



National Coalition for Women and Girls in Education Recommendations for the Obama Administration and the 111th Congress

Introduction

The National Coalition for Women and Girls in Education (NCWGE) is a nonprofit organization of approximately 50 groups dedicated to improving educational opportunities for girls and women. Our mission is to provide leadership in and advocate for the development of national education policies that benefit women, girls, and all students. NCWGE, which was formed in 1975, is the preeminent coalition addressing issues of gender equity in education. The Coalition works to enforce Title IX, the federal law that prohibits sex discrimination in education. Title IX affects all areas of education and promotes equity for both girls and boys.

Enclosed are recommendations regarding enhanced enforcement of Title IX generally, as well as specific suggestions from the NCWGE task forces on Athletics; Single-Sex Education; Career & Technical Education and Workforce Training; Higher Education; Elementary and Secondary Education; Science, Technology, Engineering & Math Education; and Pregnant and Parenting Students. These documents highlight our suggestions in areas in which NCWGE as a coalition has unique expertise. In addition, the Coalition supports many of the priorities identified by other civil rights organizations and organizations promoting educational quality and improvement.

For more information about NCWGE's policy priorities in a number of the above areas, download the Coalition's "Title IX at 35" report at www.ncwge.org. For additional information, you may also contact Lisa Maatz at the American Association of University Women (Chair of NCWGE) at 202-785-7720 or maatzi@aauw.org or Fatima Goss Graves at the National Women's Law Center (Vice Chair of NCWGE) at 202-588-5180 or fgroves@nwlc.org.

NCWGE RECOMMENDATIONS FOR ENHANCED ENFORCEMENT OF TITLE IX

Recommendations

The Department of Education must significantly improve its enforcement of Title IX, by, among other things, implementing systemic procedures that would better enable the Department – as well as other federal agencies that fund educational programs or activities – to ensure that its funding recipients are complying with civil rights laws. The President and Congress must ensure that federal agencies receive adequate funding for these purposes.

Background

For the last eight years, the Department of Education’s Office for Civil Rights (OCR), along with comparable offices in other federal funding agencies such as the Department of Energy, NASA, and NIH, have been woefully delinquent in their enforcement of Title IX. To take just a few examples, between 2002 and 2006, OCR conducted only a single compliance review of gender equity in schools’ athletics programs. And the Bush Administration refused to undertake any compliance reviews of the barriers facing young women in career and technical education programs that are nontraditional for their gender and that prepare women for high skill, higher wage jobs. Moreover, OCR has not provided any guidance on the permissibility of affirmative action programs in light of relatively recent Supreme Court cases. The Department did not fully enforce the requirements for Title IX coordinators and the President consistently recommended zero funding for the Women’s Educational Equity Act program. Additionally, federal efforts to advance gender equity were dramatically decreased or discontinued, as the Special Assistant for Gender Equity position in the Department was left vacant, the Gender Equity Expert Panel which identified promising and exemplary gender equity programs and practices was eliminated, and financial support for gender equity coordinators and vocational education programs was cut. Finally, as described in some of the NCWGE task force recommendations included with this document, the Department weakened Title IX regulatory protections against gender discrimination in athletics and sex discriminatory educational programs and activities.

Proposed Solutions

Congress

Congress should: (1) Include in each annual budget funding adequate for the Department of Education to staff efforts and conduct programming to promote gender equity and enhance enforcement of Title IX as specified below in the recommendations to the Department of Education; and (2) Conduct regular oversight hearings to ensure that the Offices for Civil Rights at each of the federal funding agencies are fulfilling their enforcement responsibilities.

The Executive Branch

Interagency Civil Rights Enforcement Team. The new Administration should immediately create an interagency civil rights team to promote concerted and coordinated civil rights enforcement priorities and strategies. The team should be comprised of high-ranking

representatives from each of the agencies that have civil rights enforcement responsibilities, including the Department of Justice, the Equal Employment Opportunity Commission, the Department of Labor, the Department of Education, and the Department of Housing and Urban Development. The representatives should bring a cross-section of expertise in relevant areas, including with regard to bases of discrimination (race, national origin, sex, religion, age, and disability) and sectors covered by the civil rights laws (including employment, education, housing, and voting rights). Such a team can leverage scarce enforcement resources to maximize enforcement capabilities, enable the government to systematically address discrimination in different sectors and against different protected groups, readily share information about emerging issues of discrimination and enforcement strategies, and enhance the government's capacity to seek effective remedies.

White House Council on Women and Girls. President Obama's establishment of this Council is a great first step in addressing the needs of women and girls, including gender equity in education. In order to ensure that it is effective, the Administration must ensure that the Council is adequately staffed, includes high-ranking representatives of all participating agencies, meets regularly, and produces concrete recommendations that are implemented government-wide.

The Department of Education

(1) Involvement in Department Policymaking

The Office for Civil Rights (OCR) should be consulted as Department policies and programs are established to ensure that civil rights considerations are included in program implementation from the outset – particularly as new education and training programs are established as part of economic recovery efforts.

(2) Expansion of Sanctions and Remedies

OCR should explore and employ a range of sanctions and remedies for violations of Title IX, not limited to rescission of federal funding, that can be used effectively to promote compliance.

(3) Issuance of Guidance and Initiation of Compliance Reviews in a number of areas, including:

- Athletics. While girls and women represent at least half of the students in our nation's schools and universities, they do not receive a proportionate share of athletic participation opportunities or resources, and are often treated as second-class citizens when they are allowed to play. Ensuring equal athletic opportunities for girls and women is critical, not only for the participants themselves but also for the benefit of the greater community.
- Single-Sex Education. OCR should (1) issue guidance on whether and to what extent single-sex programs are permissible once the Department rescinds the 2006 single-sex regulations (see recommendations of task force on single-sex education); (2) provide technical assistance and conduct outreach to schools to ensure compliance, and require schools that want to conduct single-sex programs to notify OCR prior to implementation;

and (3) conduct compliance reviews to evaluate those single-sex programs that survive the rescission of the 2006 regulations to ensure that they do not create or perpetuate impermissible sex discrimination and are not based on stereotypes or other prohibited grounds in violation of Title IX and the Constitution.

- Career and Technical Education. Young women remain the vast majority of those enrolled in traditionally female CTE courses (such as cosmetology), while young men make up all but a small fraction of the students enrolled in courses leading to traditionally male fields. These enrollment patterns not only have serious consequences for women's economic self-sufficiency because of the low wages paid in traditionally female occupations; the evidence also shows that they result from school-based barriers that must be addressed.
- Affirmative Action. OCR should develop guidance setting forth means by which affirmative action programs, including gender-based affirmative action programs, can be undertaken to meet applicable legal standards in light of the Supreme Court's decisions in *Gratz v. Bollinger*, *Grutter v. Bollinger*, and the 2007 school desegregation cases.
- Science, Technology, Engineering, and Math (STEM) education. Girls and women are still vastly underrepresented in STEM fields of study. OCR should: (1) issue guidance on how to recognize and address barriers to their participation in STEM fields and permissible affirmative steps to encourage their enrollment in and completion of STEM programs; and (2) conduct compliance reviews jointly with other federal funding agencies – such as the Department of Energy, NASA, and NIH – to ensure recipients are complying with Title IX and following each agency's regulations.
- Treatment of Pregnant and Parenting Students. Pregnancy and parenting responsibilities are a significant factor leading many girls to drop out of school, yet many schools discriminate against these students, stigmatizing them and erecting barriers that significantly impede their chances for success.
- Sexual Harassment. OCR should issue updated guidance on new case law developments with respect to the detection, prevention, and handling of sexual harassment in schools.
- Title IX Awareness. OCR should conduct outreach to the education community and the public regarding the rights and responsibilities of all stakeholders pursuant to Title IX. Title IX coordinators at the state and local level can play a critical role in this effort.

5) The Department should make clear that gender equity is a priority of the Obama Administration. Specifically, the Department should:

- Provide for adequate staffing and budgets for gender equity work in offices such as OCR, and the Offices for Vocational and Adult Education, Special Education, Elementary and Secondary Education, Postsecondary Education, as well as for the Institute for Education Sciences.
- Give high-level attention to gender equity, potentially through the appointment of a Special Assistant for Gender Equity as set forth in the 1994 U.S. Department of Education Organization Act. This position, with responsibility for promoting, coordinating, and evaluating gender equity programs and providing technical assistance, was not filled by the last administration.
- Working with Congress, restore funding for federal, regional, state and local gender equity initiatives and responsibilities, including:

- Women’s Educational Equity Act (WEEA) program. The goal of WEEA is to fund effective and replicable gender equity programs and disseminate information about recommended programs and practices so that teachers, parents and students will learn to avoid sex discrimination and refrain from reinforcing stereotypes that limit educational opportunities for students of both genders.
- Title IV Equity Assistance Centers. Pursuant to Title IV of the Civil Rights Act of 1964, these regional centers provide technical assistance to public school districts in the areas of race, gender, and national origin equity to promote equal educational opportunities.
- State Education Agencies. As has been the case in the past, federal funds should be allocated to SEAs so they can take a leadership role in advancing gender equity throughout their states.
- Local monitoring and enforcement efforts, including by the appointment, training and networking of Title IX coordinators. Title IX coordinator requirements for the most part have not been complied with, nor enforced, and it is critical that all stakeholders have an accessible resource for gender equity assistance and know to whose attention potential violations can be brought. Today, no states have full-time Title IX Coordinators. Re-establishing the use of Title IX coordinators with increased rigor and effectiveness will lead to a strong national network of informed professionals who know about, and focus on, creating gender equitable education.

Time Frame: Ongoing, but can be initiated within the first 100 days of the Administration.

RECOMMENDATIONS OF THE NCWGE ATHLETICS TASK FORCE FOR IMPROVING GENDER EQUITY IN ATHLETICS

Recommendations

Congress

Congress should pass legislation requiring coeducational secondary schools to publicly report, on an annual basis, gender equity information about their athletics programs, including the number of male and female athletes and the expenditures of each team.

The Department of Education

The Department of Education, specifically the Assistant Secretary for Civil Rights, should immediately rescind the 2005 “Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test - Part Three” and make clear that the governing standards for claims of discrimination in the provision of athletics opportunities are those detailed in the 1996 “Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test.”¹

Background

Despite the significant gains girls and women have made since the enactment of Title IX, girls still face pervasive inequalities in athletics, especially at the high school level. In fact, while girls are 49 percent of the high school population, they receive only 41 percent of all athletic participation opportunities—1.3 million fewer participation opportunities than male high school athletes. Qualitative analysis suggests that high school girls still lag behind not only in participation opportunities, but also in the benefits and services that their teams receive, as indicated by the fact that the money allocated to boys’ teams often far exceeds that allocated to girls’ teams. Ensuring equal athletic opportunities for girls and women is critical, not only for the participants themselves but also for the benefit of the greater community. Studies repeatedly show that sports participation leads to better physical and mental health for women as well as better educational outcomes.²

¹ Office for Civil Rights, U.S. Department of Education, Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test (Jan. 16, 1996), available at <http://www.ed.gov/about/offices/list/ocr/docs/clarific.html>.

² See generally Dorothy Teegarden, et al., *Her Life Depends On It; Previous Physical Activity Relates to Bone Mineral Measures in Young Women*, 28 *Medicine and Science in Sports and Exercise* 105 (1996); L. Bernstein et al., *Physical Exercise and Reduced Risk of Breast Cancer in Young Women*, 86 *Journal of the National Cancer Institute* 1403 (1994); Marilie D. Gammon, et al., *Does Physical Activity Reduce the Risk of Breast Cancer?* (Abstract), 3 *Menopause: The Journal of the North American Menopause Society* 172 (1996); Don Sabo et al., *High School Athletic Participation and Adolescent Suicide: A Nationwide Study*, *International Review for the Sociology of Sport* (2004) (on file with the Women’s Sports Foundation); G. Nicoloff, and T.S. Schwenk, *Using Exercise to Ward Off Depression*, 9 *Physician Sports Med.* 23, 44-58 (1995); R.M. Page & L.A. Tucker, *Psychosocial Discomfort and Exercise Frequency: An Epidemiological Study of Adolescents*, 29 *Adolescence* 113, 183-91 (1994) (suggesting that physically active adolescents tend to feel less lonely, shy, and hopeless as compared to their less physically active peers); Women’s Sports Foundation, *Women’s Sports & Physical Activity Facts & Statistics* (December 2007), available at http://www.womenssportsfoundation.org/binary-data/WSF_ARTICLE/pdf_file/191.pdf; National Collegiate Athletic Association, “2007 NCAA Division I Federal Graduation Rate Data” (2008), available at http://web1.ncaa.org/app_data/instAggr2007/1_0.pdf; J. Manlove, *The Influence of High School Dropout and School Disengagement on the Risk of School-age Pregnancy*, *Journal of Research on Adolescence*, 8(2), 187-220 (1998); J. Holloway, *Extra-curricular Activities: The Path to Academic Success?*, *Education Leadership*, 57(4) (2000).

Unfortunately, there is no way to track what high schools are doing. Unlike their collegiate counterparts, who are required to publicly report gender equity in athletics data annually pursuant to the Equity in Athletics Disclosure Act (EADA),³ high schools are not required to disclose such data, making it difficult for schools, students, and parents to ensure fairness in their schools' athletics programs. Requiring schools to report this data would not only provide a tool to parents and students to ensure their schools' compliance, but also would enable schools to self-evaluate so that they could preempt any problems and avoid exposure to liability.

Additionally, in recent years the Department of Education not only has failed to engage in compliance reviews and other basic enforcement efforts, but also it has rolled back the anti-discrimination protections of Title IX. On March 17, 2005, the Department of Education, without any notice or opportunity for public input, issued new Title IX policy guidance, "Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test — Part Three."⁴ The Clarification dramatically changes one avenue for compliance with Title IX's three-part participation test, the longstanding means to evaluate whether a school is providing equal participation opportunities to its male and female students.⁵

Proposed Solutions

Congress

Congress should enact legislation requiring coeducational secondary schools to publicly report, on an annual basis, gender equity information about their athletics programs, including the number of male and female athletes and the expenditures of each team. Legislation to require disclosure of such data has been introduced for several Congresses, has bipartisan support in the House and Senate, and has the support of dozens of women's, athletics, and education organizations. Disclosure of such information would advance compliance with Title IX by helping parents, students, and schools to evaluate whether and where in their athletics programs inequities are occurring and to remedy disparities.

Moreover, imposition of a reporting requirement would not be burdensome to schools. Much of the necessary information, such as sports participation data, is already kept by schools and reported to various entities. Therefore, the legislation would simply require that schools transfer

³ Equity in Athletics Disclosure Act, 20 U.S.C. § 1092 (2008).

⁴ Office for Civil Rights, U.S. Department of Education, Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test—Part Three (March 17, 2005), *available at* <http://www.ed.gov/about/offices/list/ocr/docs/title9guidanceadditional.html>.

⁵ The test provides schools with three options for complying with Title IX's requirement to provide equal participation opportunities. The first prong allows a school to comply by showing that the percentages of male and female athletes mirror the percentages of male and female students ("the proportionality prong"). The second prong allows a school to comply by showing a history and continuing practice of program expansion for members of the underrepresented sex, even if equality of opportunities is not yet provided. The third prong allows a school to comply by showing that its current program fully and effectively accommodates the underrepresented sex, even if the school is not providing opportunities to that sex in proportion to its representation in the student body. Office for Civil Rights, United States Department of Health, Education and Welfare, Title IX of the Education Amendments of 1972: a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413, 71,418 (December 11, 1979).

this existing data into a report that is publicly available, a task that should take an administrator from two to six hours maximum, depending on the number of sports offered.⁶

The Department of Education

The Assistant Secretary for Civil Rights should immediately rescind the 2005 “Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test - Part Three” and make clear that the governing standards for claims of discrimination in the provision of athletics opportunities are those detailed in the 1996 Policy Clarification. The 2005 Clarification is a significant and damaging departure from the previous standards for demonstrating compliance with prong three, which allows schools to show they are in compliance because they are fully and effectively accommodating the athletic interests and abilities of their female students. The 2005 Clarification lowers the bar for schools, making it possible for schools to show that they are providing equal participation opportunities to their female students simply by sending an email survey to all female students and counting a failure to respond as evidence of a lack of interest in playing sports.⁷ Given the low rate of response to surveys in general, particularly to email surveys, allowing a lack of response to be interpreted as anything more is plainly unfair.

In addition, this guidance falls back on the very stereotypes Title IX was passed to address, requiring women and girls to prove their interest in sports while assuming such interest for men and boys. The previous longstanding standards detailed in the 1996 “Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test” bar schools from relying on surveys alone and require schools to consider numerous other factors to demonstrate compliance with prong three, such as the opinions of coaches and administrators, and participation rates in sports in surrounding high schools or recreational leagues. The new Clarification eliminates schools’ obligations to look broadly and proactively at whether they are satisfying women’s interests and threatens to reverse the enormous progress that women and girls have made in sports since the enactment of Title IX.

Time frame: First year

⁶ Conversations of Women’s Sports Foundation staff with compliance officers at the Georgia and Kentucky State High School Athletic Associations and with high school athletic directors in Missouri., May 2007.

⁷ See National Women’s Law Center Fact Sheet, “Title IX Clarification: What’s at Stake,” *available at* <http://nwlc.org/pdf/whatsatstake.pdf>.

RECOMMENDATIONS OF THE NCWGE TASK FORCE ON SINGLE-SEX EDUCATION

Recommendations

The Department of Education should: (1) rescind the 2006 Title IX regulations allowing public schools to separate students by sex in many circumstances that would violate Title IX and the U.S. Constitution; (2) issue guidance and technical assistance to schools on whether and under what circumstances single-sex schools, classes, or activities are permissible under the pre-2006 regulations; and (3) review existing single-sex public school programs to evaluate whether they comply with federal law.

Background

In October 2006, the Department of Education – despite overwhelming public opposition⁸ – issued new Title IX regulations on the permissibility of single-sex public education programs.⁹ The new regulations undermine the goals of equal educational opportunity, rolling back the safeguards of the Constitution and Title IX to permit more sex-specific educational programs based on discrimination and stereotyping and failing to require equality of opportunity for the excluded gender (assuming that equality in separate programs is even possible). Both the U.S. Constitution and Title IX prohibit the exclusion of students from educational opportunities based on sex. Although both have historically provided flexibility for schools to pursue single-sex programs where they remedy past discrimination in education and help to overcome gender stereotypes and other barriers to equal educational opportunity, there are safeguards that must be met to ensure that any such programs meet these legal standards.

Programs that fail to meet these standards unlawfully restrict the educational opportunities open to both boys and girls. For example, in one Kentucky middle school program currently subject to legal challenge, classroom instruction is differentiated based on gender stereotypes.¹⁰ One of the science teachers from that school explained, “I play lots of review games with my boys so they can get up and move, where the girls would rather I just ask questions and they can write down the answers.”¹¹

In that school, an advanced single-sex math class was offered last year for girls, but only a slower-paced, pre-algebra class was offered to the all-boys and coeducational classes.

⁸ Approximately 96% of the 5000 comments received by the Department of Education regarding the proposed regulations were opposed to any changes in the Title IX rules governing single-sex public education. See Sue Klein, et al., Handbook for Achieving Gender Equity through Education 70 (2d ed. 2007).

⁹ Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance; 34 C.F.R. § 106 (2006), available at <http://www.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.pdf>.

¹⁰ See *A.N.A. v. U.S. Department of Education*, No. 3:08-cv-00004-CRS, W.D. Ky. (pending federal court complaint naming not only the Breckinridge County Board of Education and other local players as defendants, but also the Department of Education and Secretary Spellings, alleging that the 2006 regulations are unconstitutional and violate Title IX and other federal and state laws), available at <http://www.aclu.org/womensrights/edu/353881gl20080519.html>.

¹¹ *Id.* at ¶ 82.

Since the passage of the 2006 regulations, nearly 500 single-sex schools and programs have opened around the country, many of which reinforce gender stereotypes in the name of “research.” Proponents of single-sex education often instruct teachers to plan their classes around extreme and overbroad generalizations, such as the assertion that teachers should smile at girls and look them in the eye, but should never do so with boys;¹² that boys do well under stress, but girls do badly, so girls should never be given time limits on a test;¹³ and that literature teachers should not ask boys about characters’ emotions and should focus only on what the characters actually did, but with girls should focus on characters’ emotions.¹⁴ But these generalizations are unsupported by the evidence about brain or learning differences between boys and girls and are, in fact, precisely the sort of unsupportable stereotypes the laws were designed to prohibit. Research has revealed that psychologically, males and females are more alike than they are different;¹⁵ while there are some variations between male and female brains,¹⁶ moreover, “no one knows how (or even if) these anatomical differences relate to cognitive performance.”¹⁷ Many children do not fit gender stereotypes, and stereotypes should not, and may not, direct our education policy.

Additionally, where programs are established separately for boys and girls, they tend to be distinctly unequal, with fewer resources allocated for girls’ programs, and curricula and teaching methods limited by stereotypical notions about the different talents, capacities, or preferences of males and females.¹⁸ It is critical that the Obama Administration address the recent, misguided expansion of single-sex programs in K-12 public education.

Proposed Solutions

The Department of Education should immediately issue a Notice of Proposed Rulemaking to rescind the 2006 single-sex regulations with notice and an opportunity for comment.

The Department also should:

- Issue guidance on the permissibility of single-sex programs in light of the rescission. To the extent the Department concludes upon rescission of the 2006 regulations that Title IX

¹² Leonard Sax, Why Gender Matters: What Parents and Teachers Need to Know About the Emerging Science of Sex Differences 86 (2005) (from ACLU Women’s Rights Project Fact Sheet, “Boys’ Brains vs. Girls’ Brains, What Sex Segregation Teaches Students” (May 2008)).

¹³ *Id.* at 88-92.

¹⁴ *Id.* at 108-112.

¹⁵ Janet Shibley Hyde, *The Gender Similarities Hypothesis*, *American Psychologist*, September 2005, at 581-92.

¹⁶ Larry Cahill, *His Brain, Her Brain*, *Scientific American*, April 25, 2005.

¹⁷ Editorial, *Separating Science from Stereotype*, *Nature Neuroscience*, Vol. 8, No. 3, March 2005, at 253.

¹⁸ *See, e.g., U.S. v. Virginia*, 518 U.S. 515 (1996) (finding unconstitutional the exclusion of women from the Virginia Military Institute in part because the alternative program for females was manifestly unequal to VMI in both tangible and intangible benefits, and because the exclusion of women was based on “overbroad generalizations” that “[f]emales tend to thrive in a cooperative atmosphere,” that separate programs were justified based “important differences between men and women in learning and developmental needs,” and that admission of women to VMI would “downgrade VMI’s stature, destroy the adversative system and, with it, even the school.”); *Mississippi University for Women v. Hogan*, 458 U.S. 718 (1982) (striking down the exclusion of men from a state-run nursing school); *Newberg v. Board of Public Educ.*, 26 Pa. D. & C.3d 682 (Pa.Com.Pl. 1983), (state court struck down exclusion of girls from boys’ magnet school because separate program for girls was inferior in everything from faculty credentials to computer and library access).

and the 1975 regulations permit sex-segregated programs, the Department should communicate clear standards to all stakeholders, and should review and closely monitor the proposal, development, and implementation of any sex-segregated programs or activities conducted by organizations covered by Title IX.

- The Department should provide public, web-accessible information on evidence of the relative effectiveness of single-sex and coeducational programs, and send such information to the Department's What Works Clearinghouse so it can be made publicly available through that channel as well.
- All federal agencies that fund education programs should make it clear to the public that any discriminatory sex segregation may be reported directly to their Offices for Civil Rights (without fear of retaliation) and will be investigated promptly.
- Offer technical assistance and conduct outreach to schools to ensure compliance
 - The Department should provide technical assistance to schools and others regarding the requirements of the law.
 - The Department should use multiple strategies and tools to conduct outreach to all stakeholders – including teachers, administrators, state and local Title IX coordinators, and community members – regarding the requirements of the law, the risks of single-sex education, and the cost of implementing such programs, and should debunk myths regarding sex differences in learning.
- Conduct compliance reviews of existing single-sex programs and take remedial action to address single-sex programs found to be discriminatory.
- Evaluate activities designed to decrease sex discrimination in all aspects of education. OCR should issue a report on the effectiveness of activities designed to decrease sex discrimination in education.

Time Frame: First year

RECOMMENDATIONS OF THE NCWGE TASK FORCE ON CAREER & TECHNICAL EDUCATION AND WORKFORCE TRAINING

Recommendations

Congress

Congress should provide adequate funding for programs critical to the economic security of women and their success in fields nontraditional for their gender, which typically provide higher wages and better benefits than traditionally female fields. Among other things, Congress should ensure that women are trained for jobs that are included in the economic recovery package, should reauthorize the Workforce Investment Act, and should make much-needed reforms to the TANF program.

The Department of Education

The Department of Education should conduct comprehensive compliance reviews and provide technical assistance to ensure that recipients of federal funding are taking the steps necessary to eliminate the barriers for women and girls to career and technical education or other training that leads to high-skill, high-wage jobs.

Background

Over 35 years after Title IX was enacted, girls remain the vast majority of those enrolled in traditionally female career and technical (CTE) courses (such as cosmetology and childcare), while boys make up all but a small fraction of the students enrolled in CTE courses leading to traditionally male fields. Women continue to be grossly underrepresented in nontraditional jobs, such as those in the construction industry, which typically provide family-supporting wages and benefits, such as health care and pensions, far beyond those earned by other women with the same level of education who are employed in traditionally female fields. Barriers to their participation remain, including gender discrimination, harassment, and the lack of access to training opportunities and supportive services such as child care.

Moreover, the Department of Education has failed to take any steps to ensure that CTE programs eliminate the barriers that remain to girls' and women's participation in courses that are nontraditional for their gender. For example, in 2002, the National Women's Law Center petitioned the Department of Education's Office for Civil Rights to conduct compliance reviews in career and technical education programs at the secondary level. The Department rejected that request, taking the position that the significant statistical disparities in enrollment patterns, by themselves, did not trigger sufficient concern even to warrant further investigation.

Proposed Solutions

Congress

- Fully fund the Carl D. Perkins Career and Technical Education Act. The most recent reauthorization of the Perkins Act included accountability provisions that would promote

gender equity in nontraditional career and technical education programs. However, Perkins, like other education and training programs, has suffered from static funding and its funding was repeatedly cut by the Bush Administration. If properly implemented and fully funded, Perkins has great potential to help prepare women for high-paying careers.

- Increase funding for Pell Grants. Given the economic downturn, more students are seeking aid and additional people are returning to school to retrain, making additional funds critically important to both economic recovery and building a competitive workforce in the global marketplace.¹⁹ While the American Recovery and Reinvestment Act provided additional funding for Pell grants, Congress should continue to increase the maximum Pell grant amount, make funding mandatory, and adjust the award so it keeps pace with inflation.
- Fund pilot programs that will increase access to and success in postsecondary education for nontraditional students. Student Success Grants and Performance-Based Scholarships, which were authorized by the Higher Education Opportunity Act, are based on promising research that shows that financial and other supports can help nontraditional students (such as part-time and parenting students) achieve success in higher education.
- Reauthorize the Workforce Investment Act (WIA). WIA is long overdue for reauthorization, and the principles of equity and self-sufficiency should be given priority consideration in the reauthorization process. While the majority of WIA customers are women, programs funded through WIA currently do not do enough to help low-income women, especially single mothers, overcome barriers to self-supporting employment. As part of the reauthorization, Congress should:
 - Ensure that women have access to adequate support services. Lack of support services such as child care and transportation is often a significant barrier to low-income women's success in WIA programs. WIA should require localities to describe how they will fund and provide unrestricted access to these critical support services.
 - Eliminate the "sequence of services" requirement. Women should be able to access WIA core, intensive, and training services in the manner that best suits their needs.
 - Improve data collection and amend WIA performance measures to eliminate disincentives against serving less-skilled participants, such as TANF recipients. Existing performance measures have led to the practice of "cream skimming," in which case managers enroll individuals who are most likely to achieve desired outcomes, rather those that are most in need of services. Adjusted performance measures that take into account economic and demographic characteristics would help to eradicate this practice.

¹⁹ Leonel Sanchez, *More Students Spring from Tough Times*, San Diego Union-Tribune, Nov. 3, 2008, available at <http://www.signonsandiego.com/news/education/20081103-9999-1m3train.html>.

- Require localities to spend a certain percentage of funds on training women for nontraditional careers. Nontraditional careers, in which women comprise less than 25 percent of the workforce, tend to pay 20 to 30 percent higher than traditionally female-dominated occupations. WIA should systemically promote nontraditional careers for women as a means of helping them achieve family economic security.
- Make much-needed changes to the Temporary Aid to Needy Families (TANF) program. The success of Temporary Aid to Needy Families (TANF) should be based on the number of people no longer living in poverty – not on the number of people no longer receiving assistance. TANF recipients should be able to take full advantage of opportunities – particularly educational opportunities – that will move them and their families toward self-sufficiency. States should be given the flexibility to provide the combination of education, job training, job search, and work that will help their TANF recipients to obtain and retain better jobs with higher wages. Current restrictions on states’ abilities to provide this combination of services should be eliminated. Therefore, Congress should:
 - Eliminate the twelve-month limit on vocational education or job training. Twelve months is generally not enough time for women receiving TANF benefits to complete the types of degrees and training programs likely to lead to family-supporting wages.
 - Eliminate the cap limiting to 30 percent the number of families in a state’s caseload who can participate in vocational education (or the number of teen parents who can pursue a high school diploma) and be counted toward federal work participation rates.
 - Allow education leading to a diploma, GED, certificate, associate’s degree, bachelor’s degree, or postsecondary degree to count toward federal work participation rates.

Department of Education

The Office for Civil Rights (OCR) should undertake compliance reviews (possibly jointly with the Office of Vocational and Adult Education) around the country, evaluating a certain number of programs in each region. Additionally, OCR should make sure the job training programs created by the economic recovery package, to the extent they are covered by Title IX, are open to women and comply with nondiscrimination requirements.

OCR also should provide technical assistance to schools on the steps they should take to eliminate the barriers for women and girls to career and technical education that leads to high-skill, high-wage jobs.

Department of Labor

The Department of Labor must aggressively enforce all civil rights and anti-discrimination laws and regulations to ensure that women, minorities, and underrepresented groups have equal access to jobs created by economic recovery funding. The Department should restore funding to the Office of Federal Contract Compliance Programs (OFCCP) and direct the OFCCP to carry out Executive Order 11246 as it applies to programs funded under the economic recovery legislation.

Other Federal Agencies.

All federal funding agencies are under a continuing obligation to aggressively enforce civil rights and anti-discrimination laws and regulations, including with respect to opportunities created with funds from the American Recovery and Reinvestment Act of 2009. The White House Office of Management and Budget issued a directive to all federal agencies distributing such funds, reminding them that they must comply with and enforce all general and program-specific civil rights and equal opportunity laws.

Time Frame: First year

RECOMMENDATIONS OF THE NCWGE TASK FORCE ON HIGHER EDUCATION

Recommendations

Congress

Congress should provide adequate funding for programs critical to the success of women pursuing a post-secondary education. Specifically, Congress should increase funding for the Childcare Access Means Parents In School (CCAMPIS) Program and for programs that encourage women to pursue STEM fields, and improve Pell grants.

The Department of Education

The Department of Education should implement and begin distributing Patsy Mink Graduate Fellowship grants and implement hate crimes data collection provisions. In addition, the Department should increase college access by enforcing Title IX, modifying some of the College Cost Reduction and Access Act regulations, simplifying the Free Application for Federal Student Aid (FAFSA) form, and ensuring continued access to student loans.

Background

Ensuring and increasing access to higher education is imperative to helping women achieve financial security and economic independence. In order for higher education to be accessible, student loans and financial aid must continue to be available to students even during tight economic times, and barriers to equal educational opportunity for women must be eradicated.

Proposed Solutions

Congress

- Increase Support for the Childcare Access Means Parents In School (CCAMPIS) Program. Parenting students face serious problems securing convenient and affordable childcare, which often becomes a barrier to higher education. The CCAMPIS program provides funds to schools for campus-based child care and after-school programming, primarily to serve the needs of low-income students. Congress and the administration should substantially increase CCAMPIS funding. These additional resources will not only increase child care services, but also trigger an increase in the minimum available grant level and expand CCAMPIS eligibility to more institutions. Campus child care programs should be a priority for higher education funding, and the need for such support services will only grow during the current economic downturn. Unfortunately, when inflation is taken into account, funding for this program has not increased in recent years.
- Encourage Women to Pursue STEM Careers. While progress is being made, women are vastly underrepresented in many STEM careers. Congress should fully fund the America COMPETES Act, which will increase the number of highly-qualified math and science teachers through the use of scholarships, teacher training, and professional development. In addition, Congress should continue funding SMART grants, in order to provide the

funding necessary to allow part-time students to qualify for SMART grants. These grants are available to Pell-eligible students studying STEM subjects or critical foreign languages. For more details, see Recommendations of the NCWGE Task Force on Science, Technology, Engineering & Math.

- Improve Pell Grants. The maximum Pell grant for the 2008-2009 school year is \$4,731.²⁰ This represents a small fraction of what it costs to attend college today. In fact, the 2008-2009 maximum Pell grant covers only 33 percent of the total cost at a public four-year institution, versus 55 percent of those costs 20 years ago.²¹ Given the economic downturn, more students are seeking aid and additional people are returning to school to retrain, making additional funds critically important to both economic recovery and building a competitive workforce in the global marketplace.²² While the American Recovery and Reinvestment Act provided additional funding for Pell grants, Congress should continue to increase the maximum Pell grant amount, make funding mandatory, and adjust the award so it keeps pace with inflation.

Department of Education

- Diversify the Professoriate: the Patsy Mink Graduate Fellowship Program. Although women make up 39 percent of full-time collegiate faculty, they tend to be concentrated in less-senior instructional positions, and at two-year institutions as opposed to research universities.²³ The Higher Education Opportunity Act included the Patsy Mink Graduate Fellowship Program, which authorized fellowships for students interested in obtaining a doctorate, or other terminal degree, with a service requirement to teach at an institution of higher education after graduation. The fellowships would be targeted at minorities and women to help diversify the higher education professoriate. The 111th Congress should fund the fellowship program and assist the Department of Education with the implementation of the program.
- Improve the Collection of Hate Crimes Data. Every year, more than half a million students endure bias-motivated slurs, vandalism, threats, and physical assaults on college campuses.²⁴ To increase awareness of hate crimes on college campuses, the 1998 Higher Education Act required all colleges and universities to collect and report hate crime statistics to the Office of Postsecondary Education (OPE) of the U.S. However, due to discrepancies between FBI hate crime data reporting and the reporting required under the HEA, significant gaps exist in hate crime data reported by universities. The Higher

²⁰ The College Board, *Trends in Student Aid: Pell Grants*, 2008 (2008), available at http://www.collegeboard.com/html/costs/aid/3_2_pell_grants.html

²¹ The College Board, *Trends in Student Aid*, 2008 (2008), available at <http://www.collegeboard.com/html/costs/aid/>.

²² Leonel Sanchez, *More Students Spring from Tough Times*, San Diego Union-Tribune, Nov. 3, 2008, available at <http://www.signonsandiego.com/news/education/20081103-9999-1m3train.html>.

²³ Martha S. West and John W. Curtis, *AAUP Faculty Gender Equity Indicators 2006*, American Association of University Professors, 2006, available at <http://www.aaup.org/NR/rdonlyres/63396944-44BE-4ABA-9815-5792D93856F1/0/AAUPGenderEquityIndicators2006.pdf>

²⁴ Southern Poverty Law Center, *10 Ways to Fight Hate on College Campuses* (2004), available at www.tolerance.org/campus

Education Opportunity Act included a provision that aligns the HEA hate crimes reporting categories with the categories used by the FBI. Public availability of this improved data will give parents and students a more accurate sense of campus safety, and provide colleges with a better picture of their campus climate. Congress and the Administration should fund and perform the necessary education, training, and outreach initiatives to fully implement this reporting standard.

- Make College More Affordable and Accessible. Over the past decade, debt levels have more than doubled for graduating seniors with student loans, from \$9,250 to \$19,200—a 108 percent increase (58 percent after accounting for inflation).²⁵ Because women are more likely to borrow money for college than men and will earn less on average after graduation, female graduates are more likely to struggle with loan debt.²⁶ The Department of Education should modify regulations that weaken some of the provisions from the College Cost Reduction and Access Act. According to the final regulations, married borrowers could be expected to pay up to or more than double the monthly loan payment if they file taxes jointly. In addition, those who enter public service professions could be forced to wait 10 years or more before learning whether they qualify for the loan forgiveness plan. The law’s intent to truly decrease the cost of higher education and reward public service must be maintained. In addition, the Department should simplify the FAFSA student aid form to decrease the burden and confusion involved in applying for financial aid.
- Ensure Access to Students Loans. In these difficult economic times, Congress and the Administration must ensure that student loans remain available and accessible. Congress and the Administration should continue to make access to student loans a priority in recovery and stimulus action. In this economic climate, students who have exhausted all available aid may increasingly be forced to turn to risky private loans or to leave school altogether due to a lack of funds. These students should have access to additional, affordable federal loans. And despite the economic climate, Congress and the Department of Education should work to ensure that students have access to all the federal loans for which they are eligible.

Time Frame: First year

²⁵ Project on Student Debt from the National Center for Education Statistics Fact Sheet, “Quick Facts About Student Debt,” available at http://projectonstudentdebt.org/files/File/Debt_Facts_and_Sources.pdf.

²⁶ AAUW Educational Foundation, *Behind the Pay Gap*, April 2007, at 3, available at <http://www.aauw.org/research/behindPayGap.cfm>.

RECOMMENDATIONS OF THE NCWGE TASK FORCE ON ELEMENTARY AND SECONDARY EDUCATION

Recommendations

Congress

Congress should reauthorize and strengthen the No Child Left Behind Act (NCLB). In order to improve educational opportunities for girls, the reauthorization should include: enhanced data collection requirements, including full disaggregation of reported data on graduation rates, in a format that may be cross-tabulated; a requirement that high schools report data on the gender breakdown of their athletics participation rates and expenditures; a requirement that high schools report data regarding the graduation rates of their pregnant and parenting students; measures to prevent bullying and harassment in schools; measures to increase girls' participation in science, technology, engineering and math classes; reauthorization of the Women's Educational Equity Act, funding for Title IX coordinators, and increased funding for dropout prevention initiatives targeted at keeping girls in school.

The Department of Education

The Department of Education should issue regulations and guidance to improve NCLB while Congress works to reauthorize the legislation. Specifically, the Department should make it clear that federal civil rights laws apply to Supplemental Education Services providers. Additionally, the Department should require the full disaggregation of reported data on high school graduation rates, and require the data to be maintained in a format that may be cross-tabulated.

Background

It is both possible and necessary to maintain a commitment to high standards and greater accountability in our nation's public schools. But that pledge cannot be in principle only; it must be accompanied by the federal commitment and financial assistance to make it a reality. While the American Recovery and Reinvestment Act provided schools with additional funding, NCLB has been underfunded every year since its authorization. The reauthorization of NCLB offers a valuable opportunity to address the high school dropout crisis in this country. And while this crisis is often portrayed almost exclusively as a problem for boys, girls too are dropping out of school at alarmingly high rates. In fact, one in four girls overall do not finish high school (the numbers are even worse for girls of color), and female dropouts are especially likely to suffer economic consequences that significantly affect not only individual students and their families, but also our national economy as a whole.²⁷ For example, as compared to male dropouts, girls who fail to graduate from high school have higher rates of unemployment, make significantly lower wages, and are more likely to need to rely on public support programs.²⁸ In order to meaningfully address the nationwide crisis and keep students in school, educators and policy makers must have and work from a greater understanding of the different dropout rates, educational experiences, risk factors, and barriers faced by male and female students of different races and ethnicities.

²⁷ National Women's Law Center. *When Girls Don't Graduate We All Fail; A Call to Improve High School Graduation Rates for Girls*, October 2007, available at <http://www.nwlc.org/pdf/DropoutReport.pdf>.

²⁸ *Id.* at 8-11.

Proposed Solutions

Congress

In addition to fully funding NCLB, the following are specific policy recommendations:

- Improve data collection on educational performance and graduation rates.
 - Require that graduation rate data be disaggregated by gender and migrant status. Currently, NCLB and its implementing regulations only require schools to report their graduation rates disaggregated by race and ethnicity, by economically disadvantaged status, by disability, and by limited English proficiency, but not by gender or migrant status. (Gender and migrant status are listed as required categories only for the reporting of disaggregated achievement results on a State's academic assessments.) To give the fullest picture of the educational progress of both boys and girls, it is important to track the graduation rates of male and female students separately; the public should have access to data that enables a comparison of the relative graduation rates of the full range of subgroups of students at particular schools.
 - Require that disaggregated data be maintained and reported in a format that may be fully cross-tabulated. Cross-tabulation will enable comparisons of the performance of smaller subgroups of students. Data regarding state assessment systems, state reporting requirements, and graduation rate requirements should be maintained in a format that may be cross-tabulated. With cross-tabulated data, schools would be able to compare smaller subgroups of children. For example, schools could compare the graduation rates of African American girls to Hispanic girls to understand how these different groups of students are doing. Having more accessible, accurate and detailed information about the dropout risks for different subgroups will make it possible to better target interventions and improve outcomes for them.
- Require reporting of data tracking pregnant and parenting students. One critical subgroup of students that is wholly overlooked under the current legislative scheme is pregnant and parenting students. There are inadequate data on the number of pregnant and parenting students in schools and the number who graduate, and NCLB does not require tracking of these data. Yet in a Gates Foundation survey, one-third of female dropouts and one-fifth of male dropouts reported that becoming a parent played a major role in their decision to leave school, and more than any other group of dropouts, these students were "most likely to say they would have worked harder if their schools had demanded more of them and provided the necessary support."²⁹ To enable educators to address the barriers facing this vulnerable population, NCLB should require separate tracking of the graduation rates of pregnant and parenting students (again, in a format that can be fully cross-tabulated), to determine the extent of the problem in specific communities and target interventions appropriately.

²⁹ *When Girls Don't Graduate, We All Fail*, *supra* note 27, at 14.

- Include the High School Sports Information Collection Act and the High School Athletics Accountability Act in the reauthorization of NCLB. This legislation would require high schools to report basic data on the number of female and male students in their athletics programs and the expenditures made for their sports teams. Ensuring equal opportunities for girls in athletics is critical, as participation in athletics leads to better educational outcomes, as well as physical and mental health for women. For more information, see Recommendations of the NCWGE Athletics Task Force for Improving Gender Equity in Athletics.
- Prevent bullying and harassment. The implementation of stronger policies to deter bullying and harassment will help to ensure a safe learning environment for all students. A National School Boards Association study found that half of those surveyed reported that they see other students being bullied at least once a month.³⁰ More disturbing is that almost half of the students surveyed stated that they doubted teachers could stop the behavior.³¹ In addition, more recent research shows that bullying affects nearly one in three American school children in grades six through ten.³² Legislation aimed at reducing this problem should include revision of the Department of Education Office for Civil Rights' definition of harassment and identification of the prohibited bases for such conduct, including actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, and religion.
- Increase girls' participation in STEM. While progress has been made, girls and women are still vastly underrepresented in numerous STEM fields of study. More must be done to recognize and address barriers to the participation of women and girls in the STEM fields and to encourage women and girls to enroll in and complete STEM programs. For specific legislative recommendations, see Recommendations of the NCWGE Task Force on Science, Technology, Engineering & Math.
- Reauthorize the Women Educational Equity Act (WEEA). This law was first enacted in 1974 in order to help education agencies and institutions meet the requirements of Title IX of the Education Amendments of 1972. When WEEA is used properly it can provide critical technical assistance to schools as they work to comply with Title IX. In addition to reauthorizing WEEA, it is important that funding for it be greatly expanded. This additional support is needed as many gender inequities persist.

Department of Education

- Issue guidance announcing the Department's intention to hold Supplemental Educational Services (SES) providers to the basic nondiscrimination standards of federal law, to

³⁰ Thomas Hutton, *No Right of Passage: Coming to Grips with Harassment and Bullying*, Leadership Insider (National School Boards Association), August 2006, at 1.

³¹ *No Right of Passage: Coming to Grips with Harassment and Bullying*, *supra* note 30, at 1.

³² National Safe Schools Partnership, *Bridging the Gap in Federal Law: Promoting Safe School and Improved Student Achievement by Preventing Bullying and Harassment in our Schools*, June 2007, available at http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/912-1.pdf.

ensure that federal funds are not used in a discriminatory manner. According to NCLB, school districts with Title I schools that fall short of state standards for three years or more must offer SES to their students from low-income families who attend these schools. It is critical that SES providers serve the full range of students, including English language learners and students with disabilities, and do not engage in illegal discrimination. In the past, however, the Department has asserted that SES providers are not recipients of federal funds and therefore are not directly subject to federal civil rights laws. This position is contrary both to those laws and to congressional intent as demonstrated by section 9543 of NCLB, which states: “Nothing in this Act shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, or disability in any program funded under this Act.” Congress intended non-discrimination requirements to apply to *any* entity that receives funds through NCLB, which SES providers clearly do, whether or not they would qualify as “recipients” of federal financial assistance for purposes of Title VI and other civil rights statutes.

- Require that high school graduation rates be fully disaggregated and maintained in a format that may be fully cross-tabulated. Until Congress includes these requirements in the reauthorization of NCLB (see above for legislative recommendation), the Department should promulgate regulations requiring schools to disaggregate reported graduation rate data not only by race/ethnicity, economically disadvantaged status, disability, and limited English proficiency, but also by gender and migrant status. Reporting graduation rates disaggregated by these categories will provide vital information for schools, districts, and states.

Time Frame: First and second year

RECOMMENDATIONS OF THE NCWGE TASK FORCE ON SCIENCE, TECHNOLOGY, ENGINEERING & MATH

Recommendations

Congress

Congress should introduce and pass legislation, engage in oversight activities, and conduct a public education campaign, all focused on creating, funding, and promoting programs to increase the participation of women and girls in science, technology, engineering, and math (STEM) fields.

Federal Funding Agencies

The federal funding agencies, including the Department of Education, should take appropriate steps to ensure that their recipients are complying with Title IX and are working to eliminate the barriers that prevent women and girls from success in STEM fields and completion of STEM programs.

Background

While progress has been made, girls and women are still vastly underrepresented in numerous STEM fields of study. More must be done to recognize and address barriers to the participation of women and girls in the STEM fields and to encourage women and girls to enroll in and complete STEM programs. Research has shown that the societal factors that slow the advancement of women and girls in STEM fields can be overcome through various proactive steps, including focused recruitment efforts, opportunities for hands-on learning, and the use of legal enforcement tools such as Title IX that help to eliminate conduct or practices that disadvantage students or employees on the basis of their gender. Taking these steps will create conditions that allow women and girls the opportunity to succeed in those fields.

Proposed Solutions

Congress

Congress should engage in various oversight, legislative, and public education activities focused on enhancing enforcement of Title IX and increasing the participation of women and girls in STEM fields, including:

- Require and fund K-12 teacher training in gender-fair methods that will encourage girls in STEM and eliminate learning environments that are hostile to girls.
- Promote informal STEM education through federally-funded after-school and summer programs. Prioritize programs that are targeted at under-represented groups and offer hands-on learning, role models, and other proven methods.
- Continue NSF ADVANCE grant funding to create diverse programs that help to retain women in STEM academic careers, and disseminate information about successful programs.

- Continue funding for the NSF Research on Gender in Science and Engineering Program (GSE) and the Informal Science Education Program (ISE).
- Conduct oversight hearings and call for enhanced agency enforcement of Title IX, while also providing the funding necessary for federal agencies to conduct comprehensive compliance reviews of educational institutions.
- Undertake or fund a comprehensive education campaign to educate students and their parents, and STEM faculty, about their rights under the law.
- Provide incentives for educational institutions to increase the participation of underrepresented groups in STEM fields, including allocating funding on the basis of demonstrated compliance with obligations under laws such as Title IX.

Federal Funding Agencies

The Department of Education and other agencies that distribute federal funds for educational programs or activities (such as the Department of Energy, NASA, and NIH) must ensure that their funding recipients comply with Title IX and do not engage in practices that work to exclude women and girls from opportunities in STEM fields. For example, the funding agencies should:

- Disseminate information about “promising practices” that promote gender equity in STEM fields – e.g. NSF ADVANCE grants or similar programs under the framework of “Gender in Science and Engineering,” to encourage broader participation by the STEM academic community.
- Provide funding for teacher professional development and after-school and summer programs that will increase girls’ interest and competence in STEM.
- Provide technical assistance to schools to help them to understand their obligations under Title IX and how to comply.
- Launch a public education campaign for students, parents, and faculty to educate them about student and faculty rights under Title IX.
- Initiate regular, systematic compliance reviews that have general relevance across institutions and that are consistent across funding agencies, and broadly disseminate the results of these reviews.
- Collect data from recipient institutions that show how the institutions are discharging their Title IX obligations and whether they are engaging in inclusionary practices, such as in the area of equitable compensation and benefits, mentoring programs, allocation of research grants to male and female scientists, assignment of lab space and graduate students, extension of the tenure clock for those who have to take family leave, etc.
- Promptly and thoroughly investigate discrimination complaints, and publish the results of those investigations.
- Seek the full range of remedies for discrimination, including termination of federal funding where warranted.
- Evaluate fund-granting criteria and results for bias against females.

Time Frame: First year

RECOMMENDATIONS OF THE NCWGE TASK FORCE ON PREGNANT AND PARENTING STUDENTS

Recommendations

Congress

Congress should introduce and pass legislation – either separately or as part of another bill, such as the No Child Left Behind (NCLB) reauthorization – to support pregnant and parenting students and to require schools to track the graduation rates of this vulnerable population.

The Department of Education

The Department of Education should: (1) support and facilitate the passage of federal legislation that would provide support for pregnant and parenting students; (2) spearhead the adoption of new data collection requirements to enable schools and the Department to track the graduation rates of pregnant and parenting students; (3) issue guidance informing schools of their responsibilities to avoid discrimination on the basis of pregnancy and parenting status and offer technical assistance to schools to aid in compliance; and (4) take proactive steps to review schools' treatment of pregnant and parenting students to ensure that the schools are in compliance with Title IX.

Background

An alarming number of girls are dropping out of high school,³³ and in a recent survey, one-third of female dropouts reported that pregnancy and parenting responsibilities were a major factor in their decisions to leave school. At the same time, pregnant and parenting students were the group of dropouts most likely to have said that they would have worked harder if their schools had demanded more of them and provided the necessary support.³⁴ Unfortunately, many schools across the country not only fail to provide the necessary support for pregnant and parenting students trying to stay in school, but also engage in blatant discrimination against them in violation of Title IX, stigmatizing them and erecting more barriers to their academic success.³⁵ And while all high school dropouts pay significant costs for their lack of education, the economic costs of dropping out are particularly steep for women, who face especially limited employment prospects, lower earnings potential, poorer health status, and an increased likelihood of reliance on public support programs.³⁶ Additionally, the problem is multi-generational, as the children of dropouts are more likely to drop out of school themselves.

³³ An estimated one in four female students does not graduate with a regular high school diploma in the standard, four-year time period, and the rates are even worse for female students of color. Nationwide, 37% of Hispanic, 40% of Black, and 50% of American Indian or Alaskan Native female students respectively did not graduate in 2004. See National Women's Law Center, *When Girls Don't Graduate, We All Fail: A Call to Improve High School Graduation Rates for Girls*, October 2007, available at <http://www.nwlc.org/pdf/DropoutReport.pdf>.

³⁴ Peter D. Hart Research Associates, *Gates Foundation Dropouts Survey* (Sep./Oct. 2005).

³⁵ For example, some schools do not excuse a girl's absence from school following childbirth and thus do not allow her to make up the work missed; some schools do not allow girls who are pregnant or who have children to participate in certain extracurricular activities; and some schools single out pregnancy and childbirth as ineligible medical conditions in their homebound instruction policies.

³⁶ See *When Girls Don't Graduate, We All Fail*, *supra* note 33, at 8-11.

More must be done to combat discrimination against pregnant and parenting students and to support this population of students and encourage them to remain in school. In these difficult economic times, ensuring that these students are armed with the training necessary to get jobs, as well as the academic rigor necessary to seek post-secondary education, is particularly critical. Additionally, while federal law does not require that schools track the graduation rates of pregnant and parenting students, better data is essential to understanding the full extent of the problem and how to tailor interventions effectively.

Proposed Solutions

Congress

Congress should enact legislation, either separately or as part of another bill, such as the reauthorization of NCLB, that:

- Requires that sexuality education be comprehensive and supports other effective pregnancy prevention mechanisms;
- Mandates that schools track the graduation rates of pregnant and parenting students;
- Funds programs that would provide enhanced supports for pregnant and parenting students, such as on-site child care, home-based instruction, transportation to school locations more conveniently located to child-care options, and coordinated referrals to out-of-school service providers.

Department of Education

The Department of Education should support and facilitate the passage of the legislation described above. In addition, the Department should consider whether there are steps that it can take administratively to support this population of students, including data collection requirements to ensure that schools will track and report the graduation rates of pregnant and parenting students.

Additionally, the Office for Civil Rights should:

- Issue guidance to schools, reminding them of their Title IX obligations not to discriminate on the basis of pregnancy or parental status and better educating them on the scope of those obligations;
- Provide technical assistance to schools in complying with Title IX with respect to their treatment of pregnant and parenting students; and
- Conduct compliance reviews to ensure that schools meet the requirements of Title IX in their treatment of pregnant and parenting students.

Time Frame: First year

March 2009