

League of Women Voters of Minnesota Records

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COMMENTS BY REPRESENTATIVE PHYLLIS KAHN

RULES RELATING TO SEX DISCRIMINATION IN ATHLETIC PROGRAMS

- 1. Question: Can a school provide a team for girls but not for boys in a sport like volleyball or badminton?

 Must a school provide a football team for girls if girls can't make the boys' football team?
 - 81.204 A. implies that you must have two teams in each sport. This is not a serious problem. It may be that it is clear from other parts of the rules that it is OK to provide these one-sex teams. I am sure that the intent was to permit this. The following addition makes it explicit.

Add to \$1.204 A.

"This rule does not prohibit an educational institution from establishing one team which provides an opportunity to participate to only one sex, if in the discretion of the educational institution this is justified by the interests and abilities of the students pursuant to MCAR \$1.207 B.(a)."

- 2. Question: Must a school provide the same number of sports for boys and girls?
 - \$1.207 A. practically says this, and I believe it was intended to require this, but it is a bit vague. It may be best to leave this a little vague so that schools have more flexibility. If the same number of sports is to be required, this can be done, relying on Definitions \$1.202 E. and F., by the following change.
 - \$1.207 A. "An educational institution shall provide members of each sex an opportunity to participate on teams in an equal number of sports in its athletic program."
- 3. Question: Can a boy participate on the girls' badminton team if there is no boys' badminton team?

Under \$1.204 C. he cannot. The following exception to this rule would permit this.

\$1.204C. "Males shall not be permitted to try out for or participate on any team established for females except that if a team is provided for females in an individual sport and no team is provided for males in that sport, males shall be permitted to try out for and participate on the team to the extent that this is feasible and does not unduly interfere with the opportunity of females to participate on the team. Events for males and mixed events shall be provided in the regular athletic contests in which the team participates to the extent that this is justified

COMMENTS BY REPRESENTATIVE KAHN (continued)

by the participation of males on the various teams participating in the athletic contest."

- 4. Question: In grades K through 6 can special remedial programs be provided to help girls catch up in athletic skills? Can separate events for boys and girls be provided in field day competition, e.g., 40 yard dash for girls, 40 yard dash for boys?
 - \$1.203 A. implies that there may be no separation at all and does not make clear that separation on the basis of skill level which results in de facto separation on the basis of sex is permitted. This type of separation is explicitly permitted by the following addition.

Add to \$1.203 A.

"This rule does not prohibit any educational institution from providing remedial programs for participants of one sex who are unable to participate in the coeducational program or, in the case of athletic contests in individual sports, from providing events or awards which are separate on the basis of sex."

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Associated Press A compromise bill spelling out guidelines for equal sports opportunities was approved by the Minnesota

House Thursday. The vote was 87-41.

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However, it was bitterly criticized by Rep. Phyllis Kahn, DFL-Minneapolis, who said it continues a pattern of discrimination against women in sports. She said the bill "gives absolute discretion" to the Minnesota State High School League.

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What's the score in Minnesota?

Edual opportunity for girls in athletics.





WHAT'S THE SCORE IN MINNESOTA?

A Summary Report on the Monitoring Project of The League of Women Voters of Minnesota on "Equal Opportunity for Girls in Athletics"

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APPENDIX:

- I Laws Dealing with Sex Equality in Athletics in Minnesota
- II Participating Leagues of Women Voters
- III LWVMN Analysis of Participation of Girls in Interscholastic Athletic Programs

Edited by Elizabeth Ebbott and Jeannette Kahlenberg

October 1979

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PRACTICING THE FUNDAMENTALS: Equal Opportunity

"Keep your eye on the ball!" "Follow through!" "Get that rebound!" For years coaches have drummed these fundamentals into athletes' ears. But for the League of Women Voters of Minnesota (LWVMN) — and in a larger sense — for democracy in America, a much more important fundamental in athletics is the provision of equal opportunity for all people.

Since its founding 60 years ago, out of the heritage of a nearly century-long campaign to win women the fundamental right of suffrage, the League of Women Voters has supported equality of opportunity. Athletics is one highly visible area of life in which there is a long-standing pattern of discrimination on the basis of sex. This pattern is slowly being erased in the 1970's but not without considerable pain.

LWVMN has no consensus of opinion on the intrinsic value of athletics. Individual League members probably reflect the variations of viewpoints found throughout society. Some people believe that learning through competitive athletics to understand team work, to be challenged, and to show leadership gives a person a decisive edge later in business or politics. Others believe that athletics hurt those who don't make the team and are overemphasized in school and society. Some claim that athletic participation during school years brings a lifetime of health benefits. Others are concerned about a kind of anti-intellectualism which applauds physical strength and skill and aggressiveness above all else. In some communities athletics are a focus of social life and the source of community spirit, breaking down social and economic barriers. In other circles sports events are seen as wasteful of time, energy and resources.

However, organized competitive athletics exist. They are part of our educational programs and supported by taxes. They therefore ought to be provided equally for boys and girls. LWVMN believes that if athletics do indeed teach significant values and enhance physical fitness, then girls ought to be equally encouraged to be interested. If athletic programs are not particularly valuable, then they ought not to be encouraged for boys either. If broken noses and chipped teeth would be bad for girls, why aren't they bad for boys? If learning about power and teamwork is valuable for boys, why not for girls? At least the encouragement and the opportunities ought to be equal.

THE RULES OF THE GAME: Title IX and Minnesota Laws

LWVMN supports laws which forbid discrimination on the basis of sex and continues to work for state and local compliance with such laws. In the area of athletics, therefore, the League supports the three major laws which apply to sex discrimination in Minnesota's athletic programs. (See Appendix I for text of the laws.) In brief, these three laws are:

1. Minnesota Statute 363.03, the Human Rights Act, which forbids discrimination on the basis of sex in any service rendered by any educational institution or public service and which includes "separation" in its definition of "discrimination."

- 2. Minnesota Statute 126.21, the Kahn Law, which
 - a. Allows separation by sex in athletic programs but only for students 12 years or older and only if it "is necessary to provide members of each sex with an equal opportunity to participate in the athletic program."
 - b. Provides that if separate sex teams in the same sport are provided, they must be treated in a substantially equal manner.
- 3. Title IX of the Federal Higher Education Act which forbids discrimination on the basis of sex in education, including athletic programs.

Because in the area of athletics, M.S. 126.21 is stronger and not in conflict with Title IX, the state statute controls. In the case of the conflict between the two state statutes, M.S. 126.21 is specifically designed to allow a carefully limited exception to the Human Rights Act. LWVMN agrees with the Minnesota Legislature that in programs for students grades 7 and up, most girls are not able to compete in a totally integrated program due to less height, weight, and historically less emphasis on skill development. Therefore, separate competition for girls to allow them an opportunity to participate in athletics is justifiable and in conformance with the intent of the Human Rights Act.

MAKING THE TEAM: The League of Women Voters Gets Involved

In the summer of 1978, the League of Women Voters of Minnesota was asked by the State Department of Human Rights to undertake a project throughout the state to monitor compliance with the various laws designed to ensure equal opportunity for girls in athletics. LWVMN agreed, but with the assurance that each monitoring project would be under complete control of local. Leagues around the state, who would look at their own communities. The goal of the project has been to achieve voluntary compliance with the laws through community awareness.

A comprehensive committee guide was prepared by the state League to assist local Leagues in organizing the project in their own communities. LWVMN held a workshop in October 1978 so that those responsible for the project in the local Leagues could get information directly from various agencies and experts involved with the laws. Forty local Leagues (see Appendix II) have been involved in the project. They are monitoring 44 school districts as well as six private schools, 13 park and recreation programs and six local community sports programs. Monitoring is being done throughout the state: from Crookston to Winona, Lake County to Worthington, in the major cities, in suburbs, and in small rural districts.

Each League organized its own committee. Many expanded their group to include representatives of other community organizations. School officials, athletic directors, coaches, physical education teachers, students and parents were contacted. Eight of the Leagues have reported on attitudinal surveys they did of students, teachers and parents. Four surveys are in progress. The form required by the Department of Education entitled "Assurance of Compliance with State and Federal Law Prohibiting Discrimination" and the voluntary "Interscholastic Student Athletic Activities Program Report" form were obtained from local school officials by the monitoring committees. Local Leagues evaluated what they had found and reported it to the community, to the schools and to LWVMN.

The following summary report is based on what the local Leagues have found out about compliance in their communities and what LWVMN has found in evaluating state level responsibilities toward these laws. This report covers the work of the 36 Leagues in 38 school districts which have reported so far. Several common themes and problems have emerged from the information. The state League believes that these issues should be receiving attention now. If additional local reports point out other areas needing attention, further summaries will be issued. The 38 school districts covered in this report have a total enrollment of 241,058 students and range in size from under 700 to over 31,000. Reports are still pending from Minneapolis, St. Paul and Duluth.

The reports from the local Leagues to LWVMN varied from one-half page to 34 pages. The main focus of each autonomous local monitoring project was on community awareness of the issue and on facilitating voluntary local compliance. Therefore, the reports to the state League were a small part of most local committees' efforts. The following summary makes no pretense at being a "statistical analysis" but rather is an honest attempt to capture the flavor of the reports and to highlight comments which appear noteworthy.

WHICH WAY'S THE LOCKER ROOM? Experiences in Monitoring

In almost all cases, the school districts were cooperative. Leagues were very pleased with the receptivity of school officials. A typical comment was:

• "We found those responsible for the various programs cooperative and open about sharing their knowledge and views."

Community people were also generally helpful and interested in the project. However, in one case, community attitudes posed a problem in getting committee members for a League. One woman declined to help because she felt girls' sports were unnecessary, and since she did not have sports when she was young, "Why have them now?" Others in the community did not want to get involved because they did not want to "rock the boat." Three women committee members dropped out because of pressure from husbands.

In only two instances was there reported hostility from the school district. In one case the League attempted to interview the coaches. The athletic director notified the staff in advance that the questions "were loaded" and that the coaches were to remain "cool and collected" during the interviews. Five coaches refused to be interviewed, three of them female. When this League later presented its report to the school board, it was received with hostility, and the board passed a policy that in the future the school will charge for an employee's time "when working for non-school individuals, groups and/or organizations." By putting a charge on providing public information to the public, it will be more difficult for citizens to learn about how their schools operate.

In the other situation, the school board was hostile and accused the League of being on a witch hunt. The media was negative with a radio editorial identifying the League as "bearers of ill will." This League identified, as a by-product of its monitoring project, the defeat in the next election of a school board member who was especially negative toward the League's position on girls' athletics.

Leagues were pleased to report that their monitoring projects seemed to have an impact. Among the comments:

- "Simply asking what Title IX and the Minnesota laws meant forced many to sharpen their knowledge and thinking."
- "Because of the League's concern with the laws, the school added coaches for girls' basketball and volleyball."
- "The project prodded the athletic director into more surveying of interests than would otherwise have been done."
- "The Equal Opportunity Policy is now in the faculty handbook. They know who the equal opportunity officer is; they didn't before. The 'all-male' athlete pictures in the bulletin have been changed. They have cheerleaders for all sports, not just boys'."
- "A track coach called and said they had added an extra coach for girls' track (3 for girls', 4 for boys'), and he credited our project for that. We had not even talked to him; he had just heard about us."
- "We think that the ones filling out the forms this year will be a little more careful knowing that someone might come and look at them."
- "After the League meeting reporting on the findings, the school superintendent, a school board member, and their wives attended a girls' basketball game. Both wives are League members."
- There is "increased awareness in schools that (the) community is interested in equal opportunity for girls."

A measure of the interest this project has generated is that in 19 of the 38 school districts, the Leagues plan to continue the monitoring. Other LWV's that originally had not planned to participate are now undertaking the project.

BLOCKING AND TACKLING: The Interpretation Controversy

About the time the League of Women Voters began its study, the Department of Human Rights began to deal with complaints of violations of the law. The Department's proposals for resolving the complaints were seen by the school communities as excessive, unrealistic, threatening and, in some instances, in violation of the law itself. School officials undertook a strong lobbying effort against the Department of Human Rights and its attempts to enforce the law. Efforts to clarify the law have led to clashing opinions about what some of the law means and who should administer it. This clash of opinion resulted in the Commissioner of Human Rights withdrawing his Department's proposed rules on sex discrimination in athletics which had had two days of public hearing in February 1979 and were awaiting the impartial hearing examiner's decision. The clash of opinions has continued through efforts by the 1979 Legislature to change the law, with the widely different House and Senate versions of an amended law in conference

committee when the Legislature recessed in May 1979. As this summary report goes to press, the Governor, the Departments of Human Rights and Education, and the bills' authors have indicated a willingness to proceed in getting the conflicting opinions resolved and in getting rules written for the existing laws. These rules are to be prepared by the Department of Education for the Department of Human Rights before January 1980. The proposed rules will then have to go through the public hearing process.

ALL EVEN ON THE COUNT: Defining Equal Opportunity

One of the major unresolved issues is what standard should be used to measure compliance with state law. One standard of equal opportunity is equal number of participants. Local Leagues found that while girls' participation has increased a great deal, no LWV reported equal numbers of girls to boys. Local findings parallel the state-wide statistics compiled by the Department of Education from reports filed by about 90% of the state's school districts. These figures for 1977-78 (latest available figures) show overall participation of high school boys to girls in interscholastic sports was about two to one with the excess numbers of boys being involved in football, soccer, wrestling and ice hockey. The participation ratio at the junior high level was a little higher for girls at about 40%, but the total number of programs and participants in interscholastic sports at the junior high level was not as extensive. (See Appendix III for analysis of data from the Department of Education report.) Iowa reports 48.8% of its high school interscholastic athletes are female, so a goal of equal participants of each sex is not far-fetched.

Another measure of equality is the amount of public money being spent. The law is specific that for separate sex teams in the same sport there shall be substantially equal budgets per participant. The question of financial equality for the total program is not specifically stated in the law. Some schools are using the figures for only the separate sex teams in the same sports to claim equal or even favorable treatment of the girls' program. They do not include budgets for sports that do not have girls' teams - football, ice hockey, wrestling, soccer.

Many Leagues report that their schools are budgeting close to equal dollars per participant for the separate sex teams in the same sport. In a few cases, the total dollars allowed for all teams of one sex, divided by the total numbers of participants of that sex, show close to equal dollars being spent for girl participants. (This is exceptional, and most schools are not yet budgeting equal amounts.) However, even when the total dollars per total participants approach an equal figure, this may not measure equality. A school might have ten sports for boys costing \$80,000 with 500 participants — a cost of \$160 per participant — yet only offer six opportunities for girls, costing \$24,000 with 120 participants at a cost of \$200 each. It would be hard to claim that these programs offer equality for girls, even though more is being spent on each girl. Some districts are using their figures to make this claim. No district monitored reported anything close to the same total dollars being spent on girls as boys.

A third approach to equal opportunity is <u>equal numbers of sports offerings</u> to girls and boys. The Minnesota State High School League (MSHSL) provides tournaments for ten girls' sports - volleyball plus the nine separate sex

teams in the same sports of basketball, swimming, tennis, gymnastics, softball/baseball, golf, cross country, track and field, and skiing. Boys have tournaments for the same nine opportunities plus football, soccer, wrestling, and ice hockey, 13 in all. MSHSL calls the latter four sports "unitary", meaning that either boys or girls can participate. The Leagues of Women Voters did not find any evidence that girls are participating in the "unitary" sports in any numbers that would indicate they offer a genuine opportunity to girls for participation. This is contrary to the MSHSL's claim that they have 13 boys' sports but 14 sports for girls, including these 4 "unitary" sports.

		1978-	79		
<u>F</u>	<u>all</u>	Wi	nter	Spr	ing
Girls	Boys	Girls	Boys	Girls	Boys
Tennis	Gymnastics	Gymnastics	Swimming	Softball	Basebal1
Cross	Cross	Basketball	Basketball	Golf	Golf
Country	Country	Skiing	Skiing	Track and	Track and
Swimming	Football*		Wrestling*	Field	Field
Volleyball	Soccer*		Ice Hockey*		Tennis

Most Leagues reported that their schools offer more sports opportunities for boys than for girls. While a few school districts are close to having equal sports offerings, the "equalizing" opportunities are usually badminton, table tennis, and synchronized swimming. None of these sports have state tournaments or much if any competition beyond the home district. Several districts tried to call cheerleading or danceline girls' sports offerings. The St. Paul school district is under court order to offer an equal number of sports to boys and girls. Reports are that it has complied although the League monitoring project there is not yet completed. It is encouraging that increased opportunities are available in these districts, but questions can be raised about the status of table tennis as a comparable experience with football or ice hockey. The latter sports clearly use greater tax resources, probably claim that the competition justifies higher coaches' salaries, receive greater community/media support and attention, and offer the "team" experiences which some consider an important value of sports participation.

Within the context of equal sports offerings, there is the issue of equal team opportunities within each sport. For example, schools might offer football for boys and volleyball for girls. However, in football there might be a varsity team, a junior varsity, sophomore, 9th grade, 8th grade, and 7th grade teams - all of these with two coaches each, for a total of 12 coaches. Volleyball might be a single team, grades 7-12, with a single coach.

Sports offerings can also be judged by the <u>number of team sports</u> available. The MSHSL has tournaments for three team sports for girls (volleyball, basketball, and softball), versus five for boys (soccer, football, basket-

ball, ice hockey, and baseball). Several schools surveyed do not offer even these three team sports for girls (nor all five team sports for boys), but they generally offer more team opportunities for boys than girls.

Opportunities per season and the kinds of sports per season can be another measure of equality. Girls have fewer opportunities, particularly in the winter season, when no ice sport is provided for girls. During the winter the MSHSL has tournaments for basketball and skiing for both boys and girls. Girls also have gymnastics, while boys have swimming. (These latter two sports have matching opportunities for the other sex in the fall.) But, in addition, boys are offered tournaments in both ice hockey and wrestling, making five sports for boys to three for girls. In the spring MSHSL sponsors three tournaments for girls and four for boys; in fall each sex has four, but girls have no outdoor team sport then, while boys have two. (See chart on preceding page.)

ALL TOGETHER NOW: Coed Programs

Under present laws, a considerable part of a school district's athletic program is intended to be coed. All elementary programs, in and outside of school, are legally required to be integrated by sex. No exception to the Human Rights Act's prohibition of separation has been passed by the Minnesota Legislature. In 1975 MS. 126.21 specifically required school districts to phase out separate sex athletic programs for children below seventh grade before 1978-79. The rationale of the legislation is the evidence that the physical differences between boys and girls up to age 12 are minimal. If girls are less successful in athletics at these early ages, it is attributable to lack of instruction in necessary skills or lack of encouragement rather than their size or strength.

Under the Minnesota Human Rights law and Title IX, all physical education classes are also required to be coed. This applies to elementary, junior and senior high classes. This requirement has meant a need to readjust curriculum in order to meet the differing needs of boys and girls at older levels where there are some real physical differences in height, weight and strength, as well as past skill development differences. In many cases, this has meant a new emphasis on lifetime sports.

The chief author of M.S. 126.21 also claims that the law was intended to require a great deal more coed activity in secondary school interscholastic sport activities than has developed since 1975. This represents a more dramatic break with traditional separate teams and has been resisted by many. The intention of the law, however, is stated in the phrase that only those activities "where separation is necessary to provide the members of each sex equal opportunity to participate in the athletic program" may legitimately be conducted separately. That means that in individual sports such as tennis, track, or swimming, a school is expected to have coed practices.

From the League monitoring reports, it appears that compliance with this aspect of the law is fairly good in physical education classes, at least at the elementary level, and in some elementary after-school programs. Non-compliance is rampant among park and recreation programs for elementary children and with community-sponsored teams. These programs are described in more detail later in this report. In interscholastic junior and senior

high school sports, coed practices, joint training, and joint meets with separate sex competition are beginning to take hold in cross country, golf, and skiing. A few schools are starting joint training in track and field. The MSHSL now sponsors joint state tournaments for cross country, skiing, golf, and track and field. However, MSHSL scheduling of tournaments has effectively prevented coed practice in the three sports of swimming, gymnastics, and tennis, which are in different seasons for boys and girls.

WINS AND LOSSES: Findings

Because Minnesota Statute 126.21 is not yet clearly defined by administrative rules, accurate monitoring by LWVs was made more difficult. However, the broad outlines of the applicable laws are clear. The Leagues rated compliance in their districts from fair to excellent. Most felt that the schools were trying and had made great progress.

The laws were acknowledged as being very important. There was evidence that laws do change attitudes and action. A woman coach commented:

• "Women's sports would be nil without the law."

Another League concluded its report:

• "We feel the school system is very supportive of equal opportunity for women in sports. We do not feel this would have been achieved without Title IX."

On the other hand, while the Leagues were impressed with how much progress had been made, they did find many problem areas where equality has not been achieved. This was based on one or more of the four criteria described above for measuring equality: 1) equal numbers of participants; 2) equal dollars per participant or for the total programs for boys and girls; 3) equal numbers and team levels of sports offerings; and 4) equal numbers and variety of opportunities per season. Leagues also found some weaknesses in understanding of the laws, limits to the willingness to push for change, and some specific violations of the law.

THE WAY TO GO: Student Attitudes and Interests

On the positive side, Leagues report a tremendous upsurge in the number of girls out for athletics and the number of opportunities they have in which to participate. One League, typical of most, reported that there had been one sport for girls in 1972. Five years later there were twelve. As the opportunities to participate have expanded, the interest in participating has also increased dramatically. According to one League:

• "There were 72 more girls out this year over last year with two added sports - volleyball and softball. So many girls came out for softball that they had to hire an assistant softball coach."

Eight of the Leagues conducted their own student attitude surveys. Two others reported on surveys that had been done by the schools themselves. The findings showed consistently that students like coed physical education.

In response to the question, "Do you like physical education with boys and girls together?", the following percentages of "yes" answers were reported to LWVMN:

	Boys	Girls	Both
Willmar			
Senior High	75%	73%	
Junior High	61%	61%	
Elementary School	59%	64%	
Woodbury, grades 6-12			65%
Brooklyn Park Junior and Senior High Schools	76%	68%	
Atwater			75%+
Shakopee Senior High School	. 6	lus 8% "some	61%
	(P	Tus o/ "Some	(Lines)

The League comment on the Shakopee results was: "Respectable for a program new this year." The survey done by the Fridley schools showed the same pattern.

One district found 15.6% of the boys saying the district offered "too few athletics for boys," while 42.8% of the girls believed there were "too few athletics for girls."

Another League asked if students were interested in interscholastic sports, as contrasted with intramural programs, the more traditional route for girls. They received "yes" answers from:

	Boys	Girls
Senior High	71%	76%
Junior High	83%	85%

The League commented, "Given the same opportunity to participate, it should not be difficult to involve equal numbers of girls and boys" in interscholastic programs.

(A side issue explored by one League is that intramurals are now disappearing for all students, boys and girls. In their district there was a great drop from extensive intramural participation in junior high to a senior high interscholastic program with an "accent on excellence," serving less than 24% of the students — through ten boys' sports and seven girls'.)

In addition to discovering what students like or don't like about present programs, some of the surveys were geared to assessing what future programming might be of interest to students. One report by a local League to its school board urged further district action along this line. It said:

• "If girls are not interested in the sports offered to boys and/or to boys and girls alike, the district should provide for an interest assessment to determine in which sports the girls are interested." This sort of process would enable a district to offer the most appealing choices to girls and so move toward equalized participation numbers.

PRAYING FOR RAIN: Resistance to Change

Many positive comments included in the monitoring reports indicate that most students have little trouble with compliance with the law. As indicated above, student attitudes toward coed physical education are positive and the numbers show greatly increased participation by girls in interscholastic sports as opportunities are made available. One League said:

• "The attitude toward girls' sports by students is different than towards boys' but is slowly changing."

Many parents and some school staff also are very enthusiastic about the new directions for girls. Said one woman physical education teacher: "We've had coed sports for four years. It's great!" But some school administrators, coaches and teachers have more trouble accepting the equality of treatment required by the law. The Leagues found a bedrock reluctance to proceed further:

- "Full compliance has not been achieved, nor is it actively sought."
- "'We've come a long way' is also an excuse for not going further."
- "The success of the...girls' basketball team in the state tournament helped. But one sensed a limit though. 'Don't take away funds from boys' sports.' Equality of ability (both sexes on the same team) would be considered ridiculous."
 - "Everyone points out how much progress has been made. Changes have not come easily, and further changes are viewed with hesitation. Most people seemed to feel that the additions made are about all that they want to see made."
 - "Boys feel their programs are threatened! The community (feels it) is unrealistic to expect absolute equality."

The Leagues also found resistance to coed programs.

- "The Superintendent feels that girls, due to cultural influences, eliminate themselves from competition with boys."
- "Coaches stated that an entirely different approach was needed with boys and girls."
- "The school board prepared a recommendation that there be a 13-year trial period to change social attitudes and public opinion. It felt, 'The changes should begin in kindergarten first...Children are especially prone to peer pressure and very few want to be different. It is next to impossible and

hardly ever practical to implement philosophical legislation. This is not the time to promote change.'"

- "A male teacher/coach stated that he doesn't teach coed sports and wouldn't if asked to."
- "Attitudes varied from indifference, to pride in the progress made, to a desire for the way it used to be, completely separate."

WHAT'S GOING ON IN THE GYM? - Physical Education Classes

Some of the LWVs took careful looks at the physical education instruction programs. Many schools have only recently changed their programs at the secondary level to begin to comply with the law. The Leagues found attitudes toward the mandated coed program varied a great deal.

At the elementary level, physical education classes appear to have been handled in a coed manner for several years. Leagues report these programs are successful. However, in one elementary school, one League observed "separation by sex in several cases. The school uses a series of tests of skill each year with different standards for boys and girls." Leagues also reported that elementary field day competitions are often based on sex. In one case, two events based on sex were held on different days.

At the secondary level a League reported that some girls were surprised at their capabilities when they played with boys and they "tried harder." They said:

• "Our teacher is tough. He makes us do things we never thought we could do. It's neat finding out we can."

Some of the teachers felt boys had been held back by being in coed gym. Other teachers felt less-skilled boys benefited from mixed classes, since they "no longer had to compete with the 'super-jocks' and were able to gain a better sense of their own skills in classes with a wider range of abilities." One teacher, out of concern for girls' safety, spent much of the period supervising the boys which left less time to teach skills to the girls. It was also pointed out in one school that with the high student/teacher ratio, 35 to 40 students, and the wider range of skill levels inherent in coed classes, it is difficult to meet the needs of all students.

Other Leagues reported:

- "A teacher commented that 'seeing boys and girls sharing athletic experiences is very healthy in that it allows each to respect the other's abilities.'"
- "Teachers like coed physical education classes. One said that special rules need to be drawn occasionally i.e., girls must shoot a basketball so many times out of ten total shots. This is to prevent boys from dominating the play."

It appears, from the League reports, that a good attitude and a willingness to make a success of coed physical education classes on the part of the teachers and school officials can result in very successful programs.

However, many schools are not complying with the laws. Schools may schedule two physical education classes at the same time, then split the class into "girls" and "boys," each going into a separate program. Some senior high physical education classes are specifically designated "for girls" or "for boys." Another League reports that "aggressive-type sports are segregated. Football is an example." This may indicate a lack of effort by the physical education teachers to modify their curriculum by offering activities more suitable to coed participation.

WHO'S GOT THE RULE BOOK? - Administrative Understanding of Laws

The LWVs found that in all of the schools that were checked, someone had been designated Title IX Coordinator. Most of the schools had the reports available that had been filed with the Department of Education (described below). In only a couple of instances did the Leagues have trouble and face lack of cooperation in trying to get copies of the reports.

Leagues indicated they were not sure school officials understood the laws. In response to the state League's question, "Were those responsible for the programs knowledgeable about the law?", local LWVs responded:

- "Fairly so, but they were hampered by misinformation and publicity." (This was probably a reference to the controversy over the Department of Human Right's proposed rules and the 1979 legislative activity.)
- "More so on Title IX than Minnesota law."
- "Most were. The secondary principals who were least directly involved were least knowledgeable."
- "We found teachers and principals that didn't seem to know state and federal statutes."
- "School district was, but the local athletic association wasn't."

In one district the confusion between Title IX and Minnesota law had resulted in a "Title IX contact sport policy" which appears to violate the over-riding state law. The policy states that girls cannot participate with boys in contact sports. This is contrary to Minnesota law which allows girls to try out for any sport if only one team is offered.

One League, in monitoring a private school's program found the director very receptive to information about the anti-discrimination laws. He indicated that he had no contact with any state or federal agencies and no source for getting information about the laws.

KEEPING SCORE: Anti-Discrimination Reports

Two forms deal with athletics and are sent into the Department of Education. "Assurance of Compliance with State and Federal Law Prohibiting Discrimination" is a required report. It asks a series of questions with a "yes" or "no" answer. If the answer is "no," an explanation is required.

Presumably a "no" answer may indicate a violation of the laws, either state or federal. Since a "no" could get a school into non-compliance trouble, the Leagues found schools were checking "yes" even though that answer was not correct. The Leagues that did pursue the answers found the forms to be "very poor forms to judge compliance. No indication of the degree of compliance is stated."

Leagues took issue with answers that had been checked "yes" on a variety of questions. Some inconsistencies that stood out despite "yes" answers were:

- Honors were not awarded equally to both sexes.
- Elementary programs were not designed for members of both sexes equally (noon recess teams were sex-separated).
- There were not equal numbers of sports each season for boys and girls.
- The expenditure per student was not the same for the sexseparated teams in the same sport. (In one case, it was \$179 per boy for baseball and \$105 per girl for softball. In fact, the total spent on baseball was about equal to the total spent on all four girls' spring sports.)

The other form is entitled "Interscholastic Student Athletic Activities Program Report." It is a report of participants, coaches, and dollars in interscholastic athletic programs. The report is not required. Leagues who checked on this report found inaccuracies:

- "They were sloppily done, and there were some discrepancies in the figure totals."
- "There was an error in filling in the wrong column."
- "The reports from two high schools were incomplete."
- "Athletic directors file the report based on figures provided by the coaches. Some coaches wondered if the numbers were those who turned out at the beginning of the season or those who actually played on the team."
- "The categories are confusing as to what is a boys' sport and what is 'unitary.'"

The state League of Women Voters in working with these reports and the summary report prepared by the Department of Education has also found the categories very confusing. Since the dollars budgeted per participant are legally significant in determining compliance, it is important that these figures be accurate and consistent statewide. The time point at which participants are counted needs to be defined. The summary report made by the Department of Education from the 1977-78 reports did not include several large districts. The omissions distort the summary information. The fact that filing of these reports is not now required of all districts also prevents an accurate and complete State Department summary.

WHEN'S THE CHAMPIONSHIP GAME? - Seasons and Schedules

At the present time, the MSHSL determines when the season shall be for those sports that have state tournaments. One of the issues in interpreting the law is whether separate sex teams in the same sport should play during the same season. This is not now the case in three sports: gymnastics, swimming and tennis. While the local League reports did not specifically evaluate this issue, they did indicate that in other sports when the seasons are the same for the two teams, increasingly the schools are arranging joint practicing, coaching and meets, while keeping the competition separate by sex. This appears to be satisfactory to the schools and can help in saving money.

An emerging issue reported by some Leagues is the soccer program for girls. Schools are starting the program, some in the fall and some in the spring. As the season for girls' soccer is formally set through the MSHSL, there may be some pressure within the athletic establishment to base this decision on when the boys are not using the fields (i.e., spring), rather than on the criteria of equal opportunity and the balance of the total girls' program. Yet when the decision was made several years ago through the MSHSL on the season for girls' basketball, it was agreed to place that sport in the traditional winter season. Schools appear to have learned to share gyms between boys' and girls' basketball in an admirably fair and equitable manner. Some Leagues report that girls' soccer is now being scheduled in the fall in their school districts.

WHO'S THE COACH? - Equal Pay for Equal Work

Coaching salaries appear to be handled in different ways depending upon the school district. Leagues found in most instances that they have been equalized for boys' and girls' sports with the coaches of the same sport being paid the same. It is not as clear how coaches' salaries in different sports relate to each other. (In one case, when pressure was brought, a district was willing to pay the volleyball coach the same amount as the head football coach.) The benefits of equalizing pay were noted by the Leagues:

- "A female coach commented that when the district equalized salaries, it really made a difference. It meant the coach had the same value and thus the same obligations to produce as the male coach had."
- "With coaching salaries on a par, the quality of girls' coaching had improved."

However, not all salaries have been equalized. One League reported that its district paid the head boys' basketball coach 12% of the salary schedule, the head girls' coach, 10%. The assistants were paid 10% and 8%, depending upon the sex of the team.

Two districts reported using a point system for setting extra-curricular activity salaries. The systems include factors such as numbers of participants, facility responsibility, health and safety, community interest, audience, time spent, evening, Saturday and vacation-time requirements. In

one case, the coaches of girls' sports were pleased with the system, since it gave them more money. In the other case, questions have been raised whether the system is equal. Baseball coaches have more points than softball coaches because it is considered that health and safety are a greater factor in baseball. Paying on the basis of audience size may reward the boys' sports that traditionally have the "big audience nights." For equality, the girls' program should have at least equal access to Friday night games. Factors such as time spent, evenings and vacation—time games should not be substantially different. The law says that boys' and girls' teams in the same sport are to be treated in substantially equal ways. Additionally, if various factors are to be considered in setting pay, then the extra burden girls' coaches have in starting up a new sport should be considered.

The number of women coaching girls and teaching physical education is declining and is causing concern. Leagues comment:

- "Still too many men hired to fill girls' coaching jobs, with women getting too little recognition and pay."
- "Tenure laws result in more male coaches than female."
- "Girls are felt to benefit from having female role models as teachers and coaches...In 1979-80 there will be no woman physical education teacher at the school."
- "Girls need role models of female coaches/athletes." This League suggests offering financial assistance to female staff members for courses in coaching competitive sports.
- "Try to equalize expertise in coaching for girls and boys through in-service training, assignments as assistant coaches to gain experience, consistent guidelines for coaching requirements."

HEADLINES AND CHEERING: Equal Public Attention

Leagues pointed out a variety of improvements in drawing public attention to the girls' programs—and the need for more. There have been some positive advances. Some districts are rotating game times so that girls can have their events on Friday nights occasionally. Double—header basketball games of a boys' game and a girls' game the same evening are being held in some places. Pep bands and cheerleaders participate in both girls' and boys' games in some districts. Media coverage of girls' games and girl athletes is improving. One League said:

• "Our newspaper certainly gives girls' sports equal coverage."

On the other hand, Leagues specifically pointed out some vestiges of inequality:

• "The LWV had clippings...for the winter season which showed 44 inches of news space was devoted to girls' athletics, 164½ inches to boys' athletics; however, it was pointed out the girls had only one sport in the winter, the boys, two."

- In one case "the band said it only attended boys' events because having the band wasn't to assist the team but to have an educational experience for the band members."
- "The boys' basketball team has a band, color guard, pom-pom girls and cheerleaders at the home games. The girls' team had the band scheduled once, but they couldn't come so sent the junior high band. The cheerleaders came to one home game."
- "There is no interest in scheduling double headers."
- "The girls' games are on Monday and Thursday nights--with school the next day. Since we have a widespread conference, the girls can get home from meets at 12:30 a.m. to 1:00 a.m. The boys have Tuesday and Friday or Saturday night games--only one school night."
- "Parents are aware of...some lack of awards for girls."

ON THE PLAYGROUND AND THE PARK: Elementary Age Programs

Leagues had some positive reports on programs for younger children. Where given a chance, coed teams are working at the elementary school level. One League commented:

 "A fifth and sixth grade basketball program in one school has six coed teams, 34 girls and 41 boys."

But, overall, the LWVs found that the law's requirement that there be no designation of athletic programs by sex up until age 12 or 7th grade is the most often violated aspect of the law in programs outside of the classroom.

- "According to an elementary principal, the lunchtime sports program is divided into boys' and girls' teams. When he was asked if this was permissible under the state law, he replied, 'Of course we have boys' teams and girls' teams; we also have boys' lines and girls' lines.'"
- "It is fairly obvious that the community athletic association advertises coeducational sports at the elementary age with the plan to separate after the kids get there."
- "The football association (grades 4-8) practices on the school fields. It is for boys only."
- "Wrestling is offered after school to 5th and 6th grade boys.
 Girls are not invited."
- "The elementary extracurricular basketball program, 4th to 6th grade, is currently segregated by sex."
- "The after-school program has coed volleyball, which has good participation, but separate sex basketball and track. Wrestling, gymnastics and softball were dropped."

- "In the summer recreation program, elementary wrestling is for boys only. There is nothing for girls."
- "There is wrestling for boys grades 3-6, and this continues on into high school. Gymnastics is for girls (with 3 or 4 boys) in elementary school. It doesn't continue into high school. The hockey boosters have 60 boys and 3 girls in the program. They are requesting the school to take over the program. The school has turned them down because of budget and 'Title IX.' Over the years there have been complaints from parents that girls are not encouraged to participate in the park and recreation program. In the summer of 1978 only 17 of the 78 children K-6 were girls."

A further difficulty with monitoring park, recreation, community groups programs is that there is no centralized authority to communicate with the groups about their obligations. No reporting is required, and accurate figures about participation and expenditures are very difficult to obtain.

THE HOME TEAM: Local Problems

In addition to the various difficulties discussed above, Leagues noted some local problems:

- "Boys' locker facilities are better and bigger. However, the girls have wall-mounted hair dryers."
- "Members of the girls' varsity had to take home their game uniforms and wash them themselves, while the boys' varsity didn't have to."
- "The biggest scholarship offered in the school is open only to males."
- "The 7th grade orientation booklet describing the physical education program was written in a discriminatory manner. Due to League effort, it is now being rewritten."

STAYING IN THE BALL GAME: LWVMN Recommendations

Based on these reports from local League monitoring projects and the League of Women Voters' long-standing position in "support of policies to insure equality of opportunity in...education...for all persons" and in "support of administrative enforcement of antidiscrimination laws," LWVMN makes the following recommendations:

- 1. The law should be defined. Rules should be worked out for M.S. 126.21 involving those with responsibility under the law, public interest groups, and those who are affected by the law.
- It should be made clear that there will be enforcement of the law at all levels. The enforcement roles of the Department of Education and the Department of Human Rights should be clarified.

- 3. All the groups which come under the law should be informed in an authoritative way by the Departments of Education and Human Rights about what the law means for them. These groups include public and private educational institutions, public services including park and recreation programs, and community athletic groups. The relationship between Title IX and Minnesota law should be made clear to all the above groups.
- 4. The Minnesota State High School League, the Minnesota Association of School Administrators, the Minnesota School Boards Association, state recreation associations, youth sports organizations all should cooperate to see that the groups they work with understand the law and abide by it. Compliance with the law should be of equal concern to these groups. They should conduct workshops, training sessions, and/or inservice programs explaining the law. Help should be given to physical education teachers, professional coaches, and volunteer coaches to understand the law. Physical education teachers should be provided with curriculum suggestions that will help them comply with the law.
- 5. The Department of Education should review its form, "Assurance of Compliance with State and Federal Law Prohibiting Discrimination," to improve clarity and facilitate accurate reporting.
- 6. The Department of Education should seek rules to require the filing of its interscholastic athletic reports. The form itself and the Department's annual summary report should be changed to make them more understandable. In cooperation with the MSHSL, the definition of when to count participants should be established.
- 7. Local school boards and administrators should show leadership and commitment in complying with the laws. The attitude needs to be: "How can we help improve the situation" rather than "Now what do we have to do?" A first step should be self-evaluation of the facts the district has gathered for the Department of Education to measure compliance with the law. Conscientious efforts to apply the criteria for "equal opportunity" should follow: i.e., equal number of participants; equal dollars per sex; equal sports; equal teams; a balance of team and individual sports; and seasonal balance.
- 8. Schools should be encouraged to conduct interest assessments of their students. This would facilitate compliance with the spirit as well as the letter of the law by showing what opportunities would interest the under-represented sex, girls.
- 9. School districts should be encouraged to establish policies about what will happen when cuts in athletic budgets are necessary and what will happen if a budgeted program for girls is not provided because of failure to get a coach. In both instances, the interests of girls should be primary. Cutting out both a boys' and a girls' program is not treating the two sexes equally, since the boys may have up to twice as many participants as girls before the cuts are made. When a program must be cut at the last minute because a coach is not available, other opportunities to participate in sports should be provided, or the budgeted money should be retained for girls' programs rather than being put back into the general budget.

- 10. Formulas for establishing extracurricular salaries should be reviewed by teachers' organizations, school boards, and the coaches of girls' sports to ensure that they are equal and in compliance with the law.
- 11. In districts where policies and practices were found in violation of the law, efforts should be taken immediately by administrators and school boards to correct the problems.
- 12. Special efforts should be made by all groups involved in athletic programs to see that there is compliance with the coed provisions of the law. This is especially needed for secondary physical education and all elementary programs outside the classroom.
- 13. When new sports programs are added for girls, seasons should be established based on existing girls' opportunities per season including the number of team vs. individual sports per season and the number of outdoor vs. indoor sports per season.

The preceding recommendations deal only with minimum justice: compliance with a law which passed the Minnesota Legislature in 1975 and with Title IX which passed the U.S. Congress in 1972.

KEEP YOUR EYE ON THE BALL: Your Role

There has been a tremendous increase in opportunities for girls in the last ten years. But the opportunities are still not equal. The number of girls participating is still not equal. The dollars being spent on girls' programs in this state are still not equal. The varieties of sports in each season and levels of teams for girls are still not equal.

While most school districts are making an honest effort to obey the law, others are ignoring it and hoping it will go away. Monitoring on the local level continues to be needed to bring about heightened community awareness.

It is the hope of the LWVMN that the readers of this summary report will have a better understanding of some of the progress and some of the injustices still occuring in our school and community athletic programs. It is our hope that you will ask questions in your own local community or will seek out specific data from your local League if it participated in the project.

Enforcement of the law is possible, but the process is slow and cumbersome. By the time rights are redressed through complaints to the Department of Human Rights or through the courts, the girls who have suffered discrimination will probably have graduated from high school. The American ideal of justice for all will be served when schools and communities voluntarily comply with laws prohibiting discrimination and seek all possible ways of opening up equal opportunity for the half of their student bodies who have been restricted in the past: the girls of Minnesota.

You can help in this process.

APPENDIX I

LAWS DEALING WITH SEX EQUALITY IN ATHLETICS IN MINNESOTA

FEDERAL LAW:

TITLE IX of the EDUCATION AMENDMENTS of 1972

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

MINNESOTA LAW:

MINNESOTA HUMAN RIGHTS ACT

MN Stat. 363.01 - Subd. 10 - "Discriminate. The term 'discriminate' includes segregate or separate."

MN Stat. 363.03 - Subd. 5(1) - "Education Institution. It is an unfair discriminatory practice: (1) To discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed, religion, national origin, \underline{sex} , marital status, status with regard to public assistance or \underline{dis} -ability."

MN Stat. 363.03 - Subd. 4 - "Public Services. It is an unfair discriminatory practice: To discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of ...sex..."

MINNESOTA EDUCATION ACT

MN Stat. 126.21 - Discrimination; Athletics; Equal Opportunity.

Subd. 1 - Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or the seventh grade or above, it is not an unfair discriminatory practice:

(1) to restrict membership on an athletic team to participants of one sex, if this restriction is necessary to provide members of each sex with an equal opportunity to participate in the

athletic program; provided, if a membership restriction on the basis of sex results in the operation of two teams in the same sport which are separated or substantially separated according to sex, the two teams shall be operated in compliance with all the provisions of clause (2) of this subdivision; or

- (2) to provide two teams in the same sport which are in fact separated or substantially separated according to sex, if the two teams are provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects are treated in a substantially equal manner. The two teams shall be operated separately only in those activities where separation is necessary to provide the members of each sex equal opportunity to participate in the athletic program.
- <u>Subd. 2</u> Any organization, association or league entered into by educational institutions or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall, effective July 1, 1976, provide rules and regulations and conduct its activities so as to permit its members to comply fully with subdivision 1 and section 363.03, subdivisions 1 and 5.
- <u>Subd. 3</u> Educational institutions and public services shall make every reasonable effort to provide substantially equal budgets per participant pursuant to subdivision 1 during the school year 1975-1976, and thereafter shall provide substantially equal budgets per participant pursuant to subdivision 1. Educational institutions and public services shall phase out separation based on sex in athletic programs designed for participants 11 years old or younger and in the sixth grade or below during the school years 1975-1976, 1976-1977, and 1977-1978, and thereafter shall comply fully with subdivision 1 and section 363.03, subdivisions 4 and 5.

APPENDIX II

PARTICIPATING LEAGUES OF WOMEN VOTERS

Alexandria Mounds View

Anoka-Coon Rapids Area New Brighton

Arden Hills-Shoreview Northern Dakota County Area

Bemidji Area Northfield

Brooklyn Park Red Wing

Chaska Robbinsdale

Cottage Grove Rochester

Crookston Roseville

Crystal-New Hope St. Anthony

Duluth St. Croix Valley

Edina St. Paul

Falcon Heights St. Peter

Fridley Shakopee

Grand Rapids West Dakota County

Mahtomedi Area Westonka

Mankato Area White Bear Lake

Marshall Willmar

Minneapolis Winona

Minnetonka-Eden Prairie-Hopkins Woodbury

Moorhead Worthington

APPENDIX III

League of Women Voters of Minnesota

Analysis of Participation of Girls in Interscholastic Athletic Programs

Based on MN Department of Education report of data filed by over 400 school districts, school year 1977-78

Junior High Schools

Sport	Team Nu	mbers	Participat	Participation Numbers	
	Girls	Boys	Girls	Boys	
Football	_	346	1	20,588	
Hockey	_	10	136	685	
Wrestling	_	193	6	6,412	
Volleyball	249	-	8,918	=	
Soccer	10	16	320	2,033	
Basketball	342	365	11,840	14,672	
Track and Field	257	263	9,641	10,449	
Swimming	55	45	2,688	1,987	
Tennis	79	69	2,633	2,421	
Gymnastics	93	14	5,432	593	
Golf	75	108	713	2,166	
Skiing, downhill	4	5	63	74	
Skiing, cross country	58	76	513	1,225	
Baseball/softball	69	169	3,397	6,481	
Curling	1	1	16	16	
Total:	1,296	1,683	46,352	69,839	
Percentage:	44%	56%	40%	60%	
Total expenditure:	Girls -	\$1,900,881	Boys - \$	3,204,200	
Percentage:		37%		63%	
Ave. cost/participant:		\$41.00		\$45.88	

Senior High Schools

Sport	Team N	Tumbers	MSHSL	Teams*	Participat	ion Numbers**
	Girls	Boys	Girls	Boys	Girls	Boys
Football		395		504	6	24,360
Hockey	_	81	-	148	3	4,130
Wrestling	-	278	_	366		9,933
Volleyball	370	-	483	_	12,184	_
Soccer	4	18	-	48	244	2,038
Basketball	402	408	504	514	11,728	14,215
Track and Field	367	353	474	461	10,983	17,057
Swimming	81	79	122	127	3,102	2,992
Tennis	130	116	188	180	3,169	3,112
Gymnastics	136	22	172	45	4,210	713
Golf	133	221	160	306	1,509	3,855
Skiing, downhill	23	25	65	60	455	800
Skiing, cross country	27	25	_	-	567	685
Skiing, jumping	2	8	_	-	7	64
Cross-country	124	181	179	264	1,358	3,562
Baseball/softball	123	319	161	424	4,421	10,291
Curling	. 1	2	-	-	22	36
				-		
Total:	1,921	2,531	2,508	3,447	53,972	97,843
Percentage:	43%	57%	42%	58%	36%	64%
Total expenditure:	Girls -	\$6,214,000		Boys -	\$11,991,000	
Percentage:		34%			66%	
Ave. cost/participant:		\$115.13			\$122.55	

Seasons	Participation		Percentage		Percentage of Year's	
					Participat	ion/Season
	Girls	Boys	Girls	Boys	Girls	Boys
Fall	20,063	30,673	40%	60%	37%	31%
Winter	16,996	32,855	34%	66%	32%	34%
Spring	16,913	34,315	33%	67%	31%	35%
Total:	53,972	97,843			100%	100%

*Minnesota State High School League (MSHSL) figures include private senior high schools which are not included in the Department of Education Figures. Source: Document furnished to League of Women Voters Workshop on Athletics, Oct. 17, 1978, by the Minnesota State High School League.

^{**}Department of Education

ORDER BLANK FOR ADDITIONAL COPIES OF "WHAT'S THE SCORE IN MINNESOTA?"

555 Wabasha

To: League of Women Voters of Minnesota

St. Paul, MN 55102 Ordered by: Date: Charge to: Address: City, State, Zip: Tax Exempt No. Send to: Address: City, State, Zip: QUANTITY DESIRED: ____@ \$2/each TOTAL COST: \$ Shipping Preference: ____ Cheapest way First Class DO NOT ENCLOSE REMITTANCE; YOU WILL BE BILLED FOR THIS AMOUNT PLUS COST OF POSTAGE AND HANDLING. (Individuals and non-exempt organizations must be charged 4% sales tax also.) (for office use only) Date shipped:



"EOUAL OPPORTUNITY IN ATHLETICS"

Nov. 2. 1978

TO:

"Equal Opportunity in Athletics" Chairs in Red Wing, Willman, Roseville, Austin, and Alexandria; Presidents in Jackson, Cass Lake, Breckenridge, Marshall, and Minneapolis

FROM:

Jeannette Kahlenberg, LWMN Human Resources Co-Chair;

McOSEE Temporary Chair

SUBJECT:

Imminent On-site review of YOUR School District for compliance with Anti-Discrimination laws - between Nov. 6 and Dec. 8.

BACKGROUND:

Department of Education Reviews: Your School District is about to undergo an on-site review by a team from the Dept. of Education. 20 districts were selected by the Dept. and the list was released Oct. 24. The districts were chosen on the basis of geographical distribution; diversity of size; and desk reviews of their compliance form submitted to the Dept. in Nov. 1977.

Coalition: LNVMN has joined a new coalition to monitor sex discrimination in Minnesota public school districts - Minnesota Coalition of Organizations for Sex Equity in Education, (McOSEE). The member organizations and potential member organizations of the coalition (listed in the first paragraph of the enclosed letter) will be good sources of people to join your League committees for monitoring equal opportunity in athletics. These organizations are also interested in areas beyond athletics (curriculum, counselling, and employment), but they understand that the LNV is already off and running with athletics and that that area is a significant one to tackle first. As the months go by, your local League can consider whether your committee, with help from these other organizations wishes to continue your monitoring in the other areas covered under Title IX.

IMMEDIATE ACTION:

McOSEE has sent the enclosed letter to YOUR Superintendent. Local follow-up action depends on YOU. Suggestions:

- 1. Take the initiative to contact the local leaders of the other organizations in the coalition. (They may not all yet have heard about McOSEE but probably will be happy to cooperate on the local level.)
- 2. Join with them in approaching your Superintendent, with an offer to help. (See copy of letter.)
- 3. Consider using the enclosed sample press release with your local newspaper, inserting appropriate local names.
- 4. Ask the Superintendent to see a copy of the compliance form filed Nov. 1977 and you might as well ask for the other documents relating to athletics, suggested in the LNVMN Handbook. The on-site review team will be looking at athletics and phy ed classes.

- 5. Ask to be allowed to share the material being prepared by your local district for the on-site review team.
- 6. Ask if there will be opportunity for public hearings or other public in-put during the review team visit.
- 7. Plan appropriate local strategy.

NOTE: The On-site review team will be Dept. of Education personnel, not necessarily expert in the areas of sex, race, and handicap discrimination laws. They will use the attached list of 33 criteria. If we can truly assume that all parties wish to provide equal opportunity for all students, LWV can be of great assistance in pointing up areas of progress and in encouraging change where needed. Your approach should be friendly and positive. This event in your district represents a real opportunity for you. Good luck!

For Don't know if they are gardicigating - presumably are not. Just bet it is President's name. No notice has been given. Follow-up letter on Dept. of Ed review for compliance: SEOT to High stram mald. Thorax took ackson thouseon The 116 Red Wing

ce fore Sugest 7 Bernice Frala RR#1, Juckson 56143 Pat Triedrich 1104 Oak St. Red W: mg 55066 TIA 116 W: 11 mar -Virna Kelly 900 135 Are. S.W. W: 11mar, 56 201 - 1/A 11/6 Roseville - Pht took Right word cook fre.
Presille 55113. Pat Linden origuz Shelling QUE NO 55113 TA 116 & Cass Lake - Beruly Labraten. + Haudbook Box 392, Com Lake 56633 (* Breckenridge - Karen Knighton, 565 94) T/A 116 Dustin -Andrey Plunkett 309 215 St. S.W. Austin, Mn 55912 Butty Ann) Hexandria Ruth Partington. Arlene Johnson or Rt. S, West lake Carlos CC Stevie Encloser
Marshall alex 56308 - Carol Marshall 302 E Lyon St. Marshall 56258 do we have 2x Centermial The 11/3 to J. Mcg. noothers Sally Sawger 83 Bed ford St. S.E. Myle 55414

October 31, 1978

Ms. Jeanette Kahlenberg 2338 S Shore Blvd White Bear Lake, MN 55110 FOR YOUR THEOLEGANICAS

Dear

It is our understanding that your school district will be undergoing a review in regard to compliance with sex discrimination laws. With this letter, we are offering to be of assistance, should you wish it.

"We" are a coalition of state-wide groups who share your interest in seeing that state and federal anti-sex discrimination laws are understood and enforced. Organizations such as, the League of Women Voters, the Metropolitan Minnesota Council of Administrative Women In Education, Women's Equity Action League, Minnesota Womens' Political Caucus, DFL Feminist Caucus, and Minnesota Women for Educational Equality are represented in the coalition. We have people in your community who would be willing to assist in this important school/community concern.

Although they have not as yet, officially endorsed the coalition, our meetings have been attended by representatives of; the American Association of University Women, the Minnesota Education Association, the Minnesota Elementary School Principals Association, and the Minnesota Federation of Teachers. Formal participation of these groups and others will follow the individual organization's next Board meeting.

Our efforts are not directed at finding non-compliance, but rather at education. Our assumption is that school districts wish to comply and may benefit from community support and assistance in accomplishing that goal.

You may contact the Coalition by calling Jeanette Kahlenberg, League of Women Voters Human Resources Co-chair, at (612) 429-6070.

For the coalition....

Sincerely,

Jeanette Kahlenberg Human Resource Co-chair League of Women Voters Dr. Betty Jo Zander Graduate Programs in Education College of St. Thomas MWEE

Dr. Ann B. Danahy Principal, Kenwood School, Mpls. President, MMCAWE Headline suggestion

DISCRIMINATION IN ----- ?

districts in Minnesota to receive a visit by a compliance review team from the State Department of Education. The team will look at sex and race discrimination.

Equity in Education has offered to be of assistance in this effort. According to Jeanette Kahlenberg of White Bear Lake, Human Resources Co-chair for the state League of Women Voters, the Coalition, along with the local league, will contact the school administration and offer to help with the project.

Beside the League of Women Voters, other state groups joining the Coalition thus far, are the Women's Equity Action League, the Minnesota Women's Political Caucus, the Metropolitan Minnesota Council of Administrative Women - Na DFL terminst Caucus in Education, and Minnesota Women for Educational Equality.

The Coalition takes the position that school districts

wish to comply with state and federal regulations but may benefit from

Community Suprort

ned antion, support, and assistance — which the Coalition

is prepared to offer.

REPORT TO MOSEE FROM THE AD HOC CONTITTEE ON SEX EQUITY IN SCHOOL ATHLETICS

Elizabeth Ebbott, Chair October 8, 1979

The committee was established by MCOSEE to assist participating groups to examine the issues in sex equality in school athletics with respect to the adoption of rules; to find consensus where it exists; and to define alternatives where its no consensus.

The committee had hoped to bring together and facilitate communication among not only MCOSEE members but the state departments of Human Mights and Education, the Governor's office, the Minnesota School Board Association and the Minnesota State High School League who have all been very involved with the issues. None of these groups chose to participate. They were kept fully informed of the committee's activities. After the committee was formed, agreement was reached between the state departments, the Governor and the authors of 1979 legislation that rules would be drafted to clarify the current laws. The Department of Education was to draft the rules by October; the Department of Human Mights will review them in time to go to the legislative authors for further review before the begining of the 1980 session. The public hearing process will not begin until after all of these reviews.

With the government departments focusing on rules, the committee also put its emphasis on rules. It was decided that it would be impractical to prepare a meaningful statement of position for MCOSEE to adopt as representing the thinking of the member groups. Instead it is the committee's recommendation that MCOSEE not make an official statement but that rather all groups should be encouraged to draft their own position statements or suggested rules using the information gathered at the meetings.

The committee held eight meetings between July 2 and September 24. Pepresentatives of the following groups attended one or more meetings as either participants or observers: MCOSEE, NOW, WEAL, LWV of Minnesota, AAUW, Minnesota Women's Political Caucus, DFL Feminist Caucus, COF Feminist Caucus, Minnesota Civil Liberties Union, Minnesota Parent Teacher Student Association, Minnesota Education Association, Minnesota Student Counselors, Minnesota State Migh School Coached Association for Cirls' Sports, and Minnesota Association of School Administrators.

The discussions used a proposed draft of rules prepared by Charlotte Striebel as a means of looking at issues that must be resolved. The meetings were helpful in improving everyone's understanding of the complexities of the issues. Modifications were made in the draft rules. (Available are some of the materials prepared for the committee - the draft rules, alternative 1, alternative 2, position statement of Women's Coaches Association.)

While not committing any group to any position, the discussions did produce areas of agreement: (In fact far more agreement on principles and purposes than disagreement)

Rules are needed.

Sport needs to be defined.

Equity needs to be defined.

"Under represented" needs to be defined.

Counting "sport opportunities" for either sex must mean actual participants on the team. The mere opportunity to "go out" does not count.

A standardized time should be established for counting numbers of participants. It should be only those who actual play, not those just "trying out." It should be done at a uniform time with the Minnesota State High School League's reporting process.

A vehicle to measure compliance is needed, showing opportunities and participants. If there is not compliance, action to evaluate the program should be required and a plan implemented to bring the school into compliance. There should be annual public reporting of the programs' status.

If the under-represented sex has failed to participate due to lack of interest, the school should provide money for special efforts to encourage interest.

Some one or ones within the school system should be designated as responsible to insure that each sport complies with the laws and rules.

There is merit in establishing "maximum numbers of participants" per sport. The number of participants per coach is one indication of equality.

There is merit in using affirmative action principles, i.e. extra protection for the disadvantaged group, until equality is achieved.

There is merit in acknowledging in the rules the differences between participating in team sports and individual sports.

There is merit in heaping the rules short, simple, and easily understood.

The committee urges all MCOSEE members to seek involvement of their groups in the issues. Many hurdles remain:

How the rules get drafted;

What happens to them as the two state departments work on them;

What happens when they go to the legislative authors.

Even if rules faithful to the law and to the rights of girls' participation survive, there still must be public involvement in the rules' hearings and the lengthy follow-up needed to get rules adopted.

Even when all of this has occured, these rules deal only with that portion of law affecting interscholastic secondary sports. Enforcement is needed of the other parts of the law - elementary age programs; school intermural, park and recreation, city programs; community groups using public facilities or providing public services; physical education classes; private schools; colleges.

I would personally like to thank the many groups that showed their interest by sending people to the meetings and especially those people who were so faithful in attending. All of us, now, have a much better understanding of the law, how rules are writen, and the issues.

Liz Ellott



STATE OF MINNESOTA

DEPARTMENT OF HUMAN RIGHTS

240 BREMER BUILDING • (612) 296-5663 • SAINT PAUL, MINNESOTA 55101

Telephone: 296-5665

July 6, 1979

Ms. Margaret J. Holden, Chairperson Minnesota Coalition of Organizations for Sex Equity in Education 1711 Laurel Avenue St. Paul, Minnesota 55104

Dear Ms. Holden:

Please excuse the delay in responding to your letter of June 4. I would like to take this opportunity to express my appreciation for your support and for your interest in helping this department and the Department of Education in any way you can to clarify the issue of equal opportunity in athletics.

Recently, Diane Johnson, a member of my staff, has been in touch with Charlotte Striebel of the Coalition. They have been discussing departmental participation in MCOSEE's activities. Diane was not able to attend your first meeting yesterday, but she has spoken with Charlotte since, and I understand that some information about the department's position has been relayed to members of MCOSEE.

Although I am unable to nominate a person to serve as a member of the committee because I do not feel it would be appropriate for the department to be involved with the Coalition in that manner, I am prepared to offer our assistance as a resource because I feel that the Coalition is in a position to make valuable contributions to clarify this issue. We would be more than willing to provide information and help in this capacity. Even though we will not be serving on the committee, we would like to receive notice of meetings and minutes from meetings and be kept informed of committee activities and concerns.

The Departments of Human Rights and Education have not yet made a decision about how to proceed to solve the problem of sex equity in school athletic programs. This department is presently in the midst of reorganization, and we are devoting a great deal of time to this effort. Therefore, I have not had the opportunity to address this problem yet although I have had a preliminary meeting with Deputy Commissioner Von Valetta of the Department of Education. I can assure you that the departments remain committed to working together to address this problem. Whether or not we will proceed is certainly not at issue. When we will proceed and how we will proceed have yet to be discussed and decided upon.

Ms. Margaret J. Holden

I will keep you informed about this, and you may be certain that we appreciate your support and interest.

Sincerely,

Marilyn E. Mc Cline Marilyn E. McClure

Commissioner

MEM/edm

cc: Dr. Cathy Tisinger, Special Assistant to the Governor Ms. Von Valletta, Deputy Commissioner of Education

JEANNETTE KOHLENBERG'S STATEMENT TO THE MINNESOTA STATE BOARD OF EDUCATION December 18, 1978

President Johnson, Commissioner Casmey, Members of the Board: Thank you very much for the opportunity to have a few minutes on your agenda today. I will be very brief, for you have already had a long meeting. We simply wished you to be aware of the existence of our new coalition, McOSEE, the Minnesota Coalition of Organizations for Sex Equuity in Education.

My written material explains who we are---what organizations are either formally members or have sent representatives to our meetings. I will not repeat that information, but just point out that we include a number of state-wide organizations, some of which are specifically concerned with education and some of which are concerned with basic issues of equality of opportunity, particularly as they relate to women.

I would like to explain the rationale behind McOSEE. There are basically two reasons for our becoming organized: effectiveness and efficiency. First, of course, we believe a coalition of a number of organizations, representing many thousands of members, can be more effective than each organization simply pressing for equality in its own separate way.

Secondly, we believe we are more efficient to try to coordinate our efforts. For example, AAUW, the American Association of University Women, has for some time had projects in local chapters monitoring compliance with Title IX. The MEA and MEA Women's Caucus have also been disseminating material on how to achieve non-sexist education. MWEE, Minnesota Women for Educational Equality, was formed for that express goal. WEAL, Women's Equity Action League, decided that their major priority this year would be in the area of sex equity in education. So WEAL was the organization which initiated the formation of our coalition. Simultaneously with WEAL's decision, the League of Women Voters, on whose state board I serve, became actively involved in a project on girls' athletics in the schools and playgrounds of Minnesota. Right now, about 50 local Leagues are organizing community committees in their local school districts around the state in order to monitor compliance with state and federal statutes relating to equal opportunities in athletics. McOSEE,

thus, has emerged because so many groups are interested in sex equity in education and because we wished to be coordinated in our efforts.

I cannot emphasize enough that our aim is to be supportive of efforts toward elimination of sex bias, not threatening to school districts. I serve myself on two school boards, District 624, White Bear Lake and Special Intermediate District 916. I also have had the priviledge of addressing this board in the past in my role as chaperson of the Association of Metropolitan School Districts. So I am very aware that school boards and school administrators are generally good people who support equality of opportunity and who wish to comply with the law. Most school districts, I hope, are making real progress toward being non-discriminatory in their practices as well as their principles.

On the other hand, we in McOSEE also are realistic enough to know that many patterns of discrimination based on sex are long-established and related to the traditional concepts of the proper--and subordinate--role of women in society. Therefore, compliance with new laws against discrimination does often involve painful and wrenching change. McOSEE believes our organizations, joined in an active coalition, can help facilitate and ease that change, can support local boards and administration, and can help educate the general citizenry to the need for non-discriminatory attitudes and practices.

We are very pleased with the State Department of Education's recent efforts in sending on-site review teams to 20 selected school districts. McOSEE sent a letter offering assistance to the superintendents of all those districts and received pleasant replies from a number of them. We await with interest the report on those visits. In the meantime, it is apparent that just the fact of those visits, although not uniformly received with enthusiasm, did create some forward movement toward better compliance in at least some districts.

We commend you on the State Board, for your interest and concern in this area and wanted you to know today that our organizations, with members all over the state, stand ready at any time and in any way, to be of assistance in mobilizing community and staff support for the cause of true equality.

Minnesota Coalition of Organizations for Sex Equity in Education

MCOSEE

To: State Board of Education

From: Jeannette Kahlenberg, Temporary Chair, McOSEE

Date: December 4, 1978

McOSEE is a newly formed coalition of organizations throughout the state of Minnesota, joined to monitor compliance with sex-discrimination laws in our public school districts. We have asked for a few minutes on your agenda at your December 18 Board meeting in order to express our support for your efforts on behalf of equal opportunity for boys and girls in our K-12 programs.

The Minnesota Coalition of Organizations for Sex Equity in Education was organized on Sept. 30, 1978. At the present time, the following organizations have formally joined: League of Women Voters of Minnesota, Metropolitan Minnesota Council of Administrative Women in Education, Women's Equity Action League, Minnesota Women's Political Caucus, Minnesota Education Association, MEA Women's Caucus, DFL Feminist Caucus, Minnesota Women for Educational Equality, and Minnesota School Counsellors' Association.

Our meetings have also been attended by representatives of Minnescta Federation of Business and Professional Women's Clubs, Inc., American Association of University Women, Minnesota Elementary School Principals Association, Minnesota Federation of Teachers, GOP Feminist Caucus, Wider Opportunities for Women, Council on the Economic Status of Women, Minnesota Civil Liberties Union, and the Sex-Bias Task Force of the State Department of Education. Some of these organizations expect to join our coalition after their next state Board meeting, and some have attended as observers in support of our mutual concerns.

Our current activity is focused in two areas: 1) encouraging community support for the recent on-site visitations to twenty school districts by the State Department of Education anti-discrimination teams and 2) consideration of expansion into the areas of curriculum and employment of the local community committees now organized through the League of Women Voters to monitor equal opportunity for girls in school district athletic programs.

Our efforts are not directed at finding non-compliance but rather at education. Our assumption is that school districts wish to comply and may benefit from community support and assistance in accomplishing that goal.

We look forward to the opportunity to speak to you.

Equity

Continued from page 2B

Casmey said that he thinks site visits are a necessary part of the compliance process, but that it may not be necessary to visit every school district. Rather, a random sample of 10 percent of the schools would give a good idea of areas of problems, he said.

"School districts could then be informed of areas where other districts have been out of compliance, and asked to check to see if they have similar problems" Casmey said. Juple Tulance

Group says schools lag on sex equality

By Margaret Zack 6/26/79
Staff Writer

The East Grand Forks school district spent \$57.83 for each of the 34 girls on the basketball team, and \$105.96 for each of the 35 boys playing basketball.

for seeing that districts are in compliance, hasn't been given the staff or budget to work quickly to insure equity in education.

Margaret Holden, McOSEE president, said, "The department needs to be encouraged to monitor more districts at a faster rate.



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Minnesota 55488



Elizabeth Ebbott 409 Birchwood Ave. White Bear Lake, MN 55110 January 24, 1979

Elizabeth Ebbott 409 Birchwood Ave. White Bear Lake, MN 55110

Dear Ms. Ebbott:

Thanks for your letter. I think your suggestion that the Tribune do a point-by-point report on the interpretations that are controversial is a good one.

I have passed it on to Frank Wright, the Tribune's managing editor, and to Gary Libman, the newspaper's executive sports editor.

Sincerely,

Dick Cunningham

Reader's Representative

DC/js

409 Birchwood Ave. White Bear Lake, MN 55110 January 21, 1979

Dick Cunningham
Readers Representative
Minneapolis Sunday Tribune
8754Pertland. Avente, 425 Portland Ave
Minneapolis, Mn 55488

Dear Mr. mCunningham:

The public should receive better information about the laws governing girls' athletics and the pending rules explaining these laws than was presented in the Howard Sinker "High School Sports" article about Dorothy McIntyre and the Minnesota State High School League (MSHSL), Minneaplis Sunday Tribune, January 14, 1979. Since Mr. Sinker has left the Tribune, it is not possible to ask him to do another feature that would provide a more balanced, accurate presentation.

While Mr. Sinker's article perhaps accurately presented the Minnesota State High School League's views, the article was distorted if people want to get impartial information.

1. The phrase "unisex team" was used twice without being defined. It does not exist in either the law or the rules. While it seems to imply that the rules will change the current situation, this is inaccurate. Girls can now freely participate on any "boys" team if that is the only team offered in that sport. This is guaranteed by the League's regulations as well as the law and the proposed rules.

2. The article implies that having joint teams will mean the end of girls' athletics. This is also inaccurate. Judge Ronald E. Hachey, District Court, Ramsey County, in the only ruling yet handed down on the law (and his ruling has not been appealed), said that the legislative intent is to provide coeducational sports programming. For schools to have separate teams based on sex, it must be shown that this is necessary in order to guarantee equal opportunity for girls' participation. If it is true, as the MSHSL states that girls cannot have an equal opportunity to play on coeducational teams, then it is clearly legal to have separate teams. Furthermore, the proposed rules specifically provide that girls' teams

may be restricted to females only (12MCAR 1.203 C)
Several schools already appreciate the advantages
of having single coaching staffs and co-ed practices,
though with competition separated on the basis of sex.
This is becoming increasingly common in golf, skiing,
cross country running, track.

3. Mr. Sinker did not do a very careful reporting job by stating that the MSHSL knows the kind of mail the hearing examiner is receiving. This presumably is something only that person knows.

The public should be provided with factual information about the proposed rules. This should be presented in the sports pages, the <u>Sunday Tribune</u>, prior to the public hearings which are scheduled February 8-9 at Anoka. The rules, when approved, will govern all athletic programs up through high school. They are important to thousands of students and parents as well as the schools in Minnesota. The proposed rules do have some interpretations of the law that are controversial. These should be dealt with on a point by point basis, giving the reason for the Department of Human Rights' proposed interpretation and then why the MSHSL feels the law does not mean that. This is what rule hearings are for and this is what a quality newspaper like the Minneapolis Tribune should be doing with the topic.

Thank you for your consideration.

Very truly yours,

Elizabeth Ebbott Girls' Athletics Project League of Women Voters of Minnesota

426-3643



Minnesota State Department of Education

Capital Square 🗆 550 Cedar Street 🗆 St. Paul, Minnesota 55101

296-5061

Pay 3 - "unitary

T0:

The Office of the Hearing Examiner

FROM:

Dr. Gregory J. Waddick, Assistant Commissioner

Department of Education

SUBJECT: Department of Education Testimony Regarding Proposed Department

of Human Rights Athletics Rules (12 MCAR 1.201 - 1.211)

DATE:

February 7, 1979

The Department of Education welcomes this opportunity to comment on the proposed Department of Human Rights Rules, 12 MCAR 1.201 - 12 MCAR 1.211, Rules Relating to Sex Discrimination in Athletic Programs. The Department of Education applauds the general intent which underlies the proposed rules, since they represent the Department of Education's orientation in such matters also, namely the equitable provision of the broadest educational opportunity to all students independent of criteria such as sex, race, handicapping condition, and so on. However, we find that these rules, reflecting as they do a distinctly unique attitude regarding physiological comparability of athletic skills and talents as normally distributed between and amongst female and male populations (as reflected in M.S. 126.21) to represent a philosophy which in itself may be unrealistic and a philosophy which in its potential implementation may be discriminatory towards the very Implementation of the interests of those whom they would purport to serve. program in individual school districts and the Department of Education called for by the proposed rules may also prove to be unwieldy, counter productive and divisive. I point out that this comment comes from a State Education Agency which for the last decade has experienced the reputation of being one of the most aggressive in the nation in its efforts to remove the consequences of former invidious practices; and that that effort represents 13 years of my personal state leadership commitment to remediation of such deficiences, both "benign" and purposeful. I would appreciate the opportunity to make some remarks specific to certain portions of the proposed rules.

Section 1.201:

The authority, scope and purpose statement references to all "primary, junior, and senior high schools" in the state. M.S. 120.05 (1978) terminology would replace that classification schema with the terms "elementary, middle, and senior high schools."

Perhaps more significantly the rule seems to intermix the terminology "sport" and "athletic game," as found in definition A, and then keys these terms to events which in fact operate under the supervision of the High School League. The following questions thus arise:

Is the rule really applicable to elementary and middle schools, whose events do not operate under the supervision of the High School League?

Does the proposed rule apply only to interscholastic athletics, or to intramural events as well?

Inasmuch as the Department of Education is later charged with certain investigative responsibilities in connection with alleged violations of the proposed rule, we also wish to know if it is indeed meant to be applicable to private, nonpublic schools. There may be some question regarding our authority to operate in that arena. We note also that these rules appear to exclude colleges, universities, and park boards, which were countenanced under M.S. 126.21, although admittedly these institutions are beyond the jurisdiction of the Department of Education.

Section 1.202:

The definition of "Activity" (B) references to "an athletic program". It would be helpful, if not ultimately necessary, to include a definition of "athletic program."

Under definitions C and D, Statistical Difference and Participation Rate, the Statement of Need and Reasonableness depicts the rather extraordinary computation (chi-square) required of every athletic director, principal, and superintendent of every high school (or school) in the state. If this information is necessary, and it may well be, a simpler procedure (% + or -) between the populations might suffice and be more collectable. Noting the Department of Human Rights computations as found on page 3d of its statement of Need and Reasonableness, I am not prepared to suggest that either they (or we) are equipped to perform chi-square analyses, or corrections, i.e., 25 + 18 = 23.

Section 1.203A:

Our earlier need to understand the applicability of the proposed rule to only those events supervised by the High School League (interscholastic) or intramural, as well, again arises.

Section 1.203C

It should be pointed out that even if a school district implements the complicated and somewhat exhaustive procedures countenanced in the proposed rule to remedy past injustics against females, the remedy, which may result in a different sex, same sport team, of a fully equal status to that of the male team, allows the superior female athlete to "cross-over" to the male team, as asserted on page 7 of the Statement of Need and Reasonableness

(but not really found in the proposed rule.) Some might wonder whether extending a remedial action into perpetuity is in itself a form of subtle reverse discrimination.

Section 1.203 E and F

I personally support the concept of annually conducting a "gender based" interest inventory and applying remedial measures by some reasonable system of computations, in the total athletic program, recognizing also the voluntary nature of such participation. I have some concern, however, for the silence displayed in the proposed rule regarding a reasonable time for correction or improvement. Recognizing the difficulties in programming, scheduling, employing coaches, all within restricted budgeting, how much time would a district be permitted for correction of a deficiency prior to a negative finding and imposition of penalities? Would it not make more sense to promulgate a rule annually requiring the conduct of such an assessment in the spring preceding the next academic year, and the provision of next school year's end reportage as to equity resulting from the necessity of responding to the assessment data/information? The Department of Education is currently equipped to implement such a system.

Section 1.204:

suspect other leadership in the Department of Education, most vigorously and philosophically object. It appears that subsequent to a determination pursuant to 1.203 E that females are non-significantly represented on a unitary team, language which is most conveniently avoided throughout the entire proposed rule, and attendant upon the conduct of an interest assess-

It is this portion of the proposed rule to which I personally, and I

ment, then, and only then, is the school district empowered to provide remedial opportunity for the underrepresented females in the form of a separate team. As noted in the Department of Human Rights Statement of Need and Reasonableness, p. 5, C, it would appear that athletic skills and talents are not comparably distributed between and amongst males and females in this culture, or perhaps any other. It would appear therefore, that in order for females to secure comparable athletic programming opportunity, they must first decline to participate and to try out for the unitary team, or conversely, sign up, fail to qualify in many instances, and then, having undergone that less than desirable experience, await the institutional correction of a presumed or demonstrated physical condition over which they have biologically limited control, a condition which the State of Minnesota chooses not to recognize. Recognizing that this philosophy seems to emerge from M.S. 126.21, a statute which may need amendment, it seems to be a patently nonsensical "Catch 22" to require one to display disinterest, failure, inadequacy, or incompetence in order to secure opportunity to compete at his or her skill level or desired arena of competition. This is not to suggest that females are uniformily nor universally unable to favorably compete athletically against males, but to suggest, as the Department of Human Rights appears to concede or acknowledge, that such is frequently the case. Nor, I would personally admit, am I certain that females are all that desirous of competing against males, regardless of equivalent skills and talents.

Section 1.204A

The Department of Education totally supports this concept as it relates to separate teams, same sport, and equal financial support. Findings relevant to this issue are currently being transmitted to Minnesota school districts which have recently failed that test in the Department of Education's voluntarily instigated compliance reviews of some 20 Minnesota school districts, a review which is to be annually conducted by order of the current Commissioner of Education in an effort relevant to compliance with all pertinent State and Federal Civil Rights statutes and rules.

Section 1.204B

The Department of Human Rights must ponder whether the imposition of same season competition will produce such pressure on facilities, that, in the interests of equalizing opportunity for females, the opportunities of all may be restricted. The High School League, I suspect, has a better handle on the facility question than does the Department of Education.

Section 1.204C

In the instance of demanding coeducational practice, I fail to see precisely what is to be attained considering that athletic practice conventionally occurs amongst athletes who anticipate interacting on the same team, and are trying to develop their individual and collective talents relevant to the interactive philosophy inherent to that particular team. Coed practice requirements will also produce additional, negative impact on facility availability.

Section 1.205 A and B

1.205 A countenances separate but different sport(s) being made available to females to remedy underrepresentation in same sports access. 1.205 B appears to require equal budget expenditures per participant. How does the district compare equivalent expenditures when no counterpart sport is offered males in the district? Acknowledgement of this possibility and the remedy found in the Statement of Need and Reasonableness (pp. 10-11) may not, in fact, be reasonable nor practicable.

Section 1.207

It should be noted that 1.207 A obliges the Commissioner of Education to become the investigative arm of the Commissioner of Human Rights in the event that a complaint is filed. The Minnesota Commissioner of Education may have limited interest in becoming the investigative agent of another Agency Head. In fact, the Minnesota Commissioner of Education may well have an interest in assuming responsibility for this entire function through State Board of Education rule, should such be authorized by statute. Such responsibility assignment would expand the commitment of the Minnesota Commissioner of Education to eradicate discrimination in the State system for which he/she is responsible.

Section 1.208

The recordkeeping functions of this section may well violate rights accorded individuals under the Family Education and Privacy Act [20 U.S.C. 1232 g (b) (1) E.] Aggregate data could, of course, be supplied.

Conclusion:

The Department of Education finds these rules lacking and cannot support them at this time as they are currently structured. It should be pointed out that, to the best of my knowledge, no one in the Department of Education was consulted in the development of these rules which impact upon all 438 school districts under the general supervision of the State Board of Education, the Commissioner of Education, and the Department of Education. Should the Hearing Examiner conclude that these rules are lacking, or faulty, and should the Department of Human Rights wish our subsequent consultation on a revised rule, we are available to provide that assistance. It should be recognized, however, that there are some distinct differences of philosophy regarding "idealism vs. realism" which currently separate us. The Department of Education's philosophy statement might be represented by the following:

"We propose to make the impossible become the possible; We do not propose to make the possible become the impossible".

I would think that would represent a reasonable statement and commitment for all levels of government in this Nation at this time.

Thank you for your consideration of these remarks.

GJW/ngr



LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

To: Ms. Natalie Gaull

Office of Hearing Examiners

Room 300

1745 University Avenue St. Paul, Minnesota 55104

From: League of Women Voters of Minnesota

Helene Borg, President

Jeannette Kahlenberg, Human Resources Chair Elizabeth Ebbott, Girls' Athletics Project Chair

Date: February 22, 1979

The League of Women Voters of Minnesota requests that the following comments be accepted as additional written testimony and entered into the record In the Matter of the Proposed Rules Relating to Sex Discrimination In Athletic Programs which has been submitted for hearing by the Minnesota Department of Human Rights.

The attached data provide a very good base line for looking at the level of girls' participation in athletics in Minnesota junior and senior high schools in 1978. The figures we have used are taken from the Department of Education report, "Opportunities and Discrimination in Interscholastic Athletics in Minnesota Public School Districts," October 1978, which was presented to the State Board of Education in December 1978. A copy of this report is attached. The data in the report was compiled from "Junior High and Senior High Interscholastic Student Athletic Activities Program Report," submitted to the Department of Education by over 400 of the state's 438 public school districts in July 1978, covering the 1977-78 school year.

The League of Women Voters put together these figures in new ways to provide more meaningful data. We have used these statistics to give a total picture of girls' participation by team opportunities. The participation numbers are also provided. The Department of Education figures do not give line totals of dollars being spent on each sport, so only the total program dollars are given. The "Unitary" category in the Department of Education report is prorated by the girl/boy ratio of participation in this category. A comparison with Minnesota State High School League figures on numbers of teams is also provided. Here the reported team opportunities also include private schools which are members of the MSHSL. The source of the MSHSL figures is the attached document provided by the MSHSL to a League of Women Voters workshop on October 17, 1978. The 1978-79 figures are not indicated as estimates but they are tentative, since this material was furnished to the LWV in October, when students were not yet committed to winter and spring sports. For purposes of comparison, we have indicated the figures from

the MSHSL for the 1977-78 school year.

The figures show that at the high school level, both the MSHSL and the MN Department of Education indicate 42-43% of the high school teams in the state are for girls; 56-57% for boys. From this point on, the statistics gap widens. The Department of Education shows:

Junior High Schools: 40% participation by girls using 37% of the reported money. Senior High Schools: 36% participation by girls using 34% of the over \$18,200,000 reported spent on senior high sports.

In 1977-78, there were 54,000 girls reported in senior high sports, 98,000 boys. The 44,000 difference represents the number of boys participating in the four sports of football, wrestling, ice hockey, and soccer, with still over 3,000 more boys involved in athletics than girls. The MSHSL team opportunity figures show 2508 girls' teams and 3447 boys' teams, so that boys in the state have 939 participation opportunities in excess of girls, represented by football, ice hockey, soccer, and 239 more teams.

Season participation shows that girls are 40% of those involved in the fall in senior high schools, but for winter and spring sports, the percentage is down to 33% and actual numbers have declined by 3,000 each of those seasons. This is why the LWV urges attention be given to the seasonal placing of sports.

It should be noted that the report by the Department of Education explains that they are missing 30 to 40 schools districts. Since this includes Minneapolis, at least one of the major school systems of the state, this may make those figures somewhat distorted. For instance, comparing teams with those reported by the MSHSL, the Department of Education figures show they have received reports of 78% of the football teams but only 23 of the MSHSL's 65 girls' ski teams and only 18 of the MSHSL's 52 boys' soccer teams: a 35% response in these sports to the Department of Education. Ice Hockey is only 55% reported to the Department of Education. There is also no report of badminton, a sport played in all 10 of the Minneapolis high schools. The almost \$900,000 that Minneapolis spends on high school sports is not reflected in the financial totals.

The summary of the report figures prepared by the Department of Education poses problems for anyone trying to understand how many girls are participating in interscholastic sports; what money is being spent for them; the dollars spent on the total sports program. The report narration effectively obscures the significance of the data. It appears that the intent has not been to inform the public of the status of equal opportunity for girls in Minnesota.

These are the reasons why the League of Women Voters believes that the filing of reports should be required by rule; that they should be required of the state's private secondary schools; and that it be clearly understood that the purpose of the reporting is to evaluate compliance with M.S. 363 and M.S. 126.21.

The League believes that this kind of analysis is important since it shows where sports stand today and it forms a most valuable base line to see what future compliance means. The figures demonstrate the distance we have yet to go to reach equality and they show the need to proceed with compliance. Final adoption of rules will assist in this process.

Again, we emphasize that the League of Women Voters of Minnesota is basically in support of these proposed rules. We believe it is time to move ahead toward defining clearly, once and for all, the rights of girls in the athletic programs of this state. The public and the cause of equality require timely promulgation of rules on equal opportunity.

Analysis of Participation of Girls in Interscholastic Athletic Programs (cont.)

Senior High Schools

Sport	Team Numbers		MSHSL	Teams *	Participation Numbers (Dpt. o.		
	Girls	Boys	Girls	Boys	Girls	Boys	- A.S. C. S.
Football	_	395	_	504	6	24,360	
Hockey	-	81	-	148	3	4,130	
Wrestling	-	278		366	-	9,933	
Volleyball	370	***	483	-	12, 184	7,755	
Soccer	4	18	-	48	244	2,038	
Basketball	402	408	504	514	11,728	14,215	
Track and Field	367	353	474	461	10,983	17,057	
Swimming	81	79	122	127	3,102	2,992	
Tennis	130	116	188	180	3.169	3,112	
Gymnastics	136	22	172	45.	4,210	713	
Golf. ,	133	221	160	306	1,509	3,855	
Skiing, downhill	23	25	65	60	455	800	
Skiing, cross count		25	-	-	567	685	
Skiing, jumping		8			207	64	
Cross-country	. 124	181	179	264	1,358		
Baseball/softball	123	319	161	424	4,421	3,562 10,291	
Curling	1	2		-	22		
		~		-	66	36	
Total:	1,921	2,531	2,508	3.447	53,972	00 010	
Percentage:	43%	57%	42%	58%		97,843	
20200110000	1,510	2170	42/0	20%	36%	64%	
-							
Total expenditure:	Girls	- \$6,214	.000	Boys -	\$11,991,000		

Total	expenditure:	Girls	***	\$6,214,000
	entage			34%
Ave.	cost/participar	nt		\$115.13

Seasons	Partici	Participation			Percentage of Year's Participation/Season		
	Girls	Boys	Girls	Boys	Girls	Boys	
Fall Winter Spring Total:	20,063 16,996 16,913 53,972	30,673 32,855 34,315 97,843	40% 34% 33%	60% 66% 67%	37% 32% 31% 100%	31% 34% 35% 100%	

^{*} Minnesota State High School League (MSHSL) figures include private senior high schools which are not included in the Department of Education figures. Source: Document furnished to League of Women Voters Workshop on Athletics, Oct. 17, 1978, by the Minnesota State High School League. (copy attached.)

League of Women Voters of Minnesota

Analysis of Participation of Girls in Interscholastic Athletic Programs

Based on MN Department of Education report of data filed
by over 400 school districts, School year 1977-78

Junior High Schools

Sport	Team Numbers		Participation Numbers			
and the second	Girls	Boys	Girls	Boys		
Football	-	346	1	20,588		
Hockey	***	10	136	685		
Wrestling	***	193	6	6.412		
Võlleyball	249	_	8,918			
Soccer	10	16	320	2.033		
Basketball	342	365	11.840	14,672		
Track and Field	257	263	9.641	10.449		
Swimming	55	45	2,688	1,.987		
Tennis	79	69	2,633	2,421		
Gymnastics	93	14	5,432	593		
Golf	75	108	713	2,166		
Skiing, downhill	4	5	63	74		
Skiing, cross cour	ntry 58	76	513	1,225		
Baseball/softball	69	169	3,397	6,481		
Curling	í	1	16	16		
001121116		Control of the contro				
Total:	1.296	1,683	46,352	69,839		
Percentage:	44%	56%	40%	60%		
Total expenditure Percentage: Ave. cost/particing		s - \$1,900,881 37% \$41.00	Boys - \$3,	204,200 63% 45.88		
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LEAGUE OF WOMEN VOTERS OF MINNESOTA

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To: Ms. Natalie Gaull

Office of Hearing Examiners

Room 300

1745 University Avenue St. Paul, MN 55104

From: League of Women Voters of Minnesota

Helene Borg, President

Jeannette Kahlenberg, Human Resources Chair Elizabeth Ebbott, Girls' Athletics Project Chair

Date: January 31, 1979

The League of Women Voters of Minnesota requests that the following comments be accepted as written testimony and entered into the record In the Matter of the Proposed Rules Relating to Sex Discrimination in Athletic Programs which has been submitted for hearing by the Minnesota Department of Human Rights:

The League of Women Voters of Minnesota urges that rules 12 MCAR 1.201 - 1.211 be adopted so that those responsible for complying with the laws, M.S. 363.03 and M.S. 126.21, will know what is expected and those whose rights are defined and protected in the laws will be able to understand and secure their rights. The rules as promulgated clarify girls' rights under the laws. They reflect the interpretation of the laws' intent defined by Judge Ronald E. Hachey, District Court, Ramsey County, MN, June 14, 1976, to date, the only legal interpretation of the laws.

The League of Women Voters believes the following concepts in the proposed rules are especially important:

1. Rule 1.203A, which, in accordance with the basic Human Rights statute, 363.03, reaffirms that athletic programs are to be basically operated without separation because of or according to sex. The League of Women Voters supports anti-discrimination laws, and separation is defined as a form of discrimination. However, the League also supports the exception provided in M.S. 126.21 and Rule 1.203A, since its purpose is to provide equal opportunity, and as long as it is seen as an ex-

January 31, 1979

ception, we believe that it is not an unfair discriminatory act to permit separate teams in grades 7-12 when such separation is shown to be necessary in order to provide each sex with an equal opportunity to participate in athletic programs.

- 2. Rule 1.203C that allows all female teams. The new teams that are formed to provide balancing opportunities for participation to girls need protection. This must be assured; otherwise boys with greater physical size and strength can dominate the teams and will force girls off them, thus denying girls an equal opportunity to participate. Equal opportunity is the only reason for the separation by sex that is allowed in the law, M.S. 126.21, subd. 1 (1).
- Rule 1.203F that requires interest assessments. We support analysis of participation rates of boys and girls and the conduct of an interest assessment of students whose sex is under-represented in present programs. Without the collection of such facts, a school district would be unable to plan effectively for an athletic program which would in fact result in equal opportunity for participation by both sexes.
- Rule 1.204A which requires substantially equal budgetary expenditures per participant for separate teams restricted to females. We strongly support this requirement for equal budgets per participant and equal access to the benefits, services, and privileges of the athletic program. It would be clearly discriminatory, in our opinion, to deny such equal treatment to the new girls' teams.
 - 5. Rule 1204B which requires separate sex teams in the same sport to operate in the same season. Without this provision, the legal mandate that "teams shall be operated separately only in those activities where separation is necessary to provide members of each sex equal opportunity to participate in the athletic program" (M.S. 126.21, subd. 1 (2)), is violated because separation is not based on ensuring equal opportunity to participate, but is based on such other reasons as availability of facilities. Having separate seasons prevents compliance with M.S. 126.21, subd. 1 (2). In tennis, for instance, each sex is physically able to participate equally in combined practices. All can learn from the same coaching. There is no justification based on sexual differences to have separate seasons for boys' and girls' tennis.

January 31, 1979

- 6. Rule 1.204C which provides for coeducational practices, when possible. We support this concept, since it is consistent with the legal requirement for coeducational physical education classes in secondary schools. Separation for practice on the basis of activity or skill level rather than sex, we believe, is a non-discriminatory approach.
- 7. Rule 1.206B in effect allows girls to try out for all teams by preventing organizations such as the Minnesota State High School League from denying females an opportunity to participate in any athletic program, activity, or team. The Statement of Need and Reasonableness for the proposed rules, p. 7, states that this concept is also in the wording of 1.204, first paragraph.

The League of Women Voters supports this provision. If girls' interest in participating is being met by offering a separate sex team for them in that sport, there is nothing in the law that says the opportunity to participate in the other team is forbidden. With boys' superior size and strength, the opportunity to make the "boys'" team will severely limit the number of girls who can participate so in practical terms it will not limit one sex (boys) the opportunity to participate. This also has the positive result of keeping the girls' teams in these sports "essentially equal" because if the quality of the program declines, girls will have the opportunity to try out for the other team.

We find the wording of proposed Rule 1.204, first paragraph, unclear on this point. Since this concept is so important and has been the subject of a prolonged hearing (which came to the same conclusion and is embodied in the rule), we would urge that the wording of Rule 1.204 be adjusted to ensure the concept of Rule 1.206B.

8. Rule 1.208 requiring annual assessment of interests and requiring that this information be retained for two years. It is important that a record be made and maintained demonstrating girls' interests. The current ratio of boys/girls who participate in sports is 60%/40% in junior high and 64%/36% in senior high according to reports filed with the Department of Education for 1978. The only valid excuse for having participation rates less than the ratio of students (presumably about 50/50) would be lack of interest on the part of girls. The degree of interest to participate should require statistical documentaion.

While the League of Women Voters is basically supportive of the rules, we would urge clarification or some additions as follows:

- 1. Since M.S. 126.21 is the basis of the provision in the rules that allows separation based on sex under certain circumstances, that statute should be referred to as one of the statutory authorities of the rule.
 - M.S. 126.21 applies to public services as well as educational institutions. We believe that the rules should apply not just to primary, junior high, and senior high schools in the state, but also more broadly to athletic programs conducted by city recreation departments or private organizations which use public facilities. It would be useful if the public record showed that the Department of Human Rights intends to prepare rules covering public service as well as post high school programs in the near future.
- 3. Rule 1.202A which contains a definition of "sport." This definition is too narrow when it describes sports as those activities for which a "Minnesota High School League" sponsors state-level tournaments. The Minnesota State High School League (MSHSL) is an organization whose procedures in determining whether an activity will have a state tournament (and thus fit the definition of a "sport") are not controlled by law. It is therefore inappropriate to link the definition of a "sport" to the MSHSL. The definition limits the law, since it excludes activities which do not have state tournaments - badminton, ski jumping, curling, and also excludes new and emerging sports that do not yet have enough schools participating so that state tournaments can be organized - soccer for girls, ice hockey for girls, field hockey, etc. This proposed definition becomes a "Catch 22" - schools can't start a new sport unless the MSHSL has state tournaments in it and the MSHSL won't have state tournaments in that sport until there are enough schools playing a new sport. This prevents development of new sport activities. The proposed wording also poses problems because MSHSL deals only with Senior High activities. It is unclear what this definition means for junior high activities.

We would suggest that the easiest solution is to define "sport" by listing those activities that are now considered sports and allowing the Department of Human Rights to add additional ones in the future.

- Rule 1.202D, which defines "participation rate." It should be made clear that opportunities to participate should be substantially equal during each season.
- Rule 1.203F, dealing with interest assessment. We believe that a new rule 1.203G ought to be added to enlarge the concept of an interest survey. It could read: "If the interest assessment indicates a lack of

Ms. Natalie Gaull January 31, 1979 interest in the athletic program by one sex relative to the interest of the other sex, the school district should make a good faith effort to encourage the under-represented sex to participate in the athletic program and offer them opportunities to expand their skills." Rule 1.204A on equal treatment of separate teams. We would prefer a more explicit listing of the "benefits, services, and privileges" referred to in this rule. We believe the list ought to specifically include: equally skilled coaching staff, equal coaching time, equal use of facilities for practice sessions and events at desirable times and dates: equal provision of equipment, uniforms, supplies and medical assistance; equal transportation service; equal representation in athletic associations; equal number of practice sessions, competitive events and competition levels; equal levels of competition in practice sessions and competitive events; equivalent food, officials' services, cleaning and repair of equipment and uniforms; and equal fees for participation in or access to any sports event. We also point out that the phrase "benefits, services, and privileges" is also used in Rule 1.205B so that a reference to the explicit list should be included there. 7. Rule 1.204C and D: on coeducational practices. The wording of section D seems to mandate coeducational practices. However, it might be appropriate to allow greater flexibility. Practicing as a team, in a team sport such as basketball, might be justified. We suggest consideration of a distinction being made between individual and team sports. 8. Rule 1.204D on coaching. We believe the term "coaches" is misleading and implies there must be separate coaches for two entirely separate teams. Better wording might be: "Coaching at coeducational practices shall provide equal benefit to all team members." This reflects better the concept which is clarified in the Statement of Need and Reasonableness, p. 9. Rule 1.205B on equal budget expenditures. The wording of this rule is not clear. It appears to state that the separate teams in different sports shall have expenditures equal to each other. The Statement of Need and Reasonableness, p. 11, implies that the equal expenditure is in relation to what other schools are spending on the new sport. This should be clarified. If it is the latter interpretation, this could mean sanctioning the perpetuation of inadequate expenditures for girls' programs.

Ms. Natalie Gaull

10. Rule 1.205C on seasons and tournaments. This rule gives authority to the high school league to determine in what season a sport will be played. This rule should include a requirement that a balance of sports for boys and girls be ensured in each season. This rule might be amended to strike the words after "season" and insert the following: "that will best balance the number of offerings available to males and females in each season. State level tournaments or meets shall be scheduled for the appropriate season." This change also deletes specific reference to the high school league.

-6-

Rule 1.208D, destruction of records. We suggest the addition of a new Rule 1.208E to require reports on compliance. In order to evaluate compliance, there should be annual reporting of participation numbers and dollars spent, by sex, on athletic programs covered by these rules. At the present time, the Department of Education is collecting data on junior and senior high school programs. However, in order to implement these rules and ensure compliance with M.S. 363.03 and M.S. 126.21, the data collection should be mandated by rule. The Department of Education reports are not required and do not apply to private schools. Their inadequacy is reflected in the numbers of MSHSL schools that did not respond in 1978 to the Department of Education: soccer, 65%; ski teams, 64%; boys' gymnastics, 46%; ice hockey, 45%; and 100 football teams.

The League of Women Voters of Minnesota requests that changes be made in the proposed rules to deal with the above concerns. We reiterate, however, that we are in basic support of them as now promulgated. We would urge that every effort be made to process these rules as soon as possible. The public and the laws will be ill-served until rules are approved. Department of Human Rights

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FOR IMMEDIATE RELEASE

Human Rights Commissioner William L. Wilson recommended legislative clarification of existing laws that prohibit sex discrimination in athletic programs provided by educational institutions in Minnesota at a House Judiciary Subcommittee meeting yesterday, March 1. Wilson announced that last Friday, February 24, the department withdrew rules and regulations governing equal opportunity in athletic programs that it recently proposed for adoption at public hearings held February 8 and 9 of this year.

The department decided to withdraw the proposed rules and regulations drafted in late 1977 for several reasons, according to Wilson. He stated that the magnitude of the problem as well as widespread confusion surrounding the issue were the chief reasons for withdrawing the proposed rules and regulations. Wilson explained that the department has discovered during the course of its attempts to adopt rules and regulations in this area that part of the controversy surrounding equality of opportunity in athletics stems from a lack of specificity in the law.

Wilson recommended that in conjunction with clarification of the law, the Legislature should create an independent board to develop rules and regulations governing equal opportunity in athletics. The board, not intended to replace or act in the capacity of the Minnesota State High School League, would be devoted to resolving the dilemma that has arisen and the duration of its existence would be decided by the Legislature. Wilson also suggested that the department be allowed to withhold any determinations on charges of discrimination filed against school or recreational organizations that make separations in athletic programs on the basis of sex if a school or recreational facility has adopted a plan and taken other steps to eliminate separation on the basis of sex.

There has been some confusion about exactly what constitutes equal opportunity in athletic programs for a number of years in Minnesota. The Minnesota Human Rights Act, enforced by the department, prohibits discrimination in any manner in the full utilization of or benefits from any educational institution on the basis of sex. The department has received charges alleging sex discrimination in athletic programs provided by schools and resolved some of those charges in the past. Another Minnesota law, Minnesota Statutes Chapter 126.21, is administered by the state Department of Education and relates specifically to equal opportunity in athletics.

It was unclear for some time whether the Department of Education or the Department of Human Rights should develop rules and regulations since both agencies possessed certain statutory authority in the area. The Department of Education proposed rules to govern equal opportunity in athletic programs within the schools and received an informal opinion from the state Attorney General's Office that the authority to adopt such rules more clearly rested with the Human Rights Department. The department began to draft rules and regulations and continued attempts to resolve pending charges alleging sexually discriminatory practices in athletic programs.

During hearings held on the rules proposed by the department in early February, the Department of Education testified that it would not support the department's rules and regulations proposed in this area. The rules called for cooperation between the two departments to regulate equal opportunity in athletic programs within schools. In addition, several bills have been introduced during this legislative session that would affect or alter the rules and regulations proposed by the department if the bills are enacted. Wilson said that both of these developments had affected the department's decision to withdraw the proposed rules.

Commissioner Wilson stated that "During the past year in which the department has been simultaneously engaged in processing charges alleging sexually discriminatory practices in athletic programs and proposing rules and regulations in the area, it has become increasing clear that legislative clarification is needed to dispell the statutory ambiguities and uncertainty pervading the topic of equal opportunity in athletics."

3/2/79

State unit withdraws plan for rights of girls in sports

Associated Press

The Minnesota Human Rights Department has withdrawn its proposed rules on sex discrimination in athletics and is asking the Legislature to clarify the law, Human Rights Commissioner William L. Wilson said Friday.

guidelines would require that before a girls' team could be established girls would have to fail to qualify for the boys' team or demonstrate an unwillingness to play on the beys' team.

Critics said the guidelines pointed toward unisex teams rather the



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Comments - Proposed Rules on Girls Athletics

In general, the proposed rules do a good job of clarifying the issues surrounding equal opportunity for girls in participate in athletic programs. In two areas of controversy, they take the strong interpretation of the law that has been made by Judge Hachey and George Beck, Hearing Examiner. These are the issues of requiring uniform seasons (12 MCAR 1.204) and allowing girls the opportunity to participate on boys' teams (12 MCAR 1.206 B). It also clarifies the allowing of separate teams based on sex when necessary to insure equal opportunity for either sex to participate by stateing that teams can be restricted to just females. (12 MCAR 1.203 C)

Howver, there are some problems with the proposed rules as currently written:

- 1. The rules should apply to the full coverage of the laws and there should be specific referrence to all of the laws involved:
 - 363.03 Sub. 4 Athletic programs opperated by public service agencies or/and programs using public service provided facilities. 363.01 Sub 19, the definition of public service should also be included.
 - 363.03 Sub. 5 Athletic programs opperated by educational institutions and/or using educational institutions' facilities. The definition of educational instituitions should be included 363.01 Sub. 20
 - 126.21 While this is clearly the basis of the rules, there is no reference to it. This should be made clear. It is from 126.21 that the coverage of the law stems "athletic programs operated by educational institutions or public services" Mn Stat. 126.21 Subd 1

The rules should be wewritten throughout to include the coverage of public service programs and the use of facilities of educational institutions and public services. It also needs to be kept in mind that this also covers educational institutions outside the responsibility of the Board of Education - private schools, colleges, vocational schools, etc. so that the "organizations, associations or leagues entered into" are much broader than the Minnesota High School League.

To change the rules now, while properly expanding the coverage to that intended by the law, should not cause problems with the Chapter 15 rule-making process because to consider only the much narrower coverage in effect is rewriting the law to write out of it coverage that is clearly intended.

- 2. Definitions: Addition. There should be a definition of "athletic program". This is the phrase used in 126.21. It is important to clarify:
 - A. That it does not apply to in class instruction.
 - B. That some extra-classroom programs are not nonsidered "ath&etic" cheer leading, dance line, others. (It would be far better to make this clear in the definition of "athletic program" rather than trying to write this into a definition of "sport".
 - C. That the term refers to programs run by educational institutions and public service agencies and to programs using their facilities or services. By incorporating this in the definition (as clearly implied by 126.21) it wouldn't have to be repeated throughout.
- 3. Definitions: Sport(12 MCAR 1.202 A) This is not only inappropriate to

3. The substantially equal treatment when separate sex teams should be elaborated on (12 MCAR 1.204 A and 12 MCAR 1.205 B) "equal access to the benefits, services, and privileges". Federal Rules for Title IX 86.41 (c) (ii-x) provide one kind of list. This could be in the definitions, perhaps.

4. When an alternative sport is offered to meet the interests of girls, it need not have equal dollars spent on it as the sport is is balancing. (12 MCAR 1.205 B) The reference in the law to substantially equal budgets per participant relates to 126,21 Subd.l That section is primarily concerned with what happens when there are two separate sex teams in the same sport. Since girls continue to have the opportunity to play football whimle having the exclusive right to play volleyball it does not seem a proper to consider football-volleyball as separate sex teams under Subd. 1.

An alternative wording might be, "If a separate team is organized in accordance with 12 MCAR 1.205A, it shall be afforded a budget and access to benefits, services, and privileges of the athletic program to provide a substantially equal program."

Rule 86.41 (c) Title IX deals with this issue, "Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams ...if 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."

1.20613

5. Good - to prevent organizations conducting the contests from denying females an equal opportunity to participate in any athletic program, activity or team. This follows the hearing examiner's ruling and seems clearly appropriate under 126.21's wording of separate teams as being "substantially" separated. This indicates the intent to have flexibily that the separation is not mandated.

But it would be well to make this clearer and make it apply to the <code>mxgamx</code> institutions and agencies operating the programs themselves rather than just $\dot{\mathbf{x}}$ in the section speaking about the over-all regulatory body.

6. While the record keeping seems somewhat burdensome (12 MCAR 1.208), it is important that records which can hold the intitution or agency accountable be available kept and are available to the public as well as the enforcement agencies.

The Department of Education rules should be changed, under 124.15 to include reporting on see athletic program participation, but presumably this cannot be done by these rules. But in addition the record-keeping is also important for the public service programs, private schools, etc. to have to show compliance. These records will not be required by any change in Dept. of Ed. rules.

7. Addition. It would be important to require that not only is there an assessment of interest of females in participation, but that efforts should be made to encourage, expose females to different sports, to expand their skill and parking staisfaction level in defferent sports.

Suggestions for Carification and Editing:

* - Throughout changes will be needed to write out "educational institutions" and insert the public service programs and use of the facilities, also.

(A * in the following list indicates where this is a problem)

12 MCAR 1.201 *

12 MCAR 1.202 C Atatistical Difference - the wording is unclear, too complex and the phrase "which would be expected" implies that some difference is @MXXOK up to the point that it gets beyond. The level of expectation, then, should be defined.

Perhaps rewording, "...means a count of occurences showing differences greater that that which could be attributed to sampling error."

1.202 D *

1.203 A *

B *

1.203 C - It would help with understanding to say, "... participation to only females on teams..."

1.203 D

E *

F * "...statistially different" should mixkex be rewritten musch as "...s hows statistical difference". This is the phrase that is defined and it should be used consistently.

12 MCAR 1.204 * The phrase "it is necessary to operate a separate team" does not explain why it might be necessary. Perhaps it can be clarified by adding, "it is necessary to operate a spearate team restricted to females in order to increase female participation,

1.204 C The phrse, "Any separation into groups during such practice (will) be on the basis of activity ..." The previous sentance says that practices shall when possible be coed. Perhaps the intent is to also mandate with a shall that separation be by activity. Or is it permissive may? Will is a confusing word.

1.204 D This is a good concept, that both sexes are to get attention when they have coed practices, but the phrase "Coaches of the two teams" implies that these are separate entities — and they need not be. Perhaps, "Coaching at coeducational practices shall provide equal benefit to all team members." or **XMENNEX** "to members of both teams."

1.205 A *

1.205 C I think it is beyond the wording of the law to try to require that a sport season must be when the high school league says so. 1. Schools don't have to belong to the high school league. 2xxxt:s-already-been-said-that-the And maybe this is a way to force same seasons, but that's malready been said. Also 2. this should not be tied into the High school League *.

12 MCAR 1.206 * Also, the leagues, etc. don't adopt rules - at least not the legal rules under Chapter 15. Perhaps they "regulate".

1.207 * - but the enforcement relationship with Dept. of Ed is for certain educational institutions only

1.208 *





TESTIMONY RULES HEARING, FEBRUARY 9, 1979

There are several areas in the proped rules about which we have some concern:

First is that they are too narrowly deined by applying only to schools. They do not cover the athletic programs of city recreation departments or private athletic organizations using public facilities. Mn State 363 and 126.21 apply to public services and educational institutions, including private as well as public schools. For this reason, because of the broad coverage, it is appropriate that the Department of Human Rights rather than the Department of Education is involved in writing these proposed rules. The Department of Human Rights has made it a part of the hearing record that the areas of the laws omitted were done to help clarify the portion that is covered by the rules. We urge that the rule process begin soon to cover these omissions.

Secondly, we believe that the definition of "sport" ought not to be tied to those activities for which the Minnesota State High School League now sponsors state—level tournaments, because this limits the emergence of new sports such as badmitton, girls' soccer, field hockey, speed skating and the like. We are faced with a Catch—22 situation: schools can't start a new sport unless the MSHSL has a state tournament in it; and the MSHSL won't have a state tournament in that sport until there are wnough schools playing it. Also the MSHSL doesn't regulate junior high school sp programs. We suggest the easiest solution is to define "sport" by listing the present activities considered sport, thus avoiding such activities as sheerleading and danceline, and then provide a mechanism for adding additional sports in the future.

- 3. We believe the participation rate of boys and girls should be substantially equalized per season. This should be taken into consideration when setting the seasons for sompetition. The importance of this was pointed out by Hudge Hachey in his decision.
- 4. We also believe that there ought to be a more explicit statement of what is meant by "benefits, services, and privileges" for separate teams.
- 5. Although we basically support the concept of coeducational practices, we believe that there ought to be a distiction in the proposed rules between team and individual sports. It is reasonable that teams ought to be able to practice together as a team in a team sport, such as basketball.
- 6. We also believe that there needs to be clarification of the wording in the * rule regarding equal budgets for separate teams in different sport. This has been brought up in previous testimony. We would add though, that to define equal as meaning equal to what some other district is currently spending on the new sport, as implied in the Department of Human Rights" Statement of Need and Reasonableness, could mean the perpetuation of inadequately funded girls programs.

Finally, we believe that reports ought to be required to be filed under these rules. There is no way now of easily evaluating compliance. The reports filed with the Department of Edycation are optional and are not being filed by private schools. We would like to see the requirement of reports.

The LWV would like to have entered into the record the statistics complied by the Department of Education from reports filed on a voluntary basis from the local school districts. The responses are from over 400 of the state's 438 school districts, so for the first time a very comprehensive look at firls' participation in athletics is available.

It sould also be noted that the report by the Department of Education indicates that they are probably missing some of the major school systems of the state which may make the figures somewhat distorted. For instance, comparing teams with those reported by the MSHSL, the Dept. Of Ed. figures show they have 80% of the football teams reported, but only 25 of the state's 69 skiing teams and only 18 of the state's 52 soccer teams. A 35% response in these sports. Ice hockey and gymmastics are only 55% reported. Ans since there is no report of badmitton, a sport played in all 10 of the Minneapolis high schools, it would appear that the almost \$900,000 that Minneapolis spends on high school sports is not included in the totals.

To some extent the team difference can be explained because the state has over 100 private high schools that may be involved in MSHSL sports not reported by the Department of Education.

The summary of the report figures prepared by the Department of Education poses probadems for anyone trying to understand how many first are participating in interscholastic sports; what money is being spent for them; for the total sports programs. No summary information was provided on the costs of individual aports. The report narration effectively obscures the significance of the data. It appears that the intent has been not to inform the public of where the state stands in providing equal opportunity for girls.

These are the reasons why the League of Women Voters fells that the filing of reports should be required by rule; that they should be required of the state's private secondary schools; and that it be clearly understood that the purpose of the reporting is to evaluate compliance with Mn State 363 and 126.21.

The LWV has used the reported actual numbers to compile information about sports participation in Minnesota. This information and the Department of Education's report will be submitted in writing. The figures show that at the high school level, both the MSHSL and the Mn Dept of Ed indicate 43% of the high school teams in the state are for girls; 57% for boys. From this point on the statistics gap widens.

Junior High schools: 40% participation by girls using 37% of the reported money

Senior Hwgh Schools: 36% participation by girls using 34% of the \$18,200,000. spent last year on senior high sports.

Season participation shows that girls are 40% of thos involved in the fall fex at the senior high level, but for winter and spring sports their percentage is down to 33% and their actual numbers had declined by 3,000 for those two seasons. This is why we urge attention be paid to the seasonal placing of sports.

There is a great

The terms a state of the school population has equal rights to participate along with the other half, and it is hard to argue that you can stop anywhere short of that. In 1977-78 there were 54,000 girls in senior high school sports, 98,000 boys. The 44,000 difference represents the numbers of boys now participating in football, wrestling, ice hockey and soccer, with still over 3,000 more boys involved than girls.

The LWV feels that this kind of analysis is important since it shows where sports stand today and it forms a most valuable base line to see what future compliance means. The distance yet to go to reach equality that the figures demonstrate show the need to get on with compliance which adopting rules will assist.

Again, we emphasize that the League of Women Voters of Minnesota is basically in support of these proposed rules. We believe it is time to move ahead with defining clearly, once and for all, the rights of girls in the athletic programs of this state. The public and the cause of equality require timely promulation of rules on equal opportunity.



NATIONAL ORGANIZATION FOR WOMEN

Twin Cities Chapter, P.O. Box 9629, Minneapolis, MN 55440

November 27, 1978

Ms. Natalie Gaull Office of Hearing Examiners Room 300 1745 University Avenue St. Paul, Minnesota 55104

Dear Ms. Gaull:

Please consider this letter together with the attached "Suggested Amendments" and "Statutory Justification for the Suggested Amendments" as written testimony of the Twin Cities Chapter of the National Organization for Women (TC-NOW) In the Matter of the Proposed Rules Relating to Sex Discrimination in Athletic Programs which has been submitted for hearing by the Minnesota Department of Human Rights.

It is the hope and the expectation of TC-NOW that clear and specific rules carefully constructed to fulfill the purposes of the Minnesota Human Rights Act and Minn. Stat. Section 126.21 can be a powerful tool for reducing the pervasive discrimination against girls in the school athletics programs of this state. For the reasons detailed below we believe that the proposed rules fall far short of this goal. We are hopeful that the hearing process, which you will conduct, can act as a genuine forum for dialogue which will contribute substantively to the improvement of these rules. This is a complicated and a new area of law. There are many unexamined assumptions, there is very little common experience and understanding between human rights professionals and the athletic community, and the tendancy to oversimplification and emotionalism seems to be overwhelming. If these problems are to be overcome, a great deal more understanding by all parties involved is essential.

In developing these proposed rules the Human Rights Department has so far refused to participate in any dialogue and has, in fact, refused all outside input and assistance from whatever source. The unfortunate effects of this self-imposed isolation can only be overcome by a vigorous and effective hearing process.

The principles embodied in Minn. State. Section 126.21 are innovative and unique to Minnesota. Given careful interpretation and reasonable

Ms. Natalie Gaull November 27, 1978 Page 2

implementation this statutory scheme could become a pattern for the development of school athletics throughout the country. Since the treatment of this statutory scheme by the cognizant state agencies has so far been at best casual and imprecise, much of the work of careful construction and amplification of the statute must be accomplished during the hearing process if it is to be done at all. TC-NOW wishes to provide whatever assistance it can in this difficult and important undertaking.

Generally stated, the principal defect of the proposed rules is a failure to treat Minn. Stat. Section 126.21 as a whole. The proposed rules concentrate attention almost exclusively on paragraph (1) of Subd. 1. This paragraph opens the door to needed sex separation. The proposed rules treat this problem adequately by providing a scheme under which separate teams with membership restricted to girls is permitted. Paragraph (2) of Subd. 2 sharply limits the amount of permissible sex separation on these teams to that which is really necessary to acheive the goal of equal opportunity. Implementation of this paragraph by the proposed rules is grossly inadequate. The effect of this inadequacy is that the door is opened wide to sex separation with none of the restriction on separation that was intended by the statute.

Under these proposed rules the Minnesota High School League and the schools of this state can continue to provide totally sex segregated athletics programs for boys and girls. This dual system with its duplication of administrative services is expensive and wasteful, but more important its only purpose has always been and continues to be invidious discrimination against the female athlete.

Women must perform on the same team as men in the work stituations of our increasingly sex integrated society. The best training ground for success in a coed society is participation on coed athletics teams in school. Minn. Stat. Section 126.21 was intended to foster and encourage coed athletics programs in Minnesota schools. The proposed rules frustrate that purpose by perpetuating an antiquated, wasteful, and discrimatory system of sex segregation.

The Twin Cities Chapter of the National Organization of Women urgently request your assistence in correcting the largely innocent and inadvertant omissions of the proposed rules by urging that the Commissioner of Human Rights adopt the suggested amendments which we have proposed.

Sincerely,

Kate Wulf President

Charlotte Striebel Chair, Committee of Sports Ph.11:15 Over 126.21 have enforcered.

Committee Hearing Reports October 5th, 1978 - Page 3

operated together; that there is no mechanism in Florida for charging for copies of bills or documents; bills are not sent out on a regular basis; about 25 persons request a copy of all back bills and pre-filed bills; and that with a charge for bills, probably about 500 of the 1800 persons they now send some bills to would be willing to pay.

school sports - SEX DISCRIMINATION

House Committee on Education - Subcommittee on Mandated Programs - Meeting held on September 28th, 1978, at the State Office Building, St. Paul, Minnesota.

Subcommittee members discussed the Department of Human Rights' Proposed Terms for Conciliation with the Commissioner of Human Rights, Mr. William Wilson. Members expressed concern that the terms appear to require sexual parity in all school athletic programs and on all teams by the 1981-82 school year; that they provide for punitive damages against an offending school district; that the terms were presented as Department policy, although they are not rules promulgated in accordance with the Administrative Procedures Act; and, in general, whether the terms as issued reflect the legislative intent of Minn. Stat. § 126.21 (1975 Minn. Laws, Chapter 338, \$ 1). Questions relative to the delay in promulgating rules were. also raised. Commissioner Wilson stated that there has been misinterpretation of these proposed terms; that the Department will not seek resolution of current actions until the rules have been promulgated; that he will seek to expedite that process; that delay was occasioned by confusion over who had authority to promulgate rules under the statute, but that an Attorney General's Opinion has stated that the Department of Human Rights does have the necessary authority; that the merits of an individual case are not discussed in a conciliation meeting; that a school district must meet a standard of necessity to establish or maintain separate programs based on sex, and that the Department has applied analogous business case law to determine this standard; that he is concerned about the use of private counsel as intermediaries, which limits direct contact between the Department and school districts; and that while he accepts responsibility for the proposed conciliation terms, he cannot accept responsibility for public misinterpretation of those rules.

Dr. David Wettergren, Anoka-Hennepin School District No. 11, reviewed a complaint filed against the school for sex discrimination and the subsequent procedural history of the complaint. The complaint was filed in August, 1975, and the District received notice that probable cause existed for the complaint on June 8th, 1978, following completion of the Department's investigation. There was a subsequent meeting to discuss the proposed terms with the Department on September 6th, but the District did not accept the premise of sexual parity stated in the terms, instead taking the position that it will continue to develop new female programs where sex restrictions are necessary to provide for equal participation.

Dr. Lewis Finch, Anoka-Hennepin School District Superintendent, gave Subcommittee members copies of the District's correspondence with the Department and stated that he is not satisfied by the Commissioner's statements before the Subcommittee. It is clear that the Department will accept anything less than complete sexual parity only as an interim measure, and then only where a district "buys into" the concept of full parity. This is contrary both to the intent of the Legislature and the will of the citizens and will be counter-productive in the long run. The Legislature should consider making the State Department of Education the agency with authority to develop these rules, since he does not have confidence in Human Rights under a representative governing body, since the state needs a strong, efficient, and effective Department.

Kahlen berg House Fauls Forg Supposed S Dr. Alan Osterndorf, Columbia Heights School District Superintendent, said a very broad complaint was filed against his district in November, 1976, and that the District received a form letter on June 12th, 1978, informing it that probable cause had been found by the Department. There was a meeting with Department personnel on September 5th, but most of the meeting was spent trying to determine how the proposed terms related to the specific complaint against the District. There are two issues raised by this case: a procedural issue regarding the published terms of conciliation which have not been formally adopted under the APA, and a philosophical issue concerning the Department's position on the issue of sexual parity. He suggested that the Legislature ensure that no further findings of probable cause be issued without validly enacted rules under the APA, and that the statute specifically be amended to state that separate teams are permissible without requiring a district to prove that it is permissible.

Representative Kahn stated that it was originally intended that the Department of Education promulgate rules under the statute, which was why it was put in Chapter 126 instead of Chapter 363, but that the Department of Human Rights was forced to step into the "vacuum" due to the failure of Education to act on the matter.

Ms. Dorothy McIntyre, Minnesota State High School League, said that Minnesota was one of the first states to develop a separate female athletics program. It is the position of the League that the programs are necessary, are not second-class programs in any way, and that equity can be achieved through parallel programs.

Senate Committee on Local Government - Senate Committee on Agriculture & Natural

Resources - Senate Committee on Taxes & Tax Laws - Joint Subcommittee on Agricultural Land Preservation - Meeting held on September 28th, 1978, at the State Capitol, St. Paul, Minnesota.

Mr. Alan Hopeman, House Research Department, generally reviewed a House Pesearch report on "Green Acres Law: The Use of Differential Assessment in Minnesota". The report reviews, as its title suggests, the use of the Green Acres law. It is primarily used in the metropolitan area, although it has been used to some extent in other areas of the state. He said he believes the Green Acres law was originally passed to provide a means of tax relief for agricultural land in urbanizing areas and not as a means of preserving agricultural land. Its use leads to a feeling of inequity in taxation of agricultural land. The report reviews the general use and effects of the Green Acres law generally and specifically in Dakota County. It was written in connection with H.F. No. 1269 (1977 Session) introduced by Representative Abeln. In response to question, he said that there is probably no advantage to landowners to seek Green Acres law status for their agricultural lands if the lands are assessed at their agricultural use value.

Mr. Roy Johnson, Chief Appraiser for Hennepin County, said that Hennepin County probably has more applications for assessment under the Green Acres law than any other county. He provided the Subcommittee with an opinion of the Minnesota Tax Court which determined that a nursery, with greenhouses, was entitled to an agricultural assessment and with a number of applications for Green Acres law classifications which he found inappropriate. He commented that a property with 1,000 feet of Lake Minnetonka shoreline and an expensive home is qualified for Green Acres tax treatment. He asked for a clear-cut definition of agricultural property by statute to make it easy for assessors to determine what land qualifies as agricultural land. In response to question, he said that he has no problem with the use of the Green Acres law for an actual farm. Problems arise with small properties and properties adjacent to highways and at freeway interchanges when Green Acres classification is sought.

Extreme positions on girls' sports should be eased

By CHARLOTTE STRIEBEL

Chair, Women in Sports Committee, Twin Cities Chapter,

Development of high school girls' sports in Minnesota is not being served by the continuous debate over "separate but equal." The Minnesota Human Rights De-

A Guest Column

as a class suffered the effects of present and past discrimination."

tive of the school while the girls' team is something new, a little peculiar, and separate from the athletic traditions of the school.

boys' team is seen as the real representa-

The rigidly sex-segregated athletic programs in our schools and colleges are a relic of an educational system which at one time in history was completely sepa-



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STATE OF MINNESOTA

DEPARTMENT OF HUMAN RIGHTS

240 BREMER BUILDING • (612) 296-5663 • SAINT PAUL, MINNESOTA 55101

August 1, 1978

Ms. Jeannette Kahlenberg 2338 South Shore Blvd. White Bear Lake, Minnesota 55110

Dear Ms. Kahlenberg:

This letter is in response to your request concerning a statement of understanding between the Minnesota Department of Human Rights and the Minnesota League of Women Voters.

It has been proposed by the department, and preliminary agreement has been reached, that the Minnesota League of Women Voters will chair a series of on-going meetings throughout the state which will focus on discrimination in women's athletics.

Because of traditional male dominance in sports, women have been denied equal opportunities to acquire necessary athletic skills. Persuasion and influence by volunteer groups, human-service agencies, and citizens at the local level are needed for adoption and compliance with human rights laws. The project which the League will chair will be one such means for eliminating discrimination in women's athletics.

The department's personnel will be available to act as resource persons and published materials from the department will also be available to the League. The League will be able to state this project is in full accordance with department policy and that the department has been consulted and is in agreement with the League.

In addition, the department's WATS line will be made available to the League for use in contacting out-state Leagues. Mileage reimbursement to League members for the September meeting is computed as 10,000 total miles X 16¢ per mile for a total of \$1600.00.

Please do not hesitate to contact me if there are any further questions.

Thank you for your assistance.

Sincerely,

William L. Wilson Commissioner

WLW/edm

cc: Ms. Liz Ebbot 409 Birchwood Avenue

White Bear Lake, Minnesota 55110

Money trouble doesn't halt fight for women athletes

By Jay Weiner Staff Writer

When the University of Minnesota instituted its Fairness Fund in 1976 to assist its men's athletic program's legal battle with the NCAA, thousands of Minnesotans responded.

Linda Lavender of Burnsville, state coordinator for NOW, who oversees the activities of 21 chapters and nearly 2,000 members, said,"There is a big interest in women's athletics among NOW members. After we relax from the ERA fight I expect we'll be looking in that direction (athlet-

school districts. I hope this will clarify the problem." Kahn said.

Among other things, Kahn's bill proposes that the Minnesota State High School League be replaced by a nine-person, governor-appointed State Activities Board in order to



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Office Memorandum

TO

DEPARTMENT

DATE:

FROM: Mary Joene

SUBJECT:

Liz:

Enclosed is apress reclease explaining the department's view of (1) those cases investigated and (2) the term "sexual parity." The press apparently received some wrong information.

I also have the form which will be needed for collection of mileage; at your convenience, give me a call and we can set up a nuts and bolts meeting.

from the

Department of Human Rights

240 BREMER BUILDING DHR78-10

SAINT PAUL, MINNESOTA 55101

TEL. 296-5663 - AREA CODE 612

FOR IMMEDIATE RELEASE

The Minnesota State Department of Human Rights held conciliation meetings on Tuesday, September 5 and Wednesday, September 6 with officials representing two Minnesota school districts to resolve charges alleging that the districts operate sexually discriminatory athletic programs.

The department received and investigated a charge filed in August, 1975 by James Vick against the Anoka-Hennepin School Board, District #11 and another charge filed in November, 1976 by Beverly London against the Columbia Heights Independent School District #13. Both charges alleged that these districts' athletic programs unfairly discriminate against female students.

Investigations by the Human Rights Department revealed, among other things, that the districts provide more money for boys' athletic programs than for girls', that coaches for boys' sports are paid more than coaches for girls'sports and that boys have better access to athletic facilities than girls. Following the investigations, William L. Wilson, Commissioner of the Human Rights Department, found probable cause to believe that the districts' athletic programs are sexually discriminatory.

Meetings on Tuesday and Wednesday of this week were held with representatives of the school districts in an attempt to conciliate the charges. The department proposed remedial steps that the districts might take to eliminate the unfair practices.

The department has held the position for some time that girls should not be prohibited from participating fully in school athletic programs in the same manner as males are currently allowed to participate. Athletes, regardless of sex, should have the opportunity to play on any team which is part of a school's athletic program. More specifically, athletes should not be denied the best coaching, the best facilities, the best competition (regardless of sex) available in a

school's athletic program simply because they are females. If female students are interested in a sport, they must be given the opportunity to compete and should be encouraged to participate in that sport. A female athlete must be given the opportunity to compete against male athletes if she wishes. The department bases this position on a prohibition contained in the Minnesota Human Rights Act which bars discrimination in education because of sex.

Before action can be taken to eliminate discriminatory practices and their effects, a standard must exist so that it is possible to assess attempts to achieve equal opportunity. In conciliating the school district charges of sex discrimination, the department has established the concept of sexual parity, that is, all else being equal, the proportion of girls and boys participating in athletic programs offered by a school district should be in direct proportion to the number of girls and boys enrolled in that school system. Not all circumstances that result in less than sexual parity would be sexually discriminatory. Sexual parity, according to Commissioner Wilson, is a goal rather than a requirement. However, where it has been found that sex discrimination is responsible for lack of parity, remedial action must be taken. Some permissible reasons for less than proportional representation of girls on athletic teams might be a lack of interest or lack of needed skills. The department's goal is to ensure that girls are not excluded from participating in sports programs offered by state school districts.

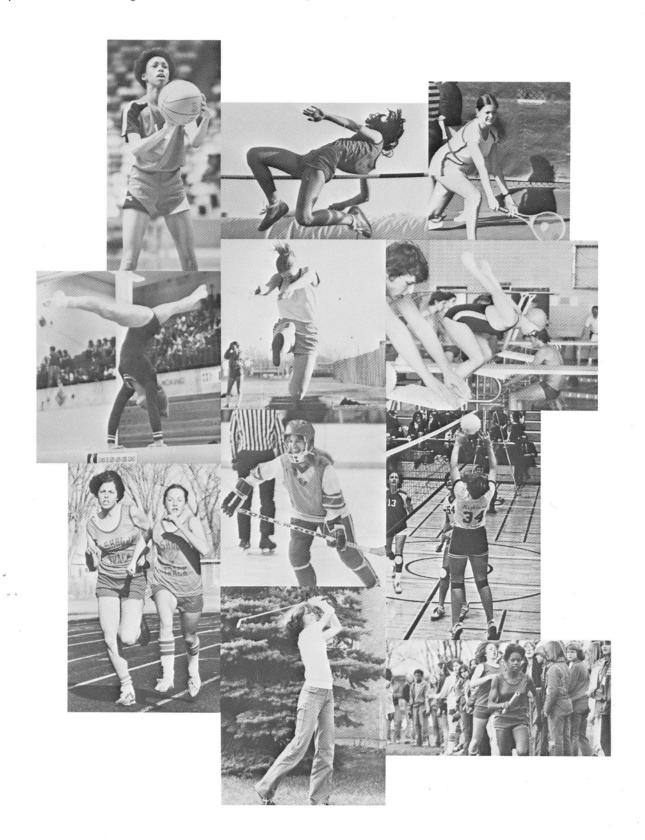
Further meetings will be held with school officials in an attempt to resolve these charges.

EQUALITY ISSUE

Minnesota Department of Human Rights

Vol. 1, Issue 4

May-June 1978





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Sent Bill

J. J.

A bill for an act

relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education in consultation with the commissioner of human rights to promulgate certain rules; providing for the rights of certain parties in the case of certain sex discrimination charges; requiring the Hinnesota state high school league to transact business in an open meeting; amending Minnesota Statutes 1978, Sections 126.21; 129.121, by adding subdivisions; and 363.02, Subdivision 3.

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- 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 17 Section 1. Minnesota Statutes 1978, Section 126-21,
- 18 is amended to read:
- 19 126-21 [ATHLETIC PROGRAMS; SEX DISCRIMINATION . I
- 20 Subdivision I. [POLICY.] The legislature recognizes
- 21 certain past inequities in access to athletic programs and
- 22 in the various degrees of athletic opportunity previously
- 23 afforded members of each sex. The purpose of this section
- 24 is to provide an equal opportunity for members of both
- 25 sexes to participate in athletic programs.
- 26 Subd. 2. Each educational institution or public
- 27 service shall provide equal opportunity for members of both

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sexes to participate in its athletic program. In
    determining whether equal opportunity to participate in
    athletic programs is available for the purposes of this
    section, at least the following factors shall be considered
    to the extent that they are applicable to a given
 5
    situation: whether males and females participate in the
    athletic program in a proportion reflecting the
    demonstrated interest in athletics of the males and females
    in the student body of the educational institution or the
    population served by the public service; whether the
11 variety and selection of sports and levels of competition
    effectively accommodate the demonstrated interests of
12
    members of both sexes; the provision of equipment and
13
    supplies; scheduling of games and practice times;
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    assignment of coaches; provision of locker rooms; practice
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    and competitive facilities; and the provision of necessary
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    funds for teams of one sex-
         Subd. 3. Notwithstanding any other state law to the
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    contrary, in athletic programs operated by educational
19
    institutions or public services and designed for
20
    participants 12 years old or older or in the seventh grade
21
    or above, it is not an unfair discriminatory practice -- (1)
22
    to restrict membership on an athletic team to participants
23
24
    of one sex, if this restriction is necessary to provide
    members of each sex with an equal opportunity to
25 .
    participate in the athletic program; providedy if a
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27
    membership-restriction-on-the basis of sex results in the
    operation of two-teams in the same sport which are
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    separated or substantially separated according to sexy the
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    two teams shall be operated in compliance with all the
30
    provisions of clause (2) | or whose athletic opportunities
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    have previously been limited.
32
          (2)-to-provide When two teams in the same sport which
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are in fact separated or substantially separated according
 2
    to sex, if the two teams are shall be provided with
    substantially equal budgets per participant, exclusive of
 3
    gate receipts and other revenues generated by that sport,
    and in all other respects are shall be treated in a
 5
    substantially equal manner. The two teams shall be
 7
    operated-separately-only-in-those-activities-where
    separation-is-necessary-to-provide the-members of each sex
 8
    equal opportunity to participate in the athletic program:
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10
    If two teams are provided in the same sport, one of these
11
    teams may be restricted to members of a sex whose athletic
    opportunities have previously been limited and members of
12
    either sex shall be permitted to try out for the other team.
13
14
         Subd. 4. When an equal opportunity to participate in
    the athletic program of an educational institution or
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16
    public service is not provided to members of a sex whose
17
    athletic opportunities have previously been limited, that
    educational institution or public service shall, where
18
    there is demonstrated interest, provide separate teams for
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    members of the excluded sex in sports which it determines
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    will provide members of that excluded sex with an equal
21
22
    opportunity to participate in its athletic program and
23
    which will attempt to accommodate their demonstrated
24
    interests.
         Subd. 2 5. The state board of education, in / Chi-
25
    consultation with the commissioner of human rights shall
26
27
    promulgate rules in accordance with chapter 15 to implement
    this section to prevent discrimination in elementary and
28
    secondary school athletic programs operated by educational
29
    Institutions. Any organization, association or league
30
    entered into by educational institutions elementary or
31
    secondary schools or public services for the purpose of
32
    promoting sports or adopting rules and regulations for the
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conduct of athletic contests between members shall
   effective July 1, 1976 provide rules and regulations and
   conduct its activities so as to permit its members to
3
   comply fully with subdivision-1-and-section-363x03.
   subdivisions 4 and 5 this section. The rules of that
5
   organization, association or league shall not require its
6
   members to restrict membership on an athletic team to
 7
    participants of one sex when athletic opportunities for
    members of the excluded sex have previously been limited;
 9
    however, its rules may prohibit a participating student
IO
    from competing on more than one school team in a given
11
    sport during a single school year. Notwithstanding any
12
    delegation of authority or adoption of rules, policies or
13
    guidelines pursuant to section 129.121, decisions on the
14
    following matters shall be made by each educational
15
    institution: (1) whether to limit a team to members of one
16
    sex when athletic opportunities for members of the excluded
17
   sex have previously been limited; (2) whether to have a
18
    coeducational team in an individual sport; and (3) whether
    to have teams in the same individual sport, which are
20
    limited to members of one sex, compete during the same
21
    season.
22
         Subda-3a-Educational-institutions-and-public-services
23
    shall-make-every-reasonable-effort-to-provide-substantially
24
    equal budgets per participant pursuant to subdivision 1
25
    during-the-school-year-1975-1976; and thereafter-shall
26
    provide-substantially-equal-budgets-per-participant
27
    pursuant-to-subdivision-ly-Educational-institutions-and
28
29 public-services shall-phase-out-separation-based on-sex-in
    athletic-programs-designed-for-participants-11-years-old-or
30
    younger-and-in-the-sixth-grade-or-below-during-the-school
31
32 years-1975-1976,-1976-1977, and 1977-1978, and thereafter
33 shall-comply-fully-with-subdivision-1-and-section-363-03;
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subdivisions 4 and 5.
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Subd. 6. Nothing in this section or chapter 363 shall 2

be construed so as to prohibit separation of events

according to sex in coeducational competition or special

teams and activities designed to improve the skills of

participants in athletics who would otherwise be unable or

unwilling to participate in the athletic program -7

Sec. 2. Minnesota Statutes 1978, Section 129-121, is

amended by adding a subdivision to read:

Subd. 1a. In the sports of cross country, gymnastics,

skiing, swimming, track and field, tennis and golf, all

tournaments conducted by the league in the traditional

season for that sport shall be conducted on a coeducational 13

basis but with events separate according to sex. All 14

coeducational tennis tournaments shall include mixed 15

16 doubles.

Nothing in this section shall be construed so as to 17

require the league to conduct tournaments in these sports 18

or to prevent the league from conducting tournaments in 19

these sports in more than one season. 20

If all league tournaments in a sport are conducted in 21

the same season, the traditional season shall be designated 22

by the league. If the league conducts tournaments in a

sport in more than one season, the traditional season for 24

the sport shall be that season in which the league has 25

conducted the largest number of state championship

tournaments throughout its history. 27

Sec. 3. Minnesota Statutes 1978, Section 129-121, is 28

amended by adding a subdivision to read: 29

Subd. 5. For the purposes of section 471.705, the 30

Minnesota state high school league shall be deemed to be a 31

state agency required by law to transact business in 32

meetings open to the public.

also has

32

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Sec. 4. Minnesota Statutes 1978, Section 363.02,
 1
 2
    Subdivision 3, is amended to read:
         Subd. 3. | EDUCATION_1 (a) It is not an unfair
 3
    discriminatory practice for a religious or denominational
 4
 5
    institution to limit admission or give preference to
    applicants of the same religion. The provisions of section
 6
 7
    363.03, subdivision 5, relating to sex, shall not apply to
    a private educational institution, or branch or level of a
 8
    private educational institution, in which students of only
 9
    one sex are permitted to enroll. Nothing in this chapter
10
11
    shall be construed to require any educational institution
12
    to provide any special service to any person because of the
13
    disability of such person or to modify in any manner its
    buildings, grounds, facilities, or admission procedures
14
    because of the disability of any such person. Nothing in
15
    this chapter shall prohibit an educational institution from
16
    discriminating on the basis of academic qualifications or
17
18
    achievements or requiring from applicant's information
    which relates to academic qualifications or achievements.
19
         (b) Notwithstanding any other provisions of this
20
    chapter or any law to the contrary, it is not an unfair
21
    discriminatory practice for an educational institution or a
22
    public service to operate or sponsor separate athletic
23
    teams and activities for members of each sex or to restrict
24
    membership on an athletic team to participants of one sex,
25
    if this separation or restriction meets the requirements of
26
27
    section 126 -21-
         (c) The department of human rights shall investigate
28
    all charges alleging sex discrimination in athletic
29
    programs in educational institutions and public services
30
31
    pursuant to the standards and requirements of section
```

126.21 and the procedures enumerated in chapter 363.

COMPARISON

H.F. 455

H.F. 455 as amended by the Senate (Unofficial Engrossment)

1. POLICY STATEMENT: Page 1, lines 19 to 24

Provides that policy of section 126.21 is to provide an equal opportunity for members of both sexes to participate in athletic programs.

1. POLICY STATEMENT: Page 1, lines 20 to 25

Same provision except set out as a subdivision.

2. RESTRICTION BY SEX: Page 1, lines 24 to 26 and Page 2, lines 1 to 11

Provides that it is not an unfair discriminatory practice to restrict membership on an athletic team to members of one sex under certain conditions.

2. RESTRICTION BY SEX: Page 2, lines 18 to 32

Provides that it is not an unfair discriminatory practice to restrict membership on an athletic team to participants of one sex whose athletic opportunities have previously been limited.

3. AGE DISTINCTION: Page 2, lines 1 and 2 and Page 3, lines 20 to 31

Eliminates program distinction as to coeducational, restricted teams for those under 12 or in the sixth grade or below; allows either method at local option. 3. AGE DISTINCTION: Page 2, lines 20 to 22, Page 4, lines 23 to 33, and Page 5, line 1

Continues requirement for coeducational programs for those under 12 and in the sixth grade or below.

- CROSSOVER WHEN NO GIRLS'
 TEAM PROVIDED: Page 2,
 lines 12 to 20
- a. Allows crossovers when team provided for members of one sex but no team provided for members of other sex and when athletic opportunities for members of the excluded sex have previously been limited.
- b. Cuts off mandatory right to crossover when equal opportunity to participate in the athletic program is otherwise provided.
- c. Allows crossover in this situation at local option.

- 4. CROSSOVER WHEN NO GIRLS'
 TEAM PROVIDED: Page 2,
 lines 18 to 32
- a. Only allows membership on an athletic team to be restricted to participants of one sex whose athletic opportunities have previously been limited; thus, if only one team is provided which is open to boys, it is also open to girls.
- b. No such provision.
- c. Always allows membership of girls on team if no girls' team provided.

- 5. TWO TEAMS IN SAME SPORT:
- a. Equal Treatment: Page 2, lines 21 to 27

Requires that when two teams are provided in the same sport and separated according to sex, they shall be provided with equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport and in all other respects shall be treated in a substantially equal manner. If the two teams are not treated as provided, it is an unfair discriminatory practice.

b. Crossover:

Allows crossover in this situation at local option.

6. ESTABLISHMENT OF TEAMS TO PROVIDE EQUAL OPPORTUNITY:
Page 2, lines 31 to 33,
Page 3, lines 1 to 7

Requires that when equal opportunity to participate in the athletic program is not provided to members of a sex whose athletic opportunities have previously been limited, that educational institution or public service shall, where there is demonstrated interest, provide teams to members of that excluded sex in sports which it determines will provide members of that sex with a substantially equal opportunity to participate in its athletic programs.

- 5. TWO TEAMS IN SAME SPORT:
- a. Equal Treatment: Page 2, line 33, and Page 3, lines 1 to 13

Basically same provision except applies when sepa-rated or substantially separated according to sex.

b. Crossover: Page 3, lines

Provides that if two teams are provided in the same sport, one may be restricted to girls and members of either sex shall be permitted to try out for the other.

6. ESTABLISHMENT OF TEAMS TO PROVIDE EQUAL OPPORTUNITY: Page 3, lines 14 to 24

Basically same provision except:

- a. Deletes "substantially".
- b. Requires that the teams provided be those which will attempt to accommodate their demonstrated interests.

7. PROMULGATION OF STATE AGENCY RULES: Page 3, lines 8 to 11

Requires that the state board of education shall promulgate rules to implement this section and to prevent discrimination in elementary and secondary school athletic programs offered by educational institutions.

- 8. OTHER RULES AND RESTRICTIONS: Page 3, lines 12 to 19
- a. Language deleted.

b. No such provision.

7. PROMULGATION OF STATE AGENCY RULES: Page 3, lines 25 to 30

Requires that the state board of education, in consultation with the commissioner of human rights, shall promulgate rules in accordance with Chapter 15 to implement this section to prevent discrimination in elementary and secondary school athletic programs offered by educational institutions.

- 8. OTHER RULES AND
 RESTRICTIONS: Page 3,
 lines 30 to 33, and Page
 4, lines 1 to 22
- a. Provides that any organization, association or league entered into by elementary or secondary schools or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall provide rules and regulations and conduct its activities so as to permit its members to comply fully with this section.
- Page 3, lines 5 to 12. Provides that the rules of that organization, association or league shall not require its members to restrict membership on an athletic team to participants of one sex when athletic opportunities for members of the excluded sex have previously been limited. Further provides that its rules may prohibit a participating student from competing on more than one school team in a given sport during a single school year.

c. No such provision.

- Page 3, lines 12 to 22.

 Provides that notwithstanding any delegation of authority or adoption of rules, policies or guidelines, decisions on the following matters shall be made by each educational institution:
 - (1) whether to limit a team to members of one sex when athletic opportunities for members of the excluded sex have previously been limited;
 - (2) whether to have a coeducational team in a given sport; and
 - (3) whether to have teams in the same individual sport, which are limited to members of one sex, compete during the same season.

9. COED OR REMEDIAL TEAMS:

No such provision.

9. COED OR REMEDIAL TEAMS: Page 5, lines 2 to 7

Provides that nothing in 126.21 or chapter 363 shall be construed to prohibit separation of events according to sex in coeducational competition or special teams and activities designed to improve the skills of participants in athletics who would otherwise be unable or unwilling to participate in the athletic program.

- 10. DETERMINATION OF EQUAL OPPORTUNITY: Page 3, lines 32 and 33, and Page 4, lines 1 to 8
- a. No such provision.

- 10. DETERMINATION OF EQUAL OPPORTUNITY: Page 1, lines 26 and 27, and Page 2, lines 1 to 17
- a. Provides that each educational institution or public service shall provide equal opportunity for members of both sexes to participate in its athletic program.

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- b. Provides that in determining whether equal opportunity to participate in athletic programs is available for the purposes of this section, at least the following factors shall be considered to the extent that they are applicable to a given situation:
 - Provision of equipment and supplies.
 - Scheduling of games and practice time.
 - Assignment of coaches.
 - Provision of locker rooms, practice and competitive facilities.
 - Provision of necessary funds for teams of one sex.
 - No such provision.

- Selection of sports; levels of competition.

- b. Provides that in determining whether equal opportunity to participate in athletic programs is available for the purposes of this section, at least the following factors shall be considered to the extent that they are applicable to a given situation.
 - Provision of equipment and supplies.
 - Scheduling of games and practice time.
 - Assignment of coaches.
 - Provision of locker rooms, practice and competitive facilities.
 - Provision of necessary funds for teams of one sex.
 - Whether males and females participate in the athletic program in a proportion reflecting the demonstrated interest of the males and females in the student body of the educational institution or the population served by the public service.
 - Whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of both sexes.

11. COEDUCATIONAL TOURNAMENTS:

No such provision.

11. COEDUCATIONAL TOURNAMENTS: Page 5, lines 8 to 27

Requires coeducational tournaments in certain sports in the traditional season for that sport; requires tennis mixed doubles; allows the league not to conduct tournaments or to have tournaments in more than one season; provides for designation of a traditional season.

12. OPEN MEETING LAW:	12. OPEN MEETING LAW: Page 5, lines 28 to 33
No such provision.	Requires the MSHSL to comply with the open meeting law.
13. ENFORCEMENT JURISDICTION: Page 5, lines 3 to 31 Probable cause investigations	13. ENFORCEMENT JURISDICTION: Page 6, lines 28 to 32 All investigation and enforcement jurisdiction remains in
by Department of Education; enforcement jurisdiction re- mains in Department of Human Rights.	Department of Human Rights.
14. CLARIFICATION OF APPLICABLE LAW: Page 4, lines 28 to 33, and Page 5, lines 1 and 2	14. CLARIFICATION OF APPLICABLE LAW: Page 6, lines 20 to 27
Clarifies that separate teams restricted to members of one sex are not a violation of the Human Rights Act if done in compliance with section 126.21.	Same provision.
15. EFFECTIVE DATE: Page 5, lines 32 and 33	15. EFFECTIVE DATE:
Act is effective the day following its final enactment.	No effective date specified. (August 1, 1979)

H.F. 455

H.F. 455 as amended by the
Senate (Unofficial Engrossment)



A PUBLICATION OF THE LEAGUE OF WOMEN VOTERS OF MINNESOTA

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Capitol Letter

Vol. XII, No. 3

President: Helene Borg
Action Chair: Pam Berkwitz

April 5, 1979

EQUALITY?!?!

LWVMN POSITION: Support of policies to insure equality of opportunity in...real property,...education, and other public services for all persons.

Battle lines are being drawn in the House of Representatives on "equal opportunity for girls in athletics"....except that most legislators and the media have missed the real issues raised by HF 455 (C. Johnson, Weaver, Olsen, Kalis, Eken). The major issue is that this bill would allow not only "separate but equal" teams but also "separate and unequal" programs for the girls of our state.

Across the state the ratio of high school boys to girls participating in athletics is about 2 to 1. The dollars spent are fairly equal per participant in the same sport, but overall, that means there are two dollars spent on boys for every dollar spent for girls. Six boys' sports are offered by over 300 high schools in Three girls' sports are of-Minnesota. fered in over 300 high schools. this number of programs is a tremendous advance for girls' athletics over five years ago -- it is not equal. HF 455 would make an exception to the state's antidiscrimination laws so that schools may continue to offer less opportunities to girls!

Nonetheless, HF 455 is sailing through the House of Representatives. The House Education Committee heard both HF 455 and HF 298 (Kahn, Wynia, Jaros) on March 19 and 26. The first day the chair allowed 45 minutes of testimony supporting each bill, and LWVMN testified on behalf of most of HF 298. The second day, 15 minutes was used by each side, but no public testimony was allowed. Numerous groups and individuals were present to testify, especially to point out the flaws in HF 455, but this was not permitted. The com-

mittee asked questions of the authors. Amendments to strengthen HF 455, such as one adding a definition of equal opportunity, were defeated, 7-22. A motion to postpone action for one week to allow the two authors to seek to bring their bills closer together was also defeated. A motion to refer the bill to the Appropriations Committee, since the Department of Education said it would require about \$70,000 additional money, was blithely defeated. The Governor sent a letter asking postponement of action until his new Commissioner of Human Rights could consult with the Commissioner of Education, but the letter and testimony of his staff were ignored. The mood of the committee was clearly to get the measure passed. As more amendments were being offered, a motion by Rep. Glen Sherwood (IR-Pine River) called the previous question, debate was cut off, and HF 455 was approved. Later, the committee was reprimanded for this maneuver by House Speaker Rod Searle. However, he asked no remedial action.

The basic problems with HF 455, which the committee never had a chance to hear, are as follows: (1) The bill does not call for equal opportunity for girls. It simply says that if a school district does not provide equal opportunity, then it must let girls try out for boys' teams. Some men seem to think that that is giving girls a rare privilege; we question how many girls will want to try out for football or most other boys' teams. (2) Coed athletic programs for children under 12 will no longer be required. (3) Massive jurisdictional confusion is created in HF 455 as presently amended. This confusion came out in the questioning by committee members, but the full committee chose to ignore the problems they were creating in the rush to pass the bill. The Department

of Human Rights is still authorized to write rules for park and recreation programs, private groups using public facilities, colleges and non-public elementary and secondary schools. The Department of Education will be given the responsibility to write rules for public elementary and secondary athletic programs. There is no legislative requirement for the two departments to do any better job than they have in the past in coordinating development of rules. And there is no time frame within which they are to adopt such rules. Clearly, the rights of girls in athletics had a very low priority with the House Education Committee -- or else they just did not understand what havoc they were creating.

In their anxiety to express their anger at the Department of Human Rights'19 Points of Conciliation, anger whipped into a white fury by the Minnesota School Boards Association and the Minnesota State High School League, the legislators on the House Education Committee seemed to have lost sight of the main issue, "equal opportunity" in athletics for all Minnesota's children.

The Senate scene was far different. The Special Programs Subcommittee of Senate Education held their first hearing on the issue on March 30. LWVMN supports SF 914 (Dieterich, Coleman, Staples, Brataas, Lewis), the companion to HF 298. SF 526 (Merriam, Dunn, Wegener, Knaak, and Setzepfandt) is the companion to HF 455 (Johnson). Each side had an hour and a half to present witnesses, and essentially all the significant issues were raised this time. Again, LWVMN testified, as well as several other League members wearing different hats. (A star witness was 10 year old League daughter Marg Jaede who was very enthusiastic about co-ed rec programs.) A significant new author's amendment was added to SF 526 (Merriam). This amendment at least addresses the question of equal opportunity, through a reference to school districts making an "attempt to accommodate those demonstrated interests" of girls. LWVMN still considers most of SF 914 much stronger and in closer accord with our equal opportunity position. We have taken no position on restructuring the Minnesota State High School League. The subcommittee, however, did raise some interesting questions about the number of women and elected school board members on the present governing bodies of the MSHSL.

Voting on the floor of the House is imminent, so representatives need to be contacted on behalf of equal opportunity. After House action, our senators will also need to receive information so that they understand that the issue is not "separation" but "equal programs."

Jeannette Kahlenberg

Human Resources LWVUS POSITION: Action to provide equal access to education, employment and

Building Code: (See February and March Capitol Letters.) On March 15th LWVMN testified before the Senate Housing and Energy Committee on S.F. 447 (Anderson). Our testimony expressed our support of the current State Building Code but added that if amendment were necessary, we favored S.F. 447 as the best available alternative. The bill was amended to exempt only single family dwellings from the code and was then passed and re-referred to the Finance Committee. The Finance Committee will not consider the bill until mid-April, after work on the budget is complete.

LWVMN repeated our testimony in the Administration and Structures Subcommittee of the House Governmental Operations Committee on April 3. In this instance H.F. 872 (Enebo) did not fare as well as its Senate companion. H.F. 872 was amended. The amendment would have the effect of revoking code adoption that has occured since June, 1977. Those municipalities will have to readopt the code. Another amendment eliminated the requirement that ungraded lumber be inspected. H.F. 872 is now on its way to the full Governmental Operations Committee. LWVMN hopes that some of the damage done by the subcommittee can be repaired by the full committee.

reduces classification rates for agricultural and seasonal residential property. Renter credits are raised from 22% to 23% of rent for 1979, and circuit breaker credits are also increased.

To sum up, the Legislature has taken major action to reduce taxes on a broad basis. Indexing will continue to adjust income taxes for the effects of inflation. The omnibus tax bill is a constructive compromise.

Fran Boyden

LWVMN POSITION: Support of improved structure and procedures fir the Minnesota Legislature and Executive Branch....no increase in size...

Size of Legislature: Bills calling for a reduction in the number of members of the Legislature have been introduced in both houses this session, but there have been no hearings scheduled. The most recent additions of the list are HF 1409 (Clawson) which keeps the number of Representatives at 135 but reduces the number of Senators to 45 (not surprisingly, there is no Senate counterpart as yet); and HF 1583 (Kempe)which proposes a constitutional amendment setting the size at 56 Senators and 112 Representatives. LWVMN will continue to watch for action on this issue. Karen Anderson LWVMN POSITION: Support of improvements in election laws regulating campaign practices.

Campaign Financing: SF 550, introduced by Senator Steve Keefe (DFL/Mpls.), increased the campaign spending limits in state elections by one-third. LWVMN supported this bill until Senator Keefe added an amendment in committee that provided if a candidate accepted public financing and agreed to the limits and his opponent subsequently refused public funding, the candidate would not only receive public monies but could also go over the limits.

LWVMN felt this amendment defeats the purpose of limits. SF 550, as amended, went to the House, replacing HF 762. Representative Tom Osthoff (DFL/St. Paul) removed the Keefe amendment, and LWVMN testified in favor of SF 550 as amended by the House committee. This issue had become partisan, and the bill was defeated on a tie vote, DFL'ers voting aye and IR's, nay.

The campaign financing issue is by no means dead. LWVMN is anticipating a flurry of activity in this area next session.

Erica Buffington

"All bills not passed this year are alive for next session. LWVMN will continue to follow these bills and others next year."

Froman Resources

Equality of Opportunity in Athletics: Senate and House conferees were unable to agree on the widely different versions of H.F. 455 which had passed their respective Houses, and so no bill at all on athletic opportunity was passed by the 1979 session of the Legislature. M.S. 126.21 is still the law of the land, and the Commissioner of Human Rights, Marilyn McClure, now has the opportunity to write rules to interpret this law. She has indicated a willingness to work with the Department of Education, and LWVMN hopes

LWVMN POSITION: Support of policies to insure equality of opportunity in employment, real property...education, and other public services for all persons.

that she will also consult with all the other interested parties whose energies have been so focused on this issue for almost a full year.

In a sense, the outcome is a credit to the hard lobbying of those of us who are concerned with equal opportunity. The phone calls, conversations, and letters to Senators from Leaguers around the state did make a difference. The Senate amendments to HF 455 made it an excellent bill which would have spelled out equal

opportunity much more explicitly than present law. It is disappointing that something close to the Senate version did not emerge from the conference committee, for we had to work very hard just to stand still. But it is better than going backwards.

A capsule summary of the events since the last issue of Capitol Letter is in order. The Senate passed its version of H.F. 455 by a vote of 56-0 on May 9. The very different House version has passed 90-41 on April 18. Between these two votes, LWVMN and other organizations were able to communicate widely the problems with the House bill. The Senate added strengthening amendments at every step along the way, beginning with the second Education subcommittee meeting on April 27. There, Sen. Gene Merriam (DFL-Coon Rapids), who was chief author at the request of the Minnesota School Boards Association and the Minnesota State High School League, said that after listening to all the testimony at the first subcommittee meeting (including LWVMN's), he was convinced that the bill indeed did not provide equal opportunity. He therefore introduced a number of significant amendments himself. Other helpful amendments were introduced by Senators Hughes, Dieterich, Knutson, Stumpf, and others, both in committee and on the floor. The final amendments are listed below:

- 1. A definition of equal opportunity was spelled out, including the concepts of "proportion," "demonstrated interest," "variety and selection of sports," and "levels of competition."
- Separate sex teams for children under 12 were still prohibited, though separate remedial programs were allowed for girls.
- Girls were allowed to try out for any team, but separate girls' teams were protected from being taken over by boys.
- 4. The State Board of Education was to draw up rules for the law "in consultation" with the Commissioner of Human Rights, and the jurisdiction for enforcement was given back to the Department of Human Rights.
- 5. Local control was granted to school districts so that the Minnesota State High School League (MSHSL) could not place certain limitations on them.

6. The MSHSL was (1) brought under the Open Meeting Law and (2) required to conduct coed tournaments in seven specific individual sports in the "traditional season" for those sports, but with events separate according to sex (except for mixed doubles in tennis.)

The Conference committee met three times on May 17 and 19. Members were Senators Merriam, Brataas, Knaak, Peterson, and Staples; Representatives C. Johnson, McEachern, Olsen and Weaver. LWVMN attended all three conference sessions. My notes would fill the rest of the Capitol Letter, but in the end, we escaped a very bad bill, and we missed having a very good one, and we are back at square one. We will hope that sensible and sensitive rules can be written for the present law which will accomplish League's goal of "equal opportunity" for all our Minnesota young people.

Inheritance Tax Reform: The League is pleased that the omnibus tax bill which passed the Legislature accommodates our concern about discrimination against widows. A major change was made in adoption of an estate tax in place of inheritance taxes, with an exemption of the first \$200,000 of an estate, and a further marital deduction of the greater of \$250,000 or 50% of the value of the federal adjusted gross estate. This amounts to the presumption of 50% contribution of each spouse to an estate which LWV supported.

Insurance: In the closing days of the session, H.F. 1609 (Wynia, Kelly, R. Anderson, Faricy, Jennings) was introduced to eliminate unfair discrimination in insurance on the basis of sex, marital status, or occupation as a homemaker. Hearings will begin next session.

Displaced Homemakers: Funding was made available for continuation of the present two projects and for a third center. LWVMN supported this funding.

Council on the Economic Status of Women: Refunding at the present level was secured. LWVMN supported this refunding.

MINNESOTA

THE LEAGUE OF WOMEN VOTERS OF MINNESOTA

MARCH-APRIL 1979

House-passed bill on girls' athletics allows unequal offerings, separation

by Jeannette Kahlenberg

Monitoring the opportunities for girls in Minnesota's athletic programs — it sounded like such a straight-forward and simple project, didn't it?

We should have realized that any discussion of athletics (and sex) would raise high emotions. One representative, looking at the crowded hearing room when legislation on school athletics was being considered, noted that this subject is education's equivalent of the domed

Many League members are not overly enthusiastic about athletic programs in general. Some are much more anxious to get beyond monitoring athletics to looking at sex bias in curriculum and employment.

But the League's interest is not really in athletics. It's in equal opportunity. That's why we began this project in the first place. We are not, of course, engaged in a "study," but action to implement a past consensus supporting "equal opportunity in . . . education . . . for all people."

Our strong position on equal op-portunity, regardless of sex, makes us concerned when the Legislature attempts to make exceptions to our discrimination law in the area of athletics.

Present law allows separation, defined as discrimination, for boys and girls 12 and older under carefully delineated conditions: when girls, who are generally smaller and lighter than boys, need an equal opportunity to participate in public and private athletic programs.

Proposed legislation (described in more detail below) eliminates that careful standard and allows separation under any circumstances. Some versions would also allow schools and public services to continue unequal offerings to girls, as a legal exception to our Human Rights Act. We hear: "Life is unfair." "We've always offered more to boys." "We couldn't expect schools to cut back their programs for boys." "Schools can't afford more athletic programs for girls."

EVEN WITHOUT the final results of our 50 League monitoring projects, the statewide statistics give a clear picture of unequal girls' opportunities in athletics

The overall participation of high school boys to girls in Minnesota this year is roughly two to one. That is not equal.

There are six boys' sports offered by more than 300 high schools this year. There are three girls' sports offered by more than 300 high schools. That is not equal.

Overall, two dollars are being spent for boys' sports in Minnesota this year for every dollar spent on girls. That is not

FOUR MAJOR SPORTS are defined by the State High School League as "unitary." That means that girls are now able to try out for these teams, though probably few are aware of that rule. These sports, football, ice hockey, soccer and wrestling, are clearly almost entirely boys' teams. If we discount all the boys in Minnesota now out for just these four sports, there would still be more boys than girls participating in athletics today. That is not equal.

But perhaps girls are not as interested in sports as boys. We can't force interest, can we? Of course not. But if athletics do indeed teach significant values and enhance physical fitness, then girls ought to be equally encouraged to be interested. If athletic programs are not particularly valuable, then they ought not to be encouraged for boys, either.

THE BATTLE SCENE at the Legislature this session is one of mass confusion. Everyone thinks he or she knows what the real issues are, and no one has been listening very well to anyone else.

Mn State High School League (MSHSL) worries about the horror of 'unisex" and that girls will feel "secondclass.

 The MN School Boards Association wants separation clearly allowed and facilities not overtaxed.

The Human Rights Department (DHR) is still bothered by "separate but

• The Department of Education (DOE) worries about anyone else having jurisdiction over educational programs.

 The Governor wants action postponed until his new Commissioner of Human Rights can settle in.

NOW wants more coeducational

practices and tournaments.

 Coaches want to preserve their jobs and encourage women coaches as role models.

 Some park directors want continued co-rec programs. Some volunteer coaches want separate sex teams even for elementary children.

The League of Women Voters wants equal opportunity for girls and boys - and all the varying groups claim their way is the route to this goal.

Legislation

The legislative situation is in flux as this is written. Perhaps the dust will have settled when you read this. Currently the alternatives appear to be:

1) To maintain the present law and encourage the Governor's office to persuade the new Commissioner of Human Rights to write sensible rules interpreting the law — in consultation and cooperation with the DOE and all interested parties, including the LWV.

2) Passage of HF 455 (C. Johnson, Weaver, Olsen, Kalis, Eken) and SF 526 (Merriam, Dunn, Knaak, Wegener, Setzepfandt). HF 455 received final passage on April 16. SF 526 is in committee. These bills as presently written:

a) allow separate teams for any reason,

b) give rule making authority and a new complaint process to the State Board of Education with regard to public elementary and secondary athletic programs. Authority remains with the DHR for park and recreation programs, colleges, etc., which are also covered by the law.

c) contain differing amendments reting to "equal oppor amended on the House floor, now says that when there is not equal opportunity and there is demonstrated interest, an educational institution or public service shall provide separate teams for girls "in sports which it determines will provide (girls) ... with a substantially equal opportunity to participate. . . ." (This amendment improves the bill and may have been encouraged by League's lobbying efforts.) The corresponding Senate bill amendment presently provides that a district "attempt

(continued on page 8)

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Helene's Refrain

Let's devote energies to plans, not "play"

My remarks this time are a request of every member. For those of you who usually avoid discussions on money, please don't stop reading when you realize I am talking about PMPs (Per Member Payments), because they merely illustrate the point I am trying to make.

Years ago the financing of state and national levels of the LWV was done through the pledges of local Leagues. Budgets determined the amounts needed, and these amounts were divided among all the Leagues, taking into consideration

ability to pay.

Through convention action, it was decided to drop the pledge system and use PMPs instead, which meant a fixed amount would be assessed per member. To allow local Leagues flexibility in acquiring this money, we used this assessment method. State and national dues, another option, would have implied that each member must pay his-her share individually. Assessment is a way of subsidizing members with other fundraising

IN MINNESOTA, we realized that League offices for large Leagues are an additional burden, but that they do provide some benefits for the entire organization. To help subsidize these offices, we set the state PMP at a lower rate for all members in excess of the first 250 in

a League.

Because of rising costs, Local League offices were discontinued with the exception of Minneapolis' and St. Paul's. It was suggested that it might be more efficient to combine these offices and the state office, and operate one centrally located office, where staff and equipment could be shared. This is still a possibility

The state and national proposed budgets are not padded (I have served on both budget committees), so the PMP is not a flexible amount once the budget is adopted. To lower the PMP, something must be eliminated from the budget. If a local League does not pay its PMP, it is not only being subsidized by the other Leagues, it is also setting up a completely unbusinesslike climate, where it is impossible to proceed with a well-integrated plan.

THIS IS A GRASS ROOTS organization, and members constitute the budget committee. Input from all other members is requested throughout the budget process. Discussion and adoption at Convention completes this process, which is really a method of adopting the plans for a League year. If the PMP is too high, it should be lowered, and the membership should then eliminate some planned activity from the

If, instead, your local League decides to default on its PMP and send in some lesser amount, you are setting up a procedure where a budget committee must try to outguess the membership, and pad the budget accordingly. In turn, local Leagues will try to outguess the budget committee.

Which brings me to my main point. If the LWV is to continue as a viable organization, doing all the wonderful things we do in spite of fewer volunteer hours than we really need, we must quit spending so much time on the inner workings of the organization. We must make realistic plans, and then devote our energies to realizing them. We do not have time to

play games among ourselves.

We are a single organization. There is no "we and they." The levels of League are there to facilitate our accomplishments. You, the members, are those levels. You are determining Program, action, voter service, etc.; and, in so doing, you are spending the money. You have the option to make any decisions you want. You do not have the option to waste time and energy trying to outwit each other, unless you no longer want this organization to continue.

OUR BUDGETS represent our plans, so I ask each of you to check your local budget and the state and national budgets. Then advise your delegates to Convention and Council of your conclusions. Let's make sensible decisions for the coming League year, and then each do our part in carrying out the resulting plans.

Keep in mind that what happens in any League or level of League has reper-

RECOMMENDED PROGRAM

As a result of careful consideration of suggestions from the local Leagues during Program Making, the state Board has recommended for 1979-81:

Retention of Present Program:

Criminal Justice - Support of a correctional system responsive to the needs of the individual offender and society. Support of a judicial system with the capacity to assure a speedy trial and equal justice for all. Support of sentencing decisions based on circumstances in relation to the crime, the offender and the effect on public safety. These decisions are to be made by the judge with legislative guidelines.

Natural Resources — Support of measures to reduce the generation of solid waste. Support of an overall land use plan with maximum cooperation and plementation at the regional and local levels, with state help in developing and exercising land use management, with opportunity for maximum local decision making, and with regional planning and regulation for matters of more than local concern. Support of policies that bring about a significant and progressive reduction in the Minnesota energy growth rate, give priority to conservation and a shift to predominant reliance on renewable energy sources.

Human Resources - Support of policies to insure equality of opportunity in employment, housing, public accommodations, education, and other public services for all persons. Support of administrative enforcement of antidiscrimination laws. Support of state responsibility for and responsiveness to Indian citizens.

Education - Support of increased state responsibility in creating equal public educational opportunities for all Minnesota children through measures to correct racial imbalance and insure adequate financing of public schools. Support of improvements in the collective bargaining and tenure laws of the state. Public Libraries - Support for increased and restructured funding for public libraries so that the state can meet goals included in the 1977 Minnesota Long Range Plan for Library Service.

Government - Support of improvements in election laws regulating campaign practices, election procedures, voting and school district elections. Support of improved structure and procedures for the Minnesota Legislature and Executive Branch; support of an improved process for amending the Minnesota Constitution. Support of property tax reform. Support of a feasible Minnesota multi-tax system with emphasis on maintaining state services through a combination of spending cuts and increased taxation when state funds are short and decreased taxation when there is a budget surplus.

The state Board recommends a change in the wording of the Apportionment portion of the Government position as follows:

Support of apportionment substantially on population of congressional districts and of all elected state and local governments. The Legislature should reapportion itself regularly and equitably. Though primary responsibility for reapportionment rests with the Legislature, definite procedures should be established to use when the Legislature fails to act.) Support of regular and equitable reapportionment, with definite procedures established to ensure prompt redistricting by the Legislature or by a reapportionment commission. Support of procedures which provide for:

 compact contiguous districts giving advantage to no particular person or

 public accessibility to Legislature or commission deliberations and actions.

cussions throughout the organization. It is the responsibility of every member to be aware of the decisions of its local, state, and national boards. They are working for you. YOU are the boss.

It is my opinion that the LWV could be the most worthwhile and exciting organization in the country. I believe that we have just begun to do the things we are capable of doing to really make democracy work. Whether or not we progress is up to each of you.

prompt judicial re Additions are in ita parentheses.

Explanation: The change combines LV that of LWVMN, m. inclusive regardless action. The second mended by sev

Girls' athletics

(continued from page 1)

to accommodate" the demonstrated interests of girls whose opportunities have previously been limited.

- 3) Incorporation of some of the features of SF 914 (Dieterich, Coleman, Staples, Brataas, Lewis) and HF 298 (Kahn, Wynia, Jaros) into HF 455 during Senate deliberations. These features include:
- a) a definition of equal opportunity as existing if both sexes actually participate in proportion to their numbers and general interest levels and if available teams and sports accommodate the numbers and interests of both sexes.
- b) separate teams restricted to girls, when necessary to provide them with an equal opportunity to participate (present law)
- c) cross-over for highly talented girls onto the unrestricted, substantially boys' teams — if the girls are interested and sufficiently skilled.
- d) separation of the sexes in special remedial programs if necessary to improve the skills of "those who would otherwise be nonparticipants."
- e) that the MSHSL be restructured to give governance to elected school board members, making superintendents and athletic directors advisory.
- 4) A conference committee report of some sort of compromise legislation if the Senate passes a version of HF 455 which is less discriminatory.

It is important that you continue to let your legislators know your concern for REAL equal opportunity in athletics for all students.

While the legislative hassle continues, LWV must keep on monitoring to see what our school districts are doing about equal opportunity in practice. Regardless of the law, we can still bring to our school districts' attention any inequities in programs — and praise them for the progress they are making toward full equality of opportunity.

There is still Title IX on the federal level as a basis for asking our schools to provide equality, and much stronger than that is the moral argument. After all, LWV monitoring projects, ideally, are to encourage voluntary progress toward equality.

We will continue working through the legislative process and watching what is happening on the local level, to the end that equal opportunity will indeed be provided throughout Minnesota.

Do I and R weaken representative democracy? Yes, with I and R as an option, legislators won't make controversial decisions.

Are they an expensive way to arrive at public decisions? Yes, enormous amounts are spent on campaigns to influence voters. Who can finance a campaign? Corporations and big money interests can.

In general, spending money on emotional issues doesn't change voters' minds; spending on technical issues does.

minds; spending on technical issues does.
INITIATIVES PASS at a greater rate (37 percent) than legislation in Minnesota (around 30 percent). Petition referenda calling for repeal of legislation are extremely likely to pass (90 percent have passed in Washington). Low voter turnouts mean few people make the decisions. I and R votes have been comparable to those for Congress.

Sen. Benedict favors I and R. He

argued:

Minnesota is denied a right used in 24 other states and the District of Columbia. SF 31 (Benedict's bill) allows for an issue to be put on the ballot if five percent of voters in the last election petition for it (voters from each congressional district must be included in the five percent).

THE BILL won't allow the Legislature to escape responsibility by putting an item on the ballot. Outstate people don't want urban issues foisted on them. This bill allows the Legislature to deal first with an issue raised by an initiative petition; if it doesn't, the issue goes to the people.

The citizens of Bloomington have used I and R wisely, and so would the rest of the state.

If the Legislature isn't dealing with an issue or has dealt badly with an issue, the people should be able to act. One committee chairman can keep a bill from getting a hearing in the Legislature. It's "yes or no" in the Legislature also.

IF WRITERS of a referendum haven't honed their item to a consensus, it won't

pass.

Successes and Problems of I and R in Other States

The final speaker, Mary Stone, Deputy Administrator of the Montgomery County, Maryland Board of Supervisors of Elections, summed up pro and con arguments and examined the theoretics in light of real state experiences.

Summarizing the pro arguments, she said I and R:

- are a popular check on legislatures (the best argument, she said).
- constitute popular sovereignty.
- control special interests.
- stimulate voter interest, education and turnout at elections.
- enhance responsibility in government.
 Con arguments presented by Ms. Stone

Sportsared Jesture Sports Subsal Jesture

An act relating to athletics in educational institutions; providing for equal opportunities for members of both sexes to participate in athletics; as defined in the Education Amendments of 1972, 86 Statute 373, 374; 20 U.S.C. 1681, 1682; and Section 844, Education Amendments of 1974, Pub. L. 93-380, 88 Statute 484, amending Minnesota Statutes 1976, Chapter 363, by adding sections, repealing Minnesota Statute 1976, Sections 126.21.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Chapter 363, is amended by adding a section to read:

(363.02) EXEMPTIONS.

Subdivision 3. EDUCATION.

- a. ... (as listed in statute)
- b. <u>Separation in Athletics</u>. The provisions of Section 363.01, Subd. 10 shall not be construed to prohibit separation of athletic teams and activities on the basis of sex to provide members of each sex with an equal opportunity to participate in the athletic program as defined below:
- (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 an educational institution, and no educational institution shall provide any such athletics separately on such basis.
 - (b) 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 of major activity of which involved bodily contact.

- 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 compliance officer 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 and dining facilities and services;
 - (x) Publicity.

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

Shall Hojum Courter Strong Women.

Rochelle Davis - MWPC: 645-9955

Rochelle Davis - MWPC: 645-9955

Lourie Sunon 926-1454 - MFT - CHO-AFL-CIO

Title: ??? (New Girls Athletics Bill)

General Purposes:

- 1) To obtain informed voluntary compliance with the principles of MSS 126.21 passed by the 1975 legislature.
- 2) To restructure the old and entrenched bureauocracy which now regulates state high school athletics in order to provide public input and public control.

Problem:

There has been a great deal of foot draging and some outright opposition to compliance with MSS 126.21. Many school officials are confused as to their responsibilities under the act. Some of this confusion is genuine, and some of it has been deliberately created. There has been much pointless litigation which has wasted time and money without clarifying the issues.

Solution:

The new bill corrects this situation by clarifying and amplifying MSS 126.21,

clearly specifying the responsibilities of various state agencies to inform the schools of thier obligations under the act and to gather data necessary to measure compliace, and

restructuring the agency which regulates state high school exracurricular activities to provide public contol of these activities and of the monies generated by them.

Specific Provisions of the Bill:

- Section 1: States the policy and purposes of the bill.
- Section 2: Moves MSS 126.21(1975) from the education chapter of the code to the human rights chapter.

Requires the Commissioner of Human Rights to adopt rules and regulations interpreting this bill.

Defines "equal opportunity" as requiring that an athletics program provide participation for an equal number of girls and boys and that an equal number of sports be offerted to girls and boys if the numbers and the interest level of the girls and boys served by the program are the same.

- Provides a grace period for the integration with respect to sex of sports programs for children eleven years old and younger.
- Section 3: Requires the schools to supply to the Commissioner of Education information necessary to determine compliance.
- Section 4: Replaces the Minnesota State High School League by a State Board of Interscholastic Athletics and Extracurricular Activities appointed by the Governor and confirmed by the Senate.

Requires that programs for girls and boys in the same sport be offered in the same season.

Provides that boys may be prohibited from participating on girls' teams but that girls may not be prohibited from participating on boys' teams.

Requires that championship tournaments in cross country, gymnastics, skiing, swimming, track and field, tennis, and golf have certain specified coeducational features.



Anoka-Hennepin Independent School District No. 11

SCHOOL BOARD
James LiaBraaten, Chairman
Susan Anderson, Vice Chairman
John Weaver, Treasurer
Joanne Poplin, Clerk
Wandell Ankeny, Director
Carl Anderson, Director

SUPERINTENDENT Dr. Lewis Finch

EDUCATIONAL SERVICE CENTER
11299 Hanson Boulevard N.W. Coon Rapids, Minnesota 55433
612/755-8220

STATEMENT OF DR. LEWIS FINCH REGARDING DEPARTMENT OF HUMAN RIGHTS ALLEGATION OF DISCRIMINATION IN ATHLETICS

September 11, 1978

First and foremost I wish to reiterate the commitment of the Anoka-Hennepin Schools to provide equal opportunity in all programs of the district and to reaffirm that no student shall be denied—on the basis of sex—the benefits to be derived from participating in athletics.

In reviewing the Terms of Conciliation forwarded to this school district by Commissioner Wilson, and in examining the Department of Human Rights July-August publication "Equality"—which I suggest everyone should read to get a picture of what the Department has in store for us and which includes virtually verbatim the listing of the Terms of Conciliation which we received—and, after our initial attempt at conciliation, it is evident that the singular goal of the Department of Human Rights is to achieve "sexual parity" in all school athletic programs.

If the position of the Department of Human Rights is sustained, all school athletic teams in Minnesota will, either through an evolutionary process or by mandate, ultimately be comprised of an equal number of males and females—which is defined by the Department of Human Rights as "sexual parity."

The Department of Human Rights will accept something less than complete "sexual parity" only as an intermediate step and then only when the School Board accepts, as an

ultimate goal for the athletic program of the Anoka-Hennepin Schools, "sexual parity" as defined by the Department of Human Rights. Regardless of how we structure the program in the Anoka-Hennepin Schools, it is our understanding that anything less than complete "sexual parity" for all athletic teams will be considered as noncompliance and subject to charges that probable cause for discrimination exists.

It is our opinion that most of the Terms for Conciliation do not relate directly to the original allegation of discrimination in this school district. It appears that the statements are intended to be the Department of Human Rights guidelines for structuring the total athletic program of the Anoka-Hennepin Schools and eventually the athletic programs of all Minnesota schools.

We don't know who really authored the Terms of Conciliation but believe the concept of "sexual parity," even as a long range goal, is contrary to the intent of the Minnesota Legislature, and the will of the citizens of this school district and can only be counter productive to the goal of providing equal opportunity in athletics for female students.

In preparing for the September 6 conciliation meeting, Anoka-Hennepin school personnel and legal counsel invested considerable time and effort documenting the status of the athletic program. We were, and remain, fully prepared to review the status of this school district relative to the terms of conciliation as set forth by the Department. It was most discouraging to find representatives of the Department of Human Rights ill-prepared to deal with the terms as they specifically relate to the Anoka-Hennepin schools.

As a public school administrator, I resent this blatant intrusion by the Department of Human Rights which will only further alienate the citizenry from the public school system. It seems inappropriate for the Department of Human Rights to be empowered with legislative authority to mandate guidelines which in essence will dictate the

structure and nature of participation in all athletic programs. The Department also assumes judiciary authority in the enforcement of any guidelines relating to participation or the structure of athletic programs. To embody in one agency both the legislative and judicial function violates the basic concept of a separation of powers.

Until otherwise directed by the School Board, the administration will continue to develop and maintain separate athletic teams for females and co-curricular teams where it is natural and logical for the express purpose of providing female students equal opportunity and not as the Department of Human Rights desires as female enhancement or developmental teams existing only until females will be placed on the male teams.

Lewis W. Finch

Denis W Final

Superintendent

LF/cj/8/01

Introduced by C. Johnson, Weaver, Olsen, Kalis, Eken February 15th, 1979 Ref. to Com. on Education Companion S.F. No.______Ref. to S. Com. on

Reproduced by PHILLIPS LEGISLATIVE SERVICE, INC.

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relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; rodifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education to promulgate certain rules and giving it exclusive jurisdiction over certain sex discrimination charges; amending Minnesota Statutes 1978, Sections 126.21 acc 363.02, Subdivision 3.

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

14 Section 1. Minnesota Statutes 1978, Section 126.21,

15 is amended to read:

16 126.21 [ATHLETIC PREGRAMS; SEX DISCRIMINATION.]

17 Subdivision 1. Notwithstanding any other state law to the

18 contrary, in athletic programs operated by educational

19 institutions or-public-services-and-designed-for-

20 participants-12-years-old-or-older-or-in-the-seventh-grade-

21 or-above, it is not an unfair discriminatory practice -- ++

22 to restrict membership on an athletic team to participants

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   excluded sex ; or and
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   are in fact separated or-substantiatty-separated according
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17 to sex, if the two teams are shall be provided with
18 substantially equal budgets per participant, exclusive of
19 gate receipts and other revenues generated by that sport,
20 and in all other respects are shall be treated in a
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31 of-promoting-sports-or-adopting-rules-and-regulations-for-
32 the-conduct-of-athfetic-contests-between-members-shaff-
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- 1 conduct-its-activities-sc-as-to-permit-its-members-to-
- 2 compty-fully-with-subdivision-1-and-section-363:03;-
- 3 subdivisions-4-and-5:
- 4 Subda-3a--Educational-institutions-and-public-services-
- 5 shall-make-every-reasonable-effort-to-provide-substantiafly-
- 6 equat-budgets-per-participant-pursuant-to-subdivision-1-
- 7 during-the-school-year-1975-1976; and-thereafter-shall-
- 8 provide-substantiafty-equaf-budgets-per-participant-
- 9 pursuant-to-subdivision-i---Educational-institutions-and-
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- 11 athtetic-programs-designed-for-participants-li-years-ofd-or-
- 12 younger-and-in-the-sixth-grade-or-betow-during-the-school-
- 13 years-1975-1976;-1976-1977;-and-1977-1978;-and-thereafter-
- 14 shalf-comply-fuffy-with-subdivision-1-and-section-363=03y-
- 15 subdivisions-4-and-5:
- 16 Sec. 2. Minnesota Statutes 1978, Section 363.02,
- 17 Subdivision 3, is amended to read:
- 18 Subd. 3. [EDUCATION.] (a) It is not an unfair
- 19 discriminatory practice for a religious or denominational
- 20 institution to limit admission or give preference to
- 21 applicants of the same religion. The provisions of section
- 22 363.03, subdivision 5, relating to sex, shall not apply to
- 23 a private educational Institution, or branch or level of a
- 24 private educational institution, in which students of only
- 25 one sex are permitted to enroll. Nothing in this chapter
- 26 shall be construed to require any educational institution
- 27 to provide any special service to any person because of the
- 28 disability of such person or to modify in any manner its
- 29 buildings, grounds, facilities, or admission procedures
- 30 because of the disability of any such person. Nothing in
- 31 this chapter shall prohibit an educational institution from
- 32 discriminating on the basis of academic qualifications or
- 33 achievements or requiring from applicant's information

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- 1 which relates to academic qualifications or achievements.
- 2 (b) Notwithstanding any other provisions of this
- 3 chapter or any law to the contrary, it is not an unfair
- 4 discriminatory practice for an educational institution to
- 5 operate or sponsor separate athletic teams and activities
- 6 for members of each sex or to restrict membership on an
- 7 athletic team to participants of one sex, if this
- 8 separation or restriction meets the requirements of section
- 9 126.21.
- 10 (c) The state board of education shall have exclusive
- 11 jurisdiction over charges alleging sex discrimination in
- 12 elementary and secondary school athletic programs.
- 13 Sec. 3. This act is effective the day following its
- 14 final enactment.

Introduced by C. Johnson, Weaver, Olsen, Kalis, Eken February 15th, 1979 Ref. to Com. on Education

Reproduced by PHILLIPS LEGISLATIVE SERVICE, INC.

Companion S.F. No. Ref. to S. Com. on

A bill for an act

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which relates to academic qualifications or achievements. (b) Notwithstanding any other provisions of this chapter or any law to the contrary, it is not an unfair discriminatory practice for an educational institution to operate or sponsor separate athletic teams and activities for members of each sex or to restrict membership on an 6 athletic team to participants of one sex, if this separation or restriction meets the requirements of section 9 126.21. state agency (c) The state board of education shall have exclusive 10 Jurisdiction over charges alleging sex discrimination in elementary and secondary school athletic programs. Sec. 3. This act is effective the day following its 13 final enactment. Sull confount from - Dest. of Ed

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H.	F.	455	
		433	

COMMITTEE:	Education
SUBJECT:	Opportunities for the Sexes to Participate in Athletics
AUTHORS:	C. Johnson, Weaver, Olsen, Kalis, Eken

SUMMARY:

Section 1. Amends M. S. 126.21.

Subdivision 1. Removes athletic programs of public services from application of section allowing limited separation of the sexes in athletic programs.

Makes this section applicable to <u>all</u> athletic programs of educational institutions, rather than only to those for older children.

Removes requirement that athletic teams be restricted to participants of one sex only when necessary to provide members of both sexes an equal opportunity to participate. Instead, allows such restrictions under any circumstances. However, if only one team for one sex is operated in a sport, requires excluded sex to be allowed to try out for the team unless the excluded sex is otherwise provided substantially equal opportunity to participate in the athletic program. Continues requirement that two sex-separated teams in the same sport be treated equally, but eliminates requirement that these teams be operated coeducationally except where necessary to provide equal opportunity to both sexes.

Subd. 2. Requires state board to adopt rules to implement subdivision 1 and to prevent discrimination in educational institutions' athletic programs. Eliminates requirement that high school league and other athletic leagues make rules and conduct activities so as to permit members to comply with subdivision 1 and the state human rights act.

Eliminates subdivision 3, which provided for the phase-out of (1) different budgets per participant for two teams in the same sport and (2) sex separation in athletic programs for children aged 11 or younger and in the sixth grade or below.

RESEARCH DEPARTMENT
HOUSE OF REPRESENTATIVES

Bill Summary H. F. 455

Sec. 2. Amends M. S. 363.02, Subd. 3. Provides that it is not an unfair discriminatory practice for an educational institution to operate sex-separated athletic teams and activities or to restrict team membership to one sex, as long as it complies with section 1.

Transfers jurisdiction for charges of sex discrimination in school athletic programs from the department of human rights to the department of education.

Sec. 3. Becomes effective the day after final enactment.

Comparison

H.F. 298 and H.F. 455

Opportunitites for the Sexes to Participate in Athletics

H. F. 298

H. F. 455

Sec. 1. Policy statement: Equal opportunity in athletic programs is required and separation of sexes must be limited as provided in Sec. 3.

No such provision.

Sec. 2. States that equal opportunity exists if: 1) both sexes participate according to numbers and interest; and 2) available teams and sports accommodate both sexes' numbers and interests.

No such provision.

Sec. 3. Transfers language from M. S. 126.21 to Human Rights Act. Applies to athletic programs of public services (defined in M. S. 363.01, Subd. 19, as any public facility, department, etc. of the state or its political subdivisions).

Sec. 1. Amends M. S. 126.21. Subd. 1. Removes application to public services. Applies only to athletic programs of educational institutions.

Applies only to programs for people aged 12 or older or in the 7th grade or above.

Applies to programs for people of any age.

Subd. 1. Allows restriction of team membership to one sex <u>only</u> if necessary to provide equal opportunity for both sexes to participate in the athletic program.

Allows restriction of team membership to one sex under any circumstances. If only one team in a sport is offered, requires excluded sex to be allowed to try out unless that sex is otherwise provided equal opportunity to participate in the athletic program.

Provides that if two teams in a sport are provided, only one may be restricted to one sex.

No such provision.

Subd. 2. Allows two sex-separated teams to be provided in the same sport if they are treated equally and operated coeducationally except when separate activities are necessary to provide both sexes equal opportunity.

Assumes that two sex-separated teams in the same sport are allowed because of the membership restriction provisions (above). Requires these teams to be treated equally. Removes language which can be interpreted to require them to be operated coeducationally.

H. F. 298

H. F. 455

Allows sex-separated events in coeducational tournaments.

No such provision.

Subd. 3. Allows sex-separated skill improvement activities.

No such provision. But allows sex-separated activities in Sec. 2. (Page 4, line 5.)

Subd. 4. Allows phase-in period for ending of sex separation in programs for children aged 11 or younger or in the 6th grade or below.

No such provision.

By transferring language from M. S. 126.21 to Chapter 363, clarifies authority of commissioner of human rights to adopt rules in this area.

Subd. 2. Requires state board of education to adopt rules on this section.

Sec. 4. Requires high school league to be governed by school board members and makes league subject to Chapter 15 and the Open Meeting Law. Limits league's authority to regulate students' non-school behavior.

No such provision.

Sec. 5. Requires coeducational tournaments in certain sports.

No such provision.

Amends Human Rights Act in section 3.

Sec. 2. Amends Human Rights Act to allow sex-separated team and activities if consistent with section 1.

Leaves jurisdiction over all sex discrimination complaints with the commissioner of human rights.

Transfers jurisdiction over sex discrimination complaints in school athletic programs to the state board of education.

Sec. 6. Repeals M. S. 126.21.

Amends M. S. 126.21 (in Sec. 1.)

No such provision.

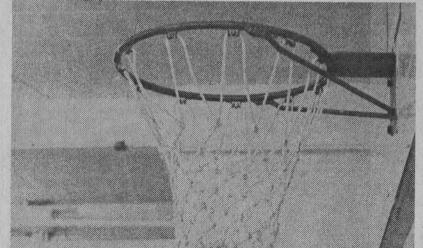
Becomes effective the day after final enactment.

Minneapolis

Tribune

1B.

Sunday March 25 1979



Legislature is facing a struggle on sexually integrated athletics

By Steve Brandt Staff Writer



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Introduced by Kahn, Wynia, Osthoff, Jaros February 5th, 1979

Ref. to Com. on Judiciary Pursuant to Objection, referred to Com. on Rules & Legislative Administration Reproduced by PHILLIPS LEGISLATIVE SERVICE, INC.

H.F. No. 298

Companion S.F. No. Ref. to S. Com. on

A bill for an act

relating to human rights; requiring educational institutions and public services to provide equal opportunity for members of both sexes to participate in athletic programs; prescribing powers and duties for the Minnesota state high school league; amending Minnesota Statutes 1978, Section 129.121, Subdivision 1, and by adding a subdivision; and Chapter 363, by adding sections; repealing Minnesota Statutes 1978, Section 126.21.

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESDTA:

13 Section 1. Minnesota Statutes 1978, Chapter 363, is

14 amended by adding a section to read:

15 (363.021) IPOLICY STATEMENT . The legislature

16 recognizes the relationship between a sound mind and a

17 sound body and the importance of athletic programs and

18 believes that vigorous physical activity builds character,

19 develops citizenship, and contributes to physical well

20 being. Chapter 363 requires educational institutions and

21 public services to provide equal opportunity for both sexes

22 to participate in athletic programs without regard to

23 limits imposed by sexual stereotyping. The legislature

24 recognizes that segregation and separation are inherently

25 discriminatory and are prohibited by chapter 363. The

1	tegislature also recognizes, however, that at this time
2	some separation on the basis of sex in athletics may be
3	necessary to provide equal opportunity to the members of
4	both sexes, just as existing separation in athletic
5	competition on the basis of age, weight, and school grade
6	level is necessary to provide equal opportunity to
7	participate to persons of different ages, weights and grade
8	levels. Recognizing that this separation may be
9	potentially discriminatory, the legislature intends to
10	require separation on the basis of sex to be strictly
11	limited as provided in section 3.
1 2	Sec. 2. Minnesota Statutes 1978, Chapter 363, is
13	amended by adding a section to read:
14	[363.022] [EQUAL OPPORTUNITY IN ATHLETICS.] An
15	educational institution or public service shall be deemed
16	to provide equal opportunity for members of both sexes to
17	participate in the athletic program only if:
18	(1) Males and females participate in the athletic
19	program in a proportion reflecting the relative numbers and
20	general interest levels in athletics of the males and the
21	females in the student body of the educational institution
22	or the population served by the public service; and
23	(2) The number, variety, and competition level of
24	teams and sports effectively available to each sex
25	accommodate the demonstrated interests and numbers of
26	participants for each sex.
27	Sec. 3. Minnesota Statutes 1978, Chapter 363, Is
28	amended by adding a section to read:
29	[363.023] [SEPARATION ON THE BASIS OF SEX IN
30	ATHLETICS . I Subdivision 1. [MEMBERSHIP RESTRICTIONS .]
31	Notwithstanding any other state law to the contrary, in
32	athletic programs operated by educational institutions or
33	public services and designed for participants 12 years old

1	or older or in the seventh grade or above, it is not an
2	unfair discriminatory practice to restrict membership on an
3	athletic team to participants of one sex, if this
4	restriction is necessary to provide members of each sex
5	with an equal opportunity to participate in the athletic
6	program. If a membership restriction on the basis of sex
7	results in the operation of two teams in the same sport
8	which are separated or substantially separated according to
9	sex, the two teams shall be operated in compliance with all
10	the provisions of subdivision 2. If two teams are provided
11	in the same sport, then only one of these teams may be
12	restricted to members of one sex.
1.3	Subd. 2. IOPERATION OF SEPARATE TEAMS.I
14	Notwithstanding any other state law to the contrary, in
15	athletic programs operated by educational institutions or
16	public services and designed for participants 12 years old
17	or older or in the seventh grade or above, it is not an
18	unfair discriminatory practice to provide two teams in the
19	same sport which are in fact separated or substantially
20	separated according to sex, if the two teams are provided
21	with substantially equal budgets per participant, exclusive
22	of gate receipts and other revenues generated by that
23	sport, and in all other respects are treated in a
24	substantially equal manner. The two teams shall be
25	operated separately only in those activities where
26	separation is necessary to provide the members of each sex
27	equal opportunity to participate in the athletic program.
28	The two teams shall be operated in the same season. Joint
29	practice sessions and other coeducational activities for
30	the two teams may be required by this subdivision, but this
31	subdivision shall not be construed to prohibit the
32	separation of events according to sex in coeducational
33	competition.

Subd. 3. [IMPROVEMENT IN ATHLETIC SKILLS. I This 1 section shall not be construed to prohibit special activities, teams, or programs designed to improve the skills of participants in athletics who would otherwise be unable or unwilling to participate in the athletic program, 5 provided that such special athletic programs shall be 6 7 designed to prepare participants for participating in the coeducational athletic programs required by this section. 8 Subd. 4. [PHASE-IN PERIOD.] Between July 1, 1979 and June 30, 1981, there shall be no determination that an 10 educational institution or public service is engaged in an 11 unfair discriminatory practice by reason of separation on 12 the basis of sex in athletic programs designed for 13 14 participants 11 years old or younger or in the sixth grade or below, if the educational institution or public service 15 has adopted a plan and taken other preliminary steps which 16 will eliminate separation on the basis of sex in these 17 programs by July 1, 1981. 18 Sec. 4. Minnesota Statutes 1978, Section 129-121, 19 20 Subdivision 1, is amended to read: 21 129.121 ISTATE HIGH SCHOOL LEAGUE . I Subdivision 1. The governing board of any high school may delegate the 22 control, supervision and regulation of interscholastic 23 athletics and other extracurricular and cocurricular 24 25 activities referred to in sections 123.17 and 123.38 to the Minnesota state high school league, a nonprofit 26 27 incorporated voluntary association. Membership in said Minnesota state high school league shall be composed of 28 such Minnesota high schools whose governing boards have 29 30 certified in writing to the state commissioner of education that they have elected to delegate the control, supervision 31 32 and regulation of their interscholastic athletic events and 33 other extracurricular and cocurricular activities to said

- 1 league.
- 2 Subd. la. The Minnesota state high school league is
- 3 hereby-empowered-to may exercise the control, supervision
- 4 and regulation of Interscholastic athletics, musical,
- 5 dramatic and other contests by and between pupils of the
- 6 Minnesota high schools, delegated to it pursuant to this
- 7 section. The Minnesota high school league may establish a
- 8 policy or guidelines for the guidance of member high
- 9 schools in the voluntary formation or alteration of
- 10 athletic or other extracurricular conferences.
- 11 Subd. 1b. The commissioner of education, or his
- 12 representative, shall be an ex officio member of the
- 13 governing body of such league, with the same rights and
- 14 privileges as other members of its governing body. The
- 15 rutes-and-regulations-of-said-league-shail-be-exempt-from
- 16 the-provisions-of-sections-15:04il-to-15:0422: The other
- 17 members of the league's governing body and legislative body
- 18 shall be members of the school boards of member high
- 19 schools. Membership on these league bodies shall be
- 20 apportioned according to the total enrollment of member
- 21 schools in the areas which members of these bodies
- 22 represent. The governing body or legislative body shall

- 23 make all decisions regarding league policies and rules.
- 24 The governing body or legislative body may appoint and
- 25 consult an advisory committee whose members may include
- 26 superintendents, assistant superintendents, principals,
- 27 assistant principals, or athletic directors of member
- 28 schools, representatives of any appropriate statewide
- 29 organizations, students and parents.

- 30 Subd. 1c. The league shall be deemed to be an agency
- 31 for purposes of sections 15.041 to 15.052 and a state
- 32 agency permitted by law to transact public business in a
- 33 meeting for purposes of section 471.705.

1	Subd. 1d. The league's rules shall not apply to the
2	behavior or activities of students outside of time periods
3	when they are participating in or traveling to and from
4	school, cocurricular or extracurricular activities or
5	interschofastic contests conducted by the league. These
6	rules may prohibit a participating student from competing
7	on more than one team in a given sport during a single
8	season.
9	Sec. 5. Minnesota Statutes 1978, Section 129-121, is
10	amended by adding a subdivision to read:
11	Subd. 5. [COEDUCATIONAL TOURNAMENTS.] ALL Minnesota
1 2	state high school league tournaments in cross country,
13	gymnastics, skling, swimming, track and field, tennis, and
14	golf shall be conducted on a coeducational basis.
15	(a) Team competition shall be provided in cross
16	country, golf, and tennis for teams composed of an equal
17	number of boys and girls.
18	(b) Mixed doubles shall be included in all tennis
19	
20	(c) The school winning the Minnesota team championship
21	in skiing, swimming, and track and field shall be that
22	school with the highest total number of points won by male
23	and female athletes from that school in all events for
24	which they have qualified in the state championship
25	tournament. Separate total scores for males and females
26	may also be computed and separate awards may be given on
27	the basis of events separated according to sex.
28	Sec. 6. Minnesota Statutes 1978, Section 126.21, is
29	

H. F. 298

COMMITTEE: _	Education
SUBJECT:	Equal Opportunity for the Saves in Athletic Programs
AUTRORS:	Kaba, Wynia, Combast, Jaros

SUMMARY:

- Sec. 1. Amends Chapter 363 by adding a section. States policy that athletic programs are important, that the Human Rights Act requires equal opportunity for both sexes in athletic programs, and that separation of the sexes in athletic programs shall be limited as provided in section 3.
- Sec. 2. Amends Chapter 363 by adding a section. Provides that equal opportunity for the sexes in athletic programs exists if. (1) both sexes actually participate in proportion to their numbers and interest levels, and (2) available teams and sports accommodate both sexes' numbers and interests.
- Sec. 3. Amends Chapter 363 by adding a section. Subdivisions 1 to 3 apply to programs for people age 12 or older or in the 7th grade or above, provided by educational institutions and public services.
- Subd. 1. Allows team membership to be restricted to one sex only if necessary to provide equal opportunity to both sexes to participate in the program. Allows only one team's membership to be so restricted when 2 teams are provided in the same sport.
- Subd. 2. Allows the operation of 2 teams in the same sport which are mostly or entirely separated by sex only if the 2 teams receive substantially equal budgets per participant (excluding gate receipts) and are otherwise treated equally. Limits separation of 2 teams to activities where separation is necessary to provide equal opportunity for both sexes. Requires 2 teams to be operated in the same season. Allows separation of events according to sex in coeducational competition.
- Subd. 3. Allows separation of the sexes in special programs designed to improve the skills of those who would otherwise be nonparticipants and thus prepare them for coeducational programs.
- Subd. 4. Allows educational institutions and public services until July 1, 1981 to phase in coeducational athletic programs for children 11 or younger or in 6th grow below as long as preliminary steps have been taken by July 1, 1979.
- Sec. 4. Amends Minnesota Statutes 129.121, Subd. 1. Requires state high school league's governing bodies to be composed of school board members and to be apportioned according to enrollment. Allows use of advisory committee composed of nonschool board members. Requires league to abide by Chapter 15 (Administrative Procedures Act) and Open Meeting Law. Prohibits league rules from controlling students' behavior outside school, practice or competition time, but allows league rules to limit students to one team per sport per season.
- Sec. 5. Amends Minnesota Statutes 129.121, by adding a subdivision. Requires high school league to conduct coeducational tournaments in cross country, gymnastics, skiing, swimming, track and field, tennis. Specifies certain requirements for these tournaments.
- Sec. 6. Papeals Minnesota Statutes 126.121. (All provisions of Minnesota Statutes 126.21 are repeated in Section 3 of bill with a few minor additions.)

SEX EQUITY IN ATHLETICS

Equal Opportunity - Yes Senseless Separation - No

S.F. #526 is a reactionary bill that would take Minnesota backward by eliminating equal opportunity and ratifying discriminatory sex segregation.

This bill gives the High School League a blank check to return to its outdated and expensive system of totally sex-segregated athletics programs.

This bill permits the separation of boys and girls in all phases of athletics whether or not there is any rational basis for this separation.

The physiological differences in size and weight between boys and girls make some separation in athletics programs necessary.

M.S.S. 126.21 currently provides that separation is permitted when it is necessary to provide the members of each sex with an equal opportunity to participate.

This bill would eliminate this standard and permit separation whether or not it is necessary.

By repealing the M.S.S. 126.21 solution to the problem of sex discrimination in athletics, this bill turns the problem over to Washington and Title IX. This bill will not reduce litigation. It will only change the forum from Minnesota courts to federal courts.

This bill exempts the High School League and the public schools from the procedures and the sanctions of the Minnesota Human Rights Act. If there are problems with the Human Rights Department, they should be corrected for the benefit of all not just the High School League and the schools.

This bill would prevent our schools from taking advantage of the economies and the educational benefits of coed swimming, tennis, golf, and track. In a coed program boys and girls compete as a team in events for boys and events for girls on the model of the Olympics and team tennis.

Coed teams promote sports as a family activity.

COED SPORTS ARE FAMILY SPORTS

Defeat S.F. #526

WOMEN IN SPORT-EQUITY WORKSHOP

February 9-IO, 1979

Sponsored by:

Mankato State University

Physical Education Department

Course:

P.B. 490-590 - Women in Sport

Credit:

One credit - \$13.50 Undergraduate, resident

23.65 Undergraduate, nonresident

I6.I5 Graduate, resident

29.90 Graduate, nonresident

Where:

Mankato State University - Student Union, Room IOI

Registration:

Registration will be held on Friday, February 9th,

6:00 - 7:00 p.m.

Housing and Food:

Please make your own arrangements.

Further Information:

Contact: Dr. Jane Roberts, Workshop Director Department of Physical Education Mankato State University

Mankato, MN 5600I

Parking:

You may park in any of the lots in proper places on upper campus without concern of being tagged.

ight you'd like to see what is lappening in Feb 9×10 workshaps Could you send me your locke

WOMEN IN SPORT-EQUITY WORKSHOP

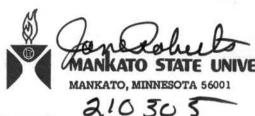
February 9 and 10, 1979

Mankato State University

Friday, February 9	- Student Union, Room 101
6:00 - 7:00 p.m.	Registration. One credit graduate or undergraduate.
7:00 - 8:15	Dorothy McIntyre, Minnesota State High School League. Miss McIntyre will speak on current legislation, certification and current happenings in the Minnesota State High School League.
8:30 - 10:00	Dr. Vivian Barfield, Athletic Director for Women, University of Minnesota. Dr. Barfield will speak concerning Women's Sports in the Big Ten Universities regarding budgeting, travel, recruiting, scholarships, etc.
Saturday, February	<u>10</u>
8:30 a.m.	Coffee and Questions
9:00 - 10:00	Dr. Donald Meredith, M.D., will discuss the current A.M.A. report concerning Girls' and Women's Injuries in Sport.
10:00 - 11:00	Elizabeth Ebbott. A report on the League of Women Voter's Project, "Equalizing Opportunities for High School Girls' Participation in Sports."
11:00 - 12:00	Marian Johnson from Lakewood Community College. "The History of Girls' Interscholastic Sports in Minnesota" with additional statements concerning the role of women's sports in the Minnesota community colleges.
12:00 p.m.	Lunch and Discussion
1:00 - 2:00	Vicky Davis Dahlberg: "Who Is Coaching Girls' Sports in Minnesota and What Affect Does This Have on the Self- Image of the Team Members?"
2:00 - 3:00	Dr. Ruth Schellberg will inform us about the national publication SPRINT, Sports Project Referral and Information Network To (Achieve Educational Equity).
3:00	Break and Discussion
3:30 - 4:30	Panel: High school and college women who have participated on interscholastic teams will be on the panel. Co-chairing the Panel: Dr. Jane Roberts and Sue Patterson.

For additional information contact:

Dr. Jane Roberts, Workshop Director Department of Physical Education Mankato State University Mankato, MN 56001





Elezabeth Ebboth 409 Birchwood White Bear Lake Mennesota 55110 For heavens sake shut up;

We're all in this together

Do you want us all to loose our

Jobs

An outsider's view of girls athletics of the project is an outsider view

No? but tremendous improvements in girls' opportunities to participate - daily

Attitudes Theilian

and the numbers: # participants

team opportunities

Amount of money spent - dramatic increases

And we can focus on this, parise and local it - and go home ... assume there is not

And we can focus on this, parise and land it - and go home , assume there is not a problem and that everything will take care of itself.

It's guaranteed in the laws and the constitution

It's philosphically right - no matter what the pleadings or tortured arguments

Try to say

Anything short of equality cannot be justified... how can you tell $\frac{1}{2}$ the nation that settling for something less than equal is fair.

No matter how you look at girls' athletics - # of participants

team opportunities Amount of money spent Nomen coaches

It is not yet equal... there is a gap, a big gap. We can discuss and disagree about how to define the gap
about how to go about filling the gap

But the important issue still remains - the gap itself.

Who are the players: From the view points who are the players: May be finker to you would place on these forces-

deliberately done to remind that sports are a function of govt. - authorized, funded by government, owing their existance to government support - and government derives its powers from the consent of the people... The Dome stadium an interesting example Start with the peopleL - Emphasis on sports itself Plato "What is honored in a country will be cultivated there" But What has been honored is men's participation.

2. Another strong player are those tooking of women's role in society - asking the whys - aren't women in leadership positions; the hows- how to make the needed changes.

Findings: a common organizational, attidinal relationship between sports, military for the business - all male dominated, and male designed systems -

the team; playing the game; accepting orders;

layalty, old-boy relationships molded through these common experiences

feeling comfortable with those who have come the same route - finding it easier

to question the credentials of those who do not come that same route.

American sports are really not games - No societies sports are games. They are preparation for life in that society - "hunting games" of hunting societies training the youth for adulthood - corporate gamemanship starts with the sports attitudes our children learn in their youth.

So whether or not you see your role as *** *** staping attitude that if prepara new generation/to compete fix more successfully in our society - that is what you are doing, and it is considered the important textexteft enough to be of concern to all the public.

Their strength emerged in the 1960s; the laws were passed; the courts have upheld their views. Undergirding is the constitution - laws cannot be passed abridging the rights of amy group, nor can you deny any group equal protection of the laws - These 14th Amend provisions, - Ohio We District Et - "contact sports.

And strong laws have been passed - Federally, Title IX can withould Fed funds if not in complaince; Minn 124.15, reduce state aid if "non compliance with state laws prohibiting discrimination because of sex - under 363.03.

While the laws are strong, and available; the will to enforce has not been there

The bureacracies responsibile have not acted; when fiannly pushed into acting they have

very adept at further confusing the rights - Title IX fianlly after years got rules now before enforcing the rules, they're asking on input on houth

going to interpret the rules --- which is what the rules were for in the let --

4. Parents - Why treat my daughter who wants to play any differently than my sonDoesn't make sense. Has played a big role - court cases, local pressures.

But female parents do have trouble & will until another generation of parentsno background, didn't play, brought up to think competition, excelling, getting
aclaim was not proper for women - supposed to the boys win.

5. The students tonments back from Leagues, no big hangup, girls are enjoying itco-ed class instruction is good. A few have gone out for football a wrestling world didn't end; but clearly the interest is to have the opportunity to play where they can be successful to be a part of their teams, not as a way to make headlines by to get the headlines by excelling in sports, not for excelling in causing disruptions.

Those responsible for local policies - S.B., school officials, High School

Local, Are responsible for total programs far more than just girls sports. Are

prone to resist demands made upon them, especially when they are expensive may

CHANGER Upset politically strong groups; and yet without demands upon them MEXAMER are

not very agressive about causing cahnge. Resistance is more because they don't

not very agressive about causing cannge. Resistance is more because they don't see how they can afford the changes or because they feel girls aren't interested.

7. Coaches - bear the brunt of expanding programs; changed programs of phy ed instruction; of bringing along girls skill development. encouraging their interests - coupled with struggle for equal status, dollars, facilities and the prospect of loosing positions for women in coaching and loosing the administrative status that has only just barely been achieved.

So-Gort. Lork of girls athleting.
A lot of players - sometimes it appears that they aren't even talking about the same game.

The stakes - at the local level, they're very big - A few numbers

Only i statistic that I can remember - if all the people who go to sleep in church were laid ent to end they'd be a lot more comfortable.

Mn Dept of Ed - over 400 SD of some 438 to recommend to the SD of some 438 to recommend to the SD of SD of some 438 to recommend to the sound to the for senior high schools \$6.2 Million girls; \$12 million boys - takes \$5.8 million to equalize.

- # of participants? if you cut out tomorrow football, ice hockey, soccer, wrestling - still more boys than girls participating in interscholastic sports.
- # of team opportunities? MSHSL figures included pvt schools shows slightly more would cal need to cut out football, ice hockey, soccer, boys gymnastics \$ 57 other teams for boys/to have equality 2639 to 3430.

Generally speaking:

offton in sports. Jr High - Participation, 60% boys; 40% girls Costs 63% boys; 37% girls

Participation 64% boys; 36% girls Sr High Costs 66% boys : 34% girls

Story about Lincoln - "Madam, if you'd asked me, I could have told you it wouldn't

fit before you tried it on." forced by Soit must This seems to be the reaction of school officials, equality will have a terribly hard time fitting into the to serve buys. rimarily a pro-

The costs and/or disruptions in programs will be tremendours if you achieve equality. So on the part of some, It ws1 = a lot easier to resist the whole idea rather-than-facethe-consequences; the day of try to prolong enforcement through the courts; encourage burocratic non-attention to the laws, try to change the law to somehow sanction current inequalities ... all of this rather than face what equality really means.

took at what is no

INV - local units, responsible for their projects locally; choose program, study, positions since 1960s support equality of opportunity

summer DHR - undertake organizing community based looks at girls' athletics.

Bougon send grow of active justed for the factorie way of active justed for the factorie way the formation the factories they live to be the factories they live to be the way they live to the way they live to the way they do the william to the way they do the state of the state Surgest that concerned citizens the governet & ensist on compliance - greferally waking they h groblems within the system - but of the white presume, to the formal entry mune set into law, the courts white. Approvide by DHR of laws now fully questioned for Title IX (easy)

Congliance. not conglacity Local Langua seconded to do The Orgit -State Present of Spring of the control of the state of th Rochester golf is melting get cop: a of file statistical reports -coorden't get cop: a of file statistical reports -coorden't alf tople when intent some = (school diet of the content of children. then in the local commits desir analute what office, Suggetions for clongs if maked - acciet at the

What do you do -Be concerned enough to get involved. · Jerson - Chalite a few covered goods wendly all it take to more an organ entrin herd groges. Led was to) on uf alter to be effective -LWV such a goods a does not have a person whent not one joke, or om kil seconder gride on knowing the tods first - then acting -Sot may other gran - ADD B BAR I HEAR How toing 1st the facts - whit is the law-Styr - In LWV-O inform commity of get broad bound countrie Oplan what to do - total lack, gent for to general - to to have gue - judged. 3 Fitte IX conductor Teader-Coolers. Stroluts-Janents Strent attitudied ? Watch venspign compe - Check ofthe Physical Set ups - counts freself evolute - Louery deal with I -Boulto the general school Afrech right to the sounds it was figure.

Scope: all res through hs; elementary, community programs; private schools; groups using public facilities - hockey, baseball etc. Prepared committee guide: how to proceed, get a committee; who to talk to; what to ask the laws are; where the controversies are; answers to possible questions Waluating done locally /- what to do if it is felt there should be changes. Held a workshop with state officials and experts discussing the issues Now awayting war up evaluation Over 50 studies are being made - statewide - Moorehead - Red Wing, Duluth, Worthington; (twater, Grand Rapids, Fairmont, Minneapolis, many suburban districts. ose not doing it - their choice - not endugh members, not interested; don't thin here's a problem have finally established good relations with the school board and don't want to spoil this; have a NVV member on the s.b., she'll take care of any problems me felt the problem was so great they didn't want to take it on - others took it on for that reason. nformally good cooperation in the community; from the schools; cleased that an outside groups is independently looking at things; One community rec program director very interested in learing about the law. few less positive comments: 3rd grade - boys races; girls clothes, pins, sweeping the dirt. Seemed inconceivable so insensitive to sex role stereotyping, checked - teacher didn't think there was anything wrong with it - she didn't assign them by sex, they could choose. Football coach, major suburban hs, now co-ed phy ed - "I don't School Board deciding Cut backs - treating equally by cutting out both boys & girls stiming in their total program so definitely favoring boy's - routs back by May -

Harlest thing - Lefin the law - 53 are we get into this - White not a part of the Law girls athletics evaluation project a great many very unanticipated, lively things kin have been occurring along the way to equality.

Representing the confiliets I mentioned before, the state is now into a rule writing process to assist the public and those directly involved in the laws to make kin sure they understand what the law says.

Laws have been on the books for some time, but were not being enforced. Dept of Ed did not take responsibility although they were coded into Education Laws; they felt the Dept of Human Rights should be responsible. Only after an informal letter from an attorney in the Attorney General's office, this past year, did Dept of Human Rights start to take responsibility for defining the laws. Meanwhile the DHR began to deal with two complaints filed 2-3 years previously. The department's apparent understanding of the law added a great deal to the confusion - wasn't helpful in creating understanding and in some respects was contrary to the law. Pressure was put on the Dept to come up with proposed rules to clarify the law and to go though the public hearing process on the proposed rules. That hearing was Thursday and Fridy - the record to stay open for ____ days for written comment.

the need for clarity and understanding so that all involved will know what their rights are and what their obligations are.

LWV supported 3 issues seen as controversial:

- 1. require same seasons when there are xx two beams based on sex affecting tennis, gymnastics, swiming
- 2. allowing all female teams to be considered non-discriminatory
- 3. allowing girls to try out for boys teams if there are two separate sex teams in the same sport.

While we had difficulty with the wording as being unclear, not saying what seems to be meant, etc. we supported the general concenpt. We don't see the rules as threatening girl's athletics, in fact they make it clear that having girls' teams are clear within the wording of the law. The law and the rules use the concept that

the state co-ed activities program and dengine sex the opportunity

to participate. This gives the flexibility to expand both sexes participating by having single coaching and practicing in sports like cross coutry, skiing, etc - which for economicals reasons is being done by many districts now; and it provides the legal basis for keeping boys and girls basketball totally separated because trying to practice as a team would reduce opportunities for girls to participate, the standard of the sta

The rules process has a long way yet to go. I hope the attention kkx and controversy that has been generated will be strengthening in the long run to opportunities for girls' participation in athletics. That really is the game and the
one we should all be concerned about.

Thank you for inviting me to come.

To: Minneapadis LWV, Girls' Athletic Project --- Cale Sovell?)

From: Liz Ebbott - Director of the Project

Date: February 11, 1979

Re: Information about Minneapolis Sports' programs

This weekend I was at a conference where the Athleti c Director of West High, Mpls discussed how he handles girls' athletics. You might like to add my notes to your information. (I'm sorry I didn't get his name.) Also enclosed are some evaluations I made of the Mpls reported numbers. (If you haven't gotten these reports, I have a set from the Dept. Of Human Rights and can get a copy to you.

This year Minneapolis has had boys/girls basketball double headers all season girls playing first at 6 pm; boys at 7:30. This has resulted in savings:
\$7,000 on transportation costs (girls JV and boys Sophmore teams play at
3pm aftersohool an go by shuttle bus at a great financial savings.
\$4,000 supervisory costs - since they have cut out one night's expense a
week - there is also savings on tacket taking costs, etc.

The coaches aren't happy, but the Board of Education approved the schedule. They had also suggested rotating Thursday and Friday nights between the girls and boys but the public protested because they never knew when the games were.

They are evaluating it. They may make changes next - maybe starting a little later. It hasn't seemed to bother anybody that the girls went first. The girls doon't draw very well - comparing time audiances.

It co sts him \$105 to put on a baskethall game, boys or girls... last year they were getting \$29 revenue a game from the girl's games. Their recepts last year were \$20,000 gate recepts from boys baskethall; maybe \$1,000 from girls.. Where the girls have strong, winning teams they do better - North, Roosevelt and Southwest. (One problem is that with busing the athletes are playing outside their neighborhood and nobody knows or cares. Southwest has some 14 blacks in school of which some 7 are out for basketvall and 4 are starters. They don't have community support.

Minneapolis is one of only 2 or 3 conferences in the state to have same night boygirl Houble headers.

His financial problems: Next year he must cut 7% out of his operating budget (
(along with a 7% inflation increase, it makes a cut of 14%) and we the district
must cut \$60,000 off of coaches salaries - 50-60 coaches. This is 5-6 coaches
per building... due to declining enrollment. It will mean cutting sports.)

Minneapolis now has single coaching boys/girls for skiing, cross country and are thinking of putting track and field together next year - cutting from 4 to 3 coaches, 1 head and 2 assistants.

They have a terrible job finding coaches. They can't hire them as teachers, but teachers don't want to coach. His girls' gymnastics coach works in a bank and coaches 7-9 in the evening (actually someone else with teaching tredentials is called head coach, but she really does the work - she isn't certificated.

Coaches salaries: \$2150 Head basketball coach boys and girls, although boys'

coach works 2 weeks longer

1750 girls gymnastics - assistant 1200

2150 football and ice hockey; 1500 assistant; 1085 sophmore

1700 track & field

1640 volleyball; assistant 1085

The salaries are set by negotiation with the Minn. Fed Teachers; it includes length of season, # of students; pressure. The scale was set some 15 years ago; each negotiation there is an across the board raise - usually 5%

In many sports the salaries are the same for boys and girls sports - golf, tennis, basketb all.

Length of seasons - the Minn. State High School League when it sets the season length just sets the maximum. In Mpls the boys play the maximum - basketball 18 games but the girl coaches are happier with less - 2 weeks shorter season, only 15 games Nobody is pressing them to play more. (They get paid the same as the boys coaches although they work 2 weeks less.

Badmitton - last year this girls' sport had one boy in it, on one team \$, "Every time they played, the other team forfeited" (I asked him if this boy then won the campionship and he said no, the boy quit at playoff time.... He is Professor Backstrom's son - U of M Poli Sci professor; a smallishmam, average boy who was not seen as a threat to the girls in badmitton. Phyliss Kahn interveined to pressure Mils schools to let him play. He was the only boy playing.)

Raising the concern that if you can let girls play on "boys" teams then you have to let boys play on girls", the Mpls School Board has voted that boys can play volleyball in Minneapolis play (although if they go on into Mn State High School League play those rules prevent boys from playing.) He indicated that he has some 6'4" basket ball players who want to play volleyball in the fall to keep in shape for basketball. He is afraid that this will be the rédiculous and to girls' sports.

Mpls has several men coaching girls sports. When they hire a new coach, for girls teams they try to hire a woman, but 1st they take dome one in the building; second someone in the system and 3rd they go out of the system. They prefer an experienced coach to a new coach. They must take into consideration the racial mix on the teams - while their skhool is 17% blacks; 13 of 15 on the boys basketball team and 7 of 15 girls in basketball are black.

Budget - they have \$6,000 for girls and \$13,000 for boys.

Because of lack of coaches North had no swiming, both boys and girls; Central dropped JV basketball; North dropped girls' gymnastics.

... My comments. He illustrates the very real, practical problems of equalizing opportunities. He lambasted Phyliss Kahn; Commissioner Wilson as arguing with eachother, saying contradictory things, neither of them making sense. (I told him afterwards that the kinds of things he was saying - about having 50% girls on the football team, etc. he knew weren't true and it really wasn't very helpful to keep saying them.) A couple of questions: TREATMENT AND BENEFITS ARE BY LAW TO BE SUBSTANTIALLY EQUAL WHEN THERE ARE SEPARATE TEAMS IN THE SAME SPORT. Do the coaches, or whoever have the right to make the girls' season less - 15 v 18 games in basketball? Is this giving girls an equal opportunity to participate and develope their skills? He said he is very supportive of what girls want and when the volleyball coach complains that the football team gets so much more he says, "Tell what more you want and you can have it, and she doesn't want anything more." He also said he felt outstate people were wrong and headed for trouble when they told the girls coaches they could only have 4 meets (with bus expense, et al) while the boys were having 7 ... but apparently Mpls does not divid up its money based on need or interest of girls but on the arbitrary distribution of \$13,00 for boys and \$6,000 for girls - they are m getting only 32% of the resources. ... I'm not totally sure that all of the statements he made were absolutely unbiased and factual.



To: Girls' Athletic Project Chairs

From: Liz Ebbott, State Chair

Date: January 15, 1979

Enclosed is a report form with questions/check list to let the state LWV know what you did and what you found out about girls' athletics. Since each League is handling the project on an individual community basis, some of the questions may not apply. Provide whatever information you can.

Due date: April 23, 1979; to LWV of MN, 555 Wabasha, St. Paul, MN 55102

The hearing on the Deptartment of Human Rights' proposed rules on girls' athletics is scheduled for Thursday and Friday, February 8 and 9, 1979 at Anoka/Ramsey Community College Theater, 11200 Mississippi Boulevard NW, Coon Rapids, MN, starting at 9 a.m. The state LWV will be submitting testimony supportive of most of the proposed rules, including:

requiring uniform seasons for boys and girls
allowing girls the opportunity to participate on boys' teams
allowing teams to be restricted to just females to insure
equal opportunity to participate.

We will be raising some technical questions about the wording of the rules.

The hearing is public. You may wish to attend. If you want to submit testimony, it can be sent to Natalie Gaull, Office of Hearing Examiner, Room 300, 1745 University Ave., St. Paul, MN 55104. We would be interested in hearing your thoughts on the proposed rules if you plan to testify. (We ask you not to speak in the name of the League against the above three positions.)

REPORT ON GIRLS' ATHLETICS PROJECT

Send to: LWV of MN, 555 Wabasha, St. Paul, MN 55102 by April 23, 1979

LWV	of	Reported by	
	ease send a separate report for each cool district monitored.		
WHI	CH ACTIVITIES DID YOU DO? (Check those	that apply; comment	if appropriate.)
1.	Publicized the project (Attach copy if	available)	
2.	Involved non-LWV people in the project sented other groups, which groups?)	(If they repre-	
3.	Monitored: School district programs (Dist. No		
	Private school programs (Which school?)		
4.	Talked with officials (Which?)		
5.	Minn. Dept. of Ed. compliance form of (Page 29, LWV Committee Guide)	otained Valuated	
6.	Minn. Dept. of Ed. athletic activities to (Page 31, LWV Committee Guide)	Form obtained evaluated	<u> </u>
7.	Talked with students How many?	.ee	
8.	Talked with parents How many?		
9.	Conducted an attitudinal survey (Attack	results)	
LO.	Prepared a report of your results (If	written, please send	1)
11.	Took your findings to: the responsible officials (Which?)		
	LWV meeting Public meeting		
	Community - newspaper, other media (Att	cach if available)	choose TOST weller (C)

WHA	AT WERE YOUR CONCLUSIONS? (Use separate sheet if needed)
1.	Were those responsible for the programs cooperative?
2.	Were they knowledgeable about the laws?
3.	Does your school district have a designated Title IX coordinator?
4.	Did the forms that were filed with the Minn. Dept. of Education appear to baccurate?
5.	What attitudes toward girls' athletics did you find? (Officials, teachers students, community, media, etc.?)
6.	How would you rate compliance?
7.	What were the best success stories?
8.	What were the greatest needs for improvement?
9.	Has the project caused changes? (Examples?)
10.	Will the committee continue: monitoring girls' athletics? monitoring other sex discrimination? other?

11. Other comments:

MINNESOTA STATE HIGH SCHOOL LEAGUE 2621 FAIROAK AVENUE • ANOKA, MINNESOTA 55303

Phone: (612) 427-5250

MURRAE FRENG EXECUTIVE DIRECTOR

October 25, 1978

ORVAL BIES
ASSISTANT TO THE EXECUTIVE DIRECTOR

MARVIN HELLING ASSOCIATE EXECUTIVE DIRECTOR

DOROTHY McINTYRE
ASSISTANT TO THE EXECUTIVE DIRECTOR

Liz Ebbott League of Women Voters 409 Birchwood Avenue White Bear Lake, MN 55110

Dear Liz,

On behalf of the Minnesota State High School League I wish to extend our appreciation to you and your organization for providing us with the opportunity to participate in the conference held on October 17, 1978.

It is my opinion that the conference served a very useful purpose and has brought several of the issues to the forefront. It is also very apparent that a very thoughtful and concerned organization is becoming involved in the issue of equality in athletics. We welcome your participation and your support!

Please contact us at any time that we may be of assistance to you or just to have a cup of coffee! Best wishes for an enjoyable week.

Yours very truly,

Dorothy E. McIntyre Executive Staff

DEM/mjj



LEAGUE OF WOMEN VOTERS OF MINNESOTA PHONE (612) 224-5445 555 WABASHA • ST PAUL, MINNESOTA 55102

news release

For more information call: Elizabeth Ebbott 426-3643 or 224-5445

The League of Women Voters of Minnesota invites you to cover Tuesday, October 17, 1978, 10:00 a.m. to 3:00 p.m.:

An authorative look at the law and current status of girls' athletics in Minnesota will be presented at the League of Women Voters of Minnesota workshop, EQUALIZING OPPORTUNITIES IN ATHLETICS: JOINING THE GAME AT LAST, Tuesday, October 17, 1978, 10:00 a.m. to 3:00 p.m., Weyerhaeuser Room, Minnesota Historical Society Building, 690 Cedar, St. Paul (adjacent to the state capitol).

The program will include:

Representative Phyllis Kahn, author of the Minnesota law dealing with athletics;

Commissioner William Wilson, Minnesota Department of Human Rights;

Archie Holmes, Supervisor, Equal Education Opportunities Section, Minnesota

Department of Education;

Dorothy McIntire, Assistant to Director, Minnesota State High School League;

Marian Johnson, Women's Athletic Director, Lakewood Community College;

Charlene Smith, Attorney, Minnesota Attorney General's staff;

Dorothy Olson, Investigating Supervisor, Minnesota Department of Human Rights;

A student involved in girls' athletics.

The workshop is the training session to prepare local League of Women Voters' groups throughout Minnesota to organize community groups to look at the status of girls' athletics and the compliance with the laws. Over 50 local Leagues will be involved. The project is being organized in cooperation with the Minnesota Department of Human Rights. Local Human Rights Commissions, AAUW, WEAL, and other interested organizations will be cooperating.

Federal and state laws forbidding discrimination based on sex and insuring girls' equal opportunities in athletics are now fully operational. The League of Women Voters will be evaluating compliance by school districts, community recreation programs, private schools and privately organized sports' programs using public facilities up through secondary school age. Through evaluation and community understanding of the laws, the League hopes that any local problems can be worked out within the community to insure compliance.

#

League of Women Voters of Minnesota in cooperation with the Minnesota Department of Human Rights

Training Session Tuesday, October 17, 1978 10:00 a.m. - 3:00 p.m.

Weyerhaeuser Room Ground Floor, Minnesota Historical Society Building 690 Cedar, St. Paul, MN*

EQUALIZ	ING OPPORTUNITIES IN ATHLETICS: JOINING THE GAME AT LAST
10:00 - 10:05	INTRODUCING THE DAY Jeannette Kahlenberg, Human Rights Chair, LWV of Minnesota
10:05 - 10:30	WHERE WE'VE COME FROM Marian Johnson, Women's Athletic Director Lakewood Community College, White Bear Lake, MN
10:30 - 11:00	EXPECTATIONS 1978 Representative Phyllis Kahn Minnesota State Legislature
11:00 - 11:15	Break
11:15 - 12:30	AS SEEN FROM HERE: GIRLS IN ATHLETICS William Wilson Commissioner, Minnesota Department of Human Rights Archie Holmes Supervisor, E.E.O. Section, Minnesota Department of Education Dorothy McIntire Assistant to Director, Minnesota State High School League Student Moderator, Elizabeth Ebbott, LWV of Minnesota
12:30 - 1:15	Break for Lunch Bag lunch or cafeterias in the nearby Centennial Building or State Capitol. Coffee will be available.
1:15 - 3:00	THE LEAGUE OF WOMEN VOTERS' PROJECT Elizabeth Ebbott, LWV of Minnesota
	The Laws, Rules and Court Action Charlene Smith, Attorney Minnesota Attorney General's Staff

What Constitutes A Complaint?

Dorothy Olson, Investigating Supervisor Minnesota Department of Human Rights

The League of Women Voters of	League of Women Voters of Minnesota, 555 Wabasha, St. Paul, MN 55102 - October, 1978	
The League of Women Voters of	Your Name	
The League of Women Voters of undertaking a community project of looking at the opportunities in girls' athletics in (city) program organized by the League of Women Voters of Minnesota in cooperation with the Minnesota Department of Human Rights. (Add a paragraph of who is in charge locally; how the project will be organized.) Federal and state laws which forbid discrimination based on sex and ensure that girls shall have equal opportunities in athletics are now fully operational. The project will be evaluating local compliance by the school district (add: community recreation program, private schools - if applicable). Much progress has been made in opportunities for girls in athletics in most sports' programs in Minnesota. However, clearer understanding of present law may be needed. The League of Women Voters hopes to encourage voluntary compliance if any areas of unequal opportunities become apparent. The laws provide that with very few exceptions physical education instruction is not t differentiate based on sex. All programs for elementary aged children cannot separate on the basis of sex. This applies to school, community, and privately run programs using public facilities. At the secondary level, sports programs can be separated by sex only if it is necessary to provide girls with an equal opportunity to participate on the sex teams in the same sport, equal programs must be provided. If only one team exists in a sport and it traditionally has been for boys (football, wrestling, ice hockey), girls have an equal opportunity to try out for the team. If they don't show much interest in these sports, schools have the responsibility to meet their interests by providing other opportunities, such as volleyball. A workshop was held in St. Paul October 17 to prepare Leagues to undertake the project The laws and their interpretation were explained by Rep. Phyllis Kahn; Commissioner William Wilson, Department of Education; Dorothy McIntire, Minnesota High School League, representatives from women's sports and t	Address	
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ORGANIZING A COMMUNITY LOOK AT GIRLS' ATHLETICS

Committee Guide

League of Women Voters of Minnesota 555 Wabasha, St. Paul, MN 55102

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INTRODUCTION

Purpose

The League of Women Voters of Minnesota has been asked by the State Department of Human Rights to undertake a project aimed at monitoring laws designed to ensure equal opportunity for girls in athletics. The goal of League involvement is to achieve voluntary compliance with the laws through community awareness.

Situation

Anti-discrimination laws affecting girls' participation in athletics have been in force for several years. It is apparent to even the most casual observer of the high school athletic scene that there has been dramatic improvement in girls' activities. Programs are expanding; skills are developing; girls are getting college scholarships for athletic skills. But how equal are the athletic opportunities? The laws are now fully operational. It is time for a careful look by community people to see if the laws are being fully implemented. And if school budget cuts and teacher/coach layoffs are necessary in the future, what will this mean for girls' athletic opportunities?

Laws

Those which presently apply are described more fully on pages 15-18. They include:

- Minnesota Statute 363.03, the Human Rights Act, which forbids discrimination because of sex in any service rendered by any educational institution or public service.
- 2. Minnesota Statute 126.21, the Kahn Law, which:
 - a. Forbids separation by sex in athletic programs for students 12 or over unless it "is necessary to provide members of each sex with an equal opportunity to participate in the athletic program."
 - b. Provides that if separate teams in the same sport are provided, they must have substantially equal budgets, exclusive of gate receipts, and be treated in a substantially equal manner.
- 3. Title IX of the Federal Higher Education Act which forbids discrimination on the basis of sex in education, including athletics.

Also relevant are the 1976 court decision interpreting these laws by Ramsey County District Judge Hachey (page 19); enforcement powers of the Department of Human Rights and the Department of Education; Department of Education rules; and Minnesota State High School League rules.

Problems

Some examples of the kinds of problems that might exist in a school or community: (Discussed further on pages 4-9)

On the elementary level, where it is now against the laws to segregate on the basis of sex: How many girls are on the teams playing in the community's ice hockey program, basketball program? How many boys are participating in the gymnastic program? Are additional efforts being made to encourage both sexes to participate and to teach both sexes the needed skills?

Junior high or older: If separate teams are offered for girls and boys in the same sport, do the two teams practice as often and as long; do they rotate the time or use of limited practice facilities; are the same number of coaches assigned to each team; are travel and distant meet opportunities the same for both teams; are the coaching staffs equally trained? Is someone designated within the athletic program to develop and interest girls in greater athletic opportunities? If not many girls are out for ice hockey/wrestling, what has been done to find out what sports girls would prefer in the winter season?

Remedies

It may be that violations of the laws exist and that practices that are now illegal have not been changed. Charges of non-compliance can be filed with the Department of Human Rights. Remedies for violations of Title IX can be sought from HEW. The laws exist that can cut off state and federal education support to a local district until there is compliance.

But the League of Women Voters' purpose is to seek remedies within the community by encouraging school districts and other responsible agencies to bring themselves voluntarily into compliance. Rather than getting into individual cases requiring litigation, and perhaps costly penalties, it is far more effective to analyze the local situation in the light of the law, define shortcomings, arouse public awareness, and bring community pressure on those locally responsible for the programs. The League's concern is with the students and with equal opportunity.

STEP-BY-STEP PROCEDURES

I. The Committee

1. League should be responsible and in control, but the membership should represent broadly based community interests.

. Set the size - small enough to work well; large enough to represent various

backgrounds.

3. Tentatively plan the scope - will you look just at the school district? K-12? interscholastic? intramural? class instruction?

- Will you look at private schools in the area? (A separate committee could be formed for that, if you wish.)

- Will you look at the community recreation program? the other youth sports programs using public facilities? (A separate committee could be formed for that, if you wish.)
- 4. Tentatively estimate a time table.
 School district budget processes start by December-January. This could be a target date. At any rate, you should complete your study so that recommendations can be ready by April, 1979.

5. Once you have decided on a framework, seek out people for the committee who

have an interest and have something to contribute.

- Committee members should be interested in athletic opportunities for girls and committed to seeing that equal opportunities are achieved.

- Committee members should <u>not</u> be members of the groups responsible for the programs (school board members, staff members, Title IX coordina-

tor, coaches, etc.).

- Sources of members - AAUW, PTA, Parents Councils in the schools, local Human Rights Commission members, WEAL, Business and Professional Women, parents of girls in athletic programs (fathers and mothers, seek racial, economic, residential area mix), high school/college girls involved in sports.

- You may want to make a public announcement for people in the community who would like to serve. (If this brings too large a response, limit

those you use to the numbers and criteria you set in advance.)

II. Function of the Committee

1. Familiarize yourself with the purpose of the study, the law and other background information in the Committee Guide.

2. Agree on scope, timetable and procedure.

3. Plan how to inform and involve the whole community (suggestions on page 5).

4. Assign responsibilities within the committee.

5. Collect data, interview people (see pages 5-8). Collect facts and some typical subjective quotes. (It is best to stick to the general, over-all picture and programs, avoiding individual cases.)

6. Closely scrutinize the information. Are the signed school reports accurate? Look for patterns of behavior. If there are areas where the law is not being

followed, get documentations. (Review Check List, page 9.)

- 7. Prepare to report to the community what you've found the good things; areas needing improvement; areas in violation of the laws.
- 8. Take the report to the school board, or board of trustees of a private school, or the public body controlling the community recreation program.

9. Publicize the results. Take them to community groups, Chamber of Commerce,

women's groups, church groups.

- 10. Push for changes where needed (see page 10-11). If it seems warranted, consider filing charges, carrying action beyond your community.
- 11. Interest the community in support of girls' activities, sponsoring awards, trips to tournaments, etc. Use the students to tell the story. Girl athlete rolemodels are badly needed. Use them in programs for elementary schools. Seek expanded/equal media coverage of girls' athletics.

- 12. Submit reports to LWV state office by December 1, report on your committee and your plans; by May 15, 1979, a year-end report.
- 13. Plan for an on-going monitoring program to see if changes are made.
- III. To inform and involve the whole community.
 - Talk with the newspaper people and explain what you are doing. Offer to prepare a background article for their use on the laws and current status of girls' athletics.
 - 2. Announce through the press what you are doing. Invite participation. Give name or phone number where people can reach you if they have something to contribute or want to get involved.
 - 3. A slide/tape presentation has been prepared by the Department of Human Rights and is available in the state LWV office. It is about 15 minutes long, requires a tape cassette player and a 33mm slide projector holding 100 or more slides. The sound should be amplified for a large meeting. The presentation is intended to stimulate discussion.
 - 4. Consider setting up a meeting or making an opportunity for public testimony and comments. Make sure students and parents have a chance to be heard. The committee could hold an open meeting to receive testimony. It would be well to know in advance if some problems exist that people wish to bring into the open. Those responsible for the programs should be invited to attend. It is also important to be available in an off-the-record session to give those afraid of publicity or pressure an opportunity to be heard.
 - 5. Publicize the report of your evaluation. It should be news. Call a press conference. Seek an editorial supporting your conclusions.
- IV. Collecting Data: -- School District
 - 1. Visit the Superintendent of Schools. Explain the project and the purposes you hope to achieve -- better opportunities for girls; better understanding of the laws by students, staff, administrators, the public; insuring compliance with the laws. Go over the information you want and confirm who has it.
 - 2. <u>Title IX Coordinator</u> (The title may vary, but someone within the district has the responsibility for insuring compliance with anti-discrimination legislation and seeing that the school community is aware of the laws.)
 - a. Has this person been designated?
 - b. Have staff and students been notified about the laws, their rights, where to seek assistance?
 - c. Have the required reports showing compliance with the laws been filed with the Minnesota Department of Education?
 - d. Get a copy of the following reports (pay for copying costs);
 - Assurance of Compliance with State and Federal Law Prohibiting Discrimination, Form 1.0660. (Pages 1 and 4 are copied on pages 29-30.) This report was filed last November and will be due again this November. The portion dealing with sports is on page 4 only.
 - Senior High Interscholastic Student Athletic Activities Program Report,
 Partsl and 2 (a sample on page 31-33). This report was due to be filed
 this past July 15. A similar report was to have been filed a year earlier. While compliance is voluntary, most districts have filed this
 report.
 - Junior High Interscholastic Student Athletic Activities Program Report,
 Parts 1 and 2 same as the senior high report.

The latter two reports are essential and are available in the district. They will supply the data of sports opportunities per season, by sex; participation by sex; costs, costs per participant. This information, if it is accurate, will provide a starting point for assessing the degree of compliance with the law.

e. Ask to see the Self-evaluation that the district has been required to complete and have on file identifying any policies or practices which do not

comply with Title IX. Modifications and remedial steps should have been planned or taken. The self-evaluation may indicate shortcomings in implementing Title IX as it relates to sports.

- 3. Athletic Director (Find out his/her area of responsibility interscholastic? intramural? Senior High? Junior High? all teams? male or female only?)
 - a. Get a copy of the participation data of numbers of girls and boys that is sent to the Minnesota State High School League. (See page 25 for type of information.)
 - b. Does he/she believe the district is complying with the laws?
 - c. Does he/she believe he/she understands the laws?
 - d. What is being done to find what sports girls are interested in and to offer sports that meet their interests?
 - e. What is being done to upgrade girls' skills and encourage them to participate?
 - f. Where there are two teams, based on sex, in the same sport, are they run jointly in any way? Are there plans for moving in this direction? What kind of timetable? Are boy/girl basketball doubleheaders being considered?
 - g. Taking a few of these teams in (e) above, get specific facts, such as:
 - Basketball: Number of teams boys and girls 7,8,9, Soph., JV, Varsity
 Number of coaches in total 7-12 boys and girls
 Do the boys play in a Christmas vacation tournament? Where?
 Do the girls play in a Christmas vacation tournament? Where?
 Total bus costs for boys; for girls
 When do the girls practice; which gym boys; which gym?
 Expenditures for uniforms; replacements

Track - Cross Country: Get a list of meets for boys and girls - are the numbers and travel involved equal? How many overnight trips?

- 4. Head of Girls' sports (Find out his/her areas of responsibility. Is the administration of the sports program integrated?)
 - a. Does he/she believe the district is complying with the laws?
 - b. Does he/she believe he/she understands the laws?
 - c. What is being done to find what sports girls are interested in and to offer sports that meet their interests?
 - d. What is being done to upgrade girls' skills and encourage them to participate?
 - e. Where there are two teams, based on sex, in the same sport, are they run jointly in any way? Are there plans for moving in this direction? What kind of timetable? Are boy/girl basketball doubleheaders being considered?
 - f. What sports would the girls like that they now don't have?
 - g. What process is used to start a new sport? Do the girls have to initiate the process?
- 5. Principal at Junior and Senior High buildings (possibly responsible for intramurals. If there are several secondary schools in the district, probably talking to one at each level is sufficient.)
 - a. Does he/she believe the district is complying with the laws?
 - b. Does he/she believe he/she understands the laws?
 - c. What is being done to find what sports girls are interested in and to offer sports that meet their interests?
 - d. What is being done to upgrade girls' skills and encourage them to participate?
 - e. Where there are two teams, based on sex, in the same sport, are they run jointly in any way? Are there plans for moving in this direction? What kind of timetable? Are boy/girl basketball doubleheaders being considered?
 - f. Look at the gyms, locker rooms, other facilities are they equal?
 - g. What arrangements are made for laundry, uniforms, towels are they equal?
 - h. How many intramural teams what sports?

Are they co-ed? If so, how many girls and boys in total? (Check rosters.) Are they segregated by sex? If so, are the numbers of sports equal? If

not, have efforts been made to encourage participation by girls or to meet their interests by offering them other sports?

What costs are paid by the school - coaches; travel; trophies; equipment?

Are they equal per participant for girls and boys?

- 6. Physical education teacher Junior and Senior High School (Talk to one or two at each level.)
 - a. What is being done to implement the law and remove all sex designation?
 - b. What has been done to teach the teachers about the law and how to implement i+?
 - c. What activities are now being taught? Has this changed because of the laws?
 - d. What is your reaction to now having boys or girls in your classes?
 - e. Are girls participating more or less than before the law? Why?
 - f. What is being done to improve girls' skills?
 - g. Do you divide your class into groups for team play? On what basis do you do this?
- 7. Elementary Director or Physical Education Instructor (or if there is no such position, talk to an elementary phy. ed. teacher)
 - a. What is being done to implement the law and remove all sex designation?
 - b. Are girls participating more or less than before the law? Why?
 - c. What is being done to improve girls' skills?
 - d. What has been done to teach the teachers about the law and how to implement it?
 - e. Are spring inter-school track meets held? Who competes against whom? How many girls were winners?
- 8. Elementary Principal (Talking to one or two would probably be sufficient.)
 - a. What is being done to implement the law and remove all sex designation?
 - b. What has been done to teach the teachers about the law and how to implement it?
 - c. What activities are now being taught? Has this changed because of the laws?
 - d. What is your reaction to now having boys or girls in your classes?
 - e. Are girls participating more or less than before the law? Why?
 - f. What is being done to improve girls' skills?
 - g. Do you divide your class into groups for team play? On what basis do you do this?
 - h. What happens during play at recess and lunch time. Is any effort made to change behavior patterns?
 - i. Seek permission to do an attitudinal questionnaire of students and teachers (pages 34-35 has some suggested questions).
- 9. Students and Parents
 - a. Do girls now have equal opportunity to participate in athletics?
 - b. With separated teams based on sex, is the coaching equal; practice time; facilities; schedules; trips?
 - c. If the different sports opportunities per season are less for girls than boys, have efforts been made to find what interests girls; to help develop interests; to encourage participation?
 - d. Do cheerleaders come to girls' games on an equal basis as boys'?
 - e. Are girls' games given equal attention in the school paper; pep assemblies; award ceremonies?

Do a questionnaire of secondary students and teacher/coaches. (Perhaps this can be arranged through student government.) (Pages 34-35 has suggested questions.)

- 10. School Board member who is the district's representative to the Minnesota State
 High School League
 - a. Do you believe that girls have equal opportunities in participating in athletics?
 - b. Do you believe that your separate sex teams are substantially equal? On what do you base this decision?

c. Has a girl on a separate sex team asked to participate on the boys' team? What was the school's response?

d. What is being done to run separate sex teams jointly? Same schedule, same coaching, same practice, etc.? Are girl/boy Friday night basketball double-headers being considered?

e. What is the League doing to expand girls' participation; encourage girls to

develop skills?

f. Is the League working toward coed teams to the extent that they don't limit girls' participation?

- 11. The same kinds of questions should be asked of the appropriate people in private schools.
- Por the community recreation program: The Director:

 What is being done to comply with the law?

 Who is responsible for seeing that there is compliance?

 Have coaches, participants been told about the laws? Do they understand them?

 What changes has the law made in your programs?
 - Under 12: Have all designations by sex been removed?

 How many of the team rosters are mixed? Is it real mixing or tokenism?

 (Look at them; count; make a record.)

 What is the ratio of girls on the various teams basketball, baseball, touch football, ice hockey, wrestling, etc.

 Ratio of women coaches of the teams?

 Where participation is limited, is the division based solely on skill and ability (not sex)?
 - When there aren't separate teams, how many girls play?

 When there are separate sex teams in the same sport:

 Number of male teams; number of female teams

 Money spent on each
 Facilities used by each
 Awards, trophies, trips, etc.

 Are these and other factors substantially equal based on participation (look at rosters; count yourself)?

Also talk to students/parents, similar to #9 above.

13. Leaders of some of the independently run sports programs for youth that use public facilities (Little League, hockey associations, clubs, etc.) should be asked questions similar to those applying to the community recreation program. #12 above.

CHECK LIST

- A. For students in 7th grade and above or 12 years old and older:
 - 1. When just one team considered a "boys'" team is available in a sport, is it open to girls on an equal basis? (Football, wrestling, ice hockey, other sports with only one team)
 - *2. For the above sports in total, how many girls are involved? Ratio of girls to boys? Total dollars spent on girls? boys?
 - 3. Are the number of sports for each sex each season equal? (Inequality may not necessarily indicate discrimination.)
 - 4. Where there are separate sex teams in the same sport: are expenditures per participant (exclusive of revenues generated) substantially equal?
 - Are other factors equal equipment and supplies, coaches, coaches training, scheduling games and practice, travel, use of facilities, etc.?
 - 5. What is done to interest girls to participate in sports; what is done to let them show their interest in sports not presently available? (Indicates good faith intent to comply.)
 - 6. Go over the above questions for: junior high interscholastic sports junior/senior high intermural sports community recreation program private schools
- B. For students 6th grade or younger or 11 years or younger:
 - 1. Are all athletic programs designed for and open to members of both sexes on an equal basis?
 - 2. Have all divisions by sex been eliminated in the programs?
 - 3. Are the athletic skills taught equally to all children; is remedial help given to those who have difficulty mastering a skill?
 - 4. What is the sex ratio/team on all teams in the program?
 - 5. Have the teachers had training/workshops explaining the law and how to implement it?
 - 6. What has been done to interest girls/explain to girls their opportunities to have equal participation in all athletics?
 - 7. Go over the above questions for: community recreation programs private schools
- C. Has the district filed accurate reports with the State Department of Education: November 15, 1977; July 15, 1978? (pages 29-33)
- D. *Evaluate over a period of time the press coverage given girls/boys' athletics. Evaluate radio/TV coverage. (Compare inches, column location, page.)

WHEN ALL ELSE FAILS

In the event that an education institution or a community recreation program is not complying with the laws prohibiting discrimination based on sex in athletic programs, you will want to take action. First, be sure that your findings are substantiated by dates, data, and staff personnel and/or students involved. Then

- Inform the non-complying institution of the problems you have found. Request action. Offer to help. It is possible that you will find areas of minimal legal compliance. In those cases, you should encourage initiative in the institution to go beyond mere compliance.
- . Complain to the non-complying institution. Start by talking to the Title IX coordinator and the person responsible for the program in question.
- . Notify the school board members or the trustees of a non-public institution or the public body controlling community recreation programs of the non-compliance. Attend their meetings; ask to make presentations which include graphic examples or specific information about the effects of non-compliance. Demand action!
- . Consider filing charges or assisting those involved in filing charges. Whether or not you decide to file, this in no way limits any other individual or group's right to file charges. Charges must be filed within 6 months of the alleged discrimination, so do not delay too long in seeking to work out the problem locally.
 - Charges can be filed with the Minnesota Department of Human Rights, 240 Bremer Building, St. Paul 55101 (phone 612-296-5663). Some local Human Rights Commissions can deal with charges. It is your decision where to go; however, filing a charge with one agency precludes the option of filing the same charge with the other agency. Complaints of violations of Federal Law, Title IX, should be filed with HEW, Region V, 300 South Wacker Drive, Chicago, Illinois 60606. They must be filed in writing within 180 days of the alleged discriminatory act.
- . Make the non-compliance a public, community issue. Use the media to inform the community. Keep newspapers and television and radio stations aware of what you are doing and what you find. Expose the non-compliance. Stage public information seminars and media events. For example, with the permission of the principal, take the media on a tour of the school's separate and unequal gym facilities for girls and boys. Use pictorial charts showing inequalities in participation, programs, monies spent for girls and boys in athletics.
- Bring specific examples of non-compliance to the attention of the Minnesota Department of Education, EEO Section, 550 Cedar, St. Paul 55102; State Commission on the Economic Status of Women, 410 State Office Building, St. Paul 55155; and your state representatives. Request their support for the enforcement of the laws and the end of non-compliance.
- . Don't stop there! Talk about your findings with others in your church, your union, your business or professional groups. Arrange a speaker's bureau with concerned

citizens. Take turns making formal presentations to request other people's involvement. Talk to friends and ask them to help.

- Urge the parents and students affected by the non-compliance to speak up. Build public pressure for the issue.
- Give awards for either good jobs or bad ones. Publicize the presentation of awards by inviting the media. Don't hesitate to embarrass non-compliers.
- Continue your involvement; request updates on the progress of the case and supply additional information you learn. Compliance must be continuous, so much monitoring. Watchdog.

KEEP A RECORD OF: What you find.

What you recommend.

What you do.

(Adapted from Monitoring Title IX. AAUW.)

TYPICAL QUESTIONS:

1. If a sport is offered to boys, does it have to be offered as a separate sport to girls?

No, but girls have the option of trying out for that sport. This is the case presently in wrestling, hockey, football, and in some schools, soccer.

2. If a sport is offered to boys and a girl comes out for the team, does she have to be allowed on the team?

Yes, unless she fails to meet the same standards that are used to cut boys from the team. To be cut from the team, there should be a measurable difference between her skill level and those who are not cut.

3. If a sport is offered to boys, and girls do not seem interested in participating, does that end the responsibility of the school district in complying with the law?

No, Title IX states that the schools are to meet the interests and abilities of the students. An assessment of what would interest girls would logically be called for. Judge Hachey in ruling on Minnesota law in the case involving the St. Paul School District ordered that if there is a lack of interest on the part of girls for a separate team on any sport, then other sports shall be provided to girls to equalize the number of sports available to each sex. The same number of sports are to be made available to each sex in each season, although not necessarily the same sport in each season.... In addition, the school was ordered to develop an educational program to train girls in athletics and skills.

4. May schools prevent girls from participating in contact sports? (Football, ice hockey, wrestling, basketball)?

No. Minnesota law allows separate sex teams only when necessary to give equal opportunities to participate to both sexes. Minnesota law does not allow separation in contact sports as Title IX in the federal law does. Since Minnesota law is the stronger law and carries out the intent of the federal law, the Minnesota law prevails.

5. Where a sport is offered to girls (volleyball), can a boy compete on the team?

No, at this time. Minnesota State High School League rules don't permit it. At the current level of girls' skill development and their past history of not having equal opportunities to participate, if many boys who were good athletes choose to compete on the team, it would limit girls' opportunities to participate. If only a few, less skilled boys sought to play, then this would probably not unduly limit girls' opportunities. This issue is in the courts in other states.

6. Where there are separate teams in the same sport for girls and boys, how separate may they be? (Tennis, golf, gymnastics, track, cross country, skiing, basketball, baseball, softball)

According to Judge Hachey in interpreting Minnesota law, the teams are to be considered co-educational or not separated throughout their operation. Separation is only justified where it is necessary to allow girls an equal opportunity to participate. Each aspect of the team program, practice, coaching, scheduling, meets, etc., must be justified separately if the girls and boys' programs are to be kept separate.

At the present time, it is logical to assume that actual competition would be segregated by sex or scored in competition with the same sex, but for the other activities, if there is no limitation on girls' opportunities to participate, the programs may be run on a co-educational basis.

7. If the school has separate teams for each sex in the same sport, can a girl compete on the boys' team?

No, but possibly yes. Minnesota High School League rules state that if the teams are substantially equal, then each sex is to stay on its own team. The decision on whether the teams are "substantially equal" rests with the local school district. If they are not substantially equal, girls can compete on the boys' teams.

This issue was dealt with by hearing examiner George A. Beck (page 20). However, his decision was ruled moot since the girl filing the complaint left the state. At the present time, the MSHSL rules prevail. Schools, if they wish, could request clarification of the law by the Attorney General.

The girl who is denied permission to compete on the boys' team could file charges with the Department of Human Rights, but this process is lengthy and slow and probably would not help the individual involved.

8. If the school has separate teams for each sex in the same sport, what constitutes substantially equal treatment in order to comply with the law?

There shall be substantially equal budgets per participants. These dollar figures may be less than equal if tenure is a factor in coaching salaries, if the girls' team has start-up costs of uniforms and equipment, if an unexpected change in numbers of participants occured after the budgets and coaching numbers were set. However, efforts should be made to anticipate interest and plan accordingly.

In calculating equal budgets per participant, admissions and other revenue generated by the sport may be subtracted from that sport. At the present time, the standard school accounting system does not report sports revenues as an off-set to expenditures.

It is not substantially equal treatment to have freshman, sophomore, JF and Varsity teams for boys and one team for girls.

The practice facilities, skill of coaches, attitude of coaches, number of coaches, practice times, schedules, travel arrangements and distances, overnight trips, number of meets, kinds of meets, attention to the sport by the rest of the school, uniforms, medical attention, etc., are all to be substantially equal.

9. Do the separate season in tennis, gymnastics and swimming violate the law? (Having girls' tennis in the fall, boys' in the spring; boys' gymnastics in the fall, girls' in the winter; girls' swimming in the fall, boys' swimming in the winter.)

At the present time, no. Judge Hachey ruled that they did, but this issue is still in the courts. The final decision has not yet been made.

10. At the present time, what are the requirements for coaching a girls' sport?

None. Up until recently 18 credits of instruction were required for girls' coaches. Only 9 credits were required to coach boys' teams, and this applied to only six sports. Rules were then proposed to make a standard requirement regardless of the sex of the team being coached. In anticipation of new rules, the requirements for coaching girls were dropped, but not those for coaching boys. The new rules also would have required certification and licensing for all interscholastic coaches,

junior and senior high, head coach and assistants, and all sports. This broadening of requirements has become an issue between the State Board of Education and the Board of Teaching. A hearing examiner and the Board of Education rejected the new rules. They are currently back in the Board of Teaching being rewritten. In the meantime, there is no requirement on qualifications for coaching girls' sports.

11. May junior and senior high physical education instruction be segregated by sex?

No. Title IX, state law, and Department of Education rules covering instruction provide that no course may be provided on the basis of sex. Separation by sex is allowed in locker room use and in classes in human sexuality. Ability grouping is allowed providing that this doesn't have an adverse effect on one sex.

12. Do Title IX and Minnesota law apply to colleges and universities as well as school districts?

Yes. There has been very little public attention in applying Minnesota Law on equal opportunity in athletic programs to colleges and universities, but the state laws do apply.

13. Do community recreation programs come under the laws?

Yes. Under age 12 there can be no sexual differentiation in their programs. Age 12 and older, programs and teams segregated by sex can only be justified if they are necessary to give equal opportunity for participation to both sexes. The number of offerings for each sex should be substantially equal; where separate programs are offered based on sex in the same sport, they shall be treated substantially equal, equal money spent per participants, equal competition, number of meets, number of awards, equal umpiring/refereeing, etc.

14. Do private community groups running sports programs come under the law? (Little League baseball, hockey associations, sports clubs, etc.)

Yes, if the programs use public facilities, publicly paid coaches or are in any way supported by public funds. (Federal law specifically exempts Boy Scouts, Girl Scouts, Campfire Girls.)

15. Do private schools come under the laws?

Yes, the laws apply to "educational institutions" which means private as well as public.

LAWS AND RULES DEALING WITH SEX EQUALITY IN ATHLETICS IN MINNESOTA - 1978 (not fully quoted)

Minnesota Human Rights Act as amended through July, 1977 - MN Stat. 363.03 Subd. 5(1)

"Education Institution. It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability."

MN Stat. 363.03 Subd. 4 "Public Services. It is an unfair discriminatory practice: To discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of race...sex...."

Definitions:

363.01 Subd. 10 - Discriminate includes segregate or separate.

363.01 Subd. 19 - Public Service - any facility, department, agency, board or commission owned, operated or managed by or on behalf of the State of Minnesota or any subdivision - county, city, township, or independent district in the state.

363.01 Subd. 20 - Educational Institutions - public or private institutions - nursery through college, business, vocational schools, etc. (363.02 Subd. 3 - the sex provision of the law does not apply to private educational institutions which permit students of only one sex to enroll.)

363.05 - Duties of the Commissioner - to administer the law, enforce compliance; to use education, conferences, persuasion to eliminate unfair discriminatory practices; shall conduct research and study discriminatory practices; shall create such local and statewide advisory committees as will effectuate the purposes of the department.

Enforcement Powers - MN Stat. 124.15

Districts are required to file assurances of compliance with state and federal laws prohibiting discrimination. The filing is to be done with the Department of Education. These are reviewed by the Department of Human Rights to determine compliance. If not in compliance, the Department of Education proceeds against the district with the power to reduce state financial aids.

Department of Education Rules - EDU 4

In curriculum, no school shall provide any course or activity on the basis of sex, (health (except human sexuality), phy. ed., home ec., industrial arts).

Department of Education Rules - EDU 660-669

In areas of equal educational opportunity and desegregation:
Schools shall disseminate a policy on non-discrimination on a continual basis.
Reduction in state aids can be the penalty for non-compliance with the rules.
Schools must submit data in this area as required by the Department of Education.

[126.21] Discrimination; Athletics; Equal Opportunity.

Subdivision 1. Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or in the seventh grade or above, it is not an unfair discriminatory practice:

- (1) to restrict membership on an athletic team to participants of one sex, if this restriction is necessary to provide members of each sex with an equal opportunity to participate in the athletic program; provided, if a membership restriction on the basis of sex results in the operation of two teams in the same sport which are separated or substantially separated according to sex, the two teams shall be operated in compliance with all the provisions of clause (2) of this subdivision; or
- (2) to provide two teams in the same sport which are in fact separated or substantially separated according to sex, if the two teams are provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects are treated in a substantially equal manner. The two teams shall be operated separately only in those activities where separation is necessary to provide the members of each sex equal opportunity to participate in the athletic program.

Subdivision 2. Any organization, association or league entered into by educational institutions or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall, effective July 1, 1976, provide rules and regulations and conduct its activities so as to permit its members to comply fully with subdivision 1 and section 363.03, subdivisions 1 and 5.

Subdivision 3. Educational institutions and public services shall make every reasonable effort to provide substantially equal budgets per participant pursuant to subdivision 1 during the school year 1975-1976, and thereafter shall provide substantially equal budgets per participant pursuant to subdivision 1. Educational institutions and public services shall phase out separation based on sex in athletic programs designed for participants 11 years old or younger and in the sixth grade or below during the school years 1975-1976, 1976-1977, and 1977-1978, and thereafter shall comply fully with subdivision 1 and section 363.03, subdivisions 4 and 5.

Section 2. Laws 1974, Chapter 355, Section 68, Subdivision 4, is repealed.

Approved June 4, 1975.

Assurance of Compliance with State and Federal Laws Prohibiting Discrimination, Department of Education Report 660

1. All athletic programs 6th grade or 11 years or younger are to be designed for and open to both sexes equally.

2. For 7th grade or above or 12 years or older, teams are to be open to members of both sexes on an equal basis# (except where there are separate teams to ensure equal opportunity to members of both sexes*).

3. If the district provides separate teams for each sex*, the number of sports

for each sex each season is to be equal.

4. If there are separate boys and girls teams*, expenditure per participant (exclusive of revenues generated by the sport) is to be substantially the same for each sex. Other services are also to be equal - equipment and supplies; scheduling games and practice time; travel; coaching; use of facilities; etc.

Title IX - Federal Higher Education Act

Benefits under any educational program or activity receiving federal financial assistance, including athletics, cannot be denied on the basis of sex.

Title IX Rules

86.8 - At least one employee is to be designated to ensure compliance. Students and employees are to be notified who this is.

86.41 - Athletics

Cannot exclude from participation, be denied benefits, be treated differently from another person in interscholastic, club or intermural athletics based on sex; cannot provide separate programs based on sex.

Can be separate by sex when based on competitive skill.

Can be separate by sex when a contact sport+.

If only offered to one sex, the sex previously limited can try out unless it is a contact sport+.

Determining facts in equal athletic opportunity:

selection of sports and level of competition accommodates the interests and abilities of members of both sexes (obligation to survey not mentioned). equal services - equipment and supplies, scheduling games and practice

times, travel, coaching, use of facilities, etc.

It does not constitute noncompliance if there are unequal aggregate expenditures per sex in total or if there are unequal expenditures if there are two separate teams based on sex, but failure to provide necessary funds may indicate noncompliance.

Elementary schools must comply by 1976; secondary by July 21, 1978.

86.34 - Access to course offerings, including athletics

No separation based on sex; no refusal to allow participation based on sex. Grouping according to ability is allowed, but if a single standard of measuring skill or progress has adverse effect on one sex, appropriate standards can be set that don't have this effect.

Elementary and secondary classes in human sexuality can be separated by sex. Phy. ed. classes or activities can separate by sex in contact sports*. Athletic scholarships can be granted proportional to the number of students of each sex in interscholastic athletics.

86.14 - Excluded from coverage

YMCA, YWCA, Girl Scouts, Boy Scouts, Camp Fire Girls, voluntary youth service organizations exempt from taxation (Int. Rev. Code Sect. 501 (a)) where membership has been traditionally limited to one sex.

^{# &}quot;teams open to members of both sexes on equal basis if there is only one team" - football, hockey, wrestling, soccer, ski jumping, baseball.

^{* &}quot;separate teams in each sport" - basketball, track and field, swimming, tennis, gymnastics, golf, skiing (except jumping), cross country, baseball-softball.

^{+ &}quot;contact sports" - wrestling, boxing, rugby, ice hockey, football, basketball, and other sports where the purpose or major activity involves body contact.

G

If "significant assistance" is provided by public money to a sport - school, public playground, publicly paid coaches, etc., the sport comes under the provisions of Title IX.

The U.S. Supreme Court ruled that girls had to be allowed to play on Little League teams in 1974.

MN Stat. 129-21, Subd. 1, establishes the Minnesota State High School League to regulate interscholastic and extracurricular activities in high schools.

Minnesota State High School League (MSHSL) - technically this is a voluntary organization. High schools don't have to join, although this rarely happens. With membership, schools may compete in state tournaments and must abide by League rules. These rules set sports' seasons:

Fall Volleyball - G	Winter Gymnastics - G	Spring Tennis - B
Football - B - Unitary	Basketball - B & G	Baseball-Softball - B & G
Soccer - B - Unitary	Wrestling - B - Unitary	Golf - B & G
Gymnastics - B	Hockey - B - Unitary	Track - B & G
Tennis - G	Skiing - cross country &	
Swimming - G	down hill - B & G	
Cross Country - B & G	Swimming - B	
4 Girls	3 Girls	3 Girls
4 Boys (2 Unitary)	5 Boys (2 Unitary).	4 Boys

Girls can try out for boys' teams if there is no girls' team in the sport. This includes "Unitary" sports. Girls are restricted to girls' teams when single sex teams in the same sport are substantially equal. Each school determines if the teams are substantially equal. (This was successfully challenged in the case of a Burnsville swimmer, and the Minnesota State High School League (MSHSL) rules were declared in violation of MN Stat. 126.21. On appeal, the ruling was voided as moot, since the girl had left the state. The MSHSL rules currently stand.)

VIEWS OF THE LAWS (MN Stat. 363.03 Subd. 5; MN Stat. 126.21)

Findings by Judge Ronald E. Hackey, District Court, Ramsey County, June 14, 1976, in the case brought by Charlotte Striebel and others similarly situated against the St. Paul Board of Education:

It is legislative intent to provide coeducational athletic programs in educational institutions for all participants 12 years of age or older, unless justification is shown to restrict membership on an athletic team to participants of one sex in order to provide members of each sex with equal opportunities to participate in the athletic program.

If membership is restricted on the basis of sex, then each team shall provide substantially equal benefits per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects there shall be treatment in substantially the same manner including arranging for the same seasons for each sport*, equal access to skilled coaching, equally desirable practice time, practice facilities, etc.

The word "activities" in MN Stat. 126.21, Subd. 1 Clause (2) means active or overt acts in furtherance or creation of an athletic program including practice schedules, equal time in use of facilities.

It is the intent of the Legislature to provide that separate teams are to be an exception to the rule of providing coeducational sports programming, and there must be a showing, based on reasonable facts, of the necessity for providing separate teams and for having separate "activities" for each team. Sports designated as contact sports - boxing, wrestling, Rugby, soccer, ice hockey, football, basketball, are included in the Minnesota law.

If a sport is provided for boys only, then a corresponding scheduled sport for girls shall be provided. If there is a lack of interest on the part of girls for a separate team in any sport, then other sports shall be provided to girls to equalize the number of sports available to each sex. The same number of sports are to be made available to each sex in each season, although not necessarily the same sport in each season.

The St. Paul School District was ordered to change its sports program to reflect the findings. In addition, it was ordered to develop an educational program to train girls in athletics and skills.

^{*} The judge, in ordering that the same seasons be arranged for sex separate team sports, stated that they must show nondiscriminatory reasons for having separate seasons in the same sport. Wherever the primary problem appears to be lack of facilities, then the school district must show justification why the total number of athletes cannot be divided into two seasons based upon skill criteria rather than by sex - varsity in one season, junior varsity in another season, comprised of membership of both sexes.

This latter provision has been appealed, and the issue is still in the courts.

Memorandum, November 23, 1977, by George A. Beck, Hearing Examiner, in the complaint against the Burnsville School District in which the school district was found in violation of sex discrimination laws by excluding Paula Macdonald from the boys' high school swimming team. The finding also ruled that the Minnesota State High School League's rule that prevents girls from being on boys' teams was in violation of law. The examiner ordered that Paula Macdonald and any other girl within the school district who so desires was to be allowed to participate as a member of the boys' swim team.

MN Stat. 363.03, Subd. 5, prohibits discrimination based upon sex. MN Stat. 126.21 provides that it is not an unfair discriminatory practice to restrict membership on athletic teams to participants of one sex if the restriction is necessary to provide members of each sex with an equal opportunity to participate in the athletic program. The burden to show that a sex restriction is necessary falls upon the School District.
... MN Stat. 126.21 establishes a presumption against teams completely segregated by sex and does not appear to allow very much discretion to school districts in determining when such segregation is appropriate.

The MN High School League rule that prevents girls from being on boys' teams conflicts with MN Stat. 126.21 in that the law permits crossovers even where two teams are treated in a substantially equal manner if the school district is unable to show that separate teams are necessary to provide members of each sex with an equal opportunity to participate in the athletic program. Consequently, a school's reliance on a rule may well lead them to violate the statute. A school district cannot justify restriction of membership by sex simply by providing substantially equal sex-segregated teams, since this would nullify MN Stat. 126.21, Subd. 1 (1), and would also render meaningless the "substantially separated" language of subdivision 1(2). Because the League's rule permits segregation where the school judges equality to exist, it must necessarily fall in the face of the statutory mandate. MN Stat. 126.21, Subd. 2, specifically directed the League to provide rules and conduct its activities so as to permit its members to comply fully with the law by July 1, 1976. The League failed to revise the rule in question which had been in effect since 1974.

On appeal by the Minnesota High School League, the findings and order were declared moot, since the girl involved no longer attended the school. The effect has been to reinstate the Minnesota High School League rule.

Department of Human Rights:

"The department has held the position for some time that girls should not be prohibited from participating fully in school athletic programs in the same manner as males are currently allowed to participate. Athletes, regardless of sex, should have the opportunity to play on any team which is part of a school's athletic program. More specifically, athletes should not be denied the best coaching, the best facilities, the best competition (regardless of sex) available in a school's athletic program simply because they are females. If female students are interested in a sport, they must be given the opportunity to compete and should be encouraged to participate in that sport. A female athlete must be given the opportunity to compete against male athletes if she wishes. The department bases this position on a prohibition contained in the Minnesota Human Rights Act which bars discrimination in education because of sex.

"Before action can be taken to eliminate discriminatory practices and their effects, a standard must exist so that it is possible to assess attempts to achieve equal opportunity. In conciliating the school district charges of sex discrimination, the Department has established the concept of sexual parity; that is, all else being equal, the proportion of girls and boys participating in athletic programs offered by a school district would be in direct proportion to the number of girls and boys enrolled in that school system. Not all circumstances that result in less than sexual parity would be sexually discriminatory. Sexual parity, according to Commissioner Wilson, is a goal rather than a requirement. However, where it has been found that sex discrimination is responsible for lack of parity, remedial action must be taken. Some permissible reasons for less than proportional representation of girls on athletic teams might be a lack of interest or lack of needed skills. The department's goal is to ensure that girls are not excluded from participating in sports programs offered by state school districts."

Department of Human Rights Press Release September, 1978

"....department policy....views separate-but-equal provisions based on sex for any level of athletics in Minnesota as illegal."

Equality Issues, MDHR, July-August, 1978

Minneapolis Star - September 8,1978

Editorials

'Sexual parity' and football

*COMMISSIONER WILSON is not entirely free of blame for the widespread misinterpretation of his use of the phrase "sexual parity." The phrase appeared six times in 19 remedies the Human Rights Department proposed to two suburban school districts alleged to be discriminating against girls in their athletic programs.

portion to the number of girls and boys enrolled in the school system . . . Where it is found that sex discrimination is responsible for lack of parity, remedial action must be taken."

The department does not object to disproportionate same-sex teams where they exist for reasons other than sex

St Paul

Pioneer

Press

Dispotch

'Sexual parity'
in prep sports
concerns school

ANOKA, Minn. (AP) — Anoka-Hennepin school districts officials are concerned about a Minnesota Department of Hurnan Rights document which appears to go further than state law in defining "sexual parity" in high school athletics.

school athletics.

"We're looking at it and saying this is incredible, it's unreal.

says Superintendent Lew Finch.
The Human Rights Department says athletic teams and programs must-have "parity" based on the percentage of male and female students in the district.

trict.

This appears to mean that if
the varsity football squad has 40
players, and if 50 percent of the
students in the district are girls,
the team must be half girls.



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League of Women Voters Minnesota Historical Society October 17, 1978

MINNESOTA STATE HIGH SCHOOL LEAGUE 2621 Fairoak Avenue Anoka, Minnesota 55303

I. Foundations for Growth.

In 1969, the Minnesota State High School League initiated the development of the first statewide girls athletic program among its 522 members. Never before had such an opportunity been proposed for high school girls in Minnesota.

The approval capped nearly a decade of efforts to change society's biased attitude toward the girls who enjoyed sports. Until the late 1960's a girl faced a stereotyped model of femininity which excluded the development of fitness, skill and strenuous physical activity. She was taught that something might get 'shook up' if she engaged in competitive sports and warned that her peers, particularly the boys, preferred a companion who "played like a girl."

Until 1969 school-sponsored athletic programs for girls in Minnesota had been limited and virtually non-existent. During the 1900's to 1940's occasional inter-school basketball league's existed in some areas of the state. The girls game was played under a variety of rules ranging from a 3-court limited dribble game to, as one former player described it, "whatever rules the visiting team wanted to play." From 1924-42, eleven schools in Minnesota's Iron Range participated in a program of girls swimming and a state meet was conducted for these schools by the Minnesota State High School League until 1942. At that time, girls and womens programs were discontinued across the nation as a wave of public censure discouraged all school-sponsored sports for girls and women and an occasional play-day or intramural program became the only source of competitive activities during the 1940's, 50's and 60's. It was a frustrating period for the highly skilled and motivated young woman.

Change requires leadership. In Minnesota, this leadership in the 1960's was initiated by several organizations: The Minnesota State High School League, The Minnesota Association for Health, Physical Education and Recreation, its Division for Girls and Women's Sports and the Minnesota State Department of Education.

The mood for change was brought before the public by the combined efforts of secondary school physical education teachers, administrators, college and university educators and personnel of state education agencies. From 1963-69, these leaders set aside old stereotypes and biases, and an outline took shape for a comprehensive statewide program of athletics for girls. The philosophy and objectives for girls athletics was developed and proposed to the legislative body of the Minnesota State High School League in November 1968. In March 1969 the Representative Assembly voted to add a parallel girls athletic program to existing programs of boys athletics, music, drama and speech. The movement began slowly at first but gradually gained momentum and maturity as the efforts of civic and community organizations, as well as state and federal laws added strength and validity to the statewide program.



II. GIRLS SPORTS: Number of High School Interscholastic Varsity Teams.

The chart illustrates the growth of the program for the ten (10) girls sports which culminate in League-sponsored state tournaments.

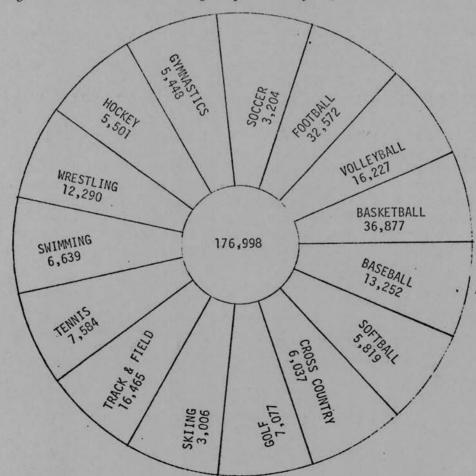
SPORT	1971-72	1972=73	1973-74	1974-75	1975-76	1976-77	1977-78	1978-79
Basketball	84	127	218	407	* **489	493	504	500
Cross Country	4	1	4	29	*123	158	179	**217
Golf	8 .	13	32	32	103	*132	160	**188
Gymnastics	61	77	120	*156	186	173	172	**181
Skiing	1	8	19	22	* 52	60	65	73
Softball	12	13	6	16	75	*110	161	**183
Swimming	20	45	72	80	*108	114	122	129
Tennis	8	42	84	*134	168	179	188	**187
Track & Field	*164	198	420	463	**494	494	474	469
Volleyball	62	111	220	*250	**460	476	483	490
TOTAL:	424	635	1,195	1,589	2,258	2,389	2,508	2,617

CODE:

- * Year in which State Tournament series initiated.
- ** Year in which State Tournament expanded to two classes, A-AA.

III. PARTICIPATION: Minnesota State High School Athletic Teams.

A. The following chart depicts the number of student athletes who were members of high school teams in each League-sponsored sport; 1977-78:



B. Participation Statistics - Schools and Students.

		BOYS .			GIRLS	
SPORT	1977-78 TEAMS	1978-79 TEAMS	STUDENTS	1977-78 TEAMS	1978-79 TEAMS	STUDENTS ,
Basebal1	424	414	13,252			
Basketball	514	508	19,883	504	500	16,994
Cross Country	264	257	4,290	179	217	1,747
Football	504	488	32,572	*		
Golf	306	308	5,204	160	188	1,873
Gymnastics	45	43	762	172	181	4,686
Hockey	148	146	5,051	*		
Skiing	60	68	1,576	65	73	1,430
Soccer	48	52	3,204	*		
Softball				161	183	5,819
Swimming	127	128	3,201	122	129	3,438
Tennis ·	180	179	3,788	188	187	3,796
Track & Field	461	460	16,465	474	469	15,533
Volleyball				483	490	16,227
Wrestling	366	366	12,290	*		
TOTALS:	3.447	3,417	121.538	2,508	2,617	71.543

* Team for girls not provided in that sport, girls eligible for team membership and participation.

IV. Team Membership.

The Minnesota State High School League and its member schools recognize that separation of students and their activities can create discriminatory practices but that some separation on the basis of se; in athletics has been recognized in state and federal laws and may be necessary to provide equal opportunity to members of both sexes.

Therefore, during the development of the girls athletic program, the following League policies have defined the options available to girls:

- 1. In a school where substantially equal and separate teams in the same sport are provided, students shall be limited to membership or participation on teams designed for their sex. The determination of substantial equality between the girls and boys teams shall be made by the member school.
- 2. When a school determines that the team designed for girls has not achieved substantial equality with the team designed for boys, the school may permit a girl to compete for membership and participation on the boys team.
- 3. Girls may compete for membership or participation on a team designed for boys when a separate team in that sport is not provided for girls.
- 4. Boys shall not be eligible for membership or participation on a team designed for girls.

V. 1978-79 Calendar of Seasons.

When schools have provided two teams in the same sport which are separated or substantially separated according to sex, the activity is conducted in the same season with the exception of tennis, swimming and gymnastics. In those three (3) activities, the separation of seasons most effectively provides the members of each sex an equal opportunity to participate in the athletic program.

* 1978-79 CALENDAR OF SEASONS

Number of Teams - 1977-78 BOYS - (left) GIRLS - (right)

		ANKSGIVING 14 ∧ 16 17 18 19 20 21 22 23 24 25 26 27 28	SPRING BREAK 3 29 30 31 32 33 34 \(\begin{pmatrix} 36 37 38 39 40 41 42 43 44 45 46 \end{pmatrix}\)
		CROSS COUNTRY SKIING (boys & girls)	(306) GOUF - (toys & girls) (160)
		(60) SLALOM SKIING - 14 wks. (65)	(461) TRACK AND FIELD (boys & girls) (474)
	(264) CROSS COUNTRY - 12 wks. (179)		
condition+ ing week	(504) FOOTBALL - 13 Wks.	(366) WRESTLING - 16 Wks.	
		(914) BOYS BASKETBALL - 19 WKS.	
		([148]) HOCKEY - 17 Wks.	
		GIRLS BASKETBALL - 19 Wks. (504)	
	GIRLS VOLLEYBALL - 13 WKs. (483)	(127) BDYS SWIMMING - 15 Wks	(180) BOYS TENNIS - 11 Wks.
-	GIRLS TENNIS + 11 wks. (198)		
1	GIRLS TENNIS - II WAS. (190)	GIRLS GYMNASTICS - 15 wks.	His little was your man have start was the same than the first that the little little little little little little
	(45) BOYS SYMMASTICS - 15 Wks.		(424) 90YS BASEBALL - 14 Wks.
	GIRLS SWIMMING - 15 Wks. (122)		GIRLS SOFTHALL - 14 Wks. (161)
	SPORTS	SPORTS Girls - 3	SPORTS Girls - 3 = 10
	Girls - 4 Boys - 2 Unitary - 2	Boys - 3 Unitary - 2	Boys - 4 = 9 Unitary - 0 = 4
SAT. 12 MON. 14	2 19 26 2 9 16 23 30 7 14 21 28 4 11 4 21 28 4 11 18 25 2 9 16 23 30 6 13	18 25 2 9 16 23 30 6 13 20 27 3 10 17 3 3 20 27 4 11 18 25 1 8 15 22 29 5 12 19	24 3 10 17 24 31 7 14 21 28 5 12 19 26 2 9 16 23 30 26 5 12 19 26 2 9 16 23 30 7 14 21 28 4 11 18 25 2
	Aug. Sept. Oct.	Dec.	Max. May June

VI. The Organization and Its People.

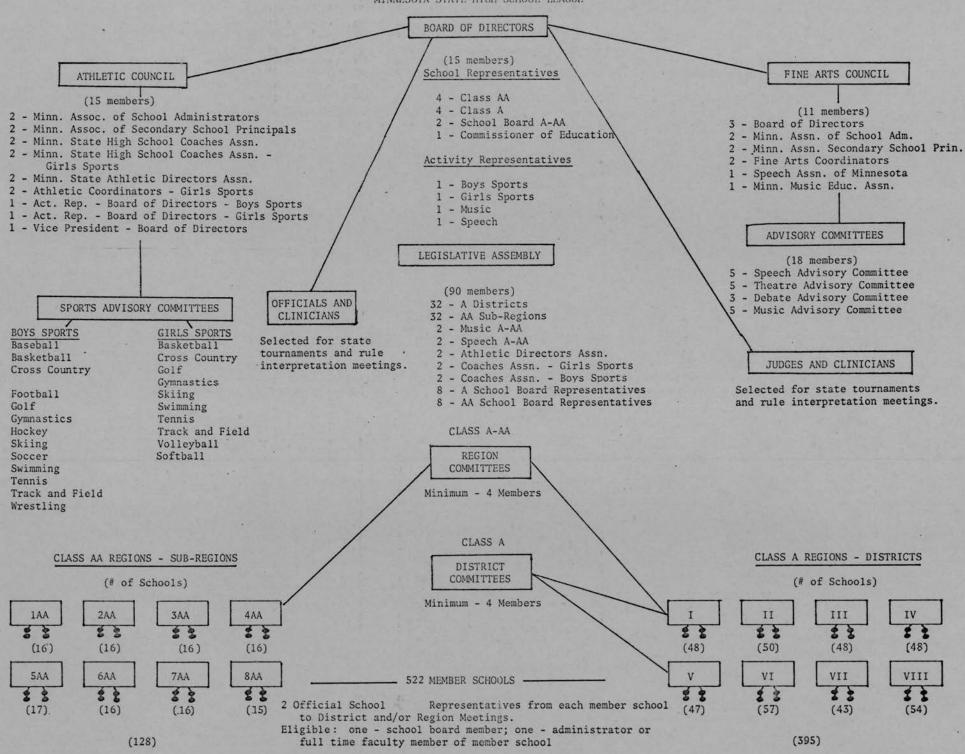
The Minnesota State High School League was first organized in 1916 as the State High School Athletic Association. Its primary purposes were (1) to promote amateur sports, and (2) to establish uniform eligibility rules for interscholastic athletic contests.

In 1929 it expanded its scope with the addition of speech and debate. At that time the name was changed to the Minnesota State High School League. Music was added in 1965 and Girls' Athletics in 1969.

The opportunities provided through League-sponsored activities has grown from the original program of football, basketball, track and baseball to include 23 athletic activities for girls and boys; a music program which includes 89 different areas of competition; one-act play contests, a debate program and 11 different divisions of speech. Over 350,000 student participations will occur in League activities during the 1978-79 school year.

The League has existed as a non-profit, voluntary association of the high schools since its inception. In 1960 it was officially incorporated under the laws of the State of Minnesota as a non-profit corporation.

Five hundred and twenty-two (522) public and non-public schools in Minnesota are members of the Minnesota State High School League. The policies, procedures, rules and regulations of the League are developed and changed by action of the member schools and their publics.



National Organization For Women, Twin Cities Chapter

"What Does the Law Say - Generally

Athletics should be conducted in a coed way unless there is a good reason for sex segregation.

The choice as to which sport and which team (boys' team or girls' team if there are two) to try out for should be left to the students and their parents.

This choice should be overruled by the school only if there is a good reason for doing so.

The only good reason recognized by the statute is the necessity 'to provide the members of each sex with an equal opportunity to participate in the athletic program.'

If a boys' team and a girls' team are provided in the same sport, then they must be treated the same in all respects including budget per participant.

"What Does the Law Require - Specifically

In each school an athletic program with

the same number of boys and girls participating,

the same number of sports for girls as for boys. Same salary for coaches of boys and girls teams.

Boys and girls teams should be treated the same with regard to such things as uniform and equipment, use of facilities, expertise of coaches, and season.

One coed team rather than two sex segregated teams in sports where this is possible; that is, in cross country

golf gymnastics skiing swimming tennis

tennis

In sports where coed teams are not possible, there should be some coed activites such as basketball doubleheaders (the boys' game and the girls' game on the same night). Boys should not permitted to participate on girls' teams.

Girls should be permitted to participate on boys' teams if they wish to, and if they can make the team.

"How Does the High School League Violate the Law

By prohibiting and/or discouraging coed teams.

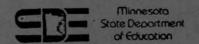
By providing championship tournaments in different seasons for boys and girls in gymnastics, swimming, and tennis.

By prohibiting girls from participating on boys teams.

"What Can Be Done

The Attorney General could issue an opinion interpreting and clarifying the law.

The Department of Human Rights could draft rules and regulations interpreting and clarifying the law."



EEO SECTION CAPITOL SQUARE BLDG., 550 CEDAR ST. PAUL, MN 55101

STATE OF MINNESOTA State Department of Education

Assurance of Compliance with State and Federal Law Prohibiting Discrimination (See 5MCAR § 1.0660-1.0666)

Name of School District	Number
	named school district is in compliance with the following state
1. Minn. Stat. 363.03, Minnesota Human and activities on grounds of race, color, creed, public assistance, or disability.	Rights Act, which prohibits discrimination in education programs religion, national origin, sex, marital status, status with regard to
States shall, on the grounds of race, color, or	964 (P.L. 88-352), which provides that no person in the United national origin, be excluded from participation in, be denied the trimination under any program or activity for which the district
3. Title VII of the Civil Rights Act of 19 tunity Act of 1972 (P.L. 92-261), which prorace, color, religion, sex, or national origin.	964 (P.L. 88-352), as amended by the Equal Employment Oppor- phibits discrimination in employment because of an individual's
4. Title IX of the Education Amendment basis of sex in education programs and activities	ts of 1972 (P.L. 92-318), which prohibits discrimination on the s receiving or benefiting from federal financial assistance.
5. The Age Discrimination in Employmenthe basis of age (40 through 64).	at Act of 1967 (P.L. 90-202), which prohibits discrimination on
6. Minn. Stat. 126.21, which prohibits sex	discrimination in athletic programs.
7. EDU 4 (§ 1.004), curriculum, which pr basis of sex. This includes health, physical educ	ovides that "No school shall provide any course or activity on the cation, home economics, and industrial education."
8. EDU 620-639 (§ 1.0620-1.0639), relatir	ng to equality of educational opportunity and school desegregation.
contracts, property, discount, or other federal a district by the Department of Health, Education installment payments after such date on approper which were approved before such date. The dissistance will be extended in reliance on the 214.15, subd. 2a, and agreements made in this	d for the purpose of obtaining any and all federal grants, loans, and state financial assistance extended after the date hereof to the on, and Welfare and the State Department of Education, including lications for federal financial assistance and state aid allotments istrict recognizes and agrees that such federal and state financial representations, supporting information required by Minn. Stat. assurance. This assurance is binding on the district and the person who are authorized to sign this assurance on behalf of the district.
The attached form, Information Needed to Exthereof.	vidence Compliance, with this assurance statement is made a part
Dated	Ву
	(School Superintendent)
	By
	(President or Chairperson of School Board)

(Clerk of School Board)

Yes	No	EDU	JCATIONAL SERVICES
			Student marital/parental status?
		a	a. Does the district have a written policy which specifies that pregnant students shall not be excluded from any educational program or activity except when the student requests voluntarily to participate in a separate portion of the program or activity?
-		_ t	b. If a medical certificate is required of pregnant students, is it also required of all other students for physical and emotional conditions requiring the attention of a physician?
		13. A	thletics:
			a. Are all athletic programs for the sixth grade and below, or for 11 years old and younger, designated for and open to members of both sexes on an equal basis?
			If no, explain
			b. Are the district athletic programs for 7th grade and above, or for 12 years old and older,
			designated for and open to members of both sexes on an equal basis (except when separate teams are necessary to provide equal opportunity to members of both sexes)?
			If no, explain
			c. If the district provides separate teams for each sex, are the number of sports in each
			season the same for boys and for girls?
			d. If the district provides separate teams for each sex, are the following services equal for members of both sexes?
- C		-	- provision of equipment and supplies?
			- scheduling of games and practice time?
		-	 travel and per diem allowance? opportunity to receive coaching of equal expertise?
-	-	-	assignment and compensation of coaches?
No.			- provision of athletic facilities, including locker rooms?
			- publicity?
			If no, explain
			e. If the district provides separate teams in the same sport, for boys and girls, is the expenditure per student (exclusive of gate receipts) the same for members of each sex?
			If no, explain
		FM	PLOYMENT PRACTICES
		14.	Are all employment and personnel practices free from discrimination on the basis of age
			(40 to 64), race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability (except when based on a bona fide occupational qualifica-

a. Are district employment application forms free from all reference to any of the above

tion) as follows:

categories?

SENIOR HIGH INTERSCHOLASTIC STUDENT ATHLETIC ACTIVITIES PROGRAM REPORT - PART I

ED-00196-02 (F24-79)

The second section

READ ACCOMPANYING	INSTRUCTIONS	AND
DATA. DO NOT SEPARA		
REPORT UNTIL ALL DATA	HAS BEEN ENTE	RED.

COMPLETE THIS REPORT AND RETURN

IT TO THE FOLLOWING ADDRESS BY JULY 15

833 CAPITOL SQUARE - 550 CEDAR

ST. PAUL, MINNESOTA 55101

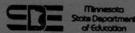
Name of Person Completing Report

Date Telephone (including area code)

) -- - Ext.....

150	INTERSCHOLASTIC	FALL TERM								WINTER TERM							SPRING TERM						
	ATHLETIC ACTIVITY		Total Partic		CHES DJ Female	Total Coaches Saleries	Total Activity Budget	Grades Partic,	No. Weeks	Total Partici.	COA(K] Female	Total Coaches Salaries	M Total Activity Budget	Grades Partic.	No. Weeks	Total Partic,	COA(R Female	Total Coeches Salaries	Total Activity Budget	Grades Pertic.	
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	Soccer	11			-					1.			BULL		3500					Litter		143	
	Other (specify)	G					12.35			-150													

Department of Education Copy (White)
Department of Human Rights Copy (Yellow)
School District Copy (Green)



READ ACCOMPANYING INSTRUCTIONS AND	COMPLETE THIS REPORT AND RETURN IT District No.	Name of Person Completing Report	Date	Telephone (including area code)
CLARIFYING COMMENTS BEFORE ENTERING DATA, DO NOT SEPARATE SHEETS OF THIS REPORT UNTIL ALL DATA HAS BEEN ENTERED.	TO THE FOLLOWING ADDRESS BY JULY 15 633 CAPITOL SOUARE - 550 CEDAR ST. PAUL, MINNESOTA 55101			1) Ext

INTERSCHOLASTIC FALL TERM								WI	NTER '	TERM			SPRING TERM													
	INTERSCHOLASTIC ATHLETIC ACTIVITY		A	PARTIC	CIPATION	COA	CHES	Total	Total	H	U		PATION	COA	HES	N	O Total	P	0	PARTIC	PATION	COA	CHES	Total	TOTAL	×
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Department of Education Copy (White)
Department of Human Rights Capy (Yallow,
School District Copy (Green)

- (1) These reports are to be completed and returned by July 15, 1978. Please retain the district copy and return the remaining two copies to: 633 Capitol Square Building, 550 Cedar Street, St. Paul, 55101.
- (2) Data furnished on these reports should cover the past years program, 1977-1978.
- (3) DO NOT INCLUDE extra curricular activities such as cheerleading, drill teams, etc. on these interscholastic athletic activity report forms.
- (4) On PART I in the areas designated Boys Athletic Activities or Girls Athletic Activities provide information only for those activities where both sexes are offered the same sport but separately, e.g. girls basketball, boys basketball; girls tennis, boys tennis, etc.
- (5) On PART I and PART II in columns designated TOTAL ACTIVITY BUDGET only include the total of the following:

equipment costs (5-1230.3)* custodians (1-610.2) awards (1-1001) transportation costs (1-1001) utilities (1-640) uniforms (1-1001) supplies (1-1001) referees (1-1001) tournament entry fees (1-1001)

DO NOT INCLUDE any of the following:

gate receipts, gifts, coaches salaries (salaries for coaches are to be included separately under columns E, L, and S on PART I, and columns F, N and V on PART II)

- (6) On PART I and PART II in columns designated GRADES PARTICIPATING indicate those grades that participate in that particular athletic activity; e.g. you may be reporting the Senior High program but your Senior High Interscholastic swimming team is open to grades 8 through 12.
- (7) On PART II in the areas designated UNITARY TEAM ACTIVITIES indicate only those activities where both boys and girls are competitive members of the same interscholastic athletic team.
- (8) On PART II in the areas designated ATHLETIC ACTIVITIES OFFERED SEPARATELY TO GIRLS ONLY, or ATHLETIC ACTIVITIES OFFERED SEPARATELY TO BOYS ONLY, list all interscholastic athletic activity that is offered for girls and not for boys, or for boys and not for girls within the school district program.
- (9) Clarifying comments may be made upon a separate sheet of paper and attached to the State Department of Education copy.

ATTITUDE SURVEY FOR STUDENTS

1.	Are you	u a boy or girl?									
2.	Do you like physical education?										
3.	Do you like physical education with boys and girls together?										
4.	For the past year, what sports did you play during school time?										
	b. 1 c. 1 d. 1 e. 1	Volleyball Football Ice hockey Floor hockey Soccer Basketball Wrestling	h. i. j. k. l. m. n.	Skiing Tennis Golf Swimming Baseball Softball T-Ball	o. p.	Track Other					
5.	For the	e past year what organized group	spo	rts did you play	outs	ide of school classes?					
	b. 1 c. 1 d. 1 e. 1	Volleyball Football Ice hockey Floor hockey Soccer Basketball Wrestling	h. i. j. k. l. m.	Skiing Tennis Golf Swimming Baseball Softball T-Ball	0. P.	Track Other					
6.	Who or	ganized the sports in #5 above?									
		Community-recreation program Sports									
	b.	The school Sports									
		Church Sports									
		Club Sports									
	667	Other Sports									
7.	Which	sports in #5 had both girls and	boys	on the team?							

9. What organized group sport would you like to play that you now don't?

What sports do you play with friends, family, by yourself that are not in an or-

- 10. What new sports would you like to learn about that you now don't know?
- 11. Do you want to be a professional athlete? If so, in what sport?

ganized program?

ATTITUDE SURVEY FOR TEACHERS AND COACHES

1.	Are you aware of the laws prohibiting discrimination in athletics based on sex? (MN Stat. 126.21; MN Stat. 363; Federal Law Title IX)
2.	In your opinion, do you agree with these laws?
3.	In implementing these laws, would you say that they have had an impact on the students involved? If so, in what way?
4.	Do you believe students like the provisions of the laws?
5.	Do you provide extra help for those students who have skill levels below the group average?
6.	In coed team play, if the boys do not involve the girls equally in the action, what do you do about it?
7.	Your sex:
8.	Other comments:

QUOTES

Excerpts from "They Told You You Couldn't Compete With Men and You, Like A Fool, Believed Them. Here's Hope," by Dr. Jack H. Wilmore, Women Sports, June, 1975:

"There seems to be some dark, foreboding fear that participation in competitive athletics will somehow make women sprout rippling muscles and grow moustaches. And they certainly shouldn't be allowed to compete with men. Why everybody knows they're just not strong enough.

"These notions about women are not simply prejudice. Certainly, the world's sports records support the assumption that females are inferior athletes. In track, for example, the world's record for men in the 100-yard dash is 9.1 seconds; for women it is 10 seconds. In the high jump, men have reached the height of 7'6½"; women only 6'3½". Even in a recreational activity like golf, the lowest 18-hole score is 55 for men, 62 for women.

"And if the sports records aren't convincing enough, there's ample scientific evidence demonstrating that girls do as well as boys in a variety of physical activities up to the age of 8 to 10 years. After that, boys continue to improve. The girl, athletically speaking, is over the hill by the time she reaches 15.

"These findings strongly imply that the female is biologically inferior to the male. But recent evidence suggests that these differences may be more a result of social and cultural restrictions forced upon the developing female just about the time she begins menstruating. It simply isn't socially acceptable for girls to engage in strenuous sports beyond this age. Learning that she shouldn't be athletic is what makes the female inferior - not the other way around.

"Are females biologically equal to males? Can women expect to perform successfully in sports that traditionally had the participation of only males? Will hard training defeminize a woman's natural appearance? In the three major dimensions used to evaluate athletic performance:

Strength. Women can develop substantial strength through weight training without developing the same musculature as men. Muscle bulk is due primarily to the male hormone testosterone. Lack of musculature does not necessarily limit the strength females can develop. Athletes probably use no more than 20% of their muscle potential anyway. Strong females with small muscles apparently use a higher percentage of their muscle fiber. The size of a woman's muscles should not prevent her from approaching the strength of a man. And if strength is looked at in terms of the size of a person relative to lean body weight (total weight minus weight of fat), the strength potential is theoretically similar for both men and women.

Endurance. This is measured by the maximum oxygen the body can use when exercising strenuously. Up to the age of 10-12 years, boys and girls have identical maximum values of oxygen uptake. Beyond this, the average untrained male has a substantially larger value (about 30%) than the untrained female of the same age. However, the oxygen uptake capacity decreases rapidly with a sedentary lifestyle. It has been shown that a female athlete has a capacity as much as 25% greater than that of a sedentary male. And studies of long distance female runners show capacities only little lower than male distance runners. If these values are calculated relative to lean weight, the difference would be very slight. It seems that if training for women emphasized greater endurance, the small difference in oxygen uptake capacity between male and female endurance atheltes would be reduced even further.

Body Composition. After puberty, the female has a higher percentage of her body weight in fat than does the male, even though the male is generally taller and heavier. However, in female distance runners, body fat composition was lower than that of the average college-age male. Two of the runners had under 7% body fat. A study of 114 male competitors at the 1968 Olympics showed a mean relative fat value of 7.5%.

"All of our findings on strength, endurance and body composition indicate that, in fact, there are few actual differences between the best female and male athletes when tested in the laboratory.

In sports where women have been competing at an international level for considerably longer than in track, the gap between men and women's times seem to be narrowing. For example, the 400 meter freestyle swim. In the 1924 Olympics, men finished 16% faster than women. It was only 7.3% faster in the 1972 games. In fact, women are swimming faster today than Johnny Weissmuller did in the 1924 Olympics. We suspect that the 14% gap in the mile run (3.51.1 minutes for men to 4.29.5 for women) in which females have been competing for a relatively short period of time, will similarly close with time.

"The factors that have led to the performance difference are the same ones that will help close the gap: the degree to which a sport has been recognized or emphasized for women, and the time and effort given to coaching, facilities and training techniques. Perhaps when these have been equalized, we will discover some basic structural differences between men and women that may place the female at a decided advantage (or disadvantage) in certain events. For example, the female's wider pelvis, lower center of gravity, or smaller stride might help or hinder her athletic competence.

"For a long time, women have been discouraged from participating in athletics because they were not good athletes. What we've found is that there isn't really much difference between men and women. This finding has a number of implications, one being that, at least in non-contact sports like the marathon, men and women can compete fairly.

"Our findings also demonstrate that there is no need for different training or conditioning programs for the two sexes. Their needs are essentially the same. Where weight training for women was previously condemed as a means of gaining strength, we have shown that increased muscle bulk is not necessarily a consequence of weight training. And we also question the seeming necessity of body fat. Our findings show that a female can reduce the stores of fat to perform better in running and jumping events. Yet reduction of body fat does not necessarily mean a reduction in the femininity of a woman's figure.

"Above all, our studies show that women can compete quite successfully in just about any sport, even those that are currently considered suitable for men only. While her initial performance may not be of the same quality as the male's, a woman should be permitted the same opportunities to perform. She should also be given equal opportunities to develop her strength - usually the weakest link in the physical makeup of a woman - so that she can more effectively compete. As our findings demonstrate, the source of the inferiority of the female athlete lies more in the realm of available opportunities than in any physiological limitations.

Dr. Jack H. Wilmore, Associate Professor of physical education at the University of California at Davis is a member of the Board of Trustees of the American College of Sports Medicine.

Quotes:

TIME - 1978:

"Women no longer feel that taking part in athletics is a privilege. They believe it is a right." Joan Warrinton, executive secretary of the Association for Intercollegiate Athletics for Women.

"The stigma is nearly erased. Sweating girls are becoming socially acceptable." Liz Murphey, coordinator of women's athletics at the University of Georgia.

Eight years ago, 294,000 high school girls participated in interscholastic sports. During the 1976-77 academic year, the number was 1.6 million, nearly a six-fold increase.

"Sports was the laboratory where they turned boys into men. As for girls, they were supposed to stand out in the hall, quaking in their tennis shoes. The penalty for daring to take part was to be labeled unfeminine, a social deviant. What is considered healthy psychological development in a man - aggressiveness, independence, ambition, courage, competitiveness - was viewed as unhealthy in a woman. Yet, it is precisely those qualities that are found in every athlete, male or female. Whatever it is that works for little boys also works for little girls."

Dr. Dorothy Harris, Penn State Psychologist.

Nature certainly designed women better than men for sport in one basic way. A man's scrotum is much more vulnerable than a woman's ovaries which sit inside a great big sac of fluid - beautifully protected. A woman's breasts are also not easily damaged. There is no evidence that trauma to the breasts is a precursor of cancer. Such injuries as girls and women do suffer can often be blamed on improper condition or coaching. Girls are more loose-jointed than boys, making them somewhat more susceptible to injuries like dislocated shoulders.

Then there is the canard that a woman's menstrual cycle inhibits peak performance. World and Olympic records, however, have been set by women who were having their periods. Nor does exertion disrupt the cycle for most women athletes.

THE FEMALE ATHLETE, Klafs and Lyon

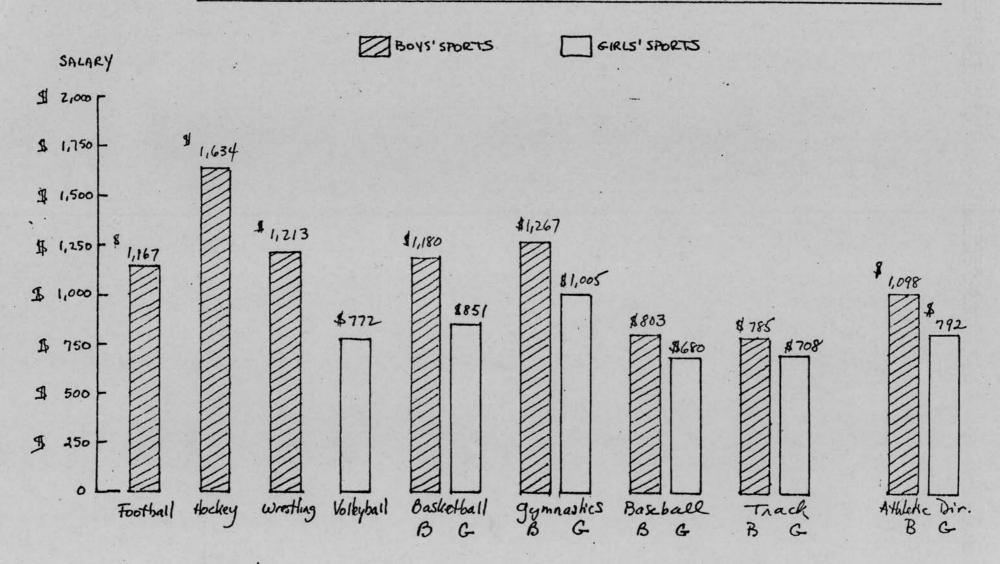
Young boys and girls up to age nine mature about evenly. Then the girl makes a quantum jump, becoming taller, heavier, better coordinated and generally more competent. But the girl's growth terminates at age fifteen or sixteen, while the boy continues to develop, not reaching his maximum growth till somewhere between twenty and twenty-one. Girls have a significantly lower center of gravity than boys, due to a combination of female weight in the thighs and bottom, and male weight in the upper torso and arms. This means that girls have a better sense of balance and can less easily be knocked off stride once they are moving forward.

At "Little League" age, girls tend to be two inches taller, four or five pounds heavier, stronger and have superior body control than boys. These advantages are only temporary.

NATION'S SCHOOLS, Dr. H. Royer Collins, Chief of Sports Medicine at the Cleveland Clinic

- 1. Are sports harmful to girls? No.
- 2. Do sports endanger girls' reproductive organs? No. Boys are subject to much greater danger. But breasts should be protected.

- 3. Do sports impede menstruation? No, they help.
- 4. Dare a girl participate in sports during her period? Of course, unless she normally experiences severe cramps.
- 5. Are girls' bones more fragile than boys'? No, they are smaller.
- 6. Should girls in junior and senior classes in high schools be allowed to compete with boys in contact sports? No. The boys are too heavy. But girls should be allowed to compete against boys in tennis and golf.
- 7. Do girls suffer a higher injury rate than boys. No, it is much lower.
- 8. If girls had the same opportunities as boys, would their athletic performances improve? Definitely. "I'm wholeheartedly in favor of both men and women participating in sports because this is one of the best ways I know to achieve a healthy society."



SPORT

Data from 1976-77 teacher contracts, 413 Minnesota school districts, compiled by the Minnesota Education Association. Chart prepared by Nina Rothchild.

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To: LWVMN Convention, June 1979

From: Jeannette Kahlenberg (612) 429-6070 and Liz Ebbott (612) 426-3643

EQUAL OPPORTUNITY IN ATHLETICS - MONITORING REPORT

About 45 local Leagues have been monitoring 51 school districts. Reports have come in from 21 Leagues covering 18 school districts. This is therefore a VERY PRELIMINARY SUMMARY, to give the flavor of what has been done - and perhaps some incentive to continue with your own project.

Most Leagues obtained a copy of and evaluated both the Minnesota Department of Education compliance forms and the Department athletic activities forms. WE URGE ALL LEAGUES TO ASK TO SEE THEIR LOCAL SCHOOL DISTRICT'S FORMS. THEY ARE PUBLIC INFORMATION, AND THE VERY ACT OF ASKING TO SEE THEM ENCOURAGES COMPLIANCE. THE ATHLETIC ACTIVITIES FORMS ARE NOT MANDATED, BUT OVER 90% OF THE DISTRICTS FILE THEM. YOU CAN ASK NOW FOR THE 1977-78 FORMS, OR AFTER JULY 1, FOR THE 1978-79 FORMS.

Nine Leagues reported doing attitudinal <u>surveys</u> in various forms, including questionnaires for students, parents, teachers, or coaches. (One was tabulated on a computer as a data processing class project.) The interesting results are available at Convention.

Most of the committees <u>reported</u> back to their own Leagues and at least 7 reported to their school boards. Others held general meetings or had newspaper coverage.

Attitudes towards girls' athletics were generally found to be favorable, with an improving commitment to expanded programs for girls. But several comments set an ominous tone for the future: "One can sense a limit, though; don't take away funds from boys' sports." "too fast, too soon." "Changes have not come easily and further changes are viewed with hesitation. Most people seemed to feel the additions made were about all that they want to see made."

<u>Compliance</u> was rated from fair to excellent. One committee commented: "Full compliance has not been reached nor is it actively sought." But another said that the "LWV project has greatly increased awareness of need for compliance."

The "success stories" and "need for improvement" comments may be organized around some possible definitions of "equal opportunity."

The minimum definition of equality is equal <u>dollars</u> spent per participant, as required by law. Several Leagues report their districts spending close to equal dollars. Others report more on boys and a few more on girls. As long as equity is defined as "per participant" and as long as many less girls participate overall, it is an acceptable standard to most districts. No district reports anything close to the same <u>total</u> dollars being spent on girls as on boys.

A second definition of equal opportunity may be equal numbers of sports offerings to girls and boys. Two Leagues report so far the same number of activities for each sex. One district offers badminton to girls (a sport not yet recognized by the Minnesota State High School League). The other calls cross country and golf girls' and boys' sports, though only 2 Junior High girls play golf and one girl is out for cross country. But even if these are not yet strong girls' sports in that district, they have that potential. The St. Paul school district also offers an equal number of sports to boys and girls, under court order. (Their monitoring project is not yet complete.) One other League, not doing the monitoring, also reports equal offerings in their district, but we have no details. Most Leagues report more sports for boys.

A third issue in the definition of equal opportunity is equal number of participants. All

Leagues report a tremendous upsurge in the number of girls out for athletics. None so far report equal numbers to boys. According to the Department of Education figures statewide, participation on the high school level in 1977-78 was about two to one. The MSHSL reports higher girls' participation figures, and several school districts also are reported by their Leagues as having about 3 to 2 (boy to girl) participation. Is equal participation, one to one, the appropriate definition of "equal opportunity"?

The Senate bill this last legislative session included in its definition of equal opportunity the concept of <u>variety</u> of sports offerings and levels of competition. No school districts were reported as offering an ice sport for girls or a girls' field sport in the fall, such as soccer or field hockey. A and B squads also may or may not be provided equally for boys and girls in our districts.

League monitoring reports also describe some successes and some continuing needs in other areas. There are the issues of equal newspaper publicity and of equal support by the schools, in order to raise student and community awareness of girls' events. Fair scheduling of games at desirable times for maximum community and school spirit is discussed. There is comment on equal pay for coaches and the need for more women coaches. A final--and perhaps crucial--suggestion for providing equal opportunity for girls deals with encouraging the girls to participate. One League listed as the greatest need an assessment of interests of girls with a view to implementing additional programs or making substitutions to meet current needs.

A few Leagues report that their districts have the <u>coed</u> practices envisioned by present law for individual sports, though competition is still appropriately separate by sex. Coed practice mostly exists in golf, with some in cross country, skiing, or track. One advantage of coed practice is the sharing of expert coaching combined with economies for the school district. The present law allows girls to try out for boys' teams, but we received only one report of a girl who had done so, in order to participate on a boys' gymnastics team. One district actually has an illegal policy forbidding girls to play on boys' teams in contact sports. Some high school phys ed classes are also still designated by sex, according to the reports, though this is illegal.

For <u>elementary</u> children, no separation is now allowed by Minnesota law. Many Leagues report violations, especially by park and rec or community programs.

Has the LWV made a difference? Many reports discussed improvements in equal opportunity. Some specifically cited the LWV project. Some sample quotes: "Because of LWV concern with the laws, the district added coaches for girls' basketball and volleyball." "The project made people aware of the need for girls' athletics." "The track coach called and said they'd added an extra coach for girls' track. We had not even talked to him; he had just heard about us." "We think that the ones filling out the forms this year will be a little more careful knowing that someone might come and look at them."

About half the Leagues reporting will continue the project next year. It is a visible way to focus on the fundamental issue of equal opportunity.



To: Local Leagues
From: Liz Ebbott

Re: Equality of Opportunity in Athletics

Date: August 15, 1978

ORGANIZING A COMMUNITY LOOK AT GIRLS' ATHLETICS

Anti-discrimination laws affecting girls' participation in athletics have been in force for several years. It is apparent to even the most casual observer of the high school athletic scene that there has been dramatic improvement in girls' activities. Programs are expanding; skills are developing; girls are getting college scholarships for athletic skills. But how equal are the athletic opportunities? The laws are now fully operational. It is time for a careful look by community people to see if the laws are being fully implemented. And if school budget cuts and teacher/coach layoffs are necessary in the future, what will this mean for girls' athletic opportunities?

Problem: Girls 12 and over or 7th grade and older

At the present time the law (MN Stat. 126.21; Fed. Higher Ed. Act, Title IX) and rules (EDU 660-666, Exhibit A) require:

When there are two teams in the same sport, there must be substantially equal dollars spent per participant (excluding revenue generated by that sport); equal use of facilities; equal coaching staffs equally trained; equal status given to participants.

Examples: Do the two teams practice as often and as long; do they rotate the time of use of limited practice facilities?

Are the same number of coaches assigned to each team?

Are travel and distant meet opportunities the same for both teams?

2. There must be equal opportunity for girls to participate. Equal number of sports opportunities per season would be an indication of compliance.

Examples: Is someone designated within the athletic program to develop and interest girls in greater athletic opportunities?

If not many girls are out for ice hockey/wrestling, what has been done to find out what sports girls would prefer in the winter season?

3. Girls have the opportunity to try out for a team designated primarily for boys or when there is only one team in that sport for the school (football, ice hockey, wrestling). (MSHSL rules restrict girls to girls' teams if there are both boys' and girls' teams in the sport which are substantially equal. This issue is in the courts. MSHSL - Minnesota State High School League.)

Example: How many girls are on the team when there is only one team in that sport; how many tried out?

Girls under 12 years or under 7th grade
Starting with the 1978-9 school year, there is to be no sex distinction in athletics in the classroom, in after-school public service programs (T-ball, basketball leagues, wrestling programs, etc.)

Examples: How many girls are on the teams playing in the community's ice hockey program, basketball program; how many boys are participating in the gymnastic program?

Are additional efforts being made to encourage both sexes to participate and to teach both sexes the needed skills?

If there is discrimination and past practices have not changed, an individual can file a complaint with the Department of Human Rights and seek remedy. School's state and federal education funds can be cut off until there is compliance.

Equality of Opportunity in Athletics - 2

Rather than getting into individual cases requiring litigation, perhaps costly penalties, it is far more effective to analyze the local situation in light of the law, define shortcomings, arouse public awareness, bring community pressure on those locally responsible for the programs.

Proposal:

Organize a community committee. Use responsible people who have an interest in women's sports/equal opportunity for women (AAUW, Business and Professional Women, local Human Rights Commission members, etc.). Involve parents of girls interested in athletics. Include high school/college girls involved in sports. Keep LWV people in control.

Establish a consultants' group with such people as:

Head of girls' sports in high school; head of boys' sports.

Elementary school athletic director or physical education teacher in elementary school.

The school district's coordinator responsible for discrimination/affirmative action compliance.

The school board member who is the delegate to the Minnesota High School League. Business office person responsible for the district's financial records.

Head of the community's recreation program or the person responsible for the program's compliance with discrimination/affirmative action laws.

Head of some of the major established youth sport programs for children under 12 years or 7th grade where public facilities or coaches paid from public funds are used. (Little League, hockey, football, gymnastic, etc., programs; those run by volunteer groups, church groups, community recreation programs.)

Person responsible for the sports/athletic program in the private schools in the community that enroll more than one sex. Those serving both under 7th graders and those 7th grade and older.

Procedure:

Local League Board appoint a League person to be responsible for the project in each school district to be covered.

Attend the meeting in St. Paul, early October, to get specific, detailed information on how to proceed and to get answers of all questions. (Minnesota Department of Human Rights is paying mileage, 16¢ a mile.)

Select your community committee.

Familiarize yourself with the laws (pages 5-7).

Set a time table for collecting the information (2-3 months).

Inform the community about the laws and what you are doing. Use the tape-slide presentation prepared by the Department of Human Rights and LWVMN. (Arrangements will be announced at the October meeting.) Work with press coverage.

Adapt the check list (page 4) to your needs.

Contact the superintendent's office of the school district to get copies of the compliance reports that have been filed with the Minnesota Department of Education. (Samples will be available at the October meeting.)

Optional: Conduct a survey of attitudes about girls' participation in athletics; survey girls' interests in sports. (A sample will be available at the October meeting.)

Interview the consultants' group to get their views on how they are complying with the laws. What are they doing to encourage participation by girls?

Set up a meeting or an opportunity for public testimony, comments. Make sure students and parents have a chance to be heard.

Also hold an off-the-record session giving those afraid of publicity or pressure the opportunity to be heard.

Equality of Opportunity in Athletics - 3

Optional: Hold a public hearing with testimony from those who wish to present problems. Allow those responsible for the programs an opportunity to respond. The committee should maintain control of the hearing.

Closely scrutinize the information. Are the school reports accurate? What has been the trend? What are the plans for the future? What is really happening in the elementary schools? What is happening in the community recreation program where reports are not required? In the private schools? Get data; look at dollars; look at percentages of money spent per program, per participant; count the rosters yourself; etc.

Come up with facts and some typical subjective quotes. (It is best to stick to the general, over-all picture and programs, avoiding individual cases.)

The committee should draw together the materials looking for patterns of behavior. What is the conclusion? Present your findings to the school board, community groups, Chamber of Commerce, women's groups, church groups, etc. Interest the community groups in support of girls' activities, sponsoring awards, trips to tournaments, etc. Use the students to tell the story. Girl athlete role-models are badly needed. Share them with the community, the press, programs for elementary girls.

Submit progress reports on your activities to LWV state office (dates to be announced) and a year-end report next spring.

Plan for an on-going monitoring program.

CHECK LIST

- A. For students in 7th grade and above or 12 years old and older:
 - 1. When just one team considered a "boys'" team is available in a sport, is it open to girls on an equal basis? (Football, wrestling, ice hockey, other sports with only one team)
 - *2. For the above sports in total, how many girls are involved? Ratio of girls to boys? Total dollars spent on girls? boys?
 - 3. Are the number of sports for each sex each season equal? (Unequality may not necessarily indicate discrimination.)
 - 4. Where there are separate sex teams in the same sport: are expenditures per participant (exclusive of revenues generated) substantially equal?

Are other factors equal - equipment and supplies, coaches, coaches' training, scheduling games and practice, travel, use of facilities, etc.?

- 5. What is done to interest girls to participate in sports; what is done to let them show their interest in sports not presently available? (Indicates good faith intent to comply.)
- 6. Go over the above questions for: junior high interscholastic sports junior/senior high intermural sports community recreation program private schools
- B. For students 6th grade or younger or 11 years or younger:
 - 1. Are all athletic programs designed for and open to members of both sexes on an equal basis?
 - 2. Have all divisions by sex been eliminated in the programs?
 - 3. Are the athletic skills taught equally to all children; is remedial help given to those who have difficulty mastering a skill?
 - 4. What is the sex ratio/team on all teams in the program?
 - 5. Have the teachers had training/workshops explaining the law and how to implement it?
 - 6. What has been done to interest girls/explain to girls their opportunities to have equal participation in all athletics?
 - 7. Go over the above questions for: community recreation programs private schools
- C. Has the district filed accurate reports with the State Department of Education: November 15, 1977; July 15, 1978?
- D. What was the evaluation of the November report, returned to the district February, 1978?
- D. *Evaluate over a period of time the press coverage given girls/boys' athletics. Evaluate radio/TV coverage. (Compare inches, column location, page.)

Equality of Opportunity in Athletics - 5

Laws and Rules Dealing with Sex Equality in Athletics in Minnesota - 1978

(not fully quoted)

MN Human Rights Act as amended through July, 1977 - MN Stat. 363-03, Subd. 5(1)

It's an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution or the services rendered thereby, because of race, color,...sex...etc.

Definitions:

363.01 subd. 10 - Discriminate includes segregate or separate.

- 363.01 subd. 19 Public Service any facility, department, agency, board or commission owned, operated or managed by or on behalf of the State of Minnesota or any subdivision county, city, township or independent district in the state.
- 363.01 subd. 20 Educational Institutions public or private institutions nursery through college, business, vocational schools, etc. (363.02 subd. 3 the sex provision of the law does not apply to private educational institutions which permit students of only one sex to enroll.)
- 363.05 Duties of the Commissioner to administer the law, enforce compliance; to use education, conferences, persuasion to eliminate unfair discriminatory practices; shall conduct research and study discriminatory practices; shall create such local and statewide advisory committees as will effectuate the purposes of the department.

Department of Human Rights Guidelines - Department policy is that "separate but equal" based on sex at any level is illegal.

Sex Discrimination and Equal Opportunity in Athletic Programs - MN Stat. 126.21

In athletic programs operated by education institutions or public services for children 12 years or 7th grade or older, it is not an unfair practice to:

- 1. Restrict to one sex if necessary to provide equal participation to each sex.
- 2. Have two teams in the same sport separated according to sex, if there are substantially equal budgets per participants (exclusive of gate receipts and other revenue generated by the sport) and are in all other respects treated in a substantially equal manner. The two teams shall be operated separately only in those activities where separation is necessary to provide the members of each sex equal opportunity to participate.

After 1975-6, when there are two teams based on sex, the budgets shall be substantially equal.

After 1977-8, separation based on sex for those under 12 or 7th grade shall be phased out, and districts shall comply fully with 363.03, subd 5(1), above.

Enforcement Powers - MN Stat. 124.15

Districts are required to file assurances of compliance with state and federal laws prohibiting discrimination. The filing is to be done with the Department of Education. These are reviewed by the Department of Human Rights to determine compliance. If not in compliance, the Department of Education proceeds against the district with the power to reduce state financial aids.

Department of Education Rules - EDU 4

In curriculum, no school shall provide any course or activity on the basis of sex, (health (except human sexuality), phy. ed., home ec., industrial arts).

Department of Education Rules - EDU 660-669

In areas of equal educational opportunity and desegregation:

Schools shall disseminate a policy on non-discrimination on a continual basis. Reduction in state aids can be the penalty for non-compliance with the rules. Schools must submit data in this area as required by the Department of Education.

Department of Education Report - Assurance of Compliance with State and Federal Laws Prohibiting Discrimination

- 1. All athletic programs 6th grade or 11 years or younger are to be designed for and open to both sexes equally.
- 2. For 7th grade or above or 12 years or older, teams are to be open to members of both sexes on an equal basis# (except where there are separate teams to insure equal opportunity to members of both sexes*).
- 3. If the district provides separate teams for each sex*, the number of sports for each sex each season is to be equal.
- 4. If there are separate boys and girls teams*, expenditure per participant (exclusive of revenues generated by the sport) is to be substantially the same for each sex. Other services are also to be equal equipment and supplies; scheduling games and practice time; travel; coaching; use of facilities; etc.

Title IX - Federal Higher Education Act

Benefits under any educational program or activity receiving federal financial assistance, including athletics, can't be denied on the basis of sex.

Title IX Rules

86.8 - At least one employee is to be designated to insure compliance. Students and employees are to be notified who this is.

86.41 - Athletics

Can't exclude from participation, be denied benefits, be treated differently from another person in interscholastic, club or intermural athletics based on sex; can't provide separate programs based on sex.

Can be separate by sex when based on competitive skill.

Can be separate by sex when a contact sport+.

If only offered to one sex, the sex previously limited can try out unless it is a contact sport+.

Determining facts in equal athletic opportunity:

selection of sports and level of competition accommodates the interests and abilities of members of both sexes (obligation to survey not mentioned).

equal services - equipment and supplies, scheduling games and practice times, travel, coaching, use of facilities, etc.

It does not constitute noncompliance if there are unequal aggregate expenditures per sex in total or if there are unequal expenditures if there are two separate teams based on sex, but failure to provide necessary funds may indicate noncompliance.

Elementary schools must comply by 1976; secondary by July 21, 1978.

86.34 - Access to course offerings, including athletics

No separation based on sex; no refusal to allow participation based on sex. Grouping according to ability is allowed, but if a single standard of measuring skill or progress has adverse effect on one sex, appropriate standards can be set that don't have this effect.

Elementary and secondary classes in human sexuality can be separated by sex.

Phy. ed. classes or activities can separate by sex in contact sports*. Athletic scholarships can be granted proportional to the number of students of each sex in interscholastic athletics.

^{# &}quot;teams open to members of both sexes on equal basis if there is only one team" football, hockey, wrestling, soccer, ski jumping, baseball.

^{* &}quot;separate teams in each sport" - basketball, track and field, swimming, tennis, gymnastics, golf, skiing (except jumping), cross country, baseball-softball.

^{+ &}quot;contact sports" - wrestling, boxing, rugby, ice hockey, football, basketball, and other sports where the purpose or major activity involves body contact.

Equality of Opportunity in Athletics - 7

86.14 - Excluded from coverage

YMCA, YWCA, girl scouts, boy scouts, camp fire girls, voluntary youth service organizations exempt from taxation (Int. Rev. Code Sect. 501 (a)) where membership has been traditionally limited to one sex.

If "significant assistance" is provided by public money to a sport - school, public playground, publicly paid coaches, etc., the sport comes under the provisions of Title IX.

The U.S. Supreme Court ruled that girls had to be allowed to play on Little League teams in 1974.

MN Stat. 129-21, Subd. 1, establishes the Minnesota State High School League to regulate interscholastic and extracurricular activities in high schools.

Minnesota State High School League (MSHSL) - Technically this is a voluntary organization. High schools don't have to join. If they do, they may compete in state tournaments and must abide by League rules. These rules set sports' seasons:

Fall	Winter	Spring
Volleyball - G	Gymnastics - G	Tennis - B
Football - B - Unitary	Basketball - B & G	Baseball-Softball - B & G
Soccer - B - Unitary	Wrestling - B - Unitary	Golf - B & G
Gymnastics - B	Hockey - B - Unitary	Track - B 7 G
Tennis - G	Skiing - cross country &	
Swimming - G	down hill - B & G	
Cross Country - B & G	Swimming - B	
4 Girls	3 Girls	3 Girls
4 Boys (2 Unitary)	5 Boys (2 Unitary)	4 Boys

Girls can try out for boys'teams if there is no girls' team in the sport. This includes "Unitary" sports. Girls are restricted to girls' teams when single sex teams in the same sport are substantially equal. (This was successfully challenged in the case of a Burnsville swimmer, and the Minnesota State High School League (MSHSL) rules were declared in violation of MN Stat. 126.21. On appeal, the ruling was voided as moot, since the girl had left the state. The MSHSL rules currently stand pending further court decisions.)

Ramsey County District Court Judge Hachez ruled in 1976 that for St. Paul schools, sports are to be coed unless justification is shown to restrict to one sex in order to give each sex equal opportunity to participate. Separate teams are to be an exception to the rule of providing coeducational sports programming. If it is necessary to have separate teams in a sport, necessity to provide equal opportunity must be shown before having separate seasons, separate practicing schedules, separate coaching personnel. If requiring the same seasons puts too heavy a burden on facilities, then season should be divided by skill criteria, not sex.

If girls are not interested in unitary sports, there are to be the same number of sports each season.

The state statutes control, since they are not in conflict with federal law and regulations.

The ruling was accepted by the St. Paul schools except for mandating that the seasons must be the same. The seasons issue, challenging the MSHSL set seasons, is now in the courts.

CRIMINAL JUSTICE (Phelan)

Has your League scheduled a unit meeting on Criminal Justice for the upcoming League year? Wondering how to handle it? As with many League subjects, taking a local perspective with either your city, town or even county provides the best way to deal with it.

Use the Outlook sent out last June as a place to get some ideas; then brainstorm on your own or with someone you know who might have some familiarity with the CF system in your area. Get your committee together to decide what issues your League would find most interesting.

Perhaps you've already focused in on an area this past year and want to take some action. Have you read the positions carefully in the Program for Action (LWVMN publication) to see that you don't conflict with a state position? If you are unsure, call me (474-4678) or Pam Berkwitz, Action Chair (920-3364), to check it out. Many positions are broad enough to allow you to support a wide variety of issues. Please let me know what your plans are if you are expecting to take action on some local CJ issue. It could provide needed inspiration to some other League.

Publications: Operation Sisters United, a program designed by the National Council of Negro Women, offers an alternative to detention for girls 11 to 17 who've had a brush with the law. It aims to provide services so that rehabilitation will take place in the family and through social adjustments. Want to know more? Send 45¢ for your copy of "Delinquent Girls," Center for Information on America, Washington, Connecticut 06793.

NATURAL. RESOURCES (Poppleton)

8/78

LWVMN will be a co-sponsor of a citizen education conference on the 1977 Clean Air Act Amendments. The Conference will be held in the fall with grant monies provided by the U.S. Environmental Protection Agency. Principal sponsor is Metro Clear Air Committee. Details will follow as place and time are set.

The Minnesota Pollution Control Agency has published a booklet titled Available Information on Solid Waste Management. It offers a comprehensive list of books, films, slide shows, games, etc., that could be used for League or community meetings. To obtain a copy, write:

Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, MN 55113.

For your information: According to the WALL STREET JOURNAL, the Bottle Deposit Law in Maine has all but eliminated the litter problem. However, it has caused a rise in the price of beverages for the consumer. A six-pack of Schlitz in Maine costs about \$2.20, plus deposit, up from \$1.80 before the law.

An earlier Board Memo told you that the LWVMN had joined the Voyageurs National Park Coalition for the purpose of promoting citizen participation and input in upcoming public hearings on the management plan. A recent press release did not list the LWVMN as a member of the Coalition. We were not pleased with either the tone or content of the release and asked that our name be removed. We will still, however, keep you up to date on public hearings, etc.

HUMAN RESOURCES (Kahlenberg, Tews)

8/78

ATHLETICS The League project to evaluate girls' athletic programs is under way.

(Ebbott) Your response to the preliminary inquiry in June was positive and indicated you'd like to undertake the project. The proposal has been approved by the state League Board and the Department of Human Rights. (Enclosed is

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a community check list as well as a brief summary of the laws and rules dealing with girls in athletics. This information is to help you understand the project and what is expected of the committees set up by local Leagues.)

The League was asked by the Department of Human Rights to take on this project because of its reputation as a respected advocate of sexual equality. The laws in athletics are all fully operational this fall, and it is a crucial time to see what the local response has been. It is important to have community awareness and understanding of the laws so compliance can be worked out locally. The alternative is the expensive adversary process of filing complaints with the Department of Human Rights.

The success of the project depends upon wide-scale participation by local Leagues. This needs to be discussed and acted upon at your next Board meeting. An individual should be appointed who will be responsible for each school district your League covers. (If more than one League share a district, this should be worked out jointly. The private schools and community recreation programs should be handled along with the school district that has the greatest overlap with their program areas.)

There will be a very important meeting in St. Paul in October for those responsible for the project. At that time step-by-step assistance will be given, the laws will be explained, materials will be available and questions answered. The Minnesota Department of Human Rights will fund transportation to the meeting (16¢ a mile). A slide-tape presentation is being prepared by the Department of Human Rights with League assistance for local Leagues to use to explain the project in their community.

- Time table: 1. Local League August or September Board meeting: decide whether or not to participate. Decide who will be responsible.
 - 2. Second week in September: Notify state LWV office:
 - a. Will your League participate?
 - b. How many committees will you have?
 - c. What school district, private schools, and community recreation programs will be covered by each committee?
 - d. Name, address and phone number of the individual taking responsibility for each committee.
 - 3. LWVMN Fall Workshops (late September, early October): project will be discussed, questions answered.
 - 4. EARLY OCTOBER: MEETING IN ST. PAUL: Organize and begin the project locally.
 - 5. November 15, 1978: Progress report to the state office on committee membership; project plans
 - 6. December-January: Schools begin to prepare next year's budgets.
 - 7. February 1, 1979: Progress report on what needs were found; what will be done about them. (As the investigation into girls' athletics is concluded, the League may want to look into other aspects of sex discrimination compliance under Title IX.)
 - 8. May 1, 1979: Annual report, wrapup of year's activities; plans for continuing monitoring.

At any time, if there are questions, write - call: Elizabeth Ebbott, 409 Birchwood Avenue, White Bear Lake, MN 55110 (phone 612-426-3643).

Report from The Harvard Medical School Health Letter, August, 1978: "There is no evidence to suggest that girls are at special risk as compared to boys in interschool competition in sports. A group of researchers at The University of Washington (Journal of the American Medical Association, May 26, 1978) studied injuries during two years of inter-school competition by girls' teams at four high schools.

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They found that the injury rate was no different than that for boys in similar sports. There were no injuries to breasts or genitalia. The survey did suggest the girls might experience some problems (such as tendon inflammation as a result of poor general athletic conditioning; presumably better training for competition would help).

WOMEN'S EQUALITY DAY - PLEASE respond to the Action Alert and send marchers plus many rally participants to LWVMN's observance of Women's Equality Day, August 26, at the State Fair. Parade is at 1:15; Rally at 2:00 p.m. at Machinery Park. This is an excellent opportunity to focus public and media attention on the issue of equality.

LWVUS POSITION AGAINST DISCRIMINATION IN MEDICAID FUNDING, INCLUDING ABORTION - The state Board at its August 8 meeting voted to "take action on the LWVUS position against discrimination in Medicaid funding, including abortion." We do not necessarily anticipate the issue surfacing again in the 1979 Legislature; however, this motion was passed in response to the June national Board decision on this issue. We were influenced by the reasoning of the national Board as described in their Board report reprinted below:

"CUTOFF OF MEDICAID FUNDS FOR LOW-INCOME WOMEN - After its most intensive discussion of the week, the board decided to take action at the national level to oppose the cutoff of Medicaid funding for abortion. The board has always believed that opposition to cutting off Medicaid funding is covered under the supportive services part of the LWVUS income assistance position (see page 13, IMPACT ON ISSUES). The last board did not take action because it was unsure that there was member understanding of the fact that the issue at stake was one of discrimination against poor women. However, one year has elapsed since that board discussion, and League communications plus soundings at the 1978 convention were convincing evidence that there is indeed understanding of the basic issue.

"The members of the national board thoroughly discussed this issue and thoughtfully considered every League communication received. The overwhelming decision was that the League could no longer remain silent on an issue that is so clearly discriminatory against a particular segment of the population—the economically disadvantaged. In its discussion, the board agreed that, as with every other issue, the LWVUS will act only when political wisdom and realities indicate that we can make a difference, and we will make it abundantly clear that our position is based on our long-standing efforts to combat discriminatory practices affecting the poor. Local and state Leagues, as with any other issue, have the option of remaining silent if they wish.

"The board spent considerable time discussing the effect of this decision on state ERA efforts. Because LWVUS action must be limited to the national level and because of the indisputable fact that we do not have a position on abortion, the board concluded that the impact would be slight, particularly if Leagues clearly understand the basis of our position—economic discrimination. One of the tactics of the opposition has been to forge a false linkage between abortion and ERA ratification; the national board agreed that it should no longer play along with their game. Our position may well be misinterpreted by some, either accidentally or by deliberately twisting the facts. However, the board felt that the League and its leadership are strong enough to set the record straight calmly and forcefully. In many past instances of emotional and controversial issues, the League has emerged even stronger because we were not afraid to face those issues. The board is confident that this will also be the case with the current debate."