

# **OVERVIEW**

## ***TITLE IX DEFINITION***

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education programs that receive federal funds. The Title IX statute became law June 23, 1972, and the regulation implementing the statute went into effect on July 21, 1975. Title IX covers athletic programs as well as academic programs.

## ***BRIEF HISTORY OF TITLE IX - NATIONALLY***

By July 1976, one year after the Title IX regulation was adopted, elementary schools were required to comply with the provisions governing athletic programs, while high schools and colleges had until July 1978 to comply (see appendix #1). The Office for Civil Rights (OCR) within the Department of Health, Education and Welfare (HEW) had nationwide enforcement authority for Title IX. On December 11, 1979, OCR/HEW issued its Title IX Policy Interpretation for Intercollegiate Athletics, which further outlined the manner in which the federal government would enforce Title IX (see Appendix #2). The 1979 Policy Interpretation is the major source for specific requirements for athletics programs and applies to high schools and middle schools in addition to colleges and universities.

In 1980, HEW split to become the U. S. Department of Education and U.S. Department of Health and Human Services. Nationwide enforcement authority for Title IX athletics was retained by the Office for Civil Rights of the U.S. Department of Education. In 1990, OCR published its Title IX Athletics Investigator's Manual setting forth detailed compliance standards and procedures used by OCR in conducting a formal investigation of a school or university.

In 1996, OCR issued a Title IX Policy Clarification for the Three-Part Test, clarifying the three methods schools may use to comply in offering athletics participation opportunities; schools need only meet one of the three compliance methods. The three-part test has been the subject of significant misinformation and litigation. Also during the 1990s, the Equity in Athletics Disclosure Act became law (1994, amended in 1998). While this Act requires disclosure of gender equity information at the intercollegiate level, it does not apply to high schools at this time.

## ***BRIEF HISTORY OF TITLE IX - IN KENTUCKY***

In 1998, the Kentucky State Board of Education identified the Kentucky High School Athletic Association as the agency responsible for assessing and monitoring the implementation of Title IX for KHSAA member high schools. The duties of the KHSAA in managing high school athletics are set forth in 702 Kentucky Administrative Regulations 7:065.

During the 1999-2000 school year, each member high school with both male and female students completed the Kentucky High School Athletic Association Annual Verification of Title IX Procedures. This report was a self-study designed to be each school's comprehensive description of the status of interscholastic athletics for both genders. A school and district Title IX Coordinator were identified and a Gender Equity Review Committee GERC was established at each school. The GERC included a representative group composed of school personnel, students and community members, as well as the two Title IX Coordinators. The GERC is charged with overseeing each school's compliance effort and

progress in achieving gender equity. Originally, on-site visits were conducted by a KHSAA Audit Team, composed of the KHSAA's legal counsel and Assistant Commissioners, to further assess each school's progress under Title IX. Approximately 20% (56) of the KHSAA member schools were visited each year, and all schools were visited by the close of the 2003-2004 school year. Following each visit, a written report (KHSAA Title IX Final Audit Report) was forwarded to the Principal, Athletic Director and Superintendent of each school.

In 2004-2005, a Title IX Revisit Program was initiated. The KHSAA selected schools randomly for a visit from a KHSAA Audit Team. The program required each school to file a report prior to the revisit. The Title IX Revisit Program currently includes audit visits to approximately thirty to forty schools per school year. Following a revisit, school personnel receive a written report (KHSAA Title IX Revisit Final Audit Report), which includes recommendations and suggestions for school personnel to more fully implement the spirit and intent of Title IX.

Additionally, all schools with both male and female students are required to submit to the KHSAA offices an Annual Verification of Title IX Procedures by April 15 of each year. A response is written by a Title IX Audit Team member and forwarded to the school and school district office.

The KHSAA office staff maintains a Title IX master file for each member school. It is the intent of the KHSAA to serve in a supportive role for the efforts of Kentucky high schools to achieve equitable opportunities and benefits for all student athletes. This support role includes offering suggestions and recommendations for school personnel as they endeavor to comply fully with Title IX.