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ABSTRACT

The ramifications of Title IX compliance are explored in the context of existing programs and procedures. The handbook is written from the standpoint that, once physical education personnel and governance officials are aware of Title IX, they will wish to take the suggested action steps so that program improvement will result. The first section gives background material on the effects of the law and on beliefs and attitudes about equal opportunity in physical education. The status of current programs and new program developments are summarized. The second section presents excerpts of Title IX that are related to physical education and athletics and lists possible effects on programs and personnel with suggested actions for compliance. In the third section, case examples of situations in physical education programs and athletic programs provide opportunities to develop skills in recognizing discriminatory or biased behavior. These skills are put to use in a step-by-step model for change in elementary secondary physical education and athletics programs. A comparison is made between steps taken to comply with the spirit versus the letter of the law. Appendices provide references, resources, sample surveys, and implementation evaluation instruments. (FG)

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IMPLEMENTING TITLE IX IN PHYSICAL EDUCATION AND ATHLETICS

APPLICATION BOOKLET FOR PHYSICAL ACTIVITY SPECIALISTS

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IMPLEMENTING TITLE IX IN PHYSICAL EDUCATION AND ATHLETICS

APPLICATION BOOKLET FOR PHYSICAL ACTIVITY SPECIALISTS

Barb Landers, Author

Prepared for the
Title IX Equity Workshops Project
of the Council of Chief State School Officers

By the
Resource Center on Sex Roles in Education
National Foundation for the Improvement of Education

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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Preface

This "Application Booklet for Physical Activity Specialists" is one supplementary component of a multicomponent workshop package developed by the Resource Center on Sex Roles in Education under a subcontract with the Council of Chief State School Officers (CCSSO). This package, entitled Implementing Title IX and Attaining Sex Equity: A Workshop Package for Elementary-Secondary Educators, was designed to assist elementary-secondary education personnel to gain:

- an understanding of the manifestations and the effects of sex discrimination and sex bias in education
- an understanding of the requirements of Title IX and its implementing regulation, and some of the steps required to achieve compliance
- skills and capability for the development and implementation of policies, programs, and management systems to ensure educational equity.

Implementing Title IX in Physical Education and Athletics was designed as a reference book which can be used by physical activity specialists to extend their understandings of sex equity in physical education and athletics and the steps which need to be taken to achieve such equity.

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Shirley McCune and Martha Matthews
Coeditors, Title IX Equity Workshops
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September 1978

IMPLEMENTING TITLE IX IN PHYSICAL EDUCATION AND ATHLETICS

Application Booklet for Physical Activity Specialists

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INTRODUCTION

Perhaps no other part of the instructional services found in schools, grades K-12, provides a more visible challenge or testing ground for the implementation of the Title IX regulations of the Education Amendments of 1972 than physical education and athletic programs. Title IX provides that:

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

The implications for physical education and athletics are broad and will necessitate that individuals, school staffs, central office personnel, sports governance officials, and the public-at-large review existing attitudes, philosophic tenets, policies, programs, and procedures in order to assure that no students are discriminated against and that all students are provided equitable opportunities in physical education and athletic endeavors in accordance with their individual needs, interests and abilities. Further, ancillary issues such as employment practices, student activities, honors and awards, codes of conduct, and treatment of pregnant students must be considered.

The intent of this booklet is to provide a positive base for Title IX implementation as it relates to physical education, athletics, and ancillary areas. It is based upon the premise that once physical education personnel and governance officials become aware of Title IX and its regulations, they will wish to take the suggested action steps so that program improvement will result. This booklet makes no attempt to dictate specific programs of physical education and athletics. Models presented are intended to serve as touchstones for comparison, not sole standards.

Although the information can be used independently, persons wishing broader knowledge or serving as trainers of others in the area of Title IX as it relates to physical education and athletics are also encouraged to consult the following booklets:

- Blaufarb, Marjorie et al. Complying with Title IX of the Education Amendments of 1972 in Physical Education and High School Sports Programs. Washington, D.C.: American Alliance for Health, Physical Education, and Athletics, 1976.
- Blaufarb, Marjorie et al. Title IX and Physical Education: A Compliance Overview. Adapted by the Resource Center on Sex Roles in Education. Washington, D.C.: RCSRE, National Foundation for the Improvement of Education, 1976.

- Dunkle, Margaret. Competitive Athletics: In Search of Equal Opportunity. Washington, D.C.: Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, 1976.
- Clement, Annie and Hartman, Betty. A Guide to Equity Planning in Secondary School Required Education. Washington, D.C.: Department of Health, Education, and Welfare, 1977-78.

Together with the resources listed above, this booklet will provide the following:

- background material related to physical education and athletic programs, including the many unresolved problems in these areas
- knowledge of the law, its requirements, and the subsequent effect(s) they will have in physical education and athletics
- a model for equitable programs
- practical alternatives for effecting change
- additional resources for study

Institutions are also urged to consider the information presented here, to explore the procedures presented for staff inservice training for review, analysis, and possible change methodology and to develop needed instruments for data gathering and subsequent planning for change appropriate for programs offered in the local setting.

PART I: BACKGROUND

Change mandated by law often results in a complete spectrum of reactions. Radicals want action, conservatives want to wait and see. Pragmatists want a sure-fire model to copy, and diehard adversaries want the law, its enforcers, and all advocates to go away!

Merely passing a law and presenting regulations for its implementation does not, in reality, guarantee its benefits. Diversionary tactics and outright defiance are sometimes used by those who should be acting to bring about compliance. Other leaders, however, embrace the concepts and intent of the legal mandate and are quick to see that ongoing review and revision are good for growth, self-renewal, and can serve as opportunities for improved services and programs.

This part of this booklet presents some of the reasons why diverse responses to Title IX of the Education Amendments of 1972 as it affects physical education, athletics and selected areas of ancillary concern exist. We will look briefly at present and past beliefs and attitudes, practices and policies.

Responses to Title IX

Some reactions from educators are these: "Why must we change what already works?" "Where will the money come from to make these changes possible?" "What do you mean, I must teach boys (or girls)?" "We don't want to fall into the exploitative trap of boys' athletics!" "Where will we get the coaches for all of these new teams?" "Why must all discrimination be rectified in the schools?" "Coed P.E.... you've got to be kidding!"

Still others say: "So what's new? We've had coeducational physical education and good girls' athletics for years!" "It's about time we re-evaluated our programs... sometimes I think we don't know what we're trying to do!" "Maybe this Title IX stuff will make us start talking to one another...and, better yet, listening to one another."

Title IX will mean little or no change to many who have embraced the concept of equal opportunity, created programs which are responsive to student needs, interests and abilities, and implemented them in a nondiscriminatory fashion. For others, however, Title IX may mean massive, perhaps traumatic change. Basic beliefs, attitudes, day-to-day practices and policies will be challenged. Change may be slow, but change must occur, for there must be compliance with the law.

Beliefs and Attitudes

One belief that needs challenging is that everyone has a pre-identified life's role to play, and that changing these roles will undermine our society. Another belief is that, even if women are given equal opportunities in physical education, they will never be as "good" as men. Title IX cannot equalize physical ability, but will ensure that each boy and girl will have equal opportunities for physical development available in the programs provided by educational agencies receiving Federal funding.

Present attitudes which communicate that all boys are superior in physical ability and that all girls should be assigned to less vigorous activities and denied

opportunities to take part in competitive events are results of stereotyped thinking that must be challenged. Title IX seeks to ensure that all students, no matter what their physical, emotional, psychological, or genetic makeup will have opportunities to become competent in physical activity. Further, should a district decide that certain physical activities are to be required for anyone, they will now be required of everyone. Each educator, each administrator, each policymaker, each student, and each parent is now required to focus on values, set priorities, and adjust attitudes so that students are served as human beings without regard to their sex.

There are many myths, misinterpretations, and misconceptions that support prejudices held by some parents, some students, and even some trained educators regarding the inadvisability of requiring coeducational physical education programs. One misconception is that girls are generally less strong than boys. Thus, to include girls would dilute the quality of the programs and limit the growth of boys in competitive astuteness.

However, numerous professionals have reported that boys and girls mature fairly evenly from birth until age nine. Then the girls mature more quickly and, in general, are heavier, taller, better coordinated (if exposed to regular movement activity), and fully able to master movement concepts and competencies. This continues until they reach maturity at age 15 to 16. Boys, however, continue growing until they are 20 to 21 and thus are usually taller, heavier, and stronger as young adults than girls.

This information should destroy the myth of superior masculine ability, in the first 15 years at least, but somehow it lingers on. Since opportunities for motor proficiency development are usually more readily available for boys than girls during the first 6-8 years of school, and since motor competence is often equated with "manliness," boys are encouraged to become regularly involved in the serious business of play and sports; girls are not encouraged to gain competence (particularly of a competitive nature). Separate physical education programs usually offer girls activities of a less active nature. Obviously then, even though the potential for learning motor skills is at least equal for boys and girls, if the opportunities are not equal, then the old myth will persist.

What other past influences have contributed to the present attitudinal, policy, practices, and procedural dilemmas? Well, diverse emphasis at the teacher training institutions ranks high as a contributing factor to today's plight. Some colleges have not allowed women to learn about coaching, nor the men to learn about effective methods of teaching. Many men have come into the public school teaching ranks primarily because of their successful athletic records and their passing marks in minimal professional courses. Many women, on the other hand, have been thwarted and denied opportunities to compete but deluged with methods classes and three hundred ways to "get along with whatever you have." Now, with the liberation movement and the increasing awareness levels of many of these somewhat frustrated individuals, the cries from the men are, "You're taking everything we've worked so hard for." and the responses are: "It's our turn. We want what we need and we want it now." Title IX does not suggest alternatives for such confrontations. It does, however, provide for an adjustment period so that men and women may, if they communicate with each other openly and honestly, arrive at the necessary decisions and plan the needed changes in time to meet the final deadline for compliance, July 21, 1978. There is no waiting period and past differences must be resolved into future programs.

Still other past influences to be considered, discussed, and analyzed include:

- the initial history of physical activity in America
- the wealth of completed research done mostly with all male or all female groups, and the more current research which delves into studies dealing with members of both sexes (see AAHPER Research Quarterly, NAGWS Research Reports, Volumes I, II, III; and the NASPE series "What Research Tells the Coach About (various sports)")
- the leadership resources, past and present
- the male-dominated National Federation of State High School Associations
- the local sports heritage and cultural influences
- The historical significance of the National Association of Girls' and Women's Sports in general and its philosophic impact on women physical educators/coaches in particular
- the community responsiveness to change
- the local budgeting policies related to athletics

Existing Programs and Procedures

Day-to-day practices and procedures are the direct results of existing policies of the community, school board members, central administrative staff, school administrators and staff, and individual teachers. Present observation of physical education classes in schools K-12 reveals a wide range of practices. Styles of teaching include dictatorial, direct, nondirect, self-directed, problem-solving emphasis, individualized instruction, laissez faire, and the age-old "throw out the ball." Title IX does not dictate which types of day-to-day practices or procedures are best, but it does require that whatever practices and procedures exist be applied equitably to members of both sexes. As practices are so diverse and so often sexist, staffs will need to review "what is", consider "what should be" (for all students), agree on "what will be," and implement the best policies, practices, and procedures possible. (See Part III of this booklet for applicable alternatives.)

Discrimination between the sexes is also apparent in a review of athletic policies, practices, and procedures across the country. Many states have had strong programs of diversified competitive activities for all students for many years. Other have had comprehensive programs for males and no activities or limited activities for females.

Tables 1 and 2 reflect "what is" in certain states and reveals that, in general, competitive sports offerings for girls are not as extensive as those for the boys.

Title IX does not require parity in dollars expended for athletics nor does it require that sports be provided on a team-for-team basis unless the interests and abilities of the boys and girls indicate that such equivalence is required. Title IX does require, however, that the opportunity to benefit from participation in athletic programs be the same for both sexes and that, if separate teams in like sports are provided for girls and boys, the seasons be equal in length, the number of contests the same, the services provided be equal, and the opportunity to play before an audience be equitable. This is contrary to many existing daily practices and procedures at numerous schools.

Table 1. Boys' Interscholastic Athletics Participation Survey in California (1975-76) and Ten Other States (1974-75)

SPORT	California	Illinois	Indiana	Iowa	Michigan	Minnesota	New York	Ohio	Pennsylvania	Texas	Wisconsin
BASEBALL											
Schools	906	659	518	482	629	453	757	892	545	746	373
Participants	36,950	25,960	14,000	9,640	24,400	14,257	22,700	23,674	11,900	31,000	10,062
BASKETBALL											
Schools	931	764	523	504	699	514	769	1524	1,035	1,134	422
Participants	40,159	30,825	20,500	15,120	23,190	22,838	19,500	37,504	31,050	52,000	32,136
CROSS COUNTRY											
Schools	746	473	519	216	540	287	566	703	373	822	286
Participants	21,987	13,925	12,000	5,400	11,160	4,802	6,700	13,060	7,640	24,000	5,583
FOOTBALL--11 Man											
Schools	834	568	424	435	661	444	583	1,304	911	908	405
Participants	90,882	35,800	28,500	21,750	48,400	32,338	29,000	61,918	72,880	121,000	43,270
GOLF											
Schools	638	435	401	336	489	317	520	704	415	964	287
Participants	9,642	12,625	5,000	5,040	5,240	5,441	5,000	7,558	6,225	20,000	5,679
GYMNASTICS											
Schools	111	88	50	18	33	66	120	92	65		40
Participants	2,609	3,250	1,000	270	485	1,582	1,450	1,533	1,300		1,316
SKIING											
Schools	23				78	52	76				18
Participants	609				1,370	1,536	1,500				281
SOCCER											
Schools	466	60			27	43	480	72	250		
Participants	18,420	1,890			640	2,668	13,000	1,320	5,000		
SWIMMING											
Schools	556	51	146	49	205	119	248	175	156	615	82
Participants	19,174	5,820	4,000	1,470	6,840	3,708	4,500	4,491	3,432	25,000	3,322
TENNIS											
Schools	745	275	249	83	344	177	489	403	224	1,029	140
Participants	17,721	6,375	3,500	830	5,850	3,831	4,800	6,846	3,360	22,000	4,401
TRACK & FIELD											
Schools	856	700	528	486	666	470	660	1,370	717	1,134	390
Participants	52,188	28,475	20,500	24,300	25,200	17,601	19,500	42,806	21,510	75,000	24,122
WATER POLO											
Schools	317							17			
Participants	11,164							30			
WRESTLING											
Schools	657	400	372	304	449	373	562	816	682		370
Participants	26,980	19,000	9,000	12,160	15,716	18,582	18,000	25,063	27,280		19,304

Table 2. Girls' Interseholastic Athletics Participation Survey in California (1975-76) and Ten Other States (1974-75)

SPORT	California	Illinois	Indiana	Kansas	Michigan	Minnesota	New York	Ohio	Pennsylvania	Texas	Wisconsin
BADMINTON											
Schools	303	150	41		12	23	128	17			12
Participants	6,696	3,500	400		155	362	2,500	185			96
BASKETBALL											
Schools	809	300	343	226	627	422	613	839	397	789	281
Participants	19,230	7,000	5,150	7,980	18,810	9,796	12,000	14,026	11,910	36,000	9,319
BOWLING											
Schools	30	170	64		12		188	58			
Participants	484	2,500	350		260		2,000	904			
FIELD HOCKEY											
Schools	158	70	9		33		382	101	208		21
Participants	4,725	2,000	250		885		7,500	1,548	8,320		420
GOLF											
Schools	25	60	61	37	75	76	48	72	3	500	50
Participants	196	600	300	555	700	674	350	698	30	5,100	492
GYMNASTICS											
Schools	398	110	160	39	95	200	206	263	61		105
Participants	9,159	3,500	3,200	780	1,425	5,401	2,000	3,921	1,220		5,077
SKIING											
Schools	16				52	32		49			
Participants	260				640	2,714		1,000			
SOFTBALL											
Schools	18,969	5,000	2,200	460	8,260	1,326	8,800	7,841	2,280	16,000	1,358
Participants	711	250	143	23	352	25	588	397	114	900	90
SWIMMING											
Schools	426	100	99	18	161	99	176	68	85	511	83
Participants	12,593	2,000	1,500	360	3,100	2,714	3,500	1,340	1,870	21,000	2,737
TENNIS											
Schools	691	200	136	92	218	144	303	213	90	990	86
Participants	14,798	5,000	1,350	1,380	3,680	2,568	3,600	2,771	1,350	16,000	2,040
TRACK & FIELD											
Schools	597	500	392	300	409	463	345	792	67	906	348
Participants	13,798	20,000	9,800	14,520	15,151	4,151	8,500	20,446	2,010	35,000	16,028
VOLLEYBALL											
Schools	839	500	413	237	315	370	581	718	96	920	282
Participants	21,301	10,000	8,300	740	4,410	8,591	11,000	14,026	1,910	28,000	9,304

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Further, the governance by-laws to which most schools voluntarily subscribe is often the rationale for the existence of many discriminatory policies and practices. Title IX requires that school personnel use their influence to change such noncompliance or, failing to do so, that the school withdraw from membership in the discriminatory association. Adherence to this dictate will require that the dedicated leadership of those who can see that Title IX is the law of the land step forward and offer enlightened solutions so that sports governance organizations not only embrace the letter of the law but work to achieve the spirit of the law.

New Programs

Fortunately, throughout the country, more and more elementary schools are implementing coeducational programs of movement education, expressive and creative dance, and perceptual motor activities in place of or in addition to the traditional programs. This approach allows for more individualization and opportunities to encourage boys and girls in efficient, effective development of common movement competencies, as well as the growth of cooperation instead of competition. Positive self-image, good social behavior, motor skills acquisition, physical fitness, and wise use of leisure time can all be achieved by these programs. The mere implementation of Title IX will not guarantee that the programs outlined above will be achieved. But the self-evaluation process in which each school must engage could serve as an effective vehicle for evaluation of existing programs and an opportunity to make constructive comments on new program goals and directions.

What about the high school years? Dorothy Harris in Physical Sex Differences (1974) has pointed out that although the maturation process eventually produces a stronger, faster male (on the average), "at every stage of development, the male and female share the same plan for development" (pp. 117-24). Thus, at any given point there will be some highly skilled boys and girls, some moderately skilled, and some lower skilled depending partly on body type. In competitive athletics, skills are enhanced with training, coaching, experience, and commitment, and as boys are typically stronger, faster, and more powerful than girls, they should be able to do better than female competitors. Title IX allows for separate competitive teams in all contact sports and in all other sports for which competitive skill is a criterion for selection.

In the instructional program, however, where the emphasis is on the learning of skills and the mastery of sports concepts which may or may not be pressed to competitive levels, the law takes a different direction. Simply stated, classes must be open for enrollment by any student without regard to sex. However, groups may be separated by skill for instruction and grouped by sex for actual participation in contact sports. (See Part II of this booklet for explanation of the regulations). The law has provided for the differences commonly found in the high school age group. There may be some transitional problems: a 200-lb. boy crashing into a 90-lb. girl will do some damage, but so will any 200-lb. student running into any 90-lb. student.

Much discrimination may be eliminated by redesigning instructional programs and grouping high school students according to their levels of skill. Highly-skilled girls will not be held back. Low-skilled boys might not be ridiculed and might receive the encouraging instruction they need to accept themselves and master some skills once a level of confidence is established. The obese, under-nourished, and handicapped may receive the attention they need so that physical

activity programs become a meaningful part of the school day instead of a dreaded arena for embarrassment. Sports opportunities will be equalized so that those who want dance instruction or instruction in football might receive it although it was not available previously because they were of the wrong sex. Is all of this guaranteed through the application of Title IX? No, but much of it could happen if the law is looked on as an opportunity instead of an obstacle.

What does the future hold for physical education and athletics, K-12? Will it be doom and gloom because no cooperative compromises which embrace the basic concepts of Title IX can be reached? Will it be a glorified recreation program in physical education because the only answer everyone could agree on was "Give 'em what they want!" Will it be blood and guts on the fields, courts, and diamonds because winning is the main thing? Will staffs sit back and watch a few eager "equalists" carry the load for all of the nonbelievers? Will administrators elect to hide in the office? Will parents demand that programs be stopped before their little girls get hurt?

Or will students receive from physical education an opportunity to grow, to be challenged, to compete in an environment of good sportsmanship and keen competition, and to become aware of their capabilities in order to plan suitable personal programs of activity for both now and later? Will students who want the joy and challenge of club, intramural, or interscholastic sports competition know they will be welcomed whether they are girls or boys? Will the public support all new school programs?

Different situations will occur in different locales. More research will be done to prove and disprove various teaching theories and physiological differences. The nonsexist movement will have sociological impact. In-service training sessions to raise awareness levels, teach conflict management skills, and orient new personnel will abound. Progressive districts will grow and improve as Title IX becomes a reality. Regressive districts will wait and see, or wind up in court.

PART II: TITLE IX AND ITS RAMIFICATIONS

After the passage of Title IX in 1972, HEW developed the Federal Regulations for the actual implementation of this law. These regulations, completed and adopted in 1975, spell out the necessary steps and the parameters of the law as they will be applied.

Many of the sections of the Title IX regulations are addressed to physical education and athletics directly. Others relate in an ancillary way. This part of the application booklet points out the most pertinent sections of the regulations, their possible effect(s) and some suggested steps for action.

EXCERPTS OF TITLE IX

§86.34 ACCESS TO COURSE OFFERINGS

A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

(a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipients shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

86.33 COMPARABLE FACILITIES

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

86.3(c) SELF-EVALUATION

Each recipient education institution shall, within one year of the effective date of this part:

(i) Evaluate, in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel working in connection with the recipient's education program or activity;

(ii) Modify any of these policies and practices which do not or may not meet the requirements of this part; and

(iii) Take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.

86.36(c) DISPROPORTION IN CLASSES

Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

86.31(b) EDUCATION PROGRAMS AND ACTIVITIES

SPECIFIC PROHIBITIONS. Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;

(7) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage or opportunity.

86.40 MARITAL OR PARENTAL STATUS

(a) STATUS GENERALLY. A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

(b) PREGNANCY AND RELATED CONDITIONS. (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

(2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

(3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b) (1) of this section shall ensure that the instructional program in the separate program is comparable to that offered to non-pregnant students.

(4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.

(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

86.51 EMPLOYMENT

(a) GENERAL. (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

86.61 SEX AS A BONA-FIDE OCCUPATIONAL QUALIFICATION

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bonafide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in locker room or toilet facility used only by members of one sex.

86.41 ATHLETICS

(a) GENERAL. No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by recipient, and no recipient shall provide any such athletics separately on such basis.

(b) SEPARATE TEAMS. Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or activity involved is contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose of which involves bodily contact.

(c) EQUAL OPPORTUNITY. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:

(i) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

(ii) The provision of equipment and supplies;

- (iii) Scheduling of games and practice times;
- (iv) Travel and per diem allowance;
- (v) Opportunity to receive coaching and academic tutoring;
- (vi) Assignment and compensation of coaches and tutors;
- (vii) Provision of locker rooms, practice and competitive facilities;
- (viii) Provision of medical and training facilities and services;
- (ix) Provision of housing and dining facilities and services;
- (x) Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Director may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

(d) ADJUSTMENT PERIOD. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

86.6 EFFECT OF RULES OR REGULATIONS OF PRIVATE ORGANIZATIONS.

(c) The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives or benefits from Federal financial assistance.

REQUIREMENTS OF THE LAW
TITLE IX AND PHYSICAL EDUCATION

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§86.34 ACCESS TO COURSE OFFERINGS</p>	<ul style="list-style-type: none"> ● "GIRLS' PHYSICAL EDUCATION" and "BOYS' PHYSICAL EDUCATION" will become "STUDENT PHYSICAL EDUCATION." Elementary grades (K-6) by July 21, 1976. Secondary grades (7-12) as soon as possible but no later than July 21, 1978.* ● Physical education units of instruction <u>required for one sex</u> must be <u>required for everyone</u>. ● Elective units must be scheduled on an open enrollment basis. ● Positive counseling regarding physical education opportunities must be in evidence. ● Grouping by ability is permitted as long as objective standards of individual performance related to the unit being studied are applied without regard to sex. <p>*Reasons for not becoming coeducational at once must be substantiated and strategies to overcome obstacles carefully outlined in the district plan for Title IX compliance.</p>	<ul style="list-style-type: none"> ● Review course descriptions. ● Eliminate sex-designated course titles and requirements ● Create or update the coeducational program for all students. ● Establish uniform policy regarding course/unit requirements, class attendance. ● Evaluate the outcomes of open access by noting class enrollment statistics (percent boys, percent girls). ● Establish or update counseling procedures so Title IX implications are taken into consideration. ● Implement counseling processes with a positive tone and manner. ● Where course prerequisites exist, ensure that they do not have an adverse impact on members of one sex.

REQUIREMENTS OF THE LAW
TITLE IX AND PHYSICAL EDUCATION

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§8F.34 con't</p> <p>ACCESS TO COURSE OFFERINGS</p>	<ul style="list-style-type: none"> ● Students may be separated by sex for actual participation in contact sports such as wrestling, boxing, rugby, ice hockey, football, and basketball. Other sports may be classified as contact sports, but permission to so label must be obtained from the Office for Civil Rights (OCR) of HEW. ● Evaluation outcomes may not adversely affect members of one sex. All measures of skill, knowledge, or progress must be nondiscriminatory. This may mean the maintaining of separate levels of expectation until the effect of past discriminations are overcome. ● Students may be separated for instruction which deals exclusively with human sexuality. 	<ul style="list-style-type: none"> ● Design units of instruction for contact sports which take into consideration the students' past exposures, interest, and current abilities. ● Establish policy regarding contact sports in physical education. Will students be separated by sex for actual participation? (Separation is permitted only during actual game play or skills practice which involves bodily contact.) ● Consider using contact sports unfamiliar to all students as the initial coeducation activities (example: korfbal). ● Consider the safety of students in contact sports, and take necessary preventive measures. ● Review past programs to ascertain whether or not evaluation procedures and program expectations were different for boys and girls. ● Develop immediate, short-range, and long-range evaluation designs based on the existing needs and abilities of the students and the long-range goals of the department. ● Review school policy regarding instruction in human sexuality. Recommend the alternatives which could be used to fulfill the district policy and still be in compliance with Title IX.

REQUIREMENTS OF THE LAW
TITLE IX AND PHYSICAL EDUCATION

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
§86.33	<ul style="list-style-type: none"> ● Students may be assigned one responsible adult for locker and shower room supervision and a physical education teacher for the class instructional phase. ● Renovations or shared-time plans will have to be made if the facilities provided for one sex are not comparable to those provided for the other sex. 	<ul style="list-style-type: none"> ● Work out the alternatives for supervisory duties and select the most feasible. ● Orient students and the administration to the system. ● Develop plans for needed locker room improvements or shared-time plans. Submit to the administration ● Make all necessary renovations by July 21, 1978 (secondary) or by July 21, 1976 (elementary).
§ 86.3 SELF-EVALUATION	<ul style="list-style-type: none"> ● Philosophic tenets, programs, policies, and practices must be reviewed; analyzed for possible discriminations; and necessary changes planned and implemented so as to be in full compliance with the law as soon as possible and no later than July 21, 1976 (elementary, K-6) or July 21, 1978 (secondary, 7-12). 	<ul style="list-style-type: none"> ● Involve all staff if possible. ● Provide inservice training for the staff so the law and the regulations can be understood, attitudes explicated and explored, and the process of review initiated. ● Analyze the results of the institutional self-evaluation, consider alternatives and constraints, formulate plans for needed change, obtain authorization, communicate intentions, and implement the changes.
§ 86.36 DISPROPORTION IN CLASSES	<ul style="list-style-type: none"> ● Classes or units <u>required</u> of all students should be fairly equal in enrollment of both sexes. ● Classes or units open as electives may or may not have equal representation of both sexes as enrollees. 	<ul style="list-style-type: none"> ● Review the results of compliance efforts. Analyze why classes are/are not proportionately integrated by representation of both sexes. ● Review the counseling processes used to instruct students about physical education requirements, elective options, and departmental expectations.

Physical Activity Facilitator
Chart 3

REQUIREMENTS OF THE LAW
TITLE IX AND PHYSICAL EDUCATION

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.36 cont. DISPROPORTION IN CLASSES</p>	<ul style="list-style-type: none"> ● Classes with 80% or more enrollment of one sex must be closely scrutinized to ensure that bias does not exist in the counseling of students into such classes.* ● Counseling procedures, prerequisite requirements, written course descriptions, and advertisements will be perused for all classes in general and for classes with disproportionate enrollments in specific. <p>*Since the rendering of the Bakke decision, HEW has indicated that while definite quotas (e.g. 80%) are not inherent in the enforcement of Title IX, affirmative actions plans are encouraged and will be scrutinized in all OCR reviews/investigations.</p>	<ul style="list-style-type: none"> ● Maintain statistics on class enrollment makeup. Analyze why the enrollments are as they are. ● Make changes as necessary to overcome any discriminatory practice, policy, or process uncovered during the reviews. ● Consider individual staff member's attitudes as possible positive or negative influences on class enrollment outcomes. Provide inservice training opportunities for increasing staff understanding and capability.

REQUIREMENTS OF THE LAW
TITLE IX AND PHYSICAL EDUCATION
Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECTS	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.31</p> <p>EDUCATION PROGRAMS AND ACTIVITIES</p> <p>Specific Prohibitions</p>	<ul style="list-style-type: none"> • Student aides must be selected through use of nondiscriminatory criteria/process. • Treatment of students must be the same for both sexes. • After-school use of facilities by outside agencies must be nondiscriminatory on the basis of sex if the agency is provided significant assistance. • Clubs which are an outgrowth of physical education instruction (synchronized swimming, modern dance, etc.), if provided, must be provided on a nondiscriminatory basis. 	<ul style="list-style-type: none"> • Develop and apply criteria for student aide selection which is the same for males and females. • Review policy regarding boy and girl athletes as related to physical education (during season, on game days, etc.). • Adopt uniform dress requirements. (Note: This regulation is still under consideration for revision. Apparently it will be permissible to have comparable but different dress standards. Case law has yet to be established. Districts may wish to say that students are required to wear clean, safe attire suitable for the activity being pursued. This will include: tennis shoes, socks, a change of clothes which is either a pair of shorts and a shirt or a one-piece suit suitable for activity. Personal safety is the responsibility of each student, and it is recommended that protective attire be worn as needed.) • Establish and apply criteria for after-school use of facilities which will ensure nondiscrimination on the basis of sex. • Check periodically to see that the policy is, in reality, working. • Maintain records of the positive steps taken to attract and encourage members of both sexes to join and participate in the special activities.

Physical Activity Facilitator
Chart 5

REQUIREMENTS OF THE LAW
TITLE IX AND PHYSICAL EDUCATION
Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 85.40</p> <p>MARITAL OR PARENTAL STATUS</p>	<ul style="list-style-type: none"> ● Students who are pregnant, have given birth to children, experienced false pregnancy, or who are recovering from terminating a pregnancy may not be excluded from any class or educational activity unless the student voluntarily requests to participate in a separate portion of a program or activity. ● A physician's permission for participation may be required only if required of other students who have had temporary physical or emotional impairment. ● A consistent leave policy must be established which ensures that pregnancy is treated as any other temporary disability. 	<ul style="list-style-type: none"> ● Review pregnancy policy of the school/district. ● Recommend any changes necessary in order to comply with Title IX and develop guidelines for participation in physical education programs. ● Review special programs offered for pregnant students to ensure they include activities provided other students. ● Review requirements for a physician's note for re-entry following any/all illnesses. ● Consider requiring a physician's note for re-entry for all absences which have required the attention of a physician's services. ● Publish and publicize the leave policy for pregnant students as part of the regular leave announcements. ● Review department/individual teacher's treatment of students returning from extended leave. Ensure that treatment of pregnant students or students returning after childbirth or termination of a pregnancy is the same as that expected of all students returning from a medical leave.
<p>§ 86.51</p> <p>EMPLOYMENT</p>	<ul style="list-style-type: none"> ● Recruitment, advertising, and the process(es) used for hiring must be free of sexual discrimination. ● Decisions regarding upgrading, tenure, fringe benefits, leave policy, demotion, layoff, and rehiring must be free from sex discrimination. 	<ul style="list-style-type: none"> ● Review district/school policy and process(es) for hiring. ● Review job descriptions and eliminate sex stereotyping requirements/statements. ● Review the policy(ies) related to these issues and the overall effect of their implementation since 1972.

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REQUIREMENTS OF THE LAW
Title IX and Physical Education - Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.51 cont.</p> <p>EMPLOYMENT</p>	<ul style="list-style-type: none"> • No district may enter into a collective bargaining agreement which prescribes or results in discriminatory outcomes on the basis of sex. • Selection of teachers to receive financial aid in order to attend professional meetings and conferences, receive leaves of absence for sabbaticals, or to pursue additional training must be free from sex discrimination. • Social or recreational activities, if provided, must be free of sex discrimination. 	<ul style="list-style-type: none"> • Correct past discriminations in employment when possible and establish policy/procedure to ensure nondiscriminatory implementation/policy in the future. • Check to see that members of one sex are not adversely affected by employment policies in teaching or administrative roles. • Review collective bargaining sections related to teacher rights and behavior. • Review policy(ies) and budget allocations related to leaves, conference selection, and reimbursement. • Publicize opportunities for district/school support for conferences, leaves, etc., equitably to all employees. • Review the patterns of traditional gatherings. • Eliminate one-sex school/agency-sponsored activities (men's golf tourney, women's auxiliary, etc.) or provide for members of both sexes (Scotch foursome tourney, etc.).
<p>§ 86.61</p> <p>SEX AS A BONA FIDE OCCUPATIONAL QUALIFICATION</p>	<ul style="list-style-type: none"> • Any and all qualified candidates for employment must be considered on merit and on thorough application of nondiscriminatory criteria which do not reflect "alleged comparative employment characteristics or stereotyped characteristics of one or the other sex" or "preference based on sex of the recipient, employees, students, or other persons." 	<ul style="list-style-type: none"> • Review the hiring policy(ies) and procedures used by the district/school and eliminate discriminatory criteria and processes. • Check to see that the overall staffing patterns reflect an affirmative action orientation.

Physical Activity Facilitator
Chart 7

REQUIREMENTS OF THE LAW
TITLE IX AND PHYSICAL EDUCATION - Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.61 cont.</p> <p>SEX AS A BONA - FIDE OCCUPATIONAL QUALIFICATION</p>	<ul style="list-style-type: none"> • Persons hired for locker room attendants or for supervision and maintenance of toilet facilities used only by members of one sex may be hired with sex as a bona-fide occupational qualification. 	<ul style="list-style-type: none"> • Realize that it is permissible to hire male locker/bath attendants for the boys' locker room duties and females for the girls' locker/bath areas. • Establish equal pay for equal work for all such job categories. • Do not arbitrarily make male attendants "technicians" and female attendants "matrons," thus establishing different job categories for what is in fact the same duty.

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Physical Activity Facilitator
Chart 8

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.41 cont. ATHLETICS</p>	<ul style="list-style-type: none"> ● Interscholastic sports, intramurals, and/or club sports shall be provided equitably to members of both sexes in accordance with their needs, interests, and abilities. ● Separate teams may be provided if selection for the team(s) in question is based on competitive skill or if the activity involved is a contact sport. ● If a school offers a team for one sex but does not offer a team for the other sex in the same sport, members of the excluded sex must be allowed to try out <u>unless</u> overall athletic opportunities have not been limited in the past or the activity is a contact sport: ● Equal opportunities in interscholastic, intramural, and/or club sports for members of both sexes must be provided. Determining equality of opportunity will require answers to these or similar questions: <ol style="list-style-type: none"> 1. Do the sports program offerings effectively accommodate the interests and abilities of members or both sexes? 2. Are the equipment and supplies provided for athletic teams adequate for their needs and suitable for the services needed? 	<ul style="list-style-type: none"> ● Review past and existing programs, policies, procedures and gather baseline data. ● Survey students, parents, administration, and staff to determine needs, interests, abilities, and feasibility for sports program decisions. ● Establish sports program offerings in accordance with decisions made in response to baseline data analysis and survey results. ● Establish try-out prerequisites in keeping with nondiscrimination requirements of the Title IX regulation. ● Periodically review the process, policy(ies), and procedures used in establishing the sports program offerings. ● Have evidence of student interests and levels of ability on hand (surveys, past participation statistics, etc.). ● Work toward offering comparable levels of competitive teams in like sports. ● Have evidence of purchasing policy(ies) and procedures used by the coaches to equip and supply teams they lead.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.41 cont.</p> <p>ATHLETICS</p>	<p>3. Do schedules of games and practice sessions reveal that equal opportunity for the number of contests exists in like sports, students all have opportunities to play before an audience, and that "prime time" and adequate/best facilities are shared for practice sessions and contests?</p> <p>4. Are travel arrangements and per diem allowance similar and adequate?</p> <p>5. Are the coaches of comparable skill?</p>	<ul style="list-style-type: none"> ● Review the various services provided to ensure that they are equal (example: whirlpool and tape for male teams? Then whirlpool and tape for females; etc.). ● Maintain inventories of equipment and supplies used by each team. ● Review schedules with emphasis on those sports for which separate but equal teams are provided. Guarantee that in like sports all scheduling for practice and games is equitable. ● Make corrective steps, if needed, as far as possible, but by July 21, 1978 without fail (secondary, 7-12). Indicate why delays are necessary and have on file as part of the district plan made as a result of the self-evaluation process. ● Realize that parity of spending is not required by the Title IX regulation, but that equal services are. Therefore, if transportation is provided to some teams, the service should be provided for all. ● Review and establish equal policy regarding travel and per diem provided players and coaches. ● Make every effort to find the best qualified coach for each and every team. Avoid discriminatory behavior by providing highly-skilled coaches for teams of one sex and inexperienced ones for the other sex.

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Physical Activity Facilitator Chart 10

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.41 cont. ATHLETICS</p>	<p>6. Do coaches receive comparable assignments and compensation?</p> <p>7. Are the locker rooms, practice and competitive facilities provided on an equitable base?</p> <p>8. Are the training and medical services provided equitably to all teams?</p>	<ul style="list-style-type: none"> ● Review salary scales for after-school activities. Create justifiable, equitable formulas which guarantee equal pay for equal or comparable work. ● Eliminate any policy which allows members of one sex to accrue more stipends and thus a higher gross than members of the other sex. ● Review policy(ies) regarding released time from instructional or administrative duties. Equate so opportunities for released time are equitable for female and male staff who qualify. ● Maintain records of what funds are paid to whom for what services as related to athletics and after-school sports activities. ● Schedule teams in like sports to use the same or comparable facility for practice and competition. ● Eliminate titles such as "girls' gym" and "boys' gym." ● Place sports practices and games in the best suited facility. ● Eliminate obvious discrimination features of facilities with all possible dispatch. File the timelines for needed renovations in the district compliance statement. ● Review the access that students of each sex involved in athletics have to medical and training services.

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TITLE IX AND ATHLETICS

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PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.41 ATHLETICS</p>	<p>9. Are housing and dining services and facilities equitable?</p> <p>10. Would review of efforts to publicize all athletics reveal equitable treatment of boys' and girls' teams?</p>	<ul style="list-style-type: none"> ● Eliminate discriminating practices by ensuring that insurance coverage provided by the school is equitable in like sports, medical examination process the same for all athletes, and that training services and supplies are provided adequately to male and female athletic teams. ● Review the training process made available for student trainers. If members of one sex are sent to inservice training provided by commercial enterprise, plan to send members of the other sex so the level of expertise is similar for all student trainers. ● Realize that if a professional adult trainer is employed by the school, policy and practice must be set so that each and all athletes are treated equitably, should the need arise. ● Realize that most schools (grade K-12) do not have housing and dining services provided on a regular basis. ● Review the policy and practice followed regarding food and lodging for away games and play-offs. Make sure no discriminatory practices of differential treatment on the basis of sex exist. Correct all that do. ● Review student publications to determine what treatment has been given both boys' and girls' athletics. ● Provide information and training to student body groups as to the necessity for equitable treatment of all school teams. ● Review local media coverage. Equal coverage is required.

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Physical Activity Facilitator Chart 12

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.6</p> <p>EFFECTS OF OTHER REQUIREMENTS</p>		<ul style="list-style-type: none"> ● Realize that critical areas of concern will include: numbers of teams and sports to be offered; numbers of allowable contests and lengths of seasons; play-offs and processes for establishing champions; awards and recognitions to be provided; requisites for eligibility; and representation on governance bodies. ● Eliminate all existing discriminations and take action to overcome past discriminatory practices by providing affirmative action opportunities, involving women in the governance process, and making inservice training opportunities available in order to develop leadership/coaching skills in parties (male and female) interested in furthering the sports programs for the sex which has been denied opportunities in the past.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS - Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.31 (b)</p> <p>EDUCATIONAL PROGRAMS AND ACTIVITIES</p>	<ul style="list-style-type: none"> ● Awards and recognition bestowed for performance in athletics must be the same for boys and girls. ● Activities and clubs related to intramurals, club sports, and athletics such as letter-person's clubs, athletic associations, or intramural clubs may <u>not</u> be offered on a single-sex basis. ● Rules of behavior, standards of compliance, and penalties for violations must be the same for students in like sports. ● Rules related to training requirements, grade point maintenance, and appearance must be the same for students in like sports. ● Support groups such as cheerleaders, song leaders, drill teams, and pep squads must be open to enrollment from members of both sexes. 	<ul style="list-style-type: none"> ● Review award and recognition practices and make them comparable. ● Review clubs related to sports. Merge when necessary by reidentifying the purposes, policies, and practices to be provided by the clubs and/or associations. Establish criteria (which are the same for boys and girls) for entry to honors groups. ● Move from GAA's (Girls' Activities Association) to SAA's (Student Activities Association). ● Have coaches of all like teams (basketball, swimming, tennis, etc.) meet and agree on standards of behavior to be expected of students on boys' and girls' teams; establish parameters for enforcement of these standards; and appeal processes to be followed. ● Consider establishing department-wide policies which are uniform or allowing each coach to be autonomous in regard to these areas. Should the autonomous decision be reached, then coaches of like sports would still need to arrive at a consensus or agreeable compromise which could be applied equitably to all boys and girls participating in the teams of like sports. ● Review criteria for current selection process. ● Modify as needed in order to encourage and allow membership on the part of the sex which has previously been excluded from trying out.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS - Ancillary Concerns

PERTINENT SECTION OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.31 (b) cont.</p> <p>EDUCATIONAL PROGRAMS AND ACTIVITIES</p>		<ul style="list-style-type: none"> ● Provide positive counseling for students regarding the open enrollment policy. ● Maintain records of the students who tried out for sports and those who were selected. ● Review the outcomes of the process and revise as needed in order to overcome past/existing discriminations.
<p>§ 86.40</p> <p>MARITAL OR PARENTAL STATUS</p>	<ul style="list-style-type: none"> ● Students who are pregnant, recovering from childbirth or termination of pregnancy cannot be denied access to educational programs (which includes athletics). No special physician's permission can be required unless required of all students who are returning from a temporary impairment. 	<ul style="list-style-type: none"> ● Review existing policies/standards related to pregnant students and athletics. ● Revise as needed. ● Review the overall requirements for re-entry to after-school programs following a temporary impairment and modify so as to be consistent with the Title IX regulation.
<p>§ 86.51</p> <p>EMPLOYMENT</p>	<p>(Refer to physical education - ancillary concerns charts 5 - 8)</p> <ul style="list-style-type: none"> ● Overall staffing patterns should not reflect adversely on one sex. ● Based on a clarification memorandum published by HEW in September 1976, administrative posts related to athletics should not reflect an adverse effect on members of one sex. Therefore, the hiring of athletic directors should be based on equitable criteria which, when applied, will ensure the hiring of qualified administrators representative of both sexes. 	<p>(Refer to physical education - ancillary concerns charts 5-8)</p> <ul style="list-style-type: none"> ● Resist hiring only members of one sex. Attempt to meet the program needs by seeking qualified candidates of both sexes. ● Review the outcomes of current staffing policies. Modify or design a program of affirmative action to overcome any discriminatory practices which may exist. ● Consider using co-directors or having separate athletic directors at least during the adjustment period (1975-78) so that both departments have equitable input during the critical time of coming into compliance.

REQUIREMENTS OF THE LAW
TITLE IX AND ATHLETICS - Ancillary Concerns

PERTINENT SECTIONS OF THE REGULATIONS	EFFECT(S)	POSSIBLE ACTION STEPS INDICATED
<p>§ 86.54 COMPENSATION</p>	<ul style="list-style-type: none"> ● Districts must pay equal wages for equal or comparable work. 	<ul style="list-style-type: none"> ● Conduct a time study to determine an average number of hours spent in conducting after-school sports programs. ● Formulate nondiscriminatory criteria to be considered for after-school compensation stipends. ● Construct a salary scale for all after-school functions. ● Review the internal consistency of wage scales. ● Apply equitably to all employees in light of their responsibilities.
<p>§ 86.66</p>	<ul style="list-style-type: none"> ● Only locker/bathroom attendants may be hired based on sex. ● All coaching positions must be open to candidates from either sex and (86.41) the best qualified must be hired. 	<ul style="list-style-type: none"> ● Review existing job descriptions and remove sexist qualifications such as "must be personally responsible for locker room discipline," etc. ● Advertise and hire in accordance with Title IX mandates and establish separate locker room supervisory duty assignments should a member of the opposite sex be hired to coach an all-girl team or vice versa.

SUMMARY OF GUIDELINES

The following basic guidelines* seem appropriate for the application of the Title IX regulations:

Physical Education

1. Physical education programs, courses, classes, or activities may not differentiate between students on the basis of sex.
 - Any requirements for participation in physical education must be the same for females and males. Male and female students may not be required, on the basis of their sex, to complete different numbers of hours, days, or semesters of physical education. Males and females may not be required to participate in different physical education programs, courses, classes, or activities.
 - Participation in physical education programs, courses, classes, or activities may not be refused to students on the basis of sex.
 - Physical education courses and classes may not be conducted separately for male and female students (except on those occasions when they deal exclusively with human sexuality). The same is true for most physical education activities.
 - Physical education courses may not be sex-designated.
2. Title IX does not require any specific curricula or activities within a physical education program; it requires only that those which are offered by an agency or institution be open equally to students of both sexes.
3. Title IX does not specify any particular process for the assignment or selection of students for physical education courses or classes. Any procedure may be used if it does not discriminate on the basis of sex.
4. Students may be grouped by ability, as assessed by objective standards, within physical education classes or activities. Grouping by objective standards of ability may result in groups composed primarily of students of one sex.
5. Students may be separated by sex within physical education classes for participation in wrestling, boxing, rugby, ice hockey, football, and other sports the purpose or major activity of which involves bodily contact.
6. Evaluations of students' skills or progress in physical education must be based on standards which do not have an adverse impact on students of one sex:

If the use of a single standard or set of standards for the evaluation of both female and male students has an adverse effect upon students of one sex:

* Adapted from: Title IX and Physical Education: A Compliance Overview, pp. 5-6.

- Two separate standards or sets of standards, one for males and one for females, should be developed for evaluation of skills or performance; or
 - A single standard or set of standards, which measures individual student improvement, should be adopted.
7. Physical education facilities and equipment must be allocated without regard to the sex of students or instructors.
 8. Physical education staff must be assigned teaching and supervisory duties (other than locker room supervision) on the basis of their qualifications rather than their sex or the predominant sex of the students in a particular course, class, or activity.
 9. Physical education staff may not be treated differentially on the basis of sex in hiring, job assignment or classification, compensation, or any other condition of employment.
 10. Title IX makes no requirements regarding the administrative structure of the physical education department or staff. If, however, any changes are made to accompany the integration of physical education classes by sex, these changes may not have an adverse effect on the employment of members of one sex.
 11. Elementary schools should have been in full compliance with the regulatory requirements for nondiscrimination in physical education by July 21, 1976. Secondary schools should comply fully as rapidly as possible, but in no event later than July 21, 1978.
 12. If noncompliance with Title IX requirements for nondiscrimination is identified, two forms of action must be taken:
 - Modifications must be made to correct any policies, procedures, or practices which have been found to discriminate; and
 - Remedial steps must be taken to alleviate the effects of any discrimination identified.

Secondary schools are granted an adjustment period, not a waiting period. Barriers to immediate compliance must be identified, and active steps toward their elimination must be taken during this time interval. Such steps might include: program planning, staff training, curriculum revision, course and class rescheduling, renovation of facilities or construction of additional facilities, etc.

Athletics

1. Athletic programs may not be conducted separately on the basis of sex unless:
 - The teams are involved in contact sports such as football, basketball, wrestling, boxing, ice hockey, or rugby. (Note: If the purpose or major activity of other sports involves bodily contact, they may be deemed contact

sports but districts must apply to the Office for Civil Rights for permission to treat sports other than those listed as contact sports).

- Selection for participation on the team is based on competitive skill.
2. Title IX permits but does not require schools to field separate teams for the exemptions listed in number 1 unless the operation of separate teams is necessary to satisfy the interests and abilities of both sexes.
 3. If a school fields a team in a non-contact sport for one sex, but not the other, then members of the excluded sex must be allowed to tryout for the team unless the overall athletic opportunities for the excluded sex have been greater than those opportunities for the sex which the team proposes to serve.
 4. Title IX makes the following provisions for intramural or club activities:
 - No student may be denied participation in contact or non-contact sports for which there is or is not a selection criteria based on skill if sufficient interest exists among members of the sex that would otherwise be excluded and if there are fewer opportunities for members of that sex to participate in sports at the level of competition in question.
 - Teams in non-contact sports for which the criteria for participation is interest other than competitive skill may not be limited to members of one sex.
 5. Title IX allows schools to conduct student teams (comprised of members of both sexes) only if competitive skill is a selection criteria and if the needs, interests, and abilities of both sexes are effectively accommodated by having only one team. Should the overall effect of offering only one team mean that many interested members of one sex are excluded due to lack of sufficient skill, then the offering of one team would not be meeting the needs and abilities of both sexes.
 6. Equal opportunity to participate in athletics must be provided to members of both sexes. While this does not require parity in fiscal support, there must be evidence that equitable services are provided in these and other areas:
 - Effective accommodation of the interests and abilities of members of both sexes in sports and levels of competition offered (best validated through use of student, parent and faculty survey data compilation and interpretation);
 - Equipment and supplies provided;
 - Travel and per diem allowance provisions;
 - Opportunities to receive coaching and academic tutoring;
 - Access to locker rooms, practice, and competitive facilities;
 - Access to medical and training facilities and services;

- Access to housing and dining facilities and services; and
 - Efforts to provide publicity.
7. Eligibility standards, medical examination requirements, and other criteria for requisite skill (grade average, etc.) must be the same for members of both sexes.
 8. Schedules (length and duration, not necessarily season) and supervision must be the same for teams of one sex if there is a like team of the other sex.
 9. Opportunities to play before an audience must be comparable.
 10. Teams may be coached by members of the opposite sex and districts must seek out the best qualified candidate to coach the team in question.
 11. Athletic coaches must be assigned coaching and supervisory duties (other than locker room supervision) on the basis of their qualifications rather than their sex or the predominate sex of the students to be coached.
 12. Athletic staff members may not be treated differentially on the basis of sex in hiring, job assignment or classification, compensation, or any other condition of employment.
 13. Title IX regulations may not be superseded by adherence to other sports governance bodies (high school federations, leagues, recreation department, local policy, etc.). Either the policies and practices which conflict must be changed or schools must withdraw from membership from the conflicting governance body.
 14. Title IX makes no requirements regarding the administrative structure of the athletic department(s) and staff. If, however, any changes are made to accompany compliance with Title IX regulations in the area of after-school sports, these changes may not have an adverse effect on the employment or the job-grading of members of one sex.
 15. Elementary schools should have been in full compliance with the regulatory requirements for nondiscrimination in intramurals, club sports and inter-scholastics by July 21, 1976. Secondary schools should comply fully as rapidly as possible, but in no event later than July 21, 1978.
 16. If noncompliance with Title IX requirements for nondiscrimination is identified, two forms of action must be taken:
 - Modifications must be made to correct any policies, procedures, or practices which have been found to discriminate; and
 - Remedial steps must be taken to alleviate the effects of any discrimination identified.

Secondary schools are granted an adjustment period, not a waiting period. Barriers to immediate compliance must be identified, and active steps toward their elimination must be taken during the adjustment period of 1975-78. Such action steps should be clearly outlined and on file with the district Title IX compliance plan.

PART III. PRACTICAL APPLICATIONS

As pointed out in Part I of this booklet, there is long historical and cultural evidence of sex discrimination and subsequent stereotyping. Title IX seeks to eliminate sex discrimination as it relates to people who are served by educational agencies which receive Federal funds. This part of this booklet attempts to relate Title IX regulations found in Part II with areas of discrimination identified in Part I, and to list possible alternatives for educational personnel to consider as full compliance is worked out.

Before change can occur, individuals and/or groups must examine their beliefs, understand new concepts and find workable strategies. For this reason, emphasis will be placed on activities one might pursue in order to develop skills:

- in recognizing discrimination that occurs in daily educational settings,
- in becoming knowledgeable change agents who can deal effectively with areas of conflict,
- in scrutinizing alternatives to physical education and athletic programs and practices so as to select and develop suitable strategies to overcome discriminations, and
- in making a commitment to the implementation of the letter and the spirit of the law.

CASE EXAMPLES

One way to develop skills in recognizing discriminatory or biased behaviors is to review day-to-day activities and analyze them in relation to the legal requirements of Title IX. On the following pages, a number of case examples are provided which may or may not demonstrate discriminatory or biased behaviors. Readers may wish to review the items presented and analyze them by asking the following questions:

- Does the case example demonstrate a violation of the Title IX regulation?
- If the case example does not demonstrate a violation of the Title IX regulation (sex discrimination), would it be characterized as a sex-biased behavior?
- If either of the conditions exist (sex discrimination or sex bias), what are some of the appropriate corrective and remedial steps which may be taken?

Suggested answers follow each category.

Physical Education-- Elementary Case Examples

1. For several years two faculty members have been trying to introduce "Movement Education" into their physical education classes for the fourth grade. Two other fourth grade teachers have continued to

follow a sports orientation for their curricular efforts. Now, parents are complaining that it's not fair for some students to get one thing and others to get another. As the fourth grade chair, what would you do?

2. While driving past an elementary playground you notice that all of the boys are playing a rousing game of dodge ball while the girls are swinging on the swings or sitting under the trees. Your companion comments, "I guess dodge ball is too rough for the girls."
3. Several parents have learned about Title IX and are appalled that the school is still conducting separate physical education programs for all of the students grades K-6. They demand to know when their daughters will get an "even break." As chair of the Title IX faculty committee you explain that this is a very unpopular law and physiologically students are not equal so coeducational physical education is out of the question. What might happen?
4. The physical activity class is completed. The teacher tells the girls to put on their shoes and return to class while the boys put away all of the mats.
5. During fourth grade physical education, the boys play soccer while the girls take dance.
6. Mary is an outstanding athlete. Every day she is allowed to play with the boys during physical education while her female classmates engage in other activities.

Physical Education--Secondary Case Examples

1. In order to qualify for advanced track and field classes, students are required to run a mile in less than six minutes. The result is that 22 boys are admitted to the class, and no girls qualify.
2. In order to provide the best instruction possible, the staff at Kennedy High School decides to team teach all contact sports classes so one man and one woman are assigned to each section.
3. The boys in a physical conditioning class are complaining because they must do a full pull-up to pass the arm strength test, while the girls only have to do the bent arm hang for 10 seconds.
4. All classes of basketball made up predominately of girls are scheduled into the small gym while all classes predominately composed of boys are using the big, official gymnasium.
5. Xavier High School has initiated coeducational physical education for all of its 10-12th grade students. The freshmen, however, are still in sex-segregated classes so that they can be classified and "properly" oriented to what lies ahead. During this freshman year all boys must take weight training and wrestling while all of the girls must take posture analysis and modern dance. During the spring quarter they are exposed to coeducational activities on an elective basis.

6. In order to overcome past discrimination, the merged physical education department announces a new course in girls' weight training so they can "catch up with the boys."
7. An irate parent is complaining about the injury his son received in a soccer class. It seems a 180 pound girl crashed into Jim, his 105 pound son, in a beginners' class.
8. A girl returning from terminating a pregnancy is required to make up all physical education sessions missed while a boy in the same class is allowed to re-enter after recovering from a broken leg with no make up work required.
9. A female physical education teacher resigns. The principal fills the position with a male who can help coach the football team. This makes the male/female ratio in physical education 6 to 3 in favor of the men.
10. The counselors decide that they will "unofficially" designate boys with an "x" and girls with a "y" on physical education class rosters so they can avoid overloading the locker rooms at any given class period.

Suggested Answers to Physical Education--Elementary Case Examples

- Case 1. This situation is not in violation of the Title IX regulation, unless the physical education classes are being conducted on a sex-segregated basis. The existence of two different methods of instruction does not constitute non-compliance, but may clearly indicate a bias that could impact negatively on one sex or the other.

A suggested corrective action would be the development of a consistent philosophy and physical education program for fourth grade students. All students deserve similar instruction or individualized instruction which can meet the needs of each child.

- Case 2. The remark that "dodge ball is too rough for girls" would indicate the presence of sex bias, but it is unlikely that a Title IX violation has occurred, unless equipment has been assigned on the basis of gender. While this situation would probably be prohibited by the Title IX regulation, if the activities were part of the instructional program, the free play or recreational nature of recess would not prohibit sex-segregated activities.

Possible corrective steps would include having the staff ensure that sex-segregated play groupings were by choice and not by the exclusion of the other sex. In addition, staff should make positive efforts to counsel all students as to the availability of all activities and encourage play on the basis of individual interests. As students become more comfortable with mixed-sex groupings, it would be anticipated that such scenes would become less prevalent.

- Case 3. This is an example of the school's sex-biased attitudes which result in a violation of the Title IX regulation. The provision of sex-segregated physical education is based on outdated stereotypic information that is contrary to fact.

The corrective action called for is the immediate integration of physical education classes at the K-6 grade levels. If this conversion is resisted by the schools, an internal grievance or complaint may be an appropriate method of urging the schools to comply with the Title IX regulation or a complaint may be filed with the Office of Civil Rights, Department of Health, Education, and Welfare.

- Case 4. This assignment of activity on the basis of sex would be a violation of the Title IX regulation. All students should be given the same opportunities to perform tasks. Grouping by sex for work details or going to and from lunch or the playground should be avoided.

Corrective steps might include development of policy guidelines, inservice training for staff, and individual consultation with instructional staff.

- Case 5. This assignment of activity on the basis of sex is a violation of the Title IX regulation. Classes in physical education must be conducted on a coeducational basis. Although soccer may be identified as a contact sport, students could be separated by sex for actual participation in the game or contact drills. Skills sessions not involving contact should be conducted on a coeducational basis.

Corrective steps would be the development of policy guidelines, distribution of such guidelines to staff, and inservice training for staff. Other corrective steps would include developing a physical education program which would provide movement activities and field sports for all students.

- Case 6. The segregation of male and female students during physical education classes would be a violation of Title IX. Although the needs and abilities of one outstanding female student have been recognized and accommodated, other students are being discriminated against by such behavior. Title IX does not dictate curriculum, but does encourage programs that best serve the needs, interests, and abilities of all students.

This situation should be corrected by providing coeducational physical education immediately.

Suggested Answers to Physical Education--Secondary Case Examples

- Case 1. Grouping by ability is permissible under the Title IX regulation. Ability groups should be determined by objective, activity-related criteria. However, if there are sufficient numbers of students (females and/or males) that cannot meet the criteria for inclusion in the class, but have interest, an option should be provided for them.

- Case 2. This is not only permitted by the Title IX regulation, but it is also highly desirable, especially during the adjustment period from 1975 to July 1978. Caution should be taken, however, that this team teaching approach does not result in the boys being instructed by the male instructor and the girls by the female teacher.
- Case 3. If it has been found that identical evaluation standards for females and males in this area results in all/most of the females getting lower grades, then the differential standards are appropriate and permitted under Title IX regulation. It may be more desirable to allow any student who cannot execute a pull-up to do the alternative bent arm hang.
- Case 4. This scheduling option would be a violation of the Title IX regulation. The situation reflects the age-old stereotype which believes that all boys are more robust than all girls and must, therefore, have more space.

Corrective steps would call for cooperative use of both gyms with alternate scheduling of facilities for female and male classes.

- Case 5. The Title IX regulation allowed until July 21, 1978 for the phasing in of coeducational physical education at the secondary level. There is, however, a certain sex role bias shown in the selection of the required activities for the freshmen students.

Corrective steps would call for developing a greater variety of activities for males and females and conducting some activities on a coeducational basis.

- Case 6. This sex-segregated course would be in violation of the Title IX regulation. Courses cannot be designated on the basis of sex. A more appropriate option might be to offer a novice weight training course and make it open to boys and girls. If an all-female class were to result from an open elective process, there would be no violation of the Title IX regulation.
- Case 7. This may or may not be a case of negligence, but it does not appear to be a violation of the Title IX regulation. The class is being conducted on a coed basis and grouped by ability. It would be the teacher's individual responsibility to ensure that the activities in which the students engage are suitable for their skills.
- Case 8. Requiring a female student returning from termination of a pregnancy to make up work and not requiring a male student who has been ill to make up work would be a violation of the Title IX regulation. Corrective actions would require equal treatment of students who have been absent for any medical disability.
- Case 9. This may or may not be a Title IX violation. If the employment procedure was carried out in a nondiscriminatory fashion, no Title IX violation occurred. If, however, only male applicants were encouraged to apply or only male candidates who could coach football were considered, a violation of Title IX did occur.

The ultimate consideration is that of outcome. Did the selection of a male physical education teacher, who can assist with football coaching responsibilities, diminish services for females or substantially change the assignments of female teachers? If the effect of the action was to change services for females, it would be a violation of the regulation.

Case 10. The practice of unofficially designating boys with an "x" and girls with a "y" as a means of providing for more equal distribution of females and males in classes would not be a violation of the Title IX regulation as long as program offerings were not discriminatory one students reported for class.

Athletics--Elementary School Case Examples

1. The Washington Carver Elementary School is going to have a field day. Events are planned for all boys and girls. Boys will do the 100-yard dash, the 440 run, the 880 relay and the tug 'o war. The girls will do a 50-yard dash, a 440 relay, an oral message relay, and a three legged race.
2. While coming in from the playground, you notice Mark, the captain of the losing team, gently crying. A colleague you are with tells him to "stop crying and act like a man."
3. Cheerleader tryouts for the Pcp Warner football league are being held on your school grounds and sponsored by two of your teachers. After many days of spirited workouts the squads selected are posted on the bulletin board. You, as the principal, notice that no boys or members of any of the minority races have made any of the squads even though many tried out and many male minority students are members of the football teams. What would you do?
4. The little league for boys baseball wants to use the school fields for practice and play. What should the principal do?
5. The YMCA wants to run a boys' soccer league on the school fields on Saturdays? What is the principal's decision?
6. Sally wins the 50-yard dash by outrunning all of her classmates. The teacher comments, "Why, you're just another Roger Bannister."

Athletics--Secondary Case Examples

1. Thirty-two girls want to come out for the varsity football team. The coach tells them that he's sorry but they cannot.
2. The high school fields one golf team and effectively announces that it is open to all students. Twenty boys and sixteen girls try out. Eight boys make the team. No girls are selected.
3. Volleyball is one of the major sports for girls at Tulare High School. This fall six boys approached the coach and indicated that since they were better players than any of the girls on the existing team they should be the school's team. The coach, Mr. Bing, thanked them but related that the girls would continue to represent the school since boys currently had fourteen teams on which to compete in eight sports and the girls had only seven teams in five sports.
4. The sum of \$10,000 a year is allocated to Kennedy High School for Athletics from the school board each year. the girls' athletic director is demanding that \$5,000 be allocated to each of the athletic staffs-- male and female.
5. League regulations allow the boys' varsity basketball team to play a total of 28 games per season (including holiday/invitational tournaments), while girls may play only 18. Championship playoffs are planned for the boys' team but not the girls.
6. In an effort to expand the girls' athletic programs, the principal announces to all of the women physical educators that they must each coach a girl's team during the next term or be relieved of their teaching contract.
7. The student body president, in a budget hearing regarding the disbursement of student body funds, announces that when and if girls sports can draw a crowd, the student body will consider giving them funds as they are currently awarded the boys athletic teams.
8. The school paper has six reporters on its sports staff--five boys and one girl. The coverage of school sports reflects 80% for boys' teams and 20% for girls even though there are four boys' teams and four girls' teams currently in season.
9. Today the athletics staffs will vote on the male athlete of the year and female athlete of the year.

10. Sally is an outstanding diver. She wants to compete with the boys' swimming team because there is no girls' swimming team. Even though she is the best diver in school, she is denied the right to compete on the boys' teams. Her parents want to know what they can do.

Suggested Answers to Athletics--Elementary School Case Examples

Case 1. This event is not only a violation of the Title IX regulation (in designating sex-segregated events in non-contact activities without specific skill criteria), but the different events clearly indicate sex-role stereotyping of appropriate events for girls and boys. If, in order to best serve the needs, interests and abilities of the students, it is necessary to group, objective standards (e.g., age, grade level, weight) should be used, not gender-based standards. All events should be the same and not designated as "boys" or "girls" activities.

Case 2. The Title IX regulation does not explicitly cover the interaction of teachers and students although differential treatment of students is prohibited. On the basis of the information provided, it is unlikely that there is a Title IX violation.

Sex bias is clearly evident in the comment of the colleague. It is not necessarily "manly" not to cry if the situation merits. It may be desirable to discourage the behavior, but it should not be done with gender related comments. The colleague should be made aware of the stereotyped nature of her/his comment and its potential effect on students.

Case 3. The Pop Warner football league's activities would be covered as a consequence of the district's provision of a site, faculty advisor, and general support for the program. While it is clear that minority group members and males were allowed to try out for cheerleader, the criteria for selection are unknown.

It would be the responsibility of the principal to:

- determine that nondiscriminatory criteria were used in the tryout process
- advise faculty sponsors as to the requirements for nondiscrimination and the representation of all races and both sexes
- monitor the tryouts to confirm that they are being implemented in a nondiscriminatory manner, and
- if the process was discriminatory, re-open the process after providing relevant information to faculty sponsors, league officials, and parents

- Case 4. On the basis of the information given, a violation of the Title IX regulation cannot be shown. The mere usage or rental of school facilities by an outside organization has not been found to be "significant assistance." However, as a general rule facilities should be available equally to males and females and teams of a voluntary nature should be open to participation by members of both sexes.
- Case 5. National youth service groups such as the YMCA, YWCA, Boy Scouts, and Girl Scouts have been exempted from coverage by the Title IX regulation. If this is the only school involvement in the activity, allowing the YMCA to use the fields is not considered significant assistance to an organization. The school should, however, provide an equal access policy to facilities so as not to discriminate on the basis of sex.
- Case 6. The race is not a violation of the Title IX regulation because it was not a sex-segregated event. The teacher's comment reflects either sex stereotyping or lack of knowledge regarding outstanding women track performers such as Wilma Rudolph.

Suggested Answers to Athletics--Secondary School Case Examples

- Case 1. Football is a contact sport and sex-segregated teams are permitted under the Title IX regulation. Some effort, however, must be made to accommodate the interests and abilities of the female students. Possible alternative actions would be to establish female football or touch football teams in an intramural or interscholastic activity (if there were similar teams against whom they could compete); or the females could be encouraged to participate in other team sports such as field hockey, speedball, soccer, etc.
- Case 2. While the processes followed for the selection of the golf team would appear to be nondiscriminatory, the results would indicate a violation of the Title IX regulation if no efforts were made to provide for the interests of females. Since there is significant interest on the part of females, the district should consider establishing a separate team for females.
- Case 3. There is no violation of the Title IX regulation. Allowing boys on the team when the opportunities for females have been limited in the past would be a violation of the Title IX regulation. Since the boys are interested in volleyball, the school should consider the possibility of substituting volleyball for one of the competitive sports now offered for boys, or adding volleyball as a mixed-sex offering in the intramural program.
- Case 4. The equal division of available funds is not required by Title IX. If services provided are adequate and equitable, there need not be a dollar-for-dollar parity. Expenditures must be adequate to ensure comparable opportunities and to provide female and male athletes comparable equipment, facilities, and services.

- Case 5. The adherence to this league regulation by the district would be a violation of the Title IX regulation. Teams in like sports must have like lengths of seasons, opportunities to play before an audience and the same honors and awards.
- Case 6. This would not be a Title IX violation unless the same condition did not apply to all male physical education teachers as well.
- Case 7. The action implied by the student body president would be a violation of the Title IX regulation. He is implying that girls, who constitute a large portion of his student body, can support the boys' teams but that the student body, in turn, will not sponsor adequately the events planned for girls. While dollar-for-dollar parity is not required by law, the student body will have to rethink its financing policy and distribute their dollars in proportion to the interests of the students.
- Case 8. The composition of the sports staff is not a violation of Title IX unless some policy or practice is operating to bar women from that position. The sports coverage, on the other hand, is a violation of the Title IX regulation. Efforts should be made to recognize and publicize the entire sports program. This may require positive counseling in order to attract women to the sports reporting assignments, in-service training for involved staff (e.g., newspaper advisors), and in-service training for the coaches of girls' teams so they will encourage coverage and provide the necessary facts to make the articles newsworthy.
- Case 9. These awards would be a violation of the Title IX regulation. Awards for athletics made to students should be free from sex designation unless they reflect comparable awards for sex-segregated teams involved in the same sport. Thus, "male athlete" and "female athlete" of the year would be unacceptable, but outstanding rebounder for boys' basketball and a similar award for girls would be acceptable.
- Case 10. This is clearly a violation of Title IX. Sally should be permitted to join and complete with the boys' swimming team, since swimming is a non-contact sport and there is no team for girls.

CHANGE AND ITS PLACE IN TITLE IX COMPLIANCE EFFORTS

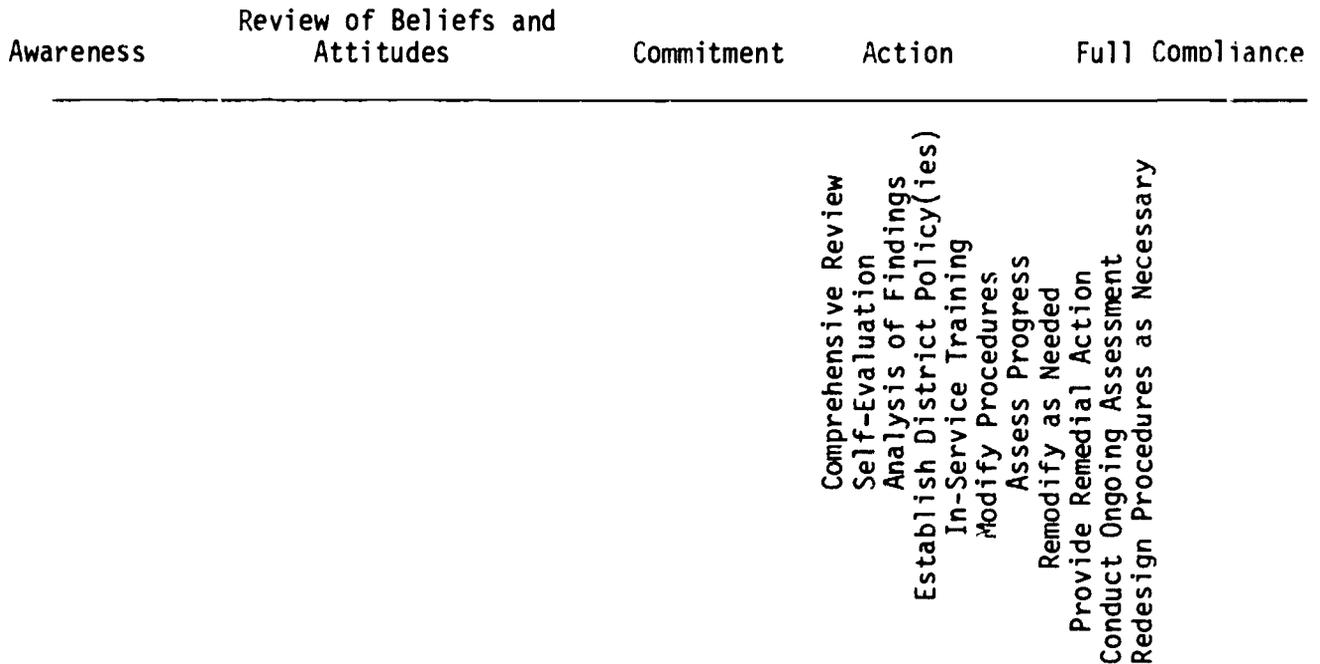
It is inevitable that the results of comprehensive self-evaluation, as required in §86.3 of the Title IX regulations, will reveal that some changes are necessary. In physical education and athletics, certain philosophic tenets have long been held by men and women who comprise the professional corps. There will be need not only for change but also, in many instances, for advice and skills development in effective conflict management. Communication is the most necessary ingredient when change involving individuals and groups is contemplated.

Whenever change is imminent, the question of degree becomes paramount. Some people change only from fear in response to threat. So it is with many who react negatively or overreact to the Title IX requirements. The least possible compliance efforts are usually taken in this instance. In truth, little changes except the paper shuffling and filing process. Districts can "survive" with this "paper compliance" until challenged and/or reviewed and found to be out of compliance in the areas of process and programs.

Others who are directed to come into compliance do so with a feeling of confidence and security. In fact, the self-evaluation process is looked upon as a positive experience--an opportunity to review, contemplate, analyze, stretch and improve services, programs, and processes so as to optimally benefit the school's clientele.

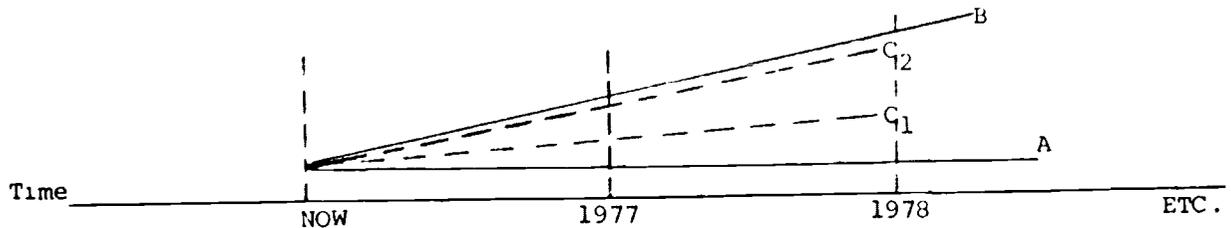
One fact is clear: unless there is commitment and direction from the decisionmaking bodies, little positive action or change will occur. Indeed, the axiom "Not to decide, is to decide" is most appropriate.

Ideally, once school districts are made aware of the concepts embodied in the Title IX law and regulations, change should occur along this continuum:



The following discourse on a proposed model for change is predicated on the assumption/hypothesis that a positive commitment has been made and that an appropriate directive calling for the immediate compliance with Title IX has been sent to all personnel from the policymakers or their designates. It is then necessary for physical educators and athletic personnel to begin the process of self-evaluation and subsequent change.

A Suggested Model for Change



The diagram above suggests that there must be a clear consensus on "what is" (the A line), "what should be" (the B line), and "what changes can take place" (the C line). "What can be" will depend on:

- The commitment of the persons involved,
- The compassion extended toward one another as varying viewpoints/philosophies/strategies are explored,
- The communication that is effected,
- The cooperation received/given by all involved, and
- The concentration evidenced by the time actually spent working toward achieving the identified desired outcomes.

The following questions may arise:

- What really "ought to be?"
- Who can decide?
- How can we get there?
- What help do we have?
- What constraints must we overcome?
- When will we know we have "arrived?"

When applying this model to physical education and athletics as it relates to Title IX, the answers to the above questions can vary from suggestions/solutions which will lead to minimal change or strategies/attempts designed to provide opportunities for optimal program enhancement. The degree of change ultimately achieved will depend upon one's individual skills, the group's

composite skills, the resourcefulness of all involved, and the initial optimal goal agreed to as the apex of line "B."

The following possible applications of this model for change as they relate to physical education (elementary and secondary) and athletics (including ancillary concerns) will be outlined in five steps:

- Step one--Consider "What is"
- Step two--Consider "What can be"
- Step three--Plan "What will be" in light of recognized constraints
- Step four--Implement the plan
- Step five--Evaluate and redesign as necessary.

The ultimate expectation would be that the group involved in the process can reach consensus, but the reality of any change process is that conflict(s) will usually emerge, causing the group to have to strive for acceptable yet meaningful compromise(s). If the fifth step (Evaluation and Redesign) is taken seriously, then compromising may result in intermediary steps which would not threaten the long range achievement of the desired goal. For this reason, should immovable obstacles in the form of clashing personalities or the unavailability of adequate support or resources be forthcoming, strategies to avoid or overcome these constraints must be created and applied. Such skills in conflict management are simple yet complex, and districts are encouraged to provide in-service training if necessary so education personnel can:

- become aware of how to identify problem areas,
- be able to communicate effectively so as to reduce emotional confrontations,
- be willing to explore all sides of an issue and see credence in another's point of view,
- be able to suggest various alternatives for solutions to the identified problems,
- be able to weigh the pros and cons of each alternative,
- be able to recognize the most important problem areas,
- be willing to attempt enthusiastically the implementation of the alternatives and priorities selected.

No attempt will be made here to further elaborate on the skills listed above, but expertise in such areas is essential if attempts to change are to succeed effectively and lastingly.

CHOICES FOR NEW PROGRAMS

Once a staff, school, or district has "discovered" Title IX and looked into the ramifications, there is a need for honest appraisal of program purpose, status, and outcome before/during the move to full compliance with this Federal law. It is the intent of this section to provide insights to staffs/administrators as they go about seeking the best alternatives to be applied to various elements of their programs--elementary physical education, secondary physical education and athletics (including selected ancillary concerns). No dictate is intended, only suggestions for personal and local consideration. Staffs which enter into honest self-evaluation, open discussion, flexible implementation, and constant rethinking will succeed not only in complying with the law, but also in enhancing pride, serving students better, and realizing more productivity. These are admirable goals with or without the dictates of Title IX.

ELEMENTARY PHYSICAL EDUCATION

STEP ONE: Consider "WHAT IS"

In order to identify clearly "what is," the following questions need to be answered honestly:

- What are the general characteristics of the existing program?
Is it goals oriented? Sports centered? Child centered? Sequenced? Recreationally designed? Leaning toward movement education concepts? Totally perceptual-motor oriented? Is it conducted by specialists, the self-contained classroom teacher, an aide, or a combination of these? Are students grouped by sex for any instruction other than in the area of human sexuality?
- What are the characteristics of the staff responsible for the physical education program?
Are they personable and trained in physical education knowledge and skills? Do they hold instruction in physical education as a high priority? Are their attitudes open, encouraging, and responsive or defensive and burdened with stereotypes? Do they use a variety of teaching modalities or are they strictly authoritative or completely laissez-faire? Do they update their knowledge regularly and are they innovative with their approaches? Are supervisory duties pleasantly or grudgingly handled? Are there any who refuse to teach members of one sex, but enjoy teaching the other? Are any fearful of mixing the sexes for instruction in their physical education classes?
- What support services/facilities/equipment are available for use?
Are aides used? Are both males and females available as role models for the children during physical education? Is equipment plentiful (a ratio of one per child for small expendable items such as balls, hoops, ropes, wands, and scarves...one for every two for other items such as balance boards, stilts, etc...and one for every eight for major apparatus such as Lind Ladders, climbing ropes, chinning bars,

balance beams, parallel bars, etc.)? Are the facilities/grounds used equitably by all students? Are the facilities/grounds maintained so they are safe and attractive? Does a budget exist for physical education instructional materials, resources, in-service training sessions and maintenance outlay? Do all students have the opportunity to use all of the facilities, equipment, and services on an equitable basis?

- What after-school activities are provided which relate to physical education?
 - Who participates? Are policies developed that allow for equitable service to all school publics? Is significant assistance given to one set of people and not to others? What kind of publicity efforts are used to encourage participation by all students and not just one element of the student body? Are awards given for any of these competitive events? If so, are they equal for boys and girls?
- What means of evaluation are used to validate program effectiveness, productivity, staff skills, and public response to the program?
 - Are competence levels developed equitably for the boys' and girls' performance in the motor domain? Are affective and cognitive measurements part of the physical education evaluation program? Does a student-parent advisory group rate the effectiveness of the planned program of activities? Is student response observed informally or formally? Are the results positive or negative? Do teachers understand their strengths and weaknesses and are they willing to improve where they are weak and assist others where they are strong?

After careful scrutiny of "what is," staffs can move on to Step two: "what can be"...

STEP TWO: Consider "WHAT CAN BE"

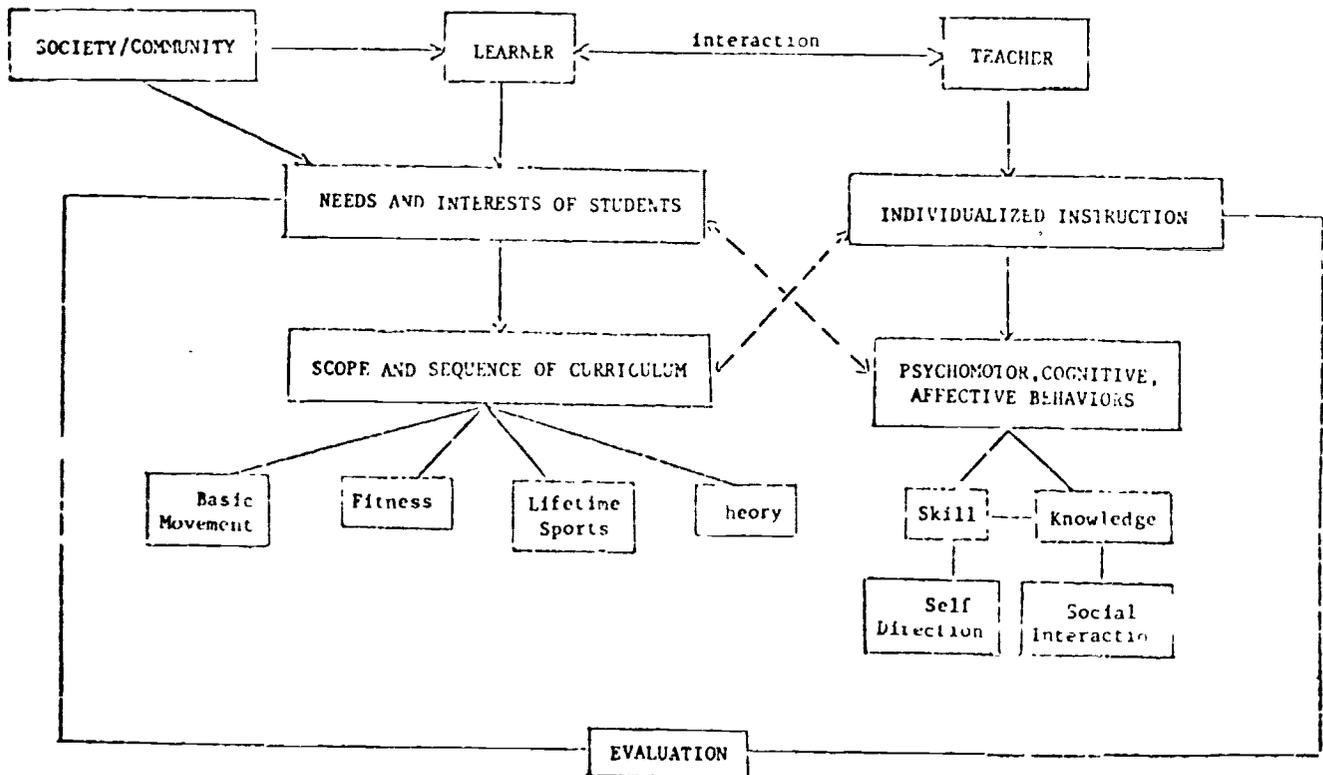
Some of the alternatives cited here may assist staffs who wish not only to comply with Title IX, but also to rejuvenate/re-evaluate existing programs.

Minimal Modification of Programs. The self-evaluation may have revealed that physical education classes for grades K-3 were non-sex-biased and that basic concepts of movement education and problem solving were emphasized, thus allowing each child to progress at his/her own individual rate. (View the film "Every Child a Winner" produced by Charles Holbrook and distributed through the American Alliance for Health, Physical Education and Recreation--AAHPER). This would be in compliance with Title IX. Students in grades 4-6, however, may have been in a sex-segregated environment with the boys receiving instructional emphasis in traditional team sports and the girls receiving a less strenuous program. Such a situation would need immediate modification in accordance with §86.34, §86.33, §86.35, and §86.36 (See Part II of this booklet).

Extreme Modification of Programs. The self-evaluation process may have revealed sex discrimination in all classes. Perhaps the attitudes of the teachers reflected traditional sex-role stereotyping and thus boys were pursuing robust, strenuous activities while girls were encouraged not to overexert. Or perhaps classes were sex segregated. If this is the situation, there is a need for new commitment to quality physical education, revision of teacher/public

attitudes, and restructuring of the curriculum. Such a curriculum may be CHILD CENTERED, CONCEPT CENTERED, GOAL CENTERED, SPORTS CENTERED, or a COMBINATION of these.

FIGURE 1: MODEL FOR CURRICULUM DEVELOPMENT



The Athletic and Sports Consultants, Inc. of Chevy Chase, Maryland, under the direction of Margarite A. Arrighi and Dorothy B. McKnight have provided the model in Figure 1 which may be of use to staffs who find that extreme modification is necessary to comply with Title IX and r to offer each child individual opportunities for optimal development in the motor, affective, and cognitive domains through meaningful exploration of the movement domain.

Example of a Comprehensive Program. A sequence of physical education programs for infancy to young adulthood has been outlined by the California State Department of Education. (see Table 3). This sequence provides for development of the whole person through emphasis on strengthening self-concept, promoting good social behavior, acquiring motor skills, attaining physical fitness, and developing lifetime sports skills.

Table 1 Scope and Sequence of Physical Education Programs in California Public Schools

Goal: Develop a Person Ready for Quality Involvement in an Active Life

Infant 4	Child 4 9	Child 8 14	Adolescent (young adult) 13 18
A Innate abilities to be cultivated	A Perceptual motor skills enhancement	(Assimilated perceptual motor skills combined with basic movement skills with and without implements or rhythms or supports)	A Physical abilities
B Reflex movements	1 Kinesthetic discrimination		(demonstration of acceptance of a life style of involvement in physical fitness and application of related principles)
C Basic movements	2 Visual discrimination	A Fundamental skills development (including mastery of concomitant concepts)	B Advanced skills development (demonstration of knowledge and skills development in a <i>minimum</i> of one sport or activity in each identified skill area as assessed by fulfillment of predetermined performance objectives)
1 Crawling	3 Auditory discrimination	1 Aquatics	1 Aquatics
2 Creeping	4 Tactile discrimination	2 Dance	2 Daily life activities
3 Sitting	B Basic movements (with and without rhythms in response to varying space, time force flow and expressive emotional requirements)	3 Daily living activities	3 Dance
4 Standing	1 Locomotor	4 Gymnastics	4 Gymnastics
5 Walking	2 Nonlocomotor	5 Individual sports	5 Individual sports
6 Grasping	3 Combined	6 Team sports	6 Team sports
7 Holding	4 Manipulative	B Physical abilities (demonstration of a level of proficiency as assessed by recognized instruments)	C Complex skilled movements (demonstration of ability to pursue advanced, creative, nondiscursive movement in a minimum of three activities of one's choosing)
8 Releasing	C Physical abilities (participation in activities)	1 Balance	D Adult social skills (consistency in demonstration of)
D Initial perceptual abilities	1 Balance	2 Endurance	1 Acceptance of responsibility
1 Kinesthetic	2 Endurance	3 Strength	2 Followership skills
2 Visual	3 Strength	4 Flexibility	3 Leadership skills
3 Auditory	4 Flexibility	5 Agility	4 Self-acceptance positive self image
4 Tactile	6 Conceptual assimilation	6 Conceptual assimilation	5 Tolerance for others
5 Simple combinations	D Simple skilled movements	C Compound skilled movements	6 Caring and compassion for self and others
E Initial social skills	1 Creative games and expression	1 Creative games and expression	E Adult recreational skills
	2 Traditional games and rhythms	2 Traditional games and rhythms	1 Active involvement in a variety of worthwhile recreational activities
	E Beginning social skills	D Intermediate social skills	2 Abstinence from debilitating activities
	1 Self-discipline self control	1 Acceptance of responsibility	3 Ability to plan recreational activities for others
	2 Self-discipline and self control in relation to other persons objects	2 Followership	4 Demonstration of appreciation for various types of recreational ethnic or racial influences
	3 Development of a positive self image	3 Leadership	
	F Beginning recreational skills	4 Self-acceptance and positive self image	
	1 Development of simple skills for recreation involvement	5 Tolerance for others	
	2 Ability to choose worthwhile leisure time activity	E Intermediate recreational skills	
		1 Development of suitable recreational skills in a range of activities	
		2 Evidence of choosing worthwhile recreational activities	
		3 Knowledge of community resources	

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Psychomotor Domain Focused Program. A psychomotor domain focused program has been modeled by the Florida State Department of Education in its Catalogue of Health and Physical Education Objectives, series 8, part 1. (See Figures 2a-2e) This model has been reproduced with permission from the Florida State Department of Education, Tallahassee, Florida.

Figure 2a. Structure of the Psychomotor Domain

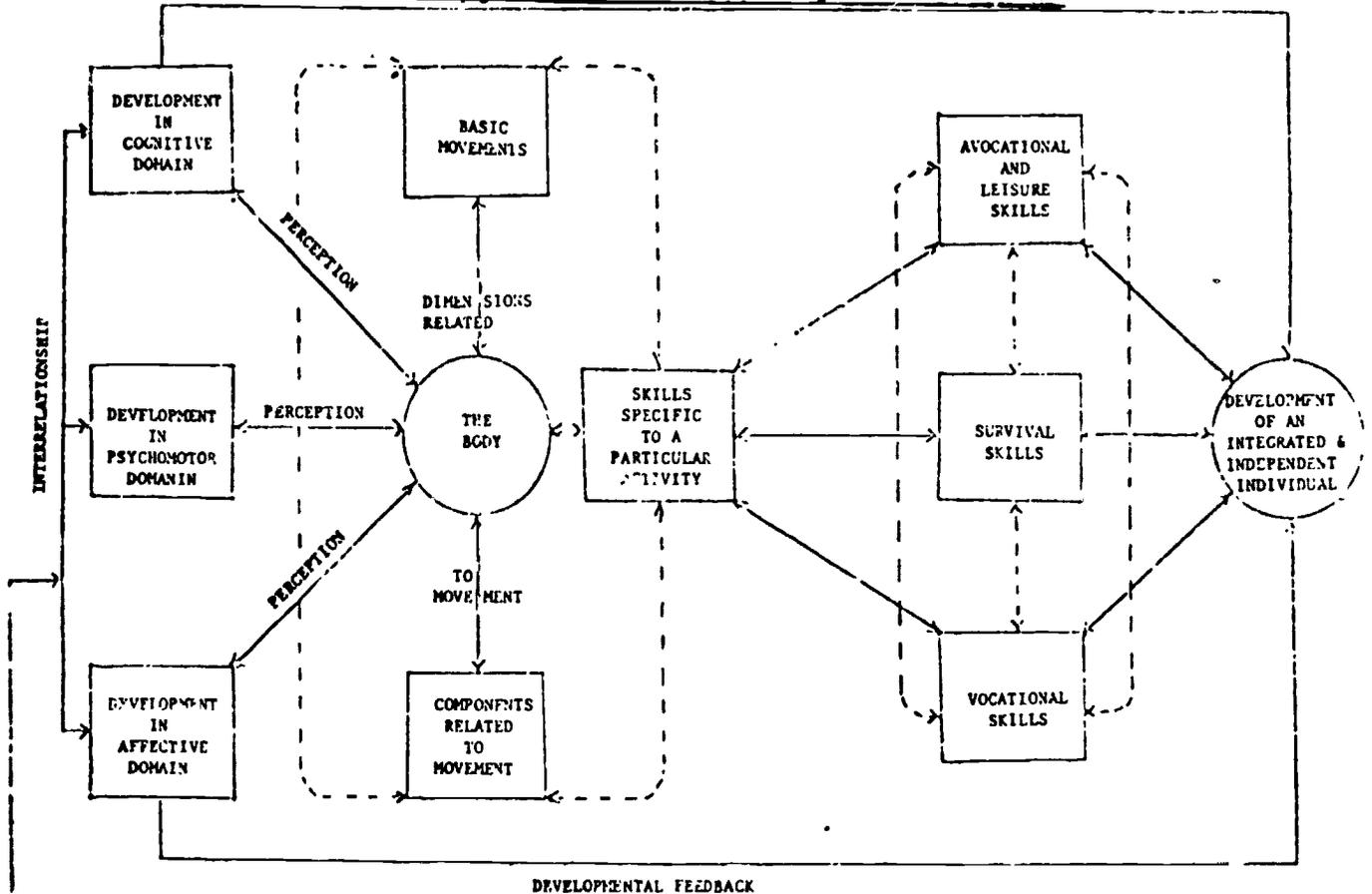


Figure 2b. The Body

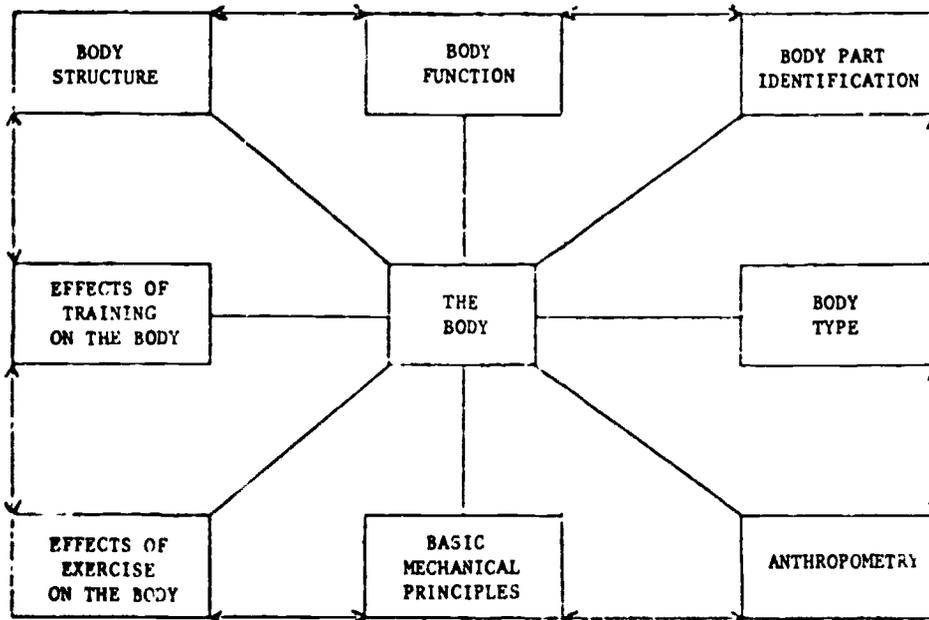


Figure 2C. Basic Movements

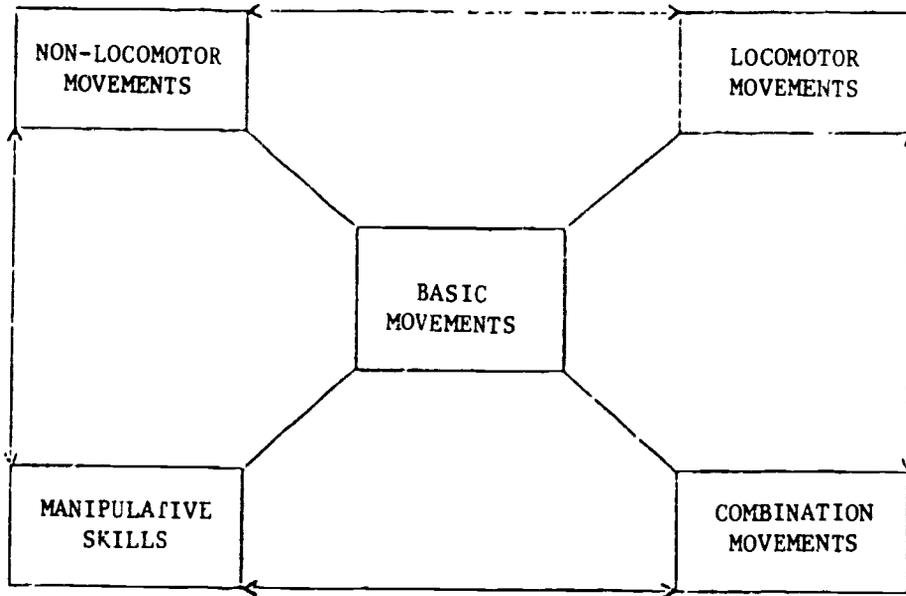


Figure 2D. Components Related to Movement

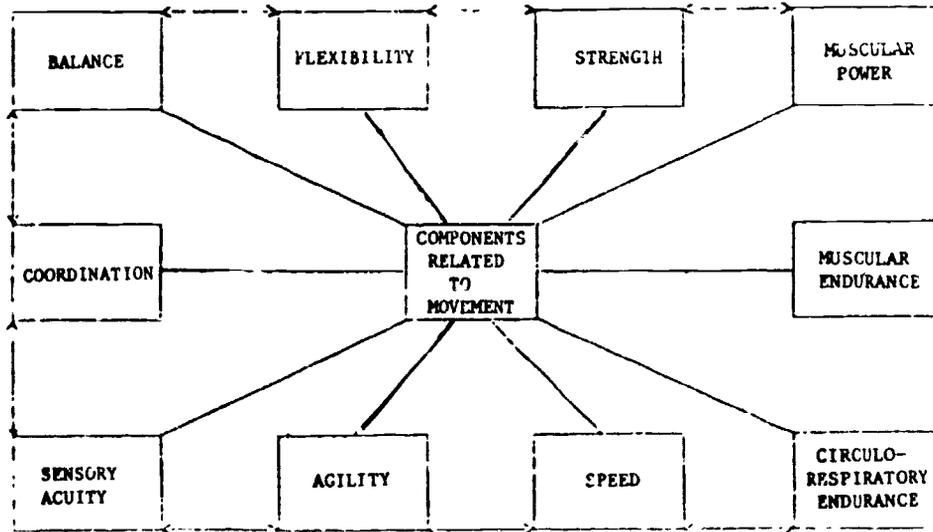
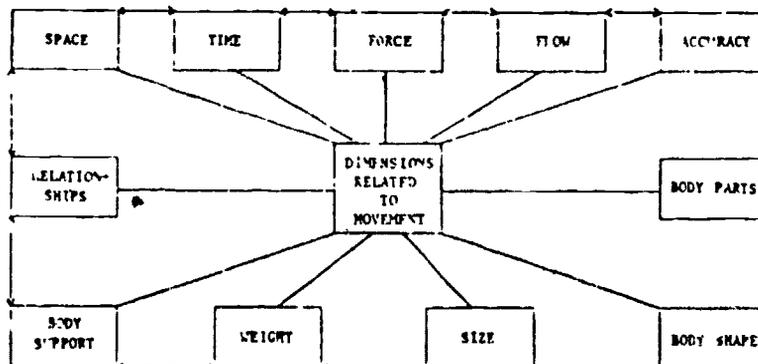


Figure 2E. Dimensions Related to Movement



The use of this model, coupled with astute professional leadership and effective in-service training for concerned staff, could lead to the development of a curriculum which is free from sex stereotyping and designed to serve the needs of each child. This type of curriculum can educate all students to understand the capabilities and limitations of their bodies in an environment free from the negative aspects of competition. It can teach how to move expressively and yet with control. It is sequenced to offer constant challenge.

STEP THREE: Consider "WHAT WILL BE"

If, in Step One, communication was honest and accurate and if, in Step Two, alternatives were explored and a consensus or agreeable compromise was reached regarding "what can be," then staffs are ready to address the constraints that will determine "what will be." These constraints may result from personnel, public, fiscal or attitudinal limitations. Staffs interested in curriculum revision must often pursue intermediary steps in order to achieve desired long range goals.

Title IX can serve as a lever to prod recalcitrant people toward philosophic, program, and process review. Enlightened professionals who are equipped with strategies for effective change and alternatives for satisfactory compliance can step in with the "answers" which less well prepared educational policymakers are seeking.

STEP FOUR: IMPLEMENT THE PLAN

Implementation will be as effective as the degree of commitment demonstrated by those in leadership and followship roles. If good public relations procedures have been employed, and if all teachers are skilled in the new methods of instruction (guided discovery, problem solving, movement education) as well as the more traditional (authoritative, direct) ones, and if an awareness level regarding the elimination of sex-role stereotyping has been effectively raised, then the implementation of coeducational programs will bring little trauma and measurably improved results.

If, on the other hand, the public is unaware of the benefits that its children will derive from this coeducational approach, then its implementation may be greeted in a hostile manner. If teachers are required to implement programs with which they feel uncomfortable or threatened and for which they have no commitment, they may be resentful, reticent and ineffective, leaving the impression that the program is worthless and that it is impossible for boys and girls to pursue movement competence in an integrated situation. And, finally, if the awareness level of all involved regarding sex-stereotyping is low, and the myths related to the physiological differences between boys and girls are emphasized, then communities may fail in implementing coeducational physical education programs at the elementary level.

Recognizing the need to avoid these pitfalls and planning ahead to circumvent possible constraints is essential to the success of new programs and to Title IX compliance. Using the self-evaluation requirement of the Title IX regulations (§ 86.3) as an opportunity and not as an obstacle can produce positive educational results. Implementation of programs must be done only after the necessary groundwork has been laid, so that the proposed changes will have a chance for valid testing.

STEP FIVE: EVALUATE AND REDESIGN as necessary.

Evaluation and ongoing redesign are desirable characteristics of any curriculum development project. For example, if more injuries occur in coeducational programs than in segregated ones, the staff will want to analyze the causes and eliminate the source of the problems. This could be done by re-educating staff and students regarding responsibility for the safety of self and others; reconsidering the need for ability grouping; putting heavier emphasis on instruction before entering into game play; re-evaluating the students' skills in the injury prone class to see if they are adequate; and reassessing the attitudes and behaviors existing in the classes where the injuries are occurring.

Other areas which will need ongoing evaluation include:

- program suitability and productivity
- program acceptability by students
- staff effectiveness and level of expertise
- staff efficiency
- fiscal soundness of the program
- time studies for participation ratio
- public approval of or resistance to the program
- attitudes of all involved
- interdisciplinary relationships and ways to improve methods/strategies/content
- others to be determined at the local site.

In conclusion, while Title IX does not dictate what curriculum must be or should be offered, it does indicate that whatever is required of one student will be required of all and that physical education, with few exceptions must be conducted on a coeducational basis. Thus, while seeking to comply with Title IX mandates, enlightened educators may elect to use the process of self-study as an opportunity for program and philosophic evaluation so that traditional sex-stereotyping can be eliminated and a comprehensive program free of sex discrimination can be identified for physical education.

STEP ONE: Consider "WHAT IS"

Honest evaluation of existing programs is the necessary first step. Are the programs in the school the same for boys and girls? Are opportunities for each individual's needs provided? Is there acceptance of program offerings? Do the men and women staff members communicate effectively, openly, honestly?

Do two distinct departments exist? Are they dichotomous in their philosophies? Does one "instruct" and other "throw out the ball"? Is there a need for examining the existing attitudes and their sources? Can all attitudes be channeled productively so students are served effectively and positive coexistence of staff members be retained?

Specifically, are efforts made primarily to teach sports or to teach various movement activities? While the distinction may be minor, the results are not the same. Do evaluation techniques reflect concern for all domains--cognitive, affective, and motor--or are they skewed toward only one area? Are the values inherent in quality physical education programs being assimilated? (NOTE: These might include enthusiastic and skillful participation, voluntary pursuit of active leisure activities, obvious motor/body control and acceptance of responsibility, and knowledge/acceptance of one's capabilities/limitations.) Are supervision/operations principles the same (locker rooms, dressing policies, participation requirements, etc.)?

WHERE DOES YOUR PROGRAM "FIT"?

Table 4 Types of Secondary Physical Education Programs Differentiated by Requirements

PROGRAM	CHARACTERISTICS	TITLE IX IMPLICATIONS
1. CORE	1. All units of instruction are required of all students. Students move through a predetermined series of units. May or may not be ability grouped. Accommodates teacher skills and interests, pre-priorities student interests or needs.	1. Possible conflict areas - wrestling, dance, etc. If units of instruction are traditional, past discriminations may dictate need for ability grouping. Need for staffs to assess student needs.
2. ELECTIVE	2. Possible units of instruction are posted and students elect through interest or ability. Wide diversity of offerings possible. May accommodate student needs, interest and/or teacher skills, interests.	2. May lead to principally recreation-oriented programs. Unless offered on a strands basis (Novice, Experienced or Remedial, Reg., Int., Adv.), may exclude some students from some activities because of feelings of inadequacy.
3. CHANNLED ELECTIVE	3. Possible units of instruction are posted and students elect in response to predetermined "goals", i.e., two team sports, three individual sports, one aquatic, one dance, one conditioning, or combative, etc. May or may not be stranded.	3. Allows for the establishment of identified program goals and for some student interest fulfillment. May make for more success orientation if stranded.
4. CORE/PRE-SCRIPTIVE	4. Students are pretested in a fundamentals class and then guided toward programs designed for their needs - may enter the core (correctives emphasis) or the channeled elective (meet basic requisites, then elect according to interest) or the free elective (gaining/participation emphasis). Requires more teacher agreement, organization, and diversification.	4. Staffs must agree on pre-testing areas of emphasis and standards of performance. Personality traits of instructors can be accommodated through varied tracks. Student needs identified and served individually or in like groups. Skilled players provided competitive outlets.
5. COMBINATION--INDIVIDUALIZED--DIVERSIFIED	5. Any/all of the above combined or redesigned to fit the specific needs of the local setting. Contract learning offered on an individual basis. Units with vocational education emphasis, poor teaching, cross age teaching, performing fine arts, orientation, and integrated curriculum (body as a laboratory) units possible.	5. Easy to establish Title IX compliance, complex to organize and conduct with small staff.

In order to implement Step One, staffs should individually and as a group evaluate each aspect of the questions cited. Other questions pertinent to the specific location, programs in progress, and personalities involved should be posed, answered, and reconsidered. Once "what is" is decided, staffs can move to Step Two.

STEP TWO: Consider "WHAT CAN BE"

Staffs seeking to comply with Title IX will want to explore as many alternatives as possible before making a final decision for action.

Instructional Program Alternatives. Some alternatives to be considered for programs of instruction would include.

- A. Status Quo. As nearly as possible, retain the existing program. Simply combine like classes and offer the units on a coed basis, announce open enrollment for all other units. Encourage students to pursue activities they need and want. Change the format only if no open coed classes result.
- B. Phasing In Coeducational Programs. Start the compliance process by making all classes in lifetime sports, aquatics and self-testing activities coeducational. Orient students to the values of co-educational involvement in physical education classes during these units. Set the tone for department goals (i.e. fitness, motor skills development, social behavior, self-image, leisure interests). Then offer coeducational units in non-contact team sports. Finally, integrate the whole program into the coeducational scheme by offering all units coeducationally (combatives, contact team sport, rhythms, etc.).
- C. Program Anew. Through extensive self-evaluation and program review, determine the department philosophy regarding the intent of instruction (i.e. sports centered, fitness centered, child centered, social skills centered, combination(s), etc.). Based on this philosophic commitment, establish the program dictates (i.e., SPORTS CENTERED: Set physical performance goals in all fitness areas and establish how staff will project these to students--required obstacle courses, units in body conditioning, etc.. CHILD CENTERED: Determine qualities to be measured and enhanced, pre- and post-testing procedures, counseling services for program interpretation, strands to serve the diversified needs of students, staff qualification/ inclination for program success, methods of evaluation, and modification possibilities. SOCIAL SKILLS CENTERED: Set a recreational environment and allow students to schedule activities of their choice. COMBINATIONS: (one example) Establish a core requirement in motor ability areas; schedule all first-year students into the fundamental class for self-evaluation; move those with high skill levels into a gaming track (elective oriented), those with instructional needs into a basic track (predetermined), those with remedial needs into an adapted track (rehabilitatively oriented), and those with interests, skills, and maturity into a leadership/vocational/ service track (special units emphasis).

- D. Temporary Steps. Use either the status quo or the phasing-in alternatives listed above while studying the program. Develop a new program over a period of years in response to staff philosophy modification, student-parent input, ongoing program evaluation, in-service development, and fiscal dictates.
- E. Others. As determined by local situations, future law interpretations, etc.

Supervision Assignment. Alternatives for supervision assignments would include:

- A. PEC/PET. Students are assigned a physical education counselor (PEC) who issues locks, supervises the dressing/showering process, and assists in emergency situations. Students are also assigned a physical education teacher (PET) who instructs the student in units of study.
- B. Period Supervisory Schedule. The members of the staff are assigned one or more periods of the day when they will be responsible for locker room supervision. Such supervision will include the operating of student services: the issuing of locks, towels, etc., the assignment of lockers, the conducting of the lost and found process, the supervision of dressing/showering, and the responding to emergency situations.
- C. Buddy System. Male and female staff members are identified as "buddies" for a given period. Students of like sex report to these teachers for locker room needs.
- D. Locker Room Attendants. The administration provides paid supervisors for locker rooms who are responsible for student services and the maintenance of appropriate student decorum.

Evaluation of Students. Alternatives for evaluation of students would include:

- A. Single Policy. The members of the department agree on methods of evaluation and the policies are applied to all students. Percentage of grade for preparation, participation, and skills/cognitive growth, are determined, along with a method of earning points.
- B. Competency-based Evaluation. Performance goals are predetermined. Instruction is directed toward the development of these competencies. Evaluation is based on student progress or retention of high skill/cognition ability. (NOTE: Title IX allows for different standards of measurement if past discriminations have resulted in current discrepancy in skill ability. Staffs will want to work toward equal evaluation based on student programs.)
- C. Teacher Establishes Requirements. Staff members are allowed to establish their own evaluation scheme for the units they teach. This can only occur if all units are coeducational so discriminatory standards are not applied only to members of one sex.

- D. Combinations of Above. Departments set evaluation policies for all basic instruction units (core), allow individual teacher evaluation for special courses (cross-age teaching, life saving, WSI, dance, etc.), establish competency-based criteria for electives, etc.

STEP THREE: Consider "WHAT WILL BE"

The complexities of resolving "what will be" from the data obtained regarding "what is" and "what can be" are many. Some of the constraints that must be examined are the following:

- A. Facilities. Facilities do not dictate programs, but often limit parameters. Title IX requires that facilities be used equitably. Thus, "boys' gyms" and "girls' gyms" will become old gyms, new gyms, or north gyms, south gyms, etc. Physical education must be offered as one program and therefore students should use the most suitable facility for the activity engaged in.
- B. Budgeting. No federal dollars are provided for the implementation of Title IX. The fiscal ramifications of Title IX for physical education should be minimal, as it is traditionally more costly to maintain separate but equal programs than integrated ones. Staffs should review, however, existing equipment, etc., and project the needs for the coeducational program planned. Short- and long range budgeting should be an integrated part of the self-study process so that ongoing program growth and development is possible.
- C. Personnel. Attitudes of staff members are critical to the success of Title IX compliance efforts. Existing attitudes must be acknowledged, altered, and/or accepted before cooperative planning can be accomplished. Lack of communication or insecurity reflected in defensive confrontation or outright hostility will contribute to frustration and not to positive activity. Administrators will need to observe carefully the affective posture of their staff members as they seek to make the changes made necessary by Title IX mandates. Providing an atmosphere of cooperation and support is essential. Creating an arena of distrust can only contribute to prolonged anxiety and negative attitudes which will undoubtedly be passed on to students, parents, and other staff members.
- D. Public Relations. As always, public relations are important. There is much confusion regarding Title IX and the resultant changes made necessary by the law. Radical program, policy, and/or philosophic tenet changes which are not carefully interpreted to the various publics can stimulate strong reactions which will cause lengthy periods of frustration and possibly stifle the chance for program improvement or change. Staffs will want to consider involving students and parents in all stages of program modification. Such advisory councils can help in the subsequent public relations efforts.

- E. Administration and Staffing. While Title IX does not dictate that there be just one physical education department, it does indicate that there be one program or that all students have the opportunity to participate in all program offerings. If a district is investigated, HEW looks for the results of all efforts and asks for justification for all classes which have 80% or more enrollment of one sex. Some schools are electing to establish an electives department and a core department: all students required to take physical education start in the core program and move to the elective program when they achieve desired competencies. This would be justification for unequal enrollment by sex.

Staffs must include both sexes. Schools that reduce the number of teachers or administrators of one sex and create an obvious over-staffing of the other sex are in danger of violating Title VII of the Department of Labor Law calling for equal opportunity in employment. Further, should all administrative positions be filled by members of one sex, investigation of the affirmative action steps taken to fill the positions could be called for by candidates from the overlooked gender. For this reason, many schools are naming co-chairpersons for the period of adjustment (1975-78) and will name one department chairperson after initial concerns have been resolved.

In summary, the following analysis steps should be taken in order to resolve the discrepancies between "what is" and "what can be" and to resolve "what will be":

- Determine the constraints which must be considered (budget, facilities, personnel qualification, attitudes, etc.).
- Resolve strategies to deal with constraints.
- Seek resources to provide for the implementation of the best strategies.
- Produce a pilot program, and plan for implementing it.

STEP FOUR: IMPLEMENT The Plan

As discussed in Step Two, staffs may implement all aspects of the program at once or phase-in the needed changes. In light of the long existence of separate departments, the phasing-in process seems appropriate unless there is already a high, positive level of communication between the two staffs, the desire to move toward coed classes, or an existing coeducational program.

If the total implementation process is employed, staffs should avoid making traditional contact team sports the first coed class offerings. The wide skill differences existing as a result of the extensive provision of organized teams for boys from age 6 on in football results in a negative experience unless delicately handled. Instead of flag football, one might begin with frisbee football or the Dutch game of Korfbal. Such equalizers will contribute to the

acceptance of the coeducational classes. After attitudes are resolved and elementary school programs are equitable, then classes in any movement activity should be readily accepted. (NOTE: It should be remembered that separating by sexes for the actual participation in contact sports is allowed. Therefore, if total implementation is used, application of this clause could be considered in order to avoid the initial "shock" of gender-integrated classes.) Yet another approach to consider is that of modifying the rules of popular games so as to eliminate the skills discrepancies which might exist and, at the same time, maintain the excitement and exhilaration incumbent in the activity.

If the partial or phasing-in process is pursued, staffs should use the coeducational units as opportunities to resolve attitudinal differences. Every effort should be made to avoid negative comment and no arenas for embarrassment should be perpetuated by teacher or student attitudes. Grouping by ability in a clinical way (no stereotyped sarcasm) may demonstrate that in truth there are both highly skilled boys and girls, average skilled boys and girls, and lowly skilled boys and girls. Helping students see that their principal concern should relate to their own individual capabilities and limitations and not the comparative skills of their classmates will encourage acceptance of the coeducational concept.

STEP FIVE: EVALUATE AND REDESIGN as necessary

All persons involved must recognize that efforts tried may need to be changed. As acceptance of the Title IX mandates becomes apparent, modification of program plans, policies and procedures will be needed. As new court interpretations regarding Title IX implementation are publicized, adjustments will need to be made. Thinking that the modifications made as a result of the first self-evaluation are permanent would be a mistake. Good programs usually generate constant change in response to times and trends. Title IX contributes to the need for staffs to make such ongoing evaluation and updating an essential trait of program review. Questions to be asked would include:

- Do students like the program as it is?
- Have any desirable qualities of the program been lost as a result of becoming coeducational?
- Have desirable qualities been enhanced by the coeducational approach?
- Do pros outweigh the cons?
- Do cons outweigh the pros?
- Is student productivity evident?
- Are student needs being identified and met?
- What factors are aiding the process?
- What factors are hindering the process?
- How can aids be more available and hindrances overcome?
- Are members of the instructional staff enthusiastic, prepared, looking for new ways to challenge students?
- Are lethargic attitudes apparent in staff members' behavior?
- How can enthusiasm be enhanced and apathy eliminated?
- What is the overall quality of the program as it is being organized and implemented?
- Are there better ways to do what must be done?

Once such questions are answered honestly, staffs can redesign the weak facets of the program. Data can be gathered formally through surveys and questionnaires and informally through observation, open discussion, and random sample. Involvement of outside evaluators can assure impartiality and perhaps a different perspective. Involvement of all in-house personnel (administration, staff, students, parents, other department staffs) is highly desirable if an ever-improving program is the goal.

Models for Program Scheduling. The following sample schedules and program models may be applicable for consideration.

Table 5 Sample of Program Scheduling

1. Schedule approximately the same number of boys and girls into each physical education teacher's class.	Teachers would keep this group of students for the semester or year.
2. Schedule approximately the same number of boys and girls to a class period. The number of students assigned is determined by the number of teachers available.	Physical education teachers would assign students to activities or give students a choice of activities to sign into. Note: a. If teachers assign students, classes must be co-ed. Teachers may group students on the basis of ability, provided specified standards of individual performance are utilized. In performance tests, however, girls' standards must be used for girls, and boys' standards must be used for boys if the use of one standard for all causes the classes to become sex-segregated. b. If students select classes, all classes must be open to both boys and girls. c. In contact sports classes, students may be separated by sex <u>within</u> the class for actual participation in the contact activity.
3. Schedule student to physical education by elective subject areas (badminton, volleyball, for example). These classes must be open to both boys and girls.	Teachers would keep these students for the length of the activity unit.

4. Any combination of the above.

For example, in a combination case and elective program, either 1. or 2. above may be used with method 3.

Table 6 Model Program.* Small Schools Based on 6-Week Grading Periods
Staff: 2 in Each School

	7	8	9	10	11/12
1	Club Soc F. Circ W Motor	Off. Capitan Circ W Hlt Cour	Off. Capitan Circ W Hlt Cour	Off. Motor Circ W Tennis Swimming/ Aerobics	Off. Motor Circ W Tennis Swimming and Conditioning
2	Womens Class Bill Games	Aerobics	Aerobics	Tennis Swimming/ Aerobics	Badminton
3	Square Dance	Soccer	Speed- ball Gator ball	Volleyball	or Badminton
4	Sports and Club	Folk Dance	Social Dance	Soccer Bad and Rec Sports Comb. or	Archery Fencing
5	Volley ball	Gymnas- tics	Gymnas- tics	Wrestling Bowling and Archery Comb. or Creative Dance	or Bowling Gymnastics
6	Gymnas- tics	Wrestling or Spec Rhv Act	Wrestling or Self Def	Archery Comb. or Creative Dance	or Golf
7	Soccer	wrestling or tennis	wrestling or Golf	Archery Comb. or Creative Dance	Golf
8	Track and Field	Track & Field	Track & Field or Creative Dance	Gymnastics or Track and Field	Track & Field or Angling
9	Track and Field	Track & Field	Track & Field or Creative Dance	Gymnastics or Track and Field	Track & Field or Angling
10	Track and Field	Track & Field	Track & Field or Creative Dance	Gymnastics or Track and Field	Track & Field or Angling
11	Track and Field	Track & Field	Track & Field or Creative Dance	Gymnastics or Track and Field	Track & Field or Angling
12	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
13	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
14	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
15	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
16	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
17	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
18	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
19	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
20	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
21	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
22	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
23	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
24	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
25	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
26	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
27	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
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31	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
32	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
33	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
34	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
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43	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
44	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
45	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
46	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
47	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
48	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
49	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
50	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
51	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
52	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
53	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
54	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
55	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
56	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
57	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
58	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
59	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
60	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
61	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
62	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
63	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
64	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
65	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
66	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
67	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
68	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
69	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
70	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
71	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
72	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
73	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
74	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
75	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
76	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
77	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
78	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
79	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
80	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
81	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
82	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
83	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
84	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
85	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
86	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
87	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
88	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
89	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
90	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
91	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
92	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
93	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
94	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
95	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
96	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
97	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
98	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
99	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art
100	Down Hill Paddle Ball	Swimming or Golf	Swimming or Tennis	Life- Saving	Aquatic Art

12* Twelfth grade programs should be entirely elective. Activity decisions should be made conjunctively by the students and teachers

Comments Applicable to the Small School Model (Table 6)

1. The model is designed for small schools using 6-week time blocks.
2. The projected staff at each school consists of one man and one woman.
3. One indoor and one outdoor teaching station is available with the optional use of additional community facilities.
4. Transportation to and from community facilities can be arranged.
5. Students are scheduled by grade (i.e., all 7th graders together, etc.)
6. Teachers will teach in their areas of strength.
7. Horizontal lines within a time block indicate that students are involved in the activity listed or activity of their choice.
8. Diagonal lines within a time block indicate that students are divided into two groups and will rotate into the other activity at the midpoint of the time allocated (3 weeks or 1½ weeks).
9. Alternated activities or extensions of the other activities suggested for the time block should be offered if swimming facilities are not available
10. Where two activity choices appear in a diagonal time block, the staff will make the decision as to which will be offered.
11. Where two or more activity choices appear in a time block, the student would have the option.

*Taken from Project COPF. Used with permission from the Florida State Department of Education, Tallahassee, Florida.

Table 7 Model Program.* Large Schools Based on 9-Week Grading Periods--
No Grade Blocking
Staff: 6 in Each School

GRADING PERIOD	SCHOOL "A"			SCHOOL "B"	
	1	2	3	10	11 (12*)
1	Orient Sys/func Cir w/o Motor Profile Fund Movement	Orient Cap/Lim Fit Comp Cir. w Eq	Orient Effects of Ex Cond Wts. & Aero- bics	Orient Motor Profile Log Meas Wts & Cir & Aero- bics	Wts /Cir Training Aerobics & Cond or Swimming Badminton or Archery
	Mass Ball Games	Aerobics	Bad minton	Team Game	
2	Gymnastics & Stunts & Tumb	Gatorball Speedball Wrestling or Creative * Dance	Bowling or Arch- ery	Wrestling or Spec. Rhy Act Tennis or Archery	Fencing or Bowling Gymnastics or Wrestling
	Vol- teyball Outside		Tennis		
3	Folk and Square Dance	Track or Archery	Wrestling or Self Def.	Gymnastics or Self Def Badminton or Rec.Sports	Golf or Social Dance Track or Soc Dance
	Soccer	Social Dance	Track or Angling		
4	Track & Field	Gymnastics	Life- Saving or Golf	Track or Golf	Aquatic Art or Gymnastics
	Drown- Proofing or Paddle Ball	Swimming or Golf	Gymnastics or Rec Sports	Life- saving or Tennis	Golf or Archery

12* Twelfth grade programs should be entirely elective. Activity decisions should be made conjunctively by the students and teachers.

Comments Applicable to the Large School Model (Table 7)

1. The model is designed for large schools using 9-week time blocks.
2. The projected staff at each school consists of six persons.
3. There is a minimum of six teaching stations, two indoor and four outdoor.
4. Additional community facilities are available and transportation is possible.
5. Students are not scheduled by grade levels (i.e., any and all grades may be present at any period of the day).
6. Alternate activities or extensions of the other activities suggested for the time block should be offered if swimming facilities are not available.
7. Fitness testing will be included in track and field units.
8. Where two or more activity choices appear in a time block, the student would have the option.
9. Diagonal lines within a time block indicate that students are divided into two groups and will rotate into the other activity at the midpoint of the time allocated (approximately 4½ weeks).

*Taken from Project COPE. Used with permission from the Florida State Department of Education, Tallahassee, Florida.

Yet another sample program which lends itself to the achievement of a sex equitable curriculum in physical education is outlined below.

Sample Program for
Large Schools: Stranded Programs (See Table 8 following)

STRANDS: ADAPTED, NOVICE, EXPERIENCED, GAMING, SPECIALIZED

Method:

All students new to the program enroll in fundamental physical education, where an individual physical education profile is developed based on the student's response to various test batteries measuring motor and cognitive skills and affective considerations. Results of those measurements and student interest, desire, and attitude are used to direct the student to the appropriate strand. Once in a strand, a student may reschedule when competencies have been mastered, interest in other offerings supersedes the proficiency needs of the student, and space permits the transfer.

Description of the Strands:

ADAPTED. Students with temporary or permanent impairments receive basic and rehabilitative assistance so personal growth is optimal, skills in appropriate activities are developed or enhanced, and voluntary involvement in active leisure interests is stimulated.

NOVICE. Students with personal needs and little movement background receive instruction in areas of deficiency, participate in developmental activities, learn basic game/activity strategies, play lead-up and simplified contests, and take part in leisure time activities of an organized nature. Testing for reclassification is offered a minimum of two times a year.

EXPERIENCED. Students with high skill ability but little gaming/participation experience receive instruction in advanced skills in activities of their choosing. Units culminate in organized competitions. Contract credit is available for outside movement areas of expertise (ballet, swim club, varsity sports involvement, league bowling, etc.)

GAMING. Students with high skill ability and experience in participation receive sports skills review with emphasis in advanced strategies and for handling of stress, opportunities to demonstrate/develop an optimal fitness level, and competitive or performance opportunities in tournaments and individual self-testing events.

SPECIALIZED. Students who have completed the required program and who possess the requisite skills for entry may enroll in specialized courses of one or two semester's length. Units may be vocationally related, performance-based, and/or service-oriented.

Sample Stranded Program for
Large Schools based on Quarterly Grading Periods
STAFF: 8 or More

GRADING Period	ADAPTED	NOVICE (all new students)	EXPERIENCED	GAMING	11th & 12th Grade
1	Orientation Evaluation Leisure Activities Rhythms or Aquatics Capabilities/limitations	Orientation Fundamentals of Movement Profile Dev. Counseling for the future	Orientation Dev. personal fitness goals Skills instruction in activities Tournament play	Orientation Skills review Team sports Competition team sports (3)	E L E C T I V E S O R S T R A N D S A S N E E D E D S P E C I A L I Z E D
2	Sports Appreciation Fundamental Movement Individual Rehabilitation Leisure Activities Appropriate competition	Development Activities (2) Team sport fundamentals Rhythms	Fitness Act. (1) Inst. In 2 act. (1 team, 1 ind.) or dance Competition in combatives or Gymnastics	P. fitness measurement Skills review combatives gymnastics Composition: Team sports (1) Ind. sports (1)	
3	Individual Development Lifetime sports (2) Fitness measurement Leisure skills development	Dev. Activities (2) Combatives Ind. Sports fund (1) Sports appreciation	Body conditioning Jogging/Dance Inst. in 2 activities of own choosing Game play	Swim/Run a mile club Skills review Ind. sports Competition Ind. sports Team sports	
4	Endurance Measurement Ind. rehabilitation Team sports (2) Aquatics/Rhythms Post testing	Dev. Activities (1) Ind. sports dev. (2) Aquatics Team sports fund. (1) Post testing	Combine with gaming track Post testing	Competition: Swimming Softball Track New games Inst. in dance Post testing	

Specialized Programs: Athletic Training, Leadership, Cross-Age Teaching, Performing Dance/Gymnastics, Life Saving/Water Safety Instruction, Recreation Leadership (Voc. Ed.). These programs are offered in accordance with student interest/qualification and staff availability.

*Dev. Activities include: Aerobics, Circuit Training, Gymnastics, Dance, Aquatics, Track and Field.

Finally, the application of the same change model to:

ATHLETICS AND SELECTED ANCILLARY CONCERNS

STEP ONE: Consider "WHAT IS"

Categories in which baseline data must be established in order to determine Title IX compliance in athletics, intramurals, and related ancillary areas would include:

- The sports currently being offered, including the number of squads per sport per sex (if applicable), the sex ratio on single teams allowing memberships of both sexes, and the total number of each sex being accommodated by the sports programs.
- The method(s) used for selecting team members.
- The method(s) used to survey students and other publics regarding their needs, interests, and abilities.
- The treatment of the data obtained through the application of the survey(s), observations, and analysis of previous years' sports participation statistics.
- The provision of and opportunity for use of equipment and supplies by all sports groups.
- The travel and per diem allowance procedures followed.
- The administrative procedures and policies related to coaching assignments, compensation for extra duty, and sports governance responsibilities.
- The conditions of all facilities and their scheduled use, including the time of day, length of time, number of practice sessions, etc.
- The opportunity for equal access to medical facilities and services.
- The efforts made to provide equitable publicity and prestigious recognition.
- The budgeting procedures used to provide equal services and adequate support to all teams. (This need not be equal or matched expenditures of dollars except in like sports)
- The application of the same rules of conduct, standards for eligibility, and procedures for publicizing participation.
- The development of equal schedules and opportunities to play before an audience in like sports and equitable schedules in all other sports (in accordance with identified interests and abilities).
- The provision of support groups' services for teams in general, and teams in like sports in specific.
- The governance by-laws to which the school teams adhere and their inherent equitableness.

- The criteria used for admission to honors groups related to athletics.
- The program of activities and meeting sites for honors groups related to athletics.
- The distribution of associated student body funds to sports programs (if applicable).
- The results of the self-study process covering all of the above areas of concern.
- The plan and subsequent timeline for full compliance with Title IX regulations.

For each of the categories listed, staff members will want to gather data identifying "what is" and compare it to "what must be" (see Part II of this booklet). Forms for the accumulation of most of the needed data have been developed by the Kent State General Assistance Center, the Resource Center on Sex Roles in Education, and many local institutions as well as private groups interested in assisting districts and staffs with these tasks. Bibliographic data appearing in Part IV of this booklet shows where these forms can be obtained. A few sample forms for the critical areas of student surveys, funds expended, staff assignments, and students served are in the appendix of this booklet.

In surveying for information regarding student interests in athletics or intramurals, one may pursue diverse approaches:

- Give students a listing of the traditional sports offered and allow them to rank each from most important to least important, indicating those in which they might participate.
- Give students an alphabetical listing of all possible sports (allowing blank lines for students to insert others of their choice) and asking the students to rank the top 4, 5, 6, etc. in which they would definitely be interested in participating; or
- Give students who are currently in the sports program a separate survey from those who are not involved and treat the data with a weighted indicator so that actual participants contribute more to the final outcomes (only possible if program offerings are now non-discriminatory) and subsequent program decisions.

Once all of the data have been gathered, analyzed, and summarized, then staffs are able to enter into step two--considering "what can be."

STEP TWO: Consider "WHAT CAN BE"

While Title IX does not dictate what sports a school or district should offer its constituency as interscholastics, intramurals, or club activities, it does recognize that all sports programs sponsored by the school are part of the educational process and, as such, are subject to the compliance regulations required by Title IX. For that reason, once "what is" has been identified, then steps toward making equal opportunities available for both sexes based on factually substantiated needs, interests, and abilities of the students to be served must be taken.

Equalizing Program Efforts

These and other alternatives are available for consideration when the task of equalizing program offerings is faced:

- (1) Maintain existing programs, open all teams to all students, and provide separate teams for boys and girls only if one sex's interests and abilities are not satisfied by opportunities to perform on the student teams.
- (2) Maintain existing programs and increase the activities for the gender which has had past discriminations if interest surveys indicate that more offerings are needed.
- (3) Consider all sports anew. Design a comprehensive program which satisfies the interests and abilities of all students. This may mean having boys' teams, girls' teams and student teams. Stay within the fiscal support parameters and ensure that separate teams in like sports receive the same services, schedules, practice facilities, equipment, qualified coaching, and opportunities to play before an audience.
- (4) Recognize that offering athletics equitably is too difficult. Eliminate the programs altogether.

Of course, the last alternative listed is a possibility, but rarely defensible if quality educators are in the policymaking positions and if past sports programs have been conducted with the educational interests of the participants as a priority. As pointed out in Part I of this booklet, the inherent values of athletics and sports are directly correlated to the quality of the leadership provided.

It stands to reason that the best interests of students could be served through the application of alternative (3), but that the actual mechanics of "creating a new wheel" might cause various "publics" to become alarmed as their traditional sports, in which many have vested interests, are forced to stand the scrutiny of today's students and their values as expressed in their responses to the interest surveys conducted as a required part of §86.3--self-evaluation.

Other Critical Areas

Other steps which must be accomplished in order to give staffs indicators for "what can be" would include; the analysis of any affirmative action counseling which has occurred, particularly if an initial survey resulted in little or no interest being displayed by the members of one sex; the perusal of all league, district (region), and state bylaws of sports governance and the subsequent changing of any sections which prove to be discriminatory; the review of all fiscal allocations for sports and the alternatives available for making them equitable so that equal services can be provided to all students; the development of a multiplicity of schedules for the optimal and equitable use of all existing facilities; the perusal and completion of needed changes so all rules of eligibility, standards of conduct, and criteria for membership on teams and in related clubs are equitable for all sports and alike for separate teams in like sports; and the review of all employment practices related to sports programs so that qualified coaches can be obtained and maintained, compensation for like work equalized, and no adverse staffing pattern for administration or conduct of programs materialized. Herein follows a brief discussion of possible alternatives/consideration for these critical areas.

Affirmative Action. If past discriminations have been discovered during the self-evaluation process, districts may wish:

- to enter into a positive counseling/public relations program so as to enthusiastically encourage support of and participation in the new sports offerings envisioned for members of the sex which has been the recipient of the adverse treatment;
- to provide across-the-board supplemental funding in order to upgrade the programs available and the services rendered to the new program offerings;
- to provide in-service training to members of the faculty who would wish to become involved in effectively conducting the new activities so quality coaches of an equitable nature are available to all teams;
- to enter into a comprehensive program of positive orientation so student support groups, student governance bodies, and student publications will take a pro-stance regarding the new or increased program thrusts and not only follow the Title IX guidelines regarding equal services, but also seek to regenerate total school pride for all school activities equitably; and
- to steadily increase sports opportunities as needs, interests, and varying skills levels are identified by establishing a process for constant self-renewal of the athletics, intramurals, and sports club programs through application of ongoing evaluation and interest survey procedures.

Governance. If review of league, district (region), and/or state bylaws for interscholastic sports and local policies regarding interscholastics, intramurals, and sports club activities reveal that discriminations exist, then these alternatives may be among those which would be applicable:

- the existing governing boards may make the necessary changes in order to bring the documents into compliance;
- the existing governing boards may appoint a committee of persons actually involved in the sports programs to review all documents in light of the Title IX regulations and bring recommendations to the attention of the governing board for action;
- the existing governing boards may elect to wait and see, taking no action, and thus jeopardize each of the schools which voluntarily is a member of the organization; or
- the existing governance structure may be challenged as to its impartiality and fairness regarding treatment of all the "isms" and be forced to reconsider its structure so all voices are heard and representation of persons responsible for all facets of the sports programs are involved in the decisionmaking processes.

Fiscal considerations. While parity is not required by the Title IX regulations as they relate to athletics, intramurals, and sports club activities, schools or districts which cannot demonstrate that equitable and adequate services are provided for all who participate may be jeopardizing their Title IX compliance. Thus, these alternatives seem appropriate for consideration.

No rank order is intended and no specific alternative is recommended.

- Districts may equalize expenditures immediately by dropping some teams, adding others, and making all budgeting procedures public and equitable for all sports in light of the number of games played, hours spent in coaching, and the number of students served.
- Districts may allow coaches to submit budget requests and then equalize all budget provisions for separate teams in like sports, and adequately provide for other teams in light of existing inventories and needed services.
- Districts may, as outlined in the Affirmative Action section of this discourse, authorize lump sum supplements to upgrade portions of the program which are new or which have suffered from past discriminations.
- Districts may do a creative combination of any of the above alternatives.

Use of Facilities. If various facilities have been scheduled in a discriminatory fashion, districts may wish to follow these action steps in order to come into Title IX compliance:

- Survey all facilities and note their suitability for all activities needing to be scheduled;
- Eliminate sexist terms from the titles of all facilities in which activities will be practiced or played;
- Review all proposed game schedules and note which teams will need practice times during the same time spans;
- Draw up a trial schedule, making sure that teams of a like level (varsity, sub-varsity, etc.) in like sports are scheduled to use the identical practice sites in an equal fashion (prime times, days, etc.);
- Review the schedule with the coaches and the administration;
- Revise as needed;
- Get final approval;
- Publish and implement; and
- Maintain an appeal procedure for coaches to go through should unforeseen emergencies occur.

Facts to remember include that all teams should practice in adequate, safe surroundings and that all coaches of like teams should have equal access to the same facilities. In the case of popular sports, such as basketball, for which there may be many teams, then the axiom to apply is that teams of like levels of competition (varsity, sub-varsity, etc.) will have equal use of the same facility. This may require teams practicing for shorter periods of time or for teams of a sub-varsity nature to share or overlap use of the appropriate facility, or for other creative solutions to be developed. One thing is sure: the day of the one team, one coach dynasty is over.

Eligibility and Criteria for Participation and Honors. While eligibility standards are usually spelled out in league, district (region), or state bylaws, and will thus be equalized during the revision of those documents, some coaches in schools set more stringent requirements for candidates for their team(s). If this is the case, then, if separate teams for boys and girls in like sports are offered, the coaches will need to agree on like standards for eligibility, medical examination requirements and procedures, etc. Likewise, criteria for admission to the letterperson's club or blockletter club must be the same for boys and girls since there can only be one such organization. The same principle would apply to other related clubs such as the student intramural society, or the pep club, or the spirit groups associated with various teams.

Awards and honors are also essential concerns of the Title IX regulations. Districts will want to review policies related to athletics and intramurals so that:

- Awards made to boys and girls are of equal value;
- Awards in like sports are the same for boys and girls;
- No awards such as Boy Athlete of the Year or Girl Athlete of the Year are given--instead, Student Athlete(s) of the Year would be selected through application of like criteria; and
- Awards for separate teams of like sports may denote a gender reference, such as Best Boy Swimmer, Best Girl Swimmer, either through use of an appropriate model or figure of the sex being honored or the delineating of the sex on the inscription on the plaque.

Employment Practices. Districts may strive to provide men coaches for boys' teams and women coaches for girls' teams, but this is not required by the law. Instead, the law points out that the "best qualified" person should be hired to fill any identified coaching position. If this results in the preponderance of one sex, thus causing an adverse effect on the other, then the hiring practices must be reviewed and altered so that equal opportunity exists. This may mean that districts will want to provide in-service opportunities by sending interested candidates to coaching clinics or by organizing on-site or district wide in-service sessions relative not only to the sports for which there is a need for coaches, but also for the important related areas of care and prevention of athletic injuries, sports administration techniques, and effective public relations processes. Offering such opportunities in good faith should help alleviate the effects of past discriminations and bolster quality programs for all students.

Advertisements for job vacancies must be free from sex bias statements unless there is a bonafide occupational requirement (BFOQ) for a member of a designated sex. The Title IX regulations recognize that the only BFOQ to be allowed in the implementation of this law is that of locker room or toilet attendant in areas used only by members of one sex. This might lead some districts into the habit of making locker room supervision a BFOQ on coaching flyers. This is not allowed. A district might say that the responsibility for locker room supervision is part of the coaching duties, but it should be noted that this responsibility could be relegated or shared by members of the opposite sex who coach other squads. Thus, men may coach girls' teams and vice versa.

This permits the development of a much more flexible coaching pattern which can reduce costs to districts instead of increasing costs. For instance, instead of having one coach each for the boys' and girls' tennis teams and one each for the boys' and girls' swimming teams, making a total of four coaching supplements, a school may have one coach for tennis and one for swimming. Whether they both be of one sex or not is of little consequence as long as the overall coaching staffing pattern is reflective of the results of equal opportunity and affirmative action. Districts, during their self-evaluation, will want to explore the possibility of having the best coaching available for all students and this may mean that one coach can simultaneously serve two separate teams in a like sport, particularly if the squads are small and the seasons run at the same time. Teams, other than those mentioned above, for which application of this alternative has proven effective would include cross country, golf, fencing, archery, riflery, badminton, volleyball, skiing, and gymnastics.

The compensation for after school activities must be the same for like work. Districts may elect to use one or a combination of these alternatives:

- Establish a given hourly wage for after-school activities and a contracted number of hours to be recognized as the hours allocated for the activity in question;
- Conduct a time study for all after school activities, apply any appropriate weighting factors (such as numbers of students served, length of season, administrative duties), and develop a formula or index for paying for after-school activities;
- Pay for an established number of hours per activity in direct proportion to the hourly wage earned by the employee for regular instructional duties; and/or
- Establish and negotiate (if necessary) a weighted, progressive scale which recognizes experience, level of responsibility (head coach, assistant, B-team, etc.), numbers of students served, additional administrative duties, and average hours of service based on required dates for practice and length of season.

Whenever compensation is being reviewed, districts must also take into consideration release time policies. A scale or formula applied to after-school hours may seem quite fair, but will be terribly unfair if members of one coaching staff receive 1/6 or 1/3 of their contracted teaching time to attend to coaching duties in addition to the after-school supplementation, while all other coaches receive only the after-school supplementation. Should a district be reviewed for alleged non-compliance in Title IX, all facets of compensation policy and procedure will be scrutinized.

Adjustment Period. In addition to all of the preceding areas of concern, staffs, who will need to use the adjustment period (1975-78) in order to come into full compliance with the law, will need to design their plans for changes and modifications that cannot be accomplished immediately. The need for additional facilities, improved locker areas, added training equipment, etc. must all be thought out and included in the district-wide plans for full compliance. The approval and adoption of such planning would contribute greatly to any decisions regarding the establishment of immediate-, short-, and long-range alternatives about "what can be." Such planning can be done best through a cooperative effort by the administration, the staff, and a

student-parent advisory panel. If such involvement in the thinking process is forthcoming, then "what will be" is more likely to be accepted and implemented with less resistance.

STEP THREE: Consider "WHAT WILL BE"

As in the secondary physical education section of this Part III, there will be as many ways for districts to resolve the discrepancies between "What Is" and "What Can Be" in order to determine "What Will Be" as there are people to fashion them. Application of the analysis steps found on page 52 does seem appropriate. The constraints with which districts will inevitably have to cope will include:

- Public/professional non-commitment to the new requirements/solutions;
- Lack of funds for the needed additional programs and support services;
- Unavailability of qualified coaches and officials;
- Lack of cooperation from public media; and
- Pressure groups seeking status quo on the one hand and other pressure groups wishing faster action on the other hand.

Needless to say, many of these constraints can be reduced in their intensity or completely avoided if level-headed, dedicated professionals who possess a high degree of skill in communication and conflict management involve representatives from all parties in the total process of deliberation, debate, and resolution.

STEP FOUR: Implement the Plan

Implementation of plans to revise or modify programs in athletics, intramurals, and sports club activities will require the mutual fulfillment of tasks by the various groups involved in the planning processes. Governance bodies will have to review, modify, approve, and disseminate the new policies and procedures to be implemented. Local school boards will need to adopt and approve the recommended policies, budget items, procedures, and philosophic tenets regarding the scope and intent of all programs. Central office personnel will need to train local school staffs regarding the pending changes and they, in turn, will actually implement the modifications for the students they serve. None of these steps needs to be traumatic. Each or all could be traumatic if effective communication is lacking, involvement of all who will be affected is not incumbent in the process design for change, or if vested interest groups with diverse points of view are not educated to the program improvements made possible through the proposed changes.

Whether the implementation of the sports program modifications succeed or fail will be greatly determined by the prevailing climate set by the educational leaders who are charged with the responsibility of not only bringing the district/school into compliance with Title IX, but also that of providing optimal educational opportunities for all students. If that basic concept can be assimilated as a priority for all policy decision, then little or no confrontation will be abided but meaningful conferring can abound.

STEP FIVE: Evaluate and Redesign as Necessary

Quality districts and schools will build an evaluation design into all facets of every program/service conducted as part of the educational process for the area/persons served. In dealing with athletic concerns as they relate to Title IX, these points should be considered: *

- Are the programs provided meeting the needs, interests and abilities of all students?
- Are the services provided equitable for all students involved in sports programs?
- Is the staff adequate? Fully qualified? Scheduled for optimal effectiveness?
- Does the program receive positive public support and reflect the cultural interests of all "publics?"
- Are the programs fiscally sound and cost effective?
- What positive things have occurred as a result of the changes made?
- What negative things have occurred as a result of the changes made? Can these be corrected?
- Are there better ways to do what is desirable and what must be done in order to best serve all who are involved?
- What other modifications, if any, must be made to guarantee compliance with all laws (state and Federal) and provision of quality programs for all clientele?

As these and other questions are answered, staffs can enter into the ongoing redesign process which, if in existence, usually leads to more productivity, better public understanding of the intent and outcomes of all program efforts, and constant self-renewal of all involved.

THE LETTER VERSUS THE SPIRIT OF THE LAW

In a brief way, the following comparisons offer insights to the data covered in this section of the booklet. Will schools, districts, publics, and individuals become dedicated to the "spirit" of the law or be content to merely do the essential steps in order to comply with the "letter" of the law?

*Extracted from: "Tracking Equal Opportunity in Physical Education, Recreation, Athletics", Dr. Mary Lou Enberg, Washington State University. State Department of Public Instruction, Olympia, Washington, 1977.

PHYSICAL EDUCATION

STRATEGIES WHICH ACCEPT THE FACT THAT
INTEGRATED CLASSES ARE NEW EXPERIENCES
REQUIRING A NEW SET OF CONCEPTS
(SPIRIT OF THE LAW)

Review own priorities and commitment to education in general and physical education in particular.

Survey own strengths and weaknesses in teaching to provide for the best program in physical education for combined classes.

Renew or develop team teaching skills so that integrated classes can be organized with provision for interest and skill levels.

Involve students in decisionmaking as to which activities and skill level(s) are better handled in single-sex classes.

Recognize the integrated class as a new opportunity for enhancing the cognitive and effective as well as the psychomotor domain.

Develop and/or adopt tests for ability which will help divide students into skill groups for those activities in which skill is the important factor for safety or for enjoyment.

Accept the opportunity to widen the scope of student interest in new kinds of physical education activities.

Utilize new teaching arrangements to provide for additional learning experiences for those who are not prepared to engage in sport and games at the level of the upper quarter of the class.

Modify, or have students suggest modifications of activities to allow for participation by a wide skill range.

Pay special attention to psychological security of students participating in a new kind of experience.

STRATEGIES WHICH ACCEPT THE FACT
THAT INTEGRATED CLASSES ARE A
REALITY
(LETTER OF THE LAW)

Assume that it is "business as usual" with only a change in clientele.

Continue with current, proven teaching styles.

Recognize the law and unilaterally combine classes except where it is possible to maintain traditional segregation.

Retain proven tests which may or may not be a disadvantage to either sex. Assume that girls just can't perform as well as boys.

Maintain current program which has proven to be satisfactory.

Recognize new arrangement as too difficult to handle from a safety standpoint and "throw out the ball" for a recreation session. Use the time to "spot" and "train" future varsity athletes.

Adhere to the rules, assuming that everyone has a need to participate by the standard rules.

Expect that psychological needs will be met from the nature of the program and your own warm personality.

ATHLETICS

STRATEGIES EMPLOYED WHICH FULFILL
THE SPIRIT OF THE LAW

Performing a thorough self-evaluation to see where inequities exist in number of opportunities to participate, number and quality of coaches, number of events, etc.

Establishing committees which have the power and the responsibility for analysis and formulation of long-range plans for facilities and programs, both intramural/recreational and athletic.

Administering and using student interest surveys to evaluate athletic and recreational offerings and to establish data regarding the needs, interests, and abilities of boys and girls.

Encouraging boys and girls to respect each others' achievements.

Systematically planning for growth of the recreational and athletic offerings to match student needs and interests.

Ensuring that women coaches and coaches of girls' sports are involved in decisionmaking.

Establishing a true rotation of facilities use with equal access to desirable hours.

Using small amounts of money to change a portion of existing facilities (e.g., constructing a door for boys' entry to former girls' physical education office; constructing a door for girls' entrance to training facilities.)

Attempting to equalize equipment for single-sex and integrated teams.

Sponsoring sex-integrated athletic banquets and award ceremonies.

STRATEGIES EMPLOYED WHICH FULFILL
THE LETTER OF THE LAW

Performing a self-evaluation.

Establishing committees with responsibility but no power to effect change.

Administering but not effectively using student survey data.

Giving undue emphasis to those activities in which strength and size are the main criteria of success.

Planning for, but waiting until 1978 to actually make adjustments where obvious inequities exist.

Representing the interests of women and girls through decisionmaking bodies which are traditionally male.

Scheduling the use of facilities for girls' teams after the boys' teams have been satisfactorily accommodated.

Saying that the law provides no funds for facilities renovation, thus delaying making the needed changes for as long as possible (1978).

Providing equipment, but not checking as to its equitableness insofar as age, condition, etc.

Failing to involve coaches of girls' teams in planning, thereby perpetuating unequal recognition (e.g., planning a banquet for one sex and belatedly inviting the other).

STRATEGIES EMPLOYED WHICH FULFILL
THE SPIRIT OF THE LAW

Encouraging boys and girls to develop their skills through sports made available to them by the school district in order to achieve the goal of overall opportunities to participate.

Increasing the number of opportunities for an excluded sex to participate on teams over a long-range plan (e.g., provide volleyball for girls as an equivalent to football for boys).

Encouraging current teachers to become qualified as coaches.

Encouraging development of integrated teams where there is no disadvantage to a given sex in terms of being selected to a team (e.g., coed track and field, swimming, gymnastics, or tennis teams which compete against other coed teams).

Emphasizing interest, rather than sex or level of skill, as the criterion for participation in intramural and recreational activities.

Disseminating information from state, Federal, and private sectors to those who are responsible for the program.

STRATEGIES EMPLOYED WHICH FULFILL
THE LETTER OF THE LAW

Converting current boys' teams into sex-integrated teams, on the assumption that such action provides a realistic opportunity for girls.

Saying that a sport is offered and that girls may try to make the team if they can do it (e.g., say that football is offered, inferring that, if girls are good enough, they will make the team).

Stating that changes are difficult to make until there are replacements for current personnel.

Giving minimal consideration to but not implementing, survey results which indicate that boys have needs and interests in participating in sports other than just the traditional ones.

Rationalizing that those who do not participate in intramurals and recreational activities just "don't have what it takes."

Retaining information at the administrative level.

A WORD OF CAUTION

Title IX is a Federal law brought about by legislative process. As such, it will or could be modified through the same process or through the establishment of case law as various segments of the regulations are tested in courts. "What is" today may not be "What is" tomorrow. Districts must act, however, in conjunction with the required timeline. Therefore, constant surveillance of the Office for Civil Rights and the Office of Education publications is recommended so any changes can be promptly incorporated into one's Title IX efforts. Further, most state departments of education have personnel who are Title IX specialists and they can be contacted for up-to-date information.

APPENDIX

Part IV. RESOURCES AND REFERENCES

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Films and Filmstrips

"All the Self There Is"
Color--13½ minutes

Available from: American Alliance for Health,
Physical Education and
Recreation
c/o NEA Sound Studios
1201 16th Street, N. W.
Washington, D. C. 20036
(202) 833-4415
Rental \$15 Purchase \$90

This film stresses the importance of positive self-concept, as instilled by individualized instruction. It shows the importance of movement education for the development of self-confidence, and lifetime sports skills for adult success.

"An Equal Change Through Title IX"
Color--22 minutes

Available from: American Alliance for Health,
Physical Education and
Recreation
c/o NEA Sound Studios
1201 16th Street, N. W.
Washington, D. C. 20036
(202) 833-4415
Rental \$18 Purchase \$275

This film provides school personnel and communities with the facts of Title IX in physical education and athletics programming. It also shows positive images of young women and men learning physical competence together.

"Every Child A Winner"
Color--13½ minutes

Available from: American Alliance for Health,
Physical Education and
Recreation
c/o NEA Sound Studios
1201 16th Street, N. W.
Washington, D. C. 20036
(202) 833-4415
Rental \$15 Purchase \$150

This "case history" film documents the success of individualized movement-based physical education in an elementary school. The film focuses on the human values of physical education for the child by concentrating on a single award-receiving district in Georgia. For use with: instructional staff, board members, administrators, and parents.

"Hey! What About Us?"

Color--15 minutes

Available from: University of California at
Berkeley
Extension Media Center
Berkeley, California 94720
(415) 642-0462

Rental \$14 Purchase \$200

This film depicts sex-role stereotyping in physical education classes, playground games, and classroom behavior, and contrasts these examples with nonstereotyped sequences. The film considers the exclusion of girls from sports, the reinforcement of the hero ethic in boys, differential teacher treatment of girls and boys on the playground, exclusion of boys from dance, and differential physical interaction of teachers with girls and boys. In contrast, children are shown engaged in activities typical of the opposite sex: a girl displays competence in football; a boy excels in dance. Most events occur in multiracial elementary school settings. A handbook on sex bias in our schools, In All Fairness, accompanies the film. For use with: students, grade 4 and up; teachers, counselors, school administrators, parents.

"Title IX"

1 slide carousel cassette
tape--15 minutes

Available from: Margaret McCormick
Human Relations Program
St. Cloud State University
St. Cloud, Minnesota 56301
(612) 255-3023

Rental \$35 Purchase \$150

This slide/tape presentation provides basic information on the requirements of Title IX and explores the spirit behind the law. For use with: school administrators, faculty, parents.

"Young Women in Sports"

Color--15 minutes

Available from: BFA Educational Media
2211 Michigan Avenue
Santa Monica, California 90404

Rental \$17 Purchase \$215

Four young female athletes--a discus thrower, gymnast, runner, and swimmer--are shown training and competing. They explore their feelings about strength, competition, and themselves as women and as athletes. For use with: junior and senior high school students, teachers, counselors, school administrators, parents.

ATHLETICS

The following suggestions may be helpful in developing a form that is applicable for your own use, if you have not already done so.

1. Include a part that will identify the school, grade level, and sex of the respondent.
2. Include a paragraph or more which indicates the reason for the survey and the importance of the respondent answering only in terms of his or her individual interests.
3. Try to have assigned numerical values for the responses; a numbering system of some kind will help in summation of results.
4. Include a space where respondents can enter another activity in case your listing was not exhaustive.
5. Make a separate form and explanatory statement for athletics and intramural/recreational activities; construct separate forms for elementary school and secondary school.

An example of these suggestions follows

School district _____

School _____

Sex _____

INFORMATION STATEMENT: Participation in interscholastic athletics involves daily practices and weekly games or meets during the season for each sport. To indicate YOUR OWN interest in participating at this level, please complete the following survey form. Circle the number to the right of the sport or activity which indicates YOUR OWN feelings about participating.

(Note: List vertically the names of activities currently offered. They might be arranged: by season, as they are currently offered for boys only or girls only, or simply in alphabetical order. Include a space for "other")

	Definitely NO interest in participating	Might be inter- ested, but not sure	Definitely interested in parti- cipating
Badminton	0	1	3
Boys' basket ball	0	1	3
⋮			
Wrestling	0	1	3

EXTRACTED FROM:

"Tracking Equal Opportunity in Physical Education, Recreation, Athletics"
Dr. Mary Lou Enberg, Washington State University, State Department of
Public Instruction, Olympia, Washington, 1977

Sample of grouping activities and follow-up computation.

8th GRADE SELECTION CHART

name		
_____	_____	_____
class	section	time

Choose which activities you would like to participate in. Follow the directions for making your choice for each group.

Fall - Group I - Number from 1 to 10 in the order you would like to participate in the activities.

- _____ Soccer and Flag Football
- _____ Soccer and Field Hockey
- _____ Soccer and Cross Country
- _____ Soccer and Tennis
- _____ Flag Football and Field Hockey
- _____ Flag Football and Cross Country
- _____ Flag Football and Tennis
- _____ Field Hockey and Cross Country
- _____ Field Hockey and Tennis
- _____ Cross Country and Tennis

Winter - Group II - Put a check in front of One activity in each set of two. One check should be in A, one check in B, one in C, and one in D for a total of four checks.

- A. _____ Basketball or _____ Tumbling
- B. _____ Badminton or _____ Wrestling
- C. _____ Floor Hockey or _____ Personal Fitness
- D. _____ Volleyball or _____ Weight Training

Courtesy of Norwalk Schools, Norwalk, Conn.; and Athletic Sports Consultants, Inc., Chevy Chase, Maryland.

Spring - Group III - Number from 1 to 9 in the order you would like to participate in the activities.

_____ Gymnastics (apparatus) and Baseball

_____ Gymnastics (apparatus) and Softball

_____ Gymnastics (apparatus) and Tennis

_____ Gymnastics (apparatus) and Track & Field

_____ Baseball and Tennis

_____ Baseball and Track & Field

_____ Softball and Tennis

_____ Softball and Track & Field

_____ Tennis and Track & Field

STUDENT INTEREST QUESTIONNAIRE FOR JUNIOR HIGH SCHOOL

Directions:

1. Circle grade level: 7 8
2. Read entire list of activities before making any choices, then circle your favorite activity as No. 1, second choice as No. 2, etc., up to No. 10.*

Example: Speedball 1 2 3 4 5 6 7 8 9 10
 Tennis 1 2 3 4 5 6 7 8 9 10
 Swimming 1 2 3 4 5 6 7 8 9 10

3. You should have circled ten (10) numbers when you are finished.
4. Return this form to your teacher.

* If one of your favorite P.E. activities is not listed, please add it under Other and circle your preference.

<u>ACTIVITY</u>	<u>CHOICES</u>									
Basketball	1	2	3	4	5	6	7	8	9	10
Conditioning/ Weight Training	1	2	3	4	5	6	7	8	9	10
Dance										
Square	1	2	3	4	5	6	7	8	9	10
Folk	1	2	3	4	5	6	7	8	9	10
Flag Football	1	2	3	4	5	6	7	8	9	10
Gymnastics & Tumbling	1	2	3	4	5	6	7	8	9	10
Leadership	1	2	3	4	5	6	7	8	9	10
Personal Defense	1	2	3	4	5	6	7	8	9	10
Soccer	1	2	3	4	5	6	7	8	9	10
Softball	1	2	3	4	5	6	7	8	9	10
Table Tennis & Recreational Games	1	2	3	4	5	6	7	8	9	10

Tennis	1	2	3	4	5	6	7	8	9	10
Track & Field	1	2	3	4	5	6	7	8	9	10
Volleyball	1	2	3	4	5	6	7	8	9	10
Weight Training	1	2	3	4	5	6	7	8	9	10
Wrestling	1	2	3	4	5	6	7	8	9	10
Other:										
_____	1	2	3	4	5	6	7	8	9	10
_____	1	2	3	4	5	6	7	8	9	10

NORWALK, CONNECTICUT - MIDDLE SCHOOLS

GRADE 6 TOTALS (N=1269)

	BOYS		GIRLS		ALL STUDENTS		Percentage of N 1269
	Total No.	Ranking	Total No.	Ranking	Total No.	ranking	
Badminton	180	18	323	8	503	12	40%
Basketball	382	1	332	6	714	1	56%
Baseball	324	2	302	10	626	4	49%
Cross country	204	15	193	18	397	19	31%
Dance (Folk & square)	68	20	230	14	298	20	23%
Dance (Modern & Jazz)	109	19	348	5	457	16	36%
Field hockey	210	14	223	16	433	17	34%
Flag football	315	3	218	17	533	10	42%
Floor hockey	266	7	255	13	521	11	41%
Gymnastics	191	17	413	1	604	6	48%
Paddleball	211	13	325	7	536	9	42%
Physical fitness	199	16	276	12	475	14	37%
Soccer	286	6	280	11	566	8	45%
Softball	249	10	323	8	572	7	45%
Swimming	305	4	400	3	705	2	55%
Tennis	239	12	411	2	650	3	51%
Track	246	11	226	15	472	25	37%
Volleyball	250	9	363	4	613	5	48%
Weight training	293	5	186	19	479	13	38%
Wrestling	263	8	141	20	404	18	32%

Title IX - Plan for Implementation

Athletics (86.41)

No person shall, on the basis of sex, be excluded from participation, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by recipient, and no educational institution shall provide any such athletics separately on such basis.

Separate teams. Notwithstanding the requirements of paragraph (a) of this section, an educational institution may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where an educational institution operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

Equal opportunity. An educational institution which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available, the Director will consider, among other factors:

- i Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes.
- ii The provision of equipment and supplies.
- iii Scheduling of games and practice time.
- iv Travel and per diem allowance.
- v Opportunity to receive coaching and academic tutoring.
- vi Assignment and compensation of coaches and tutors.
- vii Provision of locker rooms, practice and competitive facilities.
- viii Provision of medical and training facilities and services.
- ix Provision of housing dining facilities and services.
- x Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute non-compliance with this section, but the Director may consider the failure to provide necessary funds for teams of one sex in assessing equality of opportunity for members of each sex.

1. Data To Be Reviewed

- a. Survey student athletic interests by age, sex and school.
- b. Identify policy materials relating to the operation or administration of athletic programs or teams.
- c. Identify policies or materials relating to eligibility for participation in any component of the athletic program.

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- d. Identify rules for by-laws of any interscholastic athletic association or league in which the agency or the teams participate.
- e. Identify descriptive materials relating to agency athletic programs (including student handbooks).
- f. Identify schedules of all athletic events operated or sponsored during the current year.
- g. Identify existing records regarding student participation in athletics during the past three years.
- h. Identify materials concerning athletic facilities and equipment, including schedules for use, inventories and policies regarding student access.
- i. Identify publicity issued during the past year concerning sports events or team members.
- j. Identify descriptions of coaching, tutoring, training, medical and related services provided to athletes and criteria for student eligibility.
- k. Identify budget materials pertinent to athletic programs.
- l. Identify organizational description or job descriptions of all positions related to the provision of athletic programs.
- m. Identify contracts with athletic personnel.
- n. Identify and review information related to policies, procedures, etc., pertaining to athletic offering.

2. Data To Be Collected and Analyzed

Athletic Offerings

Sport	Inter-Scholastic	Intra-Mural	Teachers		Students	
			Male	Female	Male	Female

Athletic Policy

Policy	Applicable To	
	Male	Female

Qualified Coaches /Referees

Sport	Male	Female

Total overall average expenditure per person \$ _____.

	SPORT
	Average Expended For Supplies Per Person
	No. of Scheduled Games
	No. of Days Practice Per Week
	Time of Day of Practice
	Time of Day of Games
	Amt. of \$ Per Person For Travel
	Coached By Male
	Coached By Female
	Tutoring Available
	Coach's Salary
	Hrs./Days of Season
	No. of Games in Season
	Facilities Used
	Assistant Coach
	Medical, Training, Services Available
	Support Services
	Equipment, Uniforms
	Regular Publicity

FEMALE SPORTS CHART

Total overall average expenditure per person \$ _____

	SPORT
	Average Expended For Supplies Per Person
	No. of Scheduled Games
	No. of Days Practice Per Week
	Time of Day of Practice
	Time of Day of Games
	Amt. of \$ Per Person For Travel
	Coached By Male
	Coached By Female
	Tutoring Available
	Coach's Salary
	Hrs./Days of Season
	No. of Games in Season
	Facilities Used
	Assistant Coach
	Medical, Training, Services Available
	Support Services
	Equipment, Uniforms
	Regular Publicity

MALE SPORTS CHART

-102-
STUDENT INTERESTS

Sport.	Male	Female
<u>Grade 9</u>		
<u>Grade 10</u>		
<u>Grade 11</u>		
<u>Grade 12</u>		

- a. Are student interests being accommodated in athletic programs?
- b. Are policies and procedures relating to athletic programs free from discrimination on the basis of sex?
- c. Are league rules and by-laws in compliance with Title IX?
- d. Are descriptive materials (handbooks, curriculum guides, etc.) free from discriminatory practices?
- e. Are there equal facilities and equipment for male and female students?
- f. Is there equal pay for equal services for both male and female coaches?
- g. Are job specifications so written that they do not discriminate on the basis of sex?
- h. Is there an in-service program available for coaches?
- i. Are opportunities for participation available to both females and males?

3. Remediation and/or Modification

Action	Responsibility	
What Needs To Be Done	By Whom	By When

-103-
STUDENT INTERESTS

Sport.	Male	Female
<u>Grade 9</u>		
<u>Grade 10</u>		
<u>Grade 11</u>		
<u>Grade 12</u>		

- a. Are student interests being accommodated in athletic programs?
- b. Are policies and procedures relating to athletic programs free from discrimination on the basis of sex?
- c. Are league rules and by-laws in compliance with Title IX?
- d. Are descriptive materials (handbooks, curriculum guides, etc.) free from discriminatory practices?
- e. Are there equal facilities and equipment for male and female students?
- f. Is there equal pay for equal services for both male and female coaches?
- g. Are job specifications so written that they do not discriminate on the basis of sex?
- h. Is there an in-service program available for coaches?
- i. Are opportunities for participation available to both females and males?

3. Remediation and/or Modification

Action	Responsibility	
	By Whom	By When
What Needs To Be Done		

CHECKLIST FOR EVALUATING TITLE IX COMPLIANCE PROGRESS

The following is a checklist which education institutions/agencies may use to assess Title IX compliance progress in physical education programs. Two kinds of questions are provided. The numbered questions reflect specific regulatory requirements; the sections of the regulation relevant to each question are indicated in brackets. The questions listed under these either are derived from the regulation or are procedures which would be useful in meeting regulatory requirements. Indicate "yes" answers to these questions by placing a check in the appropriate columns.

	Has this been reviewed?	Is the institution/agency in compliance?
1. Are physical education requirements the same for males and females? [§86.34]	-----	-----
—Have policy directives regarding these requirements been disseminated to administrators and members of the physical education staff?		
—Has a statement regarding these requirements been disseminated to all students?		
2. Do course descriptions make it clear that all physical education courses are open to male and female students? [§86.9(2)]	-----	-----
—Have all students been informed of their right to nondiscrimination in physical education programs?		
—Do course descriptions state the criteria for measurement of skills where these are employed as a condition of course admission?		
—Have counselors and staff who assist with course enrollment been provided clear guidelines for nondiscrimination in course enrollment/assignment?		
3. Are physical education classes conducted on a co-educational basis except during participation in contact sports? [§86.34(c)]	-----	-----
—Do classes provide for a range of activities which meet the interests, skills, and abilities of male and female students?		
—Have course enrollments been examined by sex to identify disproportionate enrollments?		
—Have the criteria used in assigning students to courses, classes, or ability groupings been reviewed to ensure nondiscrimination?		
—Have all physical education staff received guidelines and/or training for the use of sex-segregated groupings during contact sports?		

Has this
been
reviewed?

Is the
institution/agency
in compliance?

4. Are criteria used for measurement of progress within a physical education course or program free of adverse effects upon students of one sex? (§86.34(d))

- Have the criteria used for measurement of progress been delineated by the physical education staff?
- Have guidelines for the measurement of progress been provided to all members of the physical education staff?
- Are criteria used for measurement of progress in physical education classes made available to students?
- Has the application of evaluation criteria been reviewed to ensure that they do not result in an adverse effect on students of one sex?
- If evaluation criteria have been identified which have an adverse effect on members of one sex, has one of the following alternatives been implemented:
 - delineation of two separate sets of criteria, one for males and one for females?
 - delineation of criteria for the measurement of individual progress?

5. Are physical education facilities and equipment equally available to males and females according to the same criteria? (§86.31(2))

- Has an analysis been made of the policies used in allocation of facilities and equipment?
- Has the application of these policies been examined to ensure that it is free from adverse effect on students of one sex?

6. Do all physical education employment policies and practices require and provide equal treatment of staff on the basis of sex? (§86.51(a))

- Are job assignments made on the basis of qualifications and not on the basis of sex?
- Are schedules of compensation free from differentiation on the basis of sex?
- Are all extra-duty assignments equally available to members of both sexes?
- Is compensation for extra duty comparable for male and female staff?
- Are decisions regarding staff access to equipment and facilities made without regard to sex?

- | | Has this
been
reviewed? | Is the
institution/agency
in compliance? |
|---|-------------------------------|--|
| —Are decisions regarding fringe benefits and conditions of employment based on factors other than sex? | | |
| — Does the administrative structure of physical education programs ensure equal opportunity to male and female members of the staff? | | |
| 7. Was an institutional self-evaluation of the policies and practices within physical education programs completed? (§86.3(c)) (Required by July 21, 1976) | | |
| —Have sufficient data been collected from existing records and representative samples of staff and students? | | |
| —Have all necessary corrective steps been taken unless barriers to their immediate implementation have been identified?* | | |
| — Have all necessary remedial steps been taken unless barriers to their immediate implementation have been identified? | | |
| —Have plans been made and timelines established for the elimination of barriers to compliance? Do these involve: | | |
| • staff training? | | |
| • curriculum revision? | | |
| • rescheduling? | | |
| • renovation or reconstruction of facilities? | | |
| 8. Have records of corrective and remedial actions been placed on file and scheduled for maintenance for a minimum of a 3-year period (§86.3(d)) | | |
| —Has information regarding Title IX compliance efforts in physical education been made available to staff, students, and interested members of the community? | | |

List any activities referred to above which have not been completed.

If any of the numbered activities appear on your list, you may need to take immediate steps to ensure Title IX compliance. If other activities are listed, you should consider the positive benefits and, in some

*Secondary and postsecondary schools are permitted an adjustment period until July 21, 1978 in which to achieve full compliance if significant barriers to immediate compliance have been documented. Elementary schools were required to achieve full compliance by July 21, 1976.

instances, the implicit requirement of implementing these steps as a method of ensuring full compliance. You may wish to review the Title IX regulation as a method of establishing priorities for implementation of the activities.

In thinking about the tasks that need to be completed, the following form may be useful.

TASK TO BE ACCOMPLISHED: _____

Steps required for task	Person(s) responsible	Date to be completed
--------------------------------	------------------------------	-----------------------------

Reprinted by permission of:

McDonald, Scott. "Title IX Implementation Assessment Instrument".
PROJECT EQUITY PUBLICATIONS, Cal State at Fullerton: Fullerton. Calif..
1975. FIRST DRAFT.

Physical Education

A B C D E

- 15. Has the district taken steps to ensure that its P.E. requirements do not discriminate in the way they provide student access to physical education courses?
 - A. District has not yet investigated its P.E. curriculum to determine obstacles to compliance with Title IX.
 - B. District has reviewed the P.E. curriculum and has identified problem areas; suggested modifications have been drafted and are currently pending.
 - C. District has modified P.E. requirements to ensure that P.E. objectives and requirements are the same for males and females.
 - D. District has implemented equitable P.E. requirements and has disseminated them thoroughly to students and staff.

- 16. Has the district reviewed all course descriptions and written literature pertaining to the P.E. program to ensure that they are free from gender bias and compatible with Title IX?
 - A. District has not yet reviewed the course descriptions and written literature pertaining to the P.E. program for gender bias problems.
 - B. District has reviewed course descriptions and descriptive literature and has removed all obvious barriers to student pursuit of non-traditional P.E. activities (including biased use of language, sex-typed course titles, etc.).
 - C. District has further analyzed its course descriptions and descriptive literature, has identified any prerequisites, performance standards, guidelines, and criteria for measuring skills that have an adverse effect on student pursuit of non-traditional P.E. activities.
 - D. District has modified all P.E. course descriptions and other descriptive literature to eliminate those titles, standards, prerequisites and guidelines that have an adverse effect on student pursuit of non-traditional P.E. activities.

- 17. Has the district implemented a co-ed P.E. program for all activities (except contact sports) at all grade levels?
 - A. District has not yet implemented a co-ed program.
 - B. District has implemented a co-ed program for 50% of its P.E. activities (excluding contact sports).
 - C. District has implemented a co-ed P.E. program for 100% of its P.E. activities (excluding contact sports) at all grade levels.

- D. District has implemented a co-ed P.E. program at all grade levels; furthermore, district frequently conducts on-site observations of P.E. classes (or interviews with P.E. students) to ensure that activities in P.E. classes (except contact sports) are actually conducted on a co-ed basis.
18. Has the district taken steps to ensure that instruction in all P.E. courses and activities (including contact sports) is provided in a manner that is free from gender bias and compatible with Title IX?
- A. District has not reviewed the manner in which instruction is provided in P.E. classes and activities.
 - B. District has established a P.E. policy that requires that instruction in all P.E. courses/activities (including contact sports) be provided in the same way for students of both sexes.
 - C. District has further assured itself that P.E. instruction is provided in a manner that is free from gender bias by making frequent on-site observations of P.E. instruction periods (or by interviewing students, staff, etc); district has identified any problems in this area.
 - D. District has taken positive steps to remedy any gender inequities identified in the provision of instruction in P.E.
19. Has the district taken steps to ensure that the P.E. program provides students with a range of activity options that allows them to pursue their interests in an environment free of gender bias?
- A. District has not undertaken any review of or restructuring of its P.E. course/activities options in connection with its Title IX compliance efforts.
 - B. District has expanded the range of P.E. activity options open to students, but has not based this on any survey of student interest.
 - C. District has conducted a survey of student P.E. activity interests and has revised its range of P.E. activity options in accord with this survey.
 - D. District periodically re-surveys students and revises its P.E. activity options accordingly.
20. Has the district collected and analyzed data on the gender patterns of student enrollment in P.E. courses/activities to ensure that aspects of the P.E. program's content, format, or operation do not adversely affect student freedom to pursue non-traditional P.E. courses and activities.

- A. District has not collected or analyzed data on gender patterns of student participation in various P.E. classes/activities.
 - B. District has collected and analyzed data on gender patterns of student enrollment in P.E. courses and activities and has identified those courses/activities with more than an 80%/20% gender disparity.
 - C. District has further investigated those courses with more than an 80%/20% gender disparity and has identified more subtle influences that adversely affect student pursuit of non-traditional courses/activities (e.g. hostile teacher attitude, inflexible and sex-type groupings of activities in curriculum options, etc.).
 - D. District has taken positive steps to reduce the identified gender disparities and to remove all subtle barriers to student pursuit of non-traditional P.E. courses and activities.
21. Has the district taken steps to ensure that P.E. facilities and physical resources are allocated in an equitable manner that is free of gender bias and compatible with Title IX?
- A. District has not reviewed the allocation and use of facilities to identify possible gender biases.
 - B. District has reviewed all policies, procedures, and written documents pertaining to the use of P.E. facilities and has identified all inequities in the allocation of physical resources (e.g. inequities in the favorability of schedules for facility use, purchase, use and repair of equipment).
 - C. District has further investigated the allocation and use of facilities to determine that, in practice, facilities and physical resources (e.g. playing fields, tennis courts, swimming pools, weight and gymnastics equipment, gymnasias, locker room equipment, etc.) are equally available to female and male students; inequities have been identified.
 - D. District has taken positive steps to remove any inequities identified in the use and allocation of P.E. facilities and physical resources.
22. Has the district taken steps to ensure that P.E. staff are treated in a fair and equitable manner that is free of gender bias and compatible with Title IX?
- A. District has not reviewed and evaluated its policies and practices regarding treatment of P.E. staff to ascertain possible gender biases.
 - B. District has reviewed distribution of class and activity assignments, allocation of fiscal and space resources fringe benefits, extra pay, etc., and has identified any inequities in the treatment of P.E. staff.

A B C D E

- C. District has further investigated the treatment of P.E. staff by interviewing P.E. staff members and soliciting their perceptions of any inequities in staff treatment.
 - D. Based on information collected in "B" and "C" above, district has taken positive steps to eliminate inequities in treatment of P.E. staff.
23. Has the district involved the P.E. staff in the process of implementing Title IX?
- A. District has not involved P.E. staff in the process of implementing Title IX.
 - B. District has minimally involved P.E. staff in formulating plans for Title IX implementation, but it has tried to facilitate staff acceptance of Title IX by sponsoring inservice training for P.E. staff.
 - C. District has considered P.E. staff attitudes as important to successful implementation of Title IX; hence it has substantially involved the staff in planning Title IX implementation and has also sponsored inservice training to facilitate positive attitudes and enthusiastic acceptance of Title IX among P.E. staff members.
24. Has the district taken steps to ensure that all students have equitable opportunities to participate in extra-curricular clubs (including service organizations, student government, dramatics/forensics activities, choral groups, pre-professional clubs and recreational clubs)?
- A. District has not undertaken a thorough study of bias in student access to extra-curricular clubs.
 - B. District has reviewed student handbooks, regulations and descriptions of extra-curricular clubs, and has eliminated biases in language and requirements.
 - C. District has collected and analyzed data on gender patterns of student participation in extra-curricular clubs and has identified major disparities.
 - D. District has further investigated extra-curricular clubs with gender disparities in student participation and has taken positive steps to eliminate those disparities.
25. Has the district taken steps to ensure that all student activities programs are free of gender bias?
- A. District has not undertaken a serious study of gender bias in student activities program.

- B. District has received and analyzed the participation in and the content of all student activities (including school spirit groups, school social events, dances, rituals, homecoming ceremonies, mother-daughter/father-son banquets, etc.) and has identified areas of non-compliance with Title IX.
 - C. District has taken positive steps to eliminate gender bias in student activities programs.
26. Has the district taken steps to ensure that all honors and scholarships are free of gender bias?
- A. District has not undertaken a serious study of gender bias in student activities programs.
 - B. District has reviewed all written literature, descriptive material and regulations pertaining to honors and scholarships, and has removed all biased requirements and language.
 - C. District has collected and analyzed data on the distribution of honors and scholarships, and has identified any gender disparities.
 - D. District has further investigated procedures used to award honors and scholarships and has taken positive steps to eliminate gender disparities in the distribution of awards.

Athletics

34. Does the district have and maintain a written general plan for evaluating and achieving compliance with the Title IX regulations pertaining to school athletics?
- A. District has no general plan for implementing Title IX's requirements regarding athletics.
 - B. District has written a general plan for evaluating and achieving compliance with Title IX's regulations pertaining to school athletics, however, this plan has some serious flaws (e.g. it lacks specific timetables, it is overly vague, it does not detail technical points, etc.).
 - C. District has a written general plan for compliance with Title IX's regulations pertaining to athletics, and this plan is adequate in its detail, scope, and faithfulness to law.
 - D. District has an adequate written plan, and it has been maintaining the plan by implementing prescribed program changes on schedule.

35. Has the district taken steps to ensure that the athletics program meets the identified needs and interests of the students?
- A. District has not surveyed students regarding their interests and abilities in athletics.
 - B. On one recent occasion, district surveyed students regarding their interests and abilities in athletics.
 - C. District has conducted more than two surveys of student interests and abilities in athletics (in connection with district efforts to implement Title IX).
 - D. District has periodically surveyed students regarding student interests and abilities in athletics, and has designed an athletic program to accommodate these interests and abilities.
36. Has the district taken steps to ensure that boys' and girls' athletic programs are comparable in terms of equipment and supplies?
- A. District has not modified athletic programs to guarantee comparability of equipment and supplies.
 - B. District has reviewed distributions of athletic equipment and supplies, has developed an intermediate plan for equalization of existing resources and/or a long-term plan for further equalization of resources (when capital outlay permits).
 - C. District has adjusted allocation and scheduling of facilities and equipment so as to equalize programs for men and women.
37. Has the district taken steps to ensure that the athletic staff are treated in a fair and equitable manner that is free of gender bias and compatible with Title IX?
- A. District has not reviewed and evaluated its policies and practices regarding treatment of athletic staff to ascertain possible gender biases.
 - B. District has reviewed distribution of coaching assignments, allocation of fiscal and space resources, coaching pay rates, fringe benefits, etc., and has identified inequities in the treatment of athletic staff.
 - C. District has further investigated the treatment of athletic staff by interviewing athletic staff members and soliciting their perceptions of any inequities in staff treatment.
 - D. Based on information collected in "B" and "C" above, district has taken positive steps to eliminate inequities in the treatment of athletic staff.

38. Has the district taken steps to ensure that boys' and girls' athletic programs are comparable in terms of student support groups and staff personnel?
- A. All parties (students, parents, staff) have knowledge of the regulations and a review of existing practices has been completed.
 - B. Basic inequities have been discovered, analyzed, and action steps to correct them are being taken.
 - C. Basic inequities have been discovered, analyzed and action steps are being taken to correct them.
 - D. All support services are comparable, in accordance with Title IX regulations.
39. Has the district taken steps to ensure that boys' and girls' athletic programs are comparable in terms of publicity and general school support (e.g. from faculty)?
- A. No review of publicity activities has been conducted, and there is little or no faculty and student body support for both boys' and girls' athletic programs.
 - B. Knowledge of this part of the regulation is wide-spread, a review of the existing policies and practices has been conducted, and needed changes planned.
 - C. Knowledge of this part of the regulation is wide-spread, a review of existing policies and practices has been conducted, and needed changes planned and implemented.
 - D. Publicity efforts are equitable, and observable support from faculty and students is in evidence for both boys' and girls' athletic programs.
40. Has the district reviewed all athletic practice schedules to ensure that boys' and girls' athletic programs enjoy comparably favorable schedules for practice?
- A. No review has been conducted, and teams are scheduled in accordance with tradition.
 - B. A review has been conducted; inequities discovered and analyzed, and plans for correction are being made.
 - C. A review has been conducted; inequities discovered and analyzed; plans for correction made and implementation is in progress.
 - D. Teams in like sports have equal access to facilities and practice schedules are equitable insofar as prime time and days of use; teams have adequate practice time and appropriate, safe facilities.

41. Has the district taken steps to ensure that athletic programs afford equitable opportunities for awards, scholarships and recognition for girl and boy athletes?
- A. No review has been made, awards are not comparable, and pep rallies, etc. are geared principally for boys' athletics.
 - B. A review of policy and practices has been made and plans are now being developed for eliminating existing inequities.
 - C. A review of policy and practices has been made, plans for eliminating inequities formulated, and initial implementation begun.
 - D. Awards are comparable in all sports, the same in like sports, and opportunities for recognition are equitable for boys' and girls' athletics.
42. Has the district taken steps to ensure that efforts and procedures for recruitment from the student body of athletes for participation in athletic programs are of comparable scope and intensity?
- A. No review of recruitment practices has taken place and coaches make individual efforts to attract participants for the existing athletics programs.
 - B. A review of recruitment efforts has been made, inequities discovered and analyzed, and plans made for the overcoming of the identified shortcomings.
 - C. Efforts are being made to staff sports with qualified coaches and to develop recruitment policies and practices which are equitable for both boys' and girls' athletics programs.
 - D. All sports are staffed with competent coaches who recruit, publicize, and encourage full participation from all of the student body members.
43. Has the district taken steps to ensure that athletic budgets are comparable with respect to the needs and interests of students?
- A. No data has been collected for comparison, and budgets are established in traditional ways.
 - B. Data has been collected and analyzed, and plans for the development of equitable processes for budget development and implementation set.

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- C. Efforts are being made to make budget allocations equitable, and full compliance will be achieved no later than July 21, 1978.
 - D. Budget reflects equitable attention to services needed, provides for the needs, interests and abilities of the students to be served, are the same for like sports, and provide for the elimination of past budgetary discriminations.
44. Has the district involved the athletic coaching staff in the process of implementing Title IX, and has the district provided support services (e.g. inservice training) to facilitate positive staff acceptance of Title IX implementation in athletics?
- A. There is no recognized need for total staff development or inservice in order to insure a positive implementation of Title IX as it relates to athletics.
 - B. Some of the coaching staff were involved in Title IX discussions, review, and analysis, and in accomplishing or completing the needed subsequent changes; no inservice activities were necessary.
 - C. Inservice regarding the law has been provided all members of the athletics staff, and they are now planning the needed action steps for the positive and full implementation of Title IX.
 - D. Involvement of all athletic personnel was paramount in all Title IX reviews, analysis, and subsequent needed changes in the policy, programs, procedures, and philosophic tenet; inservice opportunities were provided to insure a smooth, positive implementation of the spirit and the letter of the law as it affects athletics.

QUESTIONS RELATED
TO ATHLETICS

SUGGESTED QUESTIONS RELATED TO ATHLETICS
FOR USE BY SCHOOL DISTRICTS AND OTHER AGENCIES
WHEN INITIATING TITLE IX REVIEW PROCEDURES

(Related Sections of the Law: 86.41, 86.31(b), 86.51-86.61)

1. Are there any interscholastic athletic teams consisting of only one sex?
2. If the answer to question number one is "yes", are these teams formed on the basis of competitive skill and/or able to be classified as contact sports?
3. Are there any coeducational interscholastic athletic teams?
4. If the answer to question number three is "yes", is there evidence that the needs and abilities of both sexes are met by such a provision? (NOTE: If a school or league, etc. decides that anyone, regardless of sex, may try out for a team, and there is substantial interest on the part of females in that sport, but very few members of that sex have skill sufficient to be selected, the provision of the co-ed team would not be sufficient to meet the interests and abilities of both sexes.)
5. Does the existing athletic program adequately accommodate the interests and abilities of both sexes in type of sports and levels of competition offered? How was this determined?
6. Are students of one sex for whom overall athletic opportunities have been limited in the past permitted to try out for teams in noncontact sports offered only to the other sex?
7. Have the athletic interests and abilities of both sexes been assessed? If so, how was this done?
8. Are necessary and equitable athletic equipment and supplies provided for both male and female teams?
9. Are necessary and equitable athletic travel and per diem allowances provided for both male and female teams?
10. Are adequate opportunities to receive coaching and academic tutoring available to members of both sexes?
11. Is necessary and equitable access to locker rooms, practice areas, practice times and competitive facilities provided to both male and female teams?

(Continued on next page)

SUGGESTED QUESTIONS RELATED TO ATHLETICS FOR USE BY SCHOOL DISTRICTS AND OTHER AGENCIES
WHEN INITIATING TITLE IX REVIEW PROCEDURES

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12. Is necessary and equitable access to medical and training facilities and services provided to both male and female teams?
13. Is necessary and equitable publicity provided for both female and male teams?
14. Are the lengths of athletic seasons and/or number of games or contests the same for male and female teams in like sports?
15. Are opportunities to compete before an audience comparable?
16. Is necessary and equitable access to housing and dining facilities and services provided to both male and female teams?
17. Are rules regarding eligibility, medical, examinations, scholastic averages, etc. the same for all athletes, regardless of sex?
18. Are support services provided on an equitable basis? (NOTE: This would include such items as pep rallies, appearance of the cheerleaders and/or the band at contests, provision of a co-ed letter club, etc.)
19. Are all by-laws, constitutions, policies, etc. of any interscholastic athletic association or league in which teams participate in compliance with Title IX guidelines?
20. Are all awards given in athletics comparable?
21. Are coaches assigned to teams based on ability and not sex?
22. Are employer-sponsored activities, including social and recreational programs, provided to members of both sexes?
23. Are salaries for the same or comparable jobs and the same or comparable responsibilities equal for men and women?
24. Is equitable funding available for both boys' and girls' sports programs?
25. Does equitable opportunity for and quality of uniforms exist for boys' and girls' teams?
26. Is officiating (including quality) equitable for both boys' and girls' competition?
27. Are staff development opportunities and inservice training equally available to men and women employees?
28. Are there impediments which would preclude immediate compliance to the law? If so, can you justify the needed delay(s) and have you established a time line for their prompt elimination so as to comply with the July 21, 1978, deadline?