

GENDER EQUITY IN SPORTS RESOURCE MANUAL



TABLE OF CONTENTS

INTRODUCTION	4
I. OVERVIEW OF LOCAL SCHOOL SYSTEM REQUIREMENTS:	5
A. Designate sports equity coordinator.....	5
B. Annual notification to students	5
C. Adopt and publish grievance procedures	5
D. Don't discriminate on the basis of gender	5
E. Provide equal athletic opportunities	6
F. Offer "scholarship sports".....	6
G. Conduct an athletic interest survey	6
II. CONSIDERATIONS REGARDING ATHLETIC PROGRAMS.....	7
A. Separate Teams	7
B. Separate Facilities	7
C. Contact Sports	7
D. Physical Education.....	7
III. OFFERING A NEW SPORT	8
A. Athletic Interest Survey	8
B. Informational Meeting.....	8
C. Sufficient Interest	9
IV. COMPLIANCE REPORTING.....	9
A. Participation Rates	9
B. Financial Data	10
C. Equal Opportunity Data	11
D. Complaints Data.....	15
V. PENALTIES FOR NONCOMPLIANCE.....	16
A. Corrective Plan.....	16
B. Certification to Department of Community Affairs.....	16
C. Prohibit Postseason Athletic Play	16
D. Withhold State Funds.....	17
VI. RESOURCES	18
<i>ATTACHMENT A</i>	19
Official Code of Georgia Annotated, Section 20-2-315	19
<i>ATTACHMENT B</i>	23
SBOE Rule 160-5-1-.20 - Gender Equity in Sports	23
<i>ATTACHMENT C</i>	29
Sample Gender Equity Policy.....	29
<i>ATTACHMENT D</i>	30
Sample Nondiscrimination Notice.....	30
<i>ATTACHMENT E</i>	31
Sample Grievance Procedures	31
<i>ATTACHMENT F</i>	34
Sample Donations Policy.....	34
<i>ATTACHMENT G</i>	35
Additional athletic interest survey questions	35
<i>ATTACHMENT H</i>	36
Sample Tally Sheet.....	36
<i>ATTACHMENT I</i>	37

SCHOOL SYSTEM COMPLIANCE REPORT	37
<i>ATTACHMENT J</i>	44
SCHOOL COMPLIANCE REPORT	44
<i>ATTACHMENT K</i>	51
Equal Opportunity Data - Extended Questionnaire	51
<i>ATTACHMENT L</i>	58
OCR 1975 Memorandum to Chief State School Officers	58
<i>(Describes OCR position on cheerleading and booster clubs)</i>	58

INTRODUCTION

In March 2000, the Georgia General Assembly passed House Bill 1308, known as the "Equity in Sports Act". This bill enacted a state law modeled in part after the federal law entitled "Title IX of the Education Amendments of 1972". Title IX is a civil rights statute that prohibits discrimination based on gender. The "Equity in Sports Act" has been codified in the Official Code of Georgia Annotated §20-2-315 (see Attachment A of this manual).

This state law imposes various requirements on local school systems, and also provides for penalties against local school systems for noncompliance with the law. In addition, the Georgia Department of Education is required under the state law to submit an annual compliance report to the General Assembly regarding the compliance of all local school systems with this law and to approve athletic interest surveys conducted by school systems to determine whether or not to offer a particular sport. This resource manual is intended to provide guidance to local school systems in their implementation of the Equity in Sports Act and State Board of Education Rule 160-5-1-.20, Gender Equity in Sports (see Attachment B of this manual).

The most current version of this manual is maintained on the Georgia Department of Education website at www.doe.k12.ga.us.

I. OVERVIEW OF LOCAL SCHOOL SYSTEM REQUIREMENTS:

The following is an overview of requirements under the Equity in Sports Act. The act, as codified in O.C.G.A §20-2-315, is included as Attachment A. A sample gender equity policy is included as Attachment C.

A. Designate sports equity coordinator

The local school system must designate at least one employee as the sports equity coordinator to coordinate its efforts to comply with the Equity in Sports Act. This can be, but is not required to be, the same individual as the Title IX coordinator. The duties of the sports equity coordinator include investigating complaints received by the school system regarding noncompliance with the law. The sports equity coordinator(s) should be thoroughly familiar with the requirements of O.C.G.A §20-2-315 and State Board of Education Rule 160-5-1-.20, Gender Equity in Sports. (O.C.G.A §20-2-315(g))

B. Annual notification to students

The local school system must annually notify its students of the name, office address, and office telephone number of the sports equity coordinator. This may be included in the student handbook. It is recommended that this notice also be distributed to parents and be posted in the school. A sample nondiscrimination notice is included as Attachment D. (O.C.G.A §20-2-315(g))

C. Adopt and publish grievance procedures

The local school system must adopt and publish grievance procedures providing for prompt and equitable resolution of written complaints from a student or student's parent or guardian. The procedures must require that the sports equity coordinator render a written decision within 30 days of receipt of the complaint, which shall include the essential facts and rationale for the decision. The procedures must also require that the decision be provided to the complainant within 5 days of the date of the decision and that the complainant has a right to appeal to the local board within 35 days of the decision. A complainant may appeal an adverse decision of the local board of education to the State Board of Education under O.C.G.A §20-2-1160. A sample grievance procedure is included as Attachment E. (O.C.G.A §20-2-315(h) and (i))

D. Don't discriminate on the basis of gender

"No student shall, on the basis of gender, be excluded from participation in, be denied the benefits of, be treated differently from another student, or otherwise be discriminated against in any interscholastic or intramural athletics offered by a local school system, and no local school system shall provide any such athletics separately on such basis." This is basically the heart of the law, and should provide a reference point for school systems in guiding their actions with regard to gender equity in their athletic programs. This

provision in the law tracks language from the federal Title IX regulations. (O.C.G.A §20-2-315(a))

E. Provide equal athletic opportunities

A local school system that operates or sponsors interscholastic or intramural athletics shall undertake all reasonable efforts to provide equal athletic opportunities for members of both genders. The following factors must be considered when determining whether there is equal athletic opportunity:

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders;
- (2) The provision of equipment and supplies;
- (3) Scheduling of games and practice time;
- (4) Travel allowance;
- (5) Opportunity to receive coaching and academic tutoring;
- (6) Assignment and compensation of coaches and tutors;
- (7) Provision of locker rooms and practice and competitive facilities;
- (8) Provision of medical and training facilities and services; and
- (9) Publicity.

(O.C.G.A §20-2-315(c))

F. Offer "scholarship sports"

"If a local school system sponsors an athletic activity or sport at a particular school that is similar to a sport for which an institution in the University System of Georgia offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered at that school." For example, slow-pitch softball is a sport similar to fast-pitch softball, for which the University System offers a scholarship. Although a local school system is required to offer the similar "scholarship sport", it may also continue to offer the non-"scholarship sport" at its discretion. Therefore, under the example, a local school system may offer both fast-pitch and slow-pitch softball if it chooses. This provision in the law does not affect academic requirements for participation. If there is insufficient interest in the sport based on a survey, the school is not required to provide this. (see below) (O.C.G.A §20-2-315(f)(1) and (f)(2))

G. Conduct an athletic interest survey

A local school system must conduct a bona fide interest survey in a school to determine the level of interest in certain sports at the request of nine students at such school, but no more frequently than once every 12 months. (see Section III of this manual for information regarding the athletic interest survey) (O.C.G.A §20-2-315(f)(3))

II. CONSIDERATIONS REGARDING ATHLETIC PROGRAMS

The following items from the Equity in Sports Act address areas where local school systems have discretion on how to structure their athletic programs and facilities.

A. Separate Teams

A local school system may operate or sponsor separate teams for members of each gender where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a local school system operates or sponsors a team in a particular sport for members of one gender but operates or sponsors no such team for members of the other gender, and athletic opportunities for members of that gender in that particular sport have previously been limited, members of the excluded gender must be allowed to try out for the team offered unless the sport involved is a contact sport. A system may choose to allow co-ed teams in contact sports, if it wishes. (O.C.G.A §20-2-315(b))

B. Separate Facilities

A local school system may provide separate toilet, locker room, and shower facilities on the basis of gender, but such facilities shall be comparable to such facilities provided for students of the other gender. (O.C.G.A §20-2-315(d))

C. Contact Sports

As stated above, a local school system is not required to, although it may, offer co-ed teams in contact sports. The term "contact sport" includes boxing, wrestling, rugby, ice hockey, football, basketball and any other sport the purpose or major activity of which involves bodily contact. (O.C.G.A §20-2-315(b))

D. Physical Education

A local school system is not prohibited from grouping of students in physical education classes by gender. (O.C.G.A §20-2-315(e))

III. OFFERING A NEW SPORT

Under State Board of Education Rule 160-5-1-.20, Gender Equity in Sports (Attachment B), there is a two-tiered process for a school system to determine whether or not to offer a new sport. The first step is conducting an athletic interest survey and the second step is holding an informational meeting with students and parents. The steps are described in further detail as follows:

A. Athletic Interest Survey

A local school system may conduct an athletic interest survey at any time to determine potential interest in various sports not currently offered by a school or school system. In addition, a local school system is required to conduct an athletic interest survey upon the request of nine students at a school interested in a particular sport. However, if a local board of education has a policy against offering interscholastic or intramural sports in certain grades for members of both genders, the local school system shall not be required to conduct an interest survey in those grades. Therefore, if a local board of education has a policy that there will be no interscholastic sports for either gender for eighth grade students, the school system is not required to conduct an athletic interest survey for that grade, even if requested by nine students.

Under State Board of Education Rule 160-5-1-.20, Gender Equity in Sports (Attachment B), the Athletic Interest Survey in Appendix A of the rule is considered to be a bona fide survey. However, a local school system may submit an alternate survey to the Department for approval, if desired. On the survey contained in Appendix A of the rule, only those sports currently sanctioned by the Georgia High School Association are included. However, a local school system may include additional sports on the survey at their discretion or students may individually insert a sport not listed. Instructions on how to administer the survey are included in Appendix A of the rule. After the local school system tallies the results of the survey, it shall determine whether there is enough potential interest in an individual sport to conduct an informational meeting. Potential interest should be determined based on the number of students required to field a team in the particular sport, the number of responses indicating interest, and factors regarding the likelihood of actual participation of interested students, such as minimum academic standards, time commitment required, conflicting activities, and overlap of season with other sports.

B. Informational Meeting

If a local school system concludes that there is potential interest in a particular sport, it must then hold an informational meeting. The local school system should provide sufficient notice for students and their parents or guardians to participate. The informational meeting should provide details about the particular sport for which there is potential interest, such as length and dates of season, time required for practices and competitions, travel time to competitions, possible costs to participants, and other pertinent information. The informational meeting should provide enough information so

as to allow the students and their parents or guardians to assess their level of interest and support for the potential new sport, in light of the parameters. For example, if it appears that there is potential interest in a girls' volleyball team, but the travel time to the closest competing team is 2 ½ hours, the informational meeting should provide this information so that the actual interest may be gauged in light of the excessive time commitment and potential travel costs.

C. Sufficient Interest

Based on the results of the bona fide survey and the informational meeting, the local school system shall determine whether there is sufficient interest to field a team in a particular sport. If it is determined that there is sufficient interest, the local school system must provide the additional sport if currently there are not equal athletic opportunities for members of both genders, or if the sport is a scholarship sport. If there is not sufficient interest or if there are no interscholastic teams participating in such sport with which to compete, the local school system is not required to field the team. If there is sufficient interest in multiple sports, a local school system is only required to offer enough sports to ensure that equal athletic opportunities for member of both genders are provided. For example, if a local school system determines that there is sufficient interest in both girls' soccer as well as girls' basketball, but to attain equality only requires adding one of the sports, the local school system is only required to add the one to attain equal opportunities. However, a local school system is encouraged to provide as many athletic opportunities beyond what is required, as they wish.

IV. COMPLIANCE REPORTING

Under State Board of Education Rule 160-5-1-.20, Gender Equity in Sports (Attachment B), local school systems are required to complete and submit a School System Compliance Report (Attachment I) to the Georgia Department of Education by August 30 of each year. In addition, an optional school level report format is provided as Attachment J of this manual to aid school systems in collecting such data. Although this school level report is not required to be submitted to the Department, it is strongly recommended that the school system maintain data in some form to substantiate the system level report in the event of a complaint. It is recommended that this data be maintained in accordance with state and local records retention schedules, but in no event less than five years from the date of collection. It is also recommended that records be maintained at the school level to substantiate the school level data submitted to the sports equity coordinator to compile the system level report. The following information is provided to assist local school systems in compiling their School System Compliance Report.

A. Participation Rates

The local school system should include the FTE counts for grades in schools that participate in interscholastic or intramural sports, respectively. Participation numbers should accurately reflect team participants, as defined by SBOE Rule 160-5-1-.20. Students participating in more than one sport should be counted as a participant in each

sport in which he or she participates. Athletes that get injured or that may not have had a chance to play in competitions due to their position or skill level (for example, a third string quarterback), may still be counted as participants if they have been participating in other ways as team members and are on the official roster, in accordance with the rule. Students who participate in sports competitions independently, and which are not through teams sponsored through the school should not be counted. For example, if a school does not have a school sanctioned swimming team, but has a student that is privately training to be an Olympic swimmer who participates in several independent swimming competitions, the school should not count that student as a participant for swimming, as it was not the school that made that opportunity available to the student. In addition, team members on a team that was assembled but then disbanded during the season by the school due to reasons other than participation should probably not be included. For example, a school should not form a team and then withdraw its resources for the purpose of attempting to increase the participation rates of that school or local school system without providing a meaningful opportunity. However, if a school disbands a team mid-season due to lack of participation of their students in competition or practices, it may be justified in counting those students as participants because the athletic opportunity was provided to the students, even though they chose not to participate fully. In addition, local school systems should note that although participation rates for competitive cheerleading are included on the report, these are not included in the total participation rates. This is because the Office for Civil Rights does not recognize cheerleading as a sport for purposes of compliance with Title IX of the Education Amendments of 1972 (see Attachment L). It is recommended that schools retain for their records copies of team rosters used to compile participation rates to substantiate such numbers, as well as any accompanying documentation as to how the participation rates were determined.

B. Financial Data

In the School System Compliance Report, the financial data table is intended to capture all financial benefits to the male athletic program as well as the female athletic program. This should include actual expenditures, donations of real and personal property, donations of in-kind services, as well as any other direct or indirect financial benefit. For example, if a booster club donates a van to a school or leases a van for use by the boys basketball team, the total value of that van or lease should be included in the male column in the expenditures table under "Transportation" in the school year in which it was donated. A sample donations policy is included as Attachment F. If the school makes expenditures that benefit both the boys and girls sports programs, the school should estimate the percentage of use by each and include the amounts in the respective columns. For example, if the van was donated for both the boys and girls sports programs, the school should estimate the percentage use by each and include those amounts. If the van is valued at \$40,000 and was used 75% of the time for boys teams and 25% of the time for girls teams, then \$30,000 will be added to the male column for transportation and \$10,000 will be added to the female column for transportation. Similarly, equipment purchased for a co-ed team should be prorated based on the percentage of male and female participants. It is noted that it would be difficult to prorate

all expenditures as an exact science, but it is recommended that the school system utilize its best judgment in making reasonable estimates. Regarding "Coaching Compensation", it is intended that only that compensation paid for coaching duties be included. For example, if a science teacher also coaches the girls' softball team, the coach's compensation based on the teachers salary schedule would not be included in the expenditure data, but only the coaching supplement would be included. Further, if a retired coach returned to a local school system to coach the boys' football team and his entire salary was for coaching, then the entire amount would be included under "Coaching Compensation". Similarly, benefits only on the coaching compensation should be included, rather than any benefits or portions of benefits attributable to a base teaching salary. Any expenditures that do not fit in a specific category may be included under "Other Expenditures". Examples of these might include utility expenses for floodlights, field maintenance (could also be included in "Other Salaries" or "Purchased Services", as appropriate), or payment of ticket takers. If it appears that there is an area where large expenditures occur which do not fit into any specific category on the report, additional lines and descriptions may be added to the report.

It is also recommended that schools retain for their records copies of computations made and estimates used to substantiate the expenditure data, as well as any accompanying documentation as to how these figures were determined.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a local school system operates or sponsors separate teams will not constitute noncompliance with this subsection, but the failure to provide essential funds for the basic operations of teams for one gender may be considered in assessing equality of opportunity for members of each gender. (O.C.G.A §20-2-315(c))

C. Equal Opportunity Data

In the School System Compliance Report (Attachment I), each local school system must address nine factors as to whether equal athletic opportunity is made available for members of both genders. These nine factors are found in Georgia's Equity in Sports Act (O.C.G.A. § 20-2-315). If a local school system elects, it may also utilize, at either the system or school level, the optional expanded questionnaire contained in Attachment K, Equal Opportunity Data – Expanded Questionnaire, to formulate conclusions regarding the nine factors. The optional expanded questionnaire includes "yes or no" questions of a more in-depth nature to assist the local school system in analyzing their athletic programs. Generally, in addressing the nine factors, a local school system should consider the following:

1. Selection of sports and levels of competition that effectively accommodates the interests and abilities of members of both genders

Local school systems should address whether the interests and abilities of each gender are being met. This may be determined through the use of an athletic interest survey (see Section III of this Resource Manual).

2. Provision of equipment and supplies

The following are examples of factors to assess:

- a) condition, age, durability, general quality of equipment and supplies provided to male and female teams
- b) extent to which equipment and supplies provided male and female teams are regulation, official, sanctioned, and meet athletic association specifications (balls, rackets, uniforms, nets, gymnastic equipment, etc)
- c) number of various items provided to male teams and female teams (balls, bats, shoes, uniforms, pads, wrist weights, as well as shared equipment and equipment provided by the athletes)
- d) maintenance services provided male and female teams (laundry, equipment storage, upkeep and repair)
- e) schedules for replacement of uniforms, shoes, bats, balls (semiannual, annual, every two, three, four years); are old uniforms and equipment given to another team; if so, which teams and under what conditions
- f) amount of time that equipment and supplies are accessible to athletes in each sport (always, not on Sundays, restricted to hours not used by particular team)

3. Scheduling of games and practice times

The following are examples of factors to assess:

- a) compare the number of competitive events per sport for male and female teams
- b) compare the length of practices, the number of practices per week and determine which teams have priority over others when schedules conflict
- c) compare schedules to determine extent to which schedules support parent and student attendance, allow spirit groups to support teams and discourage time missed from class for both genders
- d) compare the time of day, days of week practice is scheduled
- e) compare opportunities for pre-season and post-season competition

4. Travel allowances

The following are examples of factors to assess:

- a) type of transportation used by male and female teams traveling similar distances
- b) housing furnished during travel to male teams to the housing furnished to female teams, examine the quality of the motel used and number of athletes assigned per room
- c) time male and female teams are away from campus before and after competitive events

- d) per diem allowances for male and female teams; use the amount actually given or spent per athlete since this may be different from the "standard" per diem rate that the school may set or may have been provided by the boosters
- e) dining arrangements during travel for female and male teams, note any differences in quality such as whether teams eat at restaurants, school cafeteria, bring packed meal

5. Opportunities to receive coaching and academic tutoring

The following are examples of factors to assess:

- a) relative availability of full-time coaches, part-time coaches and volunteer assistance for male and female teams (number of coaches assisting each team, the ratio of coaches to athletes available to each team)

6. Assignment and compensation of coaches and tutors

The following are examples of factors to assess:

- a) training, experience, and other professional qualifications of coaches of male teams to that of female teams; if coaching is not the full-time job, note teaching and other assignments (number of classes taught, class load and number of hours the coach is on the campus of the team); compare the extent to which coaches assist in locating scholarships or other benefits for athletes; determine if there is a pattern of assigning less qualified coaches to male or female teams – it is important to examine the pattern rather than comparing individual coach's qualifications
- b) rate of compensation for coaches of male teams to coaches of female teams (per sport, per season, duration of contracts, conditions related to contract renewal, experience as related to compensation, nature of coaching duties performed and other duties expected of coaches); compare the full compensation of each coach, no matter the source, including all perks, cars, insurance benefits, etc.
- c) compare the policies, procedures and criteria for making tutors available to athletic programs; compare tutor availability to the women's program with tutor availability to the men's program (time tutors are available, locations tutors are available, time lapse between needing tutoring and athlete receiving help)
- d) compare qualifications and experience of tutors provided to men's program and the qualifications and experience of tutors provided to the women's program (level of tutor's academic achievement, years of experience, whether tutor's field of experience matches the athlete's subject area need)
- e) compare the rates of pay of the tutors provided the men's program with the rates of pay of tutors provided the women's program (note differences by gender assignment, by subject area and whether any pattern is evident to indicate tutors for athletes of one sex receive higher pay by subject than tutors for athletes of the other sex – this could be an indication of better tutors getting higher pay resulting in better tutoring services to the athlete)
- f) compare the employment conditions of tutors provided to the men's and women's programs (number of students tutored per session, number of students tutored per

academic term, number of tutoring sessions provided by subject area, any limits on tutoring services for athletes of one sex, records of success of tutoring, terms and length of contract or agreement with tutors)

7. Provision of locker rooms and practice and competitive facilities

The following are examples of factors to assess:

- a) compare the quality and availability of practice and competitive facilities for female and male teams; list other groups (athletic teams, clubs, intramural teams, band, community groups) that use the facilities, list the order of priority for regular use and for use when weather is bad; compare the extent to which facilities meet regulations; compare special features available at the facilities (laundry service, weight training, availability of trainers, spectator capacity, public address system, electronic score boards, accommodations for visiting teams, concession facilities, general lighting, special lighting for television coverage or filming, multimedia equipment for training and coaching)
- b) compare the number of female teams that have exclusive use of locker room facilities with the number of male teams that have exclusive use of locker room facilities; record whether exclusivity is for the entire year, for the season, or just during competition or practice, compare data for male and female teams
- c) compare athletic locker assignments for female and male athletes; are lockers individually assigned for all year, the sport season, during competition, during practice; compare the use of the locker rooms for male and female teams; which teams have exclusive use of locker rooms, is exclusive use assigned for the entire year, for the sports season, during competition or practice only, do other teams or groups share the use of the locker room
- d) compare the size and quality of the locker room facility for male and female teams; note any special features (laundry service, weight training, availability of trainers, accommodations for visiting teams, multimedia equipment for training and coaching)
- e) compare the quality of facility maintenance; determine who has responsibility for maintenance, and when and how often maintenance is scheduled
- f) compare the quality of facility preparation for competition and practice; whether preparation crews, students, coaches do the preparation

8. Provision of medical and training facilities and services

The following are examples of factors to assess:

- a) compare insurance policies covering male and female athletes and any cost of the policy to the athlete
- b) compare all weight training and conditioning facilities used by male and female teams; determine which teams have exclusive use of certain facilities, which teams have priority use, which teams share use of facilities, and which teams have use of any special facilities; compare equipment available in the training/conditioning facilities

9. Publicity

The following are examples of factors to assess:

- a) compare the policies, procedures and criteria for providing publicity services to the men's and women's athletic programs; determine which teams have access to the school's publicity resources (school marquee, video/projection equipment, public address system, free advertising on local media)
- b) compare the quality and quantity of sports information publications and promotional services provided men's teams and women's teams; compare the promotional information (print and multi-media) supporting local male and female athletes that is provided colleges and universities; which male and female teams receive the support of the school's cheerleaders, dance/drill teams, bands or other spirit groups (how often, home and away games); compare location of trophy display cases for male and female athletics, compare male and female coverage in school newspaper, catalog, yearbook

D. Complaints Data

The local school system must include data in the School System Compliance Report on all written complaints received by the system and its schools from students, parents or guardians regarding compliance with the Equity in Sports Act. Any explanatory data may be added by the school system to the report, if desired. It is recommended that schools retain for their records copies of all complaints, responses, decisions, and other relevant material.

V. PENALTIES FOR NONCOMPLIANCE

Under the Equity in Sports Act, a complainant can appeal an adverse decision by the local board of education to the State Board of Education ("SBOE") through the process set out in O.C.G.A §20-2-1160. The SBOE has the authority under the law to impose the following penalties against the local school system under certain circumstances and within certain timeframes.

A. Corrective Plan

Upon appeal of a local board decision, if the SBOE determines that a local school system has failed to comply with the Equity in Sports Act, then the SBOE shall provide the local school system with opportunities to prepare a corrective plan. If the SBOE determines that a corrective plan of the local school system adequately plans and provides for future compliance with the act, then the SBOE shall approve the plan and direct the local school system to implement such plan. (O.C.G.A §20-2-315(i)(1))

B. Certification to Department of Community Affairs

After one year following the date of a SBOE order directing implementation of a corrective plan but within four years of the date of such order, if the SBOE determines that the local school system has willfully failed to comply with the Equity in Sports Act, the SBOE may, after consideration of the local school system's efforts to implement the corrective plan approved in the earlier proceeding and of any other corrective plan that may be submitted by the local school system, transmit a certification of such determination to the Department of Community Affairs. If the SBOE's determination of noncompliance is later reversed or vacated upon appeal, the SBOE shall immediately notify the Department of Community Affairs of such action. (O.C.G.A §20-2-315(i)(2))

C. Prohibit Postseason Athletic Play

After one year following the date of a SBOE certification to the Department of Community Affairs but within four years of the date of such order, if the SBOE determines that the local school system has willfully failed to comply with the Equity in Sports Act, the SBOE may, after consideration of the local school system's efforts to implement a corrective plan approved in an earlier proceeding and of any other corrective plan that may be submitted by the local school system, order that a team or teams within the local school system or school within the local school system shall not participate in interscholastic postseason athletic contests and that participation in violation of such an order may result in withholding of state funds allotted pursuant to O.C.G.A §20-2-186. An order of the SBOE barring participation in interscholastic postseason athletic contests shall be made and announced before the beginning of a school year. (O.C.G.A §20-2-315(i)(3))

D. Withhold State Funds

After one year following the date of a SBOE order prohibiting participation in interscholastic postseason athletic contests but within four years of the date of such order, if the SBOE determines that the local school system which was subject to such order has willfully failed to comply with the Equity in Sports Act, the SBOE may, after consideration of the local school system's efforts to implement a corrective plan approved in an earlier proceeding and of any other corrective plan that may be submitted by the local school system, withhold state funds that are allotted pursuant to O.C.G.A §20-2-186 in an amount that the SBOE determines is sufficient to secure the local school system's compliance with the act. In the event that state funds are withheld pursuant to this authority, such funds shall later be allotted to the local school system at such time as the SBOE determines that the local school system is in compliance with the act. (O.C.G.A §20-2-315(i)(4))

VI. RESOURCES

Equity Coordinator
Office of Legal Services
Georgia Department of Education
2054 Twin Towers East
Atlanta, Georgia 30334
(404) 656-4689
<http://www.doe.k12.ga.us>

Office for Civil Rights
U.S. Department of Education
61 Forsyth Street, SW
Suite 19T70
Atlanta, Georgia 30303
(404) 562-6350
<http://www.ed.gov/offices/OCR/>

ATTACHMENT A

Official Code of Georgia Annotated, Section 20-2-315
"Equity in Sports Act"

(a) No student shall, on the basis of gender, be excluded from participation in, be denied the benefits of, be treated differently from another student, or otherwise be discriminated against in any interscholastic or intramural athletics offered by a local school system, and no local school system shall provide any such athletics separately on such basis.

(b) Notwithstanding the requirements of subsection (a) of this Code section, a local school system may operate or sponsor separate teams for members of each gender where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a local school system operates or sponsors a team in a particular sport for members of one gender but operates or sponsors no such team for members of the other gender, and athletic opportunities for members of that gender in that particular sport have previously been limited, members of the excluded gender must be allowed to try out for the team offered unless the sport involved is a contact sport. Nothing in this subsection shall be construed to limit the authority of a local school system to operate or sponsor a single team for a contact sport that includes members of both genders. As used in this subsection, the term 'contact sport' includes boxing, wrestling, rugby, ice hockey, football, basketball and any other sport the purpose or major activity of which involves bodily contact.

(c) A local school system which operates or sponsors interscholastic or intramural athletics shall undertake all reasonable efforts to provide equal athletic opportunity for members of both genders. In determining whether equal opportunities are available the following factors shall be considered:

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders;
- (2) The provision of equipment and supplies;
- (3) Scheduling of games and practice time;
- (4) Travel allowance;
- (5) Opportunity to receive coaching and academic tutoring;
- (6) Assignment and compensation of coaches and tutors;
- (7) Provision of locker rooms and practice and competitive facilities;
- (8) Provision of medical and training facilities and services; and
- (9) Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a local school system operates or sponsors separate teams will not constitute noncompliance with this subsection, but the failure to provide essential funds for the basic operations of teams for one gender may be considered in assessing equality of opportunity for members of each gender. Nothing in Code Section 20-2-411 shall be construed to limit the authority of a local school system to expend school tax funds as authorized by Article VIII, Section VI, Paragraph I(b) of the Constitution in order to comply with the requirements of this Code section.

(d) A local school system may provide separate toilet, locker room, and shower facilities on the basis of gender, but such facilities shall be comparable to such facilities provided for students of the other gender.

(e) This Code section does not prohibit the grouping of students in physical education classes by gender.

(f)(1) Subject to the provisions of paragraph (3) of this subsection, if a local school system sponsors an athletic activity or sport at a particular school that is similar to a sport for which an institution in the University System of Georgia offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered at that school. This paragraph does not affect academic requirements for participation nor prevent the local school system from sponsoring activities in addition to those for which scholarships are provided.

(2) Two athletic activities or sports that are similar may be offered simultaneously.

(3) If a local school system demonstrates by a bona fide survey of eligible students at the school, which is approved by the Department of Education for compliance with generally accepted opinion survey principles regarding neutral wording and other matters, that there is insufficient interest among students at the school to field a team described in paragraph (1) of this subsection, then the local school system shall not be required to sponsor such athletic activity or sport at that school. The exemption provided for by this paragraph shall be valid for 24 months following the date when the most recent bona fide student survey demonstrating a lack of student interest was completed, unless a new bona fide student survey is conducted within the 24 month period that demonstrates sufficient interest to field a team. If such a new bona fide student survey demonstrates such sufficient interest, then the local school system must comply with paragraph (1) of this subsection during the local school system's next fiscal year and until such time as a new bona fide student survey demonstrates insufficient interest to field a team described in paragraph (1) of this subsection. A local school system shall conduct the bona fide student survey described in this paragraph regarding interest in a team described in paragraph (1) of this subsection upon the request of nine students at the school, but no more frequently than once every 12 months.

(4) Nothing in this subsection shall be construed to preclude the application of generally applicable policies or rules regarding the cancellation of an athletic activity or sport due to lack of student participation in scheduled practices or contests.

(g) Each local school system shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this Code section, including the investigation of any complaint communicated to such local school system alleging its noncompliance with this Code section. The employee designated under this subsection may be the same person required to be designated under 34 C.F.R. Section 106.8. The local school system annually shall notify all its students of the name, office address, and office telephone number of the employee or employees appointed pursuant to this subsection. Such notification may be included in a student handbook distributed pursuant to Code Section 20-2-736.

(h) Each local school system shall adopt and publish grievance procedures providing for prompt and equitable resolution of written student complaints, including complaints brought by a parent or guardian on behalf of his or her minor child who is a student, alleging any action which would be a violation of this Code section. Such procedures shall require that:

(1) The employee designated under subsection (g) of this Code section shall render his or her decision in writing no later than 30 days after receipt of the complaint, and such decision shall set forth the essential facts and rationale for the decision;

(2) A copy of such decision shall be provided to the complainant within five days of the date of the decision; and

(3) A complainant shall have a right to appeal such decision to the local board within 35 days of the date of the decision.

(i)(1) A complainant may appeal a decision of a local board that is rendered under subsection (h) of this Code section in accordance with the procedures specified in Code Section 20-2-1160. If the State Board of Education determines that a local school system has failed to comply with this Code section, then the state board shall provide the local school system with opportunities to prepare a corrective plan. If the state board determines that a corrective plan of the local school system adequately plans and provides for future compliance with this Code section, then the state board shall approve the plan and direct the local school system to implement such plan.

(2) If, upon a complaint filed pursuant to subsection (h) of this Code section after one year following the date of a state board order directing implementation of a corrective plan pursuant to paragraph (1) of this subsection but within four years of the date of such order, the state board determines that the local school system which was subject to such order has willfully failed to comply with this Code section, the state board may, after consideration of the local school system's efforts to implement the corrective plan approved in the earlier proceeding and of any other corrective plan that may be submitted by the local school system, transmit a certification of such determination to the Department of Community Affairs. If the state board's determination

of noncompliance is later reversed or vacated upon appeal, the state board shall immediately notify the Department of Community Affairs of such action.

(3) If, upon a complaint filed pursuant to subsection (h) of this Code section after one year following the date of a state board certification to the Department of Community Affairs pursuant to paragraph (2) of this subsection but within four years of the date of such order, the state board determines that the local school system which was subject to such order has willfully failed to comply with this Code section, the state board may, after consideration of the local school system's efforts to implement a corrective plan approved in an earlier proceeding and of any other corrective plan that may be submitted by the local school system, order that a team or teams within the local school system or school within the local school system shall not participate in interscholastic postseason athletic contests and that participation in violation of such an order may result in withholding of state funds allotted pursuant to Code Section 20-2-186. An order of the state board barring participation in interscholastic postseason athletic contests shall be made and announced before the beginning of a school year.

(4) If, upon a complaint filed pursuant to subsection (h) of this Code section after one year following the date of a state board order prohibiting participation in interscholastic postseason athletic contests pursuant to paragraph (3) of this subsection but within four years of the date of such order, the state board determines that the local school system which was subject to such order has willfully failed to comply with this Code section, the state board may, after consideration of the local school system's efforts to implement a corrective plan approved in an earlier proceeding and of any other corrective plan that may be submitted by the local school system, withhold state funds that are allotted pursuant to Code Section 20-2-186 in an amount that the state board determines is sufficient to secure the local school system's compliance with this Code section. In the event that state funds are withheld pursuant to this paragraph, such funds shall later be allotted to the local school system at such time as the state board determines that the local school system is in compliance with this Code section.

(j) No later than October 1, 2003, and every year thereafter, the Department of Education shall submit a report to the General Assembly regarding the compliance of local school systems with the requirements of this Code section. Such report shall include information regarding expenditures and participation rates for each gender and such other information as the state board and department deem relevant. Each report shall cover the time period beginning on July 1 of the previous year and ending on June 30 of the year in which the report is due. The initial report due on October 1, 2003, shall cover the time periods of July 1, 2000, through June 30, 2001; July 1, 2001, through June 30, 2002; and July 1, 2002, through June 30, 2003.

ATTACHMENT B

SBOE Rule 160-5-1-.20 - Gender Equity in Sports

160-5-1-.20 GENDER EQUITY IN SPORTS.

(1) DEFINITIONS.

(a) Bona fide survey – survey approved by the department which measures the interest of eligible students at a school to field a team in a particular athletic activity or sport and which complies with generally accepted opinion survey principles regarding neutral wording. Eligible students are those students reasonably anticipated to be enrolled at a school at the time an additional sport may be offered. The Athletic Interest Survey in Appendix A shall be considered a bona fide survey.

(b) Interscholastic athletics – any athletic activity or sport that involves competition between teams representing two or more schools.

(c) Intramural athletics – any athletic activity or sport that involves competition between teams in the same school.

(d) Participant – a member on the official roster of an interscholastic or intramural activity or sport who participated in team practices and was eligible for participation.

(e) Scholarship sport – an athletic activity or sport for which an institution in the University System of Georgia offers a full or partial scholarship, based on athletic ability.

(f) Sports equity coordinator – individual designated by the local school system pursuant to O.C.G.A. § 20-2-315(h).

(2) REQUIREMENTS.

(a) Gender Equity Policy. Local boards of education shall adopt a policy or policies to ensure that no student shall, on the basis of gender, be excluded from participation in, be denied the benefits of, be treated differently from another student, or otherwise be discriminated against in any interscholastic or intramural athletics offered by such local school system, and such local school system shall not provide any such athletics separately on such basis. A sample gender equity policy is included in the *Gender Equity in Sports Resource Manual*.

1. The policy shall include a procedure for accepting or rejecting all donations of services or items, including booster club support, to any athletic program.

2. Local boards of education shall annually notify its students of such policy. A sample notice is included in the *Gender Equity in Sports Resource Manual*.

(b) Interest Survey for Intramural and Interscholastic Activities.

1. A local school system that elects to conduct a bona fide survey, in accordance with O.C.G.A. § 20-2-315(f)(3), shall utilize the Athletic Interest Survey in accordance with instructions in Appendix A or shall submit an alternate survey to the department for approval.

(i) If a local school system elects to submit an alternate survey for approval, it shall submit such survey at least 60 days prior to the date it intends to conduct the survey and shall provide the name and phone number of the individual who is available to respond to questions pertaining to such survey.

(ii) The results of this survey shall be valid for 24 months, unless a new bona fide survey is conducted within the 24 month period. A local school system shall conduct a bona fide survey at the request of nine students at the school, but no more frequently than once every 12 months. However, if a local board of education has a policy against offering interscholastic or intramural sports in certain grades for members of both genders, the local school system shall not be required to conduct an interest survey in those grades.

2. A local school system shall tally by gender the results of a bona fide survey to determine potential interest in various sports. A sample tally sheet is included in the *Gender Equity in Sports Resource Manual*.

(c) Informational Meeting. A local school system shall conduct an informational meeting if the results of the bona fide survey indicate enough potential interest in a specific sport to field a team, as determined by the local school system. The informational meeting shall be conducted so as to provide information to parents and students specific to such sport, such as length and dates of season, time required for practices and competitions, travel time to competitions, possible costs to participants, and other pertinent topics, as well as to provide feedback information to the school to gauge actual interest in such sport.

(d) Use of Results of Interest Survey and Informational Meeting.

1. Based on the results of the bona fide survey and the informational meeting, the local school system shall determine whether there is sufficient interest to field a team in a particular sport.

2. A local school system shall not be required to field a team at a school in a particular athletic activity or sport if:

- (i) there is insufficient interest at that school to support intramural teams; or
- (ii) there is insufficient interest at that school to support an interscholastic team; or
- (iii) there are no interscholastic teams participating in such sport with which to compete.

3. A local school system shall sponsor an interscholastic team in a scholarship sport at a particular school if such school currently sponsors an athletic activity or sport that is similar to the scholarship sport, unless there is insufficient interest.

4. A local school system shall field a team in a particular athletic activity or sport at a school where there is sufficient interest for such a team if equal opportunities for participation in that school are not available to both genders in interscholastic or intramural athletic activities or sports based on factors listed in O.C.G.A. § 20-2-315(c) and Title IX of the Education Amendments of 1972.

(i) If there is sufficient interest at a particular school to field teams in multiple sports for one gender, the local school system shall only be required to field such teams at that school which would ensure equal opportunities for participation at that school by each gender based on factors listed in O.C.G.A. § 20-2-315(c) and Title IX of the Education Amendments of 1972.

(e) Compliance Report.

1. Each local school system shall complete a School System Compliance Report on Gender Equity in Sports as included in the *Gender Equity in Sports Resource Manual* for the previous academic year regarding its compliance with O.C.G.A. § 20-2-315. Local school systems shall refer to the *Gender Equity in Sports Resource Manual* for guidance on completing the report.

2. Each local school system shall submit such report to the department by August 30 of each year.

3. If a school system does not submit the compliance reports in accordance with this section, the department's report to the General Assembly shall reflect that such system did not adhere to reporting requirements in this rule.

(f) Records Retention. Local school systems shall maintain all records related to compliance with this rule and O.C.G.A. § 20-2-315, including surveys, tally sheets, and complaints in accordance with state and local records retention schedules, but in no event less than five (5) years from the date of such record.

(g) Appeals to State Board of Education. All appeals to the State Board of Education regarding compliance of a local school system with O.C.G.A. § 20-2-315 shall be conducted in accordance with O.C.G.A. § 20-2-315 and O.C.G.A. § 20-2-1160.

Authority O.C.G.A. § 20-2-315.

APPENDIX A
Instructions for Administering and Analyzing the
Athletic Interest Survey
Georgia Department of Education

Prior to conducting a survey:

Before making copies of the survey, enter the school name and the date the survey will be administered. In addition, if the school wishes to measure level of interest in a sport which is not listed, the school may include the sport(s) in the blank labeled "Other".

To whom the survey should be administered:

Distribute the survey to all students in your school who are reasonably anticipated to be enrolled at the school when additional sports may be offered. For instance, if the survey is administered in the spring, it may be desirable to include students from feeder schools who will probably be attending the school the following year. Similarly, if the survey is administered in the spring, it would be reasonable to exclude the seniors from the survey, as all or most of these students would not be enrolled the following year. However, if the survey is administered in the fall, the seniors could be included in the survey to determine interest in athletic activities or sports that may potentially be offered in the spring.

How to administer the survey:

Remind students that they are not to put their names or any identifying information on the survey. Additionally, the students should be reminded to provide honest answers and that their participation in the survey is important, as the survey will be used to help plan athletic activities for the future. However, the students should be reminded that they will not be required to try out for a team in a sport in which they express interest if the sport is added at a later date. Students may check as many sports as they wish.

How to tally the survey responses:

Once the surveys have been collected, consider contacting your system office for assistance in analyzing the data. System-level personnel may be able to enter and analyze the data for you, particularly if they have a department or person responsible for research, evaluation, or assessment.

When reviewing the surveys, look for responses that seem unusual. For example, surveys on which students have expressed an interest in every sport, may not have been completed truthfully and carefully and may need to be eliminated from your data set. Any surveys eliminated from the data set must be retained in the school or school system's records with the rest of the survey information and must contain a written explanation attached to such survey stating why the survey was eliminated from the data set.

Separate the surveys by gender. Additionally, they may be separated by grade, if desired. Tally the results of the surveys by gender. Based on the results, determine whether there is enough potential interest in a specific sport to conduct an informational meeting. Based on the results of the bona fide survey and the informational meeting, the local school system shall determine whether there is sufficient interest to field a team in a particular sport.

How to analyze the tally results:

The school must comply with O.C.G.A. § 20-2-315 and State Board Rule 160-5-1-.20 Gender Equity in Athletics when analyzing these results and determining whether an additional sport should be offered.

ATHLETIC INTEREST SURVEY
Interscholastic Sports

(Approved by the Georgia Department of Education pursuant to Rule 160-5-1-.20)

School _____ Date _____

1. What grade are you in this year? 6 7 8 9 10 11 12

2. What is your gender? Male Female

3. This survey will be used to help determine student interest in sports at your school and will help in planning for the future. When answering these items, please keep in mind the time required for team practice and competition. Your school may not be able to offer every sport listed, as the sports offered at your school depend upon school resources as well as student interest.

Although you will not be required to try out for a team in a sport in which you express interest if the sport is added at a later date, please indicate whether you would likely try out for the following sports, if offered at your school. You may add sports on the line marked "Other".

INTERSCHOLASTIC SPORTS (competition with other schools)	
<input type="checkbox"/>	Baseball
<input type="checkbox"/>	Basketball
<input type="checkbox"/>	Competitive Cheerleading
<input type="checkbox"/>	Cross Country
<input type="checkbox"/>	Football
<input type="checkbox"/>	Golf
<input type="checkbox"/>	Gymnastics
<input type="checkbox"/>	Riflery
<input type="checkbox"/>	Soccer
<input type="checkbox"/>	Softball – Fast Pitch
<input type="checkbox"/>	Softball – Slow Pitch
<input type="checkbox"/>	Swimming and Diving
<input type="checkbox"/>	Tennis
<input type="checkbox"/>	Track and Field
<input type="checkbox"/>	Volleyball
<input type="checkbox"/>	Wrestling
<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	_____

ATHLETIC INTEREST SURVEY
Intramural Sports

(Approved by the Georgia Department of Education pursuant to Rule 160-5-1-.20)

School _____ Date _____

1. What grade are you in this year? 6 7 8 9 10 11 12

2. What is your gender? Male Female

3. This survey will be used to help determine student interest in sports at your school and will help in planning for the future. When answering these items, please keep in mind the time required for team practice and competition. Your school may not be able to offer every sport listed, as the sports offered at your school depend upon school resources as well as student interest.

Although you will not be required to try out for a team in a sport in which you express interest if the sport is added at a later date, please indicate whether you would likely try out for the following sports, if offered at your school. You may add sports on the line marked "Other".

INTRAMURAL SPORTS (competition with other schools)	
<input type="checkbox"/>	Archery
<input type="checkbox"/>	Baseball
<input type="checkbox"/>	Basketball
<input type="checkbox"/>	Cross Country
<input type="checkbox"/>	Football
<input type="checkbox"/>	Golf
<input type="checkbox"/>	Gymnastics
<input type="checkbox"/>	Riflery
<input type="checkbox"/>	Soccer
<input type="checkbox"/>	Softball – Fast Pitch
<input type="checkbox"/>	Softball – Slow Pitch
<input type="checkbox"/>	Swimming and Diving
<input type="checkbox"/>	Tennis
<input type="checkbox"/>	Track and Field
<input type="checkbox"/>	Volleyball
<input type="checkbox"/>	Weight Lifting
<input type="checkbox"/>	Wrestling
<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	_____

ATTACHMENT C
Sample Gender Equity Policy

BOARD POLICY

Descriptive Code: _____

GENDER EQUITY IN SPORTS

Date adopted: _____

It shall be the policy of the _____ Board of Education ("Board") to prohibit discrimination based on gender in its elementary and secondary school athletic programs. In accordance with the Georgia Equity in Sports Act, it shall be the policy of the Board to undertake all reasonable efforts to provide equal athletic opportunities for members of both genders. In accordance with the Georgia Equity in Sports Act, it shall also be the policy of the Board not to participate in, sponsor, or provide coaching staff for interscholastic sports events which are conducted under the authority of, conducted under the rules of, or scheduled by any athletic association unless the charter, bylaws, or other governing documents of such athletic association comply with the Georgia Equity in Sports Act.

It shall be the policy of the Board to conduct an ongoing assessment of its athletic programs to determine whether there are equal athletic opportunities for members of both genders. If it is determined that there are not equal athletic opportunities for members of both genders, the school system will conduct an athletic interest survey to determine student interest in various sports.

The Superintendent shall designate an individual, known as the sports equity coordinator, to coordinate compliance with the Georgia Equity in Sports Act. The Superintendent, at his or her discretion, may also designate school-level coordinators to assist the sports equity coordinator. The school system shall annually notify all its students of the name, office address, and office telephone number of the sports equity coordinator. This notification shall be included in the student handbook. In addition, each school shall post in a conspicuous location a notice of nondiscrimination in sports based on gender.

The sports equity coordinator shall investigate any complaint received by the local school system alleging noncompliance with the Georgia Equity in Sports Act. Such investigation shall be in accordance with the grievance procedures for resolution of complaints regarding gender equity in sports, as adopted by the Board.

State Ref: State Board of Education Rule 160-5-1-.20, Gender Equity in Sports

Legal Ref: O.C.G.A. §§ 20-2-315, 20-2-316 (Georgia Equity in Sports Act); 20 U.S.C. § 1681, *et. seq.* (Title IX of the Education Amendments of 1972)

ATTACHMENT D
Sample Nondiscrimination Notice

State law prohibits discrimination based on gender in athletic programs of local school systems (Equity in Sports Act, O.C.G.A. § 20-2-315). Students are hereby notified that [insert school system name] local school system does not discriminate on the basis of gender in its athletic programs. The sports equity coordinator for this school system is: [insert individual's name], [insert individual's office address], [insert individual's office telephone]. Inquiries or complaints concerning sports equity in this school system may be submitted to the sports equity coordinator.

ATTACHMENT E
Sample Grievance Procedures

_____ SCHOOL SYSTEM
Gender Equity in Sports - Grievance Procedures

It is the policy of the _____ Board of Education ("Board") to prohibit discrimination based on gender in its elementary and secondary school athletic programs, in accordance with the Georgia Equity in Sports Act. The following grievance procedures are hereby adopted to provide for prompt and equitable resolution of written student complaints, including those brought by a parent or guardian on behalf of his or her minor child who is a student, alleging any action which would be a violation of the Georgia Equity in Sports Act.

1. The student, parent, or guardian must submit a complaint on the form included in Exhibit I and submit the completed form to the sports equity coordinator. The sports equity coordinator shall date-stamp the complaint when received.
2. The sports equity coordinator shall take all reasonably necessary steps to ascertain the essential facts regarding the circumstances surrounding the complaint. The sports equity coordinator may obtain additional information from the complainant and/or other individuals that may have knowledge of the circumstances surrounding the alleged violation. The confidentiality of any information obtained shall be maintained in accordance with federal and state law and the school system's policies on confidentiality of student and employee information.
3. The sports equity coordinator shall render a decision in writing no later than 30 calendar days after receipt of the complaint, and such decision shall set forth the essential facts and rationale for the decision.
4. A copy of such decision shall be provided to the complainant within five calendar days of the date of the decision, either by certified mail or hand delivery to the address provided by the complainant on the complaint form.
5. A complainant shall have the right to appeal such decision to the Board within 35 calendar days of the date of the decision. The request for appeal must be submitted by the complainant in writing to the Superintendent. The Superintendent's office shall date-stamp the complaint when received.
6. The Board shall review all materials related to the matter and render a decision in writing no later than 30 calendar days or at the next regularly scheduled Board meeting after receipt of the appeal, whichever is later, and such decision shall set forth the essential facts and rationale for the decision.
7. A copy of such decision shall be provided to the complainant within five calendar days of the date of the decision, either by certified mail or hand delivery to the address.

8. A complainant may appeal a decision of the Board to the State Board of Education in accordance with the procedures specified in O.C.G.A. § 20-2-1160.

EXHIBIT I

_____ SCHOOL SYSTEM
Gender Equity in Sports Grievance Form

It is the policy of the _____ Board of Education to prohibit discrimination based on gender in its elementary and secondary school athletic programs. Any student or student's parent or guardian may file a complaint with the following form if he or she feels that the school system has violated the Georgia Equity in Sports Act.

(Please print all information)

Date: _____

Date received by sports equity coordinator
(filled in by school system): _____

Name of individual filing complaint: _____

Address of individual filing complaint: _____

Telephone number of individual filing complaint: _____

Name of student: _____

Name of parent or guardian: _____

Student's school: _____

**ALLEGED ACTION BY SCHOOL SYSTEM IN VIOLATION OF GEORGIA EQUITY
IN SPORTS ACT:**

PROPOSED ACTION TO CORRECT ALLEGED VIOLATION:

This form must be completed in its entirety and submitted to:

[name of sports equity coordinator]
Sports Equity Coordinator
_____ School System
[insert address]
[insert telephone]

ATTACHMENT F
Sample Donations Policy

BOARD POLICY

Descriptive Code: _____

DONATIONS

Date adopted: _____

It shall be the policy of the _____ Board of Education ("Board") to accept or deny donations from any source. It shall also be the policy of the Board to encourage donations from any legitimate sources, including booster clubs. However, in order to assist the school system in maintaining compliance with the Georgia Equity in Sports Act, any donations made to athletic programs of the school system and accepted by the Board must be accompanied by either a valuation of such donation or an accounting of actual costs incurred by the donor regarding the donation. The Superintendent shall establish other criteria for the evaluation of offers and acceptance of donations to the school system. Donations shall include real or personal property donated, as well as donations of services. The Board shall only consider receipts of donations that conform to state and federal laws and to policies of the Board, including but not limited to, any applicable safety standards.

Legal Ref: Ga. Constitution, Art. 8, Sec. 5, Par. 6; O.C.G.A. § 20-2-520; O.C.G.A. § 20-2-315 (Georgia Equity in Sports Act); 20 U.S.C. § 1681, *et. seq.* (Title IX of the Education Amendments of 1972)

ATTACHMENT G

Additional athletic interest survey questions

The following questions may be included on an athletic interest survey to provide schools additional information that may assist them in evaluating equal athletic opportunity. Responses from Question 1 may be used by the school in identifying possible existing problems with the school's athletic program. Responses from Question 2 may be used by the school as a factor in determining whether additional sports would be feasible or how they should be offered if students' free time is limited. For example, if students indicate that they do not have a lot of time to devote to sports, you may want to offer the sport as an intramural sport rather than as an interscholastic sport.

1. If you are not participating in all the currently offered school sports in which you are interested, please indicate the reason(s). Mark all that apply.

- Not enough squads
- Tried out but did not make the team
- Conflicting afterschool activities (work, family responsibilities, etc.)
- I prefer other activities (band, chorus, etc.)
- Two of the sports in which I am interested are offered at the same time
- Parent wishes
- Low grades or I was ineligible for other reasons
- Sport not currently offered at my school
- Conflict with a coach
- The practice schedules and game times are inconvenient
- Poor facilities and equipment
- Poor quality coaching
- Conflict during the season of a particular sport
- Overlap of the season dates of several sports
- Too expensive
- Other: _____

2. If you currently participate in sports or if you are interested in participating in additional sports, if offered, please answer the following questions:

a. How many days per week are you able to participate in sports-related activities (practice, travel to and from events, participation in games and events)?

- 1 2 3 4 5 6

b. How many hours per day after school are you able to participate in sports-related activities (practice, travel to and from events, participation in games and events)?

- 1 2 3 4 5

c. Are you available for sports-related activities (practice, travel to and from events, participation in games and events) during evening hours and on weekends?

- Yes No

ATTACHMENT H
Sample Tally Sheet
Athletic Interest Survey

Girls Boys (Check one) / Grade(s): _____

School: _____ School Code: _____ Date: _____

INTERSCHOLASTIC SPORTS	(a) # of students interested in this sport	(b) # of interested students required to field a team in this sport	(c) Sufficient interest (a) > (b) (3)
Baseball	<input type="text"/>	<input type="text"/>	<input type="text"/>
Basketball	<input type="text"/>	<input type="text"/>	<input type="text"/>
Competitive Cheerleading	<input type="text"/>	<input type="text"/>	<input type="text"/>
Cross Country	<input type="text"/>	<input type="text"/>	<input type="text"/>
Football	<input type="text"/>	<input type="text"/>	<input type="text"/>
Golf	<input type="text"/>	<input type="text"/>	<input type="text"/>
Gymnastics	<input type="text"/>	<input type="text"/>	<input type="text"/>
Riflery	<input type="text"/>	<input type="text"/>	<input type="text"/>
Soccer	<input type="text"/>	<input type="text"/>	<input type="text"/>
Softball – Fast Pitch	<input type="text"/>	<input type="text"/>	<input type="text"/>
Softball – Slow Pitch	<input type="text"/>	<input type="text"/>	<input type="text"/>
Swimming and Diving	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tennis	<input type="text"/>	<input type="text"/>	<input type="text"/>
Track and Field	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volleyball	<input type="text"/>	<input type="text"/>	<input type="text"/>
Wrestling	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other _____	<input type="text"/>	<input type="text"/>	<input type="text"/>

INTRAMURAL SPORTS	(a) # of students interested in this sport	(b) # of interested students required to field intramural teams in this sport	(c) Sufficient interest (a) > (b) (3)
Archery	<input type="text"/>	<input type="text"/>	<input type="text"/>
Baseball	<input type="text"/>	<input type="text"/>	<input type="text"/>
Basketball	<input type="text"/>	<input type="text"/>	<input type="text"/>
Cross Country	<input type="text"/>	<input type="text"/>	<input type="text"/>
Football	<input type="text"/>	<input type="text"/>	<input type="text"/>
Golf	<input type="text"/>	<input type="text"/>	<input type="text"/>
Gymnastics	<input type="text"/>	<input type="text"/>	<input type="text"/>
Riflery	<input type="text"/>	<input type="text"/>	<input type="text"/>
Soccer	<input type="text"/>	<input type="text"/>	<input type="text"/>
Softball – Fast Pitch	<input type="text"/>	<input type="text"/>	<input type="text"/>
Softball – Slow Pitch	<input type="text"/>	<input type="text"/>	<input type="text"/>
Swimming and Diving	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tennis	<input type="text"/>	<input type="text"/>	<input type="text"/>
Track and Field	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volleyball	<input type="text"/>	<input type="text"/>	<input type="text"/>
Weight Lifting	<input type="text"/>	<input type="text"/>	<input type="text"/>
Wrestling	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other _____

ATTACHMENT I



SCHOOL SYSTEM COMPLIANCE REPORT
ON
GENDER EQUITY IN SPORTS

July 1, _____ to June 30, _____

1. School System: _____ Code: _____

2. Sports Equity Coordinator:

Name: _____

Address: _____

Phone: _____ FAX: _____

E-mail: _____

3. Method(s) used to notify all students of the Sports Equity Coordinator's name and contact information.

4. Attach copy of the local school system's adopted grievance procedures providing for prompt and equitable resolution of complaints pursuant to O.C.G.A. § 20-2-315(h).

Signature of Sports Equity Coordinator

Signature of Superintendent

Date

Date

Return this completed form by **August 30** to the following address:

Georgia Department of Education
Office of Legal Services
2054 Twin Towers East
Atlanta, Georgia 30334
Georgia Department of Education
Kathy Cox, State Superintendent of Schools
January 29, 2007 • Page 40 of 67

A. PARTICIPATION RATES

Enter the combined FTE figures (use October FTE count) and participation numbers for all schools in your school system that offer interscholastic and/or intramural sports. Add any additional sports to the list. Students participating in more than one sport shall be counted as a participant in each sport in which he or she participates.

(1) INTERSCHOLASTIC SPORTS:

Data reported on grades: _____

Number of students in these grades at schools that offer interscholastic sports:

	Number	Percent
Female	_____	_____
Male	_____	_____
Total	_____	100%

INTERSCHOLASTIC SPORT	NUMBER OF PARTICIPANTS	
	FEMALE	MALE
Baseball		
Basketball		
Cross Country		
Football		
Golf		
Gymnastics		
Riflery		
Soccer		
Softball – Fast Pitch		
Softball – Slow Pitch		
Swimming and Diving		
Tennis		
Track and Field		
Volleyball		
Wrestling		
Other _____		
Other _____		
TOTAL		
Competitive Cheerleading*		

* Note that the Office for Civil Rights does not recognize cheerleading as a sport for purposes of compliance with Title IX of the Education Amendments of 1972.

(2) INTRAMURAL SPORTS:

Data reported on grades: _____

Number of students in these grades at schools that offer intramural sports:

	Number	Percent
Female	_____	_____
Male	_____	_____
Total	_____	100%

INTRAMURAL SPORT	NUMBER OF PARTICIPANTS	
	FEMALE	MALE
Archery		
Baseball		
Basketball		
Cross Country		
Football		
Golf		
Gymnastics		
Riflery		
Soccer		
Softball – Fast Pitch		
Softball – Slow Pitch		
Swimming and Diving		
Tennis		
Track and Field		
Volleyball		
Weight Lifting		
Wrestling		
Other _____		
TOTAL		

B. FINANCIAL DATA

Include all actual expenditures for the following items. Include donations of services or items officially accepted, including booster club support. If expenditures are related to both the female and male athletic programs, prorate as accurately as possible the percentage attributable to each. In the event that it is unreasonably difficult to prorate specific items between the female and male programs, these items may be attached separately and labeled as "Expenditures for Both". This classification should be used very sparingly, as it is preferable to prorate these costs to the best of the school system's ability, if possible. Any items included and attached as "Expenditures for Both" must contain an explanation as to why such expenditures could not be reasonably prorated. Please refer to the *Gender Equity in Sports Resource Manual* for guidance in completing this chart.

EXPENDITURES	FEMALE	MALE
Athletic Administration (salaries of athletic directors, support personnel, etc.)		
Coaching Compensation (do not include teaching salaries)		
Extended Pay		
Other Salaries		
Benefits		
Tutoring for Athletes (provided due to the student's membership on an athletic team)		
Purchased Services (athletic insurance, referees, cellular telephones, pagers, etc.)		
Transportation (rented, leased, and owned vehicles)		
Team Travel Expenses		
Equipment and Supplies		
Uniforms		
Facility and Equipment Rental		
Publicity		
Medical and Training Facilities and Services		
Other Expenditures		
SUBTOTALS		
Capital Expenditures		
TOTALS		
Competitive Cheerleading* (all expenditures)		
<i>Please attach comments if needed to clarify or expand data</i>		

* Note that the Office for Civil Rights does not recognize cheerleading as a sport for purposes of compliance with Title IX of the Education Amendments of 1972.

C. EQUAL OPPORTUNITY DATA

Please answer the following questions with regard to your school system's provision of equal opportunities for both genders. These nine factors are found in Georgia's Equity in Sports Act (O.C.G.A. § 20-2-315). Please explain any responses that indicate that a disparity may exist in one or more aspects of the girls' and boys' athletic programs. Additional comments may be attached, if necessary.

1. Does the selection of sports and levels of competition at your school effectively accommodate the interests and abilities of members of both genders?

Y N

If no, please explain.

2. Are the quality, suitability, maintenance and replacement of equipment and supplies provided to both girls' and boys' teams comparable?

Y N

If no, please explain.

3. Are the opportunities for participation, practice, competition scheduling, competition before spectators, home competitions, or out-of-state contests comparable between girls' and boys' teams?

Y N

If no, please explain.

4. Are boys' and girls' teams provided comparable transportation, accommodations, and meal allowances for athletic events?

Y N

If no, please explain.

5. Are opportunities to receive coaching and academic tutoring comparable for girls' and boys' teams?

Y N

If no, please explain.

6. Are the training, experience, and other professional qualifications of coaches assigned to the boys' programs comparable to those coaches assigned to the girls' programs?

Y N

If no, please explain.

6.a. Are coaches for the boys' programs paid an equivalent amount to coaches for girls' programs assuming similar training, experience, success and other professional qualifications?

Y N

If no, please explain.

7. Are the quality, maintenance and convenience of locker rooms, practice facilities, and competitive facilities for boys' programs comparable to those for the girls' programs?

Y N

If no, please explain.

8. Is the provision of medical and training facilities and services to girls and boys comparable?

Y N

If no, please explain.

9. Are the boys' and girls' teams provided comparable promotion and publicity by the school?

Y N

If no, please explain.

OVERALL

Y N Do you believe your school system is currently providing equal opportunities for members of both genders in your athletic programs?

Y N If you do not believe your school system is providing equal opportunities, does your school system have a plan to provide such equal opportunities?

D. COMPLAINTS DATA

Please enter the total number of complaints received by schools in the local school system according to nature and status.

NATURE OF COMPLAINT	STATUS					
	Filed	Pending	Settled at local level	Appealed to State Board	Corrective plan ordered	Corrective plan implemented
Unequal treatment based on gender						
Lack of written grievance procedures						
Lack of notification to students identifying coordinator						
Not offering scholarship sport						
Not allowed to try out						
Selection of sports doesn't accommodate interests and abilities of both genders						
Unequal or inadequate:						
Equipment and supplies						
Scheduling of games and practice times						
Travel allowance						
Opportunity to receive coaching and academic tutoring						
Assignment and compensation of coaches and tutors						
Locker rooms, practice, and competitive facilities						
Medical and training facilities and services						
Publicity (school generated)						
Other: _____						

----- END OF REPORT -----

ATTACHMENT J



(Optional)
**SCHOOL COMPLIANCE REPORT
ON
GENDER EQUITY IN SPORTS**

July 1, _____ to June 30, _____

1. School System: _____ **Code:** _____

2. School: _____ **Grade(s):** _____ **Code:** _____

3. Employee responsible for completing this report:

Name: _____

Address: _____

Phone: _____ FAX: _____

E-mail: _____

4. Date completed: _____

A. PARTICIPATION RATES

Enter the combined FTE figures (use October FTE count) and participation numbers for this school. Add any additional sports to the list. Students participating in more than one sport shall be counted as a participant in each sport in which he or she participates.

(1) INTERSCHOLASTIC SPORTS:

Data reported on grades: _____

Number of students in these grades:

	Number	Percent
Female	_____	_____
Male	_____	_____
Total	_____	100%

INTERSCHOLASTIC SPORT	NUMBER OF PARTICIPANTS	
	FEMALE	MALE
Baseball		
Basketball		
Cross Country		
Football		
Golf		
Gymnastics		
Riflery		
Soccer		
Softball – Fast Pitch		
Softball – Slow Pitch		
Swimming and Diving		
Tennis		
Track and Field		
Volleyball		
Wrestling		
Other _____		
Other _____		
TOTAL		
Competitive Cheerleading*		

* Note that the Office for Civil Rights does not recognize cheerleading as a sport for purposes of compliance with Title IX of the Education Amendments of 1972.

(2) INTRAMURAL SPORTS:

Data reported on grades: _____

Number of students in these grades:

	Number	Percent
Female _____	_____	_____
Male _____	_____	_____
Total _____	_____	100%

INTRAMURAL SPORT	NUMBER OF PARTICIPANTS	
	FEMALE	MALE
Archery		
Baseball		
Basketball		
Cross Country		
Football		
Golf		
Gymnastics		
Riflery		
Soccer		
Softball – Fast Pitch		
Softball – Slow Pitch		
Swimming and Diving		
Tennis		
Track and Field		
Volleyball		
Weight Lifting		
Wrestling		
Other _____		
TOTAL		

B. FINANCIAL DATA

Include all actual expenditures for the following items. Include donations of services or items officially accepted, including booster club support. If expenditures are related to both the female and male athletic programs, prorate as accurately as possible the percentage attributable to each. In the event that it is unreasonably difficult to prorate specific items between the female and male programs, these items may be attached separately and labeled as "Expenditures for Both". This classification should be used very sparingly, as it is preferable to prorate these costs to the best of the school system's ability, if possible. Any items included and attached as "Expenditures for Both" must contain an explanation as to why such expenditures could not be reasonably prorated. Please refer to the *Gender Equity in Sports Resource Manual* for guidance in completing this chart.

EXPENDITURES	FEMALE	MALE
Athletic Administration (salaries of athletic directors, support personnel, etc.)		
Coaching Compensation (do not include teaching salaries)		
Extended Pay		
Other Salaries		
Benefits		
Tutoring for Athletes (provided due to the student's membership on an athletic team)		
Purchased Services (athletic insurance, referees, cellular telephones, pagers, etc.)		
Transportation (rented, leased, and owned vehicles)		
Team Travel Expenses		
Equipment and Supplies		
Uniforms		
Facility and Equipment Rental		
Publicity		
Medical and Training Facilities and Services		
Other Expenditures		
SUBTOTALS		
Capital Expenditures		
TOTALS		
Competitive Cheerleading* (all expenditures)		
<i>Please attach comments if needed to clarify or expand data</i>		

* Note that the Office for Civil Rights does not recognize cheerleading as a sport for purposes of compliance with Title IX of the Education Amendments of 1972.

C. EQUAL OPPORTUNITY DATA

Please answer the following questions with regard to your school's provision of equal opportunities for both genders. These nine factors are found in Georgia's Equity in Sports Act (O.C.G.A. § 20-2-315). Please explain any responses that indicate that a disparity may exist in one or more aspects of the girls' and boys' athletic programs. Additional comments may be attached, if necessary.

1. Does the selection of sports and levels of competition at your school effectively accommodate the interests and abilities of members of both genders?

Y N

If no, please explain.

2. Are the quality, suitability, maintenance and replacement of equipment and supplies provided to both girls' and boys' teams comparable?

Y N

If no, please explain.

3. Are the opportunities for participation, practice, competition scheduling, competition before spectators, home competitions, or out-of-state contests comparable between girls' and boys' teams?

Y N

If no, please explain.

4. Are boys' and girls' teams provided comparable transportation, accommodations, and meal allowances for athletic events?

Y N

If no, please explain.

5. Are opportunities to receive coaching and academic tutoring comparable for girls' and boys' teams?

Y N

If no, please explain.

6. Are the training, experience, and other professional qualifications of coaches assigned to the boys' programs comparable to those coaches assigned to the girls' programs?

Y N

If no, please explain.

6.a. Are coaches for the boys' programs paid an equivalent amount to coaches for girls' programs assuming similar training, experience, success and other professional qualifications?

Y N

If no, please explain.

7. Are the quality, maintenance and convenience of locker rooms, practice facilities, and competitive facilities for boys' programs comparable to those for the girls' programs?

Y N

If no, please explain.

8. Is the provision of medical and training facilities and services to girls and boys comparable?

Y N

If no, please explain.

9. Are the boys' and girls' teams provided comparable promotion and publicity by the school?

Y N

If no, please explain.

OVERALL

Y N Do you believe your school is currently providing equal opportunities for members of both genders in your athletic programs?

Y N If you do not believe your school is providing equal opportunities, does your school system have a plan to provide such equal opportunities?

D. COMPLAINTS DATA

Please enter the total number of complaints received by your school according to nature and status.

NATURE OF COMPLAINT	STATUS					
	Filed	Pending	Settled at local level	Appealed to State Board	Corrective plan ordered	Corrective plan implemented
Unequal treatment based on gender						
Lack of written grievance procedures						
Lack of notification to students identifying coordinator						
Not offering scholarship sport						
Not allowed to try out						
Selection of sports doesn't accommodate interests and abilities of both genders						
Unequal or inadequate:						
Equipment and supplies						
Scheduling of games and practice times						
Travel allowance						
Opportunity to receive coaching and academic tutoring						
Assignment and compensation of coaches and tutors						
Locker rooms, practice, and competitive facilities						
Medical and training facilities and services						
Publicity (school generated)						
Other: _____						

----- END OF REPORT -----

ATTACHMENT K

Equal Opportunity Data - Extended Questionnaire
(Optional)

EQUAL OPPORTUNITY DATA – EXTENDED QUESTIONNAIRE

The following questionnaire may be used to assist a local school system in completing the Equal Opportunity Data section of the School System Compliance Report. The nine sections here correspond to the nine questions included in the Compliance Report. These nine factors are found in Georgia's Equity in Sports Act (O.C.G.A. § 20-2-315). Please explain any responses that indicate that a disparity may exist in one or more aspects of the girls' and boys' athletic programs. Additional comments may be attached, if necessary. The language of this questionnaire is directed towards the school system level, but this may also be used at the school level.

1. Selection of sports and levels of competition that effectively accommodates the interests and abilities of members of both genders

- 1Y N Does your school system's participation rates in athletics reflect the percentage of students of each gender?
- 2Y N Does your school system have a plan in place to maintain or attain participation rates equivalent to the percentage of students of each gender?
- 3Y N Do the participation rates of each gender reflect the interest level of each gender?

Explanatory comments, if necessary:

2. Provision of equipment and supplies

Quality, quantity, suitability, maintenance and replacement, and availability

- 1Y N Is the quality of the equipment and supplies provided to both girls' and boys' teams comparable?
- 2Y N Is the quantity of the equipment and supplies provided to both girls' and boys' teams comparable?
- 3Y N Is the suitability of the equipment and supplies provided to both girls' and boys' teams comparable? (i.e. are they regulation, officially sanctioned, meeting the rules or specifications for the sport?)
- 4Y N Is the maintenance and replacement of the equipment and supplies provided to both girls' and boys' teams comparable?

- 5Y N** Is the availability of the equipment and supplies provided to both girls' and boys' teams comparable? (i.e. is the equipment stored near the practice and competitive areas and the locker room, are the supplies readily available for use by the team?)
- 6Y N** Is there a disparity between the reports from girls and boys as to dissatisfaction with the quality, quantity, suitability, maintenance and replacement, or availability of equipment and supplies for girls' and boys' teams?

Manner of providing

- 7Y N** Are boys' and girls' teams treated equally regarding the amount of equipment and supplies provided by the participants themselves?
- 8Y N** Are boys' and girls' teams treated equally regarding whether participation fees or fees for equipment and supplies are charged to team members or in the amount of fees?
- 9Y N** Is there a disparity between the reports from girls and boys as to dissatisfaction with the requirement to provide equipment and supplies by the participants themselves or with any participation fees or fees for equipment and supplies?

Explanatory comments, if necessary:

3. Scheduling of games and practice times

Competitive events

- 10Y N** Are girls' and boys' teams given equal opportunities to participate in the maximum number of competitions allowed for their team?
- 11Y N** Are boys' and girls' teams provided equivalent opportunities regarding the time of day competition is scheduled?
- 12Y N** Are boys' and girls' teams provided equivalent opportunities regarding the day of the week competition is scheduled?
- 13Y N** Are boys' and girls' teams provided an equivalent opportunity to compete before student and community spectators?
- 14Y N** Are boys' and girls' teams provided an equivalent opportunity to play competitions at home?
- 15Y N** Are boys' and girls' teams provided an equivalent opportunity to participate in out-of-state contests?
- 16Y N** Is there a disparity between the reports from girls and boys as to dissatisfaction with the opportunities for participation, competition scheduling, competition before spectators, home competitions, or out-of-state contests?

Practices

- 17Y** N Are boys' and girls' teams provided equivalent opportunities regarding the time of day practices are scheduled?
- 18Y** N Are boys' and girls' teams provided equivalent opportunities regarding the day of the week practices are scheduled?
- 19Y** N Are boys' and girls' teams provided equivalent opportunities regarding the number and length of practice opportunities?
- 20Y** N Is there a disparity between the reports from girls and boys as to dissatisfaction with practice scheduling, or number or length of practice opportunities?

Explanatory comments, if necessary:

4. Travel allowance

- 1Y** N Are boys' and girls' teams provided an equivalent type of transportation, such as new or old school buses, vans, private vehicles, etc.?
- 2Y** N Are boys' and girls teams provided an equivalent type of overnight accommodations, for away events?
- 3Y** N Are boys' and girls' team participants provided an equivalent meal allowance for away games?
- 4Y** N Is there a disparity between the reports from girls and boys as to dissatisfaction with travel related issues?

Explanatory comments, if necessary:

5. Opportunities to receive coaching and academic tutoring

Coaching

- 1Y** N Is the availability of full-time and part-time coaches for boys' and girls' teams equivalent?
- 2Y** N Is the ratio of coaches to team members for boys' and girls' teams equivalent?
- 3Y** N Is the number of girls' teams that have assistant coaches comparable with the number of boys' teams that have assistant coaches?
- 5Y** N Is there a disparity between the reports from girls and boys as to dissatisfaction with coaching availability or quality?

Tutoring

- 4Y N** Is the availability of tutors for boys' and girls' team members equivalent? (this refers only to tutoring available by virtue of participation in athletic programs)
- 6Y N** Is there a disparity between the reports from girls and boys as to dissatisfaction with tutoring availability or quality?

Explanatory comments, if necessary:

6. Assignment and compensation of coaches and tutors

Coaching

- 5Y N** Are the training, experience, and other professional qualifications of coaches assigned to the boys' programs equivalent to those coaches assigned to the girls' programs?
- 6Y N** Are coaches for the boys' programs given other assignments (non-coaching, such as teaching) in an equivalent manner as coaches for the girls' programs?
- 7Y N** Are coaches for the boys' programs paid an equivalent amount to coaches for girls' programs assuming similar training, experience, and other professional qualifications?
- 8Y N** Is the overall compensation provided for coaches for the boys' programs equivalent to the overall compensation provided for coaches for the girls' programs, including all benefits and bonuses, regardless of source?
- 7Y N** Is there a disparity between the reports from girls and boys as to dissatisfaction with coaching assignment and compensation?

Tutoring

- 9Y N** Are the training, experience, and other professional qualifications of tutors available to the boy athletes equivalent to those available to girl athletes?
- 10Y N** Are tutors for the boys' programs paid an equivalent amount to tutors for girls' programs assuming similar training, experience, and other professional qualifications?
- 11Y N** Is the overall compensation provided for tutors for the boys' programs equivalent to the overall compensation provided for tutors for the girls' programs, including all benefits and bonuses, regardless of source?
- 8Y N** Is there a disparity between the reports from girls and boys as to dissatisfaction with tutoring assignment and compensation?

Explanatory comments, if necessary:

7. Provision of locker rooms and practice and competitive facilities

Locker rooms

- 9Y** N Is the quality of locker room facilities for boys' programs equivalent to those for the girls' programs?
- 10Y** N Is the maintenance of locker room facilities for boys' programs equivalent to that for the girls' programs?
- 11Y** N Is the convenience of location of locker rooms facilities for boys' programs equivalent to that for the girls' programs?
- 12Y** N Is there a disparity between the reports from girls and boys as to dissatisfaction with the quality, maintenance, or convenience of location of locker room facilities?

Practice facilities

- 13Y** N Is the quality of the practice facilities for boys' programs equivalent to those for the girls' programs?
- 14Y** N Is the maintenance of practice facilities for boys' programs equivalent to those for the girls' programs?
- 15Y** N Is the lighting of outdoor practice facilities for boys' programs equivalent to those for the girls' programs?
- 16Y** N Is the convenience of location of practice facilities for boys' programs equivalent to those for the girls' programs?
- 17Y** N Is there a disparity between the reports from girls and boys as to dissatisfaction with the quality, maintenance, lighting, or convenience of location of practice facilities?

Competitive facilities

- 18Y** N Is the quality of the competitive facilities for boys' programs equivalent to that for the girls' programs?
- 19Y** N Is the maintenance of competitive facilities for boys' programs equivalent to that for the girls' programs?
- 20Y** N Is the lighting of outdoor competitive facilities for boys' programs equivalent to that for the girls' programs?
- 21Y** N Is the convenience of location of competitive facilities for boys' programs equivalent to that for the girls' programs?

22Y N Is there a disparity between the reports from girls and boys as to dissatisfaction with the quality, maintenance, lighting, or convenience of location of competitive facilities?

Explanatory comments, if necessary:

8. Provision of medical and training facilities and services

Medical facilities and services

21Y N Are the girls' and boys' programs provided equivalent access to medical facilities?

22Y N Are the girls' and boys' programs provided equivalent quality of medical facilities?

23Y N Are the girls' and boys' programs provided equivalent access to medical services?

24Y N Are the girls' and boys' programs provided equivalent quality of medical services?

25Y N Are the girls' and boys' programs provided equivalent coverage and opportunities for coverage regarding health, accident and injury insurance?

23Y N Is there a disparity between the reports from girls and boys as to dissatisfaction with the access to and quality of medical facilities and services and insurance?

Training facilities and services

26Y N Are the girls' and boys' programs provided equivalent access to training facilities, such as weight training and conditioning facilities?

27Y N Are the girls' and boys' programs provided equivalent quality of training facilities?

28Y N Are the girls' and boys' programs provided equivalent access to training services?

29Y N Are the girls' and boys' programs provided equivalent quality of training services?

24Y N Is there a disparity between the reports from girls and boys as to dissatisfaction with the access to and quality of training facilities and services?

Explanatory comments, if necessary:

9. Publicity

- 30Y N** Are the boys' and girls' teams provided equivalent promotion and publicity?
- 31Y N** Are the boys' and girls' teams provided equivalent personnel assigned to promote and publicize the teams, including both number of personnel as well as qualification of the personnel?
- 32Y N** Are the following publicity resources equally available to boys' and girls' teams in the school system?
- trophy cases
 - posters displayed
 - banners displayed
 - team photographs
 - layout in the yearbook
 - pep band at games
 - cheerleaders at home games
 - cheerleaders at away games
 - pep rallies before games
 - other special events (e.g. drill team performances, dances) coordinated with games
 - radio broadcasts
 - television broadcasts
 - press releases
 - local newspaper articles
 - school newspaper coverage
 - promotions on marquee/reader board
 - school announcements of upcoming events and competition results
 - programs for events
 - business promotional activities, e.g. calendars
- 25Y N** Is there a disparity between the reports from girls and boys as to dissatisfaction with the access to and quality of publicity and promotion?

Explanatory comments, if necessary:

OVERALL

- 33Y N** Do you believe your school system is currently providing equal opportunities for members of both genders in your athletic programs?

34Y N If you do not believe your school system is providing equal opportunities, does your school system have a plan to provide such equal opportunities?

ATTACHMENT L

OCR 1975 Memorandum to Chief State School Officers
(Describes OCR position on cheerleading and booster clubs)

U.S. Department of Education, Office for Civil Rights
Doc. No. 00036 DATE: November 11, 1975
Typed From Original Copy

September 1975

TO : Chief State School Officers, Superintendents of Local Educational
Agencies and College and University Presidents

FROM : Director, Office for Civil Rights

SUBJECT: Elimination of Sex Discrimination in Athletic Programs

Title IX of the Education Amendments of 1972 and the Departmental Regulation (45 CFR Part 86) promulgated thereunder prohibit discrimination on the basis of sex in the operation of most federally-assisted education programs. The regulation became effective on July 21, 1975.

During the forty-five day period immediately following approval by the President and publication of the regulation on June 4, 1975, concerns were raised about the immediate obligations of educational institutions to comply with certain sections of the Departmental Regulation as they relate to athletic programs. These concerns, in part, focus on the application of the adjustment period provision (86.41 (d)) to the various non-discrimination requirements, and additionally, on how educational institutions can carry out the self-evaluation requirement (86.3(c)).

This memorandum provides guidance with respect to the major first year responsibilities of an educational institution to ensure equal opportunity in the operation of both its athletic activities and its athletic scholarship programs. Practical experience derived from actual on-site compliance reviews and the concomitant development of greater governmental expertise on the application of the Regulation to athletic activities may, of course, result in further or revised guidance being issued in the future. Thus, as affected institutions proceed to conform their programs with the Department's regulation, they and other interested persons are encouraged to review carefully the operation of these guidelines and to provide the Department with the benefit of their views.

Basic Requirements

There are two major substantive provisions of the regulation which define the basic responsibility of educational institutions to provide equal opportunity to members of both sexes interested in participating in the athletics programs institutions offer.

Section 86.41 prohibits discrimination on the basis of sex in the operation of any interscholastic, intercollegiate, club or intramural athletic program offered by an educational institution. Section 86.37(c) sets forth requirements for ensuring equal opportunity in the provision of athletic scholarships.

These sections apply to each segment of the athletic program of a federally assisted educational institution whether or not that segment is the subject of direct financial support through the Department. Thus, the fact that a particular segment of an athletic program is supported by funds received from various other sources (such as student fees, general revenues, gate receipts, alumni donations, booster clubs, and non-profit foundations) does not remove it from the reach of the statute and hence of the regulatory requirements. However, drill teams, cheerleaders and the like, which are covered more generally as extracurricular activities under section 86.31, and instructional offerings such as physical education and health classes, which are covered under section 86.34, are not a part of the institution's "athletic program" within the meaning of the regulation.

Section 86.41 does not address the administrative structure(s) which are used by educational institutions for athletic programs. Accordingly, institutions are not precluded from employing separate administrative structures for men's and women's sports (if separate teams exist) or a unitary structure. However, when educational institutions evaluate whether they are in compliance with the provisions of the regulation relating to non-discrimination in employment, they must carefully assess the effects on employees of both sexes of current and any proposed administrative structure and related coaching assignments. Changes in current administrative structure(s) or coaching assignments which have a disproportionately adverse effect on the employment opportunities of employees of one sex are prohibited by the regulation.

Self-Evaluation and Adjustment Periods

Section 86.3(c) generally requires that by July 21, 1976, educational institutions (1) carefully evaluate current policies and practices (including those related to the operation of athletic programs) in terms of compliance with those provisions and (2) where such policies or practices are inconsistent with the regulation, conform current policies and practices to the requirements of the regulation.

An institution's evaluation of its athletic program must include every area of the program covered by the regulation. All sports are to be included in this overall assessment, whether they are contact or non-contact sports. With respect to athletic programs, section 86.41 (d) sets specific time limitations on the attainment of total conformity of institutional policies and practices with the requirements of the regulation up to one year for elementary schools and up to three years for all other educational institutions.

Because of the integral relationship of the provision relating to athletic scholarships and the provision relating to the operation of athletic programs, the adjustment periods for both are the same.

The adjustment period is not a waiting period. Institutions must begin now to take whatever steps are necessary to ensure full compliance as quickly as possible. Schools may design an approach for achieving full compliance tailored to their own circumstances; however, self-evaluation, as required by section 86.3 (c) is a very important step for every institution to assure compliance with the entire Title IX regulation, as well as with the athletics provisions.

Required First Year Actions

School districts, as well as colleges and universities, are obligated to perform a self-evaluation of their entire education program, including the athletics program, prior to July 21, 1976. School districts which offer interscholastic or intramural athletics at the elementary school level must immediately take significant steps to accommodate the interests and abilities of elementary school pupils of both sexes, including steps to eliminate obstacles to compliance such as inequities in the provision of equipment, scheduling and the assignment of coaches and other supervisory personnel. As indicated earlier, school districts must conform their total athletic program at the elementary level to the requirements of section 86.41 no later than July 21, 1976.

In order to comply with the various requirements of the regulation addressed to nondiscrimination in athletic programs, educational institutions operating athletic programs above the elementary level should:

- (1) Compare the requirements of the regulation addressed to nondiscrimination in athletic programs and equal opportunity in the provision of athletic scholarships with current policies and practices;

- (2) Determine the interests of both sexes in the sports to be offered by the institution and, where the sport is a contact sport or where participants are selected on the basis of competition, also determine the relative abilities of members of each sex for each such sport offered, in order to decide whether to have single sex teams or teams composed of both sexes. (Abilities might be determined through try-outs or by relying upon the knowledge of athletic teaching staff, administrators and athletic conference and league representatives.)

- (3) Develop a plan to accommodate effectively the interests and abilities of both sexes, which plan must be fully implemented as expeditiously as possible and in no event later than July 21, 1978. Although the plan need not be submitted to the Office for Civil Rights, institutions should consider publicizing such plans so as to gain the assistance of students, faculty, etc. in complying with them.

Assessment of Interests and Abilities

In determining student interests and abilities as described in (2) above, educational institutions as part of the self-evaluation process should draw the broadest possible base of information. An effort should be made to obtain the participation of all segments of the educational community affected by the athletics program, and any reasonable method adopted by an institution to obtain such participation will be acceptable.

Separate Teams

The second type of determination discussed in (2) above relates to the manner in which a given sports activity is to be offered. Contact sports and sports for which teams are chosen by competition may be offered either separately or on a unitary basis.

Contact sports are defined as football, basketball, boxing, wrestling, rugby, ice hockey and any other sport the purpose or major activity of which involves bodily contact. Such sports may be offered separately.

If by opening a team to both sexes in a contact sport an educational institution does not effectively accommodate the abilities of members of both sexes (see 86.41(c) (i)), separate teams in that sport will be required if both men and women express interest in the sport and the interests of both sexes are not otherwise accommodated. For example an institution would not be effectively accommodating the interests and abilities of women if it abolished all its women's teams and opened up its men's teams to women, but only a few women were able to qualify for the men's teams.

Equal Opportunity

In the development of the total athletic program referred to in (3) above, educational institutions, in order to accommodate effectively the interests and abilities of both sexes, must ensure that equal opportunity exists in both the conduct of athletic programs and the provision of athletic scholarships.

Section 86.41(c) requires equal opportunity in athletic programs for men and women. Specific factors which should be used by an educational institution during its self-evaluative planning to determine whether equal opportunity exists in its plan for its total athletic program are:

- the nature and extent of the sports programs to be offered (including the levels of competition, such as varsity, club, etc.);
- the provision of equipment and supplies;
- the scheduling of games and practice time;
- the provision of travel and per diem allowances;
- the nature and extent of the opportunity to receive coaching and academic tutoring;
- the assignment and compensation of coaches and tutors;
- the provision of locker rooms, practice and competitive facilities;
- the provision of medical and training facilities and services;
- the provision of housing and dining facilities and services;
- the nature and extent of publicity.

Overall Objective

The point of the regulation is not to be so inflexible as to require identical treatment in each of the matters listed under section 86.41(c). During the process of self-evaluation, institutions should examine all of the athletic opportunities for men and women and make a determination as to whether each has an equal opportunity to compete in athletics in a meaningful way. The equal opportunity emphasis in the regulation addresses the totality of the athletic program of the institution rather than each sport offered. Educational institutions are not required to duplicate their men's program for women. The thrust of the effort should be on the contribution of each of the

categories to the overall goal of equal opportunity in athletics rather than on the details related to each of the categories.

While the impact of expenditures for sex identifiable sports programs should be carefully considered in determining whether equal opportunity in athletics exists for both sexes, equal aggregate expenditures for male and female teams are not required. Rather, the pattern of expenditures should not result in a disparate effect on opportunity. Recipients must not discriminate on the basis of sex in the provision of necessary equipment, supplies, facilities, and publicity for sports programs. The fact that differences in expenditures may occur because of varying costs attributable to differences in equipment requirements and levels of spectator interest does not obviate in any way the responsibility of educational institutions to provide equal opportunity.

Athletic Scholarships

As part of the self-evaluation and planning process discussed above, educational institutions must also ensure that equal opportunity exists in the provision of athletic scholarships. Section 86.37(c) provides that "reasonable opportunities" for athletic scholarships should be "in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics."

Following the approach of permitting separate teams, section 86.37(c) of the regulation permits the overall allocation of athletic scholarships on the basis of sex. No such separate treatment is permitted for non-athletic scholarships.

The thrust of the athletic scholarship section is the concept of reasonableness, not strict proportionality in the allocation of scholarships. The degree of interest and participation of male and female students in athletics is the critical factor in determining whether the allocation of athletic scholarships conforms to the requirements of the regulation. Neither quotas nor fixed percentages of any type are required under the regulation. Rather, the institution is required to take a reasonable approach in its award of athletic scholarships, considering the participation and relative interests and athletic proficiency of its student of both sexes. Institutions should assess whether male and female athletes in sports at comparable levels of competition are afforded approximately the same opportunities to obtain scholarships. Where the sports offered or the levels of competition differ for male and female students, the institution should assess its athletic scholarship program to determine whether overall opportunities to receive athletic scholarships are roughly proportionate to the number of students of each sex participating in intercollegiate athletics.

If an educational institution decides not to make an overall proportionate allocation of athletic scholarships on the basis of sex, and thus, decides to award such scholarships by other means such as applying general standards to applicants of both sexes, institutions should determine whether the standards used to award scholarships are neutral, i.e. based on criteria which do not inherently disadvantage members of either sex. There are a number of "neutral" standards which might be used including financial need, athletic proficiency or a combination of both. For example, an institution may wish to award its athletic scholarships to all applicants on the basis of need after a determination of a certain level of athletic proficiency. This would be permissible even if it results in a pattern of award which differs from the relative levels of interests or participation of men and women students so

long as the initial determination of athletic proficiency is based on neutral standards. However, if such standards are not neutral in substance or in application then different standards would have to be developed and the use of the discriminatory standard discontinued. For example, when "ability" is used as a basis for scholarship award and the range of ability in a particular sport, at the time, differs widely between the sexes, separate norms must be developed for each sex.

Availability of Assistance

We in the Office for Civil Rights will be pleased to do everything possible to assist school officials to meet their Title IX responsibilities. The names, addresses and telephone numbers of Regional Offices for Civil Rights are attached.

/s/

Peter E. Holmes
