



Executive Summary

IN JUNE 1972, Congress passed Title IX of the Education Amendments of 1972 (Title IX) to prohibit sex discrimination in schools that receive federal funding. In commemoration of the 50th anniversary of Title IX, the National Coalition for Women and Girls in Education presents **Title IX At 50**, a report that celebrates the significant progress made toward ending sex discrimination in schools while recognizing that much work remains to be done.

This report includes 9 issue briefs, each of which contains (i) *background* on how that particular aspect of sex discrimination affects students in schools; (ii) *developments*, including progress and setbacks, over the last 50 years regarding the issue; and (iii) a wide range of specific, concrete *policy recommendations* for education policymakers, including members of Congress, the Department of Education, state lawmakers, and school administrators. The 9 issue briefs cover the following topics:

- **Sexual Harassment:** Sexual harassment, sexual assault, dating violence, domestic violence, and stalking are widely prevalent in schools, but few students report it to their schools, and many who ask their schools for help are ignored or punished instead. In 2020, the Trump administration significantly weakened Title IX protections against sexual harassment, and as of this writing, the Biden administration has yet to undo those harmful policies. NCWGE offers recommendations to federal, state, and school policymakers that would create comprehensive protections against

sexual harassment in schools by strengthening prevention measures, supporting student victims rather than punishing them, and ensuring meaningful accountability of sexual harassers and of schools that fail to protect students' rights.

- **Discriminatory Discipline Based on Sex and Race:** Black girls, other girls of color, and LGBTQI+ children are more likely than their peers to be disciplined, pushed out of school, and pushed into the school-to-prison pipeline due to race- and sex-based stereotypes. For example, they are targeted for subjective discipline, discriminatory grooming and dress codes, and abuse by school police. The Obama administration took a number of steps to address discriminatory discipline, but most of these actions were reversed under the Trump administration and remain unaddressed by the Biden administration. NCWGE urges policymakers to end discriminatory discipline by restoring and strengthening the Obama-era protections, issuing Title IX and Title VI regulations against discriminatory discipline, removing police from schools, and much more.
- **LGBTQI+ Students:** LGBTQI+ students continue to face harassment, assault, and other discrimination based on their sexual orientation, gender identity, gender expression, transgender or nonbinary status, or intersex status. Although the Supreme Court's 2020 decision in *Bostock v. Clayton County* affirmed that discrimination based on sex includes discrimination against LGBTQI+ people, there

has been an unprecedented wave of attacks in the last two years against LGBTQI+ students, particularly transgender students. NCWGE calls on the federal government to protect LGBTQI+ students' rights, including by fully implementing *Bostock* across all agencies that enforce sex nondiscrimination laws and regulations and opposing state and local governments' attacks on LGBTQI+ students' rights.

- **Pregnant and Parenting Students:** Many students in K-12 schools and higher education are parents, but they face numerous institutional barriers, including punitive attendance policies, lack of child care and transportation for their young children, and even outright punishment for being pregnant. While Congress, the courts, and other federal agencies have expanded pregnancy related protections for other contexts like employment and healthcare, the Department of Education has not substantively changed Title IX regulations on pregnant and parenting students since 1975. NCWGE offers a number of recommendations to policymakers for protecting pregnant and parenting students, including by ensuring lactation accommodations, more equitable attendance policies, and transportation and on-site child care.
- **Athletics:** Despite the progress made since 1972, girls and women still receive more than one million fewer opportunities than boys and men to play sports in high school and college. And when they do have a chance to play sports, women and girls often receive worse facilities, uniforms, and equipment; inexperienced coaches; and less support and publicity from their schools—all of which send the message that they are “less than” their male peers. Furthermore, many LGBTQI+ students are discouraged or even actively prevented from playing school sports. NCWGE urges the federal government to promote gender equity in athletics by reviewing and refreshing its Title IX athletics guidances, increasing compliance reviews at schools, expanding data collection on athletics, protecting the rights of LGBTQI+ student athletes, and much more.
- **Gender- and Race-Conscious Programs:** Title IX and Title VI allow schools to provide gender- and race-conscious affirmative action programs to promote equal educational opportunities for women and girls, including women and girls of color. However, the Supreme Court has made several rulings limiting race-conscious admissions over the last few decades and is poised to do so again in summer 2022. The Trump administration also took a number of steps to restrict and even attack gender-conscious and race-conscious programs. NCWGE calls on the federal government to issue Title IX guidance clarifying that gender-conscious programs are permissible, reissue Title VI guidance on race-conscious programs after the

upcoming Supreme Court decision, dismiss frivolous complaints attacking affirmative action programs, and much more.

- **Sex-Segregated Education:** Sex-segregated education has not been demonstrated to provide benefits over coeducational schooling and often relies on debunked sex-based stereotypes regarding innate neurological and developmental differences between girls and boys. Unfortunately, such classes proliferated after the 2006 issuance of Title IX single-sex regulations, which remain in place today. In addition, recent single-sex programs to address educational inequity faced by Black boys ignore the same inequity faced by Black girls. NWLC offers a number of recommendations, including that the Department of Education rescind the 2006 single-sex regulations and increase enforcement against impermissible sex-segregated classes and activities, and that schools ensure that any programs addressing the racial opportunity gap benefit girls of color and boys of color equally.
- **STEM & CTE:** Since Title IX's passage in 1972, many measures have been taken to address gender inequity in both science, technology, engineering, and mathematics (STEM) and career and technical education (CTE). However, sex discrimination—including regarding promotion, compensation, and access to research resources, and in the form of gender bias and sexual harassment—continues to hinder girls' and women's participation in STEM and CTE. NCWGE urges federal and school policymakers to support women and girls in STEM and CTE, including by addressing their complaints of sexual harassment and other sex discrimination, collecting data on their participation in STEM and CTE, investing in the recruitment and retention of women in apprenticeship and pre-apprenticeship programs, and much more.
- **Title IX Coordinators:** All school districts and institutions of higher education are required to employ at least one Title IX Coordinator to coordinate the school's compliance with Title IX. However, many students go to schools that do not have a Title IX Coordinator; have a Title IX Coordinator who is very difficult to find or contact; or have a Title IX Coordinator who lacks training, funding, and other support. NCWGE calls on the federal government to support Title IX Coordinators, including by restoring and strengthening Title IX guidance on Title IX Coordinators; maintaining an updated database of Title IX Coordinators for all school districts and postsecondary institutions; and establishing an Office for Gender Equity in the Department of Education to provide training, technical assistance, and other support for Title IX Coordinators.

Title IX At 50 is a valuable tool for education policymakers, as well as students, families, and advocates. We hope you will use this report to help make Title IX's promise of ending sex discrimination in schools a reality for all students.