



League of Women Voters of Minnesota Records

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

Memo to: Local Leagues

From: Rosemary Rockenbach, Chairman, Public Relations

Re: Feature Story on "Sex Bias in Schools" Conference

September 21, 1973

Ask your local newspaper to publish this feature story no later than October 2, 1973. This will allow interested readers time to make their reservations for the October 8th conference. Fill in name, address, and phone number of Leaguer the paper may call for additional information below "For Additional Information Contact:."

If the newspaper does not agree to publish the story, ask if they will run the last part, giving the bare facts of the program, as a straight "news release."

Remember to extend an invitation to the paper to send a reporter, as your guest, to cover the program. Our speakers really are top-notch. Gloria Phillips and her committee have provided the quality - will you do your best to provide the audience?

We no longer subscribe to a clipping service. If you get the article, all or part, into your paper, please send a copy to the state office marked for my attention.



The League of Women Voters of Minnesota

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

LWV to Sponsor
State Conference on
"Sex Bias in Schools"
October 8, 1973

For further information contact:

"We are what we are expected to be"

The League of Women Voters of Minnesota will examine sex bias in schools at a one-day conference, October 8, to be held at the Hennepin Avenue Methodist Church in Minneapolis.

Gloria Phillips, State LWV Chairman for Equal Rights, and chairman of the conference observed, "Unfortunately not too many parents are aware of the situation because they, themselves, have been conditioned through their schooling to accept this attitude. And those who are aware, are frustrated because they don't know what to do about it."

Four years ago a kindergarten in a school district located near the Twin City area, installed a miniature kitchen, equipped with stove, refrigerator, sink, table and chairs. It was an attempt to combine role-playing and learning.

It was quickly removed, however, when it became apparent that the boys were becoming interested in kitchen work. And everybody knows that's "woman's work."

(more)

And so, the children in that class got their first exposure to one form of sex bias in education. It would not be their last. Nor would they be alone. All students are exposed to this.

When children enter school, they enter a system that participates with society in defining the role each sex will play in life.

Girls are counseled to go into socially accepted professions such as nursing, secretarial work, teaching and home-making. They are challenged if they indicate an interest in professions reserved for men. The system assumes that girls will get married and terminate their careers -- so why waste everybody's time and money.

Because the administrations and curriculum committees are dominated by men, the teaching and counseling tend to reinforce this sex stereotyping.

Patricia Engelhard, counselor at Edina West Upper Division, said, "Counselors, far too often, reflect the biases of society. For many years they have helped keep women's horizons low, as have teachers and parents."

She added that, "Schools are becoming more aware of this problem and are opening up course offerings, but slowly."

Dr. Toni McNaron, Assistant Professor in the English Department at the University of Minnesota and keynote speaker, said, "Overtly or covertly, it is made increasingly difficult for the female student to avoid the kinds of pressure put on by parents, friends, teachers and counselors. It is a work or marry situation. This choice is never presented to boys."

She added, "Certain kinds of choice scholarships" are granted primarily to men, "again, because the college can't afford to waste money to train girls and then have them get married. Self-fulfillment for women, is, therefore, denied them."

Should, however, a girl choose a career and become successful, she is seldom given the recognition, as men are, of being intelligent, hard-working and

capable. Rather she is described frequently as frustrated, bitchy, sexually starved or masculine.

Other participants of the League's conference will be Kathy Olson and Gerri Perreault from the Emma Willard Task Force on Education; Patricia Engelhard, Counselor, Edina West Upper Division; Jean Gustafson, Director of Girls' Physical Education and Athletics, Minneapolis Public Schools. Betty Howard, Director of the Division on Women's Affairs, Minnesota Department of Human Rights, and a representative from the Equal Employment Opportunities Commission, Milwaukee regional office will explain federal legislation that applies to educational institutions. Nina Rothchild, school board member from Mahtomedi will be the luncheon speaker.

Physical education departments have long discriminated against girls. "Boys' activities have dominated school funds for many years," according to Dorothy McIntyre, Assistant to the Executive Director for Girls' Interschool Sports of the Minnesota State High School League. "They have had all the facilities and equipment to themselves."

But now that "society no longer frowns on girls' athletics," Ms. McIntyre points out that the schools are faced with the problem of finding additional facilities and qualified instructors, particularly when teaching staffs are being frozen or diminished, "to implement new programs."

Allocation of existing facilities, equipment, pool and gymnasium time fairly among individual, intramural and team sports almost requires a computer. Some people recommend doing away with school teams which favor boys, such as football, baseball and hockey. They feel the money used to outfit these expensive activities could be used more effectively for intramural sports which favor boys and girls equally. Ms. McIntyre does not agree.

School teams and intramural sports do not have to be mutually exclusive," but the problem is to make them both available. You can't supply the needs

of the children by using only one system."

What's the answer? Is there more than one answer?

Dr. McNaron emphatically says, "Women should get themselves together. They must be visible in their successes. They must support one another."

"Men have been conditioned to accept their role as one of leadership. Women have been taught to be quiet, respectful," and most damaging of all, "to mistrust women, thereby, insuring their support of men."

Nina Rothchild, school board member from Mahtomedi, said, "The important thing is to have people work within their own school district. Schools belong to the people. They don't have to bring someone in from Washington. Change does not come about in schools unless the people want it and will work for it."

Ms. Rothchild is the author of a soon-to-be released book entitled, Sexism in the School: A Handbook for Action. The book was motivated by a woman to woman conference she attended last fall. She realized women were aware of the problem but didn't know where to go for the solutions. Because she was a school board member, familiar with the power-structure of the school system, she decided to write a handbook for action.

The conference is open to the public. Cost for the entire day, including luncheon, is \$3.50. Reservations may be made at the League's office, 555 Wabasha, St. Paul, Minnesota 55102, 612-224-5445.

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project on the status
and education of

women

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SOME NATIONAL PROJECTS ON WOMEN IN EDUCATION

EQUAL RIGHTS FOR WOMEN IN EDUCATION, Education Commission of the States

This project was initiated in 1974 by the Education Commission of the States, with funds from The Ford Foundation, to help states insure equal rights for women in education. The project has developed materials aimed at state legislatures and state boards and departments of education, such as the handbook, Equal Rights for Women in Education: A Resource Handbook for Policy Makers (\$2.50 per copy). An implementation guide on Title IX, Title IX: How It Affects Elementary and Secondary Education (\$2.00 per copy), An Overview of All Federal Case Law Affecting Women in Education (\$4.00 per copy). Handbooks on other legislation prohibiting sex discrimination in education are also available. For further information, contact: Paula Herzmark (Director) or Jean Alfrey (Research Associate), Equal Rights for Women in Education, Education Commission of the States, 1860 Lincoln, Suite 300, Denver, CO 80203. Telephone: (303) 893-5200.

OFFICE OF WOMEN IN HIGHER EDUCATION, American Council on Education

In 1973 the Council established the Office of Women in Higher Education to strengthen leadership in post-secondary education by identifying and assisting women who have shown promise for major positions in academic administration, including deanships, vice presidencies and presidencies. The Office of Women also provides analyses of policy and practices affecting women in higher education within ACE and through participation in the programs of other organizations. The Office has completed a statistical review of women college presidents and has issued a working paper on Title IX entitled Institutional Self-Evaluation: The Title IX Requirement (\$1.50 per copy, available from the Publications Division of ACE, address below). For further information, contact: Emily Taylor (Director) or Donna Shavlik (Assistant Director), Office of Women in Higher Education, American Council on Education, One Dupont Circle, Washington, DC 20036. Telephone: (202) 833-4692.

PROJECT ON EQUAL EDUCATION RIGHTS (PEER), NOW Legal Defense and Education Fund

Established with a grant from The Ford Foundation to the Legal Defense and Education Fund of the National Organization for Women, PEER monitors and publicizes enforcement efforts under federal law barring sex discrimination in education. PEER focuses primarily on the enforcement of Title IX of the Education Amendments of 1972 at the elementary and secondary school level. Through its newsletter, PEER Perspective, PEER reports on enforcement progress and problems. Also available is a brief handbook, Are Your Schools Giving Girls and Boys an Equal Chance? A New Federal Law Says They Must, which describes how complaints are filed under Title IX. To receive the newsletter, handbook, and other materials on enforcement, write Project on Equal Education Rights, 1029 Vermont Ave. NW, Suite 800, Washington, DC 20005. Contact: Holly Knox (Director) or Clelia Steele (Associate Director). Telephone: (202) 332-7337.

PROJECT ON THE STATUS AND EDUCATION OF WOMEN, Association of American Colleges

The Project began in September 1971 under the sponsorship of AAC with grants from the Carnegie Corporation of New York, the Danforth Foundation and the Exxon Education Foundation. The Project provides a clearing-house of information about women in higher education, interprets federal policy to colleges and universities, and functions as liaison between the educational community and women's groups. The Project has a dual focus: the status of women employees and the education of women students. Project staff have prepared a number of materials and papers in both these areas, for example: summary papers and articles on Title IX and other legislation prohibiting sex discrimination; topical papers (such as What Constitutes Equality for Women in Sport?, Women and Film, Women's Centers: Where are They?); and a series of fact sheets on Minority Women and Higher Education. Also available are a newsletter, On Campus With Women (which summarizes a variety of activities concerning women on campuses across the country) and special reports. Single copies of Project materials are available without



association of american colleges

1818 R STREET, N.W. • WASHINGTON, D.C. 20009

charge to individuals involved with programs affecting women in higher education. Contact: Bernice Sandler (Director) or Margaret Dunkle (Associate Director), Project on the Status and Education of Women, Association of American Colleges, 1818 R St. NW, Washington, DC 20009. Telephone: (202) 387-1300.

RESOURCE CENTER ON SEX ROLES IN EDUCATION, National Foundation for the Improvement of Education

The Resource Center was initiated under a grant from The Ford Foundation in 1973. The chief functions of the Center are: to prepare materials to assist elementary and secondary schools in the reduction of sex-role stereotyping; to maintain a national network of resource persons working to alleviate sex role stereotyping and sex discrimination in elementary and secondary schools; and to provide technical assistance to organizations and groups carrying out curriculum research and action projects. The Center has produced a set of non-sexist resources, Today's Changing Roles, designed for use in elementary, intermediate and secondary school classrooms, as well as other papers and materials on textbooks and non-sexist teaching. The Center also has a contract with the U.S. Office of Education to produce technical materials on Title IX compliance. A newsletter is published by the Center on an occasional basis. Write for price information. Contact: Shirley McCune (Program Coordinator) or Martha Matthews or Carolyn Clark (Project Coordinators), Resource Center on Sex Roles in Education, 1201 16th St. NW, Suite 804, Washington, DC 20036. Telephone: (202) 833-4402.

SEX EQUALITY IN EDUCATION PROGRAM, American Association of School Administrators

This program, launched in July 1974, was financed with a contract from the U.S. Office of Education which ends in June 1976. The goal of the Program is to promote sex equality in education in school administration, organization, and in instructional material (principally on the elementary and secondary school level). The Program has produced three handbooks to help school administrators: Sex Equality in Education Materials (a report on evidence of sex bias in textbooks and recommended action to counter-act this bias), Sex Equality in School (a discussion of sex stereotyped behavior in the classroom, in extra-curricular activities, counseling and family-teacher relations), and Sex Equality in Educational Administration (an examination of the roles of women and men in educational administration). These booklets are available for \$1.00 each, or \$2.50 for all three. Contact: Beatrix Sebastian (Program Director), Sex Equality in Education, American Association of School Administrators, 1801 N Moore St., Arlington, VA 22209. Telephone: (703) 528-0700.

THE PROJECT ON THE STATUS AND EDUCATION OF WOMEN of the Association of American Colleges began operations in September of 1971. The Project provides a clearinghouse of information concerning women in education and works with institutions, government agencies, and other associations and programs affecting women in higher education. The Project is funded by the Carnegie Corporation of New York, the Danforth Foundation, and the Exxon Education Foundation. Publication of these materials does not necessarily constitute endorsement by AAC or any of the foundations which fund the Project.

JUNE 1976

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To: The State Board of Education
From: Gloria Phillips, Director
Human Resources/Equality of Opportunity Committee
League of Women Voters of Minnesota
Re: Sex Bias in Education
May 8, 1974

The League of Women Voters of Minnesota is vitally interested in obtaining equality for women. We commend the Board of Education for establishing a task force to study the problems of sex bias in education. The report of the task force contains many valuable ideas and recommendations for eliminating sex bias. We strongly support the need for an effective affirmative action program.

We also realize that to implement many of the recommendations of the task force will mean additional costs to local school districts. We hope the State Board of Education will face the realities of the financial costs of the recommendations and will explore ways of financing the additional costs to local boards of education.

Borg

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55102

October 14, 1976

Nina Rothchild
14 Hickory Street
Mahtomedi, MN 55115

Dear Nina:

The League of Women Voters of Minnesota has received the notice of the public hearing pertaining to EDU 660-679 from the Department of Education and the Sex Bias Advisory Committee's suggested substitute for Appendix B of those rules.

In general, the League of Women Voters of Minnesota favors your version, since it seems to be somewhat more specific and requests more information than a simple yes or no.

In the Advisory Committee's General, 1., why is "i" included? How does Record Keeping on Student Discipline Procedures and Actions relate to discrimination? The Department's "i," your "j," seems somewhat clearer, as does their "j," your "k." In your "l," the 45 CFR Part 86 is left off. How does your "n" contract compliance CFR 45 86.51 (a-3) differ from your "l"? Are they part of the same or different? Does "n" need to be a separate category?

Your Committee's General, 2., is good but slightly confusing. Too frequently we discuss the responsibilities of third parties and forget the individual's obligations. That's where the confusion comes -- are you talking about the staff's obligations or the district's?

The divisions of the Committee's, e.g. Title VI Procedures, Title IX Procedures, Educational Services, is helpful in identifying the areas which follow.

Your 4 is more clear than their 5. Their 3 I find preferable to your 5, but the end phrase beginning with "has this person's name....and employees?" needs to be added to theirs. Their 4 is somewhat clearer than your 6, but again I would add your "possible sex discrimination" to theirs.

Your Committee's suggestions for question 9 may be more detailed than necessary, but I do like the addition of "If no, explain."

In your Committee's No. 10, I would suggest you rephrase that so that the learning disabled, who may need a different testing methodology and/or maybe different materials, are not disadvantaged or discriminated against. Some of them, those with visual perception disabilities, may need to have tests administered orally.



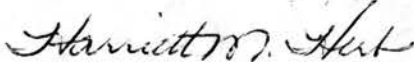
October 14, 1976

Your question 13 may be somewhat more detailed and elaborate than necessary, especially in section d. For example, how does one judge "coaching of equal expertise?"

I would hope that the Advisory Committee would permit school districts to state a general disclaimer relating to the use of "he" as being an all-encompassing, non-chauvanistic term rather than requiring districts to use "he/she," etc., everywhere one or the other appears in a policy or procedure. Being a former school board member and being aware of the financial bind of most districts which has necessitated staff reductions, I seriously question the necessity of redoing all policies and procedures for something like the use of one word when a general disclaimer could suffice.

Congratulations on your new job, Nina, and good luck on getting your "B" substituted for theirs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harriett M. Herb".

Harriett Herb
Executive Director



November, 1976

Resources for Ending Sex Bias in the Schools

This selected, introductory listing of books and other resources aims to help educators, parents and community groups recognize sex bias in an educational setting, understand how it does harm, and take effective action against it. The focus is kindergarten through high school. (Book prices are for paperback editions unless otherwise noted.)

Women (and Men) in America

A few books offered as an introduction to the broad subject of women's history, feminism, and sex role stereotyping.

Absent From the Majority: Working Class Women in America. Nancy Seifer. 1973. Sensitive portrayal of white working class women. Discusses effects of change on traditional family, community and work lives, and urges inclusion of these women in the feminist movement. Institute on Pluralism and Group Identity, 165 E. 56th St., New York, NY 10022. 85 pp. \$1.25.

Black Women in White America: A Documentary History. Gerda Lerner. 1972. Powerful collection of original writings on slavery, the struggle for education, sexual exploitation, making a living, prejudice, pride and black womanhood. Vintage Books, NY. 630 pp. \$3.95.

The Feminist Papers. Alice Rossi. 1973. Thirty-two selections from 200 years of feminist thought and action. Excellent introductory essays. Bantam, NY. 716 pp. \$1.95.

The Liberated Man: Beyond Masculinity: Freeing Men and Their Relationships with Women. Warren Farrell. 1974. How the masculine value system hurts men, too. Barriers to bringing about change in the everyday lives of men and women, and some ways of overcoming them. Bantam, NY. 380 pp. \$1.95.

The New Feminism. Lucy Komisar. 1971. Primer on the women's movement for teenagers. Warner, NY. 206 pp. \$1.25.

Rebirth of Feminism. Judith Hole and Ellen Levine. 1971. Well organized, easy-to-read orientation to the history and ideas of the current women's movement. Somewhat

dated (pre-Title IX), but useful. Quadrangle, NY. 488 pp. \$4.50.

Sexism and Racism: Feminist Perspectives. Civil Rights Digest, Spring 1974. Articles detailing the circumstances and struggles of Black, Puerto Rican, Indian, Chicana and Asian American women. U.S. Commission on Civil Rights, 1121 Vermont Ave., NW, Room 700, Washington, DC 20425. Single copies free.

Sex Bias in the Schools: An Overview

And Jill Came Tumbling After: Sexism in American Education. Judith Stacey, Susan Bereaud, and Joan Daniels, eds. 1974. A handy comprehensive set of essays on the way schools foster sex bias and damaging sex role stereotypes. Emphasis on kindergarten through high school. Dell, NY. 461 pp. \$1.75.

The Influence of Sexism on the Education of Handicapped Children. Patricia H. Gillespie and Albert H. Fink. **Exceptional Children**, Vol. 41, No. 3, Nov. 1974. How sex bias in school limits options for handicapped, particularly retarded, children. Single copies free from PEER (see coupon, page 3).

Math & Sex. John Ernest. April 1976. Readable essay traces how sex stereotyping, by steering girls away from math, locks young women out of science, engineering and other math-related careers. The author, Math Dept., Univ. of California, Santa Barbara, CA 93106. 30 pp. Free.

Sex Equality in Schools. Sex Equality in Educational Administration. Sex Equality in Educational Materials. American Association of School Administrators. 1975. Three well-written handbooks for school administrators. Con-

PEER, the Project on Equal Education Rights, is a project of the NOW Legal Defense and Education Fund. Funded by the Ford Foundation to monitor enforcement progress under federal law forbidding sex discrimination in education. 1029 Vermont Ave., NW, Suite 800, Washington, D.C. 20005. Project Director: Holly Knox. Associate Director: Clelia Steele.

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trast traditional sex stereotyping with the needs of individuals and changes in society. Action suggestions. AASA Publications Div., 1801 North Moore St., Arlington, VA 22209. 18-25 pp. each. \$1.00 each; \$2.50/set.

PEER will update this list periodically. If you have or know of materials you would like to see included, please let us know. Include price and ordering information if possible.

Sexism and Youth. Diane Gersoni-Stavn, ed. 1974. Anthology covers "socialization/indoctrination," "dear old sexist school days," and sex bias in books, media, toys and games. Excerpts from some classic pieces on sexism in schools. R. R. Bowker, NY. 468 pp. \$11.95. Hardcover.

Sexism in School and Society. Nancy Frazier and Myra Sadker. 1973. Primarily for teachers and teacher-trainers. Explores rise of the "new feminism," what it's all about, sexism in schools, and "a positive approach for educators." Harper & Row, NY. 215 pp. \$4.95.

Studies of sex discrimination in Kalamazoo, Michigan, schools. Committee to Study Sex Discrimination in the Kalamazoo Public Schools (CSSD). 1973. A possible model for similar studies by community groups. Series of reports, including those on sexism in elementary textbooks, employment, physical education and athletics, "selected secondary studies" (such as business education and psychology), and non-academic student concerns. Kalamazoo Public Schools, Instructional Media Dept., 1220 Howard St., Kalamazoo, MI 49008. \$1.00 each, prepaid.

Unlearning the Lie: Sexism in School. Barbara Grizzuti Harrison. 1973. Penetrating account of the experience of parents and teachers who confronted sex bias (and each other) at a private school in Brooklyn, NY. Focuses on human relations: black and white, women and men, parents and teachers. Morrow, NY. 176 pp. \$2.95.

Women and Educational Employment

The Forgotten Five Million: Women in Public Employment: A Guide to Eliminating Sex Discrimination. Catherine Samuels. 1975. Provides checklist for recognizing discrimination, detailed advice on documenting it, and in-depth chapters on legal remedies, affirmative action and organizing for power. Much, but not all, applicable to teachers and other public school employees who want to assert their rights. Women's Action Alliance, 370 Lexington Ave., New York, NY 10017. 298 pp. \$5.00.

Locating, Recruiting and Employing Women: An Equal Opportunity Approach. Cecelia H. Foxley. 1976. Important book for school administrators. Information on women workers today, equal opportunity legislation, and affirmative action programs. Includes effective ways of integrating women into formerly all-male bastions. Garrett Park Press, Garrett Park, MD 20766. 357 pp. \$7.50 prepaid, otherwise \$8.50.

Performance of Women Principals: A Review of Behavioral and Attitudinal Studies. Andrew Fishel and Janice Pottker. **Journal of the National Association for Women Deans, Administrators and Counselors**, Spring, 1975. Dispels myths by listing results of numerous studies, most of which document the special competence of women principals. Single copies of this article, and others on related topics. Center for the Study of Sex Differences in Education, 6208 Crathie Lane, Bethesda, MD 20016. Free.

Wanted: More Women: Why Aren't Women Administering Our Schools? Suzanne Howard. 1975. "The status of women public school teachers and factors hindering their promotion into administration." Extensive reference list. National Council of Administrative Women in Education, 1815 Fort Myer Dr. No., Arlington, VA 22209. 53 pp. \$3.00. Other useful publications.

Athletics

Closing the Muscle Gap. Ann Crittenden Scott. **Ms. Magazine**, Sept. 1974, pp. 49-55, 89. Good short introductory article confronts myths surrounding women's abilities and sports. Reprint, **Ms. Magazine**, 370 Lexington Ave., New York, NY 10017. \$1.00.

The Femininity Game. Thomas Boslooper & Marcia Hayes. 1973. "You win the game by losing all the others—tennis, volleyball, chess, you name it." Traces how losing has been a way of life for most women since Aristotle, and challenges women "to learn to win—and win big." Stein & Day, NY. 224 pp. \$1.95.

Revolution in Women's Sports. **womenSports Magazine**, Sept. 1974. Lively collage report on all aspects of women and athletics. Includes 10-page action manual for students with advice on "talking back" and "fighting back." **womenSports Foundation**, 1660 South Amphlett Blvd., Suite 266, San Mateo, CA 94402. 24 pp. 35c. For a **womenSports** subscription, write P.O. Box 4964, Des Moines, IA 50306. \$5.97/yr., \$11.94/2 yrs.

Women's Athletics: Coping with Controversy. Dorothy V. Harris, ed. 1974. Collection of short issue papers. Topics include equal rights law, the Olympic games, and "the masculine obsession in sports." American Alliance for Health, Physical Education, and Recreation Publications-Sales, 1201 Sixteenth St., NW, Washington, DC 20036. 120 pp. \$3.75. Other useful publications available.

Biased Textbooks

Biased Textbooks: A Research Perspective by Lenore J. Weitzman and Diane Rizzo. Action Steps You Can Take. Resource Center on Sex Roles in Education. 1974. Documents sex bias in widely used elementary science, math, reading, spelling and social studies texts. Action suggestions. Resource Center on Sex Roles in Education, Room 701, 1201 Sixteenth St., NW, Washington, DC 20036. 14 pp. \$1.00 prepaid.

Dick and Jane as Victims: Sex Stereotyping in Children's Readers. Women on Words and Images. Updated edition. 1975. Excellent analysis of readers from 14 major publishers conveys the pervasiveness and pain of sex bias. Women on Words and Images, P.O. Box 2163, Princeton, NJ 08540. 80 pp. \$2.00. Other useful materials, too.

Guidelines for Equal Treatment of the Sexes in McGraw-Hill Book Company Publications. Covers rules for avoiding sex bias in great detail and offers many examples of biased language and unbiased alternatives. Focuses on harmful stereotyping of males as well as females. McGraw-Hill Book Co., 1221 Avenue of the Americas, New York, NY 10020. 11 pp. Free.

100 Children's Books About Puerto Ricans: A Study in Racism, Sexism & Colonialism. Special double issue of **Interracial Books for Children**, Vol. IV, Nos. 1 & 2, Spring 1972. Reports results of a study, from several perspectives, of children's books on Puerto Rican themes. Issues explored in depth. Racism & Sexism Resource Center for Educators, Council on Interracial Books for Children, 1841 Broadway, New York, NY 10023. 16 pp. \$2.50. The Resource Center also offers **Fact Sheets on Institutional Sexism** (\$1.00), **Human (and Anti-Human) Values in Children's Books** (\$7.95), and more.

Women in the High School Curriculum: A Review of High School U.S. History and English Literature Texts. Phyllis Arlow and Merle Froschl. 1975. Reports results of extensive research on the omission, distortion and stereotyping of women in high school history and literature texts. (This report also available in **High School Feminist Studies**—see p. 4.) The Feminist Press, Box 334, Old Westbury, NY 11568. 11 p. \$1.00.

Write PEER for These Materials			
PEER Materials	Number	Amount Enclosed	Other Materials (single copies only)
How to File a Title IX Complaint <input type="checkbox"/> <i>(Are Your Schools Giving Boys and Girls an Equal Chance?)</i> Single copies free.			The Influence of Sexism on the Education of Handicapped Children. <input type="checkbox"/> Gillespie and Fink. Free.
Peer Perspective , published quarterly. Free. <input type="checkbox"/>			Vocational Preparation for Women: A Critical Analysis. <input type="checkbox"/> Steiger. Free.
Resources for Ending Sex Bias in the Schools. \$6 per 100; single copies and small orders free. <input type="checkbox"/>	\$.....	Make check or money order payable to NOW LDEF-PEER. All orders sent third class or parcel post; extra charge for priority mailings.
Summary of the Title IX Regulation. <input type="checkbox"/>	\$.....	
			Send to: PEER, 1029 Vermont Ave., NW, Washington, D.C. 20005
Total Amount Enclosed \$.....			
Name.....			
Street.....			
City/State/Zip.....			11/76

"When I Grow Up . . ." Preparing for the Work World

Counseling

Handbook for Workshops on Sex Equality in Education. Mary Ellen Verheyden-Hilliard. **Will be available Dec. 76.** How to run a workshop on sex equality in schools, with background information on the socialization of children and sex bias in education and the workplace. Based on experience of the Sex Equality in Guidance Opportunities (SEGO) Project of the American Personnel and Guidance Assoc. Women's Program Staff, U.S. Office of Education, 400 Maryland Ave., SW, Room 3121, Washington, DC 20202. Single copies free.

Help Wanted: Sexism in Career Education Materials. Women on Words and Images. 1975. Summarizes research results on sex bias in career education materials. Offers advice to counselors and teachers on counteracting it, and sources of further information, including films and slide shows on sex bias in education. WWI, P.O. Box 2163, Princeton, NJ 08540. 51 pp. \$2.50.

Issues of Sex Bias and Sex Fairness in Career Interest Measurement. Esther E. Diamond, ed. Spring 1975. Series of papers with a clear introductory overview. Includes guidelines for assessing sex bias in career interest tests, a discussion of black women and career expectations, and more. Education and Work Group, National Institute of Education, Washington, DC 20208. 219 pp. Single copies free.

The Myth of Happily Ever After. Sarah Davidson. **Woman's Day**, May 1974. Fascinating account of a YWCA ex-

periment in demystifying the future for a class of young girls using a marriage and career game, with a wheel of fortune to simulate the vagaries of real life. Reprint, YWCA of Los Angeles, Executive Offices, 1215 Lodi Place, L.A., CA 90038. 4 pp. Free. Also ask about their Vocational Readiness Package.

Women and Educational Testing: A Selective Review of the Research Literature and Testing Practices. Carol Kehr Tittle, Karen McCarthy, and Jane Faggen Steckler. 1974. Analyzes widely used achievement and occupational/vocational tests for sex bias in language and content. Surveys technical literature on test bias. Important for school personnel using or making judgments based on these tests. Write Women and Educational Testing, Publications Order Office, Educational Testing Service, Princeton, NJ 08540. 140 pp. \$4.00 prepaid.

Vocational Education

Equal Vocational Education. Jane Lerner, Fredell Bergstrom and Joseph E. Champagne. 1976. Final report, readable and informative, of a model program for eliminating the effects of past discrimination in Texas vocational education programs. Concrete information on how the project was set up and how it operated. Center for Human Resources, Univ. of Houston, College of Business Admin., Cullen Blvd., Houston, TX 77004. 96 pp. Single copies free, at least at first.

Federal Education Project Newsletter. Lawyers' Committee for Civil Rights Under Law. Monthly newsletter of a project working to end sex and race bias in federal programs supporting vocational education. Offers up-to-date information on federal legislation, advice for local groups fighting discrimination in these programs, and news of what federal agencies, parents and community groups are doing. Federal Education Project, Lawyers' Comm. for Civil Rights Under Law, 733 15th St., NW, Washington, DC 20005. Free.

Sex Discrimination and Sex Stereotyping in Vocational Education. 1975 hearings, with testimony, articles and reports by some of the nation's leading experts on sex bias in vocational education. Subcommittee on Elementary, Secondary and Vocational Education, U.S. House of Representatives, Rayburn Building, Washington, DC 20515. 405 pp. Free.

Vocational Preparation for Women: A Critical Analysis. JoAnn M. Steiger. Dec. 1974. Documents the fact that women do work outside of the home and argues that schools therefore have an obligation to prepare young women realistically for the job market. Points out harmful biases in current vocational education, curricular materials, counseling and other aspects of school life. A few general recommendations for administrators, counselors and teachers. Available from PEER (see coupon, p. 3). 42 pp. Single copies free.

Women & Work

U.S. Working Women: A Chartbook. U.S. Department of Labor, Bureau of Labor Statistics. 1975. Attractive booklet of charts and graphs depicting the characteristics of American working women and their changing status since 1950. A valuable "ammunition" source-book for action groups and important information for counselors. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. 72 pp. \$1.75.

Womanpower. A special issue of **Manpower Magazine**. Nov. 1975. Focuses on women's effort to achieve equality in the work world. Includes problems of working mothers, relocation, how the Cinderella myth distorts vocational education for women, and more. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. 44 pp. \$1.30.

Women's Bureau, U.S. Department of Labor. Information and statistics on women workers, career opportunities and related topics. Some highlights: **1975 Handbook on Women Workers**, a 435-page manual on the economic, civil and political status of women, free; **Facts on Women Workers of Minority Races**, 35c; and **The Myth and the Reality**, about women in the labor force, 25c. Some materials in Spanish. For complete publications list and the **Handbook**, write Women's Bureau, Employment Standards Administration, U.S. Dept. of Labor, Washington, DC 20210. Order materials for which a price is listed from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Non-Sexist Materials: A Teacher's Guide

Books and Curricula

Feminist Book Mart, P.O. Box 149, Whitestone, NY 11357. Distributes large selection of feminist and non-sexist children's books. Ships bulk for conferences and book fairs. Write for catalog.

Feminist Press, Box 334, Old Westbury, NY 11568. Catalog includes:

—**High School Feminist Studies.** Florence Howe, ed. 1976. A collection of 23 syllabi for high school women's studies courses, prefaced by a review of sex bias in high school U.S. history and English literature texts. 186 pp. \$5.00.

—**Nonsexist Curricular Materials for Elementary Schools.** Laurie Olsen Johnson, ed. 1974. Packet of materials to guide teachers in enhancing their own and their students' awareness of sexism. Looseleaf format makes it easy for teachers to copy. Among the materials are

checklists for evaluating textbooks for sex bias, a student workbook, biographical summaries of important 19th century women, classroom activities and bibliographies. 96 pp. \$5.00.

—**Strong Women: An Annotated Bibliography of Literature for the High School Classroom.** Deborah Silverton Rosenfelt. 1976. Includes anthologies, autobiography/biography, drama, novels, short stories and poetry. Interesting description of each book, and cross-topical index. 64 pp. \$1.50.

—**Women's Studies for Teachers and Administrators: A Packet of In-Service Education Materials.** Merle Froschl, Florence Howe and Sharon Kaylen. 1975. Contains material to help schools start inservice courses on sexism in education and on women in history, literature, and social studies. Includes syllabi, sample curriculum materials, a list of resource groups, and a (not entirely audible) cassette with speech excerpts on women in literature, history and the socialization process. 48 pp. \$10.00.

A Guide to Non-Sexist Children's Books. Judith Adell and Hilary Dole Klein. 1976. Listing by approximate grade level of books that "treat boys and girls as people who have the same kinds of frailties and strengths." Covers pre-school through 12th grade. Academy Press, Chicago. 149 pp. \$3.95.

Little Miss Muffet Fights Back: A Bibliography of Recommended Non-Sexist Books About Girls for Young Readers. Feminists on Children's Media. 1974. Revised ed. Includes selection criteria and covers picture books, fiction, biography, history and women's rights. Also advice on working for change in children's book publishing and getting your own children's book published. Well written, and very high standards of selection. Feminist Book Mart, P.O. Box 149, Whitestone, NY 11357. 62 pp. \$1.00.

Non-Sexist Education for Young Children: A Practical Guide. Barbara Sprung. 1975. Experiences in preschool classrooms applicable to elementary schools. Information on involving parents, creating non-stereotyped environments, early education programs, sources of non-sex-biased books and materials, and a checklist for a nonsexist classroom. Women's Action Alliance, 370 Lexington Ave., New York, NY 10017. 115 pp. \$3.25.

We Can Change It. Susan Shargel and Irene Kane. 1974. Brief bibliography of non-sexist, non-racist books for pre-school through third grade. Includes section on "ethnic" books. Extensive discussion of ways to integrate these books into classroom and family life. Change for Children, 2588 Mission St., No. 226, San Francisco, CA 94110. 24 pp. \$1.50.

Films

Films on the Women's Movement. General Services Administration, U.S. Government. List of films about women's lives and the women's movement. Description of each, and information on ordering procedures. Recom-

mends other useful listings. GSA, Office of Civil Rights, Washington, DC 20405. 42 pp. Free.

Positive Images. A guide to nonsexist films for young people. Linda Artel and Susan Wengraf, eds. 1976. Evaluates 400 story, documentary, biography and experimental films challenging stereotypes. Notes age level (5-17+) and provides ordering information. Booklegger Press, 555 29th St., San Francisco, CA 94131. 120 pp. \$5.00

The Law and How to Use It

Sex bias in schools is not only unfair; it's illegal under Title IX of the Education Amendments of 1972. Whether you're working from within or outside of the educational system to achieve equal opportunity for both sexes, there's something here for you.

Are Your Schools Giving Girls and Boys an Equal Chance? How to File a Title IX Complaint. PEER. 1976. Brief orientation to Title IX and advice on filing a Title IX complaint. Free (see coupon, p. 3).

Complying with Title IX: Implementing Institutional Self-Evaluation. Resource Center on Sex Roles in Education. 1976. Offers practical, how-to-do-it steps for reviewing school district policies and practices for compliance with Title IX. Resource Center on Sex Roles in Education, 1201 16th St., NW, Room 701, Washington, DC 20036. 140 pp. \$3.00. A companion booklet, **Complying with Title IX: The First Twelve Months**, offers advice on meeting the other basic requirements of the Title IX regulation. 34 pp. \$1.00. Newsletter, other useful materials available; write for a listing.

Equal Pay Under the Fair Labor Standards Act. U.S. Department of Labor, Wage and Hour Division. 1974. A brief introduction to the Equal Pay Act of 1963, which bars sex discrimination in pay and benefits: jobs covered, provisions of the law, and four tests with illustrations to use in identifying discrimination. U.S. Department of Labor, Employment Standards Administration, Washington, DC 20210. 8 pp. Free.

Peer Perspective. Quarterly newsletter of the Project on Equal Education Rights. Reports on current developments under Title IX and other federal law affecting rights of girls and women in the public schools, including Congressional and local action. Free (see coupon, p. 3).

Project on the Status and Education of Women, Association of American Colleges, 1818 R St., NW, Washington, DC 20009. A clearinghouse of information on women in higher education. Many materials also relevant for elementary and secondary schools, particularly their publications on athletics, women and film, and Title IX. Single copies only, free.

Summary of the Regulation for Title IX Education Amendments of 1972. PEER. 1976. Four-page "English language" summary of the complex Title IX regulation issued by the Department of Health, Education and Wel-

fare. 4 pp. \$5.00 per 100; single copies and small orders free. (See coupon, p. 3.)

Title IX Line: The Program for Educational Opportunity Newsletter. The University of Michigan School of Education. Published periodically. Each issue explores one aspect of Title IX and offers suggestions to help school districts comply. Single copies of back issues available on self-evaluation (No. 5) and the role of the Office for Civil Rights in administering Title IX (No. 6). Write Title IX Line, School of Education, The Univ. of Michigan, Ann Arbor, MI 48104. Free.

Title IX: How it Affects Elementary and Secondary Education. Equal Rights for Women in Education Project, Education Commission of the States. Feb. 1976. Attractive booklet designed to assist school districts in complying with Title IX. Summarizes key provisions of the regulation, and offers implementation suggestions. Publications Desk, Education Commission of the States, Suite 300, 1860 Lincoln St., Denver, CO 80203. 35 pp. \$2.00. Other useful publications also available from the Equal Rights Project.

Title IX materials from the U.S. Department of Health, Education and Welfare:

—The law itself.

—The **Title IX regulation.** With a factsheet and examples of practices illegal under Title IX.

—**Sports memorandum.** Sheds some light and more confusion on Title IX's implications for school sports programs.

—**Elementary and Secondary Division Title IX Manual.** A guide for HEW staff investigating sex discrimination charges, this will also be helpful to educators and community groups working to identify school practices that violate the law.

—**Federal laws and regulations prohibiting sex discrimination.** On a single chart for easy reference—the Equal Pay Act, Title IX, Executive Order 11246, the Equal Credit Opportunity Act, and more. Coverage, provisions and enforcement procedures. Prepared by the Women's Equity Action League.

Write Public Affairs, Office for Civil Rights, Room 5410, 330 Independence Ave., SW, Washington, DC 20201. Free.

Title VII of the 1964 Civil Rights Act. Requires equal opportunity in employment regardless of race, color, religion, sex or national origin. For a copy of the law and implementing regulations, write Equal Employment Opportunity Commission, Office of the General Counsel, 1800 G St., NW, Washington, DC 20506. Free.

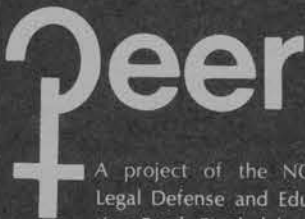
Organizing for Action

Sound advice for parents, activists and other community people pressing for change in the schools.

Direct Action Organizing: A Handbook for Women. Midwest Academy. Feb. 1974. 3rd ed. Frank, concise introduction to the realities of organizing to win. Aggressive strategies for the inexperienced but committed organizer. Midwest Academy, 600 West Fullerton, Chicago, IL 60614. 22 pp. \$1.25.

Eliminating Sexism in Public Schools: A Workbook for Action. Education Law Center. Feb. 1976. Summarizes legal provisions prohibiting sex discrimination in education. Offers action alternatives for community groups pressing for change, strategies for obtaining information from school districts, and checklists for monitoring district compliance with the Title IX regulation. Written for New Jersey activists, but most information generally applicable. ELC, 605 Broad St., Suite 800, Newark, NJ 07102. 58 pp. \$1.50.

Tool Catalog: Techniques and Strategies for Successful Action Programs. American Association of University Women. 1972. Thorough presentation includes goal-setting and organizing, practical advice on dealing with institutions, fact-finding, publicity techniques, and day-to-day organizational matters. Designed for the fledgling AAUW member-activist, but useful for all community groups. AAUW, 2401 Virginia Ave., NW, Washington, DC 20037. 248 pp. \$6.50.



Peer

A project of the NOW Legal Defense and Education Fund. Funded by the Ford Foundation to monitor enforcement progress under federal law forbidding sex discrimination in education.

Project Director — Holly Knox
Associate Director — Clelia Steele
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New Title IX Rulings

They've slowed considerably in the last few months, but several new Title IX rulings have been issued by HEW. Among them:

- Title IX does apply to institutions which benefit from federal aid to their students but receive no federal grants or contracts directly. So said U.S. Attorney General Edward Levi in a letter to HEW Secretary Mathews July 20, 1976.

- "Nondiscriminatory" school rules on facial hair (beards, mustaches, etc.) have gotten a nod of approval from HEW, even though they only affect males. While schools may not limit hair length for one sex and not the other, HEW is now "considering whether the statute prohibits different hair length standards for boys and girls." HEW wrote U.S. Senator Robert Taft to that effect October 14.

- Discrimination which occurred in the three years between Title IX's 1972 enactment and the date HEW's regulation took effect is subject to enforcement action, as long as it "falls clearly within the proscription of section 901," according to an August 6 memorandum by HEW attorneys.

- Schools may keep separate men's and women's physical education departments, as long as physical education classes themselves are open to both sexes. That ruling, released September 30 in a letter from HEW civil rights director Martin Gerry, reversed an earlier stance requiring merger of single sex physical education, but not interscholastic athletics, departments.

HEW also warns institutions to avoid sex discrimination when merging single sex departments. If past discrimination by the institution has put one sex at a disadvantage in acquiring the experience or education required for an administrative position, the September ruling adds, the institution must "provide promptly the training and opportunity for experience necessary to qualify these employees for such positions."

Voc Ed (continued from p. 1)

Almost half the young women in vocational programs are taking home economics courses which don't prepare them for paid employment, witnesses told Congress. The other half, they reported, are concentrated in a handful of low-paying, traditionally female fields.

The new bill also encourages states to finance experiments in ending sex stereotyping, and says each state's vocational education advisory council must include a woman expert on sex bias in job training.

on capitol hill

People bringing sex and race discrimination suits can now recover the cost of their **attorneys' fees** if they win, thanks to a bill passed September 30.

The Civil Rights Attorney's Fees Award Act, which survived a week-long filibuster led by Senator James Allen, D-Ala., permits judges to award attorneys' fees in cases brought under Title IX, Title VI of the 1964 Civil Rights Act and the Fourteenth Amendment to the U.S. Constitution.

School-sponsored **father/son and mother/daughter activities** are no longer illegal under Title IX, says a rider attached to the Education Amendments of 1976, approved by Congress September 29. Schools will have to offer "reasonably comparable" activities for each sex.

HEW can hold up new money awards to school districts violating civil rights laws, according to another clause in the new education bill. But if the district asks for a hearing, the funds will have to stay on hold in case the hearing judge says it isn't discriminating after all.

An amendment to **restrict Title IX to "curriculum or graduation requirements"** went down to defeat 52-28 in the Senate August 27th. The amendment, which would have removed athletics, scholarships, employment and the like from the law's equality guarantee, was offered by Senator James McClure, R-Idaho.



Published by the Project on Equal Education Rights, a project of the NOW Legal Defense and Education Fund
Volume 2, Number 3, November 1976

Congress Assails Bias in Voc Ed

Laced with strong language calling for an end to sex stereotyping in vocational education, a bill overhauling federal education aid programs passed Congress September 29.

Under the new law, each state must hire full-time staff to help end sex bias and stereotyping in vocational education throughout the state. Starting next year, \$50,000 of each state's federal allotment will be set aside for that purpose.

States will also have to spell out how they will assure both sexes equal access to vocational education, before they can qualify for millions of dollars in federal aid.

Senator Walter Mondale, D-Minn., and Representatives Shirley Chisholm, D-N.Y., and John Buchanan, R-Ala., led the move to make ending sex stereotypes a high priority in vocational education nationwide.

They added a cluster of anti-bias provisions to the Vocational Education Act after a string of experts told a congressional committee that vocational courses are still heavily segregated by sex.

(continued on p. 4)

A model statewide effort in North Carolina to eliminate sex bias in the public schools, and a Massachusetts project to encourage high school students to join in efforts to end sex discrimination in their schools, are among the new projects.

Out of 21 small grants—for \$15,000 or less—several focus on opening up career options for women, and a number will train teachers about sexism and how to overcome it.

(continued on p. 3)

HEW Sets New Complaint Rules

New court-ordered ground rules to improve its handling of civil rights complaints took effect at the U.S. Department of Health, Education and Welfare (HEW) October 1. Terms of the order, handed down last June under *Adams v. Mathews*, apply to cases charging sex, race and national origin bias in elementary and secondary schools.

The order sets deadlines for HEW action on complaints. It also spells out what information the person complaining must submit before HEW must act on the complaint.

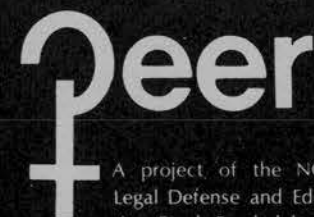
If the original complaint has all the necessary information, generally HEW has 210 days to settle the case—less for emergency cases.

Complainants will now have the right to request information about progress on their case, and to supply additional information during the investigation if they wish.

Under the new rules, if the complaint does not contain certain information, HEW can delay action until the person who filed the complaint provides the missing information.

Therefore, all Title IX complaints should now include:

- name, address of the person(s) or group filing the complaint
- who (what person or group) has suffered discrimination
- their names and addresses if there are three or fewer victims of discrimination
- name, address of the school district or other institution charged with discrimination
- when the discrimination occurred, and
- a description of the discriminatory act(s).



A project of the NOW Legal Defense and Education Fund. Funded by the Ford Foundation to monitor enforcement progress under federal law forbidding sex discrimination in education.

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What Are They Complaining About?

To give you an idea of the range and variety of complaints that have been filed against school districts since Title IX was passed, here's a sampler from the over 600 in HEW files.

- As part of an experiment to see whether boys couldn't learn better when girls weren't around, a Montana school has been segregating first-grade girls and boys for two years, alleged one complaint. No control group of coeducational classes had been set up to draw comparisons, however.

"The separation is based on a theory that coeducation may be detrimental to young boys, because of early dominance by females," said a newspaper article enclosed with the complaint.

- Thirty-six girls on a New Jersey field hockey team had to divide up 11 pairs of shoes, 24 jackets, 24 kilts and 12 warm-up suits, wrote the girls' coach in a 1973 complaint. The boys, however, were "outfitted to the letter."

The coach also reported that she earned \$375 for coaching both varsity and junior varsity basketball. The boys' head basketball coach earned \$950; his assistant, \$850.

- Her daughter "wants carpentry for two years so she can repair her own home when she gets one, as she seen all it cost us for repairs," wrote another New Jersey complainant.

Yet the principal refused to enroll the girl in carpentry, claiming "it was too much pressure on the girl." He told her that "if there were more girls he might consider it." But when three more girls interested in carpentry were rounded up, the principal "wouldn't even listen to them," the mother reported.

- After having left her home state to work as a high school assistant principal in a Colorado school district, one complainant was abruptly "rejected" after one week on the job. The only explanation the district offered was that "my husband wasn't living there with me," she reported.

The year before, the district had filled a similar position with a man whose family stayed in another city.

- Washing the boys' football and basketball uniforms is part of the junior high girls' home economics curriculum.

This was just one charge in a far-reaching complaint filed against a western school system.

The complaint also reported that:

- Aside from within-district track meets, the junior high school girls have no competitive interscholastic sports program.

- Four sports are offered to high school girls, while boys can choose from 9 different activities. When more girls show an interest, said the district's athletics director, they'll get more activities—"which is like telling the stove to give heat before wood is added," commented the complainant.

- "Powder Puff Mechanics" is offered to girls at one local high school. "Some girls have said (it) is patronizing ... and a waste of time," the complainant noted.

- Four physical education classes are available only to boys. Two of them, "reserved for male athletes" according to the course description, are advanced physical conditioning classes.

Female athletes have no such special programs. At best they can take "slimnastics" in one of the two all-girl classes, "designed for the girl who feels she needs to eliminate excess weight, or ... tone up her muscles or figure."

- In one New Hampshire school district, 79% of the elementary school teachers, but only 13% of the principals, are women, charged a 1974 complaint.

The complaint documented a widespread pattern of discrimination in the district, including sex segregated classes and great inequities in sports programs for girls and boys.

- On top of the usual pins and bars for playing any sport, the boys in one North Dakota school district get special trophies and medals for outstanding performances. The girls receive no awards, according to a 1974 complaint, even after having played for all four years of high school.

Also, each squad on the boys' basketball team has its own group of cheerleaders, none of which turns out for the girls' games, wrote the girls' parents.

Groups Assess HEW Record on Title IX

The New York Times called it "one of the most intensive citizen reviews of government function ever conducted." Over 60 local PEER monitors in four cities are at work in HEW regional civil rights offices, combing through records to assess the agency's progress in enforcing Title IX since the law passed four years ago.

The volunteer monitors are working this fall as PEER's eyes and ears in Atlanta, Chicago, Cleveland and San Francisco. Their findings on how HEW is handling Title IX complaints in the seventeen states served by those HEW offices—along with the work of PEER's own Washington staff—will appear in a report on Title IX enforcement nationwide scheduled for publication next spring.

Whether they joined the effort "to give my daughters more alternatives in life than I had," or "to find out how the federal government can do a better job for my tax dollars," the monitors bring a rich array of experiences and interests to the PEER project. Accountant Kay Drumm heads up the Cleveland group; Sharon Adams, Atlanta coordinator, is Dean of Women at Emory College at Oxford, Georgia.

Diane Lucas, who leads the Chicago group, is currently raising three small children and chairing a local NOW education task force. San Francisco coordinator Mary Spencer is president of a research institute specializing in child development and educational psychology.

Grants (continued from p.1)

One project will institute a statewide communication network in Colorado to promote sports equity for girls.

Other grantees will be exploring ways to involve parents and community people in school efforts to end sex bias; producing high school American history supplements on women; and setting up a regional women's studies resource bank in Washington state.

Shirley McCune of the Resource Center on Sex Roles in Education will direct a series of regional and national workshops financed by the Women's Equity program, to

If you'd like to receive our newsletter PEER PERSPECTIVE free of charge, and don't already receive it, fill out the coupon below and check the newsletter box.

Reprints of PEER's summary of the Title IX regulation and resource list are also available. Individual or small orders, free. Minimal charge for bulk orders sent by parcel post (see below). Extra charge for priority mailings. Make check or money order payable to NOW LDEF-PEER. Send to:

PEER, 1029 Vermont Ave., NW, Suite 800, Washington, D.C. 20005

Please send me your:

☐ Newsletter
☐ Title IX Summary: _____ copies at \$5/100 = \$ _____
☐ Resource List: _____ copies at \$6/100 = \$ _____
Check or money order enclosed for \$ _____

Name _____
Street _____
City _____ State _____ Zip _____ 11/76

help educators comply with Title IX of the Education Amendments of 1972. Under another contract, the Educational Testing Service in Princeton, New Jersey will set up an information clearinghouse on equal opportunity for women in education.

Congress has approved a \$1 million increase for the Women's Equity program next year.

For more information on the Women's Educational Equity Act program, write Joan Duval, Director, Women's Program Staff, U.S. Office of Education, Room 3121, 400 Maryland Ave., SW, Washington, D.C. 20201.

from all over

Rather than comply with an HEW finding under Title IX that the district must stop denying pregnant teachers sick pay, the **Romeo, Michigan** school district has gone to court claiming Title IX does not cover employment discrimination.

The suit was filed July 9, one month after HEW informed Romeo its maternity policies violate Title IX. HEW called for prompt policy changes and back pay for all employees who took unpaid maternity leave since 1972.

The school district's attorney argues that Title IX excludes employment since the anti-race-bias law it is modeled after (Title VI of the 1964 Civil Rights Act) does not cover employment.

Attorneys for several women's groups point out that unlike Title IX, Title VI specifically excludes employment. They also note that Congress last year declined to veto the employment section of the Title IX regulation.

The first man in his district to take "maternity" leave, **Stamford, Connecticut** school psychologist Richard Dennis recently left for a year of travel and togetherness with his wife and newborn baby. School officials credited Dennis' leave as a victory for Title IX, which prompted a 1974 policy change allowing parents of both sexes up to two years of "child care" leave.

The state of Michigan recently added baseball to the state's official list of noncontact sports, guaranteeing girls equal opportunity in that sport, including the right to try out for any boys' team.

The issue of contact versus noncontact sports is an important one, both under Michigan law and Title IX. A 1972 Michigan law requires that girls have equal access to all noncontact sports, including the right to try out for any team, whether or not there is a girls' team in that sport. Under Title IX, if there is only one team in a noncontact sport, girls must be allowed to try out for it. There is no such requirement covering contact sports.

The new Michigan law labeling baseball a noncontact sport is consistent with HEW Title IX policy, which also places baseball in the noncontact category.

The National Federation of State High School Associations, the conference of high school interscholastic athletics rule-makers, recently petitioned HEW to reclassify baseball as a contact sport.

*has Maggi***memorandum**

December 15, 1976

THIS IS NOT GOING ON DPM

League of Women Voters Education Fund

TO: State League Presidents

FROM: Joanne Hayes, Human Resources Issues Coordinator and
Dot Ridings, Human Resources Education Chairwoman

SUBJECT: Publications on Women in Education

One of the two not-recommended issues delegates at the 1976 Convention voted to consider was "Focus and Update on the Status of Women." Although it was not adopted as part of the national program, the national board did agree that special attention would be paid to the impact of human resources issues on women, particularly in regard to education and the traditional HR issues such as poverty. In the May 1976 National Board report Human Resources promised to share with the Leagues information and contacts with other organizations working on women's concerns.

The enclosed publications, which deal primarily with education issues, are part of our effort to make information directly available to Leagues. The list of national projects on women in education and the newsletter, On Campus with Women, are published by the Project on the Status and Education of Women, a project of the Association of American Colleges. The Project provides a clearinghouse of information concerning women in education and is one of the organizations we work with in the National Coalition of Women and Girls in Education and in other endeavors related to issues that impact on women.

PEER (Project on Equal Educational Rights of the NOW Legal Defense and Education Fund) also works with the National Coalition and puts out the PEER Perspective e newsletter and Resources for Ending Sex Bias in the Schools.

These two newsletters provide up-to-the-minute information on new laws, regulations, hearings, studies, problems and triumphs relating to women. We want this information to go to the person most responsible for "getting the word out" on matters affecting women.

Both PEER and the Project on the Status and Education of Women have offered to include state Leagues on their mailing lists, free of charge. We hope these two new resources will be useful to you. We wish subscriptions could be made available to every local League, but because this is not possible, we hope you will make every effort to pass the information on to local Leagues through special board reports and memos.

Some state Leagues may prefer to have the future newsletters go directly to the human resources, education or women's issues chairwoman and others want all mail to go to the president first. Let us know your preference by filling out and mailing the enclosed postcard by January 10th. If we haven't heard from you by January 10th we will forward your name as state League president to be placed on the newsletter mailing list.

You may also want to subscribe to Monitor, FREE monthly ERA publication "dedicated to public understanding of Equality." If so, write to: Institute for Studies in Equality, 926 J Street, Suite 1014, Sacramento, California 95815.

Contributions to the Fund are deductible for income tax purposes



LEAGUE OF WOMEN VOTERS OF MINNESOTA

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

TO: Local LWV Human Resources Chairs
and/or Education Chairs
FROM: Jeannette Kahlenberg,
LWVMN Human Resources Co-chair
DATE: June 15, 1978

The Minnesota Commissioner of Human Rights, William Wilson, has approached the League about help in ensuring that school districts comply with the laws requiring equal opportunity for girls and boys in athletics. Commissioner Wilson envisions local community committees in each school district, chaired by a Leaguer and commissioned by the Department of Human Rights, to monitor and actively encourage local compliance with the law. A committee of state Board members is pursuing the matter with the Commissioner. Meanwhile, we would like a response from each local League to the following questions:

1. What school districts, by number and name, are covered by your League?
2. Do you have a League member in each of your school districts who might be willing to chair a monitoring committee on behalf of the Department of Human Rights? (We are not asking for a definite commitment at this point.)
3. Is there any other committee in your school district(s) presently working on the issue of equal athletic opportunity, as far as you know?

We will appreciate a response to these questions by July 10. Armed with this information and after further consultation and thought, we will let you know if this project is going to materialize and whether League will have this exciting opportunity to put our equal rights position into action in official cooperation with the Department of Human Rights.

(If you use this sheet for your response, please be sure to put your League name on it.)

JUL 17 1978



League of Women Voters of the United States 1730 M Street, N.W., Washington, D. C. 20036 Tel. (202) 296-1770

memorandum

This is going on DPM

July 10, 1978

TO: State, Local and ILO League Presidents

FROM: Dot Ridings, HR Coordinator; Joanne Hayes, Women's Chair; Nancy Neuman, Action Chair.

RE: Requested Action for Title IX's Sixth Anniversary

This memo is to update you on HEW's inadequate enforcement of Title IX, the problems that remain in eliminating patterns of sex discrimination in education, why your support for Title IX is needed and what you can do. Action is especially timely, since June 23, 1978 marked the sixth anniversary of the passage of Title IX and on August 26 Leagues will be observing Women's Equality Day.

Background on Title IX

Congress passed Title IX of the Education Amendments of 1972 to outlaw sex bias in federally assisted education programs and activities after extensive investigation into pervasive sex discrimination in education.

Title IX explicitly states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." Title IX regulations specifying requirements for schools to come into compliance with the law apply to the treatment of students and employees and affect a number of areas, including student access to programs, athletics, counseling, employment, financial aid, and housing. The breadth of the law means that nearly all of the 16,000 public school districts and over 2,700 post-secondary schools are covered by Title IX.

Title IX represents the most recent federal effort to ensure guarantees of educational opportunities. The history of civil rights, legislation shows that when the federal government is committed to enforcing the law, the administrative enforcement mechanism can be a powerful force in combating discrimination.

June 23, 1978 marked the sixth anniversary of congressional enactment of Title IX. To mark that occasion, the League of Women Voters of the United States, along with 32 other national organizations that are members of the National Coalition of Women and Girls in Education, participated in a Title IX anniversary event -- a Break-the-Red-Tape Run and rally held on June 26 to call attention to HEW's failure to enforce Title IX.

Under our Human Resources position supporting action to provide equal access to education the LWVUS worked for passage of Title IX. Since its passage, the League has pressed for enforcement at the federal level. Initially we worked for promulgation of regulations to implement the law, and subsequently we have continually urged federal officials to enforce Title IX requirements and to assist school districts in complying with Title IX. The LWVUS has also opposed congressional attempts to weaken Title IX requirements. Many Leagues around the country watchdog Title IX at the local level.

The Federal Enforcement Record

The Office of Civil Rights (OCR) at HEW is responsible for compliance and enforcement activities. Despite efforts on the part of the League and other groups to bring about Title IX enforcement, the federal enforcement record has not shaped up. HEW's record has been woefully inadequate.

*HEW took 3 years to develop final regulations after Title IX was passed.

*HEW has not yet collected all of the assurances of compliance that institutions were originally supposed to submit in 1976.

*HEW has never applied administrative sanctions against institutions that refuse to comply with Title IX.

*HEW is under court order to complete approximately 1,400 unresolved Title IX complaints by October 1, 1979, as a result of a 1974 lawsuit charging poor Title IX enforcement, but the Department is already behind on its own timetable for resolving these complaints.

*HEW has failed to resolve 150 investigated cases that are ready for final action and that have been delayed an average of 8 months apiece. Nearly half of these cases concern discrimination in employment, 20% charge discrimination in athletics and 19% are complaints about students dress and conduct.

*HEW has announced only 4 policy rulings within the past 18 months; none of them touch on the issues most relevant to complaint resolution. HEW must reexamine its policy development process and establish clear priorities on those issues that will frame Title IX as a civil rights enforcement issue.

Why Your Support is Needed

The federal enforcement record clearly shows that Title IX is in a critical stage, and the sixth anniversary is an excellent occasion to call attention to it. We believe that the time has come to generate a show of grassroots support for Title IX. Opposition to Title IX has been strong and often ill-informed. Policy makers need to hear that citizens want to see Title IX enforced. On August 26, Leagues around the country will be observing Women's Equality Day -- a good opportunity to remind the public and public officials that women have not yet achieved full equality in this country, including equal access to educational opportunities as guaranteed by Title IX.

What You Can Do

Write to President Carter and HEW Secretary Califano to express your concern that the federal government must fulfill its mandate to erase sex discrimination in education by carrying out all its responsibilities under the Title IX law. A vigorous enforcement stance should include efforts to publicize Title IX nationwide.

Write to your members of Congress to urge opposition to any legislative attempts to weaken Title IX. Also ask them to write to HEW in support of Title IX enforcement. You can mention Women's Equality Day, what it stands for, and how federal enforcement of Title IX would be a major step toward full equality. You can also refer to the specific problems with HEW's inadequate enforcement such as the examples cited in this memo on policy promulgation and complaint resolution. If you know of specific problems in your school district, such as examples of non-enforcement, unresolved complaints, or ways in which lack of clear policy has affected school children, mention them. If you want

to mention examples of the continuing problems of sex discrimination in education, refer to examples mentioned in the next section: student access problems with vocational education, athletics and counseling, and employment problems. Examples from local experience, however, will be particularly effective.

The LWVUS has always stressed that citizen monitoring is essential if the goals of Title IX are to be achieved. If you're not already monitoring Title IX, you can look into the findings of the school system's self analysis and talk with the designated Title IX coordinator. Both the self-analysis and appointment of a Title IX coordinator are required by the regulations. For a good monitoring tool, refer to *Cracking the Glass Slipper*; PEER's Guide to Ending Sex Bias in Your School (PEER, 1029 Vermont Avenue, N.W., Suite 800, Washington, D.C. 20005). For more background on the history and requirements of Title IX, refer to the 1978 Winter VOTER ("Equal Rights in the Schools: A report card"; Current Focus on Education: Issues in Equity ("Sex Discrimination and Title IX")(Pub. No. 305, 75¢); the HR Section of the January 1978 National Board Report.

As with all other action items, please send copies of your letters and responses received to the national office. This information, especially if it includes local examples, will be very helpful to our work in Washington.

What are Some of the Continuing Problems of Sex Discrimination in Education?

1. Student Access

Girls remain -- too often due to lack of choice -- heavily concentrated in certain traditionally "female" courses. According to HEW's most recent available statistics (from *Vocational Preparation of Women*, Joann Steiger and Eleanor Stanton) in 1975 42% of all female students in vocational education courses were taking homemaking; 26% were studying office skills; and only 5.1% were in courses designed to train them for jobs in the higher-paying trades and industries. Although a 1974 OCR special survey of vocational and technical schools showed extensive race and sex discrimination in vocational education classes, OCR has never effectively followed up on its findings.

2. Athletics

The disparity in support for boys' and girls' athletic programs is perhaps the single most visible piece of discrimination in American education. A 1977 survey of high school sports conducted by the National Federation of State High School Associations reported that in 1971, boys' participation in high school sports was 12 times greater than girls. Since that time, girls' participation in varsity high school sports has gone up 460%. However, the same study shows that high schools are still offering boys more than twice as many chances to play team sports as girls get, with the accompanying differences in expenditures.

At the collegiate level, a June 26, 1978 *Time* article estimated that even the best women's athletic programs have to get by on budgets of only 10-15% the size of men's programs at the same institutions.

3. Counseling

Guidance counselors still steer girls and boys into stereotyped and conventional career choices. As we all know, many counselors continue to steer girls away from high-income careers, like medicine, that have long training requirements.

4. Employment

Although women outnumber men as classroom teachers by roughly 2-1, the most recent figures from the National Education Association show women serving as principals in only 13.5% of the nation's schools. Women superintendents accounted for a miniscule one-tenth of one percent of the total. Moreover, the statistics for female school administrators show a 2% decline for the last several years.

At the university level, in 1975 only 9% of the country's full-time tenured professors were women. Presently, only two presidents of coeducational institutions are female.

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:

1. 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.)

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.

Equality of Opportunity in Athletics - 6

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.

"teams open to members of both sexes on equal basis if there is only one team" - football, hockey, wrestling, soccer, ski jumping, baseball.

* "separate teams in each sport" - basketball, track and field, swimming, tennis, gymnastics, golf, skiing (except jumping), cross country, baseball-softball.

+ "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:

<u>Fall</u>	<u>Winter</u>	<u>Spring</u>
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 & down hill - B & G	
Swimming - G	Swimming - B	
Cross Country - B & G		
4 Girls	3 Girls	3 Girls
4 Boys (2 Unitary)	5 Boys (2 Unitary)	4 Boys

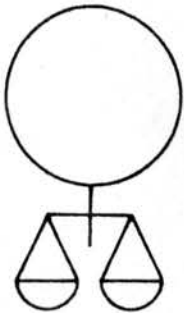
Girls can try out for boys' teams if there is no girls' team in the sport. This includes "Unitary" sports. Girls are restricted to girls' teams when single sex teams in the same sport are substantially equal. (This was successfully challenged in the case of a Burnsville swimmer, and the Minnesota State 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.

**weal**WOMEN'S EQUITY ACTION LEAGUE
MINNESOTA DIVISION

✓ Kahlenberg

AUG 10 1978

✓ B

*received -
8/17/78
sent Archibald's
memo.
Show copy of
this letter -
JDK*1711 Laurel Avenue
St. Paul, Minnesota 55104
August 8, 1978*Do we need
to respond
again?*

Ms. Helene Borg
President
League of Women Voters of Minnesota
555 Wabasha
St. Paul, Minnesota 55102

Dear Ms. Borg:

WEAL's Minnesota Division has taken the initiative in attempting to form a coalition of Minnesota organizations. The purpose of the coalition would be to monitor the implementation and compliance of sex discrimination regulations on the K-12 (kindergarten through high school) levels in Minnesota's school districts.

There are over 400 school districts in Minnesota and each of the schools, students and teachers involved with K-12 are affected by Federal legislation and directives, i.e., Title IX, Vocational Education Acts, Women's Educational Equity Act, etc. Implementation information for this legislation must be understood and acted upon or it will not serve its intended purpose.

Individual organizations and/or individual members of organizations may be attempting their own monitoring efforts. We hope, through the coalition, to coordinate those efforts, avoid duplication and draw on added resources.

We are anxious to involve as many organizations as possible and we welcome your suggestions of the names of organizations (and contact person/address) that you feel should be invited to form the coalition.

It is intended that we will have an organizing meeting of representatives of interested organizations and develop a 'game-plan' for the monitoring effort. A date and place for the organizing meeting will be set after we have received responses from the organizations being contacted.

We hope that your organization will want to join with us in forming the coalition. Your initial commitment, of course, can be withdrawn if you later feel that you do not want to continue your involvement. We look forward to your favorable reply.

Sincerely,

Margaret J. Holden
President

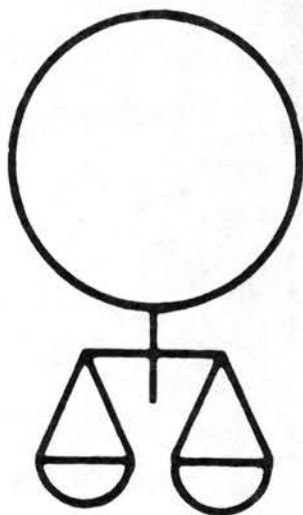
Phone: Home 644-2739
Work 298-2469

cc Ms. Jeanette Kahlenberg

July 14 1978

TENTATIVE 'GAME-PLAN'

1. Examine the compliance reports specified in 'Minnesota State Board of Education Rules: Chapter Thirty-Three: Prohibition of Discriminatory Practices in Education
2. Analyze the above compliance reports
3. Determine those school districts in need of monitoring
4. Select school district monitors
5. Analyze reports of school district monitors
6. Notify appropriate governmental agencies of instances of discriminatory practices
7. Monitor the correction of discriminatory practices



1968—1978

A Capsule Look at weal

A Decade of Accomplishments:

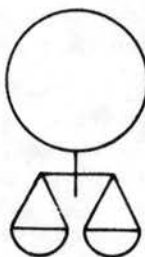
- **Executive Order 11246.** WEAL was the moving force behind the enforcement of this Order that requires academic institutions with federal contracts to live up to nondiscriminatory hiring policies. WEAL Board Member, Dr. Bernice Sandler, first to use the Order in the educational context, charged more than 250 instances of sex discrimination against universities and colleges.
- **Lawsuit Against HEW.** WEAL's suit against HEW and Labor (Agencies responsible for enforcement of Executive Order 11246) was settled in December, 1977, with HEW committing itself: to hire 898 new employees in its Office for Civil Rights; to eliminate a backlog of 3000 discrimination complaints; and to begin major civil rights investigations of universities and school districts.
- **Sex Discrimination in Want Ads.** WEAL, along with other groups, forced newspapers to stop sex segregated want ads. WEAL filed an amicus curiae petition with the U.S. Supreme Court in the case of *Pittsburgh Press v. Pittsburgh Human Relations Commission*. The victory changed job classification listings in newspapers throughout the country.
- **WEAL WASHINGTON REPORT.** WWR was established in 1971, as a Congressional summary prepared by expert analysts. Published bi-monthly, it contains valuable information on federal legislation of interest to women, and is considered the best publication of its kind in the country.
- **WEAL Educational and Legal Defense Fund.** WEAL Fund was established as a non-profit arm in 1973. The Fund files sex discrimination lawsuits and conducts research. Present programs include: an intern program; a sports clearinghouse; and a project coordinating government grants and contracts authorized under the Women's Educational Equity Act.
- **Women's Educational Equity Act.** WEEA, developed by WEAL and introduced and spearheaded by Representative Patsy T. Mink, was passed in 1974. It authorized HEW to develop non-sexist curricula and tests, nondiscriminatory vocational and career counseling, and sports education and other programs to achieve educational equity for all students.
- **WEAL Lobbyist.** A WEAL lobbyist was hired in 1977 to lobby extensively for legislation benefiting women. Lobbying efforts have been devoted to passage of Displaced Homemakers Legislation; legislation to increase part-time and flexi-time opportunities; extension of opportunities and benefits for women in the military; and the support of national health insurance legislation, among others. Prior to 1977, lobbying was done by volunteers.
- **Social Security Revisions.** WEAL helped develop legislation proposing major reform in social security laws. Under the proposed plan each individual would maintain his/her own records, and the family income would be credited equally to each individual account for social security benefits, thereby eliminating dependency status. Non-salaried workers, including housewives would then be eligible for disability benefits under their own accounts.
- **ERA.** WEAL lobbied for the passage of the ERA Constitutional amendment on the national level. On the state level, WEAL chapters have worked hard and long for ratification. WEAL has published one of the best works on the subject, and boycotts unratified states.
- **Complaints in Education.** WEAL has filed so many actions over the decade that it is difficult to single out one. Exemplary is the complaint filed in 1973 against Phi Delta Kappa, a national professional education society, which did not allow women to become members. As a result of the WEAL action, the society agreed to amend its constitution and admit women members.

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Millicent Fenwick	Morag MacLeod Simchak
Daisy Fields	Athena Theodore
Carol Tucker Foreman	Carmen Votaw
Arvonne Fraser	Sarah Weddington
Ruth Bader Ginsburg	Jean Westwood

Women's Equity Action League, a women's rights organization founded in 1968, works to improve the social, economic, and legal status of all women.

WEAL lobbies in Congress, monitors enforcement of laws, and initiates lawsuits to protect the rights of women. WEAL also publishes the WEAL WASHINGTON REPORT, a bi-monthly newsletter containing valuable information on federal legislation of interest to women.



weal

805 15th St. N.W.
Washington, D.C. 20005

what is

weal?

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445



MEMO

TO: Margaret J. Holden

FROM: Jeannette Kahlenberg
Helene Borg

SUBJECT: WEAL's Coalition

DATE: August 17, 1978

We are interested in your coalition on sex discrimination in the schools. We commend you for your interest and energy in this area. We are also concerned there not be duplication of efforts and so enclose a copy of LWVMN's new project in cooperation with the State Department of Human Rights. It is the suggestion of our Board that we could form committees in local school districts, as already planned by LWVMN, to include workers from LWV, WEAL, AAUW, etc., that these committees investigate athletics; and then in a few months they consider expanding their concern to other areas such as curriculum, employment, etc. How would this suit you? We certainly want to cooperate.



LEAGUE OF WOMEN VOTERS OF MINNESOTA

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

September 6, 1978

Enclosed for your information is the program for the training session for local Leagues of Women Voters' representatives who will be organizing the project of looking at girls' athletics in their communities.

The program is Tuesday, October 17, 1978, 10:00 a.m. to 3:00 p.m., Weyerhaeuser Room, Ground Floor, Minnesota Historical Society Building, 690 Cedar, St. Paul (next to the State Capitol).

If you are interested in attending, we would be pleased to have you with us. Advanced registration would be appreciated.

Elizabeth Ebbott
409 Birchwood Avenue
White Bear Lake, MN 55110
(612) 426-3643

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*

EQUALIZING 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
 Don Hatfield
 Human Relations Specialist, 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

* Paid public parking available in the ramp, across the street (Central Street), or as 4-hour street parking in front of the Capitol.

The local League of Women Voters project chairperson can receive mileage reimbursement (16¢ a mile, paid by the Department of Human Rights). Forms to be signed will be available at the registration desk.

There is no charge for the training session. Advance registration is desired but is not necessary. For further information, contact: Elizabeth Ebbott, 409 Birchwood Avenue, White Bear Lake, MN 55110 (612-426-3643) or LWV of Minnesota, 555 Wabasha, St. Paul, MN 55102 (612-224-5445).

ADVANCE REGISTRATION

(Please return by October 13, 1978, to: League of Women Voters of Minnesota
555 Wabasha, St. Paul, MN 55102

Will Be Chairing
The Project Locally?

Yes

No

Those attending: _____

Representing: _____

Requesting mileage reimbursement: _____ Yes _____ No

ADVANCE REGISTRATION

(Please return by October 13, 1978, to: League of Women Voters of Minnesota
555 Wabasha, St. Paul, MN 55102

Will Be Chairing
The Project Locally?

Yes

No

Those attending: _____

Representing: _____

Requesting mileage reimbursement: _____ Yes _____ No

Be sure you have your social security number with you for reimbursement.

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
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690 Cedar, St. Paul, MN*

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There is no charge for the training session. Advance registration is desired but is not necessary. For further information, contact: Elizabeth Ebbott, 409 Birchwood Avenue, White Bear Lake, MN 55110 (612-426-3643) or LWV of Minnesota, 555 Wabasha, St. Paul, MN 55102 (612-224-5445).

Xerox for Barb
League of Women Voters of the St. Cloud Area
St. Cloud, Minnesota

OCT 16 1978

October 11, 1978

Dear Jeanette Kahlenberg:

I note from State Board memo that League is going ahead with the project to evaluate girls' athletics programs in conjunction with the Minnesota Dept. of Human Rights and believe that our League should perhaps clarify its position on this matter further to my first letter.

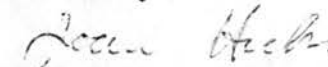
Members of our Board have voiced concern that maybe League is being used by the Department of Human Rights in this matter and any animosity on the part of schools, generated by this evaluation would fall on League, if it is to set up and Chair these projects, rather than on the Department of Human Rights. Whilst I am sure that there are still areas lagging behind in equalizing their athletics programs, we are not sure that this is the way to right these problems. Rightly or wrongly there is implicit in a project like this the feeling, not that we are looking for what is right with womens' athletics, but what is wrong.

We share with many school districts some ambivalence about the Commissioner's overzealous pursuit of sexual parity as evidenced by his decision in Anoka and from information in the enclosed clipping. I fear the harm that could be done to all athletic programs if a course such as this is pursued, indeed I see serious danger of destroying girls' athletic programs completely.

The St. Cloud Area Schools are perhaps better known at this time Statewide because of their successful girl's athletic teams than for their boy's teams. This could be partly because of several years of work by committees from the Department of Human Relations of St. Cloud State University which received Federal grants to pursue equity in education, and used St. Cloud School District #742 for its study. They have gained considerable recognition in this field. League members were involved in that study and received excellent co-operation from our schools. I understand our Superintendent has received letters from other parts of the country complimenting our district on the reception of the equity in education project and asking how this was achieved.

Any idea that some or all of this could be lost by insensitive application of "pure sexual parity" would be intolerable.

Sincerely:


Joan Hicks, Education Chair

P.S. Barb Reinert, President of our League asks that you pass this on to Helene Borg if at all possible.



Minnesota State Department of Education
Capitol Square □ 550 Cedar Street □ St. Paul, Minnesota 55101

NOTE: According to a phone conversation with Don Hadfield, these 20 districts were chosen by the following criteria:

- a. Geographical distribution
- b. Diversity of size
- c. Desk review of the compliance forms they submitted to the Dept. of Education

October 24, 1978

Desk reviews looked for reports which either did not submit enough information or which raised questions. However, the Dept. assured me that the 20 districts are by no means the "worst" districts and that 120 others could have been selected. -- JDK

Dear Ms. Kahlenberg:

School Districts who will be reviewed for compliance with state and federal laws prohibiting discrimination in education during the period of November 6 through December 8, 1978 are:

East Grand Forks	Waconia
** Jackson	Princeton
Ada	Breckenridge
* Red Wing	* Austin
International Falls	* Alexandria
LeSueur	** Marshall
* Willmar	Fairfax
* Roseville	Centennial
Nevis	** Minneapolis
** Cass Lake	Hinckley

Sincerely,

Donald L. Hadfield, Specialist
Equal Educational Opportunities Section
Division of Special Services

* - League of Women Voters committees are already being formed in these districts to monitor equal opportunity for girls in athletics.

** - LWV committees may be organized in these districts

The areas of discrimination being considered are:
race, sex, and handicaps

MINNESOTA STATE HIGH SCHOOL LEAGUE
2621 FAIROAK AVENUE • ANOKA, MINNESOTA 55303
Phone: (612) 427-5250

MURRAE FRENG
EXECUTIVE DIRECTOR

ORVAL BIES
ASSISTANT TO THE EXECUTIVE DIRECTOR

October 25, 1978

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

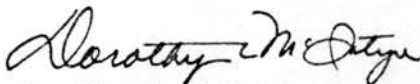
Dear Liz,

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!

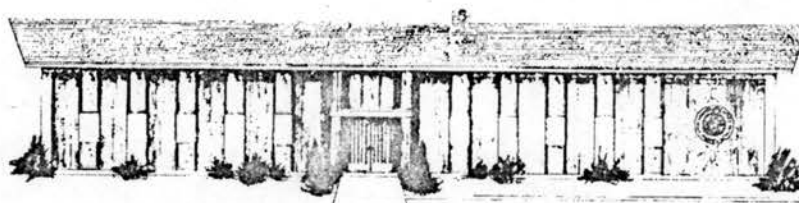
Please contact us at any time that we may be of assistance to you or just to have a cup of coffee! Best wishes for an enjoyable week.

Yours very truly,



Dorothy E. McIntyre
Executive Staff

DEM/mjj



2338 South Shore Blvd.
White Bear Lake, MN 55110
Oct. 30, 1978

To: Members and Potential Members of McOSEE

From: Jeannette Kahlenberg, Temporary Chair

Enclosed find a packet which contains:

- a. Minutes of our last meeting
- b. Proposed by-laws for discussion and possible adoption at our Nov. 30 meeting
- c. List of 20 districts selected by the State Dept. of Education for on-site compliance review in regard to laws forbidding discrimination in areas of race, sex, and handicaps.
- d. Sample of letter sent to Superintendents of these 20 districts from McOSEE. (written by Betty Jo Zander and Ann Danahy)
- e. Sample of suggested news release for use by local community representatives of our member organizations.
- f. List of 34 criteria by which districts will be reviewed.

ACTION STEPS FOR YOU:

Please notify immediately the local units of your organization in each of the 20 districts on the enclosed list. Tell them about our coalition and include a copy of the letter which has been sent to their local Superintendent, the sample press release, and the list of 34 criteria.

Suggest that they:

- a. Contact local leaders of the other organizations in the coalition (organizations which have joined and which have sent representatives to our organizing meetings...they are listed in the Supts.' letter)
- b. Together approach the local Superintendent with an offer of help.
- c. Use the enclosed sample press release with their local area newspaper, inserting appropriate local names.
- d. Ask the Superintendent to see the "Assurance of Compliance with State and Federal Law Prohibiting Discrimination" filed by the local district with the State Dept. of Education Nov. 15, 1977.
- e. Request to be allowed to share the material being prepared by the local district for the on-site review team.

TIME IS OF THE ESSENCE - for you to get this information to your local people and for them to get organized.

ON-SITE VISITS WILL TAKE PLACE FROM NOV. 6 through DEC. 8.

RULES AS PROPOSED

12 MCAR §1.201 Authority, scope, and purpose. These rules are promulgated pursuant to Minn. Stat. §15.0411 to 15.052, (1977 Supp.) relating generally to the promulgation of administrative rules and regulations. These rules apply to all primary, junior, and senior high schools in the state. These rules are promulgated pursuant to Minn. Stat. 363.05 subd. 1(8) (1976) to carry out the Act and to facilitate its full and uniform implementation and enforcement.

12 MCAR §1.202 Definitions. All terms defined in Section 363.01 of the Act shall have the same meanings therein ascribed to them for the purpose of these Rules. All the words below shall have the meaning herein ascribed to them;

A. Sport. "Sport" means an athletic game or match for which a Minnesota High School League sponsored state level tournament or meet is held.

B. Activity. "Activity" means any act in furtherance or creation of an athletic program.

C. Statistical Difference. "Statistical Difference" means a count of occurrences different from that which would be expected such that the difference is greater than that which could be attributed to sampling error.

D. Participation Rate. "Participation Rate" means the number which indicates the percentage of a given sex on an athletic team and is obtained by dividing the number of participants of that sex by the total number of students of that sex in the educational institution which maintains the team.

12 MCAR §1.203 Equal Opportunity.

A. Each educational institution shall operate all athletic programs, activities, or teams developed for grades K through 6 without separation because of or according to sex. All athletic programs, activities, and teams developed for grades 7 through 12 shall be operated without separation because of or according to sex except where restriction of membership on an athletic team to participants of one sex is necessary to provide members of each sex with an equal opportunity to participate in the athletic program.

B. Each educational institution shall provide comparable locker, shower, toilet, and training room facilities for both sexes, but may provide separate facilities for each sex.

C. It is not an unfair discriminatory act to restrict participation to females on teams which have been organized pursuant to 12 MCAR §§1.204 and 1.205.

D. It shall not be an unfair discriminatory practice for an educational institution to limit the gate receipts and other revenues generated by a team in a sport to that team when two teams in the same sport are organized pursuant to 12 MCAR §1.204.

E. Each educational institution shall conduct an analysis of its athletic program to determine if the participation rate of females on any team is statistically different from the participation rate of males on that team.

F. If an educational institution determines that the participation rate of females on any team is less than and statistically different from the participation rate of males on that team, the educational institution shall conduct an interest assessment to determine the cause for the statistical difference.

12 MCAR §1.204 Separate teams in the same sport.

If an educational institution determines, based on its interest assessment conducted pursuant to 12 MCAR §1.203F, that in any sport, it is necessary to operate a separate team in the same sport whose membership is restricted to females, the educational institution shall provide for any team thus restricted:

A. Substantially equal budgetary expenditures per participant, exclusive of gate receipts and other revenues generated by that sport and substantially equal access to the benefits, services, and privileges of the athletic program; and that,

B. The teams shall be operated during the same season;

C. All practices shall, when possible, be conducted in a coeducational manner. Any separation into groups during such practice will be on the basis of activity or skill level and not on the basis of sex;

D. Coaches of the two teams shall cooperate in providing coeducational practices so as to benefit equally members of both teams.

12 MCAR §1.205 Separate teams in different sports.

A. If an educational institution determines after complying with 12 MCAR §1.204 that the participation rate of females on any team is less than the participation rate of males on that team and if the participation rate is reasonably attributable to a lack of interest by females in that sport, the educational institution shall organize and operate, based on the reported interest assessment conducted pursuant to 12 MCAR §1.203F, a team for females in a different sport.

B. If an educational institution organizes a separate team in accordance with 12 MCAR §1.205A, it shall afford substantially equal budget expenditures per participant excluding gate receipts or revenues generated by that sport and substantially equal access to the benefits, services, and privileges of the athletic program.

C. When a separate team in a different sport is organized and operated pursuant to 12 MCAR §1.205, that team shall be operated during the season in which the high school league sponsored state level tournament or meet is held for that sport.

12 MCAR §1.206 Organization, association, or league.

No organization, association, or league entered into by an educational institution for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between students shall:

A. Make rules and regulations or otherwise advance policies which impair the ability of its member schools to comply with these rules.

B. Make rules and regulations or otherwise advance policies which have the effect of denying females an equal opportunity to participate in any athletic program, activity, or team.

12 MCAR §1.207 Compliance.

A. If a charge is filed with the Department alleging a violation of the Act regarding an athletic program, activity, or team as described in these rules, the Commissioner of Human Rights may refer the matter to the Commissioner of Education for a review and report concerning compliance with Minn. Stat. 126.21 and these rules. Any such report may include a

review of the pertinent policies, practices, and actions of the respondent educational institution; the circumstances under which the possible non-compliance occurred; and other factors relevant to assessing as to whether the respondent educational institution has failed to comply with Minn. Stat. 126.21 and these rules.

B. In determining whether probable cause exists to believe the allegations contained in a charge described in 12 MCAR §1.207A, the Commissioner shall consider any report received from the Commissioner of Education pursuant to 12 MCAR §1.207A.

12 MCAR §1.208 Recordkeeping.

A. An educational institution shall conduct annually any analysis and interest assessment that is required by 12 MCAR §§1.203 and 1.204. The educational institution is required to preserve any records of any such analysis and assessment for a period of two years subsequent to the year in which the analysis and assessment are made.

B. An educational institution is required to maintain for each school year a record of the name, address, sex, and date of application of each student who applies or registers for an athletic team. This record shall be preserved for two years subsequent to the school year for which it is made.

C. An educational institution is required to maintain a record of the name, address, sex, and date of all students who participate on a specific athletic team. The list shall be maintained for a period of two years subsequent to the school year in which the student participated.

D. Whenever a charge of discrimination is filed with the Department alleging a violation of the Act relating to an athletic program, no person or educational institution shall destroy any records made pursuant to 12 MCAR §1.208 until final disposition of the charge.

12 MCAR §1.209 Inconsistent rules.

Any rule which is inconsistent with the foregoing provisions is hereby repealed.

12 MCAR §1.210 Severability.

If any provision of these rules contained herein is held to be invalid it does not affect any provision of these rules which can be given effect without the invalid provisions and to that end these rules are severable.

12 MCAR §1.211 Construction.

These rules shall be construed liberally to effect the purpose of the Act.

Minnesota Coalition of Organizations for Sex Equity in Education

MCOSSEE

F4I

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 Minnesota 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.



**LEAGUE OF WOMEN VOTERS
OF MINNESOTA**

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

GIRLS' ATHLETIC PROJECT

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 Department 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 _____

Address: _____

Please send a separate report for each school district monitored.

WHICH 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 (If they represented other groups, which groups?) _____

3. Monitored:

School district programs (Dist. No. _____; Total student enrollment _____)

Interscholastic programs _____

Intermural, club programs _____

Elementary programs _____

Physical education class programs _____

Park/recreational programs _____

Community/private groups using public facilities (Which groups?) _____

Private school programs (Which school?) _____

4. Talked with officials (Which?) _____

5. Minn. Dept. of Ed. compliance form obtained _____
(Page 29, LWV Committee Guide) evaluated _____

6. Minn. Dept. of Ed. athletic activities form obtained _____
(Page 31, LWV Committee Guide) evaluated _____

7. Talked with students _____
How many? _____

8. Talked with parents _____
How many? _____

9. Conducted an attitudinal survey (Attach results) _____

10. Prepared a report of your results (If written, please send) _____

11. Took your findings to:
the responsible officials (Which?) _____

LWV meeting _____

Public meeting _____

Community - newspaper, other media (Attach if available) _____

(over)

WHAT 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 be accurate?
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:

Testimony before Special Programs Subcommittee,
Senate Education Committee
Regarding S.F. 914 relating to
Equal Opportunity in Athletics
by
Jeannette Kahlenberg, State Board member
March 30, 1979

Mr. Chairman and Members of the Committee:

One of the League of Women Voters' most fundamental positions is for equal opportunity regardless of sex. We therefore strongly support S.F. 914 which spells out very clearly the requirement that schools and public services in Minnesota provide equity in their athletic programs. This bill contains exactly what we would have liked to have seen emerge from the rule-making process of the Department of Human Rights, when they dealt recently with the subject of sex discrimination in athletics.

The League of Women Voters of Minnesota this year has undertaken a statewide project to monitor compliance with laws relating to equal opportunity for girls in the athletic programs of our local school districts and public services. The results of the project are not yet gathered, but monitoring is now occurring in about 50 local school districts across the state, including most of the largest ones. As a result of this project, we on the state level of the League have been very active in looking at the overall picture, identifying the issues, trying to clarify the present status of the law, talking to interested parties on all sides of the issue, and seeking to apply the League's equal opportunity position to the questions at hand. The result has been a great deal of discussion on our State Board and with our state action committee, testimony by the state League at the Department of Human Rights' public hearing on their proposed rules on sex discrimination in athletics, several articles in state League publications, and generally a great deal of attention, energy, and thought on equal opportunity in athletics this year. Thus, the League does not approach this subject this morning casually or uninformed.

We would like to examine S.F. 914 with you in further detail. Basically, we strongly support the first three sections of the proposed bill, although we oppose subd. 4 of section 3, which delays the effective date for programs for younger children and we have no position on sections 4 and 5.

Section 1 setting out state philosophy of the value of equal opportunity in athletics is, of course, a statement with which we heartily concur. Separation is indeed defined as discrimination, and so we agree that the conditions under which separation is allowed must be carefully defined. On the other hand, when we look at athletic programs for students grades 7 and up, most girls would not be able to compete in a totally integrated program, due to less height and weight and historically less emphasis on skill development. We therefore concur that separation is under certain circumstances the only way in which to provide equal opportunity for participation.

The second section of the bill which defines equal opportunity is badly needed. This definition is clear, fair, and positive. It takes into account the fact that girls and women make up over half the population of the state and of the schools of Minnesota and so ought to be proportionally served by our athletic programs. The definition also takes into account interest. We cannot force girls to be interested in athletics. But if athletics do indeed teach significant values and enhance physical fitness, then girls ought to be encouraged to be interested in participation. If athletic programs are not particularly valuable, then they ought not to be encouraged for boys either. At least, there ought to be the encouragement of interest equally for both sexes.

The definition of equal opportunity also takes into account the interpretation of M.S. 126.21 handed down by Judge Ronald Hachey in 1976. This held that if a school district provides a sport such as football which does not interest girls, then it needs to provide a balancing sport such as volleyball as an equalizing opportunity for participation by girls. Currently many districts are doing just this, but many do not have any offering to correspond to wrestling, soccer or ice hockey, three other popular sports which at present are reaching boys almost exclusively. This bill spells out in its definition of "equal opportunity" the need for a sufficient number and variety of sports to meet the needs of each sex. It is thus an improvement over present law, unless clear and equitable rules can be written for M.S. 126.21. It is also certainly an improvement over the proposed S.F. 526 which not only does not define equal opportunity but even deletes two major references to it and in effect does not require school districts to provide equal opportunity at all.

This definition of equal opportunity in S.F. 914 is really the heart of the bill. The other bill being considered today is not just for separate but equal--it is really for separate and unequal. Under its provisions, school districts, if they choose, can abolish, cut back, or not expand opportunities for girls without that being an act of discrimination--as long as they allow girls to try out for existing boys' teams. We question how many girls' needs will be met by allowing them to try out for football.

The real issue today is not separation. It is equal opportunity. Most girls will not want to play on a boys' team. But they do want equal opportunities in the athletic program. S.F. 914 calls for athletic programs which suit the demonstrated interests and numbers of both girls and boys. It's simple justice.

Why should the legislature make an exception to its anti-discrimination laws by denying girls an equal athletic program? Is that really legislative intent? Let's try to get the discussion off of separation and on to equal opportunity. Boys now have more athletic opportunities in this state than girls. The current participation rate by Minnesota high school boys and girls is roughly two to one. That is a tremendous improvement over five years ago, but it is not equal. There are six boys' sports offered by more than 300 high schools in Minnesota this year, according to Minnesota State High School League figures. There are three girls' sports which are offered by over 300 high schools. That is not equal. S.F. 914 would set a legislative standard for equality for girls and boys in athletics.

The third section of this bill deals with separation of athletic programs on the basis of sex. The League of Women Voters of Minnesota supports the first subdivision restricting certain teams to girls, in order to provide them with equal opportunity to participate. We believe that it is legitimate at this point in history to allow these teams to be restricted to girls. Otherwise the teams would likely be quickly taken over by stronger, bigger boys. The League also agrees that only the girls' teams should have restricted membership. This permits exceptional girls who find

themselves able to compete with boys and who are interested in the tougher competition to participate on either team. A significant case in point is Paula Macdonald, the unusually fine swimmer in Burnsville, whose skills declined when she was restricted to a less challenging girls' swim team after having competed very successfully on a boys' team in junior high. In 1977, Hearing Examiner George Beck ruled against both the Burnsville School District and the Minnesota State High School League in Paula's case. We wish to point out quickly, however, that this is a very unusual case. So boys need not feel threatened. Also the possibility of girls moving onto the unrestricted team will be an incentive for the girls' programs to remain challenging and competitive. As long as they do, the practical effect of S.F. 914 will remain basically separate teams for boys and girls.

We also support subdivision two which deals with equality when separate teams in the same sport are provided for girls and boys. We hope that no one will disagree with the provision of equal budgets per participant and other equal treatment of the two teams. (This is not to imply that all school districts are now in fact complying with this present requirement. In the Department of Education's recent on-site compliance visits to twenty Minnesota school districts, several were found in non-compliance with this very provision.) But surely no one will object to the basic principle of requiring equal treatment of girls' and boys' teams.

One of the more controversial aspects of this subdivision relates to possible coeducational practices for the girls and the unrestricted teams in the same sport. The League of Women Voters of Minnesota supports the concept of coeducational practices where that makes sense, especially in individual sports. This offers the chance for financially hard-pressed school districts to expand their sports programs, including their opportunities for girls, by having joint coaching, practices, and bus travel to meets. Shared coaching and training are already the practice in a number of school districts in the state: golf and cross country being examples. We believe that boys and girls working together on some of the same skills can be healthy and to the advantage of both, particularly in the individual sports of tennis, golf, swimming, skiing, gymnastics, track and field, and cross country. Coed physical education classes are now required in all our high schools and have worked well. Coed practices in athletic programs similarly can be positive experiences. Furthermore, the proposed law does not absolutely require coed practices, so that teams which need to practice together and are separate by sex can still practice as a team. S.F. 914 also specifically does not prohibit competition events separated by sex, and we agree that this is a logical provision.

The League of Women Voters supports the provision for all sports being offered in the same season for both boys and girls. The economies and advantages of coed practices are clearly not possible without this requirement. Presently most sports are already offered that way, so S.F. 914 will not cause enormous disruption for school districts. At this time, however, three sports have separate seasons: gymnastics, swimming and tennis. Some school districts will complain about shortages of facilities, but this problem can be solved by having junior high and senior high programs in separate seasons or possibly junior varsity and varsity programs separately, by season. At any rate, convenience is not an excuse for inequality. Often in our society, we are able to change and to work out inconveniences for the sake of a higher goal. This is a chance for school districts to demonstrate the creativity and flexibility they showed when, several years ago, they set the girls' basketball season in the winter. We need not be prisoners of past practice when our goal is equal opportunity in the future.

We also support subdivision three, since there is an historic lag in skills and interest in athletics among girls and although this is rapidly changing, the kind of separate remedial program allowed in this subdivision appears to be furthering equal opportunity rather than curtailing it.

Subdivision four, as mentioned earlier, causes us problems. We do not see why the date for integrated athletic programs for children 11 years of age and younger should be postponed until 1981. We presume that since present law required this by July 1 of last year, school districts and park recreation programs are already in compliance, and this provision is entirely unnecessary.

Section four deals with restructuring the Minnesota State High School League. The League of Women Voters has made no study of the High School League although some have suggested it, as we have become involved in our monitoring project and have come to realize how much power the High School League wields in promoting or hindering equal opportunity for girls. We believe that there may be merit in the provision to place governance in the hands of elected school board members rather than being shared with appointed athletic directors and superintendents. However, we leave general discussion of this section to others.

Section five deals with mandating coeducational tournaments and may be a logical extension of the provisions which the League of Women Voters has earlier supported. However, we believe it is more specific than we are comfortable supporting based on our position on equal opportunity.

Finally, we support repeal of M.S. 126.21 as provided in the final section, but only if the significant portions of that law are retained in the final version of this one. We believe that this bill is a significant improvement over present law in that it spells out legislative intent much more clearly. The same purpose could have been accomplished had reasonable rules been promulgated by the Department of Human Rights. Since that has not occurred, we strongly support this bill.

We are confident that you in the legislature agree with the League of Women Voters of Minnesota in supporting equal opportunity for the girls and women who make up half of our state's population. We know that you want progress toward the American ideal of equality and justice for all. We therefore urge your favorable consideration of S.F. 914.

Thank you.



LEAGUE OF WOMEN VOTERS
OF MINNESOTA

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action

EQUALITY OF OPPORTUNITY IN ATHLETICS

To: Local League Presidents
From: Jeannette Kahlenberg, LWVMN Human Resources Co-Chair - 429-6070
Date: May 8, 1979
Re: H.F. 455 now before the Senate (House authors: C. Johnson, Weaver, Olsen, Kalis, Eken; Senate authors: Merriam, Dunn, Wegener, Knaak, and Setzepfandt)

BACKGROUND:

H.F. 455 has passed the House, was passed by the Senate Education Committee on May 1, and will soon be voted upon by the full Senate. It is considerably improved over the original "separate and unequal" version, thanks to yours and others' lobbying and to the responsiveness of the bill's Senate author, Senator Gene Merriam (DFL-Coon Rapids) as well as other Senators on the Education Committee. It now differs from the House version in several ways, including the following:

- a) It defines equal opportunity in terms of proportion of the student body and demonstrated interest (but not requiring each team be half girls!).
- b) Girls may try out for boys' teams if no separate team in that sport is provided for girls.
- c) The State Board of Education must consult with the Commissioner of Human Rights in writing rules; investigation and enforcement are returned to the Department of Human Rights.

LWVMN continues to prefer present law, M.S. 126.21, accompanied by sensible rules, as closer to our "equal opportunity" position. However, we are grateful for the progress in H.F. 455, which does now say that school districts "shall" provide teams for girls.

CONTACT YOUR SENATOR IMMEDIATELY AND ASK HIM/HER TO SUPPORT:

- a) tabling or studying this bill further, while rules are written for present law.
- b) If the bill is not tabled, retaining the definition of equal opportunity.

This definition is opposed by the Minnesota School Boards Association, and they describe LWV as "opposition" on this issue, so be prepared if your school boards comment. The disputed words are: "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..." Attempts will be made on the floor of the Senate to delete this definition.

- c) Add an amendment to prohibit separate teams for boys and girls under age 12.

This amendment failed in Senate Education Committee on a 7-7 vote. It will be introduced on the floor and is also opposed by the Minnesota School Boards Association and the Minnesota State High School Leagues. The bill presently allows separate teams for small children as an option. Many park and recreation programs will probably let the volunteer adult coaches decide. The result may be rigid separation by sex because of tradition rather than for any physiological reason. This could limit options based on stereotyping: if there are not enough little boys for a separate softball team or enough little girls for a separate soccer team, they will be out of luck, denied equal opportunity to participate on the basis of their sex.

THANKS FOR ALL YOUR EFFORTS!



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action

EQUALITY OF OPPORTUNITY IN ATHLETICS

To: Local League Presidents
From: Jeannette Kahlenberg, Human Resources Co-Chair, (612) 429-6070
Date: May 11, 1979

An amended version of H.F. 455, much closer to LWV's "equal opportunity" position, was passed by the Senate on Wednesday night, May 9. It was rejected by the House on May 10 and is being sent to Conference Committee.

Please contact your Representatives and Senators immediately and ask them to

- a) urge their respective Conference Committee representatives to agree on the Senate version of H.F. 455.
- b) oppose H.F. 455 if the Senate version does not emerge from the Conference Committee.

FACTS: The Senate bill now includes:

- 1) Definition of equal opportunity in terms of proportion and demonstrated interest.
- 2) No separation by sex for children under age 12, except when special remedial programs are needed "to improve the skills" of those who are "unable or unwilling to participate." (This provides an option for little girls who are socially conditioned against playing with boys until their skills and self-confidence improve.)
- 3) Girls are allowed to try out for boys' teams. (This is a practical incentive for a girls' program.)

Responses to Times for Action from local Leagues have been very effective! Thanks, and keep up the good work!

(1979)

What's the score in Minnesota?

"Equal opportunity for girls in athletics"



A summary report on the monitoring project of
the League of Women Voters of Minnesota.

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
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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 equal numbers of sports offerings 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.

MINNESOTA STATE HIGH SCHOOL LEAGUE OFFICIAL CALENDAR					
1978-79					
<u>Fall</u>		<u>Winter</u>		<u>Spring</u>	
<u>Girls</u>	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>
Tennis	Gymnastics	Gymnastics	Swimming	Softball	Baseball
Cross	Cross	Basketball	Basketball	Golf	Golf
Country	Country	Skiing	Skiing	Track and	Track and
Swimming	Football*		Wrestling*	Field	Field
Volleyball	Soccer*		Ice Hockey*		Tennis

*MSHSL designates as "Unitary"

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 number of team sports 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:

	<u>Boys</u>	<u>Girls</u>	<u>Both</u>
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			61%
		(plus 8% "sometimes")	

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:

	<u>Boys</u>	<u>Girls</u>
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 sex-separated 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.
2. 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 in-service 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 occurring 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, 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 ...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.

Subd. 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.

Subd. 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.

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 Numbers		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	

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

Senior High Schools

<u>Sport</u>	<u>Team Numbers</u>		<u>MSHSL Teams*</u>		<u>Participation Numbers**</u>	
	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>
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	-	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
<hr/>						
Total:	1,921	2,531	2,508	3,447	53,972	97,843
Percentage:	43%	57%	42%	58%	36%	64%
<hr/>						
Total expenditure:	Girls - \$6,214,000		Boys - \$11,991,000			
Percentage:	34%		66%			
Ave. cost/participant:	\$115.13		\$122.55			

<u>Seasons</u>	<u>Participation</u>		<u>Percentage</u>		<u>Percentage of Year's Participation/Season</u>	
	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>
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?"

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

Ordered by: _____

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Charge to: _____

Address: _____

City, State, Zip: _____

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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*

EQUALIZING 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

GIRLS' ATHLETIC PROJECT

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 Department 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 _____

Address: _____

Please send a separate report for each school district monitored.

WHICH 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 (If they represented other groups, which groups?) _____
3. Monitored:
School district programs (Dist. No. _____; Total student enrollment _____)
Interscholastic programs _____
Intermural, club programs _____
Elementary programs _____
Physical education class programs _____
Park/recreational programs _____
Community/private groups using public facilities (Which groups?) _____

Private school programs (Which school?) _____

4. Talked with officials (Which?) _____

5. Minn. Dept. of Ed. compliance form obtained _____
(Page 29, LWV Committee Guide) evaluated _____
6. Minn. Dept. of Ed. athletic activities form obtained _____
(Page 31, LWV Committee Guide) evaluated _____
7. Talked with students _____
How many? _____
8. Talked with parents _____
How many? _____
9. Conducted an attitudinal survey (Attach results) _____
10. Prepared a report of your results (If written, please send) _____
11. Took your findings to:
the responsible officials (Which?) _____

LWV meeting _____
Public meeting _____
Community - newspaper, other media (Attach if available) _____

(over)

WHAT 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 be accurate?
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:

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, MN 55102 - October, 1978

Your Name

Address

Phone

The League of Women Voters of _____ is
undertaking a community project of looking at the opportunities in girls' athletics
in _____. This is part of a statewide
_____ (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 un-
equal opportunities become apparent.

The laws provide that with very few exceptions physical education instruction is not to
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.
Girls are to be encouraged to show their interests, and these interests should be met
so that girls' opportunities to participate can be expanded. If there are separate
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 in-
terest in these sports, schools have the responsibility to meet their interests by pro-
viding 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 Human Rights; Archie Holmes, Supervisor, Equal Opportun-
ity Section, Department of Education; Dorothy McIntire, Minnesota High School League,
representatives from women's sports and the Attorney General's office.

The League of Women Voters of _____ is looking for people con-
cerned with girls' participation in athletics who would be interested in becoming in-
volved in the study. The results of the monitoring project will be reported to the
program involved and to the community. If you are interested or wish to comment on
circumstances in the sports' programs, contact _____,
phone _____.

NOTE: Only one copy of this is being sent to each local League. Please pass it on to the appropriate person. Even if your League did not participate in a monitoring project, you may wish to furnish this information.

REPORT ON GIRLS' ATHLETIC PROJECT

Optional Addendum

Send to LWVMN, 555 Wabasha, St. Paul, MN 55102 by May 1, 1979

LWV of _____

Reported by: _____

Address: _____

If your April 23 report did not include the following statistics, and if you did gather such statistics, please share with us as much of the following information as possible:

Senior High Interscholastic Program:

School District # _____

of sports offered to girls: _____ # of sports offered to boys: _____

Total # of participants in the total athletic program:

Girls: _____

Boys: _____

\$ spent in the total athletic program:

Girls: _____

Boys: _____

\$ spent per participant in the total athletic program:

Girls: _____

Boys: _____

How many teams do you have in which there is coed practice and joint coaching, but competition is separate by sex? _____

In what sports? _____

How many girls are participating on boys' teams? _____

In what sports? _____

Is there also a girls' team offered in those sports? _____

Further comments:

Please repeat above information for each school district you have monitored and if you wish, for junior high and park and rec programs.

For further information, contact:
Jeannette Kahlenberg - 224-5445 (o)
429-6070 (h)

Liz Ebbott - 426-3643

November 19, 1979

The League of Women Voters of Minnesota is pleased to present you with the attached complimentary copy of WHAT'S THE SCORE IN MINNESOTA?, a summary report of our monitoring project on "Equal Opportunity for Girls in Athletics."

FOR IMMEDIATE RELEASE

"Everyone points out how much progress has been made" for girls in athletics, but "the additions made to girls' programs are about all they want to see."

"We've come a long way" is also an excuse for not going further." These are typical attitudes local Leagues of Women Voters encountered as they monitored compliance with state and federal laws requiring equal opportunity in athletic programs for Minnesota's school children.

A report of the LWV's monitoring project was released today. The year-long project involved 40 local Leagues of Women Voters monitoring 44 school districts around the state. The report concludes that at the secondary level, "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 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." Comparisons with other states show that Minnesota has a long way to go. High school girls' participation in Minnesota is about half that of boys, whereas in neighboring Iowa, 48.8% of high school athletes are girls.

The LWVs also found that the law's requirement for coed activities at the elementary age level is the most often violated aspect of the law, especially in programs outside the classroom. One LWV wrote, "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." Another reported: "The after-school program has coed volleyball, which has good participation but separate sex basketball and track."

LWVs looking at physical education programs found that required coed classes can be successful for all ages. On the secondary level, one LWV reported that girls tried harder when they played with boys and were pleased and surprised

(over)

at their capabilities. Said one girl: "Our teacher is tough. He makes us do things we never thought we could do. It's neat finding out we can." A good attitude and a desire by teachers and school officials to make a coed program work generally results in success, the LWV found.

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.

Because of conflict over the definition of "equal opportunity" and controversy over the laws themselves, LWVMN found that state agencies which should be responsible for explaining and administering the laws have been reluctant to take on these responsibilities. The report recommends that administrative rules explaining the Minnesota law should be worked out, with involvement by all parties concerned, including the public. LWVMN further recommends that state agencies fulfill their obligations to work with the people handling athletic programs, so that they understand the law and realize that compliance is necessary. This is an especially acute problem for non-school programs, governmental and volunteer, that use public facilities. The Departments of Education and Human Rights should define their enforcement roles and the state forms on compliance should be clarified, according to the report.

The goal of the 1978-79 LWV monitoring projects in local communities was to encourage voluntary compliance with the law. Many LWVs believe that their questions and information-gathering had a positive impact in improving compliance. School district personnel were almost uniformly cooperative. Almost half the LWVs plan to continue with regular monitoring, and several new projects have gotten underway this fall.

#

Rules as Adopted

Chapter Thirty-Three: Prohibition of Discriminatory Practices in Education

5 MCAR § 1.0667 Athletic programs. Authority, scope and purpose. These rules are promulgated pursuant to Minn. Stat. § 126.21, subd. 5, as amended by Laws of 1980, ch. 355, § 1. These rules apply to both public and private elementary and secondary schools that operate athletic programs.

5 MCAR § 1.0668 Definitions. All the words below shall have the meaning herein ascribed to them:

A. "Athletic Program" - Means all interscholastic and intramural sports offered to students by public and private elementary and secondary educational institutions.

B. "Interscholastic Athletic Program" - Means all athletic activities offered within a school the purpose of which is to provide opportunities for students to compete with other students on like teams in other schools within an organized conference under the auspices of the Minnesota State High School League or with other like teams in other schools operating under separate jurisdictions.

C. "Intramural Athletic Program" - Means all non-interscholastic athletic activities offered within a school, which are not a part of the regular physical education curriculum, designed to provide students athletic opportunities, experiences and the development of competencies in a variety of sports.

D. "Participate" - Means for interscholastic sports, a student has been selected by the coach to be a member of a particular athletic team, inclusive of both varsity, and junior varsity, and sophomore teams, after the try-out period has ended.

E. "Participation Rate for a Particular Sex in the Interscholastic Athletic Program" - Means the ratio of the number of participants of that sex in the athletic program to the number of students of that sex in the student body.

F. "Participation Rate for a Particular Sex in the Intramural Athletic Program" - Means the ratio of the number of participants of that sex in the athletic program to the number of students of that sex in the student body.

5 MCAR § 1.0669 Separation by teams.

A. Athletic programs for students in the seventh grade or above may include one or more teams limited to participants of one sex whose overall athletic opportunities have previously been limited. Athletic programs for students in the sixth grade or below shall be operated without restrictions on the basis of sex, except that when overall athletic opportunities for one sex have

previously been limited and there is demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the educational institution may provide a team restricted to members of that sex. The educational institution shall make a biennial determination of students' demonstrated interest. The method used shall be reported to the Department of Education in conjunction with the report required by 5 MCAR § 1.0671. may contain one or more teams which are limited to participants of one sex whose overall athletic opportunities have previously been limited and who by demonstrated interest indicate a desire to participate on a team restricted to members of that sex.

B. Any public or private elementary or secondary school may provide in the same sport two teams which are separated according to sex when overall athletic opportunities for one sex have previously been limited, but the team for the other sex may only be substantially separated by sex.

C. When overall athletic opportunities for one sex have previously been limited, members of that sex shall be permitted to try out and, if successful, to participate on any team in any sport. This rule does not prohibit any elementary or secondary school from making participation on a team in a sport dependent upon a demonstrated level of skill and ability.

D. When an educational institution has established a team exclusively for members of the sex whose overall athletic opportunities have previously been limited, members of the other sex may not try out for or participate on that team.

E. When an equal opportunity to participate is not provided to members of a sex whose overall athletic opportunities to participate have previously been limited, the school, where there is a demonstrated interest, shall provide separate teams for the excluded sex in sports which it determines will provide members of the excluded sex with an equal opportunity and which will attempt to accommodate ~~will provide equal opportunity and accommodate~~ their demonstrated interest.

5 MCAR § 1.0670 Duties of schools; penalty for failure to comply.

A. Public and private elementary and secondary schools shall make a biennial determination of student demonstrated interest. Schools shall report the method used to make the determination to the Department of Education as part of 5 MCAR § 1.0671. The first biennial determination shall be made prior to the end of the 1981-82 school year.

Student demonstrated interest shall be considered in the selection of those athletic activities to be provided in the athletic program for the purpose of providing separate teams or sports for members of previously excluded sex.

B. A. Public and private elementary and secondary schools shall provide equal opportunity for members of each sex to participate in both their intramural and interscholastic athletic program by responding to the following considerations:

~~1. A biennial determination of student demonstrated interest is to be conducted by use of a methodology the nature of which will be reported to the Department of Education in conjunction with the report required by 5 MCAR § 1.0671. The first biennial determination shall be made prior to the end of the 1981-82 school year.~~

~~Student demonstrated interest shall be considered in the selection of those athletic activities to be provided in the athletic program for the purpose of providing separate teams or sports for members of the previously excluded sex.~~

1. ~~2.~~ The number of opportunities for females to participate on teams is to be comparable to the number of opportunities for males to participate on teams in each school year in the interscholastic athletic program and comparable, as well as in the intramural athletic program.

2. ~~3.~~ The equipment, supplies and uniforms for each sport are to be comparable for both sexes.

3. ~~4.~~ The locker rooms, practice, and competitive facilities are to be comparable for both sexes.

4. ~~5.~~ The medical services are to be comparable for both sexes.

5. ~~6.~~ The participation rates for members of both sexes are to be comparable while recognizing the voluntary nature of student involvement in interscholastic and intramural athletics.

C. ~~B.~~ When two teams in the same sport are provided pursuant to 5 MCAR § 1.0669 A., the two teams shall be treated in a substantially equal manner. Public and private elementary and secondary schools shall accomplish this to the extent that they are applicable in a given situation by providing that:

1. equipment, supplies, and uniforms for each team are comparable.

2. the games and competitive events for each team are scheduled so that the number of opportunities to perform before an audience are comparable.

3. the practice sessions and competitive events scheduled for each team are at equally desirable time periods.

4. the travel and per diem allowances per participant are comparable.

5. the amount of coaching provided for members of each team is comparable.

6. the locker rooms, practice, and competitive facilities for each team are comparable.

7. the medical services for each team are comparable.

8. the publicity produced by the school for each team is comparable.

9. the expenditure, excluding salary of the coach, per participant on each team is substantially equal. Per participant expenditure excludes gate receipts and other revenues generated by that sport. When an item or items of expense are not separated, the expense shall be prorated to the teams according to the number of participants.

D. G. The penalty for noncompliance with these rules by public elementary and secondary schools shall be the reduction of State Aids pursuant to procedures of Minn. Stat. § 124.15, subd. 3. In addition, nothing in these rules shall be interpreted as limiting the authority of the Human Rights Department over public and nonpublic schools and noncompliance may constitute a violation of Minn. Stat. Chap. 363, Human Rights Act.

5 MCAR § 1.0671 Compliance reports and submission of data. Annually, on or before October 15, each school/school district shall submit to the Commissioner of Education an elementary and secondary athletic program report containing information about both intramural and interscholastic athletics provided. The report shall contain by building: (a) Number of sports offered for each sex, (b) The season each sport is offered for each sex, (c) The number of weeks each sport is offered, (d) The number of teams in each sport, (e) The number of coaches assigned each sport, (f) The number of students by sex participating in each sport, (g) The dollar expenditure per sport ~~and~~, (h) The total unduplicated count of student participation in the ~~athletic intramural~~ program by sex, and (i) the total unduplicated count of student participation in interscholastic programs by sex.

5 MCAR § 1.0672 Duties of the Commissioner of Education. Upon receipt of an educational institution's athletic program report, the Commissioner of Education shall:

A. Evaluate the data contained in the report.

B. Forward reports requiring additional attention to the Commissioner of Human Rights, pursuant to Minn. Stat. § 124.15, subd. 2a.

To: Mr. Henry J. Bromelkamp, President
Members of the Minnesota Board of Education
From: Harriette Burkhalter, President
Rosemary Ritchie, Girls' Athletics Chairperson
Date: June 30, 1981

The rules prohibiting discriminatory practices in athletics, pursuant to M.S. 126.21, will be presented for your approval at the July 14 Board meeting, as you know. The League of Women Voters has been deeply involved in efforts to achieve sex equity in school athletic programs in Minnesota and has followed closely the ups and downs of M.S. 126.21 and the development of these proposed rules.

We urge you to support the proposed rules, with a few minor changes. We feel that the rules, as currently revised, will serve to enhance opportunity for both sexes in athletics, and that none of the items should be deleted or made less stringent. To do so would be to render an injustice to the students of Minnesota.

The inclusion of intramurals is an extremely important provision. There can be no justification for omitting intramurals; the hearing examiner's report makes this clear. After all, M.S. 126.21 is an exception to M.S. 363, the Human Rights law, which permits NO separation on the basis of sex and which would be the law applicable to intramurals in the absence of 126.21. Also, M.S. 126.21 refers to "athletic programs," "educational institutions or public services," and to programs offered at the elementary level, where all sports programs are intramural, not interscholastic. These words indicate that the Legislature intended a broader definition of athletics than simply interscholastic high school sports.

The references to participation rates is likewise very necessary to the effectiveness of these rules in providing sex equity. While the law does not require any absolute percentages, the gathering of statistics on numbers of participants of both sexes is essential to determine if meaningful opportunities to participate exist.

The changes we wish to see in the rules are as follows:

1. 5.MCAR 1.0670 B.5. (page 3) - Please delete the words "while recognizing the voluntary nature of student involvement in...athletics." These words serve no useful purpose and may be interpreted as a rationale for continuing discriminatory practices. Also, heading B., under which this item

falls, refers to these as "considerations," not absolute requirements, thus relieving school districts of the burden of meeting quotas anyway.

2. 5.MCAR 1.0670 C. 9. (page 4) - The expenditure per participant is an essential measure of non-discrimination. In most sports the main expense is the coaching salary. Thus, we urge you to delete the words, "excluding salary of the coach," which dilute the effectiveness of this provision drastically. Please note that heading C., under which this item falls, includes the clause, "to the extent they are applicable in a given situation," which would give the Department latitude in determining if a salary difference were discriminatory or not. If those words are not deleted, the Department would not have this latitude and could take no action even if the salary difference were clearly discriminatory.

We appreciate the tremendous effort that the Department has expended in drafting and revising these rules and the degree of public participation which has been afforded. We feel that the rules represent a workable, equitable set of requirements and guidelines for school districts. With the changes we have suggested, we urge you to vote for their adoption.

JUN 30 1981

MINNESOTA STATE BOARD OF EDUCATION

Name and AddressTerm

Henry J. Bromelkamp - President
2304 Lenwood Drive S.W.
Rochester, MN. - 55901

July 1, 1975
January 1, 1982

Ms. Beverly J. Carpenter
1319 E. 94th Street
Bloomington, MN. - 55420

March 10, 1981
January 1, 1985

Dr. Erling O. Johnson
832 Eastwood Lane
Anoka, MN. - 55303

July 1, 1975
January 1, 1982

Mrs. Margaret W. Marvin
Box 100
Warroad, MN. - 56763

May 12, 1980
January 1, 1984

Ms. Ruth A. Myers
American Indian Program
School of Medicine - Room 112
University of Minnesota - Duluth
Duluth, MN. - 55812

July 1, 1975
January 1, 1982

William J. Ridley
Vice-President - Academic Education
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June 16, 1980
January 1, 1984

Louis R. Smerling
2552 W. Lake of the Isles Boulevard
Minneapolis, MN. - 55405

March 10, 1981
January 1, 1985

Mrs. Patricia A. Weber
3006 Linden Avenue
Slayton, MN. - 56172

April 27, 1979
January 1, 1983

Mrs. Marilyn Witty
521 S. Minnesota Avenue
St. Peter, MN. - 56082

March 10, 1981
January 1, 1985

September 3, 1981

Dear State League President:

You are undoubtedly aware of the threats to Title IX coming from various sources lately. One such threat is that posed to college women's athletics by the recent National Collegiate Athletic Association (NCAA) actions to involve that organization in governing women's sports.

LWVMN is concerned about the issue of governance of college women's athletics because of our intensive efforts for sex equity in athletics in Minnesota's elementary and secondary schools. We fear that what happens at the college level will affect the lower levels too.

College women's sports have advanced tremendously in the past ten years, in numbers of participants, numbers of sports offered, and in dollars spent. And the progress has been aided by the ten year old organization which has governed women's sports, the Association for Intercollegiate Athletics for Women (AIAW).

Please read the enclosed article by Candace Lyle Hogan for an accurate description of the issue of who governs college women's sports, as it is difficult to condense the subject into a few sentences and still answer all the questions you may have on the subject. Suffice it to say here that the threat to the AIAW's existence is very grave.

Our concern is that women will not be treated equitably by the NCAA. Fewer sports will be offered for women than is currently the case; women will be in the minority on all committees and governing bodies of the NCAA, and women's sports will be directed by an organization which has fought Title IX long and hard, and which is, indeed, still fighting a court battle against Title IX.

Some think it is too late to save the AIAW, that the NCAA is so powerful that it will win, right or wrong. But even if the AIAW is doomed, the longer it holds out and the greater the strength exhibited by the voices for equality, the better will be the position of women athletes within the NCAA, or whoever governs women's sports in the future. As one of our Board members said, we may lose the battle but win the war. Of course, if we don't fight any battles, we won't win the war.

In order to exist, the AIAW must have the support of college and university chief executives, who must decide each spring which governance association its women's program will join. It can't join both because of mutually exclusive rules and widely different philosophies concerning the role of athletics in education.

The AIAW hopes to win endorsement from respected organizations such as the League of Women Voters to help them retain their member colleges. Thus, LWVMN asked the LWVUS to pass a resolution supporting AIAW which AIAW could then use in its promotional materials. LWVUS declined to take any action at its June Board meeting, citing lack of member awareness, that fact that it wasn't a priority, and the

(more)

September 3, 1981

fact that previous LWV action on Title IX has concerned elementary and secondary education, not higher education.

LWVMN feels that the issue is too important to drop. We concur with their first objection, the lack of member awareness, and are attempting to rectify that through this mailing. We ask you to share information on this issue with League members in your state. We do not concur with the objection concerning priorities because this is an action which involves almost no expenditure of time and money and which could do a great deal to advance a League position. We also don't concur with the third reason regarding previous League action on Title IX. League has often taken its positions and gone where the battle is, so to speak. Right now, a major battle for equality of opportunity is under way in college women's athletics. League needs to be there. Our endorsement of AIAW would carry a lot of weight with college administrators, the ones who ultimately hold the power in this struggle.

LWVMN would like your state League to help in three important ways now:

1. Adopt the enclosed resolution, or one similar to it, and notify the AIAW that you have done so. (Their address is on the enclosed Response Form.)
2. Inform local League members in your state about the issue. Enclosed is a recent article from the MINNESOTA VOTER on the subject which you may adapt to your needs. Additional information is available from SPRINT, a national women's athletics project, which publishes "In The Running." See your March, 1981, issue or call their toll-free number with your questions: 800-424-5162. SPRINT's address is 805 15th Street, N.W., Suite 822, Washington, D.C. 20005.
3. Ask the LWVUS Board to reconsider its decision.

We urge you to consider these three requests and let us know, by completing the enclosed Response Form and returning it to us, what actions you have taken. We hope you share our concern, and we thank you for taking the time to read all of this.

Sincerely,

Harriette Burkhalter
President

Rosemary Ritchie
Women's Athletics Chair

B/R:M
Enclosures

Losing Season Predicted for Women's Sports

by Rosemary Ritchie

Now that LWVMN's battle for sex equity in elementary and secondary school sports programs is subsiding, we are finding ourselves thrust into the arena of college sports, where hopes for equality of opportunity for women have been severely dimmed by recent events.

The National Collegiate Athletic Association (NCAA) decided to hold national women's championships in its Division I ("big-time") colleges and universities for a few sports and to allot certain limited seats on its governing committees to women.

Until now the NCAA has been primarily a male institution overseeing men's college sports. Women's sports have been governed by the Association for Intercollegiate Athletics for Women (AIAW). This spring colleges and universities all over the U.S. had to decide whether to affiliate their women's athletic program with the AIAW or the NCAA. It is not possible to belong to both because they have mutually exclusive rules, reflecting important differences in the philosophies of the two organizations. The number of colleges affiliated with the AIAW dropped from roughly 900 to 700 and further drops are likely in succeeding years. The NCAA plans to use its leverage in men's athletics to force colleges to choose that organization for their women's program too. The decision often rests with the college athletic director, who is usually male and often has ties to the NCAA.

Why is this happening?

The NCAA is beset with financial problems and the growing interest in women's sports means substantial contract from TV networks to the organization that provides college women's championship games in basketball and other sports.

Another possible reason is ironically related to Title IX, which the NCAA has been fighting in court for several years. A court ruling last fall declared the NCAA could validly sue the government ONLY if the organization truly represented the schools affiliated with it. By providing governance over both men's and women's programs, they will enhance their position in the lawsuit claiming that Title IX's rules pertaining to college athletics are illegal. (The rules require equal opportunities, expenditures, facilities, etc. for males and females in educational institutions receiving federal funds.)

Another possible reason for the NCAA's actions was suggested by a college president quoted in *In the Running* who saw a "battle of the sexes" spirit motivating NCAA leaders. "The men who dominate the NCAA include a large number who are aching to beat the women on something that matters a great deal. You should go to an NCAA meeting some time. You'll hear more sexism and racism than you'd believe possible in the 20th Century."

The existence of sexism can be verified by the representatives of the AIAW who attended the NCAA convention in January, including Vivian Barfield, former women's athletic director of the University of Minnesota, who reported that women who spoke urging rejection of the proposals were hissed and booed.

All Minnesota colleges have opposed NCAA's intrusion into women's sports and have remained in the AIAW for the coming school year. However, if colleges in other states do not also remain, pressure will increase on Minnesota schools to switch to the NCAA.

To LWVMN the central concern in this issue is that women students will have fewer opportunities to participate under NCAA plans than they have in the AIAW ... that female representation in NCAA will be only approximately 18% ... that women who actively support equality for women will not be offered positions (judging by the appointments made thus far) ... that an organization actively opposing Title IX will be strengthened.

LWVMN passed a resolution at the August board meeting supporting the AIAW as the governing association for college women's athletics. The Board also decided to disseminate information on the issue to local Leagues in Minnesota and to other state Leagues. LWVUS had decided not to pass a resolution on the AIAW at its June meeting. LWVMN hopes to persuade them to reconsider and pass a resolution in support of the AIAW.

The AIAW's days may be numbered, but the degree of strength and support they show in the next few years will probably affect how college women athletes are treated in the NCAA or any other governing organization in the future.

NCAA Votes Possible "Takeover" of Women's Sports

by Candace Lyle Hogan

In what has been called a "takeover" of women's athletics by men, the National Collegiate Athletic Association, which runs men's college sports tournaments, has decided to hold national women's championships for its "big-time" (Division I) colleges and universities. Also in this coming school year, the NCAA is set to begin such women's events for smaller schools (Division 2 and 3). NCAA affirmed these proposals at its annual convention in January despite vociferous opposition from women and men directly involved in women's sports.

Those who protested this "invasion" of the NCAA onto women's turf feared that rather than increasing women's opportunities, NCAA-run championships in only nine women's sports would reduce opportunities for female athletes. Women already have 40 national championships in 18 sports offered them by the Association for Intercollegiate Athletics for Women (AIAW).

The NCAA did not propose to duplicate for women the broad range of state and regional contests (over 1,000 in number) that the AIAW already offers, nor did the NCAA assure that women would retain control over how they are run. Rather, the NCAA allowed women only 18 percent representation in its executive-level governance structure. That means that on the level where decisions are made, the NCAA is not allowing women equal voice in decisions affecting their own programs.

Those who oppose the NCAA plans call that "governance without representation"—a "power grab" that does not bode well for the future in terms of Title IX implementation and equal opportunity for student-athletes, coaches, and administrators.

Time to Choose?

Many regard this move by the 75-year-old male sports bastion as an attempt to gain control of the increasing revenues in women's athletics by driving the competition out of business. NCAA's most recent action underscores that view. After implying in January that schools would be able to have dual membership in the two sports governance bodies for at least the next five years, by April the NCAA had made a move that will pressure many schools to choose between the two groups right away. By April 3, the NCAA had scheduled its women's championships in basketball and field hockey on the same dates as the AIAW championships in those sports.

NCAA Women's Championship Director Ruth Berkey admitted that the NCAA was aware beforehand of the AIAW championship schedule. "We were aware of that in basketball," said Berkey, "and that there might be some concern about whether we're allowing a choice."

When schools choose, those with big budgets that can afford the costly recruitment practices permitted under NCAA might opt for the NCAA championships, stripping AIAW events of the strongest and most visible teams. In its own rules, the AIAW has been offering an

alternative for women to the transcript scandals and high-powered recruitment that has proven ethically and economically damaging to men's programs under the NCAA. If the AIAW is aced out, many feel that schools will lose a unique chance to try a more financially sound and educationally-oriented rule structure for college sports.

NCAA executives have not admitted publicly that the male organization's foray into women's athletics would destroy the female organization. But, whether intentionally or not, in effect that's exactly what could happen. The NCAA is not dependent upon women's programs for its survival. The AIAW is. If schools pluck their women's programs out of the AIAW and join them in the NCAA structure, the AIAW stands to lose membership dues upon which it relies for 46 percent of its operating budget.

Most of the rest of the funds on which AIAW survival depends comes from television revenue from its women's championships. The NCAA has scheduled its women's basketball championship event—due to be televised by CBS—on the same weekend as the NBC-televised AIAW basketball nationals (March 26-28, 1982), pitting the AIAW and the NCAA in direct competition for visibility.

The AIAW Has Been Key

By far the younger and the less wealthy of the two groups, the AIAW formed at a time when the NCAA was not interested in providing competitive opportunities for women athletes. So the women went ahead on their own and created the first and only independent, autonomous sports governance group for women in history, the AIAW, which has served as the key developer of the gains in women's athletics over the past ten years.

Since its beginnings in 1971, women athletes' participation has more than doubled, women's budgets have risen from one percent of men's budgets to an overall average of between 16 and 18 percent, and AIAW membership itself has increased from 280 to 974 schools in ten years, making it the largest sports governance group in the nation. But that was before last January.

Three Days in January

In January, women protested helplessly while the group that had fought Title IX for seven years made plans to take control of what women had worked for over 10 years to build. Some pointed out that under the NCAA rule system the cost to schools of running their women's programs would skyrocket, forcing cutbacks in women's sports development. Convention observers noted that, though the NCAA dealt with rule changes that would ultimately affect women's sports, too, no NCAA delegate brought up for consideration how such rules would affect his school's women's program. Since the convention, none of the women who opposed the NCAA plans has been appointed to any decision-making position in the NCAA.

After the voting, reporters asked whether the NCAA had intentionally set the stage for the demise of the AIAW and the NCAA denied it. Back in their rooms, women delegates and observers packed to catch their

(continued on p. 6)

Candace Lyle Hogan is a freelance writer based in N.Y. Hogan has written on Title IX and sports governance for nine years. She is the coauthor of Diana Nyad's Basic Training for Women, to be published by Harmony Books in September.

NCAA (continued from p. 5)

planes, wondering how they would ever explain to their students and university colleagues at home what had happened over three days in January.

Before the NCAA convention, AIAW had hoped to convince NCAA delegates to postpone voting on the championship proposals until after the AIAW and NCAA could meet officially to discuss together what would be best for athletes. AIAW passed a motion sending that message to the NCAA by a vote of 282-40 at its own AIAW Delegate Assembly a week before the NCAA convention. The NCAA ignored the request for official discussion and passed its proposals anyway. Men delegates sometimes booed and hissed women delegates who came to the convention microphones.

Afterwards, in the convention hallways and elevators, NCAA executives slapped each other on the back in congratulatory fashion. "Well, we won, Walter, we won," said former chair of the NCAA television committee Cecil Coleman to NCAA Executive Director Walter Byers. "It was kind of like an end run in the last few seconds, but we won, we won!"

A few other women were also vocal at the NCAA convention—but in support of the NCAA proposals. They asserted that women athletes would gain exposure in the NCAA, that it would be easier for schools administratively to work within one central sports governance group instead of two separate ones, and that women professionals would be promoted more quickly into higher administrative positions if women's programs were included with men's under the NCAA umbrella.

These women, like Sandra McCullough, associate director of athletics at Northwestern University, say they do not think that sexism is what has been preventing women from being advanced by their male bosses, but rather the women's lack of experience working with men's football programs.

"I want to run the whole ship somewhere someday," said McCullough, "and women just haven't had the routes. But most important is that delegates are voting for what the students want," she said at the NCAA convention.

Later, AIAW President Donna Lopiano shook her head. "You've got to ask whose needs does it (NCAA championships) meet?" she asked. "Is it better for administration, or for the kids?"

Students Support the AIAW

Since January, many have been asking themselves the same question, including the "kids." By March, student leaders from 38 states had gathered at the National Student Education Fund Women's Leadership Network National Conference and unanimously resolved to work to assure that their institutions retain membership in AIAW and participate in AIAW championships.

Students cited these reasons behind their resolve: AIAW's continual support of Title IX; AIAW assurance of athletes' rights in governance and participation; and AIAW's broad competitive structure for female athletes.

Unlike the NCAA, the AIAW does not treat minor (participant-oriented) sports differently from major (spectator) sports. For example, the NCAA allows schools to give 15 scholarships in basketball but only five in volleyball; the AIAW allows 12 scholarships for each sport. Unlike the NCAA, the AIAW's structure allows schools the chance to compete for a berth in the championships.

Exercising an arbitrary selection process, the NCAA has no such system of state and regional qualifiers.

Students fear that the NCAA would highlight women's "showcase sports" like basketball at the expense of participant's opportunities in non-spectator sports. They fear that the 'haves versus have-nots' repetition of the men's college system for women college athletes eventually would be mirrored and entrenched in women's high school sports, too.

In a formal statement early this year, coaches of women's college swimming, most of whom are men, also declared their preference for remaining with the AIAW structure. Citing the NCAA's plan to cut out all "short" events in the NCAA swim championships, swim coaches believe the AIAW's competitive framework is more conducive to growth in a sport in an early stage of college development.

A Fox to Guard the Chickens

Even before the NCAA scheduled conflicting championship dates, Title IX advocates suspected that NCAA intentions were to usurp control of women's athletics, thereby destroying the AIAW in its longtime role as defender of federal enforcement of equal opportunity law in sports programs.

At its January convention, the NCAA said its lawsuit against Title IX "might be dropped." However, three months later it was still awaiting a place on the docket of federal district court in Kansas City, Kansas. Rather than dropping it, the NCAA is "still sponsoring" the class action suit challenging Title IX's application to intercollegiate athletics, said NCAA attorney Tom Hansen in March, adding that it could be scheduled for trial any day now.

Title IX advocates fear that without the AIAW continuing to defend Title IX against NCAA lobbying in court and Congress, school administrators may not feel compelled to further advance women's opportunities. They may feel freer to allow progress to backslide.

Will the AIAW Survive?

Meanwhile, the AIAW is facing a grim struggle for survival. But, noting that the women's organization has clashed head-on with the NCAA before—and won—observers expect it will not go down without a fight.

By May 1 the AIAW will begin to know how many member schools it has lost. By that date schools must declare whether or not they plan to participate in AIAW championships during this coming 1981-82 school year. AIAW President Lopiano, who is also women's athletic director at the University of Texas at Austin, predicts that "a significant number of Division I schools will be going NCAA."

After schools state their intentions in May, the AIAW will use the coming months to figure out whether women's championships run by women will be allowed a chance to survive. "Decision-making is totally out of the hands of women in athletics now," says Lopiano. "By next January," says the woman who may be AIAW's last president, "I think we'll see the writing on the wall."

On March 4, the AIAW executive board passed a motion that "directs and authorizes the Association's legal counsel to initiate any legal action against the NCAA and others acting in concert with the NCAA, . . . necessary to protect the interests of the AIAW and student athletes and athletic personnel involved in intercollegiate athletic programs." What, when, or whether legal action will take place has yet to be announced.

RESPONSE FORM

Please respond and return to LWVMN, 555 Wabasha, Room 212, St. Paul, MN 55102, by October 30, 1981.

(Name of League)

_____ Yes, we passed the proposed resolution concerning AIAW. (If yes, please send a copy of your resolution to AIAW, 1201 - 16th Street, N.W., Washington, D.C. 20036.)

_____ We have provided information to our members in the form of:

_____ a VOTER ARTICLE

_____ a mailing to local League presidents

_____ other (specify):

_____ We have asked the LWVUS Board to reconsider its decision not to pass a resolution supporting AIAW.

_____ No, we have taken none of the above actions because:

Remarks:

RESOLUTION SUPPORTING THE ASSOCIATION FOR INTERCOLLEGIATE ATHLETICS
FOR WOMEN (AIAW) ADOPTED BY LWVMN AUGUST 11, 1981

WHEREAS the LWVMN has actively worked for equality of opportunity as part of the Human Resources Program, and

WHEREAS the NCAA (National Collegiate Athletic Association) has actively opposed Title IX in court battles and has not encouraged the growth of women's athletics, and

WHEREAS the NCAA's adopted plans to incorporate women into its governance structure and to provide championships in women's sports are woefully inadequate, and

WHEREAS college women's athletics have grown enormously under the governance of the AIAW, and

WHEREAS the AIAW has developed fiscally prudent policies, democratic procedures including student representation, and a healthy philosophy which recognizes that college athletes are students first,

THEREFORE the LWVMN supports the AIAW as the governing body for college women's athletics and urges colleges and universities to affiliate their women's programs with the AIAW rather than the NCAA.