



TITLE IX
and
HIGH SCHOOL SPORTS
**WHAT YOU REALLY
NEED TO KNOW**

Roger L. Blake
Associate Executive Director
State CIF

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SPORTS-RELATED LAWSUITS: 2005



| | <i>Scholastic</i> | <i>Collegiate</i> |
|--|--------------------------|--------------------------|
| <input type="checkbox"/> Constitutional/Civil Rights | 237 | 57 |
| <input type="checkbox"/> Sports Injury Related Suits | 1412 | 192 |
| <input type="checkbox"/> Title IX Complaints | 288 | 42 |
| <input checked="" type="checkbox"/> Title IX Lawsuits | 37 | 14 |
| <input type="checkbox"/> Sexual Harassment Complaints | 722 | 98 |
| <input type="checkbox"/> Sexual Harassment Lawsuits | 277 | 81 |
| <input type="checkbox"/> Hazing Lawsuits | 153 | 38 |
| <input type="checkbox"/> Disabilities Related Lawsuits | 164 | 29 |
| <input type="checkbox"/> Employment Law Complaints | 248 | 33 |
| <input type="checkbox"/> Employment Law Lawsuits | 321 | 52 |



TITLE IX



PUBLIC LAW 92-318 OF THE EDUCATION ACT OF 1972

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

SOURCES OF TITLE IX LAW

**1972 TITLE IX
STATUTE**



**1975 TITLE IX
REGULATIONS**



**1979 TITLE IX
POLICY
INTERPRETATION**



**FEDERAL CASE LAW
& OCR SETTLEMENT
AGREEMENTS**



**1996 TITLE IX
POLICY
INTERPRETATION**



**1990 OCR TITLE IX
INVESTIGATOR'S
MANUAL**

TITLE IX COMPLIANCE FRAMEWORK

COMPONENT I: SPORTS OFFERINGS

A. Participation Offerings - The Three Prong Test

- Substantial Proportionality or
- History & Continuing Practice of Program Expansion or
- Full & Effective Accommodation Of Athletic Interests

B. Levels Of Competition - The Two Prong Test

- Equivalently Advanced Competitive Opportunities or
- History & Continuing Practice Of Improvement

COMPONENT II: ATHLETIC SCHOLARSHIPS

COMPONENT III: OTHER ATHLETICS BENEFITS

P - L - A - Y - I - N - G F - A - I - R

Proportionality

3 Prong Test

Step # 1

- ◆ **Student Body Enrollment**

- 51% boys 49% girls

- ◆ **Athletic Program Participation**

- 51% boys 49% girls

(5% variable) 54%-44% is OK

OR

Proportionality

3 Prong Test

Step # 2

◆ History & Expansion

- Can the school/district show that to increase the number of underrepresented students participating they have added *recent* opportunities.

OR

Proportionality

3 Prong Test

Step # 3

◆ Full & Effective Accommodation

- Can the school/district show that the interests of the female students have been fully and effectively satisfied. Are we meeting their athletic needs?

EQUIVALENCE IN OTHER ATHLETIC BENEFITS & OPPORTUNITIES

P-L-A-Y-I-N-G F-A-I-R

- P** protective athletic equipment & athletic supplies
- L** locker rooms and practice/competition facilities
- A** allocation of travel/transportation/per diem benefits
- Y** years of experience, quality & salaries of coaches
- I** institutional housing/dining facilities & services
- N** nature of publicity, marketing & media services
- G** game/practice times & scheduling
- F** facilities for & access to training & medical services
- A** academic tutoring services for student-athletes
- I** institutional support services for athletic programs
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P - L - A - Y - I - N - G F - A - I - R

P: Protective Athletic Equipment & Supplies

COMPLIANCE FACTORS

- ◆ **Quality Of Athletic Equipment**
- ◆ **Suitability Of Athletic Equipment**
- ◆ **Amount Of Athletic Equipment**
- ◆ **Maintenance Of Athletic Equipment**
- ◆ **Availability Of Athletic Equipment**

P - L - A - Y - I - N - G F - A - I - R

*L: Locker Rooms & Practice/Competition
Facilities & Playing Fields*

COMPLIANCE FACTORS

- ◆ **Quality & Availability Of Facilities**
- ◆ **Exclusivity Of Use Of Facilities**
- ◆ **Event Preparation In Facilities**
- ◆ **Maintenance & Repair Of Facilities**
- ◆ **Locker Room Quality**
- ◆ **Location of Facilities**

BIG ISSUE TODAY IN TITLE IX



P - L - A - Y - I - N - G F - A - I - R

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Complaint filed over Ramona softball fields

By: QUINN EASTMAN - Staff Writer | Tuesday, January 9, 2007 11:13 PM PST ∞

1 comment(s)

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RAMONA -- The slow-motion collision between eight-year-old plans to build softball fields next to Ramona High and sensitive ponds on the 40-acre property has resulted in a lawsuit -- but not from environmentalists.

The parents of two female students at Ramona High have sued the Ramona Unified School District in federal court, saying that the facilities for the girls' softball team are inadequate when compared with facilities for the boys' baseball team.

Softball teams have been playing off-campus for years, behind neighboring Olive Peirce Middle School, and for the last three seasons at the Adult Softball Complex across town.

The Jan. 5 lawsuit calls the facilities at the Adult Softball Complex "inadequate and inferior" because of the lack of proper landscape maintenance, bleachers, storage space or a locker room.

In comparison, it says, baseball players have dedicated, well-maintained fields on the high school campus with standard dugouts, batting cages and bleachers.

The complaint under Title IX was filed by Seaneen and John Tenwolde on behalf of their daughter, Kristen, a 10th-grader and pitcher who has played softball since age six, and by Karen Hess and Michael Roberts, on behalf of their daughter Tory, a ninth-grader who plans to play. Title IX, passed by Congress in 1972, prohibits discrimination based on sex at educational institutions that receive federal funding.

Hess and Roberts have two older daughters who played softball before graduating in 2004 and 2006. One, Dana, was the 2006 class valedictorian and now plays for Harvard University's girls' softball team, according to the suit.

Superintendent Peter Schiff said Wednesday that the district has been planning to build softball fields and soccer fields next to Ramona High since it bought 40 acres next to the school eight years ago, but ran into environmental restrictions.

"We didn't realize that a county survey was going to find that we have some of the best vernal pools around on our property," he said. The survey found that the pools contain habitat for the endangered fairy shrimp.

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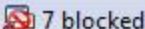
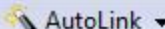


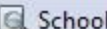

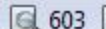


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Level the playing field?

Girl athletes sue, claiming boys have more of a sporting chance

Chris Moran

April 20, 2007

Girl softball players at Castle Park High School in Chula Vista filed a lawsuit yesterday alleging that they have worse facilities and fewer chances to play than boy athletes and that their coach was fired when they complained about it.

A Sweetwater Union High School District spokeswoman said the district had not yet been served with the lawsuit and had no comment.

The suit asks Sweetwater to upgrade girls' fields and offer more female teams so girls have a better chance to play competitive sports.

The two lead plaintiffs, Veronica Ollier, 18, and Naudia Rangel, 17, are scheduled to graduate in June but said they filed suit for future athletes, including Rangel's sister, who also is a named plaintiff.

"We want (younger athletes) to have better opportunities and facilities so they can excel in the sport and have the opportunities we never had," Rangel said.

The parents and players first approached Castle Park's athletic director last spring to complain, the suit states. The director responded by saying that the coach could be fired at any time and for any reason, and the coach was in fact fired last summer, according to the suit.



NANCEE E. LEWIS

Naudia Rangel, catcher for the Castle Park High School girls varsity softball team, waded through gear in the team's combination equipment and locker room.

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A: Allocation Of Travel/Transportation

COMPLIANCE FACTORS

◆ Modes Of Transportation

P - L - A - Y - I - N - G F - A - I - R

*Y: Years Of Experience, Quality
Compensation & Assignment Of Coaches*

COMPLIANCE FACTORS

- ◆ Availability Of Coaches
- ◆ Assignment Of Coaches
- ◆ Compensation Of Coaches

P - L - A - Y - I - N - G F - A - I - R

I: Institutional Housing & Dining Facilities

COMPLIANCE FACTORS

- ◆ **Housing Quality & Arrangements**
- ◆ **Dining Quality & Arrangements**
- ◆ **Special Services Related To
Housing & Dining Arrangements**

P - L - A - Y - I - N - G F - A - I - R

*N: Nature Of Sports
Publicity/Marketing/Media Services*

COMPLIANCE FACTORS

- ◆ **Sports Information Personnel**
- ◆ **Sports Program Related Publications**
- ◆ **Other Publicity Resources For Your Interscholastic Athletics Program**

P - L - A - Y - I - N - G F - A - I - R

G: Game & Practice Times/Scheduling

COMPLIANCE FACTORS

- ◆ **Number Of Competitive Events**
- ◆ **Time Of Day Events Are Scheduled**
- ◆ **Number/Length Of Practice Opportunities**
- ◆ **Time Of Day Practices Are Scheduled**
- ◆ **Chance For Pre/Post Season Competition**

P - L - A - Y - I - N - G F - A - I - R

F: Facilities For & Access To Athletic Training & Medical Services

COMPLIANCE FACTORS

- ◆ Availability Of Medical Personnel
- ◆ Availability Of Athletic Trainers
- ◆ Availability Of Weight/Training Facilities
- ◆ Availability Of Conditioning Facilities
- ◆ Health/Accident/Injury Insurance

P - L - A - Y - I - N - G F - A - I - R

A: Academic Tutoring Services For Student-Athletes

COMPLIANCE FACTORS

- ◆ Opportunity To Receive Tutoring
- ◆ Assignment Of Tutors
- ◆ Compensation Of Tutors

P - L - A - Y - I - N - G F - A - I - R

I: Institutional Support Services For Athletics Programs

COMPLIANCE FACTORS

- ◆ **Administrative Assistance For
Men's & Women's Programs**
- ◆ **Secretarial & Clerical Assistance
For Men's & Women's Programs**

P - L - A - Y - I - N - G F - A - I - R

R: Recruiting Resources For Athletics Programs

COMPLIANCE FACTORS

- ◆ **Equal Opportunity To Recruit**
- ◆ **Equivalent Resources To Recruit**
- ◆ **Effect Of Athletics Program Benefits
On Ability To Effectively Recruit**

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TITLE IX FAQs

1. **Booster Club \$/Fundraisers/Gifts?**
2. **Most Common Title IX Complainant?**
3. **Women As Coaches Of Women's Teams?**
4. **Boys Playing On Girls' Teams?**
5. **Cheerleading/Pep/Drill Team?**
6. **Intramurals/Club Sports/PE Classes?**
7. **Equity In Athletics Disclosure Act?**