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Implementation: Equal Treatment of Students.

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ABSTRACT

This booklet offers a model policy statement that schools shall provide equal educational opportunities to all students regardless of sex. It includes stipulations and guidelines to achieve equal access in all areas of education. The following areas are considered: (1) Course offerings: every course shall be open to all students and schools should take steps to encourage course enrollment of students who have previously been excluded or discouraged. (2) Physical education: classes may not be conducted separately on the basis of sex; however, students may be separated for participation in sports that involve bodily contact, i.e. boxing, wrestling, football. (3) Extracurricular activities: schools may not sponsor or support chapters of single sex sororities, fraternities, honors organizations, and clubs. (4) Marital and family status: students may not be discriminated against in any aspect of education because of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. Special programs may be operated for pregnant students if attendance is optional. Conduct and dress codes, honors and awards, facility use, and financial assistance are other areas discussed in the booklet. Guidelines for implementation in all areas include the formulation and implementation of a plan based on the model statement; dissemination of the policy to students, parents, staff, organizations, and other relevant parties; workshops and inservice training; and collection and evaluation of data on sex bias in education. (KC)

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MODEL POLICY STATEMENT AND GUIDELINES FOR IMPLEMENTATION:  
EQUAL TREATMENT OF STUDENTS

From the Equal Rights for Women  
in Education Project

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MODEL POLICY STATEMENT AND GUIDELINES FOR IMPLEMENTATION:  
EQUAL TREATMENT OF STUDENTS

Schools shall provide equal educational opportunities for all students regardless of sex. All students shall be provided equal access to school facilities, programs, equipment, staff services, financial resources and other benefits.

*COURSE OFFERINGS*

Every course of study offered by a school shall be open and available to students regardless of any of the above criteria. Students may not be excluded or discouraged from, or required to enroll in, any particular course or course of study based on these criteria. There may not be different standards for admission or for completion of any given course or course of study, and students may not be separated on these bases for instruction, except for portions of courses dealing with human sexuality.

Schools should take active steps to increase the enrollment of students of one sex or the other in courses where they have been previously excluded or discouraged from enrolling on the basis of their sex; course descriptions have indicated that members of one sex were preferred; courses were primarily designed for members of one sex; faculty, counselors or other officials have discouraged students of one sex from enrolling.

Where there have been course prerequisites that may have discouraged or restricted students on the basis of sex, until such time as equitable opportunity exists for students of either sex to meet

necessary prerequisites, no course should require as a prerequisite enrollment in courses that have had a substantial imbalance of students of one sex.

Although instruction in voice or chorus may not be designated by sex, such instruction may be limited to certain vocal ranges or quality that result in single-sex or predominantly single-sex choruses.

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## GUIDELINES FOR IMPLEMENTATION

- Demonstrate commitment to elimination of sex bias in course offerings and access thereto by the adoption of the model policy statement and guidelines for implementation.
- Formulate and implement a plan for action based on the model policy statement.
- Examine and evaluate course titles and descriptions, course prerequisites and content, and enrollment standards and practices that suggest sex bias.
- Modify any aspects of course offerings, content or enrollment that evince implicit or explicit sex bias to make courses equally relevant and attractive to members of both sexes.
- The relevant agency or institution should develop and supply specific information to local school districts regarding the sources of funds available to implement the plan of action, including methods and timetables.
- The relevant agency or institution should develop and make available to local school districts an extensive resource library and technical assistance in the area of sex bias in course offerings.
- Develop and maintain on a continuing basis a system for the collection and evaluation of data on sex bias in course offerings.
- Disseminate widely the policy of elimination of sex bias in the offering of courses to students, parents, teachers, administrative personnel, guidance counselors and the community at large.
- Survey students to determine the reasons for underrepresentation of students of either sex in courses.

- Develop procedures to insure that counselors, teachers and other school officials do not treat students differently on the basis of sex.
- Examine and evaluate with care the content of each course that has previously been designed predominantly for members of one sex with the view of making necessary modifications so that the course will be equally relevant and attractive to members of both sexes.
- Workshops and inservice training programs to examine and evaluate sexism in course offerings should be conducted for teachers, counselors, administrators and school personnel.
- Written notices should be distributed to all students eligible for courses that have had a disproportionate number of students of one sex, informing them that all courses are open to members of both sexes.
- Examine, evaluate and modify, or eliminate (where necessary) prerequisites that have tended to deny or limit access to courses for members of either sex.

PHYSICAL EDUCATION

The physical education program should be organized to insure that no student is denied access to or benefit from any activities on the basis of sex.

Physical education classes may not be conducted separately on the basis of sex.

There must not be different requirements for completion of such courses, and students may not be segregated solely on the basis of sex within such courses.

Students may be separated by sex within physical education classes for participation in sports if the major activity of that sport involves bodily contact. (The sports defined as contact sports by the Title IX regulation are wrestling, boxing, rugby, ice hockey, football and basketball.)

Students may be grouped within a class by ability, if objective standards of individual performance are used and applied without regard to sex. High-ability groups should not be given preference in any manner in facilities, equipment or teaching if it results in differential treatment of the sexes.

If a single standard measuring skills or progress in a physical education activity has an adverse impact on members of one sex, either separate standards must be adopted for members of each sex or a single standard that measures individual improvement must be established.

Skills in physical education must be taught in a coeducational setting.





Discriminatory practices, or policies that have resulted in inequitable physical education for members of either sex should be modified or remediated as expeditiously as possible.

Physical education curriculum should reflect the interests and needs of both sexes, and the curricular and departmental organization should demonstrate equal opportunity for both sexes through policies and staff participation.

One set of policies, regulations and procedures that applies equally to both sexes should be developed by both male and female staff members.

#### **GUIDELINES FOR IMPLEMENTATION**

- Demonstrate commitment to elimination of sex bias in the physical education program by the adoption of the model policy statement and guidelines for implementation.
- Formulate and implement a plan of action based on the model policy statement.
- Examine and evaluate for sex bias requirements for completion of physical education courses, standards of individual performance, department policies, regulations and procedures.
- Modify any requirements for completion of physical education courses, standards of individual performance, department policies, regulations and procedures that evince implicit or explicit sex bias.
- The relevant agency should develop and supply local school districts with specific information regarding the sources of funds available to implement the plan of action, including methods and timetables.

- The relevant agency should develop and make available to local school districts an extensive resource library and technical assistance in the area of sex bias in the physical education program.
- Develop and maintain on a continuing basis a system for the collection and evaluation of data on sex bias in the physical education program.
- Disseminate widely the policy of elimination of sex bias in the physical education program to students, parents, teachers, administrative personnel, guidance counselors and the community at large.
- Staff members should receive training to develop the new skills or knowledge needed to teach sexually integrated classes to demonstrate and convey equal attitudes and expectations toward both sexes.
- Sex designations should be removed from department titles, class schedules, course titles and activity areas.
- Survey students to determine the interests and needs of both sexes in the area of physical education.
- Standards for measuring skill or progress that do not have an adverse effect on members of one sex should be established.
- Small group instruction should be provided to meet the needs of the variety of student skill levels that may exist in classes.

## EXTRACURRICULAR ACTIVITIES

A school may not conduct, operate, sponsor or support any extracurricular activity that, on the basis of sex, excludes students from participation, limits students' participation, or differentiates in treatment of students or in the criteria of membership of students on the basis of sex.

Schools may not sponsor or support chapters of single-sex sororities or fraternities and single-sex honor societies and clubs. Glee clubs and choruses may have sections composed of certain voice ranges, but not sections designated on the basis of sex.

Community groups, businesses or other organizations using school facilities should provide equal opportunities for members of both sexes and may not discriminate on the basis of sex. Specifically exempted from these requirements are organizations such as the Girl Scouts, Boy Scouts, Camp Fire Girls, YMCA, YWCA and voluntary youth organizations whose membership has been traditionally limited to members of one sex principally under 19 years of age and who have been granted Section 501(a) tax status by the Internal Revenue Service.

### GUIDELINES FOR IMPLEMENTATION

- Demonstrate commitment to elimination of sex bias in extracurricular activities and access thereto by the adoption of the model policy statement and guidelines for implementation.
- Formulate and implement a plan for action based on the model policy statement.

- Examine and evaluate for sex bias the overall pattern of extracurricular activities, including written policies and regulations concerning membership practices.
- Modify any aspects of extracurricular activities that evince implicit or explicit sex bias.
- The relevant agency should develop and supply local school districts with specific information regarding the sources of funds available to implement the plan of action, including methods and timetables.
- The relevant agency should develop and make available to local school districts an extensive resource library and technical assistance service in the area of sex bias in extracurricular activities.
- Develop and maintain on a continuing basis a system for the collection and evaluation of data on sex bias in extracurricular activities.
- Disseminate widely the policy of elimination of sex bias in extracurricular activities to students, parents, teachers, administrative personnel, guidance counselors and the community at large.
- Determine the reasons for membership in any extracurricular activity that is predominantly single sex.
- Positive attempts should be made to encourage participation by members of the sex that is underrepresented in any given extracurricular activity.
- Include in announcements of activities and meetings that they are open equally to members of both sexes.

- Where singing groups are predominantly of one sex, opportunities should be available for participation in singing groups by members of the other sex.
- Statements of nondiscrimination should be obtained from all businesses, organizations, persons and community groups that use the school facilities; those groups that refuse to make such a statement should not be permitted to use school facilities.
- All faculty members and advisors should be notified of the nondiscrimination policy. Inservice training may be necessary for faculty members or advisors who have been associated with previously single-sex or predominantly single-sex activities.





## MARITAL AND FAMILY STATUS

A school may not discriminate against students on the basis of actual or potential parental, family or marital status if students are thereby treated differently on the basis of sex. A student may not be discriminated against in any aspect of the educational program because of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, including exclusion from any classes or extra-curricular activities, except at the request of the student or her physician.

Special programs, schools and classes may be operated for pregnant students if the attendance in them is entirely optional, either at the request of the student or upon certification of her doctor. Separate instructional programs offered to pregnant students must be comparable to the regular instructional program. If a pregnant student is homebound for medical reasons, she must be provided with the same services provided to other students who are homebound for medical reasons.

If a school requires courses or activities that a pregnant student may not engage in for medical reasons, she should be considered exempt from those requirements if other students are granted exemptions for medical reasons. If a school system has no services or other provisions for temporarily disabled students, it must treat pregnancy as a justification for a leave of absence for a reasonable period of time.

### *GUIDELINES FOR IMPLEMENTATION*

- Demonstrate commitment to elimination of sex bias in treatment of students on the basis of marital and family status by the



adoption of the model policy statement and guidelines for implementation.

- Formulate and implement a plan for action based on the model policy statement.
- The relevant agency should develop and supply local school districts with specific information regarding the sources of funds available to implement the plan of action, including methods and timetables.
- The relevant agency should develop and make available to local school districts an extensive resource library and technical assistance in the area of sex bias in treatment of students on the basis of marital and family status.
- Examine and revise, where necessary, all policies, regulations or directions regarding the treatment of married and/or pregnant students.
- Examine course descriptions of special programs provided for pregnant students to insure that they are comparable to regular courses.
- Compile and evaluate data concerning the number of students who have dropped out of school because of pregnancy or related conditions, the number that have returned and, where possible, the reasons for those decisions.
- Encourage local school districts to provide adequate child care facilities to enable student parents to complete their education.
- Interview students in special programs for pregnant students to determine whether enrollment in that program is entirely optional and whether those programs are substantially comparable to a regular course of study.

- Examine the reinstatement procedures with a view toward removing any conditions that might discourage a student from returning to school.
- Initiate counseling services to encourage the re-enrollment of students who have left school because of marriage, pregnancy or related conditions.
- Notify all students, parents and personnel of the nondiscriminatory policy relating to pregnancy and marital status.
- Provide inservice training for teachers, administrators and other personnel to eliminate sex bias on the basis of marital and family status in treatment of students and to sensitize them to the problems of such students.

CODES OF CONDUCT AND DRESS

A school may not, on the basis of sex, subject any student to separate rules of behavior or apply different standards for compliance with such rules. Schools may not assign different penalties or punishments for violation of such rules. Rules of appearance and dress should be sex neutral and nondiscriminatory in their application.

Supervisors and enforcers of codes of conduct and dress should be the same for members of both sexes.

GUIDELINES FOR IMPLEMENTATION

- Demonstrate commitment to elimination of sex bias in treatment of student conduct and dress by the adoption of the model policy statement and guidelines for implementation.
- Formulate and implement a plan for action based on the model policy statement.
- Examine (and modify where necessary) regulations, statements and practices concerning rules of conduct, appearance and disciplinary action.
- Communicate the requirements concerning codes of conduct and dress to students, parents, teachers and other school personnel responsible for enforcement of same.

## HONORS AND AWARDS

A school may not differentiate on the basis of sex in the bestowing of awards and honors.

Schools may not use different criteria for members of either sex to be eligible for honors or awards. Different awards or honors may not be given to students for similar accomplishments on the basis of their sex. Letter clubs or honor societies must be open on an equal basis to members of both sexes.

### *GUIDELINES FOR IMPLEMENTATION*

- Demonstrate commitment to elimination of sex bias in the bestowing of awards and honors by the adoption of the model policy statement and guidelines for implementation.
- Formulate and implement a plan for action based on the model policy statement.
- Examine and evaluate the criteria for awards and honors to assess past discriminatory practices.
- Modify such criteria where necessary to eliminate sex bias in the bestowing of awards and honors.
- Examine associated clubs or activities and make appropriate modifications to insure equal treatment of both sexes.
- Students, personnel and outside organizations that sponsor or give awards and honors must be notified of this policy.

Comparable facilities must be provided for all students, without discrimination on the basis of sex. Separate locker rooms, toilets and showers are permitted for each sex as long as they are of comparable quality.

#### *GUIDELINES FOR IMPLEMENTATION*

- Demonstrate commitment to provision of comparable facilities for each sex by the adoption of the model policy statement and guidelines for implementation.
- Formulate and implement a plan for action based on the model policy statement.
- The relevant agency should develop and supply local school districts with specific information regarding the sources of funds available to implement the plan of action, including methods and timetables.
- A review should be conducted of all facilities that are designated for each sex, and the amount and conditions of equipment in each facility.
- If necessary, facilities should be reassigned, remodeled or acquired to make them comparable for each sex.
- Where other arrangements are impractical, existing facilities may be used at separate times on a comparable basis for students of each sex.

Schools may not on the basis of sex provide different amounts or types of financial assistance, limit eligibility for such assistance that is of any particular type or source, apply different criteria or otherwise discriminate. Similarly, a school may not assist any foundation, trust, agency, organization or person that provides financial assistance to its students in a manner that discriminates on the basis of sex. Schools may not apply any rule or assist in the application of any rule concerning eligibility for financial assistance that treats persons of one sex differently from persons of the other sex, or treats members of each sex differently with regard to marital or parental status.

Schools must insure that there is no discrimination by sex in work-study programs, either by type or amount of work, numbers of members of each sex eligible or participating, or the pay offered to students. Such work-study programs should also provide jobs that are nontraditional or sex-neutral.

A school may administer or assist in the administration of scholarships, fellowships or other forms of financial assistance established pursuant to certain instruments, including wills, trusts, bequests or acts of a foreign government that require that awards be made to members of a particular sex, provided that the overall effect of the award of such scholarships, fellowships and other forms of financial assistance does not discriminate on the basis of sex.

In complying with the above requirement, schools must develop and use procedures under which students are selected for financial assistance on the basis of nondiscriminatory criteria and not on the

basis of availability of funds restricted to members of a particular sex. An appropriate sex-restricted form of financial assistance may then be allocated to each student thus selected. However, no student may be denied the financial assistance to which he or she was selected under this procedure because of the absence of financial assistance designated for a member of that student's sex.

#### *GUIDELINES FOR IMPLEMENTATION*

- Demonstrate commitment to elimination of sex bias in the administration and award of financial assistance by the adoption of the model policy statement and guidelines for implementation.
- Formulate and implement a plan for action based on the model policy statement.
- Examine and evaluate for sex bias existing criteria and procedures for the administration and award of financial assistance.
- Modify any existing criteria and procedures for the administration and award of financial assistance that evince implicit or explicit sex bias, except as permitted by the model policy statement. Where existing criteria that discriminate on the basis of sex are permitted, examine and evaluate the overall effect of such financial assistance to determine whether it results in sex bias.
- Develop specific information regarding the sources of funds available to implement the plan of action, including methods and timetables.

- Develop an extensive resource library and technical assistance service in the area of sex bias in the administration and award of financial assistance.
- Develop and maintain on a continuing basis a system for the collection and evaluation of data on sex bias in the administration and award of financial assistance.
- Disseminate widely to students, parents, teachers, administrative personnel, guidance counselors and all organizations, agencies and persons that provide financial assistance to students the policy of elimination of sex bias in the administration and award of financial assistance.



GENERAL

Students should not be segregated on the basis of sex in any aspect of the educational or extracurricular program.

Teachers and other school personnel may not segregate members of each sex in seating or line arrangements in classrooms, cafeterias, auditoriums, libraries, school buses or any other facility or activity.

Supervisors, teachers and other school personnel shall not segregate members of one sex in classrooms or small-group assignments.

Teachers and other school personnel should assign members of each sex on a nondiscriminatory basis to tasks within the classroom and school, such as guards, helpers, monitors, movers. School personnel should particularly strive to place members of a traditionally underrepresented sex in such positions.

Students should not be discriminated against on the basis of sex or segregated on the basis of sex in the use of any school facility.

*GUIDELINES FOR IMPLEMENTATION*

- Demonstrate commitment to elimination of sex bias in education by the adoption of the model policy statement and guidelines for implementation on treatment of students.
- Formulate and implement a plan for action based on the model policy statement.
- Examine and evaluate for sex bias seating and line arrangements and treatment of students by teachers and other school personnel.
- Modify any treatment of students by teachers and other school personnel that evinces implicit or explicit sex bias.

- The relevant agency should develop and make available to local school districts an extensive resource library and technical assistance service in the area of sex bias in the treatment of students.
- Disseminate widely the policy of elimination of sex bias in the treatment of students to students, parents, teachers, administrative personnel, guidance counselors and the community at large.
- Provide preservice and inservice training for teachers, administrators and all other school personnel on the equal treatment of students.

## **EDUCATION COMMISSION OF THE STATES**

The Education Commission of the States is a non-profit organization formed by interstate compact in 1966. Forty-five states, Puerto Rico and the Virgin Islands are now members. Its goal is to further a working relationship among governors, state legislators and educators for the improvement of education. This report is an outcome of one of many Commission undertakings at all levels of education. The Commission offices are located at 300 Lincoln Street, Denver, Colorado 80203.

