressive enforcement thrust.<sup>124</sup>

#### CASE LAW

The literature suggests that Title IX and its Regulations are poorly written and are laden with confusing ambigui-

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<sup>120</sup>Ibid., p. 77.

<sup>121</sup>Ibid., p. 5.

<sup>122</sup>Title IX News, 31 March 1977, p. 2.

<sup>123</sup>Enforcing Title IX, p. 4.

<sup>124</sup>Ibid, p. 5.

ties.<sup>125</sup> State departments of education which have the major responsibility for implementing Title IX have found interpretation of the statute to be frustrating because of its confusing language. Implementation of Title IX in the public schools has presented a number of problems to those charged with the responsibility. Because of this, judicial decisions have tried to interpret and sort out much that is ambiguous and confusing about Title IX. Conflicting court decisions, however, have served to weaken the impact Title IX has had on eliminating sex bias from the public schools.

Three arguments which have been levied against Title IX and its Regulations and which have appeared as issues in courts are these:<sup>126</sup>

1. Title IX's definition of "federal financial assistance" is contrary to congressional intent.

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<sup>125</sup> See David A. Splitt, "Title IX Clarification," Phi Delta Kappan 4 (August 1982): 9.; or

Frank Aquila, Title IX: Implications for Education of Women (Bloomington, Indiana: Phi Delta Kappan Educational Foundation, 1981) pp. 40-43; or

Dorothy Thompson, "Title IX of the Education Amendments of 1972: Issues Reach the Courts." Washburn Law Journal 18 (1978-1979): 310-324.; or

Paul Thurston, "Judicial Dismemberment of Title IX," Phi Delta Kappan 60 (April 1979): 594-596.

<sup>126</sup> Dorothy Israel Thompson, "Title IX of the Education Amendments of 1972. Issues Reach the Courts" Washburn Law Journal 18 (1978-1979): 312-313.



2. Extending Title IX coverage to all programs and activities of an institution receiving or benefiting from federal financial assistance is beyond the scope of the statute.

3. The employment regulation, Subpart E, is totally unauthorized.

Interpretations found in case law concerning Title IX were often contrary to Title IX or to the Title IX Regulations.

Due to the proliferation of lawsuits since the passage of the Title IX Regulations, the law cases presented in this part of the paper are by no means exhaustive of the catalog of sex-biased cases brought to the courts under Title IX. Rather, it is intended that these cases will illuminate the nature of the problems of interpretation school districts may encounter in executing federal policy in the day-by-day operation of the public schools. Title IX enforcement in employment and athletics has tended to generate the greatest number of litigations.<sup>127</sup> These two areas continue to be the most controversial, and voluntary compliance has not been successful.<sup>128</sup>

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<sup>127</sup> Thomas J. Flygare, "HEW Loses Authority to Regulate Employment Under Title IX" Phi Delta Kappan 61 (February 1980): 418.

<sup>128</sup> Paul Thurston, "Judicial Dismemberment of Title IX" Phi Delta Kappan 60 (April 1979): 594.

Sex-based discrimination issues which have reached the courts usually involve the participation of female students in interscholastic athletic competition. Brenden v. Independent School District 742 is one case where two talented females were excluded from participation in the interscholastic team competition of non-contact sports such as tennis, skiing, and track. The plaintiffs sought to enjoin the Minnesota High School League from enforcing a rule which prohibited females from participating in interscholastic athletic events with male students. This case dealt only with sports where the plaintiffs had demonstrated abilities but had no opportunity to participate.

The Eighth Circuit Court of Appeals found the Minnesota High School League's rule arbitrary and in violation of the Fourteenth Amendment's equal protection clause. The court further ruled that the Minnesota High School League had failed to present any rational basis for the prohibitive rule, particularly where the "interest of females in securing an education" was involved.<sup>129</sup> The female plaintiffs were permitted to participate against males because the state would not use "assumptions about the nature of females as

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<sup>129</sup>Brenden v. Independent School District 742, 477, F.2n 1292 (1973), p. 1232.

a class to deny females an individualized determination of their qualifications for a benefit provided by the state."<sup>130</sup>

Invalidation of other athletic association rules barring female athletes from participation in contact sports occurred in states such as Wisconsin, New Jersey, Ohio, and Pennsylvania.<sup>131</sup> Yet, other states, like New York have allowed limited participation by females in contact sports. Football, wrestling and basketball are restricted to male participation, but baseball is open to female participation. School districts cannot bar females from participating in contact sports solely on the basis of sex.

The following case is illustrative of the confusion surrounding the interpretation of the Title IX Regulations. In 1981, a judge in the federal court of Michigan held that Title IX did not cover athletics. He ruled that Title IX was applicable only to education programs which receive direct federal funds. The case was that of Othen v. Ann Arbor School Board.

Two females alleged that the failure of the Ann Arbor school system to provide a girls golf team was a denial of their equal educational opportunity under Title IX. The de-

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<sup>130</sup>Ibid.

<sup>131</sup>Thurston, p. 594.

fendants argued that Title IX applied only to school programs receiving direct federal financial assistance. Interscholastic sports received no federal funding. Therefore, Title IX did not apply. Title IX jurisdiction should, by statute, be evaluated only on a program-by-program basis.

The plaintiffs argued that once a school system received federal financial assistance in any form, all the programs and activities of the school system were subject to Title IX jurisdiction. Thus, Title IX's jurisdiction is institutional.

Judge Charles Joiner decided on February 23, 1981 for the defendant. He said:

Since none of the school system's athletic programs have received any federal financial assistance, the regulations promulgated under Title IX cannot reach those programs. HEW's regulations respecting athletics are over broad and invalid to the extent that they apply to athletic programs or activities which do not receive direct federal financial assistance. Therefore, since, in this case, none of the athletic programs or activities of the defendant receives direct federal financial assistance, neither Title IX nor the HEW regulations provide a legal basis upon which the plaintiff can maintain an action against the defendant.<sup>132</sup>

The argument for the programmatic rather than the institutional interpretation of Title IX's jurisdiction goes

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<sup>132</sup>Othen v. Ann Arbor School Board, 79-73709, E.D. Mich., 23 (1981).

back to the legislative history of Title IX where two versions of the resolution existed. The Senate's wording stressed the institutional jurisdiction of Title IX. The House Subcommittee's language, which stressed the programmatic jurisdiction, prevailed in the final statute. "Any program or activity conducted by a public institution..." is certainly not the same as "any education program or activity receiving federal financial assistance..." Many have interpreted Congress's substitution of a programmatic rather than an institutional approach to Title IX's jurisdiction as an indication of Congressional intent to deliberately limit the scope of Title IX and to thereby weaken its impact.<sup>133</sup>

Controversy over Title IX Regulations surfaced in areas other than athletics. In April of 1977, Judge John Felkens, a U.S. District Court Judge, declared the Title IX employment regulations to be "invalid and of no legal force."<sup>134</sup> This ruling clearly is an invalidation of Title IX by alleging that Title IX does not confer any authority on HEW to regulate the employment practices of schools receiving federal financial assistance.

Romeo Community Schools v. HEW was a case which questioned whether employees of educational institutions receiving

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<sup>133</sup>Thomas J. Flygare, "Federal Court in Michigan Holds That Title IX Does Not Cover Athletics" Phi Delta Kappan 62 (June 1981): 742.

<sup>134</sup>Romeo Community Schools v. HEW, 438 F. Supp. 1021 (1977).

federal financial assistance fell under the jurisdiction of Title IX. According to Subpart E of the Title IX Regulations, school districts should treat pregnancy as they would treat any other temporary disability. Romeo school district did not treat pregnancy in the same manner as sick leave or disability leave. Litigation ensued.

HEW argued that the language of Title IX clearly indicated that the statute covers employment complaints. They interpreted the word "person" in section 1681 of the statute to include teachers.

The court interpreted "persons" to be those for whom the federally assisted education programs were established--the students. Students, not teachers, are seen as the beneficiaries of or the participants in federally assisted programs.<sup>135</sup> All of the exemptions in Title IX relate to student activity. None apply to employment. This suggests that Congress never intended Title IX to cover employment.<sup>136</sup> Employees are not covered by the statute's enforcement provision which gives HEW authority to terminate funds for non-compliance only on a program specific basis. The courts contend that the language of the enforcement provision links enforcement to program. As employment pervades the entire

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<sup>135</sup>Thompson, 317-318.

<sup>136</sup>Ibid.

institution, it would be impossible to enforce employment on a programmatic basis. The court would not withhold Title VII funds for reading because the institution did not give a teacher a pregnancy leave.<sup>137</sup> Congress never intended to terminate student aid because of an infringement of a teacher's right.<sup>138</sup> Likewise, Congress never intended to duplicate the employment enforcement effort. The Equal Employment Opportunity Commission and the Department of Labor were given the authority to regulate employment practices. Both have greater expertise and a better track record of effective enforcement in employment matters than does HEW.

In summation, HEW could not enforce its regulation on employment practices without being in violation of the programmatic specific limitation on HEW's enforcement authority as given by Title IX.<sup>139</sup>

The Supreme Court ruled in North Haven Board of Education v. Bell that Title IX was intended to and does cover employment. This 1982 decision overturned earlier rulings by the Circuit Court of Appeals for the first, sixth, eighth and ninth circuits.

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<sup>137</sup>Thurston, 595.

<sup>138</sup>Romeo Community School v. HEW, 438 F. Supp. at 1032-33.

<sup>139</sup>Romeo Community School v. U.S. Department of Health, Education and Welfare. D.C. Mich. 1977, 4308 F. Supp. 1021, affirm'd. 600 F. 2d 581 certiorari denied 100 5.Ct. 467, 444 U.S. 972, 62 L. Ed. 2d. 388.

Subpart E regulations promulgated in connection with this chapter are valid in light of the fact that agency's authority under this Chapter (38) both to promulgate regulations and to terminate funds is subject to program-specific limitation and regulations are not inconsistent with that restriction.<sup>140</sup>

This wording unequivocally sets forth the Supreme Court's contention that the Department of Education's right to terminate financial assistance to those school districts found to be in non-compliance with Title IX is restricted to specific programs which receive assistance. The Supreme Court failed to define "program" in this ruling. Associate Justice Blackman wrote that the Supreme Court ruling was based on Congress' use of the word "person" instead of "student" or "beneficiary" to mandate that the Title IX statute was intended to apply to everyone connected with federally assisted programs, students and employees. Another consideration was Senator Bayh's comments during the floor debates on Title IX which indicated that employees were also covered. Lastly, the Supreme Court cited the refusal of Congress during the past 10 years to amend Title IX specifically to exclude employees.<sup>141</sup>

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<sup>140</sup>North Haven Board of Education v. Bell, 1025, CT. 1912 (1982).

<sup>141</sup>David A. Splitt, "School Law: Title IX Clarification?"  
The Executive Educator 4 (August 1982): 9.



Albeit the literature reflected that the bulk of litigation involving Title IX was in the areas of employment and athletics, disputes concerning other areas of Title IX were ushered into the courts for resolution. One such dispute centered on whether federal financial aid received by students attending educational institutions made the institutions subject to the conditions of Title IX.

Grove City College in Pennsylvania refused to sign an assurance of compliance form for the Department of Education. The Department of Education began to terminate all federal financial assistance issued to students at the institution, even though there was no basis for citing the institution for discriminating on the basis of sex. The Department of Education assumed the position that when a school received federal funds by way of federal grants and loans through its students, the entire school then comprised a single education program or activity since a large portion of the student loans and grants benefit the entire institution via tuition payments.

On August 12, 1982 the Third Circuit Court of Appeals ruled that federal loans and grants to students are aid to the institution.<sup>142</sup> It further ruled that Grove City Col-

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<sup>142</sup>Grove City College v. Bell, 687. F.2d 684, P.A (1982).

lege students would be ineligible for federal financial assistance if the institution refused to sign and file the necessary Title IX assurance of compliance form.<sup>143</sup>

This decision illustrates the institutional approach to Title IX jurisdiction. However, the Department of Education maintained that it was administering the Title IX statute in a program-specific way because it considered the entire college to be the education program receiving federal financial assistance.

Later in the same year, 1982, another decision ruled that the Grove City ruling was invalid.<sup>144</sup> The Sixth Circuit Court held that Hillside College could not be a "program" within the meaning of Title IX.<sup>145</sup> The only program involved in the dispute was the one which administered the student loans and grants.

The final case reviewed here concerns the private right of action. Initially the Seventh Court of Appeals ruled that an individual could not go directly to the courts to sue under Title IX.<sup>146</sup> In a suit initiated by a female student

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<sup>143</sup>Ibid.

<sup>144</sup>Hillside College v. Bell, 696, F.2d 418, P.A (1982).

<sup>145</sup>Ibid.

<sup>146</sup>Canon v. University of Chicago, 559 F.2d, 1063 (1977).

who had been discriminated against by being denied admission to medical school, the courts argued that Title IX set up a specific administrative complaint procedure which did not provide the private right to sue. Individuals could not sue as individuals under Title IX. The right to initiate judicial proceedings rested solely in HEW. Denial of a private right to sue under Title IX was based on (1) the absence of Congressional intent to create a private right, and (2) the belief that private remedy is inconsistent with the Title IX statutory enforcement scheme.<sup>147</sup>

In 1979 the Supreme Court ruled that individuals could file a private suit. The case was Canon v. University of Chicago.<sup>148</sup> Interpretation at the time asserted that private law suits were necessary under Title IX to provide a meaningful remedy for individuals. The absence of a private right of action would probably serve to limit Title IX enforcement. If a court finds that a violation has occurred in a private suit, non-complying school districts may well be ordered to pay costs and attorney's fees.

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<sup>147</sup>Thompson, 320.

<sup>148</sup>Canon v. University of Chicago, 99 S. Ct. 1946 (1979).

## UNPUBLISHED STUDIES

A study done in 1979 researched the rule-making process of the Department of Health, Education and Welfare in the development of the rules and regulations of Title IX.<sup>149</sup> An explanation of the legislative process which resulted in Title IX, and an analysis of the climate encompassing judicial opinion at the time of the adoption of the Education Amendments of 1972 were explored. Data for this case study were attained through interviews, memoranda and letters which focused on the decision-making process of HEW.

The study concluded with the following findings: The rule making process of Title IX was characterized by (1) a low goal consensus in Congress; (2) a high level of interest group dissatisfaction with the regulation as it went through numerous drafts; (3) a lack of judicial basis of opinion to serve as a foundation for either the statute or the regulation; and (4) a low level of White House input.

James Curran did a study on Title IX in 1978.<sup>150</sup> The stated purposes of this study were to identify the major factors involved in the administration and implementation of

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<sup>149</sup>Joyce Ann Pigge. "A Case Study in Administrative Rule-Making: HEW and Title IX of the Education Amendments of 1972." (D.A. dissertation, Lehigh University, 1979).

<sup>150</sup>James Francis Curran, "The Administration and Implementation of Title IX in Colorado School Districts" (Ph.D. dissertation, University of Colorado at Boulder, 1978).

the law and to determine if differences existed in the perceptions of superintendents, Title IX compliance officers, and Region VIII Federal Office for Civil Rights staff regarding the role and responsibilities of the Title IX compliance officer assignment.<sup>151</sup>

The study produced the following conclusions:

1. Title IX had a profound impact on school districts causing awareness of the presence of sex discrimination and leading to substantial changes in programs and practices.

2. The degree of compliance activities and change in districts was in direct proportion to the size of the district itself.

3. Extensive progress was made by the Colorado school districts in reaching compliance with Title IX.

4. The majority of Colorado public school districts were not in full compliance with Title IX because of a fund shortage.

5. The role and the responsibilities of the Title IX compliance officer were not clear and were not defined, described, or communicated to district staff members or citizens.

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<sup>151</sup>Ibid., p. 11

6. Administrators did not involve parents or students in the Title IX effort to bar sex discrimination from the schools.

7. Title IX was understood and supported and administrators experienced no major opposition or criticism of their compliance efforts.

8. Compliance officers need an inservice program on handling grievances.

9. Consultants on Title IX were needed by the district to conduct inservices on Title IX.

A major difference between the Curran study and this study was that this study did not seek to determine perceptual differences among Title IX administrators.

The third, and final, study reviewed was one which investigated Title IX compliance. Done in 1977, the study investigated the extent that school districts met Title IX Regulations during the 1975-1976 school year and the degree of difficulty superintendents encountered in implementing Title IX Regulations during the 1976-1977 school year.<sup>152</sup>

The Patton study listed four major conclusions of the research: A majority of the study's population were not

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<sup>152</sup>Allan Dean Patton, "Illinois Area VI School District Implementation of Title IX Rules and Regulations" (Ph.D. dissertation, Southern Illinois University at Carbondale, 1977).

in compliance by the stipulated date. Athletics and physical education were the areas most affected by Title IX. Thirdly, a majority of the chief school administrators experienced difficulty in recruiting qualified women candidates. Lastly, most communities in the study did not support Title IX.

The Patton study was relevant to this study because of its focus on compliance of school districts with the provisions of Title IX.

### Summary

Title IX was an effort on the part of the legislative branch of the Federal government to meet the demands of equal treatment and equal opportunity for girls and women in educational institutions. The statute has done much to expand equal opportunity for girls and women as students and as employees, but Title IX has not measured up to its promise of erasing sex discrimination from the fabric of our educational institutions. Problems such as weak enforcement, an inexperienced enforcement authority, and superficial implementation within local districts have tended to work together to lessen the impact of Title IX as a remarkable agent for change.

The issue of sex discrimination is not a new problem in education, and the literature survey revealed that much has been written on the problem of sex bias in our society. As a legal issue, sex discrimination has only existed for about 15 years, but educational administrators who are charged

with implementing Title IX in the schools of our nation have a grave and urgent responsibility to do just that. Although Title IX clarifications are still needed, court interpretations have established that Title IX mandates are constitutionally sound.

The assumption that females are not interested in education as a means to better employment is no longer viable in our society. Not only are increasing numbers of women entering the paid work force and heading families, many are also seeking an education. Educational institutions must reexamine their programs and change them to meet this reality if they are to be consistent with the needs of the contemporary society.



## CHAPTER III

### PRESENTATION AND ANALYSIS OF DATA

The purpose of this chapter is to present and analyze the data collected in relation to the implementation of Title IX in the secondary schools of Cook County. A questionnaire and an interview were used to collect the data. All of the high school districts of Cook County, including Chicago, were utilized for the study. The questionnaire was mailed to twenty-eight district superintendents. Three district superintendents declined to participate in the study and one district failed to return a completed questionnaire. A total of twenty-four or 86 percent of the districts participated in the study.

#### School District Characteristics

Section A of the questionnaire obtained information regarding the school districts which comprised the population of the study. Chicago was included. The following information was revealed.

Of the school districts responding to the survey, 95.8 percent were classified as high school districts and 4.2 percent were classified as unit districts. With one exception, the superintendents heading these school districts were male.

The school districts reported a total enrollment of 510,760 students. The student population was almost equal in terms of the sexes (Figure 1). Although a diversity of a racial and ethnic backgrounds was serviced by the school districts, the data revealed that Blacks comprised more than half the total student population in Cook County secondary schools (Figure 2). Data for Chicago was included.

Title IX covers both students and employees in educational institutions. Data gathered on the personnel of the districts produced the following composite information. More females than males are employed as non-certified personnel in these school districts. Data show a ratio of nearly 1 male to every 2 females (Figure 3). That females generally occupy most of the low paying jobs is supported by the data. A more even distribution of the sexes is indicated in the certified positions (Figure 4). Males, however, represent 57 percent, or more than half, of the certified personnel in Cook County secondary school districts. Administrators, persons who are not covered by the teachers' collective bargaining agreement and who have official responsibility for managing some aspect of the school district's operations, are frequently male. Some 84 percent of the districts administrators are male. Female administrators account for only 16 percent of the administrative personnel in the districts (Figure 5). The percentages include data from Chicago. This concentration

FIGURE 1

STUDENT POPULATION BY SEX

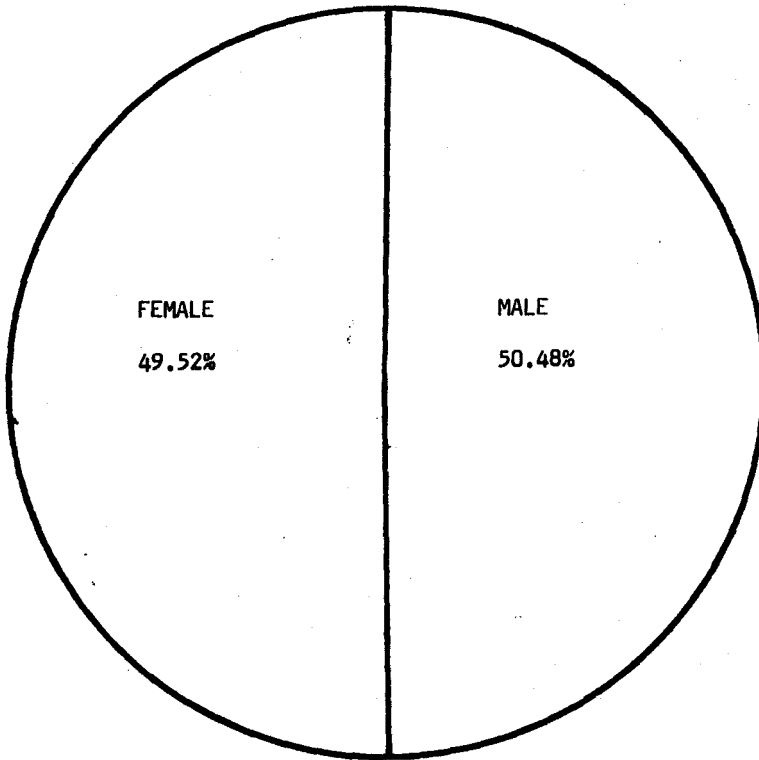
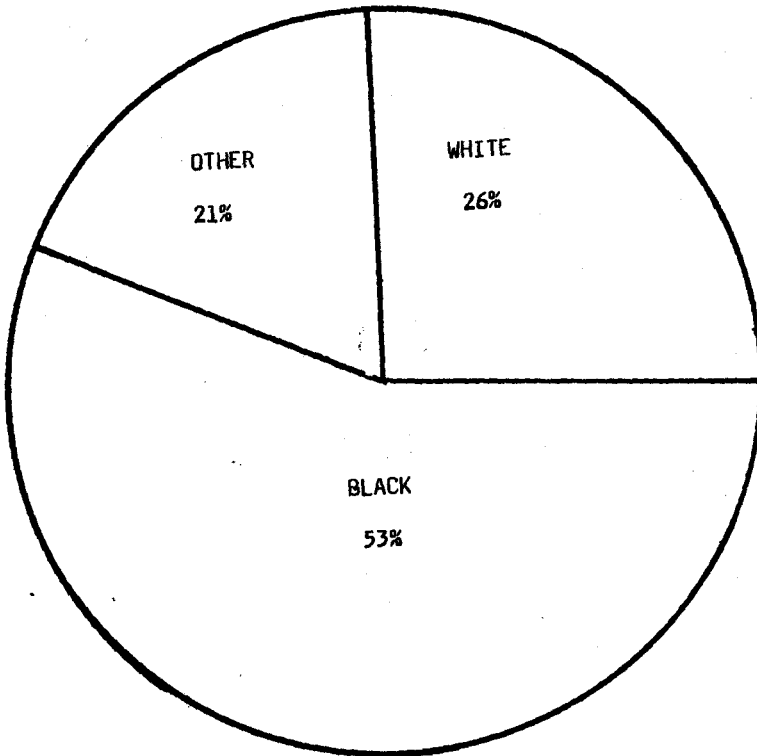


FIGURE 2  
STUDENT POPULATION BY RACE



NOTE: Chicago data included

FIGURE 3

NON-CERTIFIED DISTRICT PERSONNEL BY SEX

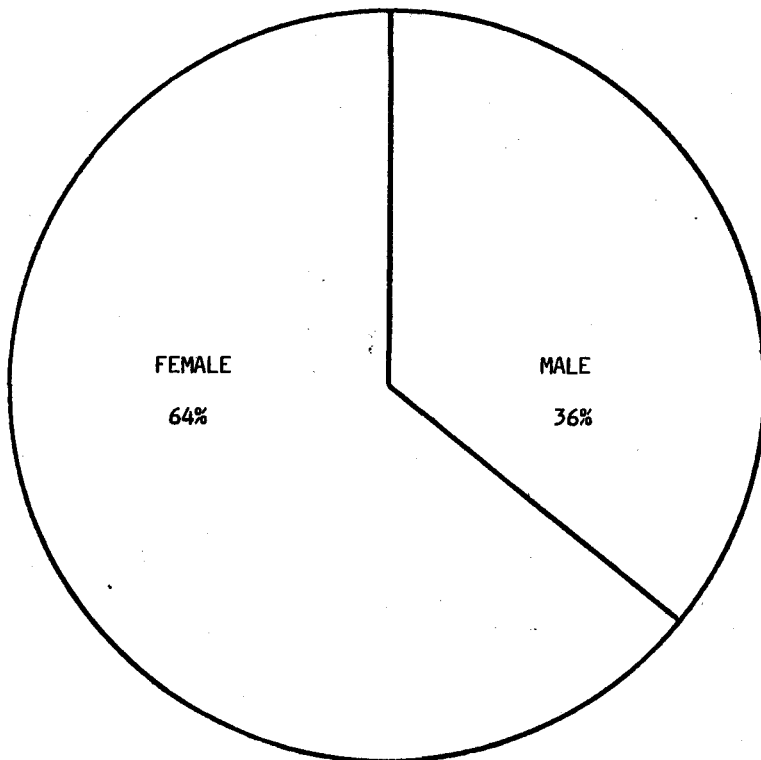


FIGURE 4

CERTIFIED DISTRICT PERSONNEL BY SEX

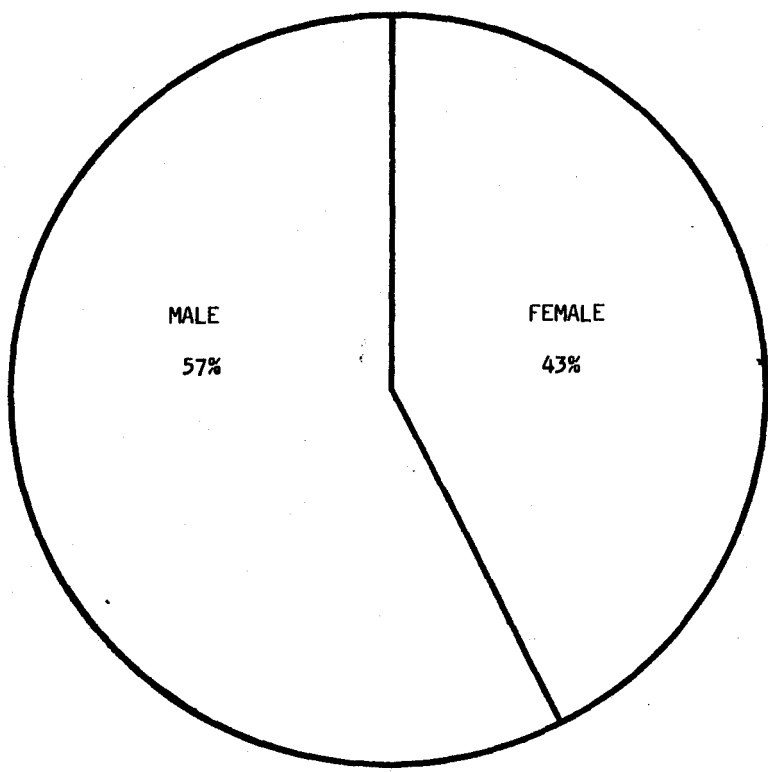
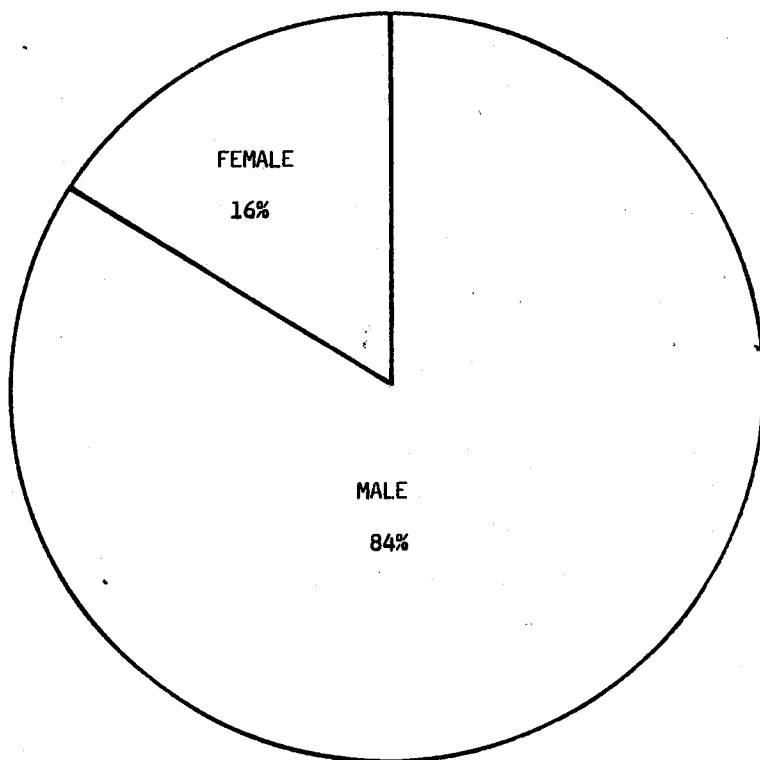


FIGURE 5

DISTRICT ADMINISTRATORS BY SEX



NOTE: Chicago data included

of males in the better paying positions of the districts could be due to an attitudinal stance which is prevalent in our society and which identifies the male as the principal wage earner in households.

#### Title IX Compliance

The Title IX Regulations stipulated several criteria as indicative of compliance with the statute. One criterion required the school districts to have an official notice of intent to comply. Forty-six percent of the secondary school districts surveyed responded that Title IX compliance was officially communicated in their districts by the notice of intent to comply. A greater number of responses indicated that Title IX compliance was more often communicated by other methods. The questionnaire item which elicited these responses asked the respondents for one response only, but respondents chose to select more than one method. This could have been an indication that respondents lacked knowledge concerning the specific requirements of the Title IX Regulations. More likely, it indicated a variant interpretation by these districts for fulfilling the intent of the regulations creatively. Consequently, the data revealed that 50 percent of the districts responding used special bulletins and 58 percent indicated they used written board policy to communicate Title IX compliance in their school districts (Table 1).



TABLE 1  
METHODS FOR COMMUNICATING  
TITLE IX COMPLIANCE

Method	Frequency	Percent
Special Bulletins	12	50
Notice of Intent to Comply	11	46
Written Board Policy	14	58
Other	7	29

Ninety-six percent of the responding districts notified employees, 83 percent notified students and 83 percent notified parents of the district policy of non-discrimination on the basis of sex. Vendors and news media were indicated by two districts in the other category and represented only 8 percent of the responses (Table 2). The diversity of groups notified represented the major actors of the school community.

Another compliance criterion was the appointment of a Title IX coordinator. Thirty-three percent of the districts indicated having a Title IX coordinator with sex discrimination or civil rights matters as their primary function (Table 3). With the passing of time, school districts have assigned Title IX responsibilities to various district administrators as a secondary obligation. The category of other was indicated by 21 percent of the responding districts and was the second most frequently utilized by the districts. Director of special programs, curriculum coordinators, director of pupil personnel services, director of personnel and executive for administration were primary positions held by individuals who had Title IX responsibilities as a secondary function. • With Title IX implementation completed, school districts appeared to have less need for a full time coordinator.

A district wide self-evaluation was another compliance criterion. The school districts in this study utilized a number of items for this purpose (Table 4). Student hand-

TABLE 2  
AUDIENCES INFORMED OF  
POLICY ON NON-DISCRIMINATION  
ON THE BASIS OF SEX

	School Districts																								Frequency Of Response	Per Cent
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24		
Students	X	X		X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X			X	20	83
Trade Unions			X	X			X	X	X	X	X							X	X					X	10	42
Parents	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				20	83
Employees	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	23	96
Applicants for Employment		X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	19	79
Referral Agencies			X		X						X												X	4	17	
Professional Organizations																X					X	X	X	4	17	
Other	X		X																					2	8	

TABLE 3  
PERSON RESPONSIBLE FOR DISTRICT  
TITLE IX COMPLIANCE

District Position	Frequency	Percent
A Coordinator	9	38
A Compliance Officer	3	13
The Superintendent	3	13
An Assistant Superintendent	4	17
Other	5	21

TABLE 4  
ITEMS UTILIZED IN TITLE IX  
SELF-EVALUATION

District	Job Description	Curriculum Guides	Faculty Handbooks	Student Activity Schedules	Student Handbooks	Salary Schedules	Facilities Use Schedule	Other
1	X	X	X		X		X	
2	X	X			X	X		
3	X	X			X			X
4		X				X	X	
5		X	X		X		X	
6		X			X	X	X	
7	X	X			X	X	X	
8	X				X	X	X	
9	X	X	X	X				X
10		X	X	X		X		X
11	X		X	X	X			
12			X	X	X		X	
13	X	X	X	X	X		X	
14	X	X	X		X			
15			X	X	X	X	X	
16	X		X	X			X	
17	X		X	X	X	X	X	
18	X		X	X		X	X	
19	X		X	X		X	X	
20		X	X	X	X	X		
21	X	X	X	X	X			X
22		X	X	X	X			
23	X	X		X	X	X		
24	X		X	X	X			
Totals	16	15	17	15	18	12	13	4
Percent	66.7	62.5	70.8	62.5	75	50	54.2	16.7

books, faculty handbooks and job descriptions were indicated as the most frequently used sources for conducting Title IX assessments in these districts.

Seventy-five percent of the responding school districts indicated that their self-evaluations were characterized by having established responsibilities. Another 46 percent reported they had specific objectives. Table 5 data indicate that a smaller number, 38 percent, used a specific instrument or followed a given time schedule (33 percent).

As shown in Table 6, athletics (88 percent), access to course offerings (79 percent), employment (75 percent), grievance procedure (75 percent) and vocational education courses (75 percent) were categories which commanded top consideration in the self-evaluation of the districts. School admissions (38 percent) was included in the self-evaluation but was not a concern of high priority.

One hundred percent of the districts met the fourth compliance criterion of a grievance procedure. Fifty-eight percent indicated that they had not had a grievance filed by an employee or student alleging sex discrimination. Forty-two percent indicated that they had. None of the filed grievances went beyond the local school district for redress.

One hundred percent of the districts reported that they received federal financial assistance in some form. Receiving federal funds placed the recipient under Title IX

TABLE 5  
 COMPONENTS OF TITLE IX  
 SELF-EVALUATION

District	Specific Objectives	Time Schedules	Specific Instrument	Specific Method	Established Responsibilities	Other
1	X	X			X	
2		X	X			
3	X	X	X		X	X
4			X		X	
5	X		X			
6	X		X			
7	X					
8	X	X				
9				X	X	
10	X				X	
11	X			X		
12	X				X	
13				X	X	
14				X	X	
15				X	X	
16				X	X	
17		X			X	
18		X			X	
19	X				X	
20		X			X	
21	X		X		X	
22			X		X	
23			X		X	
24		X	X	X	X	X
Totals	11	8	9	7	18	2
Percent	45.8	33	37.5	29.2	75	8.3

TABLE 6  
AREAS INCLUDED IN TITLE IX  
SELF-EVALUATION

District	Athletics	Treatment Of Students	Employment	Counseling And Testing	Access To Course Offerings	School Admissions	Grievance Procedure	Vocational Education Courses	Other
1	X	X	X		X		X	X	
2		X	X	X				X	
3	X	X		X		X		X	
4	X		X	X	X			X	
5	X	X			X		X		X
6	X	X			X		X	X	
7	X	X	X		X	X	X	X	
8	X		X		X		X	X	
9	X	X			X	X	X		
10	X	X			X	X	X		
11	X	X	X	X		X	X		
12	X	X	X	X	X	X	X		
13		X	X	X	X			X	X
14		X	X	X	X		X	X	X
15	X	X	X		X		X	X	
16	X		X	X	X		X	X	
17	X	X	X	X	X	X	X	X	X
18	X	X	X	X	X		X	X	
19	X	X	X	X		X	X	X	
20	X		X	X	X		X	X	
21	X		X	X	X	X	X	X	
22	X		X	X				X	X
23	X		X	X	X		X	X	
24	X			X	X				
Totals	21	16	18	16	19	9	18	18	5
Percent	187.5	66.7	75	166.7	179.2	37.5	75	75	20.8



guidelines. One hundred percent of the districts indicated that they met the fifth criterion of signing the assurance of compliance form.

Some inconsistencies were discerned in the Title IX compliance data which were reported by the school districts. All of the districts indicated that they were in compliance with the law, but data obtained from the research instruments indicated that this did not hold true for three compliance criteria (Table 7). The non-compliance by 54 percent of the districts for the notice of intent to comply and 67 percent for the appointment of a Title IX coordinator was probably more of a technicality than a real fault. As revealed in several of the interviews, superintendents identified the notice of intent and the position of the Title IX coordinator as the two compliance indicators which were least useful to the successful implementation of Title IX in their districts. Intent was not as strongly indicative of the districts' commitment to implementing Title IX as was the adoption and incorporation of Title IX into school board policy. The data did not reveal any explanation for the failure of two districts to conduct the required self-evaluation.

#### Conflicts and Problems

Areas of Title IX implementation which drew the most complaints are shown in Figure 6. The data represent a composite of the relative ranking of the frequency of complaints

TABLE 7  
COMPLIANCE STATUS OF SECONDARY  
SCHOOL DISTRICTS

Compliance Criterion	Number Meeting Criterion	Percent	Number Not Meeting Criterion	Percent	Total Number Responses	Total Percent
Notice of Intent	11	45.8	13	54.2	24	100
Title IX Coordinator	8	33.3	16	66.6	24	100
Grievance Procedure	24	100	0	0	24	100
Self Evaluation	22	91.7	2	8.3	24	100
Assurance of Compliance	24	100	0	0	24	100
Recipient of Federal Funds	24	100	0	0	24	100

FIGURE 6

RELATIVE COMPLAINT FREQUENCY CHART

(0 = NO COMPLAINTS; 8 = MOST COMPLAINTS)

Complaint Areas	Composite Index	0	1	2	3	4	5	6	7	8	
1. Athletics	2.96	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX									
2. Physical Education	2.04	XXXXXXXXXXXXXXXXXXXXXXXXXXXX									
3. Employment	1.92	XXXXXXXXXXXXXXXXXXXXXXXXXXXX									
4. Treatment of Students	1.71	XXXXXXXXXXXX									
5. School Admissions	0.37	XXXX									
6. Staffing	0.33	XXX									
7. Counseling/Testing	0.25	XX									
8. Access to Courses	0.13	X									
9. Grievance Procedure	0.08	X									
10. Vocational Education	0.00										
11. Health Education	0.00										

in eleven areas affected by Title IX. On a scale of 0 through 8, data indicated a composite index of 3 for athletics and 2 for physical education. The data did not indicate any complaints in health or vocational education courses. Athletics and physical education were identified by the data as the areas receiving the greatest number of complaints.

July of 1978 was the deadline for secondary schools to initiate co-educational physical education classes. Boys and girls were integrated into the same classes. Poor attitudes of teachers toward co-ed gym and participation by girls in certain sports may have accounted for athletics and physical education being the areas of greatest complaints.

Data indicated that the secondary school districts did not experience serious implementation problems with Title IX (Table 8). Of the problems identified by the data, facilities was cited by 42 percent of the respondents. Title IX Regulations required secondary school districts to provide equal facilities for boys and girls in locker rooms, dressing rooms and shower rooms. Outdoor fields, courts and adequate inside space for co-educational gym classes were also required. Existing facilities had to be shared and problems surfaced in redistributing the use of the facilities to accommodate both sexes.

Weighing areas of Title IX implementation as to the degree of difficulty of the implementation resulted in iden-

TABLE 8  
TITLE IX COMPLIANCE  
PROBLEM AREAS

Area	Yes Response		No Response		Totals	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Budgets	4	16.7	20	83.3	24	100
Facilities	10	41.7	14	58.3	24	100
Personnel	4	16.7	20	83.3	24	100
Curriculum	3	12.5	21	87.5	24	100
Activities	5	20.8	19	79.2	24	100
Board Policy	0	0	24	100	24	100
Affirmative Action	3	12.5	21	87.5	24	100

tifying personnel as the area most difficult to implement (Figure 7). On a scale where 0 represented the least difficult and 7 the most difficult, the data indicated that the index for personnel (3.25) was slightly greater than the index for facilities (3.13). Other data revealed that some districts reported a difficulty in finding female coaches for girls' athletics and in hiring willing, qualified women for administrative positions in the districts. Personnel's slightly higher index may be attributed to these reported personnel problems. Budgets were indicated by the data as causing some degree of difficulty in implementation. Albeit slight, the 2.75 index in this area was probably created from tensions in redistributing the available funds. Data indicated that in a majority of the districts new funds were not available for Title IX implementation.

Data depicting the relative degree of difficulty in implementing course offerings are shown in Figure 8. The course most difficult to implement was identified by the data to be physical education. It received a composite index of nearly 5, identifying it as the one course which computed responses in the upper 50 percent of the scale used to indicate its relative implementation difficulty. The data identified music and business education as courses implementing Title IX guidelines without any real difficulties.

FIGURE 7

RELATIVE IMPLEMENTATION DIFFICULTY CHART OF DISTRICT RESOURCES

(0 = LEAST DIFFICULT; 7 = MOST DIFFICULT)

District Resources	Composite Index	0	1	2	3	4	5	6	7
1. Personnel	3.25		XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX						
2. Facilities	3.13		XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX						
3. Budget	2.75		XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX						
4. Curriculum	2.42		XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX						
5. Activities	2.33		XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX						
6. Affirmative Action	1.33		XXXXXXXXXXXX						
7. Board Policy	0.75		XXXXXXX						
8. Other	0.29		XXX						

FIGURE 8

RELATIVE IMPLEMENTATION DIFFICULTY CHART OF COURSE OFFERINGS

(0 = LEAST DIFFICULT; 8 = MOST DIFFICULT)

Course Offerings	Composite Index									
		0	1	2	3	4	5	6	7	8
1. Physical Education	4.88	XX								
2. Industrial Arts	3.53	XX								
3. Vocational	2.79	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX								
4. Home Economics	2.42	XXXXXXXXXXXXXXXXXXXXXXXXXXXX								
5. Technical	2.00	XXXXXXXXXXXXXXXXXXXX								
6. Health	1.83	XXXXXXXXXXXXXXXXXXXX								
7. Business	1.08	XXXXXXXXXX								
8. Music	1.08	XXXXXXXXXX								



Data presented in Figure 9 indicate athletics as the area which caused the most severe problems in implementing Title IX. On a scale of 0 to 5, where 0 indicated the absence of a problem and 5 the most severe problem, athletics received an index of nearly 3. To recapitulate, data have indicated in more than one instance that implementing Title IX in the area of athletics created many problems primarily because of personal values and poor attitudes on the part of those responsible for carrying out the Title IX guidelines.

The following data were given in response to an open-ended item on the questionnaire asking for a listing of areas originally not in compliance with Title IX:

1. Access to vocational courses
2. Access to academic courses
3. Equal pay for coaches
4. Use of facilities
5. Athletics
6. Course titles
7. Family health payments
8. Published statements of compliance
9. Lack of school board policy
10. Co-ed gym

All of the above areas have been brought into compliance by the districts reporting them.

FIGURE 9

RELATIVE SEVERITY OF IMPLEMENTATION PROBLEMS

(0 = NO PROBLEM; 5 = MOST SEVERE)

Problem Areas	Composite Index	0	1	2	3	4	5
1. Athletics	2.92	XXXXXXXXXXXXXXXXXXXXXXXXXXXX					
2. Vocational	1.46	XXXXXXXXXXXXXXXXXXXX					
3. Access to Courses	1.42	XXXXXXXXXXXXXXXXXX					
4. Affirmative Action	1.33	XXXXXXXXXXXXXXXX					
5. Employment	1.25	XXXXXXXXXXXX					
6. Treatment of Students	1.17	XXXXXXXXXXXX					
7. Grievance Procedure	1.13	XXXXXXXXXXXX					
8. Counseling & Testing	1.04	XXXXXXXXXX					
9. Employee Benefits	1.04	XXXXXXXXXX					
10. Parental - Marital	0.92	XXXXXXX					
11. School Admissions	0.79	XXXXX					
12. Other	0.21	XX					

## Changes in the Districts

The data revealed changes in school district operations as a result of the implementation of Title IX (Table 9). Receiving 83 percent of the responses, athletics was identified by the data as the area of greatest change. The other areas were not viewed as areas of significant change since none received a response pattern greater than 50 percent.

Participation of the sexes in school district services can be seen in Table 10. Seventy-one percent of the districts reported that Title IX increased the participation of females in the use of facilities. Twenty-nine percent reported that Title IX decreased male participation in the same area. The decrease indicated by the data may have been due to the necessity of sharing existing facilities with new girls' programs. Other increases for females indicated by the data were in vocational education and male athletic program participation. These increases are a good indication that existing female athletic programs were permitted to continue and that girls were permitted to expand their opportunities even further by participating in boys' athletic programs. Although girls gained greater access to vocational education courses in 54 percent of the districts, females did not gain greater access to jobs in these districts. The data indicate that 17 percent of the districts reported an increase of females in employment.

TABLE 9 Part 1  
 AREAS OF CHANGE AS A RESULT  
 OF TITLE IX COMPLIANCE

District	Athletics	Student Treatment	Employment	Counseling And Testing	Access To Course Offerings	School Admissions
1.	X				X	
2.						
3.	X		X			
4.	X	X				
5.	X	X				
6.	X	X	X		X	
7.	X				X	
8.	X					
9.	X					
10.	X		X		X	X
11.	X					
12.	X		X		X	
13.			X		X	
14.				X		
15.	X					
16.	X		X			
17.	X	X			X	
18.	X	X		X		
19.	X	X				
20.				X		
21.	X					
22.	X			X		
23.	X		X			
24.	X				X	
Totals	20	6	7	4	8	1
Percent	83.3	25	29.2	16.7	33.3	4.2

TABLE 9 Part 2  
 AREAS OF CHANGE AS A RESULT  
 OF TITLE IX COMPLIANCE

District	Grievance Procedure	Vocational Education	Affirmative Action	District Facilities	District Budget	District Personnel
1.					X	
2.		X				
3.		X		X	X	
4.	X		X			
5.						
6.	X	X				
7.	X					
8.				X		
9.			X	X	X	X
10.					X	X
11.	X					
12.	X			X		
13.						
14.		X		X		
15.						
16.	X	X	X			X
17.						X
18.					X	X
19.	X		X	X	X	
20.					X	
21.				X	X	
22.		X		X		
23.				X		X
24.		X				
Total	7	7	4	9	8	6
Percent	29.2	29.2	16.7	37.5	33.3	25

TABLE 10  
 PARTICIPATION OF SEXES  
 SINCE TITLE IX

Area	Increased		Decreased		No Change		Total Response	Total Percent
	Number	Percent	Number	Percent	Number	Percent		
Male Athletic Programs	7	29.2			17	70.8	24	100
Female Athletic Programs	1	4.2			23	95.8	24	100
Male Employment	1	4.2	2	8.3	21	87.5	24	100
Female Employment	4	16.6	1	4.2	19	79.2	24	100
Male Vocational Education	3	12.5	2	8.3	19	79.2	24	100
Female Vocational Education	13	54.2			11	45.8	24	100
Male Use of Facilities	1	4.2	7	29.2	16	66.6	24	100
Female Use of Facilities	17	70.8	1	4.2	6	25	24	100

Affirmative action caused districts to actively recruit and hire females to rectify imbalances of the sexes in employment. Data disclosed that 21 percent of the districts indicated an increase in female personnel (Table 11). The implementation of Title IX impacted greatest on district budgets. According to the data budgets were increased in 46 percent of the districts. The source of the new funds cannot be identified from the data. Course offerings and male personnel remained basically as they were prior to Title IX.

Business education and music courses were identified by the data as undergoing the least amount of change since Title IX was implemented (Table 12). Physical education was the course offering which was modified to the greatest extent. The data also identified physical education as the area of greatest need for establishing new policy.

Data indicating the relative degree of district modification of courses since Title IX implementation identify physical education as the course which was modified to the greatest extent (Figure 10). The data revealed a composite index of 3 for physical education. This was the strongest indication of modification given. Music courses with a composite index of .33 were the weakest indication of modification identified by the data.

#### Continuity of Title IX

Ninety-two percent of the districts reported that

TABLE 11  
CHANGES IN DISTRICT RESOURCES

Area	No Change		Increase		Decrease		Total Number	Total Percent
	Number	Percent	Number	Percent	Number	Percent		
Budget	11	45.8	11	45.8	0	0	22	91.6
Facilities	13	54.2	9	37.5	0	0	22	91.7
Course Offerings	17	70.8	4	16.7	1	4.2	22	91.7
Affirmative Action	16	66.7	6	25	0	0	22	91.7
Male Personnel	18	75	1	4.2	3	12.5	22	91.7
Female Personnel	16	66.7	5	20.8	1	4.2	22	91.7



TABLE 12  
CHANGES IN COURSE OFFERINGS

Course	No Change		Modification		New Policy		Total Number	Total Percent
	Number	Percent	Number	Percent	Number	Percent		
Health	18	75	5	20.8	0	0	23	95.8
Physical Education	5	20.8	14	58.3	5	20.8	24	99.9
Industrial Arts	11	45.8	9	37.5	3	12.5	23	95.8
Business	20	83.3	2	8.3	1	4.2	23	95.8
Vocational	15	62.5	7	29.2	2	8.3	24	100
Technical	16	66.7	5	20.8	2	8.3	23	95.8
Home Economics	11	45.8	9	37.5	3	12.5	23	95.8
Music	20	83.3	2	8.3	0	0	22	91.6

FIGURE 10

RELATIVE DEGREE OF COURSE MODIFICATION SINCE TITLE IX

(0 = NO CHANGE; 5 = GREATEST CHANGE)

Courses	Composite Index																			
		0	1	2	3	4	5	6	7	8										
1. Physical Education	2.96	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX																		
2. Industrial Arts	1.54	XXXXXXXXXXXXXXXXXXXX																		
3. Vocational	1.33	XXXXXXXXXXXXXXXXXX																		
4. Home Economics	1.29	XXXXXXXXXXXXXXXXXX																		
5. Technical	1.21	XXXXXXXXXXXXXXXXXX																		
6. Health	0.83	XXXXXXX																		
7. Business	0.67	XXXXXX																		
8. Music	0.33	XXX																		

Title IX had been implemented in all high schools of the districts and all were in compliance with the statute and its regulations. Eight percent of the districts reported that they did not know whether Title IX had been implemented in all high schools of their districts or whether they were in compliance.

One superintendent revealed that the district needed to take remedial steps to bring all of the district's practices into compliance with Title IX. Other superintendents identified policy as an area which needed review for possible Title IX infractions. Still others identified employment as the area where remedial steps were needed to guarantee Title IX continuity. The specific practices and policies were not disclosed from the data.

An open-ended questionnaire item asked respondents to cite sources which were available to help the school districts fulfill their implementation and compliance responsibilities for Title IX. Data obtained included the following:

1. Illinois State Board of Education
2. Consultants
3. Fair Board Policies
4. Federal Agencies
5. Districts' Budgets

Figure 11 indicates the relative importance of measures which school districts should take to assure continuity of

FIGURE 11

RELATIVE IMPORTANCE OF MEASURES TO TITLE IX CONTINUITY

(0 = LOW PRIORITY; 7 = TOP PRIORITY)

Measures To Be Taken	Composite Index	0	1	2	3	4	5	6	7
1. Inservice & Workshops	1.96	XXXXXXXXXXXXXXXXXXXX							
2. Another Self-Evaluation	1.92	XXXXXXXXXXXXXXXXXXXX							
3. New Policy	1.66	XXXXXXXXXXXXXXXXXXXX							
4. Monitor Maintenance	0.88	XXXXXXXXXX							
5. Increased Budget	0.83	XXXXXXXXXX							
6. Program Modification	0.79	XXXXXXX							
7. Community Involvement	0.50	XXXXXX							

Title IX implementation in the high schools. Data identified the measure of inservice and workshops as the one receiving the highest composite index, 2. Another self-evaluation was the second most important measure needed to assure Title IX continuity. This measure received a 1.9 composite index. The data did not specify in what way these measures would be helpful in continuing Title IX in the school districts.

### Implementation of Title IX

Interviews were conducted with 12 superintendents on the implementation of Title IX in the secondary school districts. Additional information was given in some instances by other central office administrators. For clarity of presentation, data are presented topically according to the four basic interview categories utilized.

Interview Category 1: What has been done in your school district to effect compliance with Title IX guidelines?

Superintendents were asked to evaluate their knowledge of the Title IX statute and the application of the regulations to educational policies, programs and practices. Responses ran the gamut from poor to excellent. The following expressions recapitulate the variety of knowledge bases held by superintendents who were responsible for implementing Title IX in the districts:

My knowledge is fairly limited. I'm reading district material on Title IX and materials published by the State Board of Education and the Resource Center on Sex Roles in Education.

It's pretty good. I would say it's reasonable. I stay in contact with state and national resources on Title IX, but I use a firm for help in this area.

My knowledge is excellent in this area. I have read extensively on Title IX and the HEW guidelines. I have a great sensitivity to both Title IX and Civil Rights issues concerning employment and hiring. I wrote the Title IX policy for another district.

One prerequisite for effective implementation of Title IX is knowledge of the statute and the regulations. Edwards (1980) indicated that persons responsible for implementing Title IX should know what they are to do. A majority of the superintendents interviewed believed they had an excellent understanding of the Title IX statute and its regulations.

When queried on the steps or action taken to implement Title IX in the districts, some superintendents disclosed that Title IX implementation had preceded them. Sixty-three percent of the superintendents had been in their current districts fewer than six years as indicated by data from the questionnaire. Steps taken by several to implement Title IX are enumerated:

1. Conducted steering committee meetings.
2. Selected ad hoc committee of students and parents for token representation.
3. Directed staff involvement.
4. Coordinated self-evaluations of athletics, physical education, vocational education, home economics, student and faculty handbooks, curriculum guides and employment forms.

5. Recommended the adoption of Title IX as official school board policy.

6. Appointed a Title IX Coordinator

7. Organized inservices for principals.

8. Notified parents and news media.

When asked to discuss the strengths of the Title IX coordinator in functioning to implement Title IX, superintendents' responses were both negative and positive. Those responding negatively felt the position was needed only for grievance issues, or that it was not needed at all because Title IX had gone by the wayside nationally. Four responses indicated that due to the tenor of the times set by President Reagan, emphasis was no longer on Title IX and there was a lack of enthusiasm for it. Positive responses indicated that the Title IX coordinator was needed for clarity of communication to parents, students and employees. From a managerial standpoint the functions of the position avoided vagueness and ambiguity and fostered specificity in matters related to sex discrimination.

The data suggested that the Title IX coordinator could be advantageous to the successful implementation of Title IX in the districts if the coordinator functioned as a counselor to administrators and staff. Working in this capacity, the Title IX coordinator could become a positive factor in influencing the attitudes of district personnel who needed to over-

come poor attitudes or sex biases through inservice or workshop activities. District personnel would probably respond more favorably to ideas on Title IX expressed by a staff person because they have the option of either accepting or rejecting the ideas offered. As staff and a resource for help, the Title IX coordinator would always suggest and never command.

Data from the interviews substantiated data from the questionnaire which indicated that the self-evaluation was not conducted in several districts. One superintendent revealed that he did not think the self-evaluation was too useful because of the poor attitudes which were present in teacher personnel toward Title IX. Another response disclosed that the Title IX self-evaluation was included in the Civil Rights review of the district. Data from one district indicated that the district failed to conduct the self-evaluation because the district had already achieved compliance. Data with positive indications in this area such as, "The comprehensive self-evaluation was a means of alerting the educational community to take notice, to raise the sights of its students and to open up real opportunities for them," was scarce. This scarcity could be attributable to one disclosure which indicated that the comprehensiveness required for the self-evaluation consumed too much time. Self-evaluations which were comprehensive and which utilized a multi-dimensional



approach were viewed as being most facilitative to Title IX implementation in the districts.

Data from the interviews indicated that a majority of the districts viewed the district grievance procedure as a valid method for identifying Title IX problems.

A few supportive responses are offered:

Ours works pretty good. We had to change the wording in some manuals and curriculum guides from he/she to it/they. It identified problems in staffing and unequal pay.

It's effective. We have had a couple of grievances-- two at the district level and one pending under Title VII at the Equal Employment Opportunity Commission.

It is a fair kind of thing as it involves due process and a hearing officer. It is part of the professional bargaining agreement.

Interview data indicated that the grievance procedure was operational if it specified the following components: the person to contact, time limits, method for filing and provisions for review.

Notwithstanding the indication that all districts did not conduct the self-evaluation and notwithstanding the poor knowledge bases for Title IX on the part of some superintendents, all districts rated their progress on the implementation of Title IX as very good. One superintendent confirmed that his district had made "amazing" progress. Another indicated that Title IX had been implemented "90 percent" in his district, but that old attitudes persisted. The

inference made from the data is one which confirmed that the districts tried to implement Title IX according to the original intent of the statute.

Interview Category 2: What kind of problems have you had in implementing Title IX in your district?

Data obtained from the interviews did not identify any factors which inhibited the implementation of Title IX in any of the districts to any great extent. Attitudes were identified most often as a factor needing consideration in the implementation process. Overcoming male attitudes was a problem. Some superintendent responses support this indication:

The poor attitudes of teachers on co-educational gym lasted a couple of years.

Male teachers didn't feel they could supervise girls' dressing rooms.

The coaches felt that girls were too weak for certain sports and female teachers in the locker rooms was a real problem.

Other data revealed that home economics, industrial arts and vocational subjects were not integrated by the sexes because students chose courses according to the traditional, sex-stereotyped orientation of their parents.

Fundamentalist religious beliefs and an orientation of traditional values have led some to become recalcitrant in their thinking on the treatment of the sexes. Girls and boys are different and are expected to become role occupants of differentiated, sex stereotyped positions in the larger socie-

ty. The indication being that individuals who espouse this view do not perceive Title IX to be a change for the better. One superintendent reported: "A few boys take home economics and a few girls take industrial arts, but students who take these courses are looked down upon. They get labeled. Things were better before Title IX and I see no real need for change."

Data from the interviews revealed problems in school facilities, budgets and personnel. All were indicated to be minimal. Scheduling problems were due to an expansion in the use of district facilities. The allocation of the use of the gym and softball field in one district resulted in a reduction of the time boys could use them. Feeling cheated, the boys complained. Data from another district revealed that girls in one high school could not participate in a universal gym class of weightlifting because the equipment was located in an inaccessible area beyond the boys' dressing room. Girls would have to pass through the boys' dressing room to use the equipment. Girls were denied participation. This curtailment of girls' participation due to a problem with facilities resulted in a grievance.

Title IX implementation in the school districts did not create problems in staff according to the data. Most superintendents indicated that the employment pattern for their districts remained unchanged. Data indicated that some districts upgraded positions normally held by females and made pay schedules equitable. The data did not reveal what

was done to accomplish this. The following response from one superintendent reflected the prevailing attitude on hiring females in the districts: "We tried to equalize staff as best we could, but without new funds being available for this purpose we have not hired any new personnel. When a position becomes available through attrition, we try to hire females if they are qualified." The explanation for the scarcity of women in administrative positions cited by most districts was that they could not find any women who were willing to accept administrative responsibility or who were qualified to do so.

Interview Category 3: What changes have been made in your district as a result of Title IX?

Several interview questions sought to assess attitudinal changes of the citizens comprising the school districts toward Title IX. Interview data indicated that the level of public awareness of Title IX and the changes it brought in the schools was generally mixed. Data from one district reported:

Our district is integrated and it runs the gamut of the socio-economic scale. Some areas are not too sophisticated and have little or no understanding. Other areas are quite sensitive to discrimination issues and have an excellent understanding.

Another superintendent indicated:

Title IX was a very controversial issue at one time, but it is not a current issue. The people in this community are not really aware that there are not enough female administrators. Most of the administrators are male. There is one female and some might say that is one female too many.

Additional data indicated that the school administrators were better informed on Title IX than were the citizens. The imbalance in Title IX awareness exhibited by school administrators and citizens could be due to an imbalance in the information sources available to each. Sources such as the School Law Quarterly, Title IX News, and written state guidelines usually were not available to the citizens. Data from interviews with superintendents indicated there was minimal understanding of Title IX by the citizens.

One superintendent reported a change in the awareness level of the public concerning career outcomes. The data revealed:

Things have become better due to the expansion of course offerings. More girls go into engineering, business management and administration because of Title IX. Boys now opt for word processing classes and other courses dealing with communications such as radio and television. So, I think there is a good understanding in our district of how Title IX has increased the job options for our young people.

Title IX and the issue it addressed, sex discrimination, appeared to have opened up a potpourri of reactions concerning its importance in the schools today. Data revealed that reactions ran the gamut from, "It's a high priority in our district. We want to be in compliance." to "Interest has waned over the years. Not too much is being done with it. It's a low priority in our district."

Indications from data are that Title IX is no longer viewed as a top priority concern in the districts because it has been successfully implemented to the satisfaction of the

superintendents. Districts have made the necessary changes required by the regulations, Title IX has been incorporated into board policy, district programs have changed, textbooks and handbooks reflect non-sexist language and more females have been appointed to administrative positions. School districts view their services to students and employees as being fair and sex equitable.

When asked to assess the role Title IX played in the attainment of these sex equitable services only one superintendent indicated that Title IX's role was a major one. Another superintendent viewed Title IX negatively as federal infringement. Several others disclosed that Title IX did not make a difference. One indication from data was that Title IX had been responsible for raising the awareness level of the district to sex discrimination as an issue. One superintendent summed it up this way: "Title IX brought about an awareness of sex discrimination, which brought about planning, which brought about programs, which brought about change."

Sufficient staff with the needed level of expertise was one requirement of the implementation process as presented by Edwards (1980). Data from one district confirmed, "The balance we have achieved in Title IX implementation in our schools is due to the large numbers of qualified people in our district." The data indicated that the abilities of personnel in the school districts played a significant part in the successful implementation of Title IX.

Superintendents were asked to specify their commitment to implementing Title IX in their districts and to give indications of leadership's attitude toward Title IX. Data indicated that superintendents expressed a deep commitment to positive actions in implementing Title IX in the spirit of the law. The data did not define "spirit of the law." Several district administrators who were not superintendents, but who had Title IX responsibilities revealed that they viewed this commitment with suspicion. They reported that leadership's actions did not support its words on this topic. Indication for a renewal of leadership's commitment was revealed, and the suggestion to monitor every segment of what was being done relative to Title IX was offered. These findings may indicate that the ineffective implementation of Title IX in some districts was due to a lack of commitment on the part of the superintendents who were responsible for implementing it.

A majority of the superintendents interviewed indicated a great deal of satisfaction with the positive interest in girls' athletics which was generated by Title IX. Indications that both boys and girls benefited from the opportunities for girls in athletics surfaced. Some data pointed to changes in hiring practices resulting from affirmative action. Several superintendents articulated their satisfaction with the placement of several women in appointed positions. One spin-off from the implementation of Title IX was the positive recognition accorded the districts. One superintendent divulged

that the State Board of Education used his district as a model of where Title IX had been effectively implemented. Another revealed: "We are like a fishbowl and spectators are always sizing us up. We have received accolades in the area of Title IX." Data indicated that many districts were satisfied with the implementation of Title IX in their districts.

Interview Category 4: What must this school district do to continue in compliance with Title IX?

Thirty-three percent of the superintendents interviewed indicated that a second evaluation would be beneficial. One superintendent disclosed that:

A self-evaluation is like a mirror. It is a reflection of what has been done. A new evaluation might make us aware of where we are falling short.

Another superintendent suggested that a self-evaluation was needed in the area of employment. The need for a new, more concise evaluation was indicated by one district. Data indicated that a creative rather than a reactionary approach should be utilized with the new self-evaluation on Title IX.

When asked what the districts needed to facilitate Title IX implementation in the future, one superintendent reported that a national thrust in terms of more support for Title IX was needed. Since President Reagan turned attention away from Title IX, he should attempt to rekindle interest in it. As additional data did not indicate a topical response pattern which could be categorized, the variety of responses from the districts is summarized here:



We need curriculum changes which will take us into the twenty-first century with greater access to jobs.

We need an outside opinion of how well we are doing with Title IX. I'm thinking of something like the Civil Rights Review, but for Title IX.

Continuing compliance is indicative of the strength of commitment toward Title IX. A firm commitment is most needed.

## CHAPTER IV

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The major purpose of the study was to examine the process of implementing Title IX of the Education Amendments of 1972 at the local school district level. An additional dimension of the study involved the extent to which Cook County secondary school districts and the City of Chicago met the compliance criteria of the Title IX Regulations. The study also sought to identify problems and to determine changes which occurred in the local school districts as a result of the Title IX implementation.

The study sought to answer four basic questions. These questions were:

1. What have local school districts done to meet the provisions of the Title IX statute and the Title IX Regulations?

2. What was the nature of the problems local school districts encountered in implementing Title IX?

3. What changes have been made in the local school districts as a result of Title IX compliance?

4. What measures are needed to assure the continuity of Title IX compliance within the school districts?

The population of the study included all of the secondary school districts located in Cook County plus the unit district of Chicago. There were twenty-eight districts. A questionnaire on Title IX was designed and mailed to the superintendents of each of these districts. An interview on the implementation of Title IX was conducted with 12 of the superintendents. Charts, tables and composite indices were constructed from the frequency count of the responses to the questionnaire items. Data from the interview were analyzed qualitatively.

### Summary of Findings

The findings of the study were summarized in relation to the demographic district data and the five topical areas of the investigation. Data in the following categories were derived from the questionnaire and includes Chicago.

#### School District Characteristics

1. The majority of the school districts were classified as high school districts. Four percent were classified as unit districts.

2. The majority of the superintendents (96 percent) of these school districts were male.

3. Seventy-three percent of the superintendents had been in the present districts fewer than 6 years.

4. Seventy-one percent of the superintendents had a doctorate.

5. Fifty-eight percent of the superintendents were in the 51-60 age group.

6. The student population was almost equally proportioned in terms of the sexes.

7. Blacks comprised more than half (53 percent) the student population of the study.

8. Sixty-four percent of the non-certified district personnel were female.

9. Fifty-seven percent of the certified district personnel were male.

10. Eighty-four percent of the districts' administrative personnel were male.

#### Problems

1. Relative to Title IX implementation, athletics and physical education generated the greatest number of complaints.

2. Personnel was indicated to be the greatest obstacle to effective implementation of Title IX.

3. School facilities was the district resource causing the greatest problems in 42 percent of the districts.

4. Physical education classes were reported to be the most difficult in which to implement Title IX guidelines.

5. Attitude of school personnel was identified most often by superintendents as an inhibiting factor relative to Title IX implementation.

6. Home economics, industrial arts and vocational

classes remained unintegrated by the sexes due to parental influence in the choice of appropriate subject selection by the students.

7. A majority of the districts indicated that the employment pattern remained unchanged. Districts indicated that they could not find any women who were willing to accept positions or who were qualified to be coaches or administrators.

#### Compliance

1. One hundred percent of the school districts indicated they received federal financial assistance in some form.

2. One hundred percent of the districts indicated they had signed the Assurance of Compliance form.

3. One hundred percent of the school districts had an established grievance procedure for handling Title IX complaints.

4. Forty-six percent of the districts used an official notice of intent to comply to communicate Title IX compliance.

5. Eighty-three percent or more of the districts notified employees as well as students and parents of their policy of non-discrimination on the basis of sex.

6. Thirty-three percent of the districts reported having a full-time Title IX Coordinator.

7. Student handbooks, faculty handbooks and job descriptions were identified as the items utilized most often for the Title IX self-evaluation by the districts.

8. Athletics, access to course offerings, employment, grievance procedure and vocational education courses were identified as the areas most often included for examination in the Title IX self-evaluation process.

9. School districts reported that their district self-evaluations were characterized most often as having established responsibilities.

#### Changes

1. Eighty-three percent of the districts indicated that athletics had been the area of greatest change.

2. Increases in female participation in male athletic programs were reported by 29 percent of the districts.

3. Fifty-eight percent of the districts stated that a modification of policy in physical education had occurred.

4. Twenty-one percent reported that a new policy was needed in physical education.

5. An increase in use of school district facilities by females was reported by 71 percent of the districts.

6. Fifty-four percent of the districts indicated that girls gained greater access to vocational education courses.

7. Forty-six percent of the districts reported that their budgets increased due to implementing Title IX.

8. Eighty-three percent of the districts identified business education and music courses as areas experiencing little change since Title IX implementation.

#### Continuity

1. A majority of the superintendents indicated that inservice and workshops were necessary to continuing Title IX compliance in the districts.

2. Thirty-three percent of the superintendents reported that a new evaluation was needed.

Data on implementation were derived from the interviews.

#### Implementation

1. The knowledge bases of the superintendents concerning Title IX ranged from poor to excellent.

2. Actions of superintendents implementing Title IX included:

- a. conducted steering committee meetings
- b. selected ad hoc committees of parents and students and community representatives
- c. coordinated self-evaluations
- d. appointed a Title IX coordinator
- e. recommended the adoption of Title IX as official school board policy
- f. organized inservices for principals
- g. notified parents and news media

3. Superintendents rated their progress on implementing Title IX as very good to amazing.

4. Several superintendents indicated that their districts did not conduct the Title IX self-evaluation.

5. A majority of the superintendents indicated that the grievance procedure was an effective, valid method for identifying problems with Title IX in the districts.

6. Some superintendents did not view the role of the Title IX coordinator to be facilitative of Title IX implementation in the districts. This somewhat negative view indicated that the Title IX coordinator was needed only for grievance issues or not at all.

7. Data given by superintendents indicated that school administrators were more aware of sex discrimination than were citizens.

8. Data given by superintendents indicated that school administrators were better informed on Title IX than were citizens.

9. Most superintendents did not relate the district's sex equitable services to Title IX implementation.

10. Superintendents indicated a deep commitment to implementing Title IX in the school districts.

11. Positive recognition from significant others was indicated as a spin-off of the effective implementation of Title IX in the school districts.



12. Title IX heightened the public's level of awareness on sex discrimination and career outcomes as indicated by some superintendents.

13. Data from interviews indicated that superintendents no longer view Title IX as a concern of top priority for the districts.

14. A need for better monitoring of Title IX compliance was indicated.

### Conclusions

Based upon the findings of this study the following conclusions are stated in relation to the process of implementing Title IX and the four research questions.

Regarding the implementation of Title IX in Chicago and the secondary school districts of Cook County, it can be concluded that:

1. Actions taken by the superintendents were sufficient to implement Title IX.

2. The process of implementing Title IX created a major amount of change in certain areas of the schools, but superintendents were in agreement with the goals of the statute.

3. The implementation of Title IX was positively affected by

- a. a consensus among superintendents that "the spirit" of the statute should be observed
- b. the heightened level of public awareness concerning career outcomes
- c. the abilities of district teacher personnel
- d. the availability of sufficient budgets
- e. leadership's commitment
- f. adequate facilities to house expanded or new programs in athletics
- g. the positive recognition accorded districts for effective implementation efforts.

4. The implementation of Title IX was adversely affected by

- a. the negative attitudes of district teacher personnel
- b. traditional societal beliefs and values
- c. the erosion of national support for Title IX
- d. the absence of effective monitoring strategies
- e. inadequate knowledge bases of administrators for implementing public policy.

Research Question 1: What have local school districts done to meet the provisions of the Title IX statute and the Title IX Regulations?

1. It can be concluded that some secondary school districts are technically not in compliance with Title IX.

2. It can be concluded that athletics and physical education were the most controversial areas of Title IX compliance.

3. Since all school districts are in literal compliance with Title IX, it can be concluded that sex differences and racial backgrounds of the student population within the school districts had no apparent relationship to whether or not a school district complied with Title IX.

4. It can be concluded that Title IX has had little impact on the employment practices of the school districts.

5. It can be concluded that the attitudes and the capabilities of school teacher personnel contributed to fulfilling the requirements of Title IX compliance in the school districts.

Research Question 2: What was the nature of the problems local school districts encountered in implementing Title IX?

1. It can be concluded that societal and personal values influence the degree to which Title IX change is accepted.

2. It can be concluded that the grievance procedure was the criterion which most facilitated the implementation of Title IX.

3. It can be concluded that use of facilities was the district resource which caused the greatest problems in implementing Title IX.

4. It can be concluded that programs in athletics and physical education classes posed the greatest problems in implementing Title IX in course offerings.

5. It can be concluded that the rise in district budgets did not seriously affect the implementation of Title IX.

6. It can be concluded that no effective strategies for monitoring Title IX exist in the school districts.

Research Question 3: What changes have been made in the school districts as a result of Title IX compliance?

1. It can be concluded that the greatest area of progress in the school districts has been in athletics.

2. It can be concluded that school personnel have been the greatest change agents in effecting Title IX compliance in the districts in Cook County.

3. It can be concluded that Title IX compliance has brought little change in business education and music courses.

4. It can be concluded that affirmative action has had a minimal impact upon the hiring practices of the school districts.

5. It can be concluded that Title IX compliance has resulted in moderate changes in programs and practices of secondary school districts.

Research Question 4: What measures are needed to assure the continuity of Title IX compliance within the school districts?

1. It can be concluded that follow up activities are needed for district personnel to maintain Title IX compliance.

2. It can be concluded that effective monitoring strategies should be developed to assure continuing Title IX compliance.

### Recommendations

The following recommendations are made as a result of this study:

1. The Department of Education should effect a system for monitoring the compliance activities of local districts.

2. The Illinois State Board of Education should require all school districts to be in compliance with the general criteria of the Title IX statute.

3. Superintendents should utilize the position of the Title IX coordinator to provide the necessary resources to develop skills and modify negative behavior of district personnel to maintain local compliance.

4. Superintendents should work to raise the occupational aspirations of girls by seeking to effect major change in the enrollments of females in technical and non-traditional courses of study.

5. Superintendents should establish guidelines for eliminating debilitating sex bias in textbooks, classroom interactions and instructional materials of the secondary

schools in their districts.

#### Implications for Further Study

1. What effect has Title IX had on the career choices of women entering higher education after 1978?
2. What effect has sex role stereotyping had on the career aspirations of minority women?
3. What role does the General Criteria of the Title IX Regulations play in facilitating the effective implementation of Title IX?
4. What effect does the commitment of leadership have on the effective implementation of Title IX?

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APPENDIX A

January 15, 1984

Dear Superintendent:

I am conducting a study entitled, "An Analysis of the Implementation of Title IX in Secondary Schools in Cook County." The study is being done under the auspices of the Department of Administration and Supervision of Loyola University of Chicago. The purpose of the study is to determine the status of Title IX in Cook County high school districts twelve years after its enactment into law.

Enclosed is a research questionnaire designed to secure data on the implementation of Title IX. I am hopeful that you will assist me by completing the questionnaire and returning it to me immediately. I know that demands upon your time are great. However, the questionnaire is constructed so that it will require little of your time to complete. If you cannot personally complete the questionnaire, would you kindly have someone who can answer in your behalf to do so.

No school district nor individual respondent will be identified in the study and your responses will be held in confidence. The questionnaire is identified by a number only for the purpose of sending a follow up letter or a summary of the findings if requested.

The effectiveness of this study depends upon the cooperation I receive from your district and on an early return of the completed questionnaire. I thank you in advance for the time and attention you give to assist me in this important project.

Respectfully yours,

Fredessa Piper

Enclosure

APPENDIX B

IMPLEMENTATION OF TITLE IX IN SECONDARY  
SCHOOLS OF COOK COUNTY

The purpose of this survey is to determine the status of Title IX in secondary schools in Cook County. Your assistance is needed.

Please complete this questionnaire by checking off or filling in where appropriate the requested information. Questions are designed for responses from the superintendents of unit or high school districts. Names and school districts responding will remain anonymous.

Your cooperation in providing perceptive, knowledgeable responses to every question is of utmost importance. A prompt return is greatly appreciated.

Name of Respondent(s) and Title(s)

_____	_____
_____	_____
_____	_____

Would you want a summary of the results of this survey? (Check one)

Yes \_\_\_\_\_ No \_\_\_\_\_





9. Check the most advanced degree or educational level obtained.

- Master's  
 Doctorate  
 Specialist  
 Other (specify \_\_\_\_\_)

10. How many years have you been superintendent in your present district?  
 (Check one)

- 1 year                       6-10 years  
 2-3 years                     11-15 years  
 4-5 years                      16-20 years

Section B: Compliance

1. Does your school district have specific written school board policies relating to Title IX? (Check one)

- Yes                       No

2. To what extent did your school district amend its board policy to support Title IX? (Check one)

- Great extent  
 Some extent  
 Small extent  
 No extent  
 To be done

3. How is Title IX compliance officially communicated in your district?  
 (Check one)

- Special bulletins  
 Official notice of intent to comply  
 Written board policy  
 Other (specify \_\_\_\_\_)



10. Check each of the following which characterized your district's self-evaluation for Title IX. (Check all that are appropriate)

Specific objectives

A time schedule

A specific method

Established responsibilities

Other (specify \_\_\_\_\_)

11. Check each of the following items which was utilized in your school district's self-evaluation for Title IX.

Job descriptions

Curriculum guides

Faculty handbooks

Student activity schedules

Student handbooks

Salary schedules

Facilities use schedule

Other (specify \_\_\_\_\_)

12. Which of the following areas were included in your district's self-evaluation for Title IX? (Check all that are appropriate)

Athletics

Treatment of students

Employment

Counseling and testing

Access to course offerings

School admissions

Grievance procedure

Vocational education courses

Other (specify \_\_\_\_\_)

Section C: Conflicts and Problems

1. Has your school district had a grievance filed by an employee or student alleging sex discrimination? (Check one)

Yes       No

2. What area of Title IX stands out as drawing the greatest number of complaints? (Please rank your responses 1 = most complaints 8 = least complaints. Leave blank if no complaints have been received.)

Athletics

Treatment of students

Employment

Counseling and testing

Access to course offerings

School admissions

Grievance procedure

Vocational education courses

Physical education

Health education

Other (specify \_\_\_\_\_)

3. Did your district encounter problems in the following areas by complying with Title IX? (Check one in each area)

a. in budgets       Yes       No

b. in facilities       Yes       No

c. in personnel       Yes       No

d. in curriculum       Yes       No

e. in activities       Yes       No

f. in school board policy       Yes       No

g. in affirmative action       Yes       No

h. in other (specify \_\_\_\_\_)       Yes       No

4. Please list all areas which were identified by your self-evaluation as being in non-compliance with Title IX.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Which course offerings were the most difficult to implement under Title IX? (Rank your responses 1 = most difficult 8 = least difficult)

_____ Health	_____ Business
_____ Physical Education	_____ Vocational
_____ Industrial Arts	_____ Technical
_____ Home Economics	_____ Music
_____ Other (specify _____)	

6. Which of the following district resources was the greatest obstacle to implementing Title IX in your district? (Please rank your responses 1 = greatest obstacle 7 = smallest obstacle. Leave blank if resource was not an obstacle)

_____ Budget	_____ Activities
_____ Facilities	_____ School Board Policy
_____ Personnel	_____ Affirmative Action
_____ Curriculum	_____ Other (specify _____)

7. Which of the following Title IX areas posed problems in implementation in your district? (Please rate your response for each area 5 = most severe 4 = moderately severe 3 = severe 2 = least severe 1 = no problem)

_____ Athletics	_____ Grievance Procedure
_____ Treatment of Students	_____ Vocational Education
_____ Employment	_____ Affirmative Action
_____ Counseling & Testing	_____ Parental-Marital Status
_____ Access to Course Offerings	_____ Employee Benefits
_____ School Admissions	_____ Other (specify _____)

Section D: Changes

1. Please check each of the following areas which changed in your district as a result of complying with Title IX.

- |   |  |
|---|--|
| <input type="checkbox"/> Athletics                  | <input type="checkbox"/> Vocational Education  |
| <input type="checkbox"/> Treatment of Students      | <input type="checkbox"/> Affirmative Action    |
| <input type="checkbox"/> Employment                 | <input type="checkbox"/> District Facilities   |
| <input type="checkbox"/> Counseling & Testing       | <input type="checkbox"/> District Budget       |
| <input type="checkbox"/> Access to Course Offerings | <input type="checkbox"/> District Personnel    |
| <input type="checkbox"/> School Admissions          | <input type="checkbox"/> Other (specify _____) |
| <input type="checkbox"/> Grievance Procedure        | _____ )  |

2. Please categorize how Title IX has affected male participation in each of the following. (Check one category in each area)

<u>Area</u>	<u>Participation Increased</u>	<u>Participation Decreased</u>	<u>No Change</u>
Female Athletic Programs	_____	_____	_____
Employment	_____	_____	_____
Vocational Education	_____	_____	_____
Use of Facilities	_____	_____	_____

3. Please categorize how Title IX has affected female participation in each of the following. (Check one category in each area)

<u>Area</u>	<u>Participation Increased</u>	<u>Participation Decreased</u>	<u>No Change</u>
Male Athletic Programs	_____	_____	_____
Employment	_____	_____	_____
Vocational Education	_____	_____	_____
Use of Facilities	_____	_____	_____

4. Please categorize how Title IX has affected your school district in the following areas. (Check one category in each area)

<u>Area</u>	<u>Increased</u>	<u>Decreased</u>	<u>No Change</u>
a. Budget	_____	_____	_____
b. Facilities	_____	_____	_____
c. Course Offerings	_____	_____	_____
d. Affirmative Action	_____	_____	_____
e. Personnel	_____	_____	_____
1. Male	_____	_____	_____
2. Female	_____	_____	_____

5. How has Title IX affected your district's policy regarding participation by both sexes in each of the following courses. (Check one category for each course)

<u>Course Offering</u>	<u>No Change</u>	<u>Modification</u>	<u>New Policy</u>
a. Health	_____	_____	_____
b. Physical Education	_____	_____	_____
c. Industrial Arts	_____	_____	_____
d. Business	_____	_____	_____
e. Vocational Courses	_____	_____	_____
f. Technical	_____	_____	_____
g. Home Economics	_____	_____	_____
h. Music	_____	_____	_____

6. Which areas have experienced the greatest amount of change since 1978 when all aspects of Title IX were to be in compliance? (Rate your response for each area 1 = great change 2 = moderate change 3 = some change 4 = little change 5 = no change)

a. _____ Health	e. _____ Vocational
b. _____ Physical Education	f. _____ Technical
c. _____ Industrial Arts	g. _____ Home Economics
d. _____ Business	h. _____ Music





APPENDIX C

February 9, 1984

Dear Superintendent:

Several weeks ago you received a questionnaire designed to determine the status of Title IX in the secondary schools of Cook County. It is most important to this study that your questionnaire is completed and returned.

Your knowledge of Title IX in your district is needed to make this study meaningful. I urge you to take a few minutes to complete the questionnaire and return it immediately.

Thank you very much.

Sincerely,

Fredessa Piper

APPENDIX D

## INTERVIEW ON THE IMPLEMENTATION OF TITLE IX

## A. Compliance Efforts

1. In general, how would you rate the progress made by your school district in implementing Title IX since June 1976 when the regulation became effective?
2. What steps did you initiate to implement Title IX in your district?
3. What do you see as strengths of the Title IX coordinator which have distributed to his/her effective functioning in implementing Title IX in your district?
4. What strategies did you use to ensure effective dialog between different levels within your district regarding Title IX and sex equity in education?
5. What do you see as the strengths of your self-evaluation in facilitating Title IX compliance in your district?
6. Please evaluate the validity of your district's grievance procedure as a mechanism for identifying and correcting Title IX violations?
7. How would you describe your knowledge of sex equity in administering and monitoring Title IX implementation in your district?
8. What strategies did you use to ensure the meaningful involvement of all personnel and students in the Title IX monitoring process in your district?
9. How would you evaluate your knowledge of the Title IX regulation and its application to educational policies, programs, and practices?

## B. Problems and Difficulties

1. What do you feel has been your area of greatest difficulty in implementing Title IX?
2. What factors have inhibited the implementation of Title IX in your district?
3. What problems have been encountered in implementing Title IX in terms of school facilities?

4. What problems have been encountered in implementing Title IX in terms of personnel?
5. What problems have been encountered in implementing Title IX in terms of budget allocations?
6. Which aspects of student programs and activities have experienced the least amount of progress in your district?
7. Which aspects of employment policies and practices in your district have experienced the least amount of progress toward change?
8. When problems relating to Title IX have arisen in your district, what steps have you taken to identify the information needed for effective solutions to the problems?
9. Of the five required compliance factors, which one have you found to be least useful in facilitating Title IX implementation in your district? Why?

#### C. Changes

1. What do you feel has been your area of greatest progress satisfaction in implementing Title IX in your district?
2. Of the five required compliance factors, which one have you found to be most useful in facilitating Title IX implementation in your district? Why?
3. To what extent do you believe that there is general awareness of the existence of sex discrimination in education in your school district?
4. To what extent do you believe that the alleviation of sex discrimination is a concern of top priority with your district?
5. What role does Title IX play in the attainment of sex equity in the schools of your district?
6. Where does your district get its understanding of sex discrimination and its effects on young people?
7. To what extent do you believe that citizens of your district understand the possible relationships between sex discrimination in education and sex differences in educational and career outcomes?
8. To what extent do you believe that your leadership has articulated its commitment to eliminating sex discrimination in this district?

9. Describe how the requirements of Title IX have been specified and incorporated within this district.
10. Have responsibilities for Title IX implementation been assigned to all personnel within your district? Explain.
11. To what extent have financial resources been allocated to the achievement of Title IX compliance in your district?
12. How would you evaluate the capability of your district's education personnel to implement Title IX to attain sex equity in the schools of your district?
13. To what extent do you believe that there is administrative reinforcement of staff efforts to eliminate discrimination in the delivery of services in your district?
14. To what extent do you believe that there is positive recognition of your district's effort to implement Title IX and to achieve sex equity in its schools?

#### D. Continuing Compliance

1. What do you think would be the greatest help to you in the future in facilitating the implementation of Title IX in your district's schools?
2. Do you see any way of improving your self-evaluation to increase its usefulness in your district?
3. To what extent do you systematically collect information related to procedures and programs being used for implementing Title IX in your district?
4. To what extent do you systematically analyze information related to Title IX and related issues according to some specified criteria or objective?
5. What steps can you identify which you would like to make to improve the effectiveness of the Title IX grievance procedure in your district?
6. What actions related to Title IX and the achievement of sex equity in the schools of your district would you most like to see accomplished during the next year?

APPENDIX E

## HIGH SCHOOL DISTRICTS IN COOK COUNTY

1. Oak Park and River Forest
2. Morton
3. Evanston Township
4. New Trier Central
5. Lyons Township
6. Thornton Township
7. Bloom Township
8. Maine Township
9. Riverside - Brookfield Township
10. Proviso Township
11. Lemont Township
12. Township High School
13. Leyden Community
14. Thornton Fractional Township
15. Argo Community
16. Community High School
17. Niles Township
18. Stickney Township
19. Northfield Township
20. Rich Township
21. Bremen Community
22. Oak Lawn Community
23. Consolidated High School
24. Evergreen Park Community
25. Homewood-Flossmoor
26. Ridgewood Community
27. Chicago
28. Elmwood Park



APPROVAL SHEET

The dissertation submitted by Fredessa Mary Piper has been read and approved by the following committee:

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The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval by the Committee with reference to content and form.

The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Education.

May 22, 1984  
Date

M.P. Heller  
Director's Signature