AN ANALYSIS OF THE PERCEPTION OF THE DEGREE OF COMPLIANCE OF
SELECTED TEXAS PUBLIC HIGH SCHOOLS WITH TITLE IX
OF THE EDUCATION AMENDMENTS OF 1972

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In recent years, few laws have had greater impact on public education than Title IX of the Education Amendments of 1972. As a result of this legislation, participation levels of female athletes have risen dramatically. Conducted in the Texas Education Agency’s Region XI, this study sought to ascertain the perceptions of high school principals, the lead coaches of male athletes, and the lead coaches of female athletes with regard to their schools’ compliance with the components of Title IX.

The study centered on the results of a survey instrument that included twenty Likert-scale questions as well as several demographic questions. The research questions sought to determine: (1) respondents’ overall perception of compliance; (2) any differences in perceptions of compliance based upon the role of the individual; (3) any differences in perceptions based upon the percentage of students qualifying for free and reduced lunch; (4) any differences based upon the state classification of the schools; (5) any differences based upon the gender of respondents; (6) whether complaints filed via OCR result in a perception of increased compliance; and (7) the program component areas in which respondents view their schools to be most compliant.

Descriptive and causal-comparative methods were used to analyze the data. The results revealed that school leaders in north central Texas public high schools perceived a high degree of compliance of their schools with the requirements of Title IX regardless of their role. A descriptive analysis of the responses based upon respondent role yielded slight differences between coaches of males and females. An ANOVA of responses considering the variables of
free and reduced lunch as well as state classification did not yield a statistical significance in terms of perceptions of compliance. Although the mean scores of female respondents were slightly lower than males, the research did not yield statistically significant differences based upon gender. The study was inconclusive in terms of whether districts that have experienced formal Title IX complaints are more compliant with Title IX. Finally, the study indicated that school leaders should focus more attention on the areas of coaching assignment and compensation as well as publicity as they seek to comply with Title IX.
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CHAPTER 1
INTRODUCTION

In 1972, the winds of political and social change altered forever the way that Americans lived and thought about our most fundamental institutions. In Title IX of the Education Amendments of 1972, lawmakers laid the groundwork for sweeping changes in the ways that male and female students would be treated by any educational institution or program receiving federal funds. The statute read in part:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. (20 U.S.C. § 1681)

As with most social changes of that era in American history, enactment of legislation did not result in an immediate change in the social ill it was intended to address. The slowness in implementation was particularly evident in the area of intercollegiate and interscholastic athletics, where wide disparities existed between the athletic opportunities afforded males but not females. Suggs (2002, June 21) reported, “In 1972, only a tiny number of colleges had varsity sports for women… That year, there were just under 30,000 women in college varsity and recreational programs…compared with 170,000 men” (¶ 9). Nevertheless, aided by the courts, the enforcement of Title IX did begin to shape and influence the world of athletics, particularly at the intercollegiate level. Despite remaining disparities between money spent on men’s and women’s athletic programs, “According to a 1979 federal report, the number of women participating in varsity sports rose to 62,886 in 1976” (¶ 22).

In the case of Cannon v. University of Chicago (1979), the courts secured the individuals’ private right of action in bringing Title IX actions to the judiciary without having to exhaust a
series of administrative procedures. Yudof, Kirp, and Levin (1992) commented, “Because all federal agencies have too little staff to effectively address the range of disputes presented to them, private enforcement [served] as a useful supplement to official enforcement efforts” (p. 791). Thus, Title IX enforcement efforts continued to gain ground, particularly with regard to intercollegiate athletics as individuals around the country began to more readily assert the protection afforded by the provision.

Proponents of the gender equity in athletics movement suffered a setback in 1984 with the decision reached by the courts in Grove City College v. Bell (1984). That landmark decision limited the scope of Title IX enforcement to the specific programs or activities that directly received federal funding. During the period immediately following Grove City, the Office of Civil Rights was forced to pull back its enforcement efforts because so few athletic programs received direct federal financial support. In 1988, however, Congress launched a counter-attack with the passage of The Civil Rights Restoration Act (1988). That legislation, in effect, overturned the Grove City case by redefining Title IX’s application to institutions that receive federal assistance in any manner by any department.

The same year that Title IX reached its twentieth anniversary, the U.S. Supreme Court decided the case of Franklin v. Gwinnett County Public Schools (1992), establishing a damages remedy for actions brought to enforce the provisions of Title IX. Essentially, the 1992 Franklin case added monetary teeth to the private right of action established by the Cannon case. The Grove City and Franklin cases had set the stage for increased attention and enforcement of Title IX, both at the collegiate and interscholastic levels.

This study was initiated against the backdrop of increased scrutiny of interscholastic athletic programs. The current study focused on the extent of Title IX implementation in Texas
public school districts served by the Region XI Education Service Center of the Texas Education Agency (Region XI). Region XI is located in north central Texas and includes large urban school districts such as the Fort Worth Independent School District as well as numerous outlying rural school districts. The Region XI Website indicates, “In an area covering 10 counties of North Texas, Region XI services an area equal to the state of New Jersey in size” (¶ 2). Additionally, the region includes 78 public school districts that serve more than 400,000 students. The researcher surveyed the opinions of key personnel in each of those districts’ high schools with regard to their perceptions of their schools with the components of Title IX.

Specifically, the goal of the study was to determine the degree of implementation of Title IX’s interscholastic athletic requirements as perceived by principals, lead coaches of male athletes, and lead coaches of female athletes in Texas public high schools. The researcher used survey instruments based upon the regulatory framework established in 1979 by the Office for Civil Rights in order to determine compliance with Title IX. Covering those aspects of the regulations that are relevant to interscholastic athletics, an additional goal of the study was to gain insight regarding patterns of compliance (or non-compliance).

Statement of the Problem

The problem of the study was to ascertain the degree to which selected Texas public school districts are perceived by school leaders to be compliant with the provisions of Title IX of the Education Amendments of 1972. The school leaders included the high school principal, the lead coach of male athletes, and the lead coach of female athletes.
Purpose of the Study

The purposes of this study were to identify: (a) the differences in perceptions of high school principals, lead coaches of male athletes, and lead coaches of female athletes with regard to individual districts’ levels of compliance with Title IX interscholastic athletic provisions; and (b) patterns that indicate specific areas of compliance or non-compliance among the districts with respect to Title IX.

Research Questions

The areas of exploratory inquiry addressed in the study included the following:

1. To what degree are high schools in Region XI perceived by high school principals, lead coaches of male athletes, and lead coaches of female athletes to be compliant with Title IX, specifically regarding the provisions related to interscholastic athletics?

2. What differences exist among the responses of high school principals, the lead coach of male athletes, and the lead coach of female athletes in their perceived degree of implementation of Title IX?

3. What differences exist in the perceived degree of implementation of Title IX when comparing schools with higher rates of students who qualify for free and reduced lunch status to schools with lower rates of students who qualify for free and reduced lunch?

4. What differences exist in the perceived degree of implementation of Title IX when considering the state classification of the high school?

5. What differences exist in the perceived degree of compliance with Title IX when considering the gender of the survey respondents?

6. Do complaints filed via the OCR result in a perception of increased compliance with Title IX?

7. In which Title IX areas (as identified by the OCR) do the selected school leaders perceive that their schools are most compliant and least compliant with the requirements of Title IX?
Significance of the Study

The researcher’s review of the literature relating to Title IX revealed that the vast majority of research and commentary focuses on the collegiate arena of athletics. Comparatively little research has taken place regarding the law’s impact on interscholastic (high school) athletic programs. Still less information exists regarding the level of compliance by high schools in Texas.

As stated in the June, 2002, National Coalition for Women and Girls in Education’s report, *Title IX at 30: Report Card on Gender Equity*, “…despite the progress, barriers remain and more must be done to make Title IX the vehicle for equity it was intended to be” (p. 1). Most agree there is a fundamental rightness in the efforts of schools to provide equality of opportunity for members of both sexes. Additionally, in Texas, where school funding is in a crisis situation in many districts, the possibility of losing federal funding as a result of failure to comply with the provisions of Title IX underscores the importance of research in this area. In the same vein, compensatory damages available under the precedent set in the *Franklin* case further raise the financial stakes for any district that might fall out of compliance with the law.

The study was intended to offer practical insight to school leaders. Although the researcher encountered studies that considered the perceptions of principals with regard to Title IX, this study went farther by comparing and contrasting the viewpoints of principals, lead coaches of males, and lead coaches of females. For example, for practitioners in the field, understanding that Region XI’s head volleyball coaches perceived a lower level of compliance with Title IX than head football coaches may offer important insight as to how to approach public relations matters that surround athletic equity efforts. On the other hand, if relatively equal
perceptions existed among those three groups of school leaders, practitioners may take greater
certainty that the regions schools are acting in accordance with the law.

If districts that have had Office of Civil Rights complaints filed against them are
perceived to be more compliant by stakeholders, perhaps the lessons they have learned might
suggest ways that other school leaders can identify potential problems in their school’s programs
and work to avoid the potential costs of a complaint filed through OCR.

In 1995, Dr. Sandra Davis Maddox earned her degree from the University of North Texas
with a study of Texas public schools and the level of implementation of Title IX. In the nine
years since, the political landscape has changed considerably. A report by the National Coalition
for Women and Girls in Education (2002) stated,

In 1996 Congress eliminated funding under Title IV of the Civil Rights Act of 1964 for
programs that had for two decades supported Title IX and gender-equity services in 49
state education agencies… Of further concern is a growing movement to roll back Title
IX protections. Attacks on Title IX and gender equity have been growing, highlighted by
the popular media and in the Republican presidential agenda during the 2000 election”
(pp. 3-4).

Such attacks came from groups such as the National Wrestling Coaches Association, which view
Title IX negatively in light of the decision of many colleges and universities to reduce the
number of men’s athletic programs in order achieve equity between male and females. This
study was initiated against the changing political background and, as such, should prove to be
significant to those practitioners and researchers in the field of education dealing with equity
issues.

Definition of Terms

The following terms are defined as they relate to this study:
**Interscholastic athletics.** Athletics programs found in the Kindergarten through 12th grade educational setting. The proposed study will focus on athletic programs at the high school levels (9th-12th grades).

**Policy interpretation.** In 1979, the Office of Civil Rights issued an *Intercollegiate Athletics Policy Interpretation* to clarify the Title IX federal regulatory requirements for athletics programs that were implemented by the U.S. Department of Education on July 21, 1975 (Bonnette, NCAA Website, 2004).

**Title IX.** Refers to Title IX of the Education Amendments of 1972, a federal civil rights statute that prohibits sex discrimination in education programs, including athletics programs that receive or benefit from federal funding (Bonnette, NCAA Website, 2004, Introduction section, ¶ 1).

**The three-part test.** In 1996, the Office of Civil Rights issued the *Clarification of Intercollegiate Athletics Policy Guidance: The Three Part Test*, which allows institutions to comply with Title IX by choosing one of three tests:

1. Provide participation opportunities for women and men that are substantially proportionate to their respective rates of enrollment; OR
2. Demonstrate a history and continuing practice of program expansion for the underrepresented sex; OR
3. Fully and effectively accommodate the interests and abilities of the underrepresented sex. (Bonnette, NCAA Website, 2004)

**Delimitations**

There were several delimitations to consider relative to this study that may impact the ability to generalize its results. They included, but may not be limited to the following:

1. The data in this study were collected only from schools located within the boundaries of Region XI as defined by the Texas Education Agency.
2. This study gathered data only from high school campus principals, the lead boys’ coach, and the lead girls’ coach on each campus.

3. The information relative to compliance with Title IX was limited to the knowledge and honesty of respondents.

4. The results of this study were limited by any constraints inherent in the survey methodology utilized.

Organization of the Study

The dissertation is comprised of five chapters. The first chapter offers an overview of the study and provides some background regarding Title IX of the Education Amendments of 1972, the law upon which this study is based. The second chapter gives readers a more detailed understanding of the literature surrounding the topic of Title IX and attempts by public school systems to remain or to gain compliance regarding sex equity in sports. The third chapter provides a specific look at the methodology used to conduct the study, and the fourth chapter will indicate the specific findings gathered through the research process. Finally, chapter 5 discusses the conclusions and relevant implications of the study for educational practitioners. Additionally, chapter five makes recommendations for areas of potential future study by educational researchers.
CHAPTER 2

REVIEW OF THE LITERATURE

Regarding the education of girls and women in the United States, Title IX of the 1972 Education Amendments to the 1964 Civil Rights Act has been the great hope of women’s rights advocates for a [sic] over a quarter century, a period long enough to see another generation of students graduated into adulthood. (Golombisky, 1998, p. 3)

As the United States continues the long journey toward equality of opportunity for males and females in athletics, much has been and will continue to be written about the nation’s progress toward that lofty goal. In 2001-2002, more than 2.5 million girls participated in high school athletics on a national level. That figure compares to fewer than 500,000 girls participating at that level at the time of the passage of Title IX of the Education Amendments of 1972. Clearly, the success of Title IX with regard to efforts to level the playing field is undeniable and significant (U.S. Department of Education, 2003).

In order to complete a comprehensive review of the literature associated with Title IX and compliance with the law, the researcher explored a number of electronic databases available through the University of North Texas’ electronic resources library. The ERIC databases as well as the Dissertations Abstracts database were the most frequently accessed sources of information. Additionally, the LEXIS-NEXIS ® database was useful for information related to litigation of Title IX. The researcher accessed several books related to the topic of sex discrimination, women in sports, and the ongoing quest for constitutionally protected equality.

A number of Websites were extremely helpful in gaining a complete review of Title IX and related topics. The search included sites related to the advancement of women socially and athletically, as well as extensive use of the U.S. Department of Education Website, specifically the Office for Civil Rights’ site. Finally, through the use of the Freedom of Information Act, the researcher was able to secure from the Dallas office of the Office for Civil Rights documents
related to Title IX complaints filed against school districts served by the Texas Education Agency’s Educational Service Center, Region XI.

The review of related literature begins with a look at the ongoing discrimination faced by women in sports that led to the inception of Title IX. In this chapter the researcher provides the historical background leading to the passage of Title IX and will describe the emergence of legislation, litigation, policy, and regulation related to discrimination. Additionally, chapter 2 includes a discussion of the steps schools take in order to achieve and maintain compliance with Title IX. The chapter also explores relevant compliance issues by means of a thorough review of all known examples of Title IX complaints filed against public school districts located within Region XI of Texas (as defined by the Texas Education Agency). Finally, this chapter includes a discussion of contemporary issues surrounding the implementation of Title IX.

Ongoing Discrimination Faced by Women

Gilbert and Williamson (1973) claimed, “There is no sharper example of discrimination today than that which operates against girls and women who take part in competitive sports” (p.88). That bold statement made in *Sports Illustrated* presents clearly the drastic differences in opportunities for women and men in the arena of competitive athletics during the 1960s and 1970s in the United States. One need only look at the statistics at the dawn of the Title IX era to see the uphill climb of discrimination faced by women in the world of sports. A U.S. Department of Education (2003) document reported, “In 1971, 294,015 girls participated in high school athletics. Today, over 2.7 million girls participate in high school athletics. This represents an 847 percent increase” (p. 2).
Undeniably, there have been some extraordinary gains in the past 30 years. Nonetheless, the battle for equity by female athletes was representative of other battles being waged at various levels of society by women in the 20th century. Indeed, it would be unfair to characterize the world of sports to be starkly different from the rest of American society for much of our nation’s history. Limitations on women in terms of owning property, suffrage, and holding certain jobs were widespread, common, and expected for much of the first two centuries of the nation’s existence. A U.S. Department of Education (2003) document argued, “These discriminatory restrictions and burdens were not imposed upon women because they lacked the requisite capacity to engage in these activities. In large part, they were imposed because of society’s limited view of the ‘proper’ role for girls and women” (p. 12).

Some researchers hold that such discriminatory practices continue even today when one considers that the most popular female athletes are not only those who exhibit exceptional athletic skill, but who also conform to our society’s notions of what a woman should be. In her essay, Heroines: Paving the Way, Paul (1993) points to athletes such as tennis stars Monica Seles and Jennifer Capriati as examples of a continuing discriminatory view of females in sport. She writes, “It appears that the women who come closest to receiving adulation from the public for their sporting exploits are those who not only have exceptional skill, but also fit the model of femininity” (In Cohen, 1993, p. 27).

Early in the 20th century, women began to be accepted in certain arenas of the sports world, so long as such endeavors were not perceived to be overly aggressive or of a professional nature. Fields (2000) commented, “Women were not supposed to be overly competitive—that was a masculine trait—and they were to avoid contact which could lead to injury…Thus games like tennis, golf and swimming were, on an amateur level, acceptable” (p. 9). Despite such
stereotyping, the early years of the 20th century saw an increase in the organization, standardization, and governance of women’s sports. Welch (1993) related:

Leaders in the American Physical Education Association recognized the expansion of women’s sports and replaced the National Women’s Basketball Committee with the Committee on Women’s Athletics (CWA) in 1917. By 1922, there were six committees functioning under the auspices of the CWA, concerned with basketball, field hockey, swimming, track and field, soccer, and publicity. (In Cohen, 1993, p. 69)

Such early organizational bodies were not intended to act in a legislative or controlling manner over women’s athletics. Rather, they were developed to set standards and develop comprehensive athletic activities for females. The sports world was slowly beginning to open its doors to women.

Images of Rosie, the Riveter, are certainly pervasive in the mind of even the most casual observer of the history of American women in the 20th century. Out of necessity spurned on by our nation’s engagement in a full-scale world war, women found themselves filling a void in a number of jobs previously held exclusively by men. Kessler-Harris (2001) notes in her book, In Pursuit of Equity, that, following the war, “…more than 75 percent of war-working women told pollsters that they wanted to continue in their jobs after the war ended” (p. 208). Nevertheless, the vast majority of those working women returned to their pre-war lives with little or no struggle.

The Historical Background of Title IX and the Emergence of Legislation, Litigation, Policy, and Regulation

Concurrent to the pivotal, historical event of women in the World War II era workforce, African-Americans were playing a critical role in the newly integrated military of the Second World War. Fields (2000) explained, “The women’s movement arose directly from the civil rights movement, a movement which itself had begun during World War II when African-
Americans resented the racial distinctions in both the military and in the general American culture” (p.11). Certainly, significant strides in the equality of women had been made prior to that era as evidenced by such landmark gains as women’s suffrage. Nonetheless, the notion that the struggle of women is a matter of civil rights seems closely tied to the challenges faced by those seeking to end racial segregation and discrimination. In *Educational Policy and the Law*, President Harry S. Truman is quoted, “We shall not...finally achieve the ideals for which this nation was founded so long as any American suffers discrimination as a result of his race, or religion, or color, or the land of origin of his forefathers” (cited in Yudof et al., 1992, p. 480). Although the vernacular of the day was noticeably sexist in its delivery, clearly a new day of awareness was dawning with regard to civil rights.

Few would argue that one of the most significant historical events of the 20th century came in the form of the landmark Supreme Court ruling in *Brown v. Board of Education* (1954). The *Brown* decision, which ended the long-standing “separate, but equal doctrine” with regard to racial segregation in public schools, set the stage for the modern day Civil Rights movement. Rooted in the protections afforded by the Fourteenth Amendment of the United States Constitution that state governments afford equal protection under the law, “…the Court in *Brown* laid the groundwork for equality to guide numerous public policy decisions in the years to come” (Salamone, 1986, p. 4).

In the 1960s, President Lyndon Johnson revived an approach to federal governance that had not been used since the days of President Franklin Roosevelt. In the form of a sweeping legislative initiative intended to achieve what President Johnson called “The Great Society,” he embarked on his “War on Poverty.” Salamone (1986) explained:

>[This] policy advanced a two-pronged attack on combating the effects of poverty and promoting equal educational opportunity—what has since been called a *carrot and stick*
approach. The first step was to enact a series of prohibitions to assure the equal treatment of minority members of society. The second was to use the power of the federal purse to induce compliance. (p. 4)

One of the cornerstone bills in that legislative package was the Civil Rights Act of 1964. Title VI of that legislation, in some respects, provided a model for Title IX, as it prohibited discrimination based upon race by any entity that is a recipient of federal funds. Similarly, Title IX would eventually employ the leverage of federal funding to support the desired social change of non-discrimination.

For years, across the nation, marked differences existed in the level of funding afforded boys’ athletic teams and girls’ teams. For example, Gilbert and Williamson (1973) reported, “In 1971 in Iowa City, Iowa, the school district budgeted $60,000 for the twelve boys’ varsity teams and about $200 for the girls’ tennis and swim teams” (p. 62).

From a statistical standpoint, it is hard to argue that Title IX has not improved the standing of female athletes since the legislation’s inception in 1972. As stated in the report, *Title IX at 30: A Report Card on Gender Equity* (2002), by the National Coalition for Women and Girls in Education, “In 1971 fewer than 295,000 girls participated in high school varsity athletics, accounting for just 7 percent of all high school varsity athletes… By 2001 nearly 2.8 million girls participated in athletics, representing 41.5 percent of varsity athletes in U.S. high schools—an increase of more than 847 percent from 1971” (pp. 14-15).

On the heels of the Civil Rights movement of the 1950s and 1960s, the nation seemed primed for legislation regarding sex discrimination in the early 1970s. Attempts to modify Titles VI and VII of the Civil Rights Act of 1964 were unsuccessful. Valentin (1997) explained, “Honoring the requests of African American leaders and their supporters, who feared that the process of amending [the Civil Rights Act] could weaken its coverage, Representative [Edith]
Green [D-Ohio] proposed a separate and new title, which became the now famous Title IX” (p. 2). The statute states in part:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. (Title IX of 20 U.S.C. § 1681)

Title IX of the Education Amendments of 1972 would forever alter the course of female athletics in both the collegiate and interscholastic arenas.

Valentin (1997) elaborated, “The elementary and secondary education communities remained for the most part unaware of [Title IX] because it was attached to a higher education measure” (p. 2). In a similar manner, once colleges were assured that the bill would not require that women play football, they had little to say for or against the passage of the measure. As a result, President Richard Nixon signed the bill into law on July 1, 1972.

Skrentny (2002) offered, “Title IX would have little impact until there were regulations stating what forbidding sex discrimination in education meant” (Skrentny, 2002, p. 249). Charged with the implementation of the provisions of the Title IX, the Department of Health, Education, and Welfare (DHEW) developed the first set of related regulations that would guide the implementation of Title IX by May 1975. Those regulations were signed by President Gerald R. Ford upon completion.

Caspar Weinberger, President Nixon’s Secretary of Health, Education, and Welfare, had been charged with the difficult task of developing a regulatory framework. Central to the complexity of the task before Weinberger was the question of the extent to which Title IX would apply to athletics. Weinberger was urged by some members of Congress “…to issue regulations much more constrained than the letter of the law” (Skrentny, 2002, p. 252).
The most far-reaching of the efforts to limit the overall impact of Title IX came in the form of an attempt by Senator John Tower of Texas to amend the law so that it would not apply to athletics. Arguing that Congress had never intended to regulate athletics, in May, 1974, “…Tower proposed an amendment to Title IX as part of a new Education Amendments bill. His proposal stated Title IX should not apply to an intercollegiate athletic activity ‘to the extent that such activity does or may provide gross receipts or donations to the institution necessary to support that activity’’” (Skretny, 2002, p. 252). Geared primarily to protect basketball and football from Title IX, the Senator’s efforts failed.

Most significant in those initial regulations was the requirement that colleges and school districts receiving federal funds designate a single person to act as Title IX coordinator to oversee the implementation of the law’s requirements. Furthermore, the regulations required that schools make clear to the public any policies related to grievance procedures and nondiscrimination (Valentin, 1997).

A 1979 U.S. Department of Education document stated, “The regulation established a three year transition period to give institutions time to comply with its athletic opportunity requirements. The transition period expired on July 21, 1978” (p. 2). By that time, with growing numbers of complaints about discrimination, educational institutions sought clarification from DHEW as to how they should work to implement the requirements of Title IX. In 1979, the U.S. Department of Health, Education, and Welfare offered just such an interpretation in the form of the 1979 Policy Interpretation. The regulatory framework will be discussed at greater length in the compliance section of this chapter.

With the establishment of clarifying regulations, the federal government had added teeth to Title IX. Hunt (1999) reported:
The agency’s draft regulations…reveal that in the absence of more explicit statutory direction and a shortage of case law dealing with sex discrimination in education, DHEW chose to give the statute a very broad interpretation, substantially expanding its coverage and the agency’s own powers of enforcement. (p. 6)

Perhaps most significant in that interpretation of policy was the notion that programs that benefited even indirectly from federal financial assistance were subject to Title IX’s requirements. A U.S. Department of Education (1979) document stated, “This policy interpretation applies to any public or private institution, person or other entity that operates an educational program or activity which receives or benefits from financial assistance authorized or extended under a law administered by the Department” (p. 3).

Such broad application through this “benefit theory” was criticized by those who noted that the statute’s “Federal Administrative Enforcement” section seemed much narrower in its application. The law states that termination of funds for lack of compliance “…shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found…” (Title IX of the Education Amendments of 1972, § 902).

Nonetheless, the increased enforcement authority provided by the implementation of the regulatory guidelines, along with the private right of action that had been secured by the 1979 Supreme Court case, Cannon v. University of Chicago, seemed to set the stage for significant changes in the modes of operation in athletic departments. In the Cannon case, the Supreme Court ruled that, “…since the legislation was designed to protect female athletes, the athletes could sue to uphold their rights” (Raymond, 1995, p. 4).

Despite such apparent advances, however, the progression of Title IX’s implementation during the 1980s would continue to be relatively slow, arguably due to the relatively
conservative policies of the Reagan and Bush administrations. Valentin (1997) noted, “In the politically conservative 1980s, the U.S. Department of Justice challenged the broad coverage of Title IX, and [its] enforcement weakened within the Office for Civil Rights” (p. 4). In fact, the U.S. Supreme Court struck down the notion of institutional coverage of Title IX when it decided the cases of *North Haven Board of Education v. Bell* (1982) and *Grove City College v. Bell* (1984). Those decisions offered safe haven to educational institutions that argued Title IX did not apply to their athletic programs because they did not receive direct financial assistance from the federal government. At the same time, their widespread effect would lead to the political organization of groups interested seeing *Grove City* overturned. Many of those groups later would lobby for the passage of the Civil Rights Restoration Act.

The Civil Rights Restoration Act of 1987 essentially reversed the effects of the *Grove City* decision. That critical piece of legislation in the history of Title IX enforcement required compliance of all programs receiving federal assistance, direct or indirect. Conran (2000) explained, “The Restoration Act broadly defined the terms ‘program and activity’ [and] extended Title IX coverage to each program, including any athletic programs, sponsored by educational institutions” (p. 33). The key component of the act was that all programs are covered by Title IX as long as any part of the institution receives federal funds. That legislative move set the stage for a renewed focus on gender equity for women’s sports and opened the door for further legal challenges for institutions not perceived to be in compliance with the law’s provisions.

In 1992, Title IX proponents gained further momentum with the Supreme Court’s decision in *Franklin v. Gwinnett County Public Schools*. The *Franklin* case secured the right of plaintiffs to receive monetary damages in cases of Title IX noncompliance. Not surprisingly, the decision increased the appeal for attorneys to take on such cases. It also served as “...a wake-up
call to school districts about the possible consequences of non-compliance” (Valentin, 1997, p. 5).

In 1997, the U.S. Supreme Court set the stage for the most controversial aspect of Title IX’s implementation in recent history when it refused to grant a writ of certiorari to Brown University in the case of Cohen v. Brown. The decision of the High Court not to hear the university’s appeal let stand the ruling of the United States Court of Appeals for the First Circuit. The class-action lawsuit had been brought by members of Brown’s women’s gymnastics and volleyball teams after the university, for budgetary reasons, had demoted the status of the teams from varsity to club status (Hunt, 1999).

Hunt (1998) offered, “The series of decisions in that case. . .leaves us with at least the temporary sanction of Title IX athletic policy which virtually mandates that institutions maintain proportionately equal participation by men and women” (p. 4). The court had rejected the argument that the substantial proportion standard exceeds the level of interests and abilities of females with regard to participation in athletics. That is, the court affirmed the validity of substantial proportionality as a measure of an institutions compliance with Title IX (Porto, 2003).

From the policy development side, 1990 was a critical year as the Office of Civil Rights released the Title IX Athletics Investigator’s Manual. Used by OCR investigators to determine compliance with the requirements of the sex non-discrimination law, the manual is divided into 13 sections, each representative of one of the program components outlined in Title IX. A U.S. Department of Education (1990) document stated, “This manual is designed to assist investigators of the Office for Civil Rights (OCR) in the investigations of interscholastic and
intercollegiate athletics programs offered by educational institutions required to comply with Title IX…” (Introduction section, ¶ 1)

In her 1998 study of Title IX cases filed with OCR in Texas, McLemore noted an increase in the number of cases that required respective school districts to comply with a change requirement as stipulated by Title IX investigators. The author noted, “The findings indicate that a shift may have occurred from a majority of cases requiring No Change [sic] to a requirement of change on the part of the recipient institution. The revised manual, Title IX Athletics Investigator’s Manual 1990, may have resulted in a more rigorous investigative protocol” (p. 111).

Achieving and Maintaining Compliance with Title IX

The United States Department of Education, Office for Civil Rights, holds the primary responsibility of enforcing Title IX’s prohibitions regarding discrimination on the basis of sex in America’s public schools. School leaders often look to the OCR for guidance regarding how to maintain compliance with the requirements of Title IX.

Originally, the Department of Health, Education, and Welfare (DHEW) was the primary agency charged with investigation and enforcement of Title IX. As required by Section 844 of the Education Amendments of 1974 and noted in A Policy Interpretation: Title IX and Intercollegiate Athletics (U.S. Department of Education, 1979):

The Secretary of [DHEW] shall prepare and publish proposed regulations implementing the provisions of Title IX of the Education Amendments of 1972 relating to the prohibition of sex discrimination in federally assisted education programs which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of particular sports. (Section I, ¶ 2)
Since the implementation of Title IX, many educational institutions, particularly colleges and universities, have asked for guidance from DHEW (and, eventually, the Department of Education) as to how to adhere appropriately to the requirements of the law. The OCR sporadically issues letters and documents intended to aid institutions striving to avoid practices of sex discrimination.

A U.S. Department of Education (1979) document stated, “By the end of July, 1978, the Department [of Health, Education, and Welfare] had received nearly 100 complaints alleging discrimination in athletics against more than 50 institutions of higher education” (Section II, ¶ 1). Help came in the form of the 1979 Policy Interpretation which provided a context and framework within which to solve complaints and issues levied against colleges nationwide. According to the document, the reasons for such a clarification included “Many comments [by colleges and universities] reflected a serious misunderstanding of the presumption of compliance” (U.S. Department of Education, 1979, Section V, ¶ 6). Most institutions were under the impression “…that failure to provide compelling justifications for disparities in per capita expenditures would have automatically resulted in a finding of noncompliance” (U.S. Department of Education, Section V, ¶ 6). The Department, through the Summary of Final Policy Interpretation (1979), sought to clarify the meaning of “equal opportunity in the context of intercollegiate athletics. The document “…explains the factors and standards set out in the law and regulation which the Department will consider in determining whether an institution’s intercollegiate athletics program complies with the law and regulations” (U.S. Department of Education, Section IV, ¶ 1).

As outlined in the “Summary of Final Policy Interpretation” of the 1979 Policy Interpretation, the important clarification is divided into three sections:
Compliance in Financial Assistance (Scholarships) Based on Athletic Ability: Pursuant to the regulation, the governing principle in this area is that all such assistance should be available on a substantially proportional basis to the number of male and female participants in the institution’s athletic program.

Compliance in Other Program Areas (Equipment and supplies; games and practice times; travel and per diem; coaching and academic tutoring; assignment and compensation of coaches and tutors; locker rooms, and practice and competitive facilities; medical and training facilities; housing and dining facilities; publicity; recruitment; and support services): Pursuant to the regulation, the governing principle is that male and female athletes should receive equivalent treatment, benefits, and opportunities.

Compliance in Meeting the Interests and Abilities of Male and Female Students: Pursuant to the regulation, the governing principle in this area is that the athletic interests and abilities of the male and female students must be equally and effectively accommodated. (U.S. Department of Education, 1979, Section IV, ¶ 2-4)

Most useful and critical for educational institutions was that DHEW had defined explicitly the areas that should be considered when working to prevent sex discrimination and, thus, achieve compliance with Title IX.

In addition to the definition of those areas of consideration, the Policy Interpretation proffered a user-friendly application of the requirements of the 1972 law. Now known widely as the “Three-Part Test,” the regulatory framework measures compliance with Title IX in the following ways:

1. [Substantial Proportionality] Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or

2. [History of Program Expansion] Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex; or

3. [Accommodation of Interests and Abilities] Where the members of one sex are underrepresented among intercollegiate athletes, and the institution cannot show a continuing practice of program expansion such as that cited above, whether it can be demonstrated that the interests and abilities of the members of that sex have
been fully and effectively accommodated by the present program. (U.S. Department of Education, 1979, Section VII, Subsection C, ¶ 5)

In the 1980s and 1990s, the courts put pressure on athletic programs on the interscholastic (middle and high school) levels to comply with Title IX. Increasingly, the OCR received complaints that compliance with the law required institutions to use a quota approach, particularly in the arena of the accommodation of interests and abilities. Not until 1996 would the Office of Civil Rights provide additional guidance to educators when it released the Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test (the Clarification).

In that important document, the Assistant Secretary for Civil Rights, Norma V. Cantu, wrote, “Since becoming Assistant Secretary, I have recognized the need to provide additional clarification regarding what is commonly referred to as the ‘three-part test,’ a test used to determine whether students of both sexes are provided nondiscriminatory opportunities to participate in athletics” (U.S. Department of Education, 1996, ¶ 2). With the guidelines, Secretary Cantu sought to clarify some of the misconceptions that existed at the time with regard to compliance. Among her chief points was the notion “...that institutions need to comply only with any one part of the three-part test in order to provide nondiscriminatory participation opportunities for individuals of both sexes” (U.S. Department of Education, 1996, ¶ 8). Additionally, she asserted that compliance “…does not provide strict numerical formulas or ‘cookie cutter’ answers to the issues that are inherently case – and fact – specific” (U.S. Department of Education, 1996, ¶ 9).

Secretary Cantu pointed out that institutions have the flexibility to meet Title IX’s requirements by meeting only one of the three alternative measures of compliance outlined in the 1979 Policy Interpretation. The need for such clarification rose largely from the controversial
practices of eliminating male athletic programs, capping the number of male athletic teams at institutions, and decreasing the opportunities for individual male athletes in an effort to meet the substantial proportionality requirement of the three-part test. In her efforts to address the firestorm, the Secretary wrote:

In fact, cutting or capping men’s team will not help an institution comply with part two or part three of the test because these tests measure an institution’s positive, ongoing response to the interests and abilities of the underrepresented sex. Ultimately, Title IX provides institutions with flexibility and choice regarding how they will provide nondiscriminatory participation opportunities. (U.S. Department of Education, 1996, ¶ 16)

Finally, the 1996 Clarification sought to provide institutions receiving federal funds with “...more information regarding the specific elements of an appropriate assessment of student interest and ability” (U.S. Department of Education, 1996, ¶ 16).

In June 2002, Education Secretary Rod Paige formed the Secretary’s Commission on Opportunities in Athletics to look into “...whether additional guidance on Title IX requirements regarding intercollegiate athletics was needed” (U.S. Department of Education, 2003, p. 1). Additionally, the Commission was formed “In response to numerous requests for additional guidance on the Department of Education’s (Department) enforcement standards…” (U.S. Department of Education, 2003, ¶ 3).

As stated in the Commission’s report, Open to All: Title IX at 30, The purpose of the 15-member Commission was to collect information analyze issues, and obtain broad public input directed at improving the application of current federal standards for measuring equal opportunity for men and women and boys and girls to participate in athletics under Title IX. (U.S. Department of Education, 2003, p. 2)

Most recently, in April, 2004, the Office of Civil Rights released a letter entitled “Title IX Responsibilities” in response to the OCR’s review of the compliance status of selected federal funds recipients.
Examples of the deficiencies identified by the investigations include the failure to designate and/or adequately train at least one employee to coordinate the recipient’s Title IX responsibilities, the failure to have and/or disseminate notice of the nondiscrimination policy, and the failure to adopt or publish required Title IX grievance procedures to address sex discrimination claims. The most frequently cited problem was the failure to effectively disseminate notice of the Title IX coordinator’s identity and contact information as required by the Title IX regulations. (U.S. Department of Education, 2004, ¶ 2)

In the letter, Kenneth L. Marcus, Assistant Secretary for Civil Rights, underscored the Department of Education’s commitment to the vigorous enforcement of Title IX. Furthermore, the correspondence offered suggestions and reminders related to recipients’ responsibilities as well as provided contact information for regional divisions of the Office of Civil Rights.

Title IX Complaints in Region XI of the State of Texas

In her 1998 study of the frequency and nature of Title IX complaints in Texas, McLemore noted that from 1992-1996, 32 sex discrimination cases, related to Texas public high schools, had been handled by the Office for Civil Rights. That number represented a substantial increase in the frequency of such complaints, as only 10 complaints had been filed in Texas in the previous eight-year period. Prior to that, in the initial years of the existence of Title IX, only 18 complaints were filed between 1972 and 1984. Clearly, as the law moved to the forefront of public discourse during the 1990s, the frequency of persons seeking relief under its requirements rose as well. McLemore (1998) noted, “The findings indicate that during this recent time period [1992-1996] not only were the highest number of complaints filed but also, the highest number of resolutions of complaints requiring change by the education institution have occurred” (p. 111).

In order to achieve a more broad-based view of the perceptions of compliance with Title IX, the study sought responses from both principals and coaches. In a 1995 University of North
Texas study, Maddox concluded that “…Texas principals perceived that Title IX had been implemented fairly extensively…” (p. 142) on their campuses. She went on to report, “The survey instrument requested information on the equitable treatment of the sexes on the campus relative to athletics and physical education. The principals believed that their campuses were providing equal treatment in this area” (pp. 142-143).

Similarly, in a 1999 University of Georgia study of the perceptions of principals, Braddock concluded, “…that the principals of both genders perceived that they were in compliance with Title IX in the day to day operations of their school athletic program” (pp. 110-111). Braddock also concluded from his study of Georgia high school principal perceptions of compliance, “Males had a tendency to score higher on the operational [Title IX] compliance statements, but there was no significant statistical difference between male and female responses” (p. 111).

Braddock’s conclusions were supported by Conran’s 2000 study of Division III college athletic directors and high school athletic directors which concluded that “…there was overall agreement that the provisions to support men’s and women’s athletic programs are provided for equally” (p.146). A reasonable person might presume that such perceptions would be the case regarding the perceptions of high school principals in Texas. Regardless, comparing and contrasting the responses of principals, lead coaches of female athletes, and lead coaches of male athletes was carried out in this study to provide a clearer sense of the level of compliance in the selected schools.

For the purpose of providing readers necessary background into the depth, scope, and nature of the types of complaints handled by the Office for Civil Rights, the researcher provides in the following section descriptive overviews of all Title IX complaints that have arisen within
those Texas public high schools located in Region XI. In 1967, the Texas State Legislature established 20 intermediate educational agencies known as the Education Service Centers (ESC). The ESC serving Fort Worth and the surrounding region is known as Region XI whose Website states,

In an area covering 10 counties of North Texas, Region XI services an area equal to the state of New Jersey in size. School districts in this region range in size from Fort Worth Independent School District’s large metropolitan schools to small rural districts with only one building housing a total of 80 students for grades K-9. (Education Service Center Region XI Website, 2004, About ESC Region XI section, ¶ 2)

This section provides readers with a clear sense of the types of issues school districts must consider in their efforts to comply with Title IX and its accompanying regulations. Furthermore, this overview of each of the Region XI instances may provide insight regarding the steps a district must take in order to remain in or return to a status that the Office of Civil Rights deems to be in compliance with the law. Noteworthy to school leaders are the specifics regarding the cooperative resolutions between the affected districts and the Office for Civil Rights.

Utilizing the Freedom of Information Act, the researcher contacted the Office for Civil Rights, Southern Division, Dallas Office, and provided a list of all 78 school districts located within Region XI. The researcher requested the following information from the OCR:

- Which of the [78] school districts [in Region XI] have been investigated for Title IX complaints (i.e., received a compliance review), specifically with regard to interscholastic athletics?

- Which of the school districts are currently undergoing compliance reviews, specifically with regard to interscholastic athletics?

- In instances where a compliance review has taken place, what have been the specific allegations of complaints against each district?

- Please send copies of applicable evaluation letters and/or resolution letters or agreements.
As a result of that request, the OCR identified complaints having taken place in the following Region XI school districts: Denton Independent School District (ISD), Krum ISD, Stephenville ISD, Arlington ISD, Alvord ISD, Lake Dallas ISD, and Venus ISD. Apparently inadvertently, the OCR sent the researcher the details regarding resolution of a complaint filed in the Coahoma ISD, which is not located within Region XI. Thus, the Coahoma case will not be discussed. These cases are discussed in the order of their occurrence.

**Denton Independent School District**

In 1994, the OCR received three separate complaints against the Denton ISD alleging that the district had “…discriminated against women athletes on the basis of sex in violation of Title IX of the Education Amendments of 1972…” (E.J. Duncan-Stokes, OCR personal communication, August 7, 1995, ¶ 1) The letter from OCR to Denton ISD does not indicate the specific allegations levied against the school district; however, the district’s voluntary written commitment offers some insight regarding the nature of the complaints.

As a result of the allegations and prior to an investigation by OCR, the Denton ISD submitted to the OCR a voluntary written commitment “. . .which OCR determined appropriate to resolve all of the allegations in the complaints filed” (E.J. Duncan-Stokes, OCR personal communication, August 7, 1995, ¶ 3). In the voluntary written commitment, the Denton ISD outlined, in detail, its plans to ensure non-discriminatory treatment of female athletes in accordance with Title IX. Furthermore, the plan gives a good overview of the types of things that the Office for Civil Rights considers in the determination of compliance with the requirements of the law. The plan included the following assurances to the Office for Civil Rights (as highlighted below):
1. “The Denton ISD assures OCR that its softball program will fully and effectively accommodate the interests and abilities of female secondary students” (Denton ISD, voluntary written commitment, July 25, 1995, section I). The district outlined its plans regarding a survey of students that it had already conducted. Specifically, it offered a date by which the district would assess the survey and “…indicate [to OCR] whether the expansion of existing teams is necessary…” (Denton ISD, voluntary written commitment, July 25, 1995, section I, subsection C).

2. “The Denton ISD assures OCR that equivalent in effect equipment and supplies will be supplied to its softball team” (Denton ISD, voluntary written commitment, July 25, 1995, section II). The district detailed its plans to provide equal access to batting cages and pitching machines for male and female athletes. Additionally, the district addressed the provision of equal uniforms for males and females.

3. “The Denton ISD assures OCR that it will schedule games and practice times for softball and girls’ basketball in a manner that is equivalent in effect” (Denton ISD, voluntary written commitment, July 25, 1995, section III). In this section of the commitment, the district provided OCR with the practice schedules/class periods for athletics at both of the district’s high schools.

4. “The Denton ISD assures OCR that it will provide bus transportation for athletes to and from the off campus practice fields beginning with the 1995-96 school year” (Denton ISD, voluntary written commitment, July 25, 1995, section IV).

5. “The Denton ISD assures OCR that it will continue to provide the female softball, basketball, and track teams equivalent in effect opportunities to receive coaching and that it will continue to assign coaches to these teams in a manner that is equivalent in effect to the teams for male athletes” (Denton ISD, voluntary written commitment, July 25, 1995, section V). Here, the district committed to hiring professional, equally qualified coaching staff for both males and females. Additionally, the district outlined the use of coaches at the varsity and sub-varsity levels.

6. “The Denton ISD assures OCR that it will provide locker rooms, practice and competitive facilities to female athletes on the softball and volleyball teams that are equivalent in effect to those provided to male athletes” (Denton ISD, voluntary written commitment, July 25, 1995, section VI). The commitment outlined the specific arrangements and deadlines regarding athletes’ access to softball fields in the district, the equal use of gyms at specific campuses, as well as the condition, availability, and suitability of locker rooms.

7. “The Denton ISD assures OCR that it will provide to the softball and volleyball teams access to a weight room that is equivalent in effect to that provided for male athletes” (Denton ISD, voluntary written commitment, July 25, 1995, section VII). This section addressed the schedule of the weight room, supervision by coaches, and that males and females would use the same facilities.
8. “The Denton ISD assures OCR that it will provide [athletic] trainers at softball and volleyball games who are equivalent in effect to those trainers who are assigned to athletic events for males” (Denton ISD, voluntary written commitment, July 25, 1995, section VIII, 1995). The district outlines its commitment to the attendance by athletic trainers at “non-contact” athletic events that is equal in effect comparing males to females.

9. “The Denton ISD will make the following reports to OCR, on the dates indicated, regarding implementation of the above commitments” (Denton ISD, voluntary written commitment, July 25, 1995, section IX). This section identified numerous items of “proof” that the school district would provide OCR at future, specified dates. These included such items as rosters of teams, inventories of supplies, bus logs, practice and game schedules, as well as descriptions of the condition of facilities.

**Krum Independent School District**

The complaint filed against Krum ISD (KISD) was brought to closure in April of 1998. In that case, the OCR conducted a full investigation in order to determine whether the allegations made against the school district could be supported. Unlike the Denton ISD scenario, the district did not submit a voluntary resolution agreement.

The complainant alleged that Krum ISD discriminated against female, fast-pitch softball athletes by:

1. Failing to provide a playing field comparable in its maintenance to that provided for male athletes
2. Failing to provide practice opportunities year-round, like that provided for the male athletes
3. Failing to provide a softball coach in the off-season during the girls’ athletic period, like that provided for male athletes
4. Canceling a pre-season tournament and other pre-season games because of conflicts with games scheduled for the boys’ basketball team
5. Failing to provide a junior varsity team, like that provided for male athletes (D.R. Moy, Office of Civil Rights personal communication, April 9, 1998, p.1)
In the 1998 letter, the Office for Civil Rights outlined the procedures it used to make a determination regarding the allegations of discrimination. “…OCR reviewed documentation provided by the complainant and the KISD. In addition, OCR also conducted interviews with the complainant, witnesses, KISD district and school administrators, coaches, and students” (D.R. Moy, Office of Civil Rights personal communication, April 9, 1998, p. 2).

The letter outlines the athletic components that investigators considered in their evaluation of the Krum district’s compliance. Included components were: 1. Accommodation of Athletic Interests and Abilities; 2. Provisions of Locker Rooms, Practice and Competitive Facilities; 3. Scheduling of Games and Practice Times; and 4. Opportunity to Receive Coaching. The researcher will summarize the relevant information related to the inquiry and findings of the Office of Civil Rights’ investigation.

Regarding the accommodation of athletic interests and abilities of students, the OCR considered first the enrollment of the district, grades seven through twelve, which, at the time, were comprised of 205 females compared to 208 males. Although there were no written policies in place in the Krum ISD for determining whether sports should be added to the male or female athletic programs, the district had added girls’ softball to their program approximately nine years prior to the investigation. The complainant had alleged that school officials had “…failed to provide a junior varsity team during the last two school years” (D.R. Moy, OCR personal communication, April 9, 1998, p. 3). During the same two-year period, however, the boys’ baseball program had fielded both a varsity and a junior varsity team. The OCR determined that, during this period, the district “…had enough boys to field a junior varsity baseball teams [sic] each year, with nine and 13 players, respectively” (D.R. Moy, OCR personal communication, April 9, 1998, p. 3).
Regarding the accommodation of student interests and abilities, the OCR concluded that, although the district had actively sought to attract enough students for the softball program, there had been a lack of sufficient interest. Investigators found insufficient evidence that the district had failed to meet Title IX’s requirements with regard to the athletic component.

Investigators also considered the provision of locker rooms, practice and competitive facilities of both male and female students in the district. Their analysis included a comparison of the operating budgets of the softball and baseball teams, the maintenance and condition of the practice and competitive facilities, and the condition of the locker rooms.

A comparison of the budgets of the two programs over the prior two school years revealed a negligible difference. The softball team’s budget had totaled $3,937, while the baseball team had been allotted $4,147 during the same period. The investigation of the age, condition, and amenities/special features of the practice and competitive facilities revealed fields were in fair condition and similarly situated. In fact, both were found to be in fair condition and considered inadequate in terms of drainage and lighting. Finally, the “…locker rooms are provided in the KISD gymnasium in walking distance to both fields” (D.R. Moy, OCR personal communication, April 9, 1998, p. 5). Furthermore, “OCR’s visual inspection of the locker room facilities for male and female athletes revealed that they were nearly equal in square footage and in the number of lockers and showers available to students” (D.R. Moy, OCR personal communication, April 9, 1998, p. 5). The OCR concluded, regarding the complainant’s concerns about equity, “…there were no differences in the quality and availability of locker rooms, practice and competitive facilities for male and female athletes” (D.R. Moy, OCR personal communication, April 9, 1998, p. 6).
In this same 1998 letter, the Office for Civil Rights also considered the complainant’s allegation that the district had failed to provide equitable scheduling of games and practice times. OCR’s investigation revealed “…that the KISD follows UIL rules regarding pre-season, regular season and post-season competition and practices for all its sports programs” (D.R. Moy, OCR personal communication, April 9, 1998, p. 6). Through interviews with the softball coach, the current [1998] baseball coach, the former baseball coach, assistant coaches, and the district athletic director, as well as students, investigators heard and confirmed the policies and practices of the school district. Those policies and practices were equitable with regard to the softball and baseball programs.

One of the complainant’s allegations had been that the district had inequitably cancelled softball games in comparison with the baseball team’s games. As outlined in the OCR’s 1998 resolution letter, the investigation revealed that the KISD had utilized an unwritten practice by the athletic program “…that a non-district or pre-season game in one sport will be canceled if it conflicts with a play-off game in another sport” (D.R. Moy, OCR personal communication, April 9, 1998, p. 7). The investigators concluded that, although the softball team had cancelled games as a result of this practice, “…the baseball team and the boys’ junior varsity and varsity basketball teams also have canceled games in deference to another team’s play-off game” (D.R. Moy, OCR personal communication, April 9, 1998, p.7). In an overall analysis of the equitability of scheduling of games and practice times, the OCR concluded that the Krum ISD was, in fact, in compliance with the requirements of Title IX of the Education Amendments of 1972.

Finally, the Office of Civil Rights investigators completed an analysis of the complainant’s allegation that the KISD had failed to provide the district’s softball student athletes with an equitable opportunity to receive coaching. When comparing the coaching
salaries of the head coaches and assistant coaches of baseball to the coaches of softball programs, the differences between the two programs proved negligible.

Although the baseball coach had been assigned to the baseball/softball athletic period during the off-season for the two sports, “He indicated that he instructed four students in softball skill and each Friday the class participated in a softball scrimmage. The softball players interviewed regarding this matter confirmed the coach’s statement” (D.R. Moy, OCR personal communication, April 9, 1998, p. 8).

During the baseball and softball seasons, the coaches had been assigned to their respective programs in a manner that was in compliance with Title IX. The 1998 resolution letter states, “Based on the foregoing analysis, OCR found that members of the softball team received coaching during both the softball program’s off-season and the regular season, in a manner similar to that provided to the male athletes” (D.R. Moy, OCR personal communication, April 9, 1998, p. 9).

**Stephenville Independent School District**

In fall 1998, the Office of Civil Rights entered into a voluntary resolution agreement with the Stephenville Independent School District (SISD) regarding a complainant’s allegation that the district’s athletic program had failed to provide her equitable treatment under Title IX.

Specifically, the complainant alleged that the SISD:

- Failed to inform her of powerlifting weight training sessions even though male athletes on the powerlifting team were informed of these sessions
- Failed to provide her an opportunity to receive coaching during weight training sessions and powerlifting meets even though male athletes on the powerlifting team received coaching
• Failed to provide her an athletic letter jacket comparable to the athletic letter jackets provided to male athletes on the powerlifting team (C.F. Furr, Office for Civil Rights personal communication, October 1, 1998, ¶ 1)

In the process of conducting the investigation of the allegations, the Office for Civil Rights conducted interviews and reviewed the policies and procedures of the district’s athletic program as they had been provided by the school as well as the complainant. As described in the 1998 resolution letter sent to the SISD, based upon an analysis of the information that had been provided to the OCR, the determination was made “…that there were potential civil rights problems relative to allegation numbers two (opportunity to receive coaching) and three (comparable athletic letter jacket)” (C.F. Furr, Office for Civil Rights personal communication, October 1, 1998, ¶ 5).

In consideration of the first allegation made by the complainant, the OCR determined that there was insufficient evidence to support the argument that the female powerlifting student had not been informed of the weight training sessions. The investigation revealed that “…individual members of the powerlifting team developed their own training schedules,” and that the members of the team could work out on their own time from approximately 7:00 AM until 9:00 PM on weekdays (C.F. Furr, OCR personal communication, October 1, 1998, ¶ 9).

The second allegation was based upon the complainant’s contention that she did not receive coaching during scheduled practices in the same manner as male powerlifters. The OCR conducted interviews with the complainant, witnesses, the athletic director, and powerlifting coaches. Furr (1998, October 1) reported, “Based upon the information received, OCR determined that the complainant did attend practices, but she did not receive coaching in the same manner as male members of the powerlifting team” (C.F. Furr, OCR personal communication, ¶ 10).
In order to satisfy the requirements of Title IX, the SISD submitted to the OCR a voluntary resolution agreement (attached to the 1998 OCR letter) specifically outlining the district’s plans for rectifying the complainant’s second and third allegations. The district provided the OCR with the specific date by which the athletic department would develop a practice schedule for female members of the powerlifting team. Included in the information would be the name(s) of the coach(es) who would provide instruction as well as the date by which the OCR would receive a copy of the schedule. Next, the SISD provided a self-imposed deadline for the development of a competitive schedule for female powerlifters including the locations, dates, and times of the events as well as the name of the coach responsible for instructing the athletes at the events. Finally, Stephenville school officials provided the OCR with the date by which the complainant would receive a powerlifting letter jacket as well as accompanying documentation proving the purchase and measurement specifications.

Alvord Independent School District

In October, 2001, the Office for Civil Rights notified the Alvord ISD by letter that it had completed its investigation of alleged sex discrimination based upon the assertion that the district had “…failed to accommodate the interests and abilities of its female students when it: (1) denied their request to add a girls’ volleyball team even though a boys’ cross country team was added during the last school year; and (2) threatened to eliminate the boys’ baseball team…” (T.C.J. Blanchard, OCR personal communication, October 10, 2001, ¶ 1).

As the 2001 OCR letter outlines, in determining whether the Alvord district was effectively accommodating the athletic interests and abilities of males and females, “OCR’s
determination...involves a two-part analysis regarding: 1) equal opportunities to compete; and 2) levels of competition” (T.C.J. Blanchard, OCR personal communication, October 10, 2001, ¶ 4).

Regarding equal opportunities to compete, “The AISD can comply with this provision by meeting any one prong of the...three-part test” (T.C.J. Blanchard, OCR personal communication, October 10, 2001, ¶ 5). The data provided by the AISD indicated “...that during the 2000-2001 school year, there were 258 full-time students enrolled in grades 7-12. Of that 128 or 50% were male, and 130 or 50%, were female. During that academic year, 52% of the AISD’s athletes were male and 48% were female” (T.C.J. Blanchard, OCR personal communication, October 10, 2001, ¶ 6). As a result of those data, the Office for Civil Rights determined that the district had met the requirement of substantial proportionality.

Next, the OCR sought “…to determine whether athletes of each sex have quality levels of competition” (T.C.J. Blanchard, OCR personal communication, October 10, 2001, ¶ 7). The requirements of that provision may be met through the use of the following two-part test:

1. Whether the number of competitive events for male and female teams, on a program-wide basis are equivalent or
2. Whether the institution can demonstrate a history of continuing practice of upgrading the competitive opportunities available to the historically disadvantaged sex (T.C.J. Blanchard, OCR personal communication, October 10, 2001, ¶ 7)

The same letter indicates that the OCR determined that the participation of male and female teams in competition in Texas’s Class A level, as well as analysis of the team’s competitive schedules indicated that the district had met the “quality levels of competition” (T.C.J. Blanchard, OCR personal communication, October 10, 2001, ¶ 7) requirement.

Finally, with regard to the alleged elimination of Alvord’s boys’ baseball or cross-country teams, the OCR determined that there was not sufficient evidence to support such a claim. Blanchard (2001, October 10) reported, “OCR’s review indicated that the boys’ baseball
team is fully functional for the 2000-2001 school year, and boys’ cross country team has not
been approved by the school board…,” (T.C.J. Blanchard, OCR personal communication, 2001,
¶ 10) although a few boys had competed in cross country events. Blanchard continued, “Based
on review and analysis of the information provided, OCR has determined that the AISD is
effectively accommodating the interests and abilities of both sexes. Therefore, the evidence is
insufficient to support a finding of a violation of Title IX…” (¶ 11).

Lake Dallas Independent School District

In a complaint resolution letter dated July 16, 2003, the Office for Civil Rights detailed
its investigation regarding alleged sex discrimination against female athletes in the Lake Dallas
Independent School District (LDISD):

Specifically, it is alleged that the District discriminates against female athletes at
Lake Dallas High School with regard to: (1) the provision of equipment and
supplies; (2) travel and per diem allowance; (3) opportunity to receive coaching,
and assignment and compensation of coaches; (4) provision of locker rooms,
practice and competitive facilities; (5) provision of medical and training facilities
and services; and (6) publicity. (R.M. Maresh, OCR personal communication, July
16, 2003, p. 1)

As outlined in OCR’s 2003 letter, the determination of LSISD’s compliance with Title IX
with regard to the provision of equipment and supplies was based upon an investigation of five
factors:

- Quality of equipment and supplies
- Amount of equipment and supplies
- Suitability of equipment and supplies
- Maintenance and replacement of equipment and supplies
- Availability of equipment and supplies
A thorough analysis by investigators of those factors was conducted. “Other than the girls’ soccer players saying that some of their uniforms were too large and that the volleyball net needed to be replaced, none of the coaches or athletes reported any specific problems with their equipment and supplies” (R.M. Maresh, OCR personal communication, July 16, 2003, p. 2). Investigators concluded that “…a difference in the boys’ and girls’ athletics programs regarding laundring of uniforms…” did not constitute a significant disparity (R.M. Maresh, OCR personal communication, July 16, 2003, p. 2).

Next, investigators sought to determine whether significant disparities existed with regard to the provision of travel and per diem allowances. Specifically, OCR considers the following five factors in this arena:

- Modes of transportation
- Housing furnished during travel
- Length of stay before and after competitive events
- Per diem allowances
- Dining arrangements

A close review of those items revealed that “…any differences between the boys’ and girls’ programs are relatively small and insignificant and do not result in a disparity between the two programs” (R.M. Maresh, OCR personal communication, July 16, 2003, p. 3).

Regarding the opportunity to receive coaching, and assignment and compensation of coaches, the Office for Civil Rights considered these factors:

- Availability of coaches
- Assignment of coaches
- Compensation of coaches
Analysis of those factors led investigators to the following conclusion:

Although some differences were found, they do not result in a disparity between the boys’ and girls’ teams. In addition to the availability of coaches, the assignment of coaches also favors female athletes, while the difference in compensation favors male athletes. OCR determined that these differences do not have a negative impact on athletes of one sex when compared with benefits and services available to athletes of the other sex. (R.M. Maresh, OCR personal communication, July 16, 2003, p. 4)

Six factors were considered by OCR when determining LDISD’s level of compliance with Title IX regarding the provision of locker rooms, practice and competitive facilities. These included:

- Quality and availability of facilities provided for practice and competitive events
- Exclusivity of use of facilities provided for practice and competitive events
- Availability of locker rooms
- Quality of locker rooms
- Maintenance of practice and competitive facilities
- Preparation of facilities for practice and competitive events

The conclusion of the OCR with regard to facilities was that “Overall, equivalent benefits and opportunities are being provided to male and female athletes…” (R.M. Maresh, OCR personal communication, July 16, 2003, p. 4).

The same conclusion was reached by investigators after reviewing the medical and training facilities and services available to athletes in the Lake Dallas schools. This result came following a thorough investigation of the following factors:

- Availability of medical personnel and assistance
- Health, accident and injury insurance
- Availability and quality of weight and training facilities
- Availability and quality of conditioning facilities
• Availability and qualifications of athletic trainers

Finally, the district was investigated in order to determine whether publicity had been equitably provided for all athletes, regardless of sex. Factors for consideration of publicity included:

• Availability and quality of sports information personnel
• Access to other publicity resources for boys’ and girls’ programs
• Quantity and quality of publications and other promotional devices featuring boys’ and girls’ programs

Investigation revealed that the Lake Dallas ISD does not employ sports information personnel, and that little publicity by anyone other than the head coaches of each program. Maresh (2003, July 16) concluded, “Thus, the District is providing equivalent publicity for boys’ and girls’ teams” (OCR personal communication, p. 6).

With regard to the complaints against the Lake Dallas Independent School District, the findings of investigators were summarized by Maresh (2003, July 16):

OCR’s analysis revealed that the evidence is insufficient to support a finding of a violation regarding the areas investigated… Although there are some differences in benefits and services, the differences do not have a negative impact on athletes of one sex when compared to the other sex. Thus the differences do not result in inequivalence [sic] between boys’ and girls’ athletic programs. (OCR personal communication, p. 6)

Arlington Independent School District

The next alleged violation of Title IX in Region XI is found in a complaint evaluation letter sent to the Arlington ISD (AISD) superintendent in September of 2001. Although the letter outlines broad, generalized complaint of sex discrimination, central to the allegation was the notion “…that female coaches had fewer coaching opportunities, and that female coaches were not hired as Athletic Directors at high schools.” The letter indicated to the district that the
complaint of sex discrimination was levied against the district specifically with regard to the following program components:

1. Accommodation of student interests and abilities
2. Provision of equipment and supplies
3. Scheduling of games and practice times
4. Travel and per diem allowance
5. Assignment and compensation of coaches
6. Provision of locker rooms, practice and competitive facilities
7. Provision of medical and training facilities and services

The Dallas Office of the U.S. Department of Education’s Office for Civil Rights had initially received a Title IX complaint against the AISD on July 16, 2001. Blanchard states, “OCR conducted a telephone conference with the complainant on February 13, 2002, to obtain clarification and additional information regarding her allegations” (OCR personal communication, January 22, 2004, p. 1). Following the conference, the OCR made the determination that the complainant’s allegations warranted further investigation with the exception of “accommodation of interests and abilities” and “different treatment regarding coaching opportunities.” In neither of those areas did the complainant have a factual basis upon which to support claims of violation of Title IX by the AISD.

In each area investigated by the Office for Civil Rights, the scope of the investigation was defined by the factors assessed in each component area. The factors were identical to those assessed in the Lake Dallas ISD complaint discussed previously (and, thus, will not be repeated in this section). Unlike in the Lake Dallas scenario, however, the Arlington complainant had also alleged a violation in the area of the provision of support services. In determining compliance in
that area, “The OCR Policy Interpretation lists two factors to be assessed: (1) the amount of administrative assistance provided to boys’ and girls’ programs; and (2) the amount of secretarial and clerical assistance provided to boys’ and girls’ programs” (T.C.J. Blanchard, OCR personal communication, January 22, 2004, p. 9).

The summary and conclusion drawn for all allegations in the Arlington ISD scenario were as follows:

- There was not “a sufficient factual basis” to complete the investigation of the component areas of accommodation of student interests and abilities, or of the different treatment of female coaches in hiring practices;

- There were no significant disparities with regard to favoring one sex over another in the areas that follow: provision of equipment and supplies, scheduling of games and practice times; travel and per diem allowance; assignment and compensation of coaches; provision of medical and training facilities and services; and, provision of support services;

- There were significant disparities favoring the boys’ baseball teams regarding the practice and competitive facilities allocated them by comparison with girls’ softball teams;

- There were significant disparities favoring the boys’ baseball teams with regard to publicity, marketing, and promotion. (T.C.J. Blanchard, OCR personal communication, January 22, 2004, p. 9)

Next, the letter from the OCR outlines the methods by which the Arlington ISD would work to address the Title IX compliance issues found by investigators. As seen in previous examples of Region XI Title IX complaints, Blanchard notes in the resolution letter that the AISD had previously sent to the Office for Civil Rights a letter of commitment to remedy the aforementioned compliance issues:

In a letter from you [AISD] dated December 17, 2003, which OCR received on December 19, 2003, the AISD committed to address the significant disparities found regarding the components of the provision of locker rooms, practice and competitive facilities, and publicity, marketing and promotion. Along with the December 2003 letter of commitment (hereinafter “Commitment”), the AISD provided a description of some of the actions the district will take to provide competitive and practice facilities for the freshman, JV and Varsity girls’ softball teams that are equal or equal in effect to the
competitive and practice facilities provided to freshman, JV and Varsity boys’ baseball teams. (T.C.J. Blanchard, OCR personal communication, January 22, 2004, p. 10)

Blanchard further noted the district’s self-imposed deadlines of completion of such upgrades as well as the district’s intention to provide documentation that ensures the completion of such upgrades. Finally, the letter noted the intention of the AISD to work with the district’s athletic booster clubs to ensure compliance with the law regarding publicity, marketing, and promotional materials. Although the OCR did not object to the tactic of working with the booster club, Blanchard cautioned that “…regardless of the effectiveness of the booster club efforts, AISD has responsibility under the regulation implementing Title IX to ensure that the quantity and quality of publicity, marketing and promotional materials provided to these teams are equivalent or equivalent in effect.” (OCR personal communication, January 22, 2004, p. 10)

Venus Independent School District

In the districts that make up Region XI, the most recent instance of a formal complaint filed with the Office for Civil Rights regarding a violation of the Title IX statute came in July, 2004, with regard to allegations levied against the Venus Independent School District (VISD) in Venus, Texas. Attorney Thomas W. Stack of the OCR wrote:

Specifically, it is alleged that the District has discriminated against female athletes at Venus High School as it relates to the following: (1) the provision of equipment and supplies; (2) scheduling of games and practice times; (3) opportunity to receive coaching and assignment and compensation of coaches; (4) provision of locker rooms, practice and competitive facilities; and (5) publicity. (T.W. Stack, OCR personal communication, August 20, 2004, p. 1)

As with other complaints filed with the OCR, the resolution process in the Venus case began with the enclosure of a Data Request which was to be provided by VISD to investigators.
by September 6, 2004. As of the writing of this dissertation, that was the extent of action taken by the OCR with regard to the matter.

Contemporary Issues Surrounding the Implementation of Title IX

Even a cursory glance at the literature regarding Title IX quickly reveals that one of the greatest controversies with the law involves the elimination of men’s teams in the effort by institutions to meet the substantial proportionality aspect of the Three-Part Test. That part of the test holds that institutions may be found compliant with Title IX so long as they “Provide participation opportunities for women and men that are substantially proportionate to their respective rates of enrollment…” (Bonnette, NCAA Website, 2004, Accommodations of Interests and Abilities section, ¶ 4).

Although the issue is most prevalent in the arena of college athletics, the sheer magnitude of the controversy bears discussion in this study despite its focus on compliance at the interscholastic level of play. In an article in the University of Michigan Journal of Law Reform, Shelton (Fall, 2000/Winter, 2001) states, “…the OCR Secretary’s literal interpretation of Title IX through its substantial proportionality test created a loophole that allows schools to achieve Title IX compliance by elimination of athletic educational opportunities and ignores the educational purposes of the 1972 law” (Summary section, ¶ 1). Shelton writes that the goal of Title IX was “…increasing the participation opportunities for female student-athletes” (Summary section, ¶ 1). In his view, any effort to achieve compliance with the law by the elimination of opportunities for male student-athletes flies in the face of the intent of the law.

Increasing enrollments of females at the college level can have a positive financial impact on institutions; however, in terms of compliance with Title IX, that can be problematic. Calkins
(2000), in a study of the factors influencing Title IX compliance in college athletics, found a positive correlation between an increase in the number of undergraduates at an institution and compliance with Title IX. Calkins (2000) proposed possible reasons for the relationship and discussed why increasing female enrollment can be problematic for school officials:

All of the interview participants discussed funding sources and how important the amount allocated is to compliance with Title IX. When there are more undergraduates at a school, there is a larger amount of the total student fees allocated to the athletic program. Also, if there are more students at a school, there is the potential for more ticket sales at sporting events, which is another source of funding for athletic programs, including women’s programs. Although an increase in the number of undergraduates may increase funding, as the number of female students increases, unless there is an equivalent increase in the number of male students, then compliance becomes more difficult. (pp. 131-132)

The elimination of men’s teams in order to maintain substantially proportionate athletic participation numbers was central to the discussions of the Bush administration’s Commission on Opportunity in Athletics outlined in the 2003 report *Open to All: Title IX at Thirty*. A U.S. Department of Education document (2003) stated, “The Commission heard a great deal of testimony about the troubling loss of athletic opportunities for male athletes at the collegiate level…” (p. 22).

Despite significant gains in closing the gap between the percentages of female athletes and the percentages of overall female enrollments at universities throughout the country, the disparity still exists. As a result, colleges may not have the resources to be able to afford the additional female teams that the substantial proportionality standard requires. Porto (2003) explained, “Many colleges have responded…by disbanding men’s non-revenue teams (e.g. wrestling, swimming, and gymnastics) in order to free up funds with which to establish additional women’s teams. This strategy usually angers athletes and coaches…and breeds hostility toward Title IX…” (p. 59)
In an apparent act of walking a tight rope the Commission addressed the controversy by essentially recognizing both sides of the issue in its recommendation (U.S. Department of Education, 2003):

While everyone benefits from increased athletic participation by girls and women, no one benefits from artificial limitations on athletic opportunities for either gender. Enforcement of Title IX needs to be strengthened toward the goal of ending discrimination against girls and women in athletics, and updated so that athletic opportunities for boys and men are preserved. (p.22)

Another contemporary issue surrounding Title IX centers on the notion that efforts to help women achieve equality might come at the expense of African-Americans. In a 1997 article in *Black Issues in Higher Education*, Greenlee quotes Alex Wood, head football coach at James Madison University and vice president of the Black Coaches Association, “If you increase the opportunities for one group, I’m not so sure that you don’t wind up denying another group…And because there’s only so much money available to operate a college sports program, somebody will inevitably get the short end of the stick” (pp. 1-2).

Exacerbating the problem is the reality that the majority of the female teams that have been added in recent years have not been sports traditionally held by African-Americans. Greenlee (1997) argued, “Black athletes…will have to broaden their athletic horizons if they want to earn college athletic scholarships. In other words, Blacks will have to begin taking up sports other than football, basketball, and track because there won’t be any expansion in those sports” (pp. 2-3).

Greenlee sites what he refers to as a conflict between race and gender as it relates to equality. In the effort to equalize opportunities between males and females with regard to scholarship availability, colleges may diminish the number of scholarships made available to males. Again, Greenlee (1997), quoting Wood, offers, “In football, a large number of the players
are Black. So when you start cutting scholarships, you not only take away the opportunity to play, you take away the opportunity to go to school…” (p. 2).

Although difficulties exist in the arena of ethnic minority male athlete participation levels, women find an even narrower entryway into the world of college sports. Hammer (2003) reported, “Relative to White women, African-American women compete at lower rates in college. NCAA records, for example show they appear in critical mass primarily on basketball and track and field teams” (p. 1).

Summary

A review of the literature related to Title IX of the Education Amendments of 1972 revealed that discrimination has long been a fact of life for women and girls, particularly in the sports world. Despite significant advances in the participation rates of females in both high school and collegiate athletics, women and girls must continue to overcome societal notions of the proper role females must play.

The civil rights history of the United States, punctuated by the landmark Supreme Court desegregation ruling in Brown v. Board of Education, included the emergence of Title IX and other legislation related to extending equal protection under the law to all U.S. citizens. What followed was the passage of such legislation as the Civil Rights Act of 1964 as well as Title IX of the Education Amendments of 1972. As the law was implemented throughout the nation, policy and regulation began to develop and emerge in the wake of several key judicial decisions in the 30-plus year history of Title IX.

An overview of several school districts in the north central Texas region that were identified by the Office for Civil Rights through a Freedom of Information Act request reveals
the specific areas of concern identified by complainants. Furthermore, those cases offer insight to 
readers as to the nature of complaints filed against schools and athletic programs. Regardless of 
the nature of the Title IX compliance complaint, the Office for Civil Rights clearly stands 
prepared and positioned to work with school districts to find resolutions for alleged non-
compliance. In other words, the more cooperative district officials are with investigators, the 
better.

Finally, the issue of maintaining substantial proportionality to remain compliant with 
Title IX has sparked considerable controversy as many institutions have eliminated opportunities 
for male athletes in an effort to match more closely athletic participation with actual enrollment 
percentages. Additionally, efforts to offer greater opportunities for women have, in the view of 
some, increased the difficulty faced by ethnic minorities to secure athletic opportunities. This 
phenomenon is largely due to the fact that ethnic minorities have not played the sports that are 
growing on campuses. Thus, the ongoing struggle of women and ethnic minorities to play on a 
level playing field continues—quite literally.
CHAPTER 3
METHODS AND INSTRUMENTATION

In a June 19, 2002, *Education Week* article, Michelle R. Davis wrote, “Title IX conjures up images of pony-tailed girls kicking soccer balls, and college softball players digging into the batter’s box. The law has unquestionably had a noticeable impact in sports. In 1972, one in 27 high school girls played varsity sports. In 2001, that number was one in 2.5…” (p. 2).

Few educational leaders will argue that Title IX and the resulting shift in regulatory policy have not had a positive impact on the accessibility of athletic and educational opportunities for female students in America. Nonetheless, considerable disagreement exists regarding the extent to which the political objectives of the law have, indeed, become a reality. Although some people promote the notion that Title IX should be strengthened and expanded, others argue that, particularly in cases where men’s teams have been cut from athletic programs, Title IX is having an overall negative impact on student access to athletic competition and play (Davis, 2002).

Thus, in this study, the researcher attempted to gain a balanced, insider’s perspective regarding the level to which Texas public high schools are perceived to be compliant with the 1972 anti-discrimination law. Who better to ask about the effectiveness of the law than those who work daily in the public school setting?

This chapter begins with an overview of the purpose of the study as well as the research questions that guided the analysis of the resulting data. Next, the general research design and methodology are described. A description of the sample used in this research, as well as the steps taken to ensure the development of a valid, reliable instrument follows. Next the researcher details the procedures used in the collection of the data. Finally, the researcher concludes with a
discussion of the analysis of the data in light of the seven research questions as well as a few summarizing thoughts.

Purpose and Questions

This quantitative study was designed to measure the perceptions of principals and coaches regarding their schools’ compliance with Title IX of the Education Amendments of 1972. The study involved only high school administrators and coaches working in the geographical area served by Education Service Center, Region XI (as defined by the Texas Education Agency). By administering a questionnaire to high school principals as well as coaches of female athletes and male athletes, the researcher expected to gain an objective view of compliance or non-compliance given the varied perspectives of the subjects. The research questions included:

1. To what degree are high schools in Region XI perceived by high school principals, lead coaches of male athletes, and lead coaches of female athletes to be compliant with Title IX, specifically regarding the provisions related to interscholastic athletics?

2. What differences exist among the responses of high school principals, the lead coach of male athletes, and the lead coach of female athletes in their perceived degree of implementation of Title IX?

3. What differences exist in the perceived degree of implementation of Title IX when comparing schools with higher rates of students who qualify for free and reduced lunch status to schools with lower rates of students who qualify for free and reduced lunch?

4. What differences exist in the perceived degree of implementation of Title IX when considering the state classification of the high school?

5. What differences exist in the perceived degree of compliance with Title IX when considering the gender of the survey respondents?

6. Do complaints filed via the OCR result in a perception of increased compliance with Title IX?
7. In which Title IX areas (as identified by the OCR) do the selected school leaders perceive that their schools are most compliant and least compliant with the requirements of Title IX?

Research Design and Methodology

From a general perspective, this study utilized a quantitative methodology that involved descriptive/causal-comparative methods in the process of answering the aforementioned research questions. After exploring the use of existing survey instruments, the researcher determined that, in order to gather information specific to north-central Texas high schools, it was necessary to develop a survey instrument. The researcher developed and distributed to school principals, the lead coaches of male athletes, and the lead coaches of female athletes a survey regarding compliance with Title IX of the Education Amendments of 1972. The survey was validated by an expert panel of school leaders. The population of the study included high school leaders throughout north-central Texas.

Hinkle, Wiersma, and Jurs (1994) explain that “…variables measured on the interval or ratio scales are quantitative variables. It is assumed that quantitative variables have underlying continuity; that is, they can take on any value on the measurement scale (p. 16). Based upon the responses of those surveyed, the researcher sought to attach a specific value to the respondents’ perceptions of their schools’ compliance with the law prohibiting discrimination on the basis of sex.

In the context of this study, most measurements were based on the Likert-scale questions found on the survey instrument. From the responses of the school leaders, several mean scores were used to answer those research questions that were measurable through the use of a statistical analysis. Other research questions required a descriptive analysis because occasionally
data sets would not meet the homogeneity assumption required for the analysis. In other
instances (such as in Research Question 6), the researcher determined the sub-population was
simply too small to allow for a statistical analysis. The specific nature of the various statistical
analyses used in this research study is described in greater detail in the “Analysis of Data”
section of this chapter.

Sample

The population for this study consisted of principals and coaches at high schools located
in Region XI as defined by the Texas Education Agency. This population did not include school
leaders or personnel at alternative schools or charter schools. Rather, it was made up, primarily,
of traditional 9th through 12th grade or 10th through 12th grade high schools. At some small, rural
districts, the boundary between elementary, middle, and high school is blurred. Nonetheless,
those schools are identified as high schools, include grades 9-12, and were included in the study.

The Region XI Website, www.esc11.net, lists all public high schools located within its
boundaries. Three of the schools, Carroll High School, Lewisville North High School, and
Stephenville High School, were not included in the study. Carroll High School is not a traditional
campus by the above definition as it includes only grades 9 and 10. However, Carroll Senior
High School, a campus including grades 11 and 12, was included in the study. Similarly,
Lewisville North High School is a 9th grade center. Finally, Stephenville High School was the
home campus of the researcher at the time of the survey process and was excluded from the
population for that reason. The resulting sample contained a total of 98 high schools.

At each of the 98 high schools included in the study, the responses of three individuals
were sought. The three survey instruments (principal, lead coach male, lead coach female) were
sent to the head principal of each building. The principal was asked to complete the survey and distribute the other two surveys to the lead coach of male athletes and the lead coach of female athletes. Notably, on many campuses, the lead coach of male athletes is often the head football coach, and the lead coach of female athletes is often the head volleyball coach or the head girls’ basketball coach. The principal on each campus made a final determination as to who best fit those roles on his or her campus. Thus, the potential population for this study included: 98 principals, 98 coaches of males, and 98 coaches of females (for a potential total of 294 respondents). Of the total potential respondents in each category, who received the surveys, the actual number of respondents included 40 of 98 (40.8%) principals; 35 of 98 (35.7%) lead coaches of male athletes; and 33 of 98 (33.7%) lead coaches of female athletes. The total number of respondents was 108 for a survey return rate of 36.7%.

The respondents represented schools ranging from the smallest classification in the state, class 1A to the largest classification, class 5A. The schools represented were urban, rural, and suburban. The state currently defines these classifications or conferences as follows:

<table>
<thead>
<tr>
<th>Conference 5A</th>
<th>1925 and up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conference 4A</td>
<td>900-1924</td>
</tr>
<tr>
<td>Conference 3A</td>
<td>390-899</td>
</tr>
<tr>
<td>Conference 2A</td>
<td>190-389</td>
</tr>
<tr>
<td>Conference 1A</td>
<td>189 and below</td>
</tr>
</tbody>
</table>

(University Interscholastic League Website, 2005, Constitution and Contest Rules section, Chapter 1, Subchapter I, Section 351, Subsection b)

In Figure 1, the researcher details the number of respondents represented in each state classification out of 108 total respondents (See Figure 1).
Figure 1: Respondents by School Classification (N = 108)

Survey Instrument

The 1990 *Title IX Investigator’s Manual* was developed by the United States Department of Education for the purpose of providing guidelines and direction for those individuals charged with the task of determining compliance of collegiate and interscholastic athletics programs according to the 1972 law prohibiting discrimination based upon sex. Included in the manual are the following 13 program components:

1. Athletic scholarships
2. Accommodation of athletic interests and abilities
3. Equipment and supplies
4. Scheduling of games and practice times
5. Travel and per diem allowance
6. Opportunity to receive coaching and academic tutoring
7. Assignment and compensation of coaches and tutors
8. Locker rooms, practice and competitive facilities
9. Medical and training facilities and services
10. Housing and dining facilities and services
11. Publicity
12. Support services


The Office for Civil Rights bases its investigations upon those program components. In the *Title IX Investigator’s Manual*, guidelines are delineated for both types of investigations: “The Policy Interpretation does not mandate that the overall [intercollegiate] approach be used for interscholastic athletics. Interscholastic athletics investigations may be limited to those program components in which a complainant has made allegations” (U.S. Department of Education, 1990, p. 8). The manual goes further to explain that, typically, interscholastic athletic programs do not include more than nine of the program components (U.S. Department of Education, 1990).

Because the investigation was limited to high school interscholastic athletic programs, the survey instrument did not involve those program areas that are considered solely intercollegiate components, such as tutoring, housing and dining facilities and services, recruitment of student athletes, and athletic financial assistance [or scholarships].

Based upon the nine applicable program components (as defined by the *1990 Title IX Investigator’s Manual*), a survey instrument was developed by the researcher in order to determine various school leaders’ perceptions of compliance with the provisions of Title IX of the Education Amendments of 1972. Additionally, the researcher found the Georgia Department of Education’s 2001 *Gender Equity in Sports Resource Manual* to be a helpful resource in the development of the survey questions. Specifically, the manual’s “School Compliance Report” was very helpful in the development of the survey instrument. In some instances, the researcher used identical wording of questions for the survey instrument. As a result, the researcher sought
and received permission from the Georgia Department of Education to use the manual as a resource for developing the survey instrument (see Appendix E).

Two survey instruments were developed for the purposes of this study: 1. The Principal’s Title IX Compliance Survey (see Appendix B); and 2. The Coaches’ Title IX Compliance Survey (see Appendix C). The Principal’s Survey was divided into four sections, while the Coaches’ Survey included only three sections.

Part I of the Principal’s Survey asked the gender of the respondent. Part II included the use of a Likert Scale in order to allow respondents to indicate their perceptions of the program components of their athletic program. The Likert Scale included the numbers 1 through 4, with 1 being very equal, 2 being somewhat equal, 3 being equal with minor exceptions, and 4 being equal. Twenty questions were included in this section of the survey, all of which were designed to measure perceptions regarding one of the nine program components that the Office for Civil Rights defines as the key elements of an athletics program’s compliance with the law. Parts III and IV of the Principal’s Survey asked respondents eight questions related to the demographic make-up of the school and the school’s athletic department.

The second survey instrument was designed to measure the perceptions of coaches regarding their school’s compliance (or lack of compliance) with Title IX’s requirements regarding interscholastic athletic programs. As with the Principals’ Survey, Part I of the Coaches’ Survey asked respondents to indicate their gender. Part II required the coach to place a check by the job that best describes his/her position (i.e. lead coach of male athletes or lead coach of female athletes). Part III of the Coaches’ Survey included the use of a Likert Scale and is identical to the Principal’s Survey, Part II.
Reliability and Validity of the Survey Instrument

The reliability of the coaches’ survey instrument was obtained by a pilot administration of the survey instrument to 33 educators enrolled in two master’s level educational administration courses at Tarleton State University in Stephenville, Texas. The researcher first sought and received the permission of the University of North Texas Institutional Review Board prior to the administration of the pilot in the master’s level classes. Additionally, the instrument was sent to high school principals at 10 Texas public schools not located in Region XI. Seven of the 10 piloted surveys were returned and used to determine the reliability of the individual questions.

In order to determine the statistical reliability of the 17 Likert-scale questions on the pilot survey instrument, an item analysis was conducted. The result was a Cronbach’s Alpha of 0.964, which indicates a high level of reliability.

In order to assure the content validity of the survey instruments, the researcher administered the survey document to a panel of experienced educators including one professor of educational administration, two former high school principals, three current school district athletic directors, and one central office administrator, none of whom were respondents in the Region XI study. Made up of four males and three females, the content validity expert panel included:

1. Mr. E. Don Brown—Former long-time, veteran principal at L.D. Bell High School in Hurst, Texas. Retired as a high school principal, Mr. Brown currently lives in Austin, Texas, and works as an educational consultant and principal head-hunter.

2. Ms. Johanna Denson—Director of Athletics for the Waco Independent School District in Waco, Texas. Ms. Denson is one of a very short list of female athletic directors at large, 5A districts in the state of Texas.

3. Mr. Rusty Dowling—At the time of this research, Mr. Dowling served as the Athletic Director for the McKinney Independent School District in McKinney,
Texas. The McKinney ISD is one of the fastest growing school districts in the north Texas region. Currently, Mr. Dowling is the Athletic Director in the Katy Independent School District in Katy, Texas.

4. Dr. Trae Kendrick—Serves as the Director of Instructional Services for the Midway Independent School District in Waco, Texas.

5. Mr. David Kuykendall—Athletic Director for the Frisco Independent School District in Frisco, Texas. The Frisco ISD is also one of the fastest growing school districts in the north Texas region.

6. Mr. Archie McAfee—Former long-time, veteran principal at Plano East Senior High School in Plano, Texas. Mr. McAfee is retired as a high school principal and currently serves as the Executive Director of the Texas Association of Secondary School Principals in Austin, Texas.

7. Dr. Betty Jo Monk—Professor of educational administration at Tarleton State University in Stephenville, Texas. Dr. Monk taught for several years in the School of Education at Baylor University.

These panel participants were asked to comment on the instrument’s “user-friendliness,” instructions, format, and questions in order to ensure that the question syntax was clear and unambiguous. Additionally, the panel members were asked to provide feedback regarding possible improvements to be made to the survey instrument. Specifically, the experts were provided a copy of the research questions for the study as well as specific open-ended questions to answer. These questions included:

1. Please examine the format of the survey instrument. Is it easy to read, properly aligned, and user-friendly?

2. Please pay specific attention to the instructions on the survey instrument. Are they clear and unambiguous? Will the respondent fully understand what to do?

3. Please read each question carefully. Is the wording of each question clear and easily understood? (If you have suggestions, please be specific regarding the section or number of the question.)

4. Given your understanding of the requirements of Title IX (particularly as the law relates to interscholastic athletics), do you feel that the survey instrument adequately reflects the component parts of the law.

5. Do you feel that the survey instrument will yield the information necessary to adequately answer the enclosed research questions?
Based upon the responses of the panelists as well as the suggestions from the researcher’s doctoral dissertation committee members, some questions were changed to improve clarity. Also, three additional questions were added to create a more thorough survey instrument.

Procedures for Data Collection

In early May 2005, the researcher sent, via the U.S. Postal Service, three survey instruments to each of the 98 schools in the population. The surveys were addressed to the campus principal with explicit instructions explaining how to complete the Principal’s Survey, and that the Coaches’ Survey should be distributed to the appropriate individuals on his/her campus (see Appendix A). Additionally, an email notification accompanied the mailing of the documents to each of the recipient high school principals in Region XI. Each survey instrument was coded in order for the researcher to determine the role and the school of each respondent. The specific identities of the schools involved are not indicated in this dissertation.

After approximately one week, the researcher sent another email reminder to principals to complete and distribute the surveys sent to their campuses. A third email reminder was sent to principals approximately two weeks after the initial mailing. In summer 2005, phone calls were placed to principals whose coaches had returned a survey instrument, but the principals had not. The resulting return rates were as follows: 40 of 98 (40.8%) principal surveys; 35 of 98 (35.7%) lead coach of male athletes surveys; and 33 of 98 (36.7%) lead coach of female athletes surveys.

Analysis of Data

Data from both the principals’ and coaches’ Title IX Compliance Survey Instruments were analyzed in order to determine school officials’ perceptions regarding their respective high
schools’ compliance with the program components of the law prohibiting sex discrimination. Both surveys contained 20 Likert-scale questions, based upon those Title IX program components related to interscholastic athletics. Additionally, the Principal’s Survey included important demographic questions designed to allow the researcher to identify possible patterns relative to distinguishing characteristics such as the University Interscholastic League (UIL) state classification of the high school as well as the socio-economic situation on each campus.

Participants were asked to mark the responses they perceived to best describe the Title IX program components as they existed on their respective campuses. The responses were designed to measure respondents’ perceptions of equality or inequality regarding each program component. Responses that indicated the participant viewed his or her school’s treatment of male and female athletes to be equal were assigned a score of 4. Responses of very unequal were assigned a score of 1. The range of possible mean scores via such responses on the survey instrument was 1.00 to 4.00. High range mean scores (2.50 – 4.00) indicated a high measure of perceived equality; while low range mean scores (1.00 – 2.49) indicated a low measure of equality or, stated differently, that the particular score indicated inequality.

Described by Gall, Borg, and Gall (1996) as “…a type of quantitative research that involves making careful descriptions of educational phenomena” (p. 374), descriptive research is commonly used in educational research. Research question #1 required this method as the researcher attempted to provide information regarding the level of compliance with Title IX as indicated by the respondents.

Via the appropriate survey instrument, principals and coaches responded to a variety of questions based upon the component measures used by the Office for Civil Rights to determine their institution’s Title IX compliance. Research question 1 provides information regarding each
respondent’s overall analysis of the component parts of his or her school’s athletic programs, specifically with regard to Title IX. Descriptive methods were best suited for analyzing data in answering Research Question 1.

According to Gall, Borg, and Gall (1996), “Causal-comparative research sometimes involves the study of more than three groups” (p. 392). In analyzing Research Question 2, a causal-comparative design was best suited to determine whether a relationship existed between the three possible positions of the respondents and the respondents’ perceptions of compliance with Title IX. That is, an analysis of variance (ANOVA) was used to determine whether the responses varied as a result of the various roles of the respondents.

In Research Questions 3 and 4, the researcher utilized an analysis of variance (ANOVA) to determine the perceived levels of compliance with regard to the program areas being measured. This method allowed the researcher to determine whether a correlation existed between the school leaders’ perceptions and the following variables, respectively: rates of students qualifying for free and reduced lunch status and the state classification of the respondents’ schools.

In analyzing the relationships found in Research Question 5, the researcher utilized a $t$ test. The researcher sought to determine if there was a relationship between the perceptions of respondents and the respondents’ gender.

The researcher utilized descriptive methods in answering Research Question 6 which attempted to determine whether there was a relationship between Title IX inquiries via the Office for Civil Rights and the school leaders’ perceptions of compliance.

Finally, Research Question 7 was analyzed by means of an analysis of variance. For each program component, the survey items were grouped and analyzed to see whether statistically
significant relationships existed between the program components and the level of compliance indicated by the responses of those surveyed.

Summary

This chapter described the development of the two research survey instruments as well as the methodology by which the resulting data were analyzed. The purpose of the study was to determine the perception of selected school leaders and coaches of the degree of compliance of public high schools with Title IX and its respective program components, specifically as they relate to interscholastic athletics at the high school level. The study was comprised of 98 Texas public high schools located within the boundaries served by the Texas Education Agency’s Educational Service Center, Region XI. At each of the respective schools, a survey was sent to the principal of the school as well as the lead coaches of male athletes and the lead coaches of female athletes. The researcher created the survey instrument based upon the interscholastic athletic program components as outlined by the Office for Civil Rights and upon the Georgia Department of Education’s (2001) Gender Equity in Sports Resource Manual. The reliability and the content validity of the survey instruments were ensured through the use of pilot administration of each survey as well as a content validity expert panel. The data from this quantitative research study were analyzed primarily through the use of descriptive statistics and causal-comparative statistical methods.
CHAPTER 4
FINDINGS

As stated in chapter 1, the purpose of this study was to identify: (a) the differences in perceptions of high school principals, lead coaches of male athletes, and lead coaches of female athletes with regard to individual districts’ levels of compliance with Title IX interscholastic athletic provisions; and (b) patterns that indicate areas of compliance or non-compliance with respect to Title IX. Chapter 4 is organized in terms of the seven research questions identified in chapter 1.

Research Question 1 asked, “To what degree are high schools in Region XI perceived by high school principals, lead coaches of male athletes, and lead coaches of female athletes to be compliant with Title IX, specifically regarding the provisions related to interscholastic athletics.” This chapter answers the first question by offering an overview of composite mean scores of all respondents’ perceptions of Region XI high schools’ compliance with Title IX.

Next, Research Question 2 is answered, specifically analyzing and comparing the perceived degree of Title IX’s implementation when considering the respondents’ roles: principal, lead coach of male athletes, or lead coach of female athletes. Next, Research Question 3 is considered: “What differences exist in the perceived degree of implementation of Title IX when comparing schools with higher rates of students who qualify for free and reduced lunch status to schools with mid-range and lower rates of students who qualify for free and reduced lunch?” Responses are next analyzed in light of Research Question 4, which considered the perceived degree of implementation based upon the state classification of each high school. In Texas, high schools, depending on size of the student population, are defined as class 1A through class 5A. The chapter then focuses on Research Question 5, which analyzed the differences (if
any) that existed when the gender of the survey respondents was considered. Turning attention to Research Question 6, the researcher then offers the results of whether there is a greater degree of Title IX implementation at campuses that have experienced formal Title IX inquiries via the Office for Civil Rights. Next, Research Question 7 asked, “In which Title IX program component areas (as identified by the OCR) do the selected school leaders perceive that their schools are most compliant or least compliant with the requirements of Title IX?” Respondent scores were analyzed based upon the program component areas represented by the survey items.

Finally, other indicators of Title IX compliance measured by the survey instrument are discussed. The other compliance indicators include: schools that have surveyed females to add sports; the population of female athletes compared to the population of female students at Region XI high schools; an analysis of the percentage of male coaches compared with female coaches; and a look at the number of teams offered to males compared to those offered to females. The measures offer practitioners additional insight that may not be revealed by analysis of the research questions.

Research Question 1

Research Question 1 asks to what degree school districts in Region XI are perceived by high school principals, lead coaches of male athletes, and lead coaches of female athletes to be compliant with Title IX, specifically regarding the provisions related to interscholastic athletics. For purposes of Research Question 1, data included all 108 respondents—all surveyed principals, lead coaches of female athletes, and lead coaches of male athletes. The question measured the responses given on the first 20 items on the survey and was designed to offer insight as to the overall perception of compliance at Region XI high schools (see Table 1).
Table 1

Breakdown of Respondents (N = 108)

<table>
<thead>
<tr>
<th>Respondent Group</th>
<th>%</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principals</td>
<td>37</td>
<td>40</td>
</tr>
<tr>
<td>Lead Coaches of Female Athletes</td>
<td>30.6</td>
<td>33</td>
</tr>
<tr>
<td>Lead Coaches of Male Athletes</td>
<td>32.4</td>
<td>35</td>
</tr>
</tbody>
</table>

Each of the first 20 survey items corresponded with one of the program components defined by the Office for Civil Rights. Arranged in a Likert-scale format, respondents marked each item with one of the following: 1 – unequal; 2 – somewhat unequal; 3 – equal with minor exceptions; or 4 – equal.

Table 2

Relevant Statistical Measures of School Means

<table>
<thead>
<tr>
<th>Overall Mean</th>
<th>3.80</th>
</tr>
</thead>
<tbody>
<tr>
<td>Median</td>
<td>3.85</td>
</tr>
<tr>
<td>Mode</td>
<td>4.00</td>
</tr>
<tr>
<td>Lowest school mean</td>
<td>2.65</td>
</tr>
<tr>
<td>Highest school mean</td>
<td>4.00</td>
</tr>
</tbody>
</table>

For each set of responses, a “school mean” was established. That is, the mean score for each respondent’s perception of compliance at his/her school was determined. The overall mean of all school means was 3.80 (see Table 2).

The school means ranged from 2.65 to 4.00. Out of 108 respondents, only 3 school means were lower than 3.25. In other words, 97.22% of the school means were in the range of 3.25 to 4.00, indicating a high perception of compliance on the part of the responding Region XI school leaders. Particularly noteworthy is that 74.1% of the composite school means fell within the
range of 3.75 – 4.00. Fully 24.1% of respondents rated their schools with a perfect score of 4.00 (see Table 3).

Table 3

*Range of School Means (N = 108)*

<table>
<thead>
<tr>
<th>Range</th>
<th>%</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 2.49</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2.50 – 2.74</td>
<td>0.92</td>
<td>1</td>
</tr>
<tr>
<td>2.75 – 2.99</td>
<td>1.9</td>
<td>2</td>
</tr>
<tr>
<td>3.00 – 3.24</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3.25 – 3.49</td>
<td>5.6</td>
<td>6</td>
</tr>
<tr>
<td>3.50 – 3.74</td>
<td>17.6</td>
<td>19</td>
</tr>
<tr>
<td>3.75 – 3.99</td>
<td>50</td>
<td>54</td>
</tr>
<tr>
<td>4.00</td>
<td>24.1</td>
<td>26</td>
</tr>
</tbody>
</table>

Research Question 2

Although the mean of all respondent school means was 3.80, the median of all respondent school means was 3.85. Of the lower half of scores (54 composite school means), 21 were responses by school principals, 18 were the lead coaches of female athletes, and 15 were the lead coaches of male athletes. The lowest 11 scores (3.50 or lower) were presented by two principals, eight lead coaches of female athletes, and two lead coaches of male athletes.

Analyzing the upper half of school means, 20 of the responses were made by lead coaches of male athletes, 15 by lead coaches of female athletes, and 19 by principals. Fully 26 of the respondents’ school means were a perfect 4.00. That is respondents perceived their schools to be equal in every measurement offered by the survey instrument. Of the 26 school means of 4.00, 12 were related to responses presented by lead coaches of male athletes, 8 by lead coaches of female athletes, and 6 by principals.
Research Question 2 was designed to determine whether differences exist in the perceived degree of implementation of Title IX when analyzing the responses of high school principals, the lead coach of female athletes, and the lead coach of male athletes (see Table 4). Utilizing an analysis of variance, or ANOVA, statistical operation, the researcher compared the resulting school means of each group of respondents. Removing obvious outlier scores, the test of homogeneity of variances was conducted and revealed a significance of 0.021 ($p > .05$); thus, the data did not meet the homogeneity assumption.

Table 4

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Group Mean</th>
<th>Std. Deviation</th>
<th>$n$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>3.81</td>
<td>.24267</td>
<td>40</td>
</tr>
<tr>
<td>Lead Coach of Males</td>
<td>3.86</td>
<td>.16337</td>
<td>35</td>
</tr>
<tr>
<td>Lead Coach of Females</td>
<td>3.73</td>
<td>.30810</td>
<td>33</td>
</tr>
</tbody>
</table>

Research Question 3

The principals’ survey instrument asked for principals to provide the percentage of students on their high school campuses who qualify for free and reduced lunch status, a key indicator of the overall socio-economic status of schools. The principal mean scores were combined (when available) with the mean scores of the lead coaches of male athletes (LCM) and the lead coaches of female athletes (LCF) to yield a combined mean for each school. For example one responding school’s principal mean was 4.00. The LCM mean for that school was 3.85, and the LCF mean was 4.00. This yielded a combined mean score of 3.95. In some cases, only the principal of the school responded to the survey. Thus, in the absence of the LCM and LCF means, the principal’s score of 4.00 is also the combined score for that high school.
Region XI high schools vary widely with regard to the percentage of students qualifying for free and reduced lunch. One responding school reported only 1% of students qualifying. Another campus, on the other hand, the principal and coaches reported that 83% of their students qualify. Of the 40 principal respondents, 36 reported the percentage of students qualifying for free and reduced lunch. After determining combined mean scores for those campuses, the schools were placed into three groups: lower percentages (0-20%), mid-range percentages (21-40%), and higher percentages (>40%) of students qualifying for free and reduced lunch (See Table 5). Those groups of data were then analyzed using an ANOVA to determine whether a statistical difference existed among the three groups of schools. With a significance of .249 ($p >.05$), the data groups met the homogeneity assumption necessary to consider the ANOVA. The analysis yielded a significance of 0.961 ($p < .05$) which was not statistically significant. In other words, there were no statistically significant differences in the analyzed data sets.

Table 5  
*Schools Grouped According to Free and Reduced Lunch Percentages, Combined Means (N =36)*

<table>
<thead>
<tr>
<th>Range %</th>
<th>Group Mean</th>
<th>Std. Deviation</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-20</td>
<td>3.82</td>
<td>.13812</td>
<td>11</td>
</tr>
<tr>
<td>21-40</td>
<td>3.80</td>
<td>.19737</td>
<td>16</td>
</tr>
<tr>
<td>&gt;40</td>
<td>3.81</td>
<td>.14426</td>
<td>9</td>
</tr>
</tbody>
</table>

Research Question 4

The governing body of Texas public schools’ extracurricular, interscholastic competition is the University Interscholastic League (UIL). The UIL is responsible for determining the competitive classification or conference of each high school and charter school. The classifications are commonly used in a wide array of discussions to provide a frame of reference.
regarding the size of schools in Texas. Currently, the conferences or classifications are based upon the following enrollments as defined by the UIL Constitution:

<table>
<thead>
<tr>
<th>Conference</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5A</td>
<td>1925 and up</td>
</tr>
<tr>
<td>4A</td>
<td>900-1924</td>
</tr>
<tr>
<td>3A</td>
<td>390-899</td>
</tr>
<tr>
<td>2A</td>
<td>190-389</td>
</tr>
<tr>
<td>1A</td>
<td>189 and below</td>
</tr>
</tbody>
</table>

(University Interscholastic League Website, 2005, Constitution and Contest Rules section, Chapter 1, Subchapter I, Section 351, Subsection b)

Research Question 4 was designed to yield insight as to whether the state classification of schools made a statistical difference with regard to the perceived degree of Title IX implementation. As part of the principals’ survey instrument, respondents were asked to provide the state classification of the high school. Using the 40 principal responses, and as was described in the section above regarding Research Question 3, a combined mean for each school was determined.

**Table 6**

*Schools Grouped According to State Classification, Combined Means (N = 40)*

<table>
<thead>
<tr>
<th>Classification</th>
<th>Group Mean</th>
<th>Std. Deviation</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>3.82</td>
<td>.15208</td>
<td>9</td>
</tr>
<tr>
<td>2A</td>
<td>3.86</td>
<td>.13150</td>
<td>4</td>
</tr>
<tr>
<td>3A</td>
<td>3.83</td>
<td>.18540</td>
<td>4</td>
</tr>
<tr>
<td>4A</td>
<td>3.75</td>
<td>.20764</td>
<td>10</td>
</tr>
<tr>
<td>5A</td>
<td>3.86</td>
<td>.12586</td>
<td>13</td>
</tr>
</tbody>
</table>

Next, the combined means were grouped according to the schools’ state classifications, 1A through 5A (see Table 6). The groups of data were then analyzed using an ANOVA to
determine whether a statistically significant difference existed among the three groups of schools. With a significance of 0.554 ($p > .05$), the five data groups met the homogeneity assumption necessary to consider the ANOVA. The ANOVA yielded a significance of 0.585 ($p < .05$), which was not statistically significant. In other words, there were no statistically significant differences among the schools grouped according to state classification.

Research Question 5

Research Question 5 was designed to determine whether a statistical difference exists between the responses of males and females. Using the same school means analyzed in research question 1, all 108 respondents were divided according to their gender. The respondents (all principals, lead coaches of male athletes, and lead coaches of female athletes) included 33 females and 75 males. The two groups of data were then analyzed using a $t$ test for equality of means to determine whether a statistical difference existed between the responses (see Table 7).

<table>
<thead>
<tr>
<th>Gender</th>
<th>Group Mean</th>
<th>Std. Deviation</th>
<th>$n$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>3.72</td>
<td>.30624</td>
<td>33</td>
</tr>
<tr>
<td>Male</td>
<td>3.84</td>
<td>.20753</td>
<td>75</td>
</tr>
</tbody>
</table>

With a significance of 0.006, the two data groups did not meet the equality of variance assumption measured by Levene’s test for equality of variance. Given the significant difference in the number of males and females, the data were compared by using the 33 female respondents’ school means and randomly selecting 33 of the 75 male respondents’ school means. The researcher thought that strategy might make a difference in the results of the data analysis.
Despite creating two sets of 33 scores, the results failed to meet the equality of variance assumption.

**Research Question 6**

With help from the Center for Interdisciplinary Research and Analysis at the University of North Texas, the researcher determined that the number of respondents working in school districts in which OCR Title IX complaints have been filed was not large enough on which to use statistical measures. As a result, descriptive methods were employed to analyze the data relevant to Research Question 6.

Of all 108 respondents (principals, lead coaches of male athletes, and lead coaches of female athletes), six schools in districts that have experienced such complaints are represented (see Table 8). Similar to the analyses conducted in Research Questions 3 and 4, a combined mean was determined for the six schools.

As was referenced in the discussion regarding research question 1, the mean score for all respondent means was 3.80 compared to the 3.89 overall mean of the schools in those districts that experienced Title IX complaints (See Table 8). Certainly, given the limited scope of the measurement, and the inability to determine statistical significance of those data, drawing conclusions regarding the non-statistical significance of the measurements would be purely speculative.
Research Question 7

Research Question 7 categorizes the first 20, Likert-scale items found on the survey instrument into the program component areas as defined by the OCR. Using all 108 respondents’ surveys, an item mean was developed for each of the first 20 questions. From the item means, a program component mean was developed.

After each item was grouped according to program component area, the groups were then analyzed using an ANOVA to determine whether statistical differences existed among the data groups. With a significance of 0.076 \((p > .05)\), the groups met the homogeneity assumption necessary to consider the ANOVA. The ANOVA yielded a significance of 0.409 \((p > .05)\) which was not statistically significant. In other words, there were no significant differences among the item means grouped according to program component area.

Despite the results, a descriptive analysis does yield some noteworthy findings in the data. For example, the areas ranked lowest were Coaching Assignment and Compensation (3.64) and Publicity (3.69). The areas of Travel and Per Diem Allowance (3.95) and Accommodation of Interests and Abilities (3.87) received the highest marks from responding school leaders. As will
be discussed in chapter 5, the results may have implications for school leaders seeking to ensure their schools’ compliance with Title IX (See Table 9).

Table 9

*Program Component Areas by Item and Program Component Means*

<table>
<thead>
<tr>
<th>Program Component Area</th>
<th>Item #</th>
<th>Component Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment and Supplies</td>
<td>1, 2, 3</td>
<td>3.84</td>
</tr>
<tr>
<td>Accommodation of Interests &amp; Abilities</td>
<td>4</td>
<td>3.88</td>
</tr>
<tr>
<td>Scheduling of Games and Practice</td>
<td>5, 6</td>
<td>3.87</td>
</tr>
<tr>
<td>Travel and Per Diem Allowance</td>
<td>7</td>
<td>3.95</td>
</tr>
<tr>
<td>Coaching and Tutoring Opportunities</td>
<td>8, 9</td>
<td>3.87</td>
</tr>
<tr>
<td>Coaches Assignment &amp; Compensation</td>
<td>10, 11, 19</td>
<td>3.64</td>
</tr>
<tr>
<td>Facilities</td>
<td>12, 13, 14, 20</td>
<td>3.77</td>
</tr>
<tr>
<td>Medical &amp; Training</td>
<td>15, 16</td>
<td>3.85</td>
</tr>
<tr>
<td>Publicity</td>
<td>17</td>
<td>3.69</td>
</tr>
<tr>
<td>Athletic Budget</td>
<td>18</td>
<td>3.86</td>
</tr>
</tbody>
</table>

Other Measured Indicators of Compliance

Data were collected that offer additional insight as to the state of Title IX compliance at Region XI high schools. One such measure was a survey item asking principals whether their schools had surveyed female students to help determine sports that should be added. Of the 40 principal responses, 32 (80%) responded that their school had not surveyed females, 7 (17.5%) reported having surveyed their students, and one school did not respond to the question.

An additional measure of Title IX compliance that was not dependent upon individual perceptions centered on four survey items designed to yield insight as to what the OCR refers to as substantial proportionality. By comparing the reported percentage of female students on the campus with the reported percentage of female athletes, the researcher was able to determine the
extent of any “opportunity gap” that may have existed at the 38 schools whose principals responded to the population items (see Table 10).

Table 10

Population of Female Students Compared with the Population of Female Athletes

<table>
<thead>
<tr>
<th></th>
<th>% Fem. Students</th>
<th>% Fem. Athletes</th>
<th>Opportunity Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Largest Gap</td>
<td>51.85</td>
<td>33.33</td>
<td>-18.52</td>
</tr>
<tr>
<td>Smallest Gap</td>
<td>51.58</td>
<td>60.61</td>
<td>9.03</td>
</tr>
<tr>
<td>Mean</td>
<td>50.06</td>
<td>41.09</td>
<td>-8.97</td>
</tr>
<tr>
<td>Median</td>
<td>50.00</td>
<td>40.32</td>
<td>-9.68</td>
</tr>
</tbody>
</table>

A third measure of compliance looks at the average percentage of male coaches compared to female coaches in each state classification level, 1A through 5A. Practitioners may find it useful to see such data as one indicator of Region XI high schools’ level of compliance with Title IX (See Table 11). The lowest percentage of female coaches is found in the data submitted by 1A principals where three 1A schools reported having no female coaches. The highest percentages of female coaches were reported by a 1A school and a 2A school. Both reported having 50% of their coaching staffs made up with females. A reporting 3A program had the second highest percentage of female coaches. They reported 10 out of 21 coaches were female (or 47.62%).

Table 11

Percentage of Male Coaches compared with Female Coaches

<table>
<thead>
<tr>
<th>State Classification Level</th>
<th>% Male Coaches</th>
<th>% Female Coaches</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>82.74</td>
<td>17.26</td>
<td>9</td>
</tr>
<tr>
<td>2A</td>
<td>63.45</td>
<td>36.55</td>
<td>4</td>
</tr>
<tr>
<td>3A</td>
<td>76.25</td>
<td>23.75</td>
<td>4</td>
</tr>
<tr>
<td>4A</td>
<td>67.66</td>
<td>32.34</td>
<td>9</td>
</tr>
<tr>
<td>5A</td>
<td>69.30</td>
<td>30.70</td>
<td>12</td>
</tr>
</tbody>
</table>
Finally, a similar comparison may be made with regard to the percentage of teams for male athletes compared with the percentage of teams for female athletes (See Table 12). Due to a small number of schools offering “co-ed” teams, the percentages do not always equal 100. The lowest percentage of female teams reported by a campus was a 2A program with 4 out of 11 teams reported as designated for females (36.36%). The two highest reports of female teams were at a 1A school and at a 5A school. They reported percentages of 53.85% and 53.06%, respectively.

Table 12

<table>
<thead>
<tr>
<th>State Classification Level</th>
<th>% Male Teams</th>
<th>% Female Teams</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>51.46</td>
<td>48.54</td>
<td>9</td>
</tr>
<tr>
<td>2A</td>
<td>52.45</td>
<td>43.38</td>
<td>4</td>
</tr>
<tr>
<td>3A</td>
<td>52.30</td>
<td>47.70</td>
<td>4</td>
</tr>
<tr>
<td>4A</td>
<td>50.39</td>
<td>46.48</td>
<td>9</td>
</tr>
<tr>
<td>5A</td>
<td>49.59</td>
<td>48.07</td>
<td>12</td>
</tr>
</tbody>
</table>

Summary

In this chapter, the researcher outlined the statistical results of the study by providing the data in the context of the seven research questions that have guided the research process. The data analyses are discussed and the resulting data are revealed.

First, the researcher reminded the reader of the overall purpose of the study. Next, the organization of the chapter was described. The most significant part of the chapter next revealed the various analyses conducted in terms of each research question. The researcher described in detail the manner in which the data were analyzed and revealed the relevant data. Following the
research question analyses, the reader was given an overview of the data related to other indicators of Title IX not specifically found in the context of the research questions.
CHAPTER 5

DISCUSSION AND RECOMMENDATIONS

In this chapter, the researcher restates the research problem and reviews the major methods of the study. Additionally, the chapter presents a discussion of the data results found in chapter 4 and considers the study’s implications for the profession as well as future research.

As stated in chapter 1, the problem of the study was to ascertain the degree to which selected Texas public school districts are perceived by school leaders to be compliant with the provisions of Title IX of the Education Amendments of 1972. The school leaders included the high school principal, the lead coach of male athletes, and the lead coach of female athletes. The study primarily used a quantitative approach in the process of analyzing the resulting data. The study population included leaders from 98 public high schools located within the boundaries of the Texas Education Agency’s Region XI located in north, central Texas.

Based on the program components defined by the Office for Civil Right’s 1990 *Title IX Investigator’s Manual*, as well as questions found in the State of Georgia Department of Education’s *Gender Equity in Sports Resource Manual*, the researcher developed a survey instrument comprised chiefly of 20 Likert-scale questions designed to measure the school leaders’ perceptions of their schools’ compliance with Title IX, the law prohibiting discrimination on the basis of sex. A survey instrument was developed for coaches and principals. The principals’ survey instrument included a section that asked respondents to provide information related to demographics as well as other indicators of the schools’ compliance with the law.

Excepting the researcher’s home school district, three survey instruments were mailed to each of the 98 public high schools in Texas’s Region XI. Each principal received a principal’s
survey as well as two additional surveys—one to be distributed to the lead coach of male athletes, and one to be given to the lead coach of female athletes. The researcher hoped to gain a more objective view of perceptions of compliance by surveying those three varied groups of school leaders.

The chapter begins with a summary of the first four chapters. After a synopsis of the dissertation, the results as well as any potential limitations of the study will be discussed. Possible implications for practitioners as well as recommendations for future study will make up the final section of chapter 5.

Summary of Previous Chapters

Chapter 1 provided the background and purpose of the study of school leaders’ perceptions of Title IX compliance at their schools. Additionally, seven research questions were presented as the guiding points of analyzing the data. Significant terms of the study were defined, and the relevant delimitations of the study were discussed. Finally, the chapter offered a look at the organization of the dissertation.

Chapter 2 provided an extensive review of the literature related to the implementation of Title IX at educational settings throughout the United States. First the researcher provided a perspective on the historical and ongoing struggles for equality faced by women. Next, he discussed the history behind the emergence and evolution of Title IX and its accompanying litigation, policy, and regulation. The researcher then focused on how schools must achieve and maintain compliance with the law. Next, he provided an overview of the specific Title IX complaints filed with the Office for Civil Rights against Texas public schools in Region XI.
Finally, contemporary issues surrounding the implementation of the law were discussed. Throughout the chapter, various research studies related to Title IX were discussed.

Chapter 3 of the dissertation focused on the research methods used to conduct the study. The researcher first reviewed the purpose of the study as well as the seven research questions to be answered. Next, he gave an overview of the quantitative and descriptive methods employed by the researcher. He described the population and sample used in the study and discussed the development of the pilot survey as well as the final survey instrument. Next, the procedures used to distribute the survey instruments and collect the survey were described. Finally, the researcher discussed the specific methods used to analyze the data.

In chapter 4 the researcher presented an analysis of the data collected for this study. First, he revisited each of the research questions used to guide the study. Next, he provided a detailed view of the resulting data in light of each of the seven research questions. That in-depth analysis offered readers tables of information designed to provide meaning to the resulting data. Additionally, the researcher discussed the types of statistical analyses, descriptive or quantitative, used in analyzing each of the research questions. Finally, the researcher looked at other indicators of schools’ compliance not considered in the analyses of the research questions.

Discussion of Results

Although the researcher found examples of studies analyzing the perceptions of principals (Maddox, 1995; Braddock, 1999) and athletic directors (Conran, 2000; Thomas, 2001), this study sought to analyze the perceptions of both principals and athletic leaders in an effort to yield more objective results. Specifically, the study asked respondents to rate their schools with regard to 20 questions to measure the program components of Title IX as defined
by the Office for Civil Rights. Additionally, the study asked principals for demographic data such as the state classification (size) of the school as well as the socioeconomic status of the campus in order to draw comparisons between schools based upon measures.

Seven research questions guided the study. The results of the study will be discussed in the order of the research questions and in a manner consistent with the reported findings of chapter 4.

**Research Question 1**

Research Question 1 asked, “To what degree are high schools in Region XI perceived by high school principals, lead coaches of male athletes, and lead coaches of female athletes to be compliant with Title IX, specifically regarding the provisions related to interscholastic athletics?” Data included all 108 respondents, with 37% of the respondents being principals, 32.4% lead coaches of male athletes, and 30.6% lead coaches of female athletes.

As described in chapter 4, descriptive methods were used in the analysis of Research Question 1. A composite school mean was determined for each respondent who indicated his or her overall perceptions of the school’s compliance with Title IX. In other words, the composite means were intended to give a concrete, quantitative measure to the rather abstract concept of the perception of compliance.

Although the mean scores ranged from 2.65 to 4.00, the median of 3.85 and the mode of 4.00 are much more indicative of the overall perceptions of the respondents. With 74.1% of the respondents’ school means ranging from 3.75 to 4.00, and 24.1% of the means being a perfect 4.00, clearly most school leaders believed that their schools are equal in terms of the treatment of male and female athletes. Thus, the data indicated that the perception of the surveyed school
leaders was one of high compliance with Title IX. That finding adds credence to Conran’s 2000 study of Division III college athletic directors and high school athletic directors which concluded that “…there was overall agreement that the provisions to support men’s and women’s athletic programs are provided for equally” (p.146).

Research Question 2

In chapter 2, Maddox’s (1995) study of Texas principals was referenced noting that “…Texas principals perceived that Title IX had been implemented fairly extensively…” (p. 142) on their campuses. Similarly, Thomas (2001) concluded, “The majority of [athletic] administrators believed that their school was in compliance with Title IX” (p. 51). An analysis of the responses of principals and coaches was designed to provide further insight into such a conclusion.

The second research question asked, “What differences exist among the responses of high school principals, the lead coach of male athletes, and the lead coach of female athletes in their perceived degree of implementation of Title IX?” Prior to such analysis, and given the history of female athletes discussed in chapter 2, a reasonable person could presume that the coaches of female athletes might perceive greater inequalities with regard to the treatment of male and female athletes. Likewise, one might hypothesize that the lead coaches of male athletes would have a more favorable view of compliance with Title IX.

Analyzing data for this research question involved grouping the 108 composite school means used in Research Question 1. The data were grouped according to the respondent type: high school principal, lead coach of male athletes, or lead coach of female athletes. Although the ANOVA significance score could not be considered because the data did not meet the
homogeneity assumption, a descriptive analysis of the data yielded a noteworthy comparison. The lowest group mean of 3.73 was that of the lead coaches of female athletes. The highest group mean of 3.86 represented the lead coaches of male athletes. The group mean of principals was 3.81. Apparently when compared with the responses of the lead coaches of male athletes as well as those of principals, the lead coaches of females had a slightly less favorable view of the compliance of their schools with Title IX. That is, they appeared to feel that the treatment of males and females was less equal than did principals and the lead coaches of males. Nonetheless, the descriptive analysis should be tempered by the fact that the statistical analysis did not substantiate such a conclusion.

Research Question 3

Research Question 3 asked, “What differences exist in the perceived degree of implementation of Title IX when comparing schools with higher rates of students who qualify for free and reduced lunch status to schools with lower rates of students who qualify for free and reduced lunch?” Determined by federal guidelines, the measure is a common point of comparison for public schools and is used to define a school’s level of wealth or poverty. As described in chapter 4, the combined composite means of the 36 schools reporting the percentage of such students were grouped according to the percentage of students reported to qualify for free and reduced lunch: 0–20%; 21-40%; and >40%.

After meeting the assumption of homogeneity, the three groups were analyzed via an ANOVA to determine whether the differences among each group’s responses were statistically significant. With a significance of 0.961 ($p < .05$), they were not. Thus, the data suggest that perceptions of compliance with Title IX were not impacted by the socio-economic situation
present at the school. In other words, school leaders were just as likely to perceive high levels of equal treatment of athletes at schools with higher rates of free and reduced lunch status as would the leaders serving more wealthy students.

**Research Question 4**

Research Question 4 asked, “What differences exist in the perceived degree of implementation of Title IX when considering the state classification of the high school?” The purpose of this research question was to gauge whether schools were perceived to be more compliant or less compliant as a function of the size of the school’s population.

As described in chapter 4, the combined composite means of the reporting schools were grouped from smallest to largest according to the state-defined conferences or classifications: 1A, 2A, 3A, 4A, or 5A, respectively. After the homogeneity assumption was met, the data were analyzed using an ANOVA. The resulting score of 0.585 ($p < .05$) was not statistically significant. In other words, when grouping the combined means according to state classification, the data suggest that any differences (or similarities) were not determined to be statistically significant. Just as the data suggest with regard to free and reduced lunch, the state classification (or size) of the school did not seem to have any bearing on school leaders’ perceptions of compliance with Title IX.

**Research Question 5**

The researcher sought to ascertain whether the gender of the respondents would impact perceptions of compliance. In other words, would female respondents have a less favorable view than their male counterparts with regard to the perception of equal treatment of male and female
athletes? Referenced in chapter 2, Braddock (1999) in a study of Title IX compliance in Georgia’s high schools concluded “…that the principals of both genders perceived that they were in compliance with Title IX in the day to day operations of their school athletic program” (pp. 110-111). The present analysis expands the Braddock study as it includes the responses of coaches as well as principals.

Research Question 5 asked, “What differences exist in the perceived degree of compliance with Title IX when considering the gender of the survey respondents?” As described in chapter 4, rather than using combined means, the composite means of all 108 respondents were placed into two groups: male respondents and female respondents. Analyzing all 108 composite means with a $t$ test, the data groups did not meet Levene’s Test for Equality of Variance. Thus, the researcher could not consider the statistical significance of the $t$ test.

A basic descriptive analysis of female and male responses yielded a group mean of 3.72 for females and 3.84 for males. Based upon that finding alone, the data suggest that female respondents presented a lower perception of equality than their male counterparts. Nonetheless, given the inability to apply a statistical analysis to the data, such conclusions should be closely scrutinized by future researchers.

Research Question 6

Chapter 2 offered a thorough overview of the school districts in Region XI that had experienced official complaints filed with the Office for Civil Rights as of the writing of this dissertation. Research Question 6 asked, “Do complaints filed via the OCR result in a perception of increased compliance with Title IX?” McLemore (1998), referenced in chapter 2, indicated the OCR began to require more changes on the part of districts so that they might comply with
Title IX investigation findings. In light of such increased scrutiny, the researcher sought to determine whether schools located in such districts would be more sensitive to the issues surrounding Title IX compliance.

As detailed in chapter 4, six of the responding schools were located in districts that have faced formal Title IX inquiries by the OCR (3 of the schools were located in the Arlington ISD). The mean of 3.89 for all schools in this subpopulation compared to an all respondent school mean of 3.80. Although the mean of this limited number of schools was higher, to draw any conclusions regarding this descriptive, non-statistical analysis would be speculative. Although this small measurement does indicate that such schools were perceived to have greater levels of compliance with Title IX, to generalize such a conclusion to all schools that have experienced formal OCR inquiries would also be questionable.

Research Question 7

The seventh research question asked, “In which Title IX areas (as identified by the OCR) do the selected school leaders perceive that their schools are most compliant and least compliant with the requirements of Title IX?” After determining an item mean from all respondents’ surveys and grouping the 20 Likert-scale items according to the program component areas used by the Office for Civil Rights, the various item means were analyzed within those groups by means of an ANOVA.

After the data were determined to have met the homogeneity assumption, the analysis of variance yielded a score of .076 (p < .05), which was determined not to be statistically significant. Thus, the data analysis indicates that there was not a statistically significant difference among the means when grouped according to program areas. That finding seems to
indicate that school leaders in Region XI generally perceive their schools to be in high compliance with the requirements of Title IX, regardless of the program area analyzed.

As described in chapter 4, a descriptive analysis of the program component areas indicated that Coaching Assignment and Compensation (3.64) and Publicity (3.69) had the lowest component means. That finding adds credibility to Thomas’s (2001) finding that “In many schools, boys’ teams continue to receive greater amounts of publicity” (p.52). By contrast, the areas of Travel and Per Diem Allowance (3.95) and Accommodation of Interests and Abilities (3.87) received the highest marks from respondents.

Such data would indicate that school leaders seeking to determine the needs of districts with respect to Title IX would be well served to focus on those areas that scored the lowest component means. Perhaps school leaders should more closely scrutinize the assignment and compensation packages of coaches in their districts. Furthermore, the data suggest that those charged with the responsibility of publicizing the athletic events of high school students should work diligently to ensure that the contests of males and females are publicized and celebrated equally.

Other Measured Indicators of Compliance

Though not guided by the seven research questions of the study, other data were collected that may offer insight to school practitioners seeking to align more closely male and female athletic programs. One such measure was a survey item asking principals if their schools had surveyed female students to help determine sports that should be added.

A description of the three-part test, discussed in detail in chapter 2, states, “Where the members of one sex are underrepresented among intercollegiate athletes, and the institution
cannot show a continuing practice of program expansion such as that cited above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program” (U.S. Department of Education, 1979, Section VII, Subsection C, ¶ 5). Of the 40 principals who responded, 80% reported their schools had not surveyed their students. Although the quoted reference is made with respect to intercollegiate athletics, that statistic points to a possible area of concern for interscholastic athletic leaders seeking to comply with the provisions of Title IX. In other words, if schools are not certain of the interests of female students with regard to athletic offerings, how can leaders be certain that they are fully and effectively accommodating student interests?

Another part of the three-part test outlined in chapter 2 describes the concept of substantial proportionality as “Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments” (U.S. Department of Education, 1979, Section VII, Subsection C, ¶ 5). As described in chapter 4, one measure on the principals’ survey instrument was designed to compare the reported percentage of female students with the reported percentage of female athletes. For all reporting schools, the mean percentage of female students was 50.06% compared with a mean percentage of female athletes reported as 41.09%, yielding a mean “opportunity gap” of 8.97% (see Table 10.) Relative to that measure, the data indicate that Region XI high schools have some work to do with regard to achieving female athletic participation that is substantially proportionate to the overall enrollment of female students.

A third measure of equality among the programs offered male and female athletes involved the reported percentages of male coaches compared to female coaches. Considering all reporting schools in Region XI, 71.88% of coaches were male, and 28.12% were female. The 2A
schools reported the lowest percentage of male coaches at 63.45%. Conversely, reporting 1A schools had the highest percentage of male coaches with 82.74%. Although those data do not indicate any clear patterns with respect to the percentage of coaches and the state classification of schools, and although nothing in Title IX requires that coach gender be considered, the overall percentage of coaches reported does indicate an area of concern for school leaders. With notable exceptions in a few reporting schools, Region XI high schools maintain significant disparities when considering the gender of coaches working with student athletes.

Described in greater detail in chapter 4, the survey instrument yielded a final measure of equality among high school athletics programs in Region XI involving a comparison of the percentage of male teams to the percentage of female teams. With the exception of one 2A school, which reported that 7 of 11 teams were designated for males, the overall percentages did not indicate any significant disparities. In fact, 46.83% of all reported teams were for female student athletes.

Concerns of the Study

As is the case in any type of research project, certain limitations and concerns should be considered by any practitioner or researcher seeking to generalize the results of this research study. One inherent limitation in this study is rooted in the self-reporting nature of the survey instrument model. The researcher assumed that the responses of principals, lead coaches of male athletes, and lead coaches of female athletes reflected their honest feelings and accurate reporting of data. For that reason, the surveys sent to Region XI high schools were packaged in such a way to encourage respondents to respond individually and privately. Nonetheless, one must consider the possibility of pressure on respondents to respond more favorably or less favorably than they
would if anonymity were guaranteed. Similarly, the possibility of inaccurate responses should be considered.

Another concern of this study that should be considered is the methodology of the data analysis. Although every effort was made to analyze data by means of statistical measures, some data sets were either too small or did not meet the assumption of homogeneity for statistical analysis. Such data were analyzed by means of descriptive analyses which are clearly more subjective in nature.

Finally, the population of the study is another concern. For purposes of convenience, the population included high school principals and coaches located in Region XI of the state of Texas, the home region of the researcher. Even though the study was limited to high school employees, it should be noted that the requirements of Title IX extend to all interscholastic athletic events, including those routinely found on middle school and junior high school campuses. Furthermore, the study assumes that public high school principals and coaches in Region XI are afforded similar experiences and opportunities from campus to campus. The regional limitation on the scope of this study should raise some concerns about whether the results may be generalized to other regions in the state and, certainly, to other states in the nation.

Implications of the Study

Although no single study should be used as the basis for vast changes in the approach of school leaders to Title IX compliance, this research study does offer some practical insight for any principal or athletic leader interested in maintaining equity among male and female athletes. Furthermore, the study acted as a litmus test on the status of Region XI high schools with respect to compliance with law prohibiting discrimination based on sex.
The study attempted to gauge the perceptions of high school principals and lead coaches with regard to their schools’ compliance with Title IX. With an overall mean response of 3.80 of all respondents on all Likert-scale questions, school leaders clearly believe that their high schools are basically in compliance with the law. From a big-picture standpoint, the data suggest that schools in Region XI have created opportunities and programs that serve student athletes in an equitable manner, regardless of sex. Although these results should be encouraging to school leaders, they should not be used to suggest that schools may become complacent with regard to gender equity in interscholastic athletics.

In certain areas, the data suggest that work is still needed to comply fully with the intent of the law. For example, the researcher’s descriptive analysis suggests that the lead coaches of female athletes do not view Title IX compliance with the same level of confidence as do those coaches charged with teaching male athletes. Central office administrators and other regional planners should offer greater opportunities for coaches of female athletes to air their concerns and highlight the needs that exist as they perceive them. Similarly, a descriptive analysis of the survey responses grouped by the gender of respondents (regardless of role) suggests that female principals and coaches may need greater opportunities to discuss areas in which they view disparate treatment of athletes.

The data suggest that the responses of school leaders in this study were not impacted based upon the free and reduced lunch percentage and the classification of the various schools. This implies that school leaders perceive high levels of Title IX compliance regardless of such factors and, as a result, there is no need for regional educational leaders to single out schools based upon socio-economics and campus size.
Apparently, based on the descriptive analysis of data returned from school districts that have experienced formal Title IX complaints, the administrators and coaches do demonstrate a slightly greater sensitivity to the requirements of the law. Thus, a reasonable recommendation would be for regional educational leaders to offer forums for discussion through which such schools might share their experiences to educate other schools about the pitfalls of Title IX non-compliance.

The analysis of responses when grouped by program component area should give school leaders confidence that there are not glaring iniquities to be addressed among the component areas. The data suggest that the confidence of respondents found in the overall analysis is reflected in each of the program component areas. In other words, regardless of the Title IX measure, the respondents exhibited a high view of their schools’ level of compliance. Nonetheless, the areas identified by the descriptive analysis as having lower item means indicate areas in which school leaders might focus their efforts as they seek to continue to create a level playing field for all student athletes.

The other measures of compliance conducted in this study indicate areas where school leaders should focus their attention. Clearly, Region XI high schools would be wise to survey student athletes in a more consistent, systematic manner. Additionally, efforts should be made to close the gap between the percentage of female students and the percentage of female athletes found on north-central Texas high school campuses.

Finally, the compliance measures in the study imply that schools have a need to equalize the opportunities afforded female coaches in the region. Greater efforts should be made to train, recruit, and hire females for coaching positions. Additionally, the data suggest that schools in
Region XI have done a good job creating equity with regard to the number of teams offered males in comparison with those offered females.

Recommendations for Future Research

When the researcher initially contemplated a study of compliance with Title IX, the notion of conducting a full-scale analysis on the order of an OCR investigation was discussed. The problem with such an investigation is the inherent invasiveness in such inquiries. Frankly, the researcher doubted that any school district would be agreeable to voluntarily undergo such a labor-intensive study, particularly for the purposes of one individual’s dissertation. Nonetheless, a more in-depth study of school districts would provide a more reliable measure of the progress made in the interscholastic setting. Perhaps school districts could be offered incentives by regional or state educational agencies to participate in such a project.

Although previous studies had surveyed principals and athletic directors, this study sought to add objectivity to the process by including the responses of coaches. Carrying this logic one step further, it might be useful to conduct a similar study including the responses of parents, community members, and the student athletes themselves. Reasonably, one might hypothesize that the favorable ratings offered by the respondents in this study would be tempered by stakeholders not working in the school setting.

Finally, it would be useful to replicate this study in other regions of the state of Texas as well as in other states in the nation. Certainly, similar results would add greater credence to the findings of the study. Furthermore, comparisons among the various regions of the state and nation may provide additional insight for those seeking to ensure the highest levels of compliance with regard to gender equity in athletics.
Summary

It is difficult to argue the success of Title IX in creating additional opportunities for female student athletes, both in intercollegiate and interscholastic settings. Clearly, the law and its resulting regulations and judicial rulings have created an environment in which female and male athletes have opportunities that are much more equitable than in our nation’s recent past.

Although initially impacting intercollegiate athletic program equity, more recently the effects of Title IX been felt in the realm of interscholastic athletics. Whether through their own district’s experiences, reading about Title IX in the news media, or through the Office for Civil Rights’ efforts to educate school leaders about the law’s implications, schools seem to understand the message that students must be afforded equal athletic opportunities, regardless of sex.

Title IX has made a remarkable difference, primarily evidenced by the extraordinary increase of female student athletes in the past 30-plus years. The challenge for school leaders is to continue to focus on those areas where inequities still exist and, perhaps more importantly, never to become complacent about maintaining a level playing field for all students.
APPENDIX A

COVER LETTER ADDRESSED TO PRINCIPALS
February 7, 2005

Principal Jane Doe
Region XI High School
1000 High School Road
Region XI, Texas 76000

Dear Principal Doe:

I am a fellow high school principal as well as a doctoral student at the University of North Texas. I am conducting a study of high schools located in Region XI in order to gain data regarding school leaders’ perceptions of their schools with regard to compliance with Title IX, the federal law which prohibits discrimination based upon sex. This study focuses solely on Title IX as it relates to interscholastic athletics.

Enclosed please find three (3) surveys to be administered separately to the following persons:

- One Principal’s Consent Document and Survey—to be completed by you, personally. It should take about 15 minutes to complete.
- Two Coaches’ Consent Documents and Surveys—Coaches will return these to you in the provided sealed, legal-sized envelope. These should take only about 10 minutes to complete.
  - One to be completed by the lead coach of male athletes (often the head football coach—feel free to determine who this is on your campus)
  - One to be completed by the lead coach of female athletes (often the head volleyball coach or head girls’ basketball coach—feel free to determine who this is on your campus)

Your school’s participation in the completion of these instruments is completely voluntary, and the data provided about your campus will remain confidential. Please return your completed surveys in the enclosed, stamped envelope by February 28, 2005.

If you have any questions, please do not hesitate to contact me at Anytown High School at (817)555-1234, or by email at hollinj@bogusisd.edu. Additionally, you may contact my major professor, Dr. Jane B. Huffman, at the University of North Texas at (940)555-1234.

Thank you for your valuable time and help.

Sincerely,

Jerry D. Hollingsworth
UNT Doctoral Candidate
APPENDIX B

PRINCIPALS’ TITLE IX COMPLIANCE SURVEY
**Principal's Title IX Compliance Survey**

**Part I**

*What is your gender?*  Male____  Female____

**Part II**

The following questions ask for your best professional judgment regarding gender equity within the athletic programs at your school. The term "equal" as used in this survey means a reasonably equal opportunity based on the interests and needs of male and female athletes in your school.

For questions 1-20, please circle the response that best describes the situation on your campus.

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<th>Question</th>
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<td>1. How would you describe the quality (condition, durability, brand) of</td>
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<td>2. How would you describe the availability of athletic equipment</td>
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<td>4. How would you describe the opportunities for participation for</td>
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<td>male and female student athletes in your school?</td>
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<td>6. How would you describe home competitions and opportunities for</td>
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<td>your school?</td>
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<td>7. How would you describe the provisions for boys’ and girls’ teams</td>
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<td>out-of-town athletic events?</td>
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<td>8. How would you describe the opportunities for male and female</td>
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<td>9. How would you describe the opportunities for male and female</td>
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<td>student athletes to receive academic tutorials?</td>
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<td>10. How would you describe the training, experience, and other</td>
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<td>professional qualifications of coaches assigned to boys’ teams when</td>
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<td>compared with coaches assigned to girls’ teams?</td>
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<td>11. Assuming similar training, experience, success and other professional qualifications, how would you describe the salaries, benefits, and stipends paid to boys’ coaches in comparison with girls’ coaches?</td>
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<td>12. How would you describe the quality, maintenance, and convenience of locker rooms for boys’ teams in comparison with those provided girls’ teams in your district?</td>
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<td>13. How would you describe the quality, maintenance, and convenience of practice facilities for boys’ teams in comparison with those provided girls’ teams in your district?</td>
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<td>14. How would you describe the quality, maintenance, and convenience of competitive facilities for boys’ teams in comparison with those provided for girls’ teams in your district?</td>
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<td>15. How would you describe the athletic training facilities provided to boys’ teams in comparison with those provided for girls’ teams?</td>
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<td>16. How would you describe the athletic training services provided to boys’ teams in comparison with those provided for girls’ teams?</td>
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<td>17. How would you describe the promotion and publicity of boys’ teams in comparison with that which is provided for girls’ teams?</td>
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<tr>
<td>18. How would you describe the athletic budget as it provides for boys' teams in comparison with how it provides for girls' teams in like sports with an identical number of teams (i.e. boys' basketball 9-JV-V vs. girls' basketball 9-JV-V)?</td>
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<td>19. How would you describe the number of coaches provided to boys' teams in comparison with the number of coaches provided to girls' teams with an identical number of teams (i.e. baseball 9-JV-V vs. softball 9-JV-V)?</td>
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<td>20. How would you describe the quality, maintenance, and convenience of coaches' offices for boys' teams coaches in comparison with those provided girls' teams coaches?</td>
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Part III
For questions 21-25, please fill in the appropriate numbers for your campus.

21. Student population of your campus: Male________ Female________

22. Number of student athletes (excluding intramurals) on your campus? Male________ Female________

23. Number of coaches according to coaches’ gender: Male________ Female________

24. Number of different teams by student gender: Male________ Female________ Coed________
   (count different levels—9th, JV, Varsity as separate teams. Example: Girls JV Basketball is one team.)

25. Approximate percentage of students on your campus qualifying for free and reduced lunch: ________%

Part IV
For questions 26-28, please place a check after the appropriate response.

26. Has your school surveyed female students to help determine sports that should be added? Yes_____ No_____

27. Has your school district added female sports within the past 10 years in order to accommodate increased student interest in a particular sport? Yes_____ No_____

28. At which University Interscholastic League (UIL) level does your school compete?
   A _____
   AA _____
   AAA _____
  AAAA _____
   AAAAA _____

Please remember to distribute the other two surveys to the lead male coach and lead female coach on your campus.

Please mail the survey only.

Thank you for your participation in this important research!
APPENDIX C

COACHES’ TITLE IX COMPLIANCE SURVEY
Coaches' Title IX Compliance Survey

Part I
What is your gender?  Male_____  Female_____  

Please place a check by the job title that best describes your position at your school.

Lead coach of male athletes_____
Lead coach of female athletes_____

Part II
The following questions ask for your best professional judgment regarding gender equity within the athletic programs at your school. The term "equal" as used in this survey means a reasonably equal opportunity based on the interests and needs of male and female athletes in your school.

For the following questions (1-20), please circle the response that best describes the situation on your campus.

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<td>1. How would you describe the quality (condition, durability, brand) of athletic equipment used by male and female student athletes?</td>
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<td>2. How would you describe the availability of athletic equipment used by male and female student athletes?</td>
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<td>3. How would you describe the maintenance and replacement of athletic equipment used by male and female student athletes?</td>
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<td>4. How would you describe the opportunities for participation for male and female student athletes in your school?</td>
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<td>5. How would you describe the opportunities for practice for male and female student athletes in your school?</td>
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<td>7. How would you describe the provisions for boys’ and girls’ teams with regard to transportation, accommodations, and meal allowances for out-of-town athletic events?</td>
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11. Assuming similar training, experience, success and other professional qualifications, how would you describe the salaries, benefits, and stipends paid to boys’ coaches in comparison with girls’ coaches?

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12. How would you describe the quality, maintenance, and convenience of locker rooms for boys’ teams in comparison with those provided girls’ teams in your district?

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13. How would you describe the quality, maintenance, and convenience of practice facilities for boys’ teams in comparison with those provided girls’ teams in your district?

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14. How would you describe the quality, maintenance, and convenience of competitive facilities for boys’ teams in comparison with those provided for girls’ teams in your district?

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15. How would you describe the athletic training facilities provided to boys’ teams in comparison with those provided for girls’ teams?

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16. How would you describe the athletic training services provided to boys’ teams in comparison with those provided for girls’ teams?

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Thank you for your participation in this important research!

Please seal and mail the completed survey only in the attached envelope.
APPENDIX D

INSTITUTIONAL REVIEW BOARD APPROVAL
March 1, 2005

Jerry Hollingsworth
Department of Teacher Education and Administration
University of North Texas

Re: Human Subjects Application No. 05-022

Dear Mr. Hollingsworth,

As permitted by federal law and regulations governing the use of human subjects in research projects (45 CFR 46), the UNT Institutional Review Board has reviewed your proposed project titled “An Analysis of the Perception of the Degree of Compliance of Selected Public School Districts with Title IX of the Education Amendments of 1972, with Particular Regard to Interscholastic Athletics.” The risks inherent in this research are minimal, and the potential benefits to the subject outweigh those risks. The submitted protocol and informed consent form are hereby approved for the use of human subjects in this study. Federal policy 45 CFR 46.109(e) stipulates that IRB approval is for one year only.

Enclosed is the consent document with stamped IRB approval. Please copy and use this form only for your study subjects.

It is your responsibility according to U.S. Department of Health and Human Services regulations to submit annual and terminal progress reports to the IRB for this project. Please mark your calendar accordingly. The IRB must also review this project prior to any modifications.

Please contact Sheilia Bourns, Research Compliance Administrator, at ext. 3940 or Boyd Herndon, Director of Research Compliance, if you wish to make changes or need additional information.

Sincerely,

Scott Simpkins, Ph.D.
Chair
Institutional Review Board
APPENDIX E

EMAILED APPROVAL FROM THE GEORGIA DEPARTMENT OF EDUCATION
From: <hgreen@doe.k12.ga.us>
To: <hollinj@sville.us>
Date: 4/15/2005 3:44:42 PM
Subject: Title IX Survey

Mr. Hollingsworth:
The Georgia Department of Education appreciates your request to modify some of the questions found in the Department's Gender Equity in Sports Resource Manual for use in your dissertation. The Department has reviewed the questions you intend to use in your manual and would be fine with you using such questions with a general acknowledgement to the Georgia Department of Education somewhere in your dissertation.

Thanks for your request.

Holly Green
Assistant General Counsel
Georgia Department of Education
2052 Twin Towers East
205 Jesse Hill Jr. Drive SE
Atlanta, Georgia 30334
404-651-7705
Fax: 404-657-8376
REFERENCES


Calkins, C.K. Factors influencing Title IX compliance in college athletics. *Dissertation Abstracts International, 61*(05), 2032. (UMI No. 9972225)


Title IX of the Education Amendments of 1972, Title IX at 86 Stat. 373 (1972).


