

Title IX Athletics in Delaware Schools



Research shows that physical activity releases endorphins that support a sense of well-being, improves mental health and promotes a healthy lifestyle. Participation in sports enhances self-esteem, improves self-confidence, provides a sense of community and additional social supports for players. While all youth benefit from sports, historically boys have had more opportunities to achieve their athletic goals. Prior to 1972, while 3.6 million boys participated in high school sports, just under 300,000 girls participated. Fortunately, since the passage of Title IX of the Education Amendments of 1972, over the past 50 years, girls' participation in sports has increased to over 3 million.¹ According to Title IX of the Education Amendments of 1972, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."²

In short, Title IX has opened the doors for girls to unlock their limitless potential and pursue their athletic dreams. When it comes to physical and social-emotional health, Delaware strives to provide girls with as many opportunities as possible. Delaware is committed to meeting Title IX requirements that provide girls with opportunities to reach their athletic goals. Considering this, the Delaware Department of Education (DDOE) is working with the Delaware Office of Women's Advancement and Advocacy (OWAA) to support the efforts of Delaware schools and related entities to highlight the resources available to support female athletes. This document serves to outline how DDOE and OWAA are supporting schools, school districts, and the Delaware Interscholastic Athletic Association (DIAA) to ensure that Delaware girls continue to benefit from the promise of equity under Title IX.

Overview

One of the most significant and meaningful advances of civil rights for women and girls in our nation's history, Title IX is most well-known for promoting an increase of women and girls' participation in sports. At its core, Title IX prohibits sex discrimination in institutions receiving federal funds. Beyond athletics, Title IX obligations prohibit sex discrimination (encompassing discrimination based on sexual orientation, gender identity, and sex characteristics) in "recruitment, admissions, and counseling; financial assistance; sex-based harassment, which encompasses sexual assault and other forms of sexual violence; treatment of pregnant and parenting students; treatment of LGBTQI+ students; discipline; single-sex education; and employment."³ For the purposes of this paper, we are focused on the importance of Title IX in athletics.

Throughout the United States, every school that receives federal funding is required to comply with all Title IX regulations. To adhere to Title IX regulations, Delaware's 19 school districts and 23 charter schools must designate a Title IX Coordinator. A Title IX Coordinator has the responsibility to oversee all complaints of sex discrimination and sexual harassment, as well as identify and address patterns or systemic problems that arise during the review of such complaints.

In Delaware, some aspects of Title IX oversight fall under the Delaware Interscholastic Athletic Association (DIAA), which is part of the Delaware Department of Education (DDOE). To provide a meaningful and fair experience in athletics, DIAA works closely with the athletic directors of each school district and with other participating member schools. Notably, DIAA's responsibility for Title IX compliance is independent of each district, so when events like the planning of state championship tournaments takes place, DIAA is responsible for ensuring gender equity in the planning of those events.

DIAA also is responsible for reviewing and approving which sports qualify for a state championship and which sports are played in each season. For example, in Delaware boys' soccer is played in the fall and girls' soccer is played in the spring.

To comply with the athletics portion of Title IX, schools must meet all the following requirements:^{4*}

- For participation requirements, schools must meet one of the following three tests:
 - Provide participation opportunities for women and men that are substantially proportionate to their respective rates of enrollment. For athletics, schools do not need to offer identical sports but an equal opportunity to play.
 - Demonstrate a history and continuing practice of program expansion for the underrepresented sex.
 - Fully and effectively accommodate the interests and abilities of the underrepresented sex.
- Equal treatment of female and male student-athletes in the following provisions:
 - equipment and supplies
 - scheduling of games and practice times
 - travel and daily allowance/per diem
 - access to tutoring
 - coaching
 - locker rooms, practice, and competitive facilities
 - medical and training facilities and services
 - housing and dining facilities and services
 - publicity and promotions
 - support services
 - recruitment of student-athletes

To comply with Title IX requirements, recipients of federal funds are required to submit Title IX-related data to the U.S. Office for Civil Rights every two years. In Delaware, each school's Title IX Coordinator is responsible for this data collection.

Proposed Plan

To further our commitment to providing all girls equal opportunities to participate in middle and high school sports, we propose the following:

- Increase public awareness with the inclusion of Title IX information and resources on the website of the Delaware Department of Education with encouragement for schools and districts to do the same. Easily accessible information allows for students and families to know their rights under Title IX and keeps the process for remedying issues clear. To maintain this clarity, the DDOE will add information related to Title IX, including the names and contact info for each district's Title IX Coordinator, to the DDOE website. DDOE also will make a recommendation to school districts that they include Title IX information on their websites in a place easily accessible by students and parents.

Proposed Plan (con't)

- Increase knowledge of Title IX training. A state effort to ensure timely, regular, Title IX training for all relevant staff can help provide schools, athletic directors, administrators, and others such as DIAA, with the necessary guidance to comply with Title IX and promote gender equity.
- Increase data collection and reporting to provide transparency, the opportunity for schools to assess equity, and assure proper compliance which leads to equitable treatment and opportunities for all students. The Delaware Department of Education, in conjunction with the Delaware Office of Women's Advancement, will collaborate with Delaware public school districts and charters to consider a survey related to Title IX compliance. Such a survey would be completed by every public and charter school providing middle and/or interscholastic athletic opportunities in Delaware, and include the following measures:
 - Title IX's three-part test for athletic participation;
 - Relevant information related to the school's history and continuing practice of program expansion;
 - Data on the numbers of girls and boys that are enrolled in the school and the numbers that are athletes participating in each interscholastic sport; and
 - Resources provided to both boys' and girls' teams (such as budgets, equipment and supplies, scheduling, facilities, and availability of coaches)

By increasing public awareness, knowledge, data collection and reporting, Delaware is furthering its commitment to ensuring equity in athletics. By proactively identifying potential issues and allowing for more timely resolution, DDOE and OWAA will work together in collaboration with the local education agencies to support athletics.

¹ Women's Sports Foundation, 50 Years of Title IX; https://www.womenssportsfoundation.org/wp-content/uploads/2022/04/FINAL6_WSF-Title-IX-Infographic-2022.pdf

² US Department of Education, Office for Civil Rights, "Title IX and Sex Discrimination," August 2021; https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

³ Ibid.

⁴ NCAA, Title IX Frequently Asked Questions, <https://www.ncaa.org/sports/2014/1/27/title-ix-frequently-asked-questions.aspx#apply>

*While more applicable at the college and university level, to meet Title IX requirements female and male student-athletes must also receive athletics scholarship dollars proportional to their participation. As stated by U.S. Office of Civil Rights (OCR), "a disparity in awarding athletic financial assistance refers to the difference between the aggregate amount of money athletes of one sex received in one year, and the amount they would have received if their share of the entire annual budget for athletic scholarships had been awarded in proportion to their participation rates and any unexplained disparity of more than 1% would be a violation of the substantially proportionate requirement of Title IX.