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June 26, 2006

The Honorable Margaret Spellings, Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-0100

Dear Secretary Spellings:

As you may know, June 23, 2006 marked the 34th anniversary of Title IX, a landmark law that made possible significant advances for women and girls in sport. I write to express my concern that the Department of Education has lowered the standard for Title IX compliance, jeopardizing future athletic opportunities for women and girls. Further, I would like to know what steps the Department's Office of Civil Rights is taking to enforce Title IX.

Before Title IX, only 1 in 27 women and girls participated in sports; today, that number is 1 in 3. Participation in women's athletic programs has risen 875 percent in high schools and 437 percent in colleges since the law's passage in 1972. This explosion in female participation in sports shows the pent up demand that existed prior to 1972.

Despite these successes, there still is a tendency to steer young girls away from athletics and athletic opportunities for girls and women continue to lag far behind those for boys and men. Though women are roughly half of the high school population, only 41.7 percent of high school athletes are female. In college, the gap is even greater: only 43 percent of college athletes are women, even though women constitute 57 percent of all college students. In addition to having fewer opportunities to compete, female athletes continue to face other barriers, such as having inferior facilities and equipment.

The consequences for young women of not participating in athletics are very real. Not only do these young women miss out on scholarship possibilities, but they also lose the chance to develop good habits of exercise, teamwork and good sportsmanship. When the Department of Education fails to enforce Title IX or offers schools new ways to avoid giving women equal opportunities to participate in college athletics, it sends the message that it is no longer important to find ways to close the gap and offer all students equal opportunities.


The "Additional Clarification of Intercollegiate Athletics Policy" issued by the Department in March 2005 allows educational institutions to demonstrate Title IX compliance through a student survey, which can be conducted via e-mail. This "clarification" also allows schools to assume that if students don't respond to the survey, they're not interested in sports. Most egregiously, the clarification allows the school to send the e-mail only to the disadvantaged class. Thus, men may never face the possibility of losing athletic possibilities by failing to answer their e-mail. Given the low response rates to surveys in general and e-mail in particular, I find the Department's actions to be extremely troubling. I strongly urge you to reconsider this policy, which I believe will significantly undermine the effectiveness of the law.

Additionally, I understand that the Department's Office of Civil Rights (OCR) has conducted 166 investigations of possible Title IX violations in the last 14 years. How many schools were found to have violated Title IX and what actions has the Department taken to correct those violations? What, if any, program changes have been made by the investigated schools? Has the OCR completed follow-up investigations of these institutions to ensure continued compliance with the law? Are any institutions currently under investigation and if so, what allegations have been made against those schools?

I am also concerned that if students and parents are not fully educated about Title IX, it is nearly impossible for them to recognize and challenge violations of the law. To that end, I ask that you please explain what steps the Department is taking to inform students and parents about their rights under the law and the funding levels, if any, the Department has committed to such initiatives for each of the last ten years.

I greatly appreciate your attention to these requests. If you have any questions or require further information, please do not hesitate to contact me or Orly Isaacson of my Washington, D.C. staff at (202) 225-7944.

Sincerely,

  
**CAROLYN B. MALONEY**  
Member of Congress

CBM/jms

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