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ABSTRACT

Despite the currency of "equity" as a general objective among technical assistance personnel and feminist groups, little serious attention has been given to developing consensus on definition, rationale, and methodology. Rather, attention has been on the promotion of full compliance with Title IX, in itself a major thrust toward equity. School district compliance efforts are strengthened, however, if the goal becomes educational equity instead of the retention of Federal money. This paper attempts to define educational sex equity and to provide a rationale for full equity in terms of outcomes for students and benefits for school districts. It seeks to clarify the relationship of compliance to equity, and to provide a method of analyzing the short and long term costs and benefits for students and schools of both minimal and maximal equity responses. In addition, it presents some implications for action based on the goals of full equity. It is argued that failure to establish full equity as a goal is in the long run severely dysfunctional for students and schools, is costly in both financial and human terms, and creates disjuncture between the schools and society. It is thus held that while maximal equity responses to Title IX may appear radical now, they are essentially practical and cost effective when viewed from a long range perspective. (Author/GC)

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TITLE IX COMPLIANCE AND SEX EQUITY:
DEFINITIONS, DISTINCTIONS, COSTS, AND
BENEFITS

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I. INTRODUCTION

The Title IX Legislation prohibiting sex discrimination in Federally assisted education institutions was a congressional response to patterns of institutionally perpetuated inequities based on sex. Full compliance with the law does not of itself provide educational equity but is a major vehicle for creating the conditions necessary for equitable schools. Even without the Federal mandate, school personnel are under pressure to confront inequitable treatment of students and employees as inconsistent with the goals of American education and the realities of contemporary American society.

Although significant changes have occurred in schools as a result of the law, many systems have limited their responses to the achievement of minimum legal compliance. The experience of those working in the field clearly indicates that low levels of compliance activity promote neither the equal opportunity goals of Title IX nor the educational goals of the public schools. Minimal compliance efforts fail to alter sex-based disparities in educational and occupational attainments and prove in the long run to be unexpectedly costly and socially inappropriate for schools.

The focus on minimum legal requirements does not necessarily indicate a resistance by school administrators to the achievement of full equity. Instead, it reflects the lack of well-defined equity goals and a rationale for moving beyond minimal legal compliance toward progressively more equitable schools and school systems. Despite the currency of "equity" as a general objective among technical assistance personnel and feminist groups, little serious attention has been given to developing consensus on definition, rationale, and methodology. Rather, attention has been on the promotion of full compliance with Title IX, in itself a major thrust toward equity. School district compliance efforts are strengthened, however, if the goal becomes educational equity instead of the retention of Federal money.

This paper attempts to define and provide a rationale for full equity in terms of outcomes for students and benefits for school districts. It seeks to clarify the relationship of compliance to equity, and to provide a method of analyzing the short- and long-term costs and benefits for students and schools of both minimal and maximal equity responses. In addition, it presents some implications for action based on the goal of full equity.

Special thanks, for their helpful comments and suggestions, to Dr. Shirley McCune, Deputy Assistant Secretary for Equal Education Opportunity Programs, Department of Education, and Dr. Harland Bloland, Professor of Higher Education, University of Miami

II. DEFINITION OF EQUAL OPPORTUNITY

Because Title IX was enacted by the United States Congress as, essentially, an extension of Title VI of the 1964 Civil Rights Act, the legislation is commonly understood to be in the spirit of equal opportunity. Yet, experience with Title VI has demonstrated that the elimination of overtly discriminatory practices does not of itself insure equal opportunities for educational and occupational accomplishments.

Equal opportunity, like equity, is a general concept about which there are many common assumptions but a variety of definitions. A provocative article by Onora Nell (1976) attempts to define what we mean when we say that opportunities are equal. Nell delineates an important distinction between *formal* and *substantive* interpretations of the concept of equal opportunity. The formal interpretation, according to Nell, holds that once rules are fair, a society is an equal opportunity society, even if groups have disproportionate success rates. Such disproportion is justified from the formal perspective on the basis of individual variation in capacities and desires, although, as Nell points out, desires and capacities are generally produced or modified by earlier educational and occupational experiences. Thus, it follows that apparently neutral and nondiscriminatory tests and other selection procedures for educational and occupational attainment often result in disproportionate success in some groups and correspondingly disproportionate failure in others.

The substantive interpretation of equality of opportunity, according to Nell, would equalize the rate of educational and occupational attainment of all major groups based on their proportionate representation in society. If prerequisites or qualifications for admissions or positions are established, says Nell, then these requirements must be met with equal frequency by members of all social groups. This view of equal opportunity justifies the use of quotas and other preferential practices because they confer equal (or less unequal) rewards. From this perspective, fair rules are not enough. Rather, equal opportunity for any experience or result means that individuals must be equally likely, as members of particular groups, to achieve that experience or result. This does not mean that all individuals will be equally successful, there will continue to be gaps between the most and least successful people in each group, provided that the same range of differences exists within other groups. Thus, according to Nell, intergroup not intragroup differences would be eliminated.

III. INTERPRETATIONS OF TITLE IX

Formal Interpretation

Title IX, like Title VI, can be given either a formal or a substantive interpretation. Most common is the formal perspective, which views Title IX as a mandate to eliminate discriminatory practices in school

systems and provide both sexes equal access to all programs and activities. Continuing disproportion in classes, clubs, sports, and employment is not in itself a violation of the law and is thus generally considered to be the result of individual differences and choices. This view prevails, in part, because Congress never addressed such complex issues as guarantees of equal success rates for females and males, indeed never articulated what outcomes it envisioned for students as a result of Title IX.

Substantive Interpretation

Both the Title IX Statute and the implementing Regulation contain language that can also be interpreted from a substantive equal opportunity perspective. They go beyond the prohibition of nondiscrimination and mandate equal benefits from educational programs, i.e., that individuals shall not "on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. . . ."

According to attorney Charles Guerrier in his legal handbook on Title IX (1978), these three protections (participation, benefits, nondiscrimination) are not functionally equivalent. It is possible to provide two of them, participation and nondiscrimination, without the third, provision of equal benefits from educational programs. Guerrier cites *Lau v. Nichols*, in which the Supreme Court had to interpret similar language under Title VI. The Court found that although non-English-speaking students were provided the same facilities, textbooks, teachers, and curriculum as English-speaking students, the fact that they did not understand the language meant that they were receiving fewer educational "benefits...which denies them a meaningful opportunity to participate in the educational program" (p. 30). Equal participation did not provide equal benefits for which, the Court ruled, affirmative efforts would be necessary.

The Title IX implementing Regulation goes well beyond the language of Title VI in the specificity of its provisions because it is based on legal and administrative precedents established over the years in the enforcement of Title VI (Fishel and Pottker 1977, p. 107). In Section 86.3, the Regulation requires "remedial steps to eliminate the effects of any discrimination" and permits "affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex."

According to Guerrier, case law suggests that remedial action required by the Federal government to overcome the continuing effects of past discrimination may include utilization of sexual classifications in order to remedy past recognized violations. He indicates that although affirmative action to overcome the effects of limited participation by persons of a particular sex is purely voluntary in the absence of a finding of past discrimination, "in some instances it may be appropriate to actually

resort to the 'preference' method, if the goal sought to be achieved is of a compelling nature and can be achieved no other way" (p. 75). It is Guerrier's contention that equal opportunity to participate in and benefit from all programs and activities as mandated by Title IX may require affirmative action in addition to the elimination of discriminatory practices (p. 113).

IV. LONG-RANGE OUTCOMES

Interpretation of the Title IX mandate—formal or substantive—depends largely on the outcomes desired. The formal approach seeks elimination of sex discriminatory policies and practices, while the substantive view promotes equal success rates among males and females. School district focus on minimum compliance activities designed to eliminate overt discriminatory practices and provide access to school opportunities has not significantly altered disproportionate participation and achievement rates for males and females. Diesel mechanics, calculus, and baseball still attract few girls; child care, fine arts, and cheerleading, few boys. Girls continue to lag behind boys in achievement tests, career preparation, and physical prowess. Boys, on the other hand, exhibit higher levels of underachievement, maladjustment, and greater behavior and truancy problems than do girls.

The formal interpretation of equal opportunity implies that continued disproportion in participation and achievement reflects individual ability and preference. However, students may not have the information, experience, and skill to make informed choices. Ability is limited by prior experiences, and preference colored by the subtle influence of sex bias and sex role stereotyping. Thus, neither ability nor preference may be adequate criteria for important educational and occupational choices.

The substantive view of equal opportunity requires that to insure equal success rates among females and males, quotas and preferences are appropriate short-term measures. Language in the Title IX Regulation and pertinent case law suggests that such measures can be justified. These might involve equal assignment of female and male students to all activities and programs and even disproportionate assignments to non-traditional areas until historical imbalances are altered. However, the highly controversial nature of such actions makes them difficult to promote as methods to achieve equity in the public schools. Events, however, may ultimately force a reconsideration of quotas as the only guarantor of equity.

For the purpose of this discussion, the substantive equal opportunity goal of equal success rates for females as a group and males as a group is accepted, but not the use of quotas to achieve it. Short of quotas, well-planned affirmative efforts are needed to insure that females and males are empowered to gain maximum benefit from their educational experiences. Such efforts must focus on the equalization of participation

rates, which is a precursor to equalized rates of success.

Specific long-range outcomes of this equal opportunity goal would reflect equalized overall participation and success rates between females and males (without eliminating differences among individuals within these groups). Such outcomes would include

- equal rates of performance by females and males on standardized achievement tests
- equal rates of success in classroom performance
- equal rates of improvement by females and males in physical fitness and development
- equal participation rates of females and males in athletics
- equal rates of participation in all academic and vocational courses
- equal rates of participation in school jobs, clubs, activities
- equal rates of participation in student governance
- equal rates of nurturance and assertiveness responses by females and males as situationally appropriate
- equal representation of females and males in all school employment categories

V. DEFINITION OF EQUITY

The outcomes listed above may appear utopian, but the notion of equal success rates can serve as a focal point for dialogue about appropriate long-term goals for the equity enterprise. Clearly defined goals, in turn, permit the development of strategies for their achievement.

The definition of *educational sex equity* proposed in this paper combines the formal equal opportunity goal of equal access with the substantive equal opportunity goal of equal success rates.

Educational Sex Equity can be defined as the elimination of sex discrimination, bias, and stereotyping in all school structures, policies, and practices and the promotion of proportionately equal educational and occupational attainments between females and males.

VI. STAGES OF EQUITY

The Equity Continuum

The two approaches (formal and substantive) to equal opportunity delineated by Nell (1976) have different goals, but the substantive equal opportunity goal of equal success rates has as a precondition the formal equal opportunity goal of equal access. The clear directionality of these equal opportunity perspectives suggests a continuum which begins with discrimination (or the lack of equity), moves through the provision of equal access, and culminates in equal success rates (full equity). Both the

formal and substantive equal opportunity phases of the equity continuum incorporate Nell's descriptors but are divided into specific well-defined stages, as illustrated in Figure 1.

Figure 1—Equity Continuum

	FORMAL EQUAL OPPORTUNITY			SUBSTANTIVE EQUAL OPPORTUNITY			
STAGES	Discrimination (No Equity)	Elimination of Discriminatory Policies	Elimination of Discriminatory Practices	Fair Rules Equal Access	Affirmative Programs	Equal Participation Rates	Equal Success Rates (Full Equity)
	1	2	3	4	5	6	7

The formal equal opportunity phase begins with a move from the initial stage of discrimination to the elimination of discriminatory policies (stage two). This action is fundamental to change, since official policies represent a codification of the philosophy of a school district. Such a change signifies a recognition of the need for fairness in education for all students and employees. Stage three is the elimination of discriminatory practices. Practices change only after policies provide official sanction for fairness in education-related programs. Nondiscriminatory policies and practices arising from stages two and three lead to fair rules and equal access, which represent the final stage of formal equal opportunity. This fourth stage also represents full legal compliance.

Fair rules and equal access, while overcoming discriminatory barriers provide only limited equity, however, since, as Nell points out, fair procedures may have a disproportionate result when people from some groups have had a history of discrimination. Stage four (equal access) can be considered the first stage of substantive equal opportunity as well as the last stage of formal equal opportunity. It is the basis for stage five, affirmative programs, designed to promote increased levels of participation in all areas by underrepresented groups. Such programs might include recruitment, compensatory training, and extra support services.

Affirmative action is a weaker mechanism to insure equal participation and success rates than are quotas and preferences which, according to Nell, are vital to the goal of substantive equal opportunity. The modification of quotas to affirmative action places what may seem undue confidence in the good will of educational systems. However, a real commitment to affirmative programs can promote higher levels of equity, albeit without the insurance of specified quotas based on representation in the population.

Affirmative programs should lead to equal participation rates (stage six) in all categories (courses of study, athletics, employment, extra-curricular activities, etc.). Equal participation rates tend to produce equal

success rates (stage seven), which provide an equal range of benefits and rewards such as money, status, and power for all social groups. This is the final stage of substantive equal opportunity and reflects the achievement of full equity.

The Compliance Continuum

While the term *equity* is generally used to represent the spirit of Title IX, compliance connotes the letter of the law. A series of sequential stages in compliance have been identified by Shirley McCune. No Action, Paper Compliance, Pocket Compliance, Systemwide Compliance, and Commitment and Operational Programs (Kaser et al. 1980: pp. iv, 16-17, and subsequent personal communication). These five stages of compliance can be shown on a continuum as illustrated in Figure 2.

Figure 2—Compliance Continuum

	No Action	Paper Compliance	Pocket Compliance	Systemwide Compliance	Commitment Operational Programs
STAGES	1	2	3	4	5

A system first moves from no action at all into paper compliance, stage two. Paper compliance means completion of the procedural requirements of the Regulation—minimal training and information within the district—but continuation of violations. Pocket compliance is stage three, although it represents movement beyond paper compliance, responses to legal requirements are fragmented and only minimum levels of staff and financial resources are allocated to the effort. There are isolated individual efforts toward equity while some legal violations remain. Systemwide compliance, the fourth stage, proposed by McCune in a personal conversation with the author, indicates that a system has fulfilled its legal requirements. The goals of compliance, according to McCune, are access to programs, the elimination of within-class segregation, the establishment of a sex-fair curriculum, and role models of both sexes. Compliance with the law leads to "the development of affirmative programs which can stabilize these changes and result in full educational equity" (Kaser et al. 1980 pp. iv-15). This is the fifth stage, characterized by commitment and operational programs.

The Equity/Compliance Continuum Relationship

McCune's compliance continuum, therefore, provides equal access (former equal opportunity) and culminates with affirmative efforts to promote full equity (substantive equal opportunity). This construct fits

nically into the equity continuum presented in Figure 1. It is important to note that the stages of compliance do not exactly mirror the linear stages of the equity continuum because they reflect uneven systemic adaptations to Federal requirements. In that sense, the compliance continuum is more empirically based than the idealized stages of the equity continuum. Figure 3 portrays the relationship of McCune's stages of compliance to the equity continuum.

Figure 3—Equity Compliance Continuum Relationships

		EQUITY CONTINUUM						
		FORMAL EQUAL OPPORTUNITY			SUBSTANTIVE EQUAL OPPORTUNITY			
STAGES		1	2	3	4	5	6	7
		Discrimination (No Equity)	Elimination of Discriminatory Policies	Elimination of Discriminatory Practices	Fair Rules, Equal Access	Alternative Programs	Equal Participation Rates	Equal Success Rates (Full Equity)
		No Action	Paper Compliance	Pocket Compliance	System-wide Compliance	Commitment Operational Programs		
STAGES		1	2	3	4	5		
		COMPLIANCE CONTINUUM (MCCUNE)						

Compliance—A Vehicle for Change

Compliance with Title IX must be viewed as one of a variety of vehicles for achieving equity. Other vehicles include pressure from internal and external advocacy groups, commitment from school leadership, changing social values, and workforce patterns. The Federal pressure for civil rights is a major force for change, but equity is an ethical and social value that exists with or without the legal mandate.

School system responses to Title IX can be analyzed along the equity continuum. There can be some degree of equity in a system without full compliance and certainly compliance without full equity, but full equity is undergirded by legal compliance. The continuum can also be used to project goals for school systems beyond legal compliance and the guarantee of fair rules and equal access.

Although responses on the substantive equal opportunity end of the continuum may be more time-consuming, costly, and disruptive in the short run, they are consistent with basic constitutional guarantees and

American values, and provide long-term benefits for schools and socially relevant experiences for students.

VII. RESPONSES TO TITLE IX

School district responses to Title IX may be analyzed in functional terms, which involve the assessment of short- and long-term, intended and unintended consequences for system maintenance and growth. There is evidence that the short-term advantages for schools of minimal compliance activities are frequently nullified after a period of time. Unresolved equity issues often result in adverse relationships with internal and external groups, negative publicity, complaints filed with the Federal government, or lawsuits with the court. Conversely, strongly affirmative responses may in the short term seem dysfunctional for a system but in the long run prove cost efficient, they may save the excessive amounts of time, money, and disruption that go into responding to complaints, court suits, community and teacher organization pressures for change, and into the repetition of compliance activities.

Beyond these costs, it is also dysfunctional for school systems to ignore the long-term consequences of failure to provide students with the skills, knowledge, experiences, and motivation to explore nontraditional courses and careers. Although occupational segregation is still a social reality, numerous opportunities now exist, and are expanding, for women and men to engage in hitherto proscribed or delimited vocations. Family structures and roles are also changing. These shifts in both the domestic and occupational spheres require an affirmative response by public schools so that students will be able to respond appropriately.

Two key areas will be reviewed to gain some perspective on the degree to which Title IX implementation efforts have been a response to the letter or the spirit of the law, and on the short and long-term intended and unintended consequences for school districts of these efforts. The two areas are the procedural and curriculum-related portions of the Regulation, both of which have major implications for change if given maximal equity interpretations. School district responses to other areas of the Regulation can be subjected to similar scrutiny.

Some important research conducted in the past years provides a growing data base for such analysis. The reports of Title IX implementation drawn on here are

- the national study on compliance with procedural requirements conducted by the Rand Corporation for the Office of Education, HEW, hereafter called the Rand report (Hill and Rettig 1980)

- a report for HEW entitled *The Status of Title IX in Region X* (Miller and Associates 1978)
- a review of Michigan school district compliance with Title IX (Michigan Department of Education 1979)
- *Back-to-School Line-Up* (Project on Equal Education Rights, PEER 1979)
- a study entitled *Vocational Education Equity Study* conducted by American Institutes for Research, hereafter called the AIR report (Harrison and Dahl 1979)
- *National Survey on the Impact of Title IX on Public School Systems* (Bornstein 1980)

School District Responses to Procedural Requirements

Title IX procedural requirements were adopted by the government in order to encourage local school districts to monitor and remedy sex discrimination in their systems without Federal interference. These requirements are

- designation of a Title IX coordinator
- development and dissemination of a nondiscrimination policy statement
- development and publication of fair and efficient grievance procedures
- a district-wide self-evaluation to identify and remedy discriminatory policies and procedures
- filing of a formal assurance of compliance with the government

When these requirements are implemented seriously and updated regularly, they become the most effective tools for achieving equity while maintaining local control over educational policy and practice. Voluntary compliance has been minimal, however, according to research findings and observation in the field. In most agencies, "self-evaluations are not comprehensive, sex biased attitudes persist in staff and faculty, and no effort is made to promote Title IX nor examine programs in-depth for sex discrimination" (Miller and Associates, 1978: p. 14).

Generally, Title IX implementation has been treated as an administrative process, handled by mid-level district employees without the involvement of the school board, community, teachers, or students. According to the Rand report (Hill and Rettig 1980),

...most members act primarily on their own initiative and according to their own standards. Locally initiated response to Title IX is therefore primarily a function of what Title IX employees understand the guaranteed rights to be and of how they are motivated by personal conviction, sense of professional duty, or desire to avoid being the object of a formal complaint. [p. 12]

Many school districts report that they are in compliance with Title IX while, according to in-depth analyses or site visits made to corroborate self-reports, they are actually *not* in compliance. Paper compliance and superficial changes are most characteristic. (In the Michigan Department of Education survey, conducted in 1979, 99 percent of the State's school districts were found to be not in full compliance with all five of the procedural requirements [p. 66].) In most school districts, a Title IX coordinator has been appointed, however, that person ordinarily holds other (often multiple) responsibilities, spends a fraction of her or his time on Title IX matters, lacks a job description, and is torn between conflicting roles—advocate, compliance officer, and defender of the institution (Miller and Associates 1979: p. 21). Thus, role definition is influenced primarily by the top administrator's level of commitment.

Self evaluation is the procedural mechanism with the greatest potential for achieving and maintaining equity. Many districts completed a superficial self-study several years ago and have never updated or expanded it. Self-evaluation reports rarely contain recommendations for remediation and modification as required by the Regulation. In Michigan, only 14 percent of the school districts surveyed had both of these elements in their self evaluations (p. 67). The Rand report found that most school districts did not involve teachers, students, or community in the process, and failed to produce a summary report for distribution for a "clear agenda for action" (p. 40).

Internal grievance procedures by which persons can help school district administrators identify and remedy sex discrimination are seldom used. This is, in part, because the procedural mechanisms are generally not well publicized in schools and communities (p. 11). Further, many school district grievance procedures that do not work fairly and expeditiously as required by the Regulation involve a great deal of time and stress for individuals with complaints. "The entire burden of formulating and pressing the complaint is on the grievant" (p. 11).

The minimal compliance activities characterizing public school response to the procedural requirements of the Title IX Regulation are intended in the short run to keep districts out of trouble with Federal bureaucracy and maintain access to Federal financial support. The Rand report asserts

it is clear that federal pressure is a real factor in institutional decisionmaking. Institutional officials assume that their practices will come under federal scrutiny, and they make serious efforts to avoid federal government intervention on matters of compliance. Given the very low incidence of punitive action by the federal government, its efforts to put local officials under pressure appear to be highly successful. (Hill and Retig 37)

In the short term, such minimal responses have the advantage of requiring little cost, labor, or time to be taken from other school enterprises. Since few teachers, students, or community persons are informed

about the law or compliance activities, opposition, advocacy, or lengthy deliberations are avoided.

In the long term, however, what seemed originally a cost-effective approach to compliance, frequently escalates into an expensive nightmare for school administrators. Teacher associations and community organizations publicize the Title IX requirements along with individual rights and Federal complaint procedures. Pressure is applied to administrators to repeat the procedural activities, periodic monitoring is conducted by internal and external groups; and the news media are alerted to Title IX violations.

More serious complaints are filed with the Federal government and lawsuits are filed in the courts. Federal investigations require considerable staff time to retrieve, analyze, and submit the required documentation and to "host" on-site investigations. Unforeseen results often include negative local publicity, costly remedies, and confrontation with Federal officials and local groups. Often the top administrator and policymakers find that assurances of compliance provided in response to self-evaluation surveys by building-level administrators were inaccurate or inadequate or both, rendering those responsible for compliance personally vulnerable.

These long-term unintended consequences are a reversal of those intended by school administrators. Rather than keeping Federal officials out, noncompliance invites investigation. Instead of being inexpensive, the cost becomes prohibitive. Community activism is not stemmed, it is exacerbated.

Unintended consequences for school districts may also result from studies that explore the low level of compliance with procedural regulations nationally. The Rand report, for example, concludes with a series of recommendations which, if accepted by the Federal government, would tighten up the procedural requirements and reporting mechanisms. The report holds that "local action is the key to the implementation of the civil rights guarantees" (Hill and Rettig 1980:38), and recommends that the Federal government clarify the procedural requirements and inform the public about the existence and use of these mechanisms (p. 39).

Specific recommendations of the Rand report for the government include

- clarification of the purpose, scope, timing of self-evaluations
- participation of students, staff, and interest groups in the self-evaluation process
- periodic renewals of self-evaluations
- written summary self-evaluation reports disseminated to all employees, students, and local interest groups
- extensive media publicity for grievance procedures (pp. 38-47).

Figure 4 contrasts low compliance/equity responses to the procedural requirements with high compliance/equity responses.

Figure 4—Responses to Procedural Requirements

LOW COMPLIANCE/EQUITY
(LETTER OF TITLE IX)

Appointment of Title IX coordinator who lacks interest, experience, or commitment and who has numerous other LEA responsibilities. No job description, mandate for change or authority to initiate or monitor change.

Statement of nondiscriminatory policy incomplete and not widely or regularly disseminated.

Grievance procedures developed, but not disseminated. Use of procedures results in ridicule, retribution, inaction.

Self-evaluation conducted once by a central office administrator. Superficial. No monitoring or up-dating.

HIGH COMPLIANCE/EQUITY
(SPIRIT OF TITLE IX)

Full-time Title IX coordinator appointed who is committed to equity and secures training and information. Clear job description and mandate from superintendent to whom coordinator reports directly.

Annual, broad dissemination of nondiscrimination policy with reference to appropriate legislation and enforcement agency as well as information about local Title IX coordinator and grievance process.

Grievance procedures, which work fairly and expeditiously as determined through resolution of grievances, broadly disseminated to staff, students, community. Persons encouraged to identify problems so they can be remedied.

In-depth self-evaluation conducted by committee composed of administrators, teachers, counselors, students, community. Implementation and monitoring of recommendations designed to eliminate discriminatory practices and promote equity. Periodic site reviews conducted by trained staff.

School District Responses to Curriculum and Instruction Issues

Differences between minimal and maximal compliance and equity actions relating to the curriculum have the most profound and far-reaching

consequences for students. From kindergarten through graduate school, women and men are affected academically, psychologically, and vocationally by overt and covert forms of sex discrimination, bias, and stereotyping in the classroom (Sadker and Sadker 1980).

The Title IX Regulation provides that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training or other education program or activity" (Section 86.31). To date, only one of these three protections—nondiscrimination—has been seriously addressed by most school administrators. Most course offerings are now available to all students regardless of sex, although vestiges such as "powder puff football," "bachelor cooking," and "slummasics" remain. In Michigan, 39 percent of the school districts responding to a survey conducted in 1979 still offered courses limited to one sex (Michigan Department of Education 1979:68).

Despite a decline in the number of sex-restricted courses and discriminatory prerequisites, participation rates, although changed, are still disproportionate in courses traditionally oriented to one sex or the other. The Title IX Regulation requires an analysis of disproportionate enrollments to determine whether discrimination in counseling materials or techniques is responsible. Such analysis is not undertaken by school districts where the prevailing view is that enrollment figures reflect student choice. Only 40 percent of the Michigan districts surveyed had established procedures to insure that bias in counseling was not responsible for disproportionate enrollments (p. 68).

Curriculum ghettos persist and should, by their very nature, raise suspicions about the degree to which students have the information, training, experiences, role models, and teacher and counselor support to make informed choices. For example, the large disparity in numbers of boys, as compared to girls, taking advanced mathematics is not solely the result of differences in student interest. Several studies demonstrate that boys who take advanced mathematics do so because they believe it to be important to their career goals, not because they like the subject better than do girls (Rappaport 1978:196).

While greater numbers of females than males suffer from math anxiety, even the most adept female math students tend not to take advanced courses. Higher mathematics has not been sex designated, but without affirmative efforts to interest girls in the career potential of math, enrollment figures remain the same. Few remedial programs have been established in the public schools for girls deficient in math-related skills such as spatial visualization, while remedial reading programs geared primarily to assist boys are a standard feature of the curriculum from the elementary grades through high school.

In physical education, differential participation patterns are often concealed behind newly adopted coeducational schedules. Physical educa-

tion is a particularly difficult area of the curriculum to change because of its long history of sex segregation. Title IX technical assistance personnel rate physical education one of the areas most significantly changed as a result of Title IX and also one of the most resistant to change (Bornstein 1980). In the past, female and male teachers ran separate programs, students were separated for instruction, and curriculum and instruction were different for female and male students because of stereotyped assumptions about innate sex differences, abilities, and potential.

Despite nominal desegregation as a result of the Title IX mandate, real integration has been sabotaged in many places by a proliferation of practices that keep the sexes separated. These practices include forced choice scheduling where students are asked to choose between modern dance and football, a soccer unit where students are asked to sign up with the male or the female coach, and ability groupings based on physical fitness norms that keep students at the same level in all sports activities even though an individual student might be mediocre in soccer and outstanding in badminton.

Differential enrollment patterns are most apparent in vocational education. According to a study conducted for the government by American Institutes for Research (AIR) (Harrison and Dahl 1979) on equity in vocational education programs throughout the country, "in 1979 enrollment patterns are overwhelmingly sex segregated and... progress in reducing sex segregation since 1972 has been minimal" (p.3). The report indicates that women comprise 90 percent of the enrollment in traditionally female occupations in business and office, health, and trade and industrial areas—substantially the same percentage as in 1972. An increase was noted in the percentage of men enrolled in traditionally female home economics courses from 7 percent to 17 percent. Men continue to predominate in enrollments in traditionally male occupations, although there has been an increase from 3 percent to 8 percent of women enrolled in technical and agricultural programs. Women comprise 6 percent of the enrollments in traditionally male trade and industrial programs, no change since 1972. Overall, the percentage of male students in traditionally female areas (10.9 percent) is greater than the percentage of female students in traditionally male areas (7.8 percent) (p. 3).

Why aren't girls signing up for that diesel mechanics class? Chances are that peers, parents, teachers, and counselors think it unsuitable, that girls do not have information on the nature of the work, amount of pay, kind of hours and benefits involved, and that they have no experience in repairing mechanical objects. Deprived of encouragement, information, skill, and experience, girls are not making real choices, they are conforming to stereotyped expectations no longer relevant to the job market.

The AIR study also found that "no more than one-third [of local school districts] are sponsoring or conducting specific activities aimed at fostering greater sex equity" (p. 18). Further, "there is clear evidence

that those schools putting the most effort into various kinds of activities to further equity are also those experiencing the greatest amount of non-traditional enrollment" (p. 20).

Without a significant effort on the part of school personnel to equalize participation rates, there is no likelihood that the goal of roughly equivalent success rates for females and males can be achieved. No innate sex differences have been identified to account clearly for the grossly differential participation and achievement rates of females and males in education and work. This places a good deal of responsibility on the socialization and training students receive as they go through school.

Yet, as noted earlier in this paper, even full participation and non-discrimination will not necessarily provide equity.

The third Federal mandate—that students shall not "be denied the benefits of" education programs—has the greatest implications for equity. The key question is: In what ways might students of one sex be receiving fewer benefits from instruction than students of the other sex? Are male students in a sewing class discouraged by the teacher from threading the machines because "boys are so careless and clumsy"? Are females in a physical education class prevented from trying to compete against the male or combined male female presidential physical fitness norms "because the boys will be embarrassed if girls outperform them"? Are female students deprived of role models in a history class that highlights only male explorers, scientists, writers, and educators? Are male students denied support for development of child-rearing skills by seeing males portrayed in textbooks almost exclusively in occupational roles?

The Title IX Regulation does not provide guidelines for determining whether benefits derived from education programs are unequal for females and males. It acknowledges that bias in curricular materials is a serious matter but does not address the issue. Sex bias and stereotyping in curriculum content, curricular materials, and instruction are not specifically prohibited. Staff training and information to change biased practices and provide nonsexist educational experiences for students are not required. Without the elimination of bias and stereotyping based on sex, however, both female and male students are unfairly limited to a narrow range of behaviors, roles, and career options. This, in turn, represents a real denial of the full benefits to be derived from education programs that impinge on future educational and occupational choices.

As demonstrated earlier, each action of the school district in response to Title IX bears long- and short-term, intended and unintended, consequences. When school district compliance in the area of curriculum is minimal, there are the short-term advantages of only minor adjustments and costs necessary to purge a system of single-sex courses. But the long-term unintended negative consequences are so dysfunctional for schools that they bear serious scrutiny. Most significantly, failure to prepare all students to make informed choices relevant to current social realities in

the domestic, leisure, and vocational spheres of life is a failure of the schools themselves.

School districts must, therefore, evaluate each response carefully in terms of its consequences. Consider, for example, the implementation of a truly coeducational physical education program, kindergarten through twelfth grade, after an intensive training and information program for staff, students, and parents. The short-term intended consequence of such a program is obedience to the law and revision of the physical education curriculum around fitness and lifetime sports. Other short-term consequences involve the spending of time and money to conduct training, establish new procedures, and overcome resistance. The long-term intended result is to provide quality education equally for male and female students and to remedy the disparities in student ability that are based on prior inequities in experience and training.

Unplanned positive consequences of such program implementation include (as reported by professionals) improved staff communication, better teaching practices, increased girls' skills in competitive sports and boys' in individual sports, and better attitudes toward physical education among both girls and boys who are not athletically gifted. Further, such a program is appropriate to the current societal emphasis on health, fitness, and physical strength. It also prepares young women for new opportunities available in athletics, which may ultimately provide college opportunities through scholarships.

On the other hand, dysfunctional long term unintended consequences, such as resegregative practices within classes, may also result. Other negative unanticipated consequences of a combined program may be the loss of female physical education staff through the establishment of apparently neutral job criteria that more men than women can fulfill. Thus, all actions, even those ostensibly affirmative, should be evaluated with a view toward long-term effect on the system.

Dysfunctional consequences can be avoided with more long-range planning for equity, planning that includes careful assessment of sex equity needs, design of a series of activities based on those needs, consideration of possible consequences of proposed activities, continuous evaluation of activities to determine if goals are being met, and redesign of activities and strategies as necessary. Figure 5 contrasts low compliance equity responses to curriculum and instruction issues with high compliance equity responses.

Figure 5—Responses to Curriculum & Instruction Issues

LOW COMPLIANCE EQUITY
(LETTER OF TITLE IX)

All courses open to students of both sexes without prerequisites

HIGH COMPLIANCE EQUITY
(SPIRIT OF TITLE IX)

Students and parents regularly informed about the accessibility

or requirements that have an adverse impact on one sex.

Annual tally of numbers of females and males enrolled in course offerings. Notation regarding disproportion sent to Counseling Department.

Since gender-specific language not mentioned in Regulation, no attempt to change it. Those who propose the use of non-sexist language may be ridiculed.

Since no requirement in Regulation to evaluate course content for bias and stereotyping, no such process initiated.

Textbooks specifically omitted from Regulation. Despite referral by HEW to local school districts to remediate, no action undertaken since not required.

Teacher training and information not required, so not undertaken. Concern may exist that teachers will take time away from regular curriculum for equity activities.

Teachers may receive negative feedback for initiating equity activities, since these are not required and no climate of support exists.

and desirability of nontraditional courses. Compensatory courses to remedy previous discrimination.

Disproportionate enrollments monitored for bias in counseling and teaching practices and materials. Teachers and counselors actively recruit students for nontraditional courses.

Course descriptions free of gender-specific language or references.

Course syllabi, content, format, assignments, related media analyzed to eliminate sex bias and stereotyping.

Textbooks and other curriculum materials examined to assess degree of bias and stereotyping. Supplemental plans and materials ordered or developed.

Teachers trained on regular basis to identify and remedy bias in classroom management and curriculum materials. Information on equity issues, materials, and techniques regularly disseminated to teachers.

Teachers supported and rewarded for equity activities woven in to regular curriculum.

School District Responses to Other Title IX Areas

Responses to other activities and practices covered by Title IX can also be analyzed in terms of their consequences for schools and students. Short-term advantages of minimal compliance responses in counseling, athletics, extracurricular activities, and employment may be latently dysfunctional in the long term. For example, the assumption that inequities in staffing patterns and employment procedures are not covered by Title IX, and therefore require no remediation, is hazardous. Despite a number of court rulings that Title IX regulations covering employment are invalid (most significantly, *Romeo Community Schools v. United States Department of Health, Education and Welfare*), remedies to employment discrimination can be pursued under Title VII of the 1964 Civil Rights Act, the 1963 Equal Pay Act, Executive Order 11246, and a variety of local and State statutes.

Beyond the cost and disruption involved in responding to Federal investigation, there is a price to be paid for failure to institute employment policies and practices that promote equal rates of participation, particularly in school administration. This price ultimately is a loss of confidence in the schools for failure to tap their best resources regardless of sex, provide children with role models of both sexes, and promote respect and good working relationships between persons of both sexes.

Affirmative steps that bring women into school administration include

- identification of women who are qualified or qualifiable and interested in administration
- development of nondiscriminatory job criteria
- wide publicity for available administrative positions
- active recruitment of women with good potential for specific job openings
- training and internship experiences as appropriate
- nondiscriminatory interview procedures
- objective selection procedures
- administrative support for newly selected female administrators
- provision of relevant information to new female administrators
- standardized evaluation criteria and procedures for all administrators
- development of an affirmative action plan with clear goals and timetables for increasing female participation in administration
- effective monitoring process for plan

The long-term impact of minimum compliance actions is hazardous for athletics, also. Although there has been a dramatic increase of over 600 percent in the number of females participating in interscholastic sports between 1971 and 1977 (U.S. Department of HEW 1979: Appendix A), women still comprise only 33 percent of all athletes (PEER 1979). Title IX technical assistance personnel rate athletics, like physical education, both most significantly changed due to Title IX and most resistant to change (Bornstein 1980).

Despite greatly increased participation in sports competition, failure by the schools to provide affirmative opportunities in all structures and practices prevents female athletes from receiving full benefits from these programs. Such inequitable practices include

- limited access to practice and training facilities
- lack of opportunities to play before prime-time audiences
- denial of the best quality coaching and officiating
- limited school support such as cheerleading, pep rallies, and publicity

A serious long-term result of limited support for and interest in girls sports may be the lack of real improvement in the quality of competition. This, in turn, reduces the number of girls who might potentially win college athletic scholarships, which is the only access many poor and minority students have to a postsecondary education and credential. In sum, to achieve the objective of equalized participation and success rates, short-term practices in all education-related areas must be evaluated carefully for long-term implications.

VIII. IMPLICATIONS FOR ACTION

Since the passage of Title IX by Congress in 1972, many new possibilities for growth, participation, and success have become available to both females and males in the nation's schools. In many school districts, however, responses to Title IX have been more cosmetic than fundamental. Overall participation and success rates of females and males, while changing, are still only minimally altered.

It is the central thesis of this paper that failure to establish full equity as a goal is in the long run severely dysfunctional for students and schools; it is costly in both financial and human terms and creates disjuncture between the schools and society. While maximal equity responses to Title IX may appear radical now, they are essentially practical and cost-effective when viewed from a long-range perspective.

Investigations of factors related to the level of compliance indicate that although urban school districts report a higher priority for Title IX than do rural school districts (Miller and Associates 1978:15), no systematic differences have been found in Title IX compliance among regions of the country or among districts with different levels of previous civil rights activity (Hill and Rettig 1978:7). Further, no consistency exists among regions or States when ranked according to percentage of female participation in high school interscholastic athletics, school administration, and traditionally male vocational courses (PEER 1979).

The single factor cited as most related to the level of compliance activity is the degree of commitment, leadership, and support from school superintendents. Of Title IX coordinators surveyed in Region X, 85 percent indicated that administrative support is an important factor in successful implementation of Title IX while 70 percent reported that

they do not have such support (Miller and Associates 1978:16). This report makes a useful distinction between administrative support and leadership.

... Leadership implies an active, personal commitment in the initiation or execution of all activity. Administrative support does not require leadership, it only requires a willingness to take positive action which may range from acquiescence to enthusiastic commitment. (p. 39)

Site studies conducted by Miller and Associates (1978) reveal that leadership can come not only from the top administrator, but also from an athletic director, a school board member, a Title IX advisory committee, or a Title IX coordinator (p. 39).

The Rand report (Hill and Rettig 1980) indicates that while leadership from the chief administrator is important, other conditions are necessary for successful implementation of Title IX. One of these conditions is pressure for change "from both the federal government and interested parties within the institutions or in the communities served by them" (p. 36). To Title IX professionals, it has long been apparent that while administrative support is important for change to occur, leadership can indeed emanate from a variety of sources. In some school districts the impetus for change has come from community groups and in others from teacher organizations. Occasionally, a lone parent or teacher is responsible for significant change in one or several parts of the school system, often in the area of athletics.

Leadership for school district responsiveness to Title IX can also come from the State department of education. For example, the survey conducted by the Michigan Department of Education (1979) and quoted extensively in this paper will be used by the staff to plan future assistance to local school districts. The report states that "to support the State Board of Education policy and expressed goal of eliminating and preventing sex discrimination in Michigan school districts, this report contains specific recommendations which identify areas for future involvement and assistance from the Michigan Department of Education" (pp. v-vi).

Impetus for change in school districts also comes from Federally funded Title IV projects focusing on sex desegregation, such as local school board grants that generally support a compliance officer and some training activities, training institutes that conduct in depth staff development activities in school districts, and regional centers that provide, upon request, technical assistance and training related to Title IX and sex equity without charge to school districts.

The major Federal impetus for change, of course, is the Office for Civil Rights (OCR), which is the agency responsible for enforcement of Title IX. However, the extreme sensitivity of OCR to political pressure has resulted in unclear and inconsistent enforcement and interpretation of the regulations. "...A sense of impermanence and an air of confusion surrounds the regulations, which reduces their credibility" (Miller

and Associates 198:27). School personnel doubt that OCR uses data that they are required to submit, and "do not believe that the federal government will enforce compliance" (p. 26).

A leading advocate for sex equity in education, Holly Knox, Director of the Project on Equal Education Rights (PEER), asserts that "cutting off funds is the only way to get school districts and colleges to stop discriminating against women. . . . There's no evidence that they will act for any other reason except under court order, under massive monetary damages, or under the threat of losing federal money" ("An Interview . . ." 1979:519).

The Rand report (Hill and Rettig 1980), on the other hand, indicates that "federal pressure is . . . a real factor in institutional decisionmaking" (p. 37). Cynthia Brown, former Assistant Secretary for Civil Rights, admits that OCR is not initiating enforcement proceedings or terminating Federal funds with anything like the frequency it did in the sixties, but indicates that the agency has been successful in negotiating compliance in most Title IX areas ("An Interview . . ." 1979:518).

Momentum for Title IX compliance and equity can come from a variety of sources. No matter what the source, action will be more or less functional for students and schools if long-range outcomes are clearly defined and strategies for change geared to those outcomes. Desirable outcomes proffered in this paper have to do with equalizing participation and success rates for males and females.

IX. STRATEGIES FOR CHANGE

Integration of Civil-Rights Activities

The most efficient and least alienating way of fulfilling school district civil rights responsibilities is to combine activities while assuring attention to the unique problems in each area. This is particularly appropriate since the Office for Civil Rights is conducting combined reviews. Some of the areas that lend themselves to coordination are

- compliance coordinator responsibilities
- self-evaluations
- board policies
- affirmative action plans
- employment practices
- treatment of students
- school-community relations
- staff training

A major factor in achieving successful implementation instead of minimal compliance of Title IX, according to the Miller and Associates report (1978), is the philosophy "equal educational opportunity is good education" (p. 35). From this perspective, equity is not viewed as an

"enrichment" activity but rather as a fundamental element of quality education, which seeks to help each child develop her or his full potential.

Although this paper focuses on sex equity, its major points are applicable to all equity areas, including those dealing with race, national origin, and the handicapped.

Self-Assessment for Long-Range Planning

School district self-assessment should become a periodic, planned activity. Statistical, observational, and anecdotal data should be collected and used as a basis for identifying and investigating differential treatment, participation, and success rates based on sex. Reporting should include recommendations for modification of discriminatory policies, practices, and structures, as well as procedures for remedying the effects of previous discrimination. A summary of the annual report should be disseminated widely in schools and the community.

Long-range planning is essential to institutionalize change and insure that individual behavior and school norms are reflective of equity principles. Such planning should grow out of the self-assessment report and be accompanied by a system for monitoring progress.

Informing and Training Staff

The achievement of equity outcomes depends largely on staff agreement about the value of striving for such goals. Thus, it is incumbent upon those committed to equity principles to present clearly and effectively the rationale for equity along with strategies for achieving it.

To carry out Federal mandates, staff must not only understand equity goals and requirements, but have the skills and resources necessary for change. This involves regular dissemination of information about discrimination, bias, and stereotyping in education and their cost to students in terms of academic, psychological, career, and family development.

Staff training must move beyond awareness of these issues to the development of skills required to overcome such practices. As Shirley McCune has indicated, some of the needed skills and competencies are in "interpersonal relationships with students, curriculum modification and supplementation, educational management, and multi-cultural group processes" (1976:22).

A number of excellent materials are available for school district use to facilitate equity training and revision of curriculum and instruction. One major source of sex equity materials is the Women's Educational Equity Act Program. Among the best materials available are the training modules for administrators, teachers, counselors, vocational educators, physical activity specialists, and community produced for the Title IX

Equity Workshops Project by the Resource Center on Sex Equity (McCune 1978). These modules include needs assessment, cognitive information, skill building activities, and action planning. Regular information should be disseminated to staff on the resources, programs, techniques and materials that promote equity. Pressure must also be applied to schools of education to assume responsibility for providing equity information, resources, and skills to the teachers, counselors, and administrators they train.

Support and rewards for teachers, counselors, principals, and others who initiate affirmative programs are vital. These include visibility for exemplary projects and for individuals with good programs and materials. In this way, a climate can be created in which the goal of full equity is the norm and not the exception and in which that goal permeates the entire system and not just some of its parts.

Community Involvement

Most parents and community members are not aware of the requirements and protections of civil rights legislation. School systems should assume responsibility for providing such information and involving the community in its equity activities, including self-evaluation, compliance activities, and affirmative programs. Local grievance procedures should be publicized as ways of identifying and remedying discriminatory practices and, thus, avoiding investigation by the Federal government. Time and attention must be given to developing strategies that build community support for equity goals. Initial negative reactions to coeducational physical education can be reduced by building enthusiasm for a program based on physical fitness and lifetime sports. The support of booster clubs for particular sports can often be broadened to include a commitment to the development of the total sports program.

X. TOWARD FULL EQUITY

Actions oriented toward full equity may be more costly, time-consuming, and disruptive in the short run than activities designed solely to meet minimal Title IX obligations. Often, however, such maximal responses have short-term as well as long-term advantages. They may, for example, result in positive media coverage; garner State or national attention, promote a spirit of cohesiveness in a system, and generate student, staff, and community involvement in school issues.

Long-term benefits to be derived by students and schools from promoting full equity are significant. Student achievement will be predicated on individual differences and not on sex-based stereotypes, and school systems will fulfill their essential function of preparing students with the knowledge and skills they need to assume adult responsibilities as defined by a twenty-first century society.

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