

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON THE EDUCATION  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

OFFICE OF THE  
SECRETARY  
2015 JUN 25 AM 11: 17

**TO:** Members of the Council of the District of Columbia

**FROM:** Councilmember David Grosso   
Chairperson, Committee on Education

**DATE:** June 24, 2015

**SUBJECT:** Report on Education on Bill 21-0031, the “Title IX Athletic Equity Amendment Act of 2015”

The Committee on Education, to which Bill 21-0031, the “Title IX Athletic Equity Amendment Act of 2015” was referred, reports favorably thereon and recommends approval by the Council of the District of Columbia.

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**I. BACKGROUND AND NEED**

Bill 21-0031, the “Title IX Athletic Equity Amendment Act of 2015”, was introduced on January 20, 2015, by Councilmember Kenyan R. McDuffie, along with Councilmembers Grosso and Cheh. The bill is modeled after similar statutes in California, Georgia, Kentucky, New Mexico, and Pennsylvania, and it seeks to improve the District of Columbia’s low public school athletic participation rates, particularly for girls, and inequitable programmatic offerings by requiring traditional and charter public schools to annually submit athletic data and requiring the Mayor to develop a strategic plan to increase athletic gender equity.

## Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 (“Title IX”) (20 U.S.C. 1681 *et seq.*) provides that, “No person in the United States shall, 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.”<sup>1</sup> The law applies to public and private elementary, secondary, and postsecondary educational institutions, and in the District of Columbia, to both traditional and charter public schools.<sup>2</sup> Title IX’s scope is broad, and it covers any form of sex-based discrimination, including equal opportunity in athletics. B21-0031 focuses specifically on athletics.

The law’s implementing regulation requires that education programs receiving federal financial assistance must provide equal athletic opportunities for all students.<sup>3</sup> In 1979, the Department of Health, Education, and Welfare issued a Policy Interpretation,<sup>4</sup> now enforced by the Department of Education’s Office for Civil Rights (OCR), to determine whether an institution is effectively accommodating the “interests and abilities” of its students. Under this three-prong test<sup>5</sup> – any one of which can demonstrate compliance – an institution is in compliance if:

1. Participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or
2. The institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of the underrepresented sex; or
3. It can be demonstrated that the interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the present program.

<sup>1</sup> 20 U.S.C. § 1681; 34 C.F.R. Part 106.

<sup>2</sup> 20 U.S.C. § 1681(c).

<sup>3</sup> 34 C.F.R. § 106.41(c). “Equal opportunity. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
- (2) The provision of equipment and supplies;
- (3) Scheduling of games and practice time;
- (4) Travel and per diem allowance;
- (5) Opportunity to receive coaching and academic tutoring;
- (6) Assignment and compensation of coaches and tutors;
- (7) Provision of locker rooms, practice and competitive facilities;
- (8) Provision of medical and training facilities and services;
- (9) Provision of housing and dining facilities and services;
- (10) Publicity.

<sup>4</sup> U.S. Dep’t of Educ., Office for Civil Rights, *Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics*, 44 Fed. Reg. 71,413 (Dec. 11, 1979).

<sup>5</sup> *Id.* at 71,418.

## Athletic Data Reporting Requirements

The “Equity in Athletics Disclosure Act” (“EADA”) requires that colleges and universities annually report to OCR basic information on athletic participation data and expenditures.<sup>6</sup> Specifically, the EADA requires post-secondary institutions to report the number of participants, total operating expenses, the gender and employment status of each coach, revenues, salaries, and expenses. Such data is made public. Although not presently disaggregated by race or ethnicity, advocacy organizations have recommended so to OCR.<sup>7</sup>

However, there is no similar requirement on the elementary or secondary levels. This transparency gap obscures disparities in programming and funding. States have moved to close the gap by passing legislation similar to Bill 21-0031, and legislation has been introduced in Congress for the past several years.

### I. State Legislation

#### *California*

California’s Senate Bill 1349 was signed into law on August 22, 2014.<sup>8</sup> The bill requires, beginning with the 2015-2016 school year, that each public elementary and secondary school that offers competitive athletics, including charter schools, make certain data publicly available, including the total enrollment of the school, classified by gender; the number of students enrolled at the school who participate in competitive athletics, classified by gender; and the number of boys’ and girls’ teams, classified by sport and by competition level.

#### *Georgia*

Enacted in 2000, the “Georgia Equity in Sports Act” provides state anti-discrimination protections similar to Title IX.<sup>9</sup> It further sets forth criteria for determining whether equal athletic opportunities are available, including:

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders;
- (2) The provision of equipment and supplies;
- (3) Scheduling of games and practice time;
- (4) Travel allowance;
- (5) Opportunity to receive coaching and academic tutoring;
- (6) Assignment and compensation of coaches and tutors;

<sup>6</sup> Equity in Athletics Disclosure Act (EADA), 20 U.S.C. § 1092(g).

<sup>7</sup> See *National Women’s Law Center Files Comments to Department of Education re: Equity in Athletics Disclosure Act* (March 5, 2013),

[http://www.nwlc.org/sites/default/files/pdfs/2013\\_2\\_comments\\_to\\_doe\\_on\\_eada\\_collection.pdf](http://www.nwlc.org/sites/default/files/pdfs/2013_2_comments_to_doe_on_eada_collection.pdf).

<sup>8</sup> S.B. 1349, Chapter 258 (Cal. Stat. 2014).

<sup>9</sup> GA. CODE ANN. § 160-5-1.20 (2013): “No student shall, on the basis of gender, be excluded from participation in, be denied the benefits of, be treated differently from another student, or otherwise be discriminated against in any interscholastic or intramural athletics offered by a local school system, and no local school system shall provide any such athletics separately on such basis.”

- (7) Provision of locker rooms and practice and competitive facilities;
- (8) Provision of medical and training facilities and services; and
- (9) Publicity.<sup>10</sup>

The law additionally provides for the adoption and publication of grievance procedures, including a thirty-day window for initial resolution, a developed appeals process, and a process for implementation of a corrective plan by the State Board of Education. Through regulation,<sup>11</sup> Georgia significantly expanded upon its statute, requiring each local board of education to adopt a gender equity policy, providing a sample athletic interest survey, and requiring each school to submit an annual School System Compliance Report on Gender Equity in Sports.<sup>12</sup>

### *Kentucky*

Kentucky's athletic gender equity requirements are regulatory.<sup>13</sup> The Kentucky High School Athletic Association (KHSAA), as a prerequisite to designation as the state board of education's athletic agent, is required to audit each school over a five-year period for compliance with Title IX and, in turn, require the submission of an annual certification of compliance with Title IX from all high schools seeking to be members.<sup>14</sup> Under the KHSAA's Title IX policies, each member school must establish a Gender Equity Review Committee to evaluate the athletic program and take any necessary corrective action regarding practice times, facilities, coaching stipends, or athletic budgeting. The annual audit is extensive, requiring audited member schools to produce copious evidence of compliance.<sup>15</sup>

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<sup>10</sup> *Id.* at (c).

<sup>11</sup> GA. COMP. R. & REGS. 160-5-1-.20 (2012).

<sup>12</sup> See the Georgia Department of Education's sample School System Compliance Report, at 40, [http://archives.gadoe.org/DMGetDocument.aspx/gender\\_manual1.doc?p=6CC6799F8C1371F681685710BA33DF0BA9EB4999CE1073FBE145BB157A2CB2E6&Type=D](http://archives.gadoe.org/DMGetDocument.aspx/gender_manual1.doc?p=6CC6799F8C1371F681685710BA33DF0BA9EB4999CE1073FBE145BB157A2CB2E6&Type=D).

<sup>13</sup> 702 KY. ADMIN. REGS. 7:065 (2014).

<sup>14</sup> See <http://khsaa.org/forms/ge19.pdf>.

<sup>15</sup> The Policy requires schools to produce:

1. Sample uniforms for each team including warm-ups, travel uniforms, and practice uniforms
2. A copy of your athletic facility emergency medical action plan per KRS160.445.
3. A copy your school's permanent Title IX file part of which should include all of the following items:
  - a. All annual reports for the past five years, you should print a copy of your school's 2013-2014 Annual Report from the KHSAA secure website
  - b. Minutes of all Gender Equity Review Committee meetings for the past three years
  - c. All previous Title IX school visit and revisit reports from the KHSAA. (An electronic copy of your file of past KHSAA submissions through 2013-2014 is included with this notice.)
  - d. All letters/written communications regarding Title IX
  - e. A uniform review, rotation, and/or replacement plan showing a full cycle of rotation for each school sponsored team
  - f. Most recent game schedule for all school sponsored teams, media guides, sponsored seasonal schedule cards, and game programs
  - g. Facility usage schedules for the gymnasium, athletic fields, weight room, and any other shared athletic practice or game facilities, and team practice schedules
  - h. Written policies/guidelines or regulations regarding the provision of athletic travel and per diem
  - i. Extra service pay schedule for coaches
  - j. Written guidelines for awards and recognition of athletic teams including team banner displays

The KHSAA additionally provides for a Title IX-specific grievance procedure.<sup>16</sup>

### *New Mexico*

New Mexico's 2009 "School Athletics Equity Act" applies to each public school, including charters, that has an athletics program for grades seven through twelve.<sup>17</sup> The scope of the statute's data disclosure requirement is quite broad, mandating that schools annually report the following: total enrollment in each school; student enrollment by gender; the total number of students participating in athletics; athletics participation by gender; the number of boys' teams and girls' teams by sport and by competition level; the names and genders of each public school's athletic director and other athletic program staff; the names of each team's coaches, with their gender, job title and employment status; the coach-to-athlete ratio for each team; the stipend or other compensation for coaching paid to coaches of boys' teams and to coaches of girls' teams; an accounting of the funding sources that are used to support the school's athletics programs in grades nine through twelve and to which programs those funds are allocated; any capital outlay expenditures; the expenditures for each public school's athletics programs, including travel, equipment, uniforms, facilities, and publicity; replacement schedules for uniforms; practice and game schedules; and locker rooms, weight rooms and practice, and competitive and training facilities.

### *Pennsylvania*

Pennsylvania's statute closely mirrors that of New Mexico, requiring disclosure of the total number of students in each school, including by gender, race, and ethnicity; a listing by gender of each varsity, junior varsity and freshman athletic team that competed in interscholastic athletic competition; total contributions and expenditures, including for travel, uniforms, equipment, supplies, staff compensation by employment status, and capital construction; and competition schedules.<sup>18</sup> Disclosures are to be made public and presented in an annual report.

## II. Federal Legislation

In the 113<sup>th</sup> Congress, measures were introduced in both the House and Senate to require reporting of athletic data by gender. Both H.R. 455 and S. 217, the "High School Data Transparency Act of 2013",<sup>19</sup> would amend the Elementary and Secondary Education Act of 1965 to direct coeducational elementary and secondary schools to report and make publicly available extensive information on their school athletic programs to the Department of Education. Neither bill has moved out of committee.

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k. Written designation of locker room space assigned each team

l. Written list of athletic equipment and storage space assigned to each team

m. Current list of all members of the school's Gender Equity Review Committee

n. School generated athletic handbooks, if applicable

o. Written and signed booster club agreements, if applicable.", <http://khsaa.org/titleix/revisitcover.pdf>.

<sup>16</sup> See KHSAA Title IX Complaint Procedure, <http://khsaa.org/khsaa-title-ix-complaint-procedure/>.

<sup>17</sup> N. M. STAT. ANN § 22-31-1 *et seq.* (2014).

<sup>18</sup> 24 PA. CONS. STAT. § 16-1601-C *et seq.* (2014).

<sup>19</sup> H.R. 455, 113<sup>th</sup> Cong. (2014); S. 217, 113<sup>th</sup> Cong. (2014).

### **The District of Columbia's Failure to Offer Equitable Athletic Opportunities**

Since Title IX's passage 43 years ago, girls' athletic participation has increased dramatically. In 1972, only 295,000 girls across the country competed in high school sports compared to 3.7 million boys.<sup>20</sup> By 2014, the number of girls playing had risen to almost 3.3 million compared to 4.5 million boys.<sup>21</sup> However, the District of Columbia has the lowest participation totals in the country: in 2012-2013, only 1,262 girls participated in high school sports, while almost twice that number of boys participated.<sup>22</sup> In the 2013-2014 school year, 3,743 girls participated and 6,425 boys participated.<sup>23</sup> This shows an 11 percent increase in female participation from 2012-2013 school year, but male participation is still significantly higher proportionally. Again in the 2013-2014 the District of Columbia ranked that lowest in the nation.<sup>24</sup> Local news media, parents, and advocates have reported widespread inequities in programming, access to playing fields and practice times,<sup>25</sup> and quality equipment.<sup>26</sup>

In June 2013, the National Women's Law Center (NWLC) filed a complaint with OCR against the District of Columbia Public Schools (DCPS) alleging noncompliance with Title IX.<sup>27</sup> According to the complaint, NWLC calculated the average participation gap (defined as the difference between the percentage of students who are girls and the percentage of athletes who are girls) of the high schools in the District as 12 percent, requiring an additional 688 spots for girls to achieve substantial proportionality.<sup>28</sup> Data obtained by NWLC indicated gaps in girls' sports participation between a low of 5 percent at Banneker High School to a high of 26 percent at Ballou and Roosevelt High Schools.<sup>29</sup> In total, 9 of the District's 15 traditional public high schools for which data could be obtained showed gaps of 10 or more percent.<sup>30</sup> Overall, the District ranks 45<sup>th</sup> in the Nation in the percentage of high schools reporting participation gap of 10 percent or more, at 57.1 percent.<sup>31</sup> NWLC additionally alleged non-compliance with prongs two and three, as well as stark gaps in coaching, travel expenses, playing and practice facilities,

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<sup>20</sup> National Federation of State High School Associations, *2012-13 High School Athletics Participation Survey Results*, at 54, <http://www.nfhs.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=9627&libID=9648>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 55.

<sup>23</sup> National Federation of State High School Associations, *2013-14 High School Athletics Participation Survey Results*, at 56 [http://www.nfhs.org/ParticipationStatics/PDF/2013-14\\_Participation\\_Survey\\_PDF.pdf](http://www.nfhs.org/ParticipationStatics/PDF/2013-14_Participation_Survey_PDF.pdf)

<sup>24</sup> *Id.*

<sup>25</sup> *Big disparities are alleged between boys' and girls' sports in District public schools*, Wash. Post (June 27, 2013), [http://www.washingtonpost.com/local/big-disparities-are-alleged-between-boys-and-girls-sports-in-district-public-schools/2013/06/27/h8df7cd4-def8-11e2-b2d4-ca6d8f477a01\\_story.html](http://www.washingtonpost.com/local/big-disparities-are-alleged-between-boys-and-girls-sports-in-district-public-schools/2013/06/27/h8df7cd4-def8-11e2-b2d4-ca6d8f477a01_story.html).

<sup>26</sup> *District lawmakers poised to pass Title IX legislation*, Wash. Post (Jan. 22, 2014), [http://www.washingtonpost.com/local/education/district-lawmakers-poised-to-pass-title-ix-legislation/2014/01/22/23bd1aa2-8395-11e3-bbc5-6a2a3141e3a9\\_story.html](http://www.washingtonpost.com/local/education/district-lawmakers-poised-to-pass-title-ix-legislation/2014/01/22/23bd1aa2-8395-11e3-bbc5-6a2a3141e3a9_story.html).

<sup>27</sup> National Women's Law Center, *Administrative Class Complaint against District of Columbia Public Schools*, U.S. Dep't. of Educ., Office for Civil Rights, [http://www.nwlc.org/sites/default/files/pdfs/2013\\_6\\_27\\_dcps\\_complaint\\_final.pdf](http://www.nwlc.org/sites/default/files/pdfs/2013_6_27_dcps_complaint_final.pdf).

<sup>28</sup> *Id.* at 3.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> National Women's Law Center, *The Next Generation of Title IX: Athletics*, at 2 (June 2012), [http://www.nwlc.org/sites/default/files/pdfs/nwlcathletics\\_titleixfactsheet.pdf](http://www.nwlc.org/sites/default/files/pdfs/nwlcathletics_titleixfactsheet.pdf).

locker rooms, equipment, supplies, and uniforms. To date, OCR has not settled the NWLC complaint.

In May 2012, a private individual filed a similar complaint<sup>32</sup> with OCR against DCPS. In September 2013, OCR entered into a settlement agreement (“Agreement”) to resolve this complaint with DCPS under which DCPS agreed to track athletic participation, conduct a survey to measure students’ interests and abilities under prong three, and add additional athletic opportunities, depending upon the survey results.<sup>33</sup>

As mentioned above, Title IX applies to both public traditional and charter schools. Neither complaint alleges noncompliance by the District’s public charter schools, most likely due to a dearth of participation, funding, and expenditures data and the system’s decentralized organizational structure. This gap in oversight and available data is troubling, as District public charter schools enroll 44 percent of District public school children.<sup>34</sup>

This issue is not new to the District. In 2010, NWLC requested participation data from DCPS. In response, DCPS surveyed girls in seven high schools concerning their interests and abilities and in response, added girls’ bowling and flag football in 2011. DCPS was also required by OCR to survey female students at each DCPS high school and at the eighth grade level at each middle school. In 2013, they administered 1,838 surveys to high school students and 714 to middle school students. The survey indicated a strong interest in gymnastics and double-dutch and DCPS has noted their commitment to adding sports of interest as well as sanctioned sports. Such sports that are not sanctioned are frequently added following Title IX complaints or inquiries. The Committee is concerned that such offerings are do not lead to competition or post-secondary scholarship opportunities, which can further restrict girls’ opportunities. It has been shown that schools make claims that girls are not interested in sports to justify their providing more opportunities to boys and courts have consistently rejected this stereotypical practice.<sup>35</sup>

#### *Progress by the District Post-Agreement*

Overall, progress by the District following the Agreement has been incremental and driven by sense of legal obligation. It is the Committee’s view that Title IX sets a floor for providing athletic opportunities for girls, and not a ceiling, therefore the bill places a strong emphasis on the need for data collection, reporting, and analysis.

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<sup>32</sup> Complaint No. 11-12-1457, on file with the Committee.

<sup>33</sup> U.S. Dep’t of Educ., Office for Civil Rights, *Agreement: Complaint, District of Columbia Public Schools*.

<sup>34</sup> District of Columbia Public Charter School Board *Historical Enrollment - Public Schools Based on Charter And DCPS Enrollment - 1967 To Present*. <https://data.dcpsb.org/Enrollment-/Historical-Enrollment-Public-Schools/3db5-ujzr>

<sup>35</sup> See *Cohen v. Brown Univ.*, 101 F.3d 155, 178-79 (1st Cir. 1996) (“To assert that Title IX permits institutions to provide fewer athletic participation opportunities for women than for men, based up on the premise that women are less interested in sports than are men, is . . . to ignore the fact that Title IX was enacted in order to remedy discrimination that results from stereotyped notions of women’s interests and abilities.”)

The Committee is encouraged by several actions by the Office of the State Superintendent of Education (OSSE), DCPS, and the Public Charter School Board (PCSB). In November 2013, the Office of the State Superintendent of Education (OSSE), through the D.C. State Athletic Association (DCSAA), hired a Senior Women's Administrator and Title IX Coordinator and expressed its intent to collect baseline data on athletic participation. OSSE additionally convened a Title IX Working Group composed of representatives from DCPS, PCSB, the Office of the Deputy Mayor for Education (DME), and advocates from the charter school, youth, and women's communities. The Committee notes, however, the lack of Title IX-specific legal expertise represented in the Working Group and the limited involvement of the Council or other outside civil rights organizations. Jurisdictions around the country, when confronted with similar compliance issues, have sought out subject-matter experts and/or private consultants as befits the gravity of the situation. Regardless, the Working Group stated on the record that they were in the process of finalizing a DCSAA Title IX Policy that would hopefully provide a clearer picture for students, guardians, and educators as to the law's requirements and DCSAA's related procedures. This policy was last worked on in June of 2014 when there was the possibility that the Council would take legislative action in advance of the policy recommendations being finalized.

Testimony by the Executive at the Committee on Education's public hearing on Bill 21-0031 indicated that the District is now in full compliance with OCR in the Agreement and are working closely with the Department to clarify and fulfill the agreements. DCPS has created an Athletics Tracking Database and use it to build rosters and track participation for all of the sports offered. DCPS has now identified "Female Sport Liaisons" for most of its high schools and has conducted a survey of high school girls to gauge their interest. In response to the survey results, rather than adding traditional varsity sports such as soccer or volleyball, DCPS chose to add additional bowling teams. As the Committee noted above, such programming offers less in terms of prestige, competition, or scholarship opportunities than what is offered for males. The Committee is pleased to note that DCPS has committed to expanding swimming, a varsity-level sport that offers significant competitive and post-secondary opportunities.

It is clear to the Committee that much work is still to be done in terms of expanding programming and equitably expending District resources for traditionally-female athletics. For example, Anacostia High School recently accepted the generous donation of a renovated locker room for ostensibly only the male football team.<sup>36 37</sup> Such gifts from outside sources must be evaluated before their acceptance in light of the pending Agreement and the already disproportionate emphasis placed on football at the expense of girls' sports.

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<sup>36</sup> *Bryce Harper surprises Anacostia students with renovated locker room*, Wash. Post (Aug. 4, 2014), [http://www.washingtonpost.com/sports/highschools/bryce-harper-surprises-anacostia-students-with-renovated-locker-room/2014/08/04/efb7db34-1c0a-11e4-ae54-0cfe1f974f8a\\_story.html](http://www.washingtonpost.com/sports/highschools/bryce-harper-surprises-anacostia-students-with-renovated-locker-room/2014/08/04/efb7db34-1c0a-11e4-ae54-0cfe1f974f8a_story.html).

<sup>37</sup> The District of Columbia State Athletic Association (DCSAA) reports to the Committee that they did inquire into the Gatorade gift to Anacostia athletics in August 2014. DCPS and DCIAA informed them that Gatorade would also work on the girls locker room at Anacostia High School, but a scheduling conflict prevented them from doing so at that time. While DCSAA was told that the girls locker room enhancements/renovations would happen in the near future, subsequent inquiries about the scheduling of such has gone unanswered by DCPS and DCIAA. As of June 25, 2015, the girls locker room has still not been renovated.

## The Benefits of Equitable Athletic Opportunities

The lack of equitable athletic opportunities for District girls means that they will see fewer of the benefits that stem from participation. Data suggest that female athletes experience greater academic success than non-athletes, including higher completion rates and test scores,<sup>38</sup> lower rates of drug use,<sup>39</sup> pregnancy,<sup>40</sup> and various health conditions,<sup>41</sup> greater self-esteem,<sup>42</sup> body image,<sup>43</sup> and even higher wages and greater labor market participation later in life.<sup>44</sup>

## The Committee Print

The Committee made several changes to the introduced version of B21-0031. The Committee worked closely with the members of the Title IX Working Group which had representation from DCPS, public charter schools, OSSE, and other relevant agencies partners. The bill was amended to ensure that the reporting requirements were not burdensome to LEAs and that the bill's intent could be carried out fully by stakeholders.

### *Nondiscrimination Provision*

The District of Columbia Human Rights Act (HRA)<sup>45</sup> provides that it shall be an “unlawful discriminatory practice...for an educational institution...[t]o deny, restrict, or to abridge or condition the use of, or access to, any of its facilities, services, programs, or benefits of any program or activity to any person otherwise qualified, wholly or partially, for a discriminatory reason, based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, or disability of any individual...”.<sup>46</sup> This provision could be read to be similar in scope to Title IX's guarantees. However, the law appears to be rarely used for these purposes. The District's Office on Human Rights could not provide the Committee with evidence of any sex-based discrimination complaints made against District schools.

B21-0031, in a similar way to other states' athletic equity statutes, buttresses the HRA by providing that, “Each District local education agency high school shall operate its athletic

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<sup>38</sup> Nat. Fed. of State High School Assns., *The Case for High School Activities* (2008), [http://www.nfhslearn.com/pdf/2008\\_Case\\_for\\_High\\_School\\_Activities.pdf](http://www.nfhslearn.com/pdf/2008_Case_for_High_School_Activities.pdf).

<sup>39</sup> *Id.*

<sup>40</sup> Women's Sports Foundation, *Benefits – Why Sports Participation for Girls and Women*, [http://www.womenssportsfoundation.org/home/advocate/foundation-positions/mental-and-physical-health/benefits\\_why\\_sports\\_participation\\_for\\_girls\\_and\\_women](http://www.womenssportsfoundation.org/home/advocate/foundation-positions/mental-and-physical-health/benefits_why_sports_participation_for_girls_and_women).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Stevenson, Betsey. “Beyond the Classroom: Using Title IX to Measure the Return to High School Sports.” (Cambridge, MA: NBER Working Paper Series, National Bureau of Economic Research, 2010) 4 <http://www.nber.org/papers/w15728>.

<sup>45</sup> D.C. Code § 2-1401.01 *et seq.* (2014)

<sup>46</sup> D.C. Code § 2-1402.41 (2014).

programs in a manner that does not discriminate against students or staff on the basis of sex or gender.”

### *Reporting Requirements*

The bill requires each public or public charter high school beginning in 2016 and each public or public charter middle school beginning in 2017 shall submit an annual assurance of compliance which includes data relating to enrollment, participation, staffing and compensation, funding sources, expenditures, practice and competition schedules, training, academic supports, facility conditions, and certain known post-secondary academic data. It is the view of the Committee that phasing in middle schools is a vital part in understanding the gaps of females participating in athletics. In order to create a pipeline of participation, it is important that middle schools are also offering equal athletic programs in compliance with federal Title IX and encouraging young girls to participate in their early years of elementary and secondary education.

The Committee intends for this information to help schools identify compliance issues, thereby avoiding grievances and litigation; shed light on potential inequities; and assist advocates in supporting equitable programming. The Committee supports these data points being housed in the D.C. Code rather than determined through rulemaking, given the existence of the Agreement and similar state statutory schemes. Local education agencies are required to provide some of this data as part of other reporting, but the Committee believes that there are also correlations that can be identified based on gender equity as well as race and ethnicity. Students and employees are not required to disclose their race or ethnicity, but the Committee believes that when this information is available it should be report. A recent study by the National Women’s Law Center shows that for girls of color the opportunities are fewer than white girls, white boys, and boys of color.<sup>47</sup> Research shows that schools with heavier minority enrollment have limited resources are more than twice as likely to have larger opportunity gaps for females, which force them to be out of compliance with Title IX.<sup>48</sup> For this reason, the Committee believes that having data side-by-side on gender and race and ethnicity will assist in future strategic planning and funding to ensure that schools with higher minority enrollment as able to serve their female students.

### *Athletic Equity Strategic Plans*

Holistic strategic planning is critical to improving girls’ athletic opportunities. The Committee believes that B21-0031’s requirement for athletic equity strategic plans with a five-year forward-looking scope will better position the District in terms of overall athletic offerings and avoid potential future litigation.

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<sup>47</sup> The National Women’s Law Center & Poverty and Race Research Action Council, “Finishing Last: Girls of Color and School Sports Opportunities” April 20, 2015. <http://www.nwlc.org/resource/finishing-last-girls-color-and-school-sports-opportunities>

<sup>48</sup> *Id.*

### *Grievance Procedures*

B21-0031 requires that each local education agency high school establish grievance procedures in compliance with federal Title IX for responding to and resolving complaints made by students, guardians, and community organizations relating to Title IX, including a complaint response timeline, a process for informing complainants of the complaint's resolution, and a complaint appeals process. All complaints will be summarized in an annual report and briefing to the Council. In April, 2014, DCPS issued a final rulemaking establishing grievance procedures for suspected Title IX violations, to apply to all grievances filed by any individual other than a DCPS student or employee.<sup>49</sup> To the extent that DCPS has not issued regulations applicable to students and employees, the bill requires it to do so. Each covered charter school shall be required to do the same.

### *Title IX Athletic Coordinators*

Title IX requires each state to identify a Title IX Coordinator to serve as a point of contact for Title IX-related matters.<sup>50</sup> For some time, District agencies had not identified this individual publicly as required by statute. Since the filing of the two complaints with OCR, OSSE and DCPS have designated District-wide Title IX Coordinators, and DCPS has identified school-based "Female Sport Liaisons" in a number of schools. These employees could potentially serve the same function as the bill's required "Title IX Athletic Coordinators", provided their duties include complaint intake, maintenance of a permanent Title IX file, implementation of the school's athletic non-discrimination policy, and enforcement of applicable corrective measures. To the Committee's knowledge, the District's public charter schools do not all have comparable positions.

### *District of Columbia State Athletic Association Education Coordinator*

The District of Columbia State Athletic Association Education Coordinator shall coordinate with high schools to disseminate information regarding NCAA eligibility requirements and collegiate athletic scholarships, with particular emphasis on outreach to girls. The Committee is concerned generally that District girls are not encouraged to participate in sports that could lead to athletic scholarships later in life. This position will focus on strengthening the pipeline of interested girls in competitive athletics, hopefully enabling more talented students to consider post-secondary education through athletics.

## **II. LEGISLATIVE CHRONOLOGY**

January 20, 2015      Bill 21-0031, the "Title IX Athletic Equity Amendment Act of 2015" is co-introduced by Councilmembers McDuffie, Grosso, and Cheh.

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<sup>49</sup> 5 DCMR § E-405 (2014).

<sup>50</sup> 34 C.F.R. § 106.8 (2014).

- January 20, 2015      B21-0031 is referred to the Committee on Education.
- January 30, 2015      Notice of Intent to Act on B21-0031 is published in the *District of Columbia Register*.
- February 27, 2015      Notice of Public Hearing on Bill 21-0031 is published in the *District of Columbia Register*.
- March 25, 2015      Public Hearing on Bill 21-0031 is held by the Committee on Education.
- June 24, 2015      Consideration and vote on Bill 21-0031 by the Committee on Education.

### III. POSITION OF THE EXECUTIVE

The following witnesses testified on behalf of the Executive.

**Clark Ray**, Director, District of Columbia State Athletic Association, Office of the State Superintendent of Education, provided testimony on behalf of DCSAA. The DCSAA was established in June 2012 to expand interscholastic athletics via a state model that would allow for any school in the District (public, private, and public charter) to compete against one another for statewide competitions. Their current membership is forty-three schools, which encompasses all of the public and public charter high schools. In his testimony, Mr. Ray discussed the history and importance of Title IX and the positive impact that it has on schools. He noted that OSSE is committed to ensuring equal athletic opportunity for female students. Since a 2010-2011 self-survey that reported 1,262 females participating in athletics, the District has increased participation by almost half to 3,743 in a 2013-2014 survey. The Chairman requested that these self-surveys be published publicly so that residents and the Council can also analyze the data.

Mr. Ray testified that as an effort to ensure equal athletic opportunity, the DCSAA hired a Senior Women's Administrator/Title IX Coordinator for Athletics. The person in this position is responsible for assisting DCSAA in coordinating LEA sports programs and helping guide the development and implementation of an athletic program with special emphasis on girls sports programming that will provide the best possible academic, health, and physical education experiences for each student. The DCSAA has also become a member of the Association for Title IX Administrators, hosted Title IX workshops, and held three developmental coaches clinics. A Title IX working group was also created to help establish a baseline understanding of if the District's current status and inform future action.

DCSAA supports B21-0031 and recognizes that Title IX compliance continues to be an issue and that it aligns with the work that OSSE and DSCAA are trying to accomplish. He noted that the recommendations of the working group should be adopted when completed because they have similar goals and intent of the proposed legislation. The Chairman later asked Mr. Ray about when the working group last met and if there was agreed upon recommendations. He

responded that the group had not met since June of 2014 and there were not finished policies currently available.

He offered three recommendations for B21-0031. First, he raised concerns about OSSE's authority to collect this data and compel compliance for data that is requested outside the scope of the intended federal government regulations and that this tone of assumption can expose the District to further OCR investigations and private lawsuits. Third, he noted grievance procedures are required by grant recipients of Title IX and the past position has been to allow each member the flexibility to establish its own grievance procedures in order to gain greater buy-in. He suggested that the data points to be collected be identified through rule-making as to allow not only flexibility in determining which data points are important, but also to allow for additional review by DCSAA's Title IX Working Group and any outside experts as to the focus of the data. He also requested that data collection occur in a scaled fashion where high schools submit data and middle and elementary schools are later phased to the collection process. He stated that the working group had not met recently, but will review the proposed legislation and provided detailed feedback for the Committee.

The Chairman inquired about membership to DCSAA and if schools are following the rules and guidelines.<sup>51</sup> Mr. Ray stated that any public or private school can participate. In total, forty-three high schools have signed-on to the program.

**John Davis**, Chief of Schools, District of Columbia Public Schools, provided testimony on behalf of District of Columbia Public Schools. Mr. Davis stated that DCPS is committed to ensuring that schools are in compliance with Title IX in all ways, including athletics and that they are not only focused on federal requirements but envision the development of a rich athletic programming that expands opportunities for students.

Mr. Davis gave an updated regarding the DCPS settlement agreement with the Department of Education and reported that DCPS is in full compliance with the filed agreement. Per the agreement, DCPS created an Athletics Tracking Database and use it to build rosters and tracks participation for all sports that DCPS has to offer. Mr. Davis also testified regarding the surveys that were sent out to students to poll their interest in sports. There was no testimony given regarding the position on Bill 21-0031.

The Chairman raised a concern that Double Dutch and Bowling were not sports that were equal to athletic sports offered to boys and the Committee wants to ensure and emphasize the importance of offering athletic programs that lead to scholarship opportunities in a high education setting. The Chairman noted the importance of access at an earlier age to combat truancy and the school-to-prison pipeline. He also stated his concerns about equivalent programs and ensuring that schools are not only polling students for their desires, but also offering options that will encourage athleticism in young women. He noted that participation and accountability is invaluable and that cannot be gained without the necessary data collection.

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<sup>51</sup> DCMR Chapter 7

#### IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from Advisory Neighborhood Commissions.

#### V. LIST OF WITNESSES AND HEARING RECORD

On March 25, 2015, the Committee on Education held a public hearing on B21-0031. A video recording of the hearing can be viewed online at <http://lims.dccouncil.us/Download/33254/B21-0031-HearingRecord1.pdf>. The following witnesses testified at the hearing or submitted statements outside of the hearing:

**Jay La Valley** Chairman, Maryland State Wrestling Association testified that the state of Maryland has developed programs for girls that support them in wrestling. As a coach, he believes that wrestling programs help young women to develop physical strength and discipline. Females are also participating in an activity that gives them an opportunity to scholarships in high education. He also stated that there is regional interest for young women in wrestling, so competitions can be easily established. He participates in Beat the Streets programs that offer clinics and camps to girls who would not otherwise have access to them. He stated that Title IX should be the where standards are in place and also access is fairly distributed.

**Terry Lynch**, a resident of the District that is his belief that girls receive “second class” treatment because there is not equality in facilities or coaching in public schools. He emphasized that there should be equality in all sports.

**Lauren Khouri**, Associate Attorney, Correia & Puth testified that in her experience there is an issue with challenging legal claims for Title IX because of lack of data collection. She noted that in order for data to be provided about access for Title IX a Freedom of Information<sup>52</sup> request must be submitted and this is cumbersome, time consuming, and should be public information.

**Susan Mottet**, DC NOW stated that her organization is concerned about field access and if the use and time is distributed equally between boys and girls sports. The Chairman noted that he is working with the Department of General Services and the Department of Public Recreation to create a better system for coordinating fields that are not run by the individual schools. She also discussed an issue regarding sexual assault reporting during activities and sports. She noted that there needs to be written policies and reporting that addresses sexual assault occurrences in schools.

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<sup>52</sup> The District of Columbia Freedom of Information Act, or FOIA, DC Code §§ 2-531-539, provides that any person has the right to request access to records. All public bodies of the District government are required to disclose public records, except for those records, or portions of records, that are protected from disclosure by the exemptions found at DC Code § 2-534.

**Aaron Hall**, Athletics Coordinator, Thurgood Marshall Academy spoke about his experience as a public charter school athletics coordinator and what public charter schools are able to offer is individual local education agencies and how this is different from DCPS. The Chairman inquired further about their program and Mr. Hall stated that there is not requirement for students to join athletic teams and all of the sports except volleyball and basketball are co-ed. His request was that reporting requirements would be done electronically therefore alleviating the burden on smaller local education agencies that do not have a much administrative staff support. Have data online would also help the schools to see what the others are doing and would create a system for improvement because of the ability to make comparisons.

**Albrette "Gigi" Ransom**, We Care Inc., testified about her experiences and the history of Title IX in the District. She stated that her organization has produced a foundation of team work, networking, exposure, and scholarship for young women participating in athletics. She stated that many young women in the District are qualified for scholarships and other financial support, but due to the lack of reporting there is no way to track this potential. She also noted that a summit should be held for women's athletics and create places for people to exposed to opportunities.

**Dana Richard**, D.C. resident and parent testified that the development of programs for girls helps them to gain perspective that is important skills for participating in sports activities as well as in the classroom.

**Amanda Borden**, Managing Director, Strategic Initiatives KIPP DC testified that it is important for legislation that affects the public charter schools to be closely scrutinized because it is hard to ascertain what is feasible for each local education agency. She stated that what works for one school that is operating in more than one building may not be feasible for a smaller school. She stated that she will work closely with the Committee and others to ensure that the legislation is fair and addresses the needs.

### **Title IX Working Group<sup>53</sup>**

The members of the working group did not testify at the hearing, but the Committee believes that is important to highlight the working group members and their engagement on this Committee Print. After the hearing, the Committee met with members of the working group and asked them to provide the Committee with an official comment on the introduced legislation. On June 1, 2015 the delegate from the Office of the State Superintendent of Education submitted that groups recommendations of which the Committee took into account when drafting the final Committee Print version of the bill. The follow list is the government agencies and representatives who participated in the formal working group comments for the bill.

The chart below displays the individuals who have been a part of the working group and have attended at least one meeting and contributed throughout the process:

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<sup>53</sup> The creation of the Title IX working group was a requirement as part of the OCP settlement agreement. National Women's Law Center, *Administrative Class Complaint against District of Columbia Public Schools, U.S. Dep't. of Educ., Office for Civil Rights*, [http://www.nwlc.org/sites/default/files/pdfs/2013\\_6\\_27\\_deps\\_complaint\\_final.pdf](http://www.nwlc.org/sites/default/files/pdfs/2013_6_27_deps_complaint_final.pdf).

<b>NAME</b>	<b>ORGANIZATION/AFFILIATION</b>
Tiffany Oates	OSSE
Clark Ray	DCSAA
Marie Rudolph	DCSAA
Michael Bryant	DCPS/DCIAA
Kimberly Bassett*	Mayor's Office on Women's Policy
Nia Smith	PCSB
Josh Henderson	PCSB
Michael Musante	FOCUS
Lauren Outlaw**	FOCUS
Janice Dove Johnson	Sankofa Project/Advocate
Molly Arenberg***	Title IX Researcher/Advocate
Aaron Hall	Thurgood Marshall Academy
Irene Holtzman	KIPP DC

\* Previous Executive Director (Terese Lowrey); new Executive Director has not yet attended;

\*\* No longer with FOCUS or participating

\*\*\*Invited, but has yet to attend

## **VI. IMPACT ON EXISTING LAW**

The "Title IX Athletic Equity Act of 2015" is a standalone bill that would require each local education agency to agency high school to submit an annual assurance of compliance with Title IX and to phase in middle schools starting in 2017. It would also require the Mayor to publish a list of schools that do not submit an assurance of compliance and to require schools to annually report data on their athletic programming and make such data publicly available. It would also require the Mayor to develop five-year athletic equity strategic plans and to designate local education agency and school-based Title IX Athletic Coordinators and an NCAA Eligibility and Athletic Scholarship Coordinator.

## **VII. FISCAL IMPACT**

The approval of B21-0031 will not have a fiscal impact.

## **VIII. SECTION-BY-SECTION ANALYSIS**

Section 1 States the short title of the legislation.

Section 2 Includes a definitions section.

- Section 3 Restates Title IX's sex discrimination prohibition. It would require public secondary schools to submit an annual assurance of compliance with Title IX and the Act. Requires the Mayor to publish a list of schools that do not submit such an assurance annually by August 1.
- Section 4 Requires schools to annually submit data to the Mayor regarding athletic participation, staffing, funding, expenditures, scheduling, competition success, academic supports, and facilities' conditions. The Mayor must make the reports publicly available and report it to the Council by August 1.
- Section 5 Requires each local education agency to establish a Gender Equity Review Committee to set the criteria for ensuring gender equity in schools, produce grievance procedures, and maintain Title IX records for up to ten years.
- Section 6 Requires the Mayor to designate a District-wide Title IX Athletics Coordinator and to publish the individual's contact information in each school and online. Requires each local education agency high school to designate school-based Title IX Athletics Coordinators to resolve athletic equity complaints, make recommendations to the school administration, maintain records, implement the school's anti-discrimination policy, and enforce corrective measures.
- Section 7 Requires the District of Columbia State Athletic Association to act as a liaison with each Local education agency high school as an NCAA Eligibility and Athletic Scholarship Coordinator. This individual shall place particular emphasis on outreach to girls.
- Section 8 Requires the Mayor to develop a five-year strategic plan that encourages and ensures gender equity in compliance with federal Title IX by August 1, 2016 and every five years thereafter.
- Section 9 Gives the Mayor the authority to issue regulations to implement the Act.
- Section 10 Contains the fiscal impact statement.
- Section 11 Contains the effective date.

## **IX. COMMITTEE ACTION**

On June 24, 2015, the Committee met to consider Bill 21-0031, the "Title IX Athletic Equity Act of 2015". The meeting was called to order at 2:05 p.m., and Bill 21-0031 was the only item on the agenda. After ascertaining a quorum (Chairperson Grosso and Councilmembers Allen, Alexander, Bonds, and Todd present), Chairperson Grosso provided a statement on the evolution of the bill and why it's important that the District of Columbia move forward. Afterwards, Chairperson Grosso moved the print with leave for staff to make technical and

conforming changes. After an opportunity for discussion, the vote on the print was 5-0 with Chairperson Grosso and Councilmembers Allen, Alexander, Bonds, and Todd voting in favor. The Chairperson then moved the report with leave for staff to make technical, editorial, and conforming changes. After an opportunity for discussion, the vote on the report was 5-0 with Chairperson Grosso and Councilmembers Allen, Alexander, Bonds, and Todd in favor. The meeting adjourned at 2:10 p.m..

## X. LIST OF ATTACHMENTS

1. B21-0031, as introduced
2. Notice of Public Hearing, as published in the *District of Columbia Register*
3. The Secretary of the Council's Memorandum of Referred Legislation
4. Final Witness List
5. Copies of Written Testimony
6. Fiscal Impact Statement
7. Legal Sufficiency Determination
8. Committee Print of B21-0031

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council  


From : Nyasha Smith, Secretary to the Council

Date : January 22, 2015

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, January 20, 2015. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Title IX Athletic Equity Act of 2015", B21-0031

INTRODUCED BY: Councilmembers McDuffie, Cheh, and Grosso

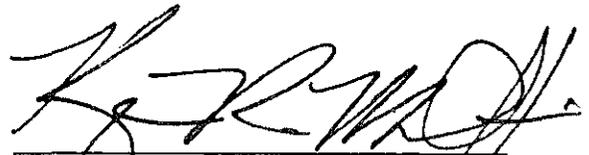
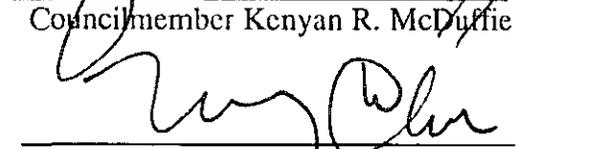
CO-SPONSORED BY: Councilmembers Bonds, Alexander, Allen, and Nadeau

The Chairman is referring this legislation to the Committee on Education.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services

1   
2 Councilmember David Grosso

  
Councilmember Kenyan R. McDuffie  
  
Councilmember Mary M. Cheh

3  
4  
5  
6  
7  
8  
9  
10  
11 A BILL  
12

13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
14

15 To require each public elementary, middle, and high school to submit an annual assurance of  
16 compliance with Title IX; to require the Mayor to publish a list of schools that do not  
17 submit an assurance of compliance; to require schools to annually report data on their  
18 athletic programming and make such data publicly available; to require the Mayor to  
19 develop five-year athletic equity strategic plans; to require the Mayor to issue regulations  
20 establishing grievance procedures; and to designate District-wide and school-based Title  
21 IX Athletic Coordinators and an NCAA Eligibility and Athletic Scholarship Coordinator.

22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
23 act may be cited as the "Title IX Athletic Equity Act of 2015".

24 Sec. 2. Nondiscrimination; assurance of compliance.

25 Each District public elementary, middle, and high school shall operate its athletic  
26 programs in a manner that does not discriminate against students or staff on the basis of sex or  
27 gender. Each public elementary, middle, and high school shall submit an assurance of  
28 compliance with Title IX of the Education Amendments of 1972 (Pub. L. 92-318, 20 U.S.C.  
29 1681 *et seq.*) ("Title IX") and this act to the Mayor annually. The Mayor shall annually publish a  
30 list of schools that fail to submit the assurance of compliance by August 1.

31 Sec. 3. Athletic equity reporting.

32 (a) The annual assurance of compliance required by section 2 shall include the following  
33 information:

34 (1) The total enrollment in the school by gender, and race and/or ethnicity;

35 (2) The number of students participating in athletics by team (including by  
36 competition level) and by gender, and race and/or ethnicity;

37 (3) The coach-to-athlete ratio by team;

38 (4) The total number of athletic directors, athletic staff, coaches, trainers, and  
39 medical service providers, and for each employee, an identification of the employee's:

40 (A) Title, compensation (separated by primary duties and athletic duties, if  
41 applicable), gender, and race and/or ethnicity;

42 (B) Employment status, such as full-time, part-time, contract, or volunteer;

43 (C) Qualifications and experience, including length of time in the current  
44 position and relevant certifications; and

45 (D) Duties other than those related to athletics, training, or medical  
46 services, as applicable;

47 (5) The funding sources for athletic programs and to which programs those funds  
48 are allocated and in what amount, including state and federal funding, fundraising or booster  
49 clubs, game and concession receipts, donations, grants, and other sources;

50 (6) The total annual expenditures by team, if applicable, including:

51 (A) Capital expenditures;

52 (B) Expenditures for travel;

53 (C) Expenditures for equipment, including any equipment replacement  
54 schedule;

55 (D) Expenditures for uniforms, including any uniform replacement  
56 schedule;

57 (E) Expenditures for construction, renovation, expansion, maintenance,  
58 repair and rental of athletic facilities, including medical facilities, locker rooms, fields, and  
59 gymnasiums;

60 (F) Publicity and recruitment; and

61 (G) Awards, banquets, insurance, and any other expenses;

62 (7) The practice and competition schedule, including the day of the week, time,  
63 and location where a practice or competition was scheduled;

64 (8) The season in which each team competed;

65 (9) Whether each team participated in post-season competition and the success of  
66 such team in any post-season competition;

67 (10) The nature and extent of training provided to athletic administrators, coaches,  
68 and other staff regarding the requirements of Title IX and strategies to promote gender equity in  
69 athletics;

70 (11) The availability of academic supports for athletes;

71 (12) The conditions and locations of all athletic facilities and a listing of the teams  
72 that use each facility;

73 (13) The elementary and secondary academic success, graduation rates, college  
74 attendance rates, and college athletic scholarship acceptance rates (if known) of students by  
75 gender, race and/or ethnicity, and level of athletic competition; and

76 (14) For the initial submission under this section, the school year in which each  
77 existing team was established and, for each subsequent year, a listing of teams that were newly

78 established, reestablished, eliminated or demoted from competition during the school year.

79 (b) The Mayor shall publish the information submitted pursuant to subsection (a) of this  
80 section on the website of the Office of the State Superintendent of Education and the Public  
81 Charter School Board and submit the information to the Council by August 1.

82 Sec. 4. Title IX athletic equity strategic plans.

83 (a) By August 1, 2016, and every 5 years thereafter, the Mayor shall develop a five-year  
84 strategic plan to bring all public elementary, middle, and high schools into compliance with  
85 federal Title IX athletic regulations and policies and this act. The plan shall include:

86 (1) Data submitted to the Mayor under this act for the prior five years;

87 (2) A listing of schools by gender participation gap by greatest to least, to be  
88 measured by the difference between the percentage of enrolled students who are girls and the  
89 percentage of total athletic opportunities (measured as spots on teams) provided to girls;

90 (3) A description of athletic funding, by school;

91 (4) A strategy for increasing athletic gender equity;

92 (5) A survey of best practices from other states, municipalities, and local  
93 community-based organizations; and

94 (6) A summary and analysis of any complaints made to the Mayor pursuant to  
95 Section 5.

96 Sec. 5. Grievance procedures.

97 (a) The Mayor shall issue regulations establishing grievance procedures for responding to  
98 and resolving complaints made by students, guardians, and community organizations relating to  
99 noncompliance with Title IX or this act, including a timeline for responding to complaints,  
100 informing complainants as to the resolution of the complaint, and an appeals process.

101 (b) The Mayor shall summarize all complaints made under this Act, including their  
102 resolution, in an annual report and briefing to the Council.

103 Sec. 6. Designation of Title IX athletic coordinators.

104 (a) The Mayor shall designate at least one employee to coordinate the District's efforts to  
105 comply with and carry out its responsibilities under Title IX and this act (the "Coordinator"). The  
106 Coordinator may be the same person required to be designated under 34 C.F.R. § 106.8. The  
107 Mayor shall annually notify all students and guardians of and make publicly available on a  
108 website the name, address, e-mail address, and phone number of the Coordinator. The Mayor  
109 shall post a notice with this information in each school's athletic facilities.

110 (b) The Mayor shall additionally designate one Title IX Athletic Coordinator per school,  
111 who shall have the following minimum responsibilities:

112 (1) To receive and process complaints and inquiries related to Title IX and  
113 athletics;

114 (2) To make recommendations to the school's administration on promoting  
115 gender equity in athletics;

116 (3) To maintain a permanent Title IX file;

117 (4) To implement the school's athletic non-discrimination policy, if any; and

118 (5) To enforce corrective measures to comply with Title IX.

119 Sec. 7. Designation of an NCAA eligibility and athletic scholarship coordinator.

120 (a) The Mayor shall designate at least one employee in the District to liaise with each  
121 public high school and to educate each school, its students, and their guardians regarding  
122 National Collegiate Athletic Association ("NCAA") eligibility requirements and collegiate  
123 athletic scholarships, with particular emphasis on outreach to girls.

124 Sec. 8. Rulemaking.

125 The Mayor shall have the authority to issue regulations under this act.

126 Sec. 9. Fiscal impact statement.

127 The Council adopts the fiscal impact statement in the committee report as the fiscal  
128 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
129 approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

130 Sec. 10. Effective date.

131 This act shall take effect following approval by the Mayor (or in the event of veto by the  
132 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
133 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
134 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
135 Columbia Register.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON EDUCATION  
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**COUNCILMEMBER DAVID GROSSO  
COMMITTEE ON EDUCATION  
ANNOUNCES A PUBLIC HEARING**

on

**B21-5, Access to Emergency Epinephrine in Schools Act of 2015  
and  
B21-31, Title IX Athletic Equity Act of 2015**

on

**Wednesday, March 25, 2015  
2:00 p.m., Hearing Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public hearing of the Committee on Education on B21-5, Access to Emergency Epinephrine in Schools Act of 2015 and B21-31, Title IX Athletic Equity Act of 2015. The hearing will be held at 2:30 p.m. on Wednesday March 25, 2015 in Hearing Room 123 of the John A. Wilson Building.

The stated purpose of B21-5 is to direct the Office of the State Superintendent and the Department of Health to issue rules requiring District schools, including private and public charter schools, to adopt and implement policies allowing for the possession and administration of epinephrine injectors. The stated purpose of B21-31 is to improve the reporting and publishing requirements regarding Title IX compliance on District public schools and also develop a five year plan to promote gender and racial equality within athletics in District public schools.

Those who wish to testify are asked to telephone the Committee on Education, at (202) 724-8061, or email Ade Adenariwo, Administrative Assistant, at [aaadenariwo@dccouncil.us](mailto:aaadenariwo@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Monday, March 23, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes. Copies of the bills can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on April 7, 2015.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON EDUCATION  
HEARING AGENDA**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**COUNCILMEMBER DAVID GROSSO  
COMMITTEE ON EDUCATION  
ANNOUNCES A PUBLIC HEARING**

on  
**B21-31, Title IX Athletic Equity Act of 2015**  
and  
**B21-5, Access to Emergency Epinephrine in Schools Act of 2015**  
on

**Wednesday, March 25, 2015  
2:00 p.m., Hearing Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

**Title IX Athletic Equity Act of 2015**

WITNESS LIST

- |                           |   |
|---------------------------|---|
| 1. Jay LaValley           | Chairman, Maryland State Wrestling Association          |
| 2. Terry Lynch            | Resident  |
| 3. Lauren Khouri          | Associate Attorney, Correia & Puth                      |
| 4. Susan Mottet           | DC NOW  |
| 5. Aaron Hall             | Athletics Coordinator, Thurgood Marshall Academy        |
| 6. Albrette "Gigi" Ransom | We Care Inc.  |
| 7. Dana Richard           | DC Parent   |
| 8. Amanda Borden          | Managing Director, Strategic Initiatives KIPP DC        |
| 9. Joy Taylor             | Executive Vice President, Capital Athletics Association |

GOVERNMENT WITNESS

- |               |                                     |
|---------------|-------------------------------------|
| 1. John Davis | Chief of Schools, DC Public Schools |
|---------------|-------------------------------------|



**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON EDUCATION  
Wednesday March 25, 2015  
Public Hearing on B21-31, Title IX Athletic Equity Act of 2015**

**TESTIMONY BY  
MARYLAND STATE WRESTLING ASSOCIATION CHAIRMAN  
JAY LaVALLEY**

American University Club Coach-Washington DC  
Maryland State Wrestling Association Chairman-Baltimore, MD  
Mount Saint Joseph High School Assistant Coach-Baltimore, MD  
Coach for fifteen years of all ages and skills, including several female athletes

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**OBJECTIVE**

- Promotion and Implementation of Girl's Wrestling in the District and surrounding states.

**GOAL**

- Create girl's wrestling programs and opportunities within the District and surrounding states, including Maryland and Virginia, so that more participation opportunities exist across borders.

**FACTS OF WRESTLING FOR BOYS AND GIRLS**

- Wrestling includes more body types and sizes more than any other sports due to weight classes
- Wrestling is low cost; shirt, shorts, shoes and a mat which many schools already have for boys' team
- Wrestling skill development broadens horizons and expectations to excel and achieve goals

**BENEFITS OF WRESTLING/ATHLETICS FOR GIRLS**

- Physiological
  - Prevents obesity through the constant acceleration of oxygen rich blood cells
  - Develops strong body, both internal (bones, organ function) and muscular strength
  - Planned Nutritional goals
- Psychological
  - Creates discipline by learning set of rules (Freestyle, Greco-Roman and Scholastic Folkstyle)
  - Transference of skills into the classroom and beyond
  - Improves health and the quality of human life
- Sociological
  - Bonds and support between peers, role models, and ability to be counseled/coached ensue
  - Positive self-perception and confidence increase
  - Breaks the gender barrier and stereotypes that still exist

**TODAY'S REALITY**

- Millions of girls wrestling world-wide and compete at the Olympic level, but United States is behind
- Not enough opportunities nationwide both at the collegiate level and high school level
- Society is tougher than ever with so many distractions and negative influences
- Exhibit A-2013-14 Participation Numbers
- Exhibit B-written statement by Maryland High School female wrestler who wrestled on all boys team against boys and will be attending Eastern Michigan University this fall

## GIRLS PARTICIPATION VERSUS PEERS AT VARIOUS LEVELS

**2013-2014**

Ages 18 and under

	Boys	Girls	Percent Difference
Worldwide	135 countries have wrestling		
United States	24 college programs; 6 HS State Championships		
NFHS-Overall	4,527,994	3,267,664	20%
NFHS-Wrestling	269,514	9,904	95%
<hr/>			
Maryland-Overall	66,744	49,360	19%
Maryland-Wrestling	4,792	101	97%
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DC-Overall	6,425	3,743	32%
DC-Wrestling	232	-	100%
<hr/>			
Virginia-Overall	100,625	75,188	18%
Virginia-Wrestling	6,877	87	98%
<hr/>			
USA Wrestling-MD	3,367	68	97%
USA Wrestling-VA	6,014	151	96%
USA Wrestling-DC	115	7	91%

To whom it may concern,

Wrestling has made a very strong impact on my life. My entire life I have grown up participating in this sport. Wrestling has taught me to fight for what I believe in and to never get give up. Participating in a sport that is known typically for men only has made me push myself 10x harder than the guys would to be able to prove myself. I have been pointed out, put down, and judged due to my gender. Those assumptions from others were just obstacles that I had to learn to ignore. I continued to push myself in a sport I dedicated my whole life to. I am blessed to say that my hard work has all paid off because the fall semester of 2015, I will be attending Eastern Michigan University to Wrestle D1 on the female team.

The benefits of having an all-female wrestling team is an amazing feeling. The support from fellow spectators and sponsors give a great amount of support to the females. It gives us a chance to express our individually and not worry about the ignorant comments from others because we are out here doing what we love. We train just as hard as the men do, if not harder, to show we deserve to have the same amount of respect as the men do. Having an all-female team will help prepare these ladies for college if they decide they want to pursue this sport in college. I believe that it would be an amazing opportunity for young females to be able to have a team and compete just as much as the men do.

Thank you,

Kira Gillin

Terrance Lynch  
1737 Kenyon Street, NW  
Washington, dc 20010

March 25, 2015

Councilmember David Grosso & Members  
DC Council Committee on Education  
1350 Penn. Ave. NW  
Washington, DC 20004

re: **B21-31, Title IX Athletic Equity Act of 2015**

Dear Councilmember Grosso and Members:

I wish to express my strong support for this bill, and urge that the Council go further to achieve **the equity and excellence in sports all our student athletes deserve at all our schools** here in the city.

I come to this as a 16 year DCPS parent from 1997 until 2014 of two girls, who attended John Eaton Elementary, Washington Latin and Alice Deal and Walls H.S. here in the city. They both were active in sports, most often successfully and with best training and resources in private athletic programs outside of DCPS. They did participate in girls soccer and lacrosse in HS. My older daughter refused to play DCPS sports after her freshmen year owing to the lack of commitment, resources and effort that was put into the athletic program. She continued to do two sports quite successfully outside of DCPS.

It was my experience that this bill will help address all the issues that are way too familiar to those of us who have dealt with DCPS sports as families. I consistently saw **girls teams with inferior practice and game locations, practice and game times, equipment, coaching, and lesser offerings**. This is not to say the boys' situation was stellar ...indeed their offerings were often far less that what could have been available. I believe in excellence for all.

I wish to acknowledge the efforts of the Fenty administration to bring city facilities up to par with suburban ones and indeed surpass them in many instances. At the same time, too many schools still are without appropriate athletic facilities. I think of Walls HS which has none associated with the campus the high school is on; I think of the poor, unrenovated conditions of Banneker HS, a flagship school. Both of these have large students populations of girls drawn from all quarters of the city.

When I served as an officer at the parents association at Walls HS, I urged that DCPS improve and expand the offerings for girls and boys sports. DCPS would not provide support to that parent groups' efforts to bring to the school lacrosse (boys and girls), field hockey, and ultimate frisbee. It was only through private fundraising and against frankly much opposition by DCPS, that the parents were successful in bringing these new and popular sport offerings as club activities. Students who competed in Ultimate Frisbee at Walls have gone on to make their college club teams as freshmen - much to their parents' delight of course.

I would urge that you strengthen this effort to improve sports for all by:

- including **charter schools and private schools** as well as traditional public schools.
- that DCPS sports be consolidated under the authority of the DC State Athletic office.
- that you require DPR to provide a priority to DC students for use of athletic facilities that they oversee
- that you speed the modernization of the remaining schools here in the city so that they have

**appropriate compliments of athletic and arts facilities for our students.**

**- that the city truly be seen as one - and that you encourage a creation of new leagues of equivalent competition between DCPS, Charter and Private schools that will significantly enhance the athletic experience for all our students.**

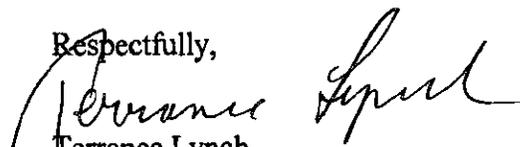
**- that some appropriate enforcement mechanism be in place to assure compliance.**

I look at the positive experience private, public, and Charter schools have had in the various State tournaments, with new rivalries developing across the city. That can be achieved on a season-long basis with new leagues with more competitive scheduling between comparable programs.

I have seen the difference team sports do for our youth. Though my children did not play on most of these efforts I was able to help get underway at Walls HS, I was thrilled to see the success that a number of students enjoyed owing in no small part to their team experience. I found that their academic and personal goal setting was often improved owing to the participation in sports. Students learned to **manage time, live healthier lifestyles, set goals, and seek success both individually and as a team.** These are life long assets that can be started and should be started at early ages.

I urge your support for this bill and indeed additional efforts, which are not that difficult frankly, to significantly improve the athletic landscape available to all our students.

Respectfully,



Terrance Lynch



**WRITTEN TESTIMONY OF LAUREN A. KHOURI  
CORREIA & PUTH, PLLC**

**HEARING BEFORE THE DISTRICT OF COLUMBIA COUNCIL  
COMMITTEE ON EDUCATION**

**IN SUPPORT OF BILL B21-31, TITLE IX ATHLETIC EQUITY ACT OF 2015**

**MARCH 25, 2015**

Thank you for the opportunity to submit this testimony in support of Bill B21-31, Title IX Athletic Equity Act of 2015, and thank you to Councilmembers Grosso, McDuffie, and Cheh for their leadership on this important issue. My name is Lauren Khouri and I am an associate with the law firm of Correia & Puth. At Correia & Puth, we exclusively represent the rights of employees in the workplace, including teachers and administrators that work in schools. We advocate on behalf of victims of sex discrimination and retaliation in violation of Title IX of the Education Amendment Act of 1972.

The Title IX Athletic Equity Act calls for necessary transparency in our school system, and would shine a spotlight on the athletic opportunities and resources available to young women. An increased availability of data would cut against the perverse policies that undermine young women's equal participation in education and employment in schools. By ensuring that families, students, teachers, and administrators have access to the information they need about athletic programs, all stakeholders will have the opportunity to utilize available resources, enforce their rights if needed, and do so with a lessened fear of retaliation.

## **I. Title IX Prohibits Sex Discrimination and Retaliation In All Areas of Education, Including Athletics.**

Title IX is best known for its impact on athletics, but its scope is broad and its influence on women's equality cannot be overstated. Title IX bars sex discrimination in all aspects of federally-funded educational programs.<sup>1</sup> It covers all levels of education and prohibits sex discrimination against school faculty and administrators as well as students. In addition to discrimination in athletics, Title IX prohibits sexual harassment and violence against students and staff, and discrimination against pregnant and parenting students, as examples. Title IX is also a proven vehicle to address sex-based employment discrimination in educational programs and activities.

In order to ensure that students and teachers alike are willing and able to participate in the enforcement of their rights, it is a violation of Title IX to retaliate against a person who has filed a complaint, engaged in activities, asserted rights protected under Title IX, or who assists enforcement agencies in discharging their investigative duties.<sup>2</sup> Title IX regulations incorporate the requirement in the Title VI regulations, which provide that “[n]o recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by [Title VI], or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this subpart.”<sup>3</sup> In 2005, the U.S. Supreme Court in *Jackson v. Birmingham Board of Education* recognized a private right of action for retaliatory discrimination under Title IX, and since then

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<sup>1</sup> 20 U.S.C. §1681 *et seq.*

<sup>2</sup> *Jackson v. Birmingham Board of Education*, 544 U.S. 167, 178 (2005); *see also* U.S. DEP'T OF JUSTICE, Title IX Legal Manual (2001), available at <http://www.justice.gov/crt/about/cor/coord/ixlegal.php>.

<sup>3</sup> 34 C.F.R. § 106.71; 34 C.F.R. § 100.6-100.1.

any federal courts have consistently found the same.<sup>4</sup> School officials should actively take steps to prevent retaliation and take strong, immediate responsive action when it occurs.<sup>5</sup>

## **II. Discrimination and Retaliation Against Women and Girls Continues to Persist Despite the Protection of Title IX.**

Despite significant progress since the passage of Title IX, female players and coaches are still significantly marginalized, underrepresented, and undervalued across all levels of education.<sup>6</sup> The District of Columbia is not rid of this inequity. In 2013, a class complaint filed with the U.S. Department of Education Office for Civil Rights against the District documented significant underrepresentation of girls in athletic programs. Looking at Civil Rights Data Collection, the complaint shows that the average participation gap between male and female athletes in District high schools is 12 percentage points and there are many documented gaps between playing facilities and locker rooms, coaching, travel expenses, and the equipment and uniforms for female students compared to male students.<sup>7</sup>

A key challenge in preventing and fighting discrimination is the able to identify inequities and fear of retaliation for those that do. Too frequently, we hear stories of reprisal against individuals who speak up against these exact unfair practices in their athletic programs. Stories similar to the actions taken against Coach Jaye Flood at Florida Gulf Coast University. Jaye Flood was an accomplished coach who took FGCU women's volleyball team from a NCAA Division II program to the Division I conference winner. Coach Flood compiled a record of 80 wins and 13

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<sup>4</sup> *Jackson*, 544 U.S. 167 (2005); *Peters v. Jenney*, 327 F.3d 307, 320-21 (4th Cir. 2003); *Weeks v. Harden Mfg. Corp.*, 291 F.3d 1307, 1311 (11th Cir. 2002);

<sup>5</sup> See, e.g., U.S. DEP'T OF EDUCATION, Question and Answers on Title IX and Sexual Violence 19-20 (Apr. 2014), available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

<sup>6</sup> Terrance F. Ross, *What Gender Inequality Looks Like in Sports*, *The Atlantic* (March 2015), available at <http://www.theatlantic.com/education/archive/15/03/what-gender-inequality-looks-like-in-collegiate-sports/387985/>.

<sup>7</sup> NAT'L WOMEN'S LAW CENTER, NWLC Files Title IX Complaint Against DC Public Schools for Failing to Give Girls Equal Athletic Opportunities (June 2013), available at [http://www.nwlc.org/sites/default/files/pdfs/2013\\_6\\_27\\_dcps\\_complaint\\_final.pdf](http://www.nwlc.org/sites/default/files/pdfs/2013_6_27_dcps_complaint_final.pdf);

losses in the first three years of the volleyball program, the best win-loss record of any coach in FGCU history.<sup>8</sup> She was praised for her performance as a coach, being named Coach of the Year in the Atlantic Sun Conference. Despite her success and the success of the athletic program under her tenure, when Flood spoke out about concerns that the school was violating Title IX in its athletic programs, she was suspended and ultimately fired from her coaching job at FGCU.<sup>9</sup>

Coach Flood is not alone in her experiences. Although it is impossible to know how often retaliation follows challenges to discrimination in Title IX actions, evidence and exposure suggest it is far from uncommon. Retaliation claims make up a significant portion of the claims asserted in discrimination cases generally.<sup>10</sup> In Fiscal Year 2014 alone, the U.S. Equal Employment Opportunity Commission received nearly 38,000 complaints of retaliation in the workplace, representing 43 percent of the total charges it received that year.<sup>11</sup> This number has risen significantly in the last decade.<sup>12</sup> Because retaliation can occur in any institution and in response

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<sup>8</sup> Florida Gulf Coast University pays \$3.4 million to settle Title IX retaliation (Oct. 2008), *available at* <https://savingthroughsports.wordpress.com/tag/holly-vaughn/>.

<sup>9</sup> See PUBLIC JUSTICE, Former Head Coaches, FGCU Reach Landmark Settlement in Case Charging Retaliation and Defamation Over Title IX Violations (Oct. 2008), *available at* <http://publicjustice.net/sites/default/files/news-releases/NR%20-%20Flood%20and%20Vaughn%20Settlement%20-%20Oct%2008.pdf>.

<sup>10</sup> See, e.g., Pat K. Chew & Robert E. Kelley, Unwrapping Racial Harassment Law, 27 BERKLEY J. EMP. & LAB. L. (2006) (describing their empirical study of racial harassment cases and noting that nearly half of the racial harassment cases in a random sample of all racial harassment cases through 2002 included claims for retaliation); Sex Discrimination Cases Predominate in Recent Class Actions Filed by EEOC, 71 U.S.L.W. 2158 (Sept. 10, 2002) (reporting that, of the fifty-two class action cases filed by the EEOC between October 1, 2001 and June 30, 2002, twenty-five of the cases included claims of retaliation); Wendy Parker, Lessons in Losing: Race and National Origin Employment Discrimination Litigation in Federal District Courts 19, (Wake Forest Univ. Legal Studies Research Paper Series, Paper No. 05-09, 2005), *available at* <http://ssrn.com/abstract=678082> (finding in her empirical study of race and national origin discrimination litigation in district courts that the most common type of claim was for retaliation, at 51 percent); NAT'L PARTNERSHIP FOR WOMEN & FAMILIES, *Women at Work: Looking Behind the Numbers* 12 (2004), <http://app.nationalpartnership.org/docs/CRA%2040th%20Ann%20Report.pdf> (analyzing data on workplace discrimination claims and observing that in fiscal year 2003, retaliation charges comprised 27.9 percent of the total charges filed with the EEOC).

<sup>11</sup> U.S. EQUAL EMPLOYMENT OPPORTUNITY COMM'N, Retaliation-Based Charges FY 1997-2014, *available at* <http://www.eeoc.gov/eeoc/statistics/enforcement/retaliation.cfm>.

<sup>12</sup> *Id.* (In FY 1997, retaliation charges made up 22.6 percent of the charges received by the EEOC and in 2014 it had risen to 42.8 percent.).

to any type of discrimination challenge, retaliatory actions cut across discrimination law broadly and are not limited to any one legal context.

Even within Title IX, actions enforcing rights under Title IX's anti-retaliation protections take different shapes and forms. In our practice and across the country, there has been recent attention to claims of retaliation against teachers and administrators that express concerns regarding how schools are addressing incidents of student sexual harassment and assault in violation of Title IX.<sup>13</sup> In March alone, Correia & Puth filed two Title IX retaliation complaints in federal court, one in Maryland and one in Boston. In Maryland, our client Annette Goodman, the high school's librarian, was told by a student that he was sexually assaulted by a teacher. As the complaint alleges, the school had prior knowledge of complaints from other faculty members that this teacher behaved inappropriately with students and yet the behavior was largely dismissed. When Ms. Goodman reported the allegations to the administration, she was suspended that day and then fired 9 days later.<sup>14</sup>

Similarly in Boston, Harvard professor Kimberly Theidon was considered a shoo-in for tenure. She then publically supported the work of students who were raising concerns with how the school handled complaints of sexual violence, and soon after was denied tenure. As the complaint alleges, a Harvard administrator told her that the tenure committee considered her recent "political activity" when it discussed whether she should be awarded tenure.<sup>15</sup>

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<sup>13</sup> See, e.g., Van Smith, *Archbishop Curley and Baltimore Archdiocese sued for firing librarian who reported teacher-student sex*, City Paper (March 6, 2015), available at <http://www.citypaper.com/blogs/the-news-hole/bcp-archbishop-curley-and-baltimore-archdiocese-sued-for-firing-librarian-who-reported-teacherstudent-se-20150306,0,2908704.story>; Tyler Kingkade, *Harvard Sued for Allegedly Retaliating Against Professor Who Defended Sexual Assault Survivors*, Huffington Post (March 13, 2015), available at <http://www.citypaper.com/blogs/the-news-hole/bcp-archbishop-curley-and-baltimore-archdiocese-sued-for-firing-librarian-who-reported-teacherstudent-se-20150306,0,2908704.story>.

<sup>14</sup> See generally Verified Complaint, *Goodman v. Archbishop Curley High School, et al.*, 1:15-cv-00627-RDB (D. Md. March 5, 2015).

<sup>15</sup> See generally Verified Complaint, *Theidon v. Harvard University, et al.*, 1:15-cv-10809 (D. Mass March 12, 2015).

Teachers and students alike need to know they can do the right thing without risking their livelihood. While these lawsuits may lead to policy changes that keep students safe and protect educators who take a stand from retaliation, transparency in and the availability of data is critical to this process.

### **III. The Title IX Athletic Equity Act of 2015 Would Make Significant Headway in Achieving Equity for Young Women and Girls in the District of Columbia.**

The Title IX Athletic Equity Act of 2015 would help young women receive equal access to valuable athletic opportunities in D.C. by shining a spotlight on any inequities in school sports programs. In passing this bill, D.C. would join a handful of other states such as Georgia, Kentucky, New Mexico, and Pennsylvania in taking affirmative steps to improve outcomes for all of its students by increasing transparency in athletics.<sup>16</sup> Similar bipartisan legislation has been introduced in previous sessions of Congress and would require high schools to collect and submit data on the number of girls and boys that participate in their sports programs and the costs spent on girls' and boys' teams, among other things.<sup>17</sup>

The gender equity information that the Title IX Athletic Equity Act of 2015 would require schools to provide information that is, or should already, be collected by schools. This bill would require schools to provide this information to the Mayor, who will analyze it, make it publicly available, and develop a five-year plan that works with the school to reach compliance with the law. It is of critical important that interested stakeholders have direct access to this information about their schools so that they can advocate for any necessary changes directly. At present, this

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<sup>16</sup> See 702 KENTUCKY ADMIN. CODE REGS. 7:065 §§ 2(13)-(14) (2009); Georgia Equity in Sports Act, GA. CODE. ANN. § 20-2-315 (2010); School Athletics Equity Act, N.M. STAT. ANN. § 6.13.4.8 (2009); Equity in Interscholastic Athletics Disclosure Act, 24 PA. CONS. STAT. ANN. § 16-1604-C (2012).

<sup>17</sup> See High School Data Transparency Act, H.R. 455, 113th Cong. (2013); High School Data Transparency Act, S. 217, 113th Cong. (2013). This data is already reported by and collected from colleges and universities as mandated by federal law. Equity in Athletics Disclosure Act of 1994, 20 U.S.C. § 1092(g) (2010).

data is not available in a public, readily available forum. To obtain information on D.C.'s provision of athletics opportunities and treatment of students, interested individuals must file requests under the District's Freedom of Information Act, which is a process that can be difficult to navigate and can take a significant amounts of time. With data at their fingertips, the District helps to ensure that those with concerns of gender inequity in athletics will be able to understand their school's resources and raise issues expeditiously, benefiting both the school and concerned stakeholder.

Transparency in data would also help mitigate against retaliation for those that identify concerns and speak up against Title IX violations. When data is unavailable or inaccessible to the public, it makes those that witness or experience discrimination particularly vulnerable to retaliation. By regularly reporting and publishing data, the community as a whole will be aware of any gender inequities in the District's athletic programs, and at the very least would be able to access information on the resources available to students. An individual student, teacher, coach, or administrator would not be alone in their knowledge, which would likely have the beneficial effect of alleviating the target on the backs of those that witness or experience unfair practices. Transparency allows for all stakeholders to have a publically available avenue to discover violations of Title IX and then seek appropriate remedies.

The Title IX Athletic Equity Act also requires the Mayor to establish regulations that will formalize a grievance process to allow for clear and efficient reporting of any concerns on behalf of the community. A clear reporting structure would help ensure that students and teachers are able to enforce their rights without unnecessary delay or confusion. While a formalized process would be an excellent and needed addition to the District's regulatory code, we encourage the Council to amend the Act to reflect that the Mayor should establish, in conjunction with the grievance process, regulations that make clear retaliation of any kind against those enforcing their rights under Title

IX will not be tolerated and formalize steps schools can take to prevent and respond to retaliation. Without strong legal protection and safe processes to report discrimination, inequalities will continue to persist and those that do take a stand run the risk of being fired, demoted or harassed if they come forward. Those additions to the Title IX Athletic Equity Act will cut against the possibility of retaliation.

Passing the Title IX Athletic Equity Act of 2015 would demonstrate the District of Columbia's commitment to providing equal athletic opportunities for its female students. Given the many health, academic and other benefits that accompany participation in athletics,<sup>18</sup> and the evidence that the District needs to do much more to level the playing field for women and girls, we urge the Council to pass this important piece of legislation. Thank you for the opportunity to testify today.

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<sup>18</sup> See WOMEN'S SPORT FOUNDATION., *Her Life Depends On It II* (2009), available at <http://www.womenssportsfoundation.org/~media/Files/Research%20Reports/>; Tara Parker-Pope, *As Girls Become Women, Sports Pay Dividends*, N.Y. TIMES (Feb. 16, 2010), available at <http://www.nytimes.com/2010/02/16/health/16well.htm>.



District of Columbia Council | DCPS Oversight Hearing, February 19, 2015  
Addendum Testimony of the DC Chapter of the National Organization for Women (DC NOW)

Title IX requires schools to have systems in place to create a safe learning environment for students who were sexually assaulted. DCPS needs to adopt policies that specify exactly how DCPS schools will comply with this federal requirement.

Some students report the assault to the school; some do not. Some report to the police; some do not. Some seek services at the hospital; some do not. Some seek services in the community; some do not. Some will eventually come forward in some or all of these ways; some will not.

All DCPS and public charter schools must create systems for students to disclose a sexual assault confidentially, to create a safe learning environment for assaulted students, and to connect students to resources. Because of the nature of the crime of sexual assault, it is important that these systems give the student (and his/her parents) control over what happens or does not happen. Otherwise these systems will be severely underutilized and when utilized, will undermine the healing process.

Once a school becomes aware that a student has been sexually assaulted, federal law obliges the school to act. The school may become aware of an assault directly from a student or parent; sometimes the school becomes aware of an assault from other sources, such as rumors created by the perpetrator(s), the perpetrators social groups, or the victim's social groups. Either way, once the school knows or reasonably should know that a student has been sexually assaulted, the school is obligated to act.

### **What DCPS must do**

All DC public schools and DC public charter schools must:

- *Train appropriate school officials, including the Title IX Coordinator, on how sexual assault occurs, how it's perpetrated, and how victims might naturally respond both during and after an assault, how to provide resources to a sexual assault victim, and how to create a safe learning environment for assaulted students.* Sexual assault can be hard to understand. Some common victim responses (like not physically resisting or yelling for help) may seem counter-intuitive to those unfamiliar with sexual victimization. New research has also found that the trauma associated with rape or sexual assault can interfere with parts of the brain that control memory – and, as a result, a victim may have impaired verbal skills, short term memory loss, memory fragmentation, and delayed recall. This can make understanding what happened challenging. Personal biases also come into play. Insensitive or judgmental comments – or questions that focus on a victim's behavior (e.g., what she was wearing, her prior sexual history) rather than on the alleged perpetrator's – can compound a victim's distress. Specialized training, thus, is crucial.
- *Provide students a way to disclose a sexual assault to the school, with a clear confidentiality protocol.* The confidentiality protocol should make it clear, up front, who will or will not share what information with whom. And a school's policy should also explain when it may need to override a request for confidentiality (and report an alleged perpetrator) in order to provide a safe campus for everyone. The key here is clarity: both confidential resources and



reporting options should be well and widely publicized – so a victim can make an informed decision about where best to turn.

- *Identify trained, confidential victim advocates to refer students to for emergency and on-going support (ideally in partnership with a community-based organization such as the DC Rape Crisis Center).*

Once a school knows or reasonably should know that one of its students has been sexually assaulted, regardless of whether the student has disclosed the assault directly to the school, the school must create a safe learning environment for the assaulted student, regardless of whether he or she presses charges, both in the short-term (e.g. before an investigation is complete if the victim chose to press charges) and in the long-term (if the victim did not choose to press charges or if the case has been handled in a way that leaves the perpetrator(s) in the same school as the victim), which includes:

- Offering to move the assailant out of the assaulted students classes and otherwise ensuring that the assaulted student can continue to go about his or her education in the same manner as before without having to be in the same space as the perpetrator (i.e. changing the perpetrator's classes, not the assaulted student's classes).
- If the assaulted student experiences unwanted, offensive interaction from the perpetrator, ordering the perpetrator not to contact the assaulted student.
- If the perpetrator or any other student harasses or intimidates the assaulted student about the crime or reporting the crime, take immediate and effective action to stop the harassment and intimidation.
- Consider increasing and/or improving sexual assault education and prevention efforts.
- If the assault occurred on campus, consider increasing security and surveillance measures.
- Give the assaulted student the option of the school not taking an action that would reveal to the perpetrator(s) that the assaulted student reported the assault, so long as inaction on the school's part does not engender the safety of other students. The assaulted student should be able to change his or her mind at any time and have the school take the protective action.

#### **Suggested language to insert in Title IX Athletic Equity Act of 2015**

[New] Section 5. Preventing sexual assault and protecting student sexual assault victims.

DCPS and public charter schools shall:

- (1) Train appropriate officials at each school, including the Title IX Coordinator, on:
  - (A) How sexual assault is perpetrated;
  - (B) A trauma-informed understanding of how victims might respond both during and after an assault;
  - (C) How to provide resources to a sexual assault victim; and
  - (D) How to create a safe learning environment for assaulted students.
- (2) Ensure that each school provide students a way to confidentially disclose a sexual assault to each school. This system must include a clear confidentiality protocol describing when and whom information may and may not be shared and under which circumstances.



(3) Identify trained, confidential victim advocates to refer students to for emergency and on-going support, which may be a community-based organization that specializes in supporting sexual assault victims.

(4) Establish a clear policy to create a safe learning environment for students who have been sexually assaulted:

(A) That must be implemented once a school knows or reasonably should know that one of its students has been sexually assaulted regardless of whether the student:

- (i) Reports the assault directly to the school or the police; and
- (ii) Whether the student presses charges against the perpetrators;

(B) That includes, at a minimum:

- (i) Giving the assaulted student the option of having the assailant moved out of the assaulted student's classes or other school activities;
- (ii) If the assaulted student experiences unwanted, offensive interaction from the perpetrator, ordering the perpetrator not to contact the assaulted student while on school grounds or at school activities and enforcing that order;
- (iii) If the perpetrator or any other student harasses or intimidates the assaulted student about the sexual assault or reporting the sexual assault, taking immediate and effective action to stop the harassment and intimidation;

Testimony of  
Aaron Hall, Athletic Coordinator  
Thurgood Marshall Academy Public Charter School  
Title IX Athletic Equity Act of 2015  
DC Council Committee on Education  
March 25, 2015

Thank you for the opportunity to testify Mr. Chairman. My name is Aaron Hall and I am the Athletic Coordinator at Thurgood Marshall Academy Public Charter High School.

Thurgood Marshall Academy is located in Ward 8's historic Anacostia neighborhood. The school has been in operation since 2001. The school serves nearly 400 students, with approximately 90% of the students residing in Ward 7 and 8. Of our student body roughly 68% of the students qualify for federal free or reduced lunch. Thurgood Marshall Academy has graduated over 400 students since the school's first graduating class of 2005. We offer approximately 15 after- school clubs as well as numerous opportunities for educational enrichment through Law Firm Tutoring, Mentoring, Job Shadow Day and Summer Prep.

To deliver a complete high school educational experience we provide our students with the opportunity to compete in athletics. We offer five coed sports (swimming, track & field, flag football, ultimate Frisbee and cross country). Thurgood Marshall Academy's athletic program also includes boys' and girls' basketball as well as girls' volleyball. Many of the outdoor sports we offer require additional funds to transport the students and rent a facility that will meet the team's needs as our location has limited outdoor space.

The demands of the Title IX Athletic Equity Act would put an unwarranted strain on the staff and budget of a school that meets Title IX requirements. We provide our male and female student athletes with equal opportunities to facilities, equipment and resources. We have expanded the athletic budget to cover the cost for transportation, facility rentals, uniforms and coaches for newly added teams. It is our concern that the

Albrette "Gigi" Ransom, 83 O Street NW, Washington, DC 20001  
202-341-9134 / [agransom2@gmail.com](mailto:agransom2@gmail.com)

(March 24, 2015)

COMMITTEE ON EDUCATION

COUNCILMEMBER DAVID GROSSO, CHAIRMAN

B21-05: Access to Emergency Epinephrine in Schools Act of 2015

B21-31: Title IX Athletic Equity Act of 2015

Wednesday, March 25, 2015, 2:00pm

Hearing Room 123 -John A. Wilson Building 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

***"No person in the United States shall, 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."(re-named the Patsy T. Mink Equal Opportunity in Education Act on October 9, 2002)***

Good afternoon Chairman Grosso, and committee members. My name is Albrette "Gigi" Ransom, Ward 5 resident; former 6 term Advisory Neighborhood Commissioner for ANC/SMD 5A/06. My testimony is focused on B21-31, "the Title IX Athletic Equity Act", which I support with other recommendations to strengthen this bill.

I am taking the honored privilege to also be identified as a beneficiary "Title IX Baby". My efforts to create equal opportunities for girls was pre-Title IX, while in HS in NYC, a friend and I were responsible for the creation of the PSAL girls basketball league, which also lead with support of Title IX for other leagues to be developed past club levels. I have a girls championship team in Miami, FL, and was able to play professional basketball.

The feminist movement empowerment statement, "We've come a long way baby", has significance since this year is the 42th anniversary of the signing of Title IX. Pre Title IX and after, DCPS, the Catholic and private schools all together once had thriving, recognized programs for various sports which brought college recruiters from around the country to DC for their future student-athletes. For some reason during the mid to late 90s, the quality of current and potential high school girl athletes began to decline. What has disappeared from the memories as the outstanding student-athletes, some who were Scholar-Athletes and the Olympians produced by the available programs for girls/women. What comes to mind is Jamelle Elliott, scholar basketball player from H.D. Woodson, who decided to attend UConn over George Washington & Georgetown U, who became a highly, integral part of UConn's 1995 NCAA Championship team. In the 70's and 80's, DC produced women Olympians such as Robin Campbell, Esther Story and Sheila Ingram.

It is a known fact that our schools have not provided equity in the funding and women coaches of girls sports programs, which also had an adverse impact on the recreational level, with the decline on the Amateur Athletic level, creating powerhouses in Virginia and Maryland which saw the value in having funded programs for girls and women.

We are now "moving on up and forward" to a greater DC, so there are definite benefits of this legislation to increase the participation of our girls to receive the benefits of individual skills development, teamwork, sportswomanship, and networking, which is so commonplace in the boys/men areas of sports.

My recommendations:

Sec.3 (6) [Line 50]; include line items for footwear, practice uniforms; and,

Sec.3 (13) [Line 73]; include "college athletic and academic scholarships.

Consider adding section regarding sports exchange programs participation in DC or abroad in other countries.

Create an Advisory Committee composed of former female athletes to support the Association's efforts.

**To: Committee on Education, Council of the District of Columbia**

Date: March 25, 2015

Dear Councilmembers:

The pending DC legislation introduced by Councilmembers McDuffie, Cheh, and Grosso--i.e., Title IX Athletic Equity Act of 2015--emphasizes the importance of elementary and middle school access to athletic opportunities, along with high school, and is a great idea. Collegiate sports in DC are important too. This letter describes what should be a cornerstone for its much-needed implementation, and why. Being the parent of a female student in a DC elementary school, I am most concerned about the quality of the sports available to girls/women in all DC schools. I recall one current Councilmember mentioning her daughter participated in wrestling on a boys team in DC, a good thing for female student athletes seeking to rapidly improve, or compete internationally, but they need their own teams to secure full participation and benefits, as in a rapidly increasing number of states. DC can and should be ahead of the curve. Among other things, the pending legislation should help pave the way for DC sponsorship of folk-style (scholastic) and freestyle wrestling, including female varsity teams at high school and college levels in DC, following the lead of at least eighteen (18) other states. See FN 1.

All DC public school students should be able to participate and compete--through their school or through a cooperating host school--on a gender-specific, varsity or JV wrestling team at the high school level. Since 1994, the number of women who wrestle in high school (in DC on virtually all-male teams) has grown from 804 to over 10,000. Nine (9) states now sponsor a girls high school state championship tournament: Massachusetts, Pennsylvania, Tennessee, Texas, Washington, California, Oregon, Hawaii, and Guam. More states join this list each year. In forty-one other states, girls who make the varsity boys team and place high enough in the qualifying tournaments, wrestle in the boys state championship in their respective states (and often perform quite well). Pennsylvania now sponsors state championships for girls in four divisions: Grades 1-3, 4-5, 6-8, and 9-12.

Wrestling is among the fastest growing sports for women in US high schools, with over 269,000 participants among over 10,700 high school teams. California has approximately 400 all-girls high school wrestling teams. High school wrestling has grown by over 40,000 participants since 2003, and ranks 6<sup>th</sup> of all high school sports in terms of participants. Fortune 500 companies give great weight to wrestling experience--particularly collegiate wrestling--in their recruitment process. See: *Why Wrestlers Make the Best Employees*, Forbes Magazine (July 31, 2012.) The DC State Athletic Association does not identify wrestling as a "sponsored sport," however, for boys or girls (nor does it identify swimming or gymnastics as sponsored). Thus, participation in organized, scholastic wrestling has continued in the DC schools, but primarily just for male students at private DC high schools, one DC public high school and one DC college, mostly in upper-Northwest DC. DC's failure to sponsor historically core scholastic/Olympic sports--particularly those uniquely tailored to develop overall physical fitness--disproportionately impacts female students in DC, depriving them of extraordinary learning, fitness (and scholarship) opportunities presented by wrestling, a male-only sport in U.S. high schools and colleges until the 1990s, now a competitive team sport for girls/women, elementary to Olympic.

Students at all publicly-funded DC high schools should have an equal opportunity, regardless of their gender, to participate in one of the nation's oldest and most physically demanding scholastic sports. Wrestling is arguably the most effective one at developing overall physical fitness (endurance, flexibility,

strength, balance, discipline, etc.) It is also a sport effective at developing self-confidence and self-defense skills, equally important life skills. Still, in 2015 there is little or no opportunity for the vast majority of female students to meaningfully participate in wrestling at any DC public school.

Nearly all state athletic associations, with notable exceptions being DC and Mississippi, identify *wrestling and swimming* as "sponsored sports." The DC State Athletic Association, under the Office of the State Superintendent of Education (OSSE), again, *excludes each of* wrestling, swimming, and gymnastics from its list of "sponsored sports." Scholastic wrestling nevertheless remains a vibrant sport among DC schools (private) schools. 10 private DC high schools--including Sidwell Friends, St. Johns College High School, Georgetown Day, and St. Albans--and 1 DC public school, Woodrow Wilson, sponsor a "state" championship each year in DC (the DC Classic). Woodrow Wilson, the largest (and only) DC public school with a wrestling team, has three girls on the "boys" team. Georgetown Day also has several girls on the boys wrestling team, which is common among schools that have boys but not girls wrestling teams. Often the ones unable to compete at that level will drop out of the program, however. But when girls teams are started, as seen in New York City public schools, and in every state where this has occurred, typically 10 to 30 girls will join their school's wrestling team in the first year.

To help equalize the qualitative athletic experiences for girls, especially those attending *public schools in less affluent* parts of the City, DC should support and sponsor wrestling in DC public high schools, for both boys and girls, including at the largest high school in each Ward. All public high school student athletes in DC should be able to participate on a varsity or JV wrestling team at their school. A Host school in each Ward could also schedule and conduct practices for elementary and middle school programs, which could be boys/girls combined, at least at the Elementary level. Girls are as proficient as boys with similar experience in this sport in the elementary and middle schools, and occasionally even at the high school level. There should be a coach, a calendar of dual meets for each Host school, and a DC/state championship for the girls--as in a steadily increasing number of states--where public and private DC high school students would compete for the title in their weight classes. In New York City public schools (as of 2013), wrestling was made an official sport for girls, who wrestle folk-style in the Winter season, and freestyle (an Olympic sport) in the Spring semester (girls only in the Spring). Beat the Streets NY helped with start-up costs, and these programs were an instant success. Some DC-area high schools are very competitive nationally, and internationally. Last year, Good Counsel senior Kyle Snyder became a junior world-champion in freestyle wrestling. Helen Maroulis, from Colonel Zadock Magruder High school (Montgomery County, MD), and Nicole Woody, of Arundel High School, Maryland, are among the best amateur wrestlers in US history, each having won multiple national championships. Nicole is a full-time womens wrestling coach at King University in Tennessee. DC college students are also quite competitive nationally. In 2010 American University (AU) took 5<sup>th</sup> place, as a team, in NCAA Division I wrestling, ahead of most of the Big ten schools. AU has produced one national champion and fourteen Division 1 all-Americans over the past ten years, outperforming any college or university in Maryland or Virginia, including the University of Maryland (Big 10), Virginia Tech (VT placed 10th this year in NCAA Div. 1 wrestling ), University of Virginia, Old Dominion, and George Mason. Thus, it would be easy to locate a dozen or more good wrestling coaches from this area, folkstyle and freestyle, for the DC public schools. In NCAA competition, wrestlers are among the highest performing student athletes in terms of academics. Thus, quite a few potential coaching resources could also teach in the DC schools.

Since 2006, five high school girls have taken first place in boys state wrestling championships. This occurred in Alaska, Maine, Massachusetts, Vermont, and Washington DC. Julia Ernst--previously at Georgetown Day School--won the DC Classic (boys) wrestling tournament in 2011 and 2012, and is now a student at Harvard. In three other states--Indiana, Alabama, and Colorado--during this time period,

four additional girls made it to the finals of their (boys) state wrestling tournament and placed 2<sup>nd</sup> in the state. Each of these nine female student athletes competed at the highest level of wrestling in her respective state. These championship performances, reaching the finals of the boys/mens state wrestling tournament (over half of them winning first place), is the result of now over ten-thousand girls competing in this sport at the high school level, still a small but rapidly growing fraction of number of boys competing. As the number of girls high-school wrestling teams, and girls participating generally, continues to rapidly increase, states, one by one, are deciding to sponsor girls/womens wrestling, and their own state championship tournament. Virginia, which hosted a girls national tournament earlier this month ("War of the Roses," in Richmond, VA) is poised to become the next state to do so. Maryland is also in the process according to USA Wrestling. A wrestling program has modest start-up costs, and has one of the lowest cost-per-student-athlete of any scholastic sport; it requires relatively little gear or equipment. It is much less violent and has fewer serious injuries than football, rugby, lacrosse, or hockey. Striking or attempting to injure an opponent in folkstyle or freestyle wrestling will result in disqualification, an event rarely seen.

On a topic of general interest, folk-style wrestling is unmatched by any other high school, collegiate, or martial sport in terms of developing *self-defense skills*. For example, judo, boxing, and karate, unlike wrestling, permit choking and striking an opponent (Judo just choking). Yet, it has been shown through the (distantly-related) professional combat sport of mixed martial arts (MMA) that scholastic (folk-style) wrestling, with its emphasis on controlling an opponent, is arguably the number one form of self-defense among all "martial sports," while being the least violent of them because injuring an opponent is not part of the sport. In sum, DCAA's inclusion of nationally-recognized core sports such as scholastic wrestling would be of great service to DC students, particularly female student athletes in DC public schools. Excluding this sport is a disservice to DC youth, but that can change in about one year, based on what the NYC public schools, and those all throughout Texas, and other states have recently done.

Wrestling is among the fastest growing scholastic sports for girls/women throughout the United States, and much of the rest of the world (Japan typically has the best womens freestyle teams); it is steadily growing at the high school, collegiate and international levels. Over 24 US colleges in eighteen different states now maintain (and fund, typically including with scholarships) womens college wrestling teams (which generally have 25+ team members each), and that number grows by about two colleges per year. These teams are found in over a third of all U.S. states, in every region of the U.S.,<sup>1</sup> and there are a rapidly growing number of womens college wrestling teams in neighboring Canada. In 2004, freestyle wrestling was added as a-womens Olympic sport, the only sport to be added that year. To enable equal athletic opportunities for both genders, wrestling should be funded, coached, and made available to all students attending DC-funded schools, from elementary school through the college (UDC) level.

The District's state wrestling championships, one for boys and one for girls, could be coordinated and run together, as is done in Texas (having 140 girls high school teams), California, and other states. Texas ran their 2015 high school state wrestling tournaments--one for boys and one for girls--simultaneously on Feb. 19-21, 2015, at the same arena. As in Virginia, Maryland, and Pennsylvania, there should also be a state (DC) tournament for elementary and middle-school girls. Providing female student athletes in

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<sup>1</sup> See National Collegiate Wrestling Association, Womens Division. <http://www.ncwwa.net/teams>. 24 U.S. colleges now sponsor college wrestling teams for women, including in: Alabama, California, Colorado, Connecticut, Florida, Georgia, Illinois, Kansas, Maine, Massachusetts, Minnesota, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, and Washington.

DC schools with the support to participate at the highest levels in traditional, uniquely competitive and physically rigorous sports such as wrestling will add muscle to the Title IX legislation and/or its plan for implementation, help DC meaningfully improve on its compliance with Title IX, provide a healthy outlet and college scholarship opportunities for DC public school students (boys and girls), bring DC schools from behind the curve to ahead, enhance student safety, and provide discipline and other life-skills to enhance academic achievement, particularly among females historically left out of this traditional, burgeoning sport. There are other benefits to bringing wrestling to the forefront of DC athletics. Invite (encourage) the bullyer, and the student being bullied, to participate on a wrestling team. A kid cannot sit still, has ADHD, purportedly needs meds? Introduce him/her to the sport of wrestling; this will help them with discipline, and to focus in school. To achieve meaningful compliance, and to enrich the athletic component of every DC school, the list of "sponsored sports" should be expanded to include at least wrestling, now recognized world-wide as being equally appropriate for both genders, elementary through the college level.

Developing the list of DC schools-sponsored sports to include other traditional, core sports, such as gymnastics and swimming, would be consistent with what states/state associations normally deem "sponsored sports." High school swimming in DC is now sponsored by Parks and Recreation. DC public schools, some of them at least, used to have gymnastics and wrestling. But re-introducing wrestling, which does not require much space or facilities, school-sponsored girls and boys teams, will afford DC students, particularly female student athletes, the opportunity to compete in a serious sport with a rich history, nationally and internationally, from which girls/women are increasingly--at all scholastic levels throughout the U.S. and beyond--learning valuable life skills. Women have historically, however, and for all practical purposes up to the present date in DC schools, been excluded from this sport.

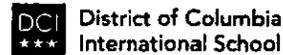
In sum, implementing the pending legislation will be aided by amending DCSAA's list of "sponsored sports." Exclusion of core sports such as (girls and boys) wrestling hampers valuable (qualitative) opportunities for DC youth, particularly female youth, at every level of the DC public education system, elementary school through college. Wrestling is a most effective scholastic sport for development of overall physical fitness (even more so than swimming, track, or gymnastics), it is low risk in terms of cost/safety, and it brings with it a myriad of benefits and life skills. Not including this as a "sponsored sport" mostly disadvantages girls, and re-introducing this sport to the DC public schools, across the board, will expand opportunities for many youth and enrich their academic experiences. Expanding the list of sponsored sports to include boys and girls wrestling, in tandem with implementation of the pending Title IX legislation, will benefit youth at every scholastic level in DC.

Finally, the Council's Committee of the Whole might also weigh-in on, and would be in a position to wrap UDC into the rapidly growing list of womens collegiate (Div. 2)<sup>2</sup> wrestling teams. That could be part of the plan for implementation--i.e., to support *this* legislation. UDC could become the 25<sup>th</sup> U.S. college to field a womens varsity wrestling team. Better to be 25<sup>th</sup> than 50<sup>th</sup>, should UDC wish to attract a wider range of female student athletes--perhaps a future Olympian--not just from DC high schools, but also from among high school seniors of every socioeconomic and educational level in the US and abroad.

Dana Richard, DC resident/parent, UDC (law) alumnus  
[richardf@law.georgetown.edu](mailto:richardf@law.georgetown.edu)  
(202) 352-5395 (cell)

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<sup>2</sup> Womens collegiate wrestling is governed by the Womens Collegiate Wrestling Association (WCWA). Among the 24 colleges, Michigan was the first *state university* to sponsor a womens varsity wrestling team.



**Testimony before the D.C. Council Committee on Education  
Public Hearing on B21-31, Title IX Athletic Equity Act of 2015**

**Presented by Amanda Borden, KIPP DC**

**On Behalf of KIPP DC PCS, Achievement Prep PCS, Capital City PCS, Center City PCS, D.C. International School PCS, DC Prep PCS, Friendship PCS, IDEA PCS, Thurgood Marshall Academy PCS, and Washington Latin PCS**

**March 25, 2015**

Good morning, Councilmember Grosso and members of the Committee. My name is Amanda Borden, and I am the Managing Director of Strategic Initiatives at KIPP DC, where we serve over 4,500 students in grades PK3 through 12 in campuses located in Wards 5, 6, 7, and 8. I am also testifying on behalf of Achievement Prep, Capital City, Center City, D.C. International School, DC Prep, Friendship, IDEA, Thurgood Marshall Academy, and Washington Latin. Together, we represent over 14,000 students, over 1/3 of charter enrollment as of the 2015 enrollment audit.

The Title IX Athletic Equity Act of 2015 would impose onerous reporting requirements on LEAs that are already working with limited resources, while doing little to actually improve gender equity in athletics at our public schools.

Title IX has three basic requirements:

- Schools must offer male and female students equal opportunities to participate.
- School must allocate athletic scholarship dollars equitably.
- Schools must provide male and female athletes with equal benefits and services.

The reporting requirements, as written, ask for data that is largely unrelated to these requirements. Among these are not only the number of students participating in athletics by team, gender, and race, but also the number of coaches, athletic directors, athletic staff, trainers and medical service providers at each school, their titles and compensation, *their* gender and race, their employment status at the school, their qualifications and experience, their duties at the school, funding sources for all athletic programs at the school, expenditures on capital improvements at the schools, expenditures for travel, for equipment, for uniforms, for publicity and recruitment, for awards, banquets, insurance, and "any other expenses."

It also requires reporting on each team's practice and competition schedules, each team's win-loss record, the amount of training provided to employees on Title IX compliance, the availability of academic support for athletes, the conditions and locations of all athletic facilities, the academic success rates, graduation rates, college attendance rates and scholarship acceptance rates of all student athletes, by gender, race, and level of athletic competition.

According to the U.S. Department of Education, schools are acknowledged to be providing equal participation opportunities to their male and female students if they meet one of three prongs on a three-part test:

- Athletic participation opportunities for males and females are substantially proportionate to their respect enrollments; OR
- The school has a history and continuing practice of expanding athletic participation opportunities for the underrepresented sex; OR
- The school has fully and effectively accommodated the interests and abilities of the underrepresented sex.

LEAs can much more easily provide information on how they meet one of the three prongs, than the extensive data reporting required by the bill.

The Public Charter School Board provided professional development and technical assistance related to Title IX compliance to charter LEAs during the current school year, and will include the Title IX audit as part of LEA Compliance Reviews during the 2015 – 2016 school year. The oversight relationship that the Public Charter School Board has with charter LEAs is more than sufficient to ensure that schools examine, evaluate, and adjust their approach to gender equity, both in athletics and in other areas covered by Title IX.

There are also a number of provisions in the bill that are redundant. Federal law requires State Education Agencies to have a Title IX Coordinator – OSSE hired Marie Rudolph in November of 2013. Schools are required to have Title IX Coordinators as well. The Public Charter School Board ensures that D.C. Public Charter Schools have Title IX Coordinators. Schools are required to have clearly defined complaint procedures – PCSB reviews Public Charter School handbooks to confirm that these are included and shared with families.

Gender equity in athletics, as well as the other provisions of Title IX is important. If the Council is interested in increasing athletic access and participation for girls in our public schools, there are other ways that the Council could have greater impact. Allow the State Title IX Coordinator the time, space, and resources necessary to collaboratively develop a state plan for ensuring equitable access. Ensure that surplus DCPS buildings are reserved for educational use – as they often have field space and gymnasium space that are unavailable in other types of buildings. Work with the Department of Parks and Recreation to ensure that schools have equitable access to community fields for practices and games. Encourage the development of athletic programs for students in communities prior to high school, ensuring there are ample talent pools to seed competitive sports teams in high school.

Overall, a programmatic approach to gender equity in athletics will do far more for female athletes in public schools than burdensome, unfocused, and ineffective reporting requirements. Thank you for your time and attention today. We look forward to working with you to ensure gender equity in athletic participation in District schools, as required by Title IX.

~~Shantelle Wright~~  
Founder and CEO  
Achievement Prep PCS

~~Mary Shaffner~~  
Chief Operating Officer  
District of Columbia  
International PCS

~~Justin Bydstrom~~  
Principal  
IDEA PCS

~~Martha Cutts~~  
Head of School  
Washington Latin PCS

Karen Dresden  
Head of School  
Capital City PCS

Emily Lawson  
Founder and CEO  
DC Prep PCS

Susan Schaeffler  
Founder and CEO  
KIPP DC PCS

Russ Williams  
President and CEO  
Center City PCS

Patricia Brantley  
Chief Operating Officer  
Friendship PCS

Alexandra Pardo  
Executive Director  
Thurgood Marshall  
Academy PCS

Col. Zadok Magruder High Schl

04510

Heimbach

1-Summary Main Page

School Name

School No.

Athletic Director

Fiscal Year (FY) 2014 Athletic Financial Report
Summary/Main Page - 6/1/2013 through 5/31/2014

I. Opening Balance/Deficit \$85,128.81 (I)

II. Income (Subtotals)

Table with 2 columns: Description and Amount. Rows include A. MCPS Allocation (\$60,550.50), B. Parking Fees (\$6,750.00), C. MCPS Supplement (\$300.00), D. Corollary Allocation (\$3,200.00), E. Gate Receipts Required (\$32,049.51), F. Gate Receipts Optional (\$3,337.00), G. Other Support/Income (\$52,734.23), H. Non Athletic Support Income (\$0.00).

Total Athletic Income (A through H) \$158,921.24 (II)

III. Total Operating Income (I + II) \$244,050.05 (III)

IV. Athletic Expenses (Subtotals)

Table with 2 columns: Description and Amount. Rows include A. Boys' Sports (\$35,467.32), B. Girls' Sports (\$19,834.19), C. Coed Sports (\$7,275.63), D. Cheerleader/Poms (\$12,125.31), E. All Sports/Miscellaneous (\$68,429.29).

Total Athletic Expenses (A through E) \$143,131.84 (IV)

V. Closing Balance (III - IV) \$100,918.21 (V)

\*\* Must agree with financial specialist's report \*\*

VI. Authorization / Signatures (Required)

Handwritten signature of Athletic Director and date 6/10/14

Handwritten signature of Financial Specialist and date 6/10/14

Handwritten signature of Principal and date 6/10/14



**SCHOLAR ATHLETES TO SUCCESSFUL LEADERS**

**WINNERS FOR LIFE SERIES**

**THE JOHN A. WILSON BUILDING**

**1350 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20004**

**DATE TO BE DETERMINED IN MAY 2015**

**9:00 AM TO 3:00 PM**

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# SCHOLAR ATHLETES TO SUCCESSFUL LEADERS

## WINNERS FOR LIFE SERIES (SUGGESTED SCHOOLS AND SPONSORS)

THE JOHN A. WILSON BUILDING – ATRIUM AND LOBBY  
9:00 AM TO 3:00 PM

### DRAFT EVENT OUTLINE

### GROUND FLOOR - ATRIUM

#### CONSORTIUM OF UNIVERSITIES OF THE WASHINGTON METROPOLITAN AREA

AMERICAN UNIVERSITY  
THE CATHOLIC UNIVERSITY OF AMERICA  
GALLAUDET UNIVERSITY  
GEORGE MASON UNIVERSITY  
THE GEORGE WASHINGTON UNIVERSITY  
GEORGETOWN UNIVERSITY  
HOWARD UNIVERSITY  
MARYMOUNT UNIVERSITY  
NATIONAL DEFENSE UNIVERSITY  
NATIONAL INTELLIGENCE UNIVERSITY  
TRINITY WASHINGTON UNIVERSITY  
UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES  
UNIVERSITY OF THE DISTRICT OF COLUMBIA  
UNIVERSITY OF MARYLAND

#### BUILDING BRIDGES TO HIGHER EDUCATION

COMMUNITY COLLEGE OF THE DISTRICT OF COLUMBIA, MONTGOMERY COUNTY COMMUNITY COLLEGE  
AND NORTHERN VIRGINIA COMMUNITY COLLEGE  
DC COLLEGE SAVING PLAN, DC COLLEGE ACCESS AND DOUBLE THE NUMBERS  
AMERICORPS, CENTER FOR EMPLOYMENT TRAINING AND CITY YEAR  
ARMED FORCES – FIRST THREE TO CONFIRM (AIR FORCE, ARMY, COAST GUARD, MARINES & NAVY)  
TRADE SCHOOLS – FIRST THREE TO CONFIRM (BENNETT COLLEGE FOR COSMETOLOGY, ETC.)

### FIRST FLOOR - LOBBY

#### HEALTHY BREAKFAST, SNACK AND LUNCH OPTIONS PLUS SUGGESTED SPONSORS

CAREFIRST  
COCA COLA HEALTHY DRINK PRODUCTS  
FIELDTURF  
KAPLAN TEST PREP  
MARLOW SPORTS  
WALMART  
CNMC & NRH MEDSTAR

# **SCHOLAR ATHLETES TO SUCCESSFUL LEADERS**

## **WINNERS FOR LIFE SERIES = ATHLETICS + HEALTH & WELLBEING**

**THE JOHN A. WILSON BUILDING – ROOM 412**

**9:30 AM TO 11:00 AM**

### **DRAFT EVENT OUTLINE**

**WELCOME (5 MINUTES) - MEMBERS OF THE COMMITTEE ON HEALTH AND HUMAN SERVICES**

YVETTE ALEXANDER, CHAIRWOMAN – COMMITTEE ON HEALTH AND HUMAN SERVICES

MARY M. CHEH, CHAIRWOMAN – COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

DAVID GROSSO, CHAIRMAN – COMMITTEE ON EDUCATION

BRIANNE NADEAU, WARD ONE - MEMBER OF THE DC COUNCIL

**NATIONAL ADDRESS VIDEO (5 MINUTES)**

MICHELLE OBAMA. FOUNDER – LET'S MOVE CAMPAIGN

FIRST LADY, UNITED STATES OF AMERICA

**ATHLETICS = HEALTH & WELLNESS (30 MINUTES PANEL DISCUSSION)**

YVETTE ALEXANDER, MODERATOR AND DC COUNCIL MEMBER – WARD SEVEN

DR. SYLVIA MATHEWS BURWELL, SECRETARY – US DEPARTMENT OF HEALTH & HUMAN SERVICES

DR. LAQUANDRA NESBITT, DIRECTOR – DC DEPARTMENT OF HEALTH (DOH)

DR. KURT NEWMAN, PRESIDENT & CEO – CHILDREN'S NATIONAL HEALTH SYSTEMS (CNHS)

**ATHLETIC HEALTH SEMINARS (30 MINUTES TOTAL – 15 MINUTES EACH)**

DR. SHIREEN ATABAKI, CONCUSSIONS – CHILDREN'S NATIONAL MEDICAL CENTER (CNMC)

TBA, SPORTS NUTRITION AND MEDICINE – MEDSTAR NATIONAL REHABILITATION HOSPITAL (NRH)

**QUESTIONS FROM AUDIENCE (15 MINUTES)**

SCHOLAR ATHLETES FROM 10 SCHOOLS - DC HIGH SCHOOL SPORTS TEAMS IN ALL OF THE EIGHT (8) WARDS

(ANACOSTIA, ARCHBISHOP CARROLL, CARDOZO, EASTERN, FRIENDSHIP COLLEGIATE ACADEMY, THE LAB

SCHOOL, MODEL SECONDARY SCHOOL FOR THE DEAF, THEODORE ROOSEVELT, SCHOOL WITHOUT WALLS,

WOODROW WILSON)

**ADJOURNMENT - THANK YOU ALL FOR ATTENDING!**

SPONSORSHIP TABLES IN REAR HALLWAY OF ROOM 120 – US DEPARTMENT OF HEALTH, DC DEPARTMENT OF HEALTH, LET'S MOVE CAMPAIGN, CNMC, NRH AND OTHERS

# **SCHOLAR ATHLETES TO SUCCESSFUL LEADERS**

**WINNERS FOR LIFE SERIES = ATHLETICS + WORKFORCE DEVELOPMENT**

**THE JOHN A. WILSON BUILDING – ROOM 412**  
**11:30 AM TO 1:00PM**

## **DRAFT EVENT OUTLINE**

**WELCOME (5 MINUTES) - MEMBERS OF THE COMMITTEE ON BUSINESS, CONSUMER AND REGULATORY AFFAIRS**

VINCENT ORANGE, CHAIRMAN – COMMITTEE ON BUSINESS, CONSUMER AND REGULATORY AFFAIRS  
ELISSA SILVERMAN, AT LARGE – MEMBER OF THE DC COUNCIL  
BRIANNE NADEAU, WARD ONE – MEMBER OF THE DC COUNCIL  
CHARLES ALLEN, WARD SIX – MEMBER OF THE DC COUNCIL

**HIGH PROFILE SPONSOR VIDEO (5 MINUTES)**

JAMES BROWN, MAGIC JOHNSON, TED LEONISIS, ETC...  
NAME OF COMPANY

**ATHLETICS = WORKFORCE DEVELOPMENT (30 MINUTES PANEL DISCUSSION)**

VINCENT ORANGE, MODERATOR AND DC COUNCIL MEMBER – AT LARGE  
DEBORAH CARROLL, DIRECTOR – DC DEPARTMENT OF EMPLOYMENT SERVICES (DOES)  
B. DOYLE MITCHELL, JR., PRESIDENT AND CEO – INDUSTRIAL BANK  
HARRY WINGO, PRESIDENT – DC CHAMBER OF COMMERCE (DCCC)

**ATHLETIC WORKFORCE DEVELOPMENT SEMINARS (30 MINUTES TOTAL – 15 MINUTES EACH)**

DC BANK PROGRAM PLUS THE BENEFITS OF SAVINGS PRESENTATION BY INDUSTRIAL BANK  
BUSINESS WEAR FASHION PRESENTATION BY ?, STORE MANAGER – ANN TAYLOR OR DRESS BARN PLUS  
KEVIN WEBB, STORE MANAGER – JOSEPH A. BANKS RETAILERS

**QUESTIONS FROM AUDIENCE (15 MINUTES)**

SCHOLAR ATHLETES FROM 10 SCHOOLS - DC HIGH SCHOOL SPORTS TEAMS IN ALL OF THE EIGHT (8) WARDS  
(ANACOSTIA, ARCHBISHOP CARROLL, CARDOZO, EASTERN, FRIENDSHIP COLLEGIATE ACADEMY, THE LAB  
SCHOOL, MODEL SECONDARY SCHOOL FOR THE DEAF, THEODORE ROOSEVELT, SCHOOL WITHOUT WALLS,  
WOODROW WILSON)

**ADJOURNMENT – THANK YOU ALL FOR ATTENDING!**

SPONSORSHIP TABLES IN REAR HALLWAY OF ROOM 123 – INDUSTRIAL, DOES, DCCC, FCC AND OTHERS

# **SCHOLAR ATHLETES TO SUCCESSFUL LEADERS**

**WINNERS FOR LIFE SERIES = ACADEMICS + ATHLETICS**

**THE JOHN A. WILSON BUILDING – ROOM 500**

**1:30 PM TO 3:00 PM**

## **DRAFT EVENT OUTLINE**

### **WELCOME (5 MINUTES) - MEMBERS OF THE COMMITTEE ON EDUCATION**

DAVID GROSSO, CHAIRMAN – COMMITTEE ON EDUCATION  
YVETTE ALEXANDER, CHAIRWOMAN – COMMITTEE OF HEALTH & HUMAN SERVICES  
ANITA BONDS, CHAIRWOMAN – COMMITTEE OF HOUSING AND COMMUNITY DEVELOPMENT  
CHARLES ALLEN, WARD SIX – MEMBER OF THE DC COUNCIL

### **OPENING REMARKS (5 MINUTES)**

PHIL MENDELSON, CHAIRMAN - DC COUNCIL AND EVENT HOST  
MURIEL BOWSER, MAYOR - DISTRICT OF COLUMBIA

### **NATIONAL ADDRESS VIDEO (5 MINUTES)**

BARACK OBAMA, PRESIDENT  
UNITED STATES OF AMERICA

### **PATHWAY TO THE NCAA (30 MINUTES PANEL DISCUSSION)**

DAVID GROSSO, MODERATOR AND DC COUNCIL MEMBER – AT LARGE  
ARNE DUNCAN, SECRETARY – UNITED STATES DEPARTMENT OF EDUCATION  
CLARK RAY, DIRECTOR OF ATHLETICS – DC STATE ATHLETIC ASSOCIATION (DCSAA)  
EDGAR BURCH, ASSISTANT DIRECTOR – NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA)

### **ATHLETIC ACADEMIC SEMINARS (30 MINUTES TOTAL – 15 MINUTES EACH)**

KEVIN ANDERSON, ATHLETIC DIRECTOR – UNIVERSITY OF MARYLAND (UMD)  
CLIFF CROSBY, FORMER NFL PLAYER AND SCHOOL PARTNERSHIPS MANAGER – COLLEGE SUMMIT

### **QUESTIONS FROM AUDIENCE (15 MINUTES)**

SCHOLAR ATHLETES FROM 10 SCHOOLS - DC HIGH SCHOOL SPORTS TEAMS IN ALL OF THE EIGHT (8) WARDS  
(ANACOSTIA, ARCHBISHOP CARROLL, CARDOZO, EASTERN, FRIENDSHIP COLLEGIATE ACADEMY, THE LAB  
SCHOOL, MODEL SECONDARY SCHOOL FOR THE DEAF, THEODORE ROOSEVELT, SCHOOL WITHOUT WALLS,  
WOODROW WILSON)

### **ADJOURNMENT - THANK YOU ALL FOR ATTENDING!**

SPONSORSHIP TABLES ON SIDES OF ROOM 412 – US DEPARTMENT OF EDUCATION, OSSE, DCSAA, MSADA,  
NCAA, NIAAA, COLLEGE SUMMIT, UMD AND OTHERS

# **SPECIAL THANKS!**

**THIS BACK PAGE WILL INCLUDE THE LONG LIST OF PERSONS  
NEEDED TO MAKE THIS A SUCCESSFUL EVENT.**

**PLEASE SEE THE BACK PAGE OF ATTACHED PROGRAM FROM 2010  
AS AN EXAMPLE...**

**AS ALWAYS, THANK YOU FOR YOUR TIME AND CONSIDERATION.  
PLEASE CONTACT ME AT 202-465-6634 OR  
JOYMTAYLOR@COMCAST.NET, IF YOU HAVE ANY QUESTIONS OR  
NEED ADDITIONAL INFORMATION.**

**JOY TAYLOR**

**SCHOLAR ATHLETES TO SUCCESSFUL LEADERS  
DC HIGH SCHOOLS (20 PER SCHOOL MAX.)**

**DATE TO BE DETERMINED**

*(AS OF 3/19/15)*

1. **Anacostia High School – Home of the Indians {Royal Blue & Scarlet Red} (Ward 8)**  
1601 16<sup>th</sup> Street, SE  
Washington, DC 20020  
202-698-2155 Phone + 202-698-2188 Fax  
Web Address: [www.anacostiahigh.org](http://www.anacostiahigh.org)  
Lloyd Bryant, Interim Principal  
Enrollment – 800  
Walter Bond, Athletic Director (Email: [Walter.Bond@dc.gov](mailto:Walter.Bond@dc.gov) Cell: )  
Scholar Athletes – (Miss and Mister Senior – Fashion Show & Photo Models)
  
2. **Archbishop Carroll High School – Home of the Lions {Forest Green & } (Ward Five)**  
4300 Harewood Road, NE  
Washington, DC 20017  
202-529-0900 Phone; 202-526-8879 Fax  
Web Address: [www.archbishopcarroll.org](http://www.archbishopcarroll.org)  
Katy Dunn, Principal (Ext. 119 & [kdunn@achsd.org](mailto:kdunn@achsd.org))  
Enrollment –  
Torrance Hill, Athletic Director (Ext.115 & [thill@achsd.org](mailto:thill@achsd.org))  
Scholar Athletes – (Miss and Mister Senior – Fashion Show & Photo Models)
  
3. **Cardozo Education Campus – Home of the Clerks {Purple & White} (Ward One)**  
1200 Clifton Street, NW  
Washington, DC 20009  
202-673-7385 Phone; 202-673-2232 Fax  
Web Address: [www.cardozohs.com](http://www.cardozohs.com)  
Tanya Roane, Principal  
Enrollment – 681  
Jim Leatherman, Athletic Director (Email: Cell: )  
Scholar Athletes – (Miss and Mister Senior – Fashion Show & Photo Models)
  
4. **Eastern Senior High School – Home of the Ramblers {Columbia Blue & White} (Ward Six)**  
1700 East Capitol Street, NE  
Washington, DC 20003  
202-698-4500 Phone & Athletics + 202-698-4800 Fax  
Web Address: [www.easternhighschooldc.org](http://www.easternhighschooldc.org)  
Rachel Skeritt, Principal  
Enrollment – 1200  
Dr. Patricia Briscoe, Athletic Director (Email: [Patricia.Briscoe@dc.gov](mailto:Patricia.Briscoe@dc.gov) Cell: 202-489-8048)  
Scholar Athletes – (Miss and Mister Senior – Fashion Show & Photo Models)



10. **Woodward Wilson High School – Home of the Tigers {Forrest Green & White} (Ward Three)**  
3950 Chesapeake Road, NW  
Washington, DC 20016  
202-282-0120 Phone + 202-579-5335 Athletics Office + 202-282-0077 Fax  
Web Address: [www.wilsonhs.org](http://www.wilsonhs.org)  
Greg Bargeman, Interim Principal  
Enrollment – 1696  
Mitch Gore, Athletic Director (Email: [Mitch.Gore@dc.gov](mailto:Mitch.Gore@dc.gov) Cell: 202-579-5335)  
Scholar Athletes – (Miss and Mister Senior – Fashion Show & Photo Models)



## CAPITAL ATHLETICS ASSOCIATION

"LEADING THE NATION'S CAPITAL TO BE THE NATION'S BEST IN ATHLETICS"



## **PUBLIC EDUCATION ENRICHMENT FUND (PEEF)** **SPORTS, LIBRARIES, ARTS AND MUSIC (SLAM)**

San Francisco is nationally recognized for its exceptional funding streams for after-school programs. Athletic Commissioner for the San Francisco Unified School District (SFUSD), Donald Collins, is willing to answer your questions via phone or video Conference upon your request.

The Public Education Enrichment Fund (PEEF) was secured by voters in the general election of 2004 with the passage of Proposition H and renewed as Proposition C, the Children and Families First Initiative by the majority of voters in November 2014 until 2041. The starting fund was \$10M and is now at \$50M – please see attached article.

SLAM has become the largest of the three voter approved platforms to financially support youth athletics in San Francisco. The second is the Stadium Admissions Tax invented by the owners of the SF 49ers and SF Giants (but now the 49ers are in Santa Clara). The third is the ability to develop strategic partnerships; such as First Tee Golf training facilities at middle schools – to highlight a few exciting public-private sponsorships.



## **SUGGESTED 2015-2016 ATHLETIC BUDGET FOR DC KIDS** **MIDDLE AND HIGH SCHOOLS – CHARTER AND PUBLIC**

With the support and guidance from the National Interscholastic Athletic Administrators Association (NIAAA), the Maryland State Athletic Directors Association (MSADA) will create a special membership for the District of Columbia Athletic Directors Association (DCADA) until it can grow and establish itself as an official state chapter. The focus will be to work with the America's best athletic directors as a team to construct a world-class youth athletic program in the Nation's Capital using the best practices and resources of each of the fifty (50) states.

Athletics is one of the best proven pathways for higher education, academic excellence, lifelong health and wellness, workforce development plus juvenile justice prevention strategies, especially for urban youth. DC has the one of the lowest budgets for its athletic departments in the nation, principally because it does not have true leadership, administrative support nor the help of corporate, parental and community based booster clubs. Most damaging is the DC's inability to raise funds - due to current legislation which prevents fundraising and beneficial financial plus in-kind sponsorships on all DCPS government property.

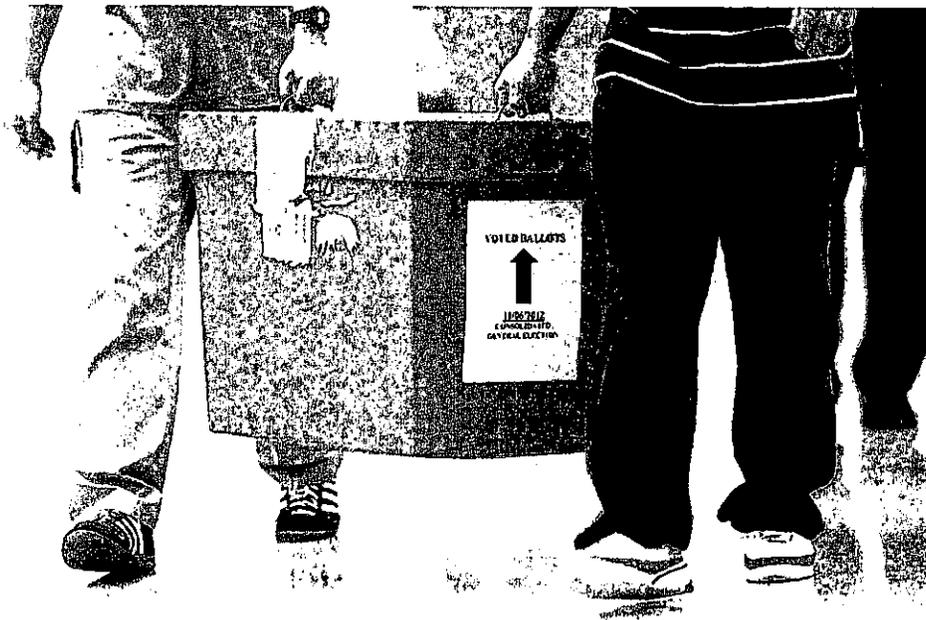
Spearheaded by Karl S. Heimbach, President of the MSADA and Section 2 Board Member (DC, DE, KY, MD, OH, PA, VA, WV) the goal is to advocate for \$50,000 in OSSE funds to have the NIAAA conduct an assessment of DC, so that we can become the Nation's Best at the national standard.

Features » Careers & Education

## 50 million reasons to give thanks for school programs

by Richard A. Carranza

November 25, 2014



Jeff Chiu/2012 ap file phot

Thanks to voters, San Francisco schools will receive \$50 million in additional funding per year.

In just a couple days we'll be gathering with close friends and family to give thanks for many, many things.

I have a lot to be grateful for and, most recently, I've been grateful for Proposition C, the Children and Families First initiative, passed this month by a majority of voters because it means so much to all of our students for years to come.

To the tune of about \$50 million a year, it's a continued investment in our children and guaranteed funding for the Public Education Enrichment Fund and the Children and Youth Fund (formerly the Children's Fund) until 2041.

Here's a glimpse of what PEEF has made possible since 2004:

**Arts and music:** Over the past 10 years, we increased staffing of elementary school arts teachers by 50 percent. At the same time, we offered even more middle school art classes and maintained arts in all of our high schools.

**Nurses and social workers:** The PEEF has enabled us to triple the number of social workers and nurses serving kindergarten through eighth grades in our schools.

**Physical education:** It used to be that only elementary school teachers taught PE at elementary schools. Now nearly 100 percent of our K-5 schools have credentialed PE teachers who help elementary schools ensure children get the best physical education instruction.

**Libraries:** Prior to PEEF, only 23 percent of schools were staffed by a teacher librarian. Now all schools have a librarian on site at least two days per week. And the number of credentialed teacher librarians more than tripled since PEEF funding began. And the number of library books circulated by our students is now more than 1 million books.

**Wellness Centers:** Along with funding from the Department of Children, Youth, and Families, PEEF has increased the number of high school Wellness Centers by 50 percent.

**Sports:** With PEEF, the number of paid athletic coaches has increased by 30 percent, serving 7,000 students playing on 394 teams. Last school year, PEEF provided 1,646 bus trips to games for athletes as well as security personnel for 448 athletic contests.

**Translation and interpretation services:** These services are vital for our families. The number of events with interpreting services increased 40-fold and we tripled

the number of documents translated each year and added access to even more languages including Tagalog, Russian, Vietnamese, Arabic and Samoan.

I can't thank you enough for supporting, sustaining and building on programs that make San Francisco a great place for children and families.

Richard A. Carranza is the superintendent of the San Francisco Unified School District.

## Tags

CAREERS & EDUCATION   SAN FRANCISCO UNIFIED SCHOOL DISTRICT   PROPOSITION C   PUBLIC EDUCATION ENRICHMENT FUND  
CHILDREN AND YOUTH FUND

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**SWITCH TO DESKTOP**



**CAPITAL ATHLETICS ASSOCIATION**

"LEADING THE NATION'S CAPITAL TO BE THE NATION'S BEST IN ATHLETICS"

**Testimony to the DC Council Committee on Education  
Agency Performance Oversight Hearing  
District of Columbia Public Schools  
Submitted By  
Joy Taylor  
Executive Vice President  
Capital Athletics Association**

**February 19, 2015**

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Thank you, Chairman Grosso and Members of the DC Council Committee on Education for giving Capital Athletics Association this opportunity to present an official request for the transformation of the Department of Athletics within the District of Columbia Public Schools.

My name is Joy Taylor, Executive Vice President for Capital Athletics Association. Founded on December 4, 2008, Capital Athletics is a non-profit 501c (4) social welfare organization, incorporated in the District of Columbia. Its mission is to advocate for the funding and resources necessary for scholar-athletes to secure academic and athletic scholarships to institutions of higher education; thus, access to the lifelong personal and professional opportunities required to serve as productive citizens of the Nation's Capital.

The goal of this testimony is to ask the Committee on Education to create a special taskforce to investigate then approve the best strategy for transformation. With the support and guidance from the National Interscholastic Athletic Administrators Association (NIAAA) and the Maryland State Athletic Directors Association (MSADA) which created a special membership for the District of Columbia Athletic Directors Association (DCADA) until it can grow and establish itself as an official state chapter, it has been officially determined that the Nation's Capital has by far the lowest budget and resources per scholar athlete in Section 2 of the NIAAA (which includes Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Virginia and West Virginia) because it does not have support from the leadership for education as a tool for academic excellence.

Athletics is one of the best proven pathways for higher education and workforce development, especially for urban youth. However, the District of Columbia has created insurmountable barriers for its success. The most damaging is the inability to raise funds on all school property due to current District legislation, which prevents fundraising and beneficial financial sponsorships. The simple solution would be to pass legislation based on both the B19-0758 "Department of Parks and Recreation Concession Authority Act of 2012" that allows fundraising on DPR property and B19-0757 "Department of Parks and Recreation Revenue Generation Clarification Amendment Act of 2012" that allows sponsorships.

As an example, the DCIAA budget for DCPS High School Athletic Directors is \$33,000 per year to spend on equipment, uniforms, transportation to outside league games plus food and lodging. Yet in Montgomery County, MD, the annual central budget for the same is an average of \$66,000. MCPS final allotments are based on each school's ability to fundraise an additional \$93,000 in private donations (ticket sales, concessions, and sponsorships) to maintain the total minimum budget of \$159,000 annually; with schools that have an easy time raising funds are given less from central administration and those that have a hard time securing funds are given more.

Also, Athletic Directors in DCPS are currently paid as an after-school position a total of \$2,798.00 per year in addition to their full-time base salary. Comparatively, the Athletic Directors in Fairfax County, Virginia are classified as Administrators, had starting salaries of \$85,000.00 as a full-time position back in 2007. It is likely that, since then, Fairfax County's base salary for this classification has further increased, creating an even more significant gap between DC Athletic Directors and their peers for the

exact same job in Virginia high schools in salary, required training and certification, college recruitment opportunities plus institutional support systems.

However, it is impossible to inform the Committee on the true problems and solutions for athletics within a three minute testimony. Therefore, I would like to request the redevelopment of the "Scholar Athlete to Successful Leaders" event here at the John A. Wilson Building to bring the best of the best in secondary and collegiate educational programs plus corporate employers to inform the Committee on academic and workforce development benefits of investing in athletics. The focus will be to work with the numerous organizations as a team to construct the premier standard in youth athletic programs in the Nation's Capital using world-class practices and resources. With your permission, it is our goal to schedule the event on Thursday, March 26, 2015 to ensure that Committee is properly informed prior to the 2015-2016 budget hearings.

Again, thank you for your time and consideration. I look forward to answering any questions that you may have about the "Scholar Athletes to Successful Leaders" program or the Capital Athletics Association.



## CAPITAL ATHLETICS ASSOCIATION

"LEADING THE NATION'S CAPITAL TO BE THE NATION'S BEST IN ATHLETICS"

### **BIOGRAPHY**

**JOY M. TAYLOR**

**EXECUTIVE VICE PRESIDENT**

Joy M. Taylor was the highest vote getter for the At-Large Committee Member for the District of Columbia Democratic State Committee on April 1, 2014. She secured over 28,000 votes citywide in her very first ever election. She then volunteered and successfully advocated the DC Council to fund a pilot program to create the national model for Concussion Care and Training by the DC Department of Health. The grant was won by the Children's National Health System and National Rehabilitation Hospital, and the pilot program will focus on the best training strategies for Return to Play, School and Work protocols for pediatric patients.

Joy became Executive Vice President of Capital Athletics Association when she co-founded the 501(c)4 organization on December 4, 2008. She is responsible for the overall management of Capital Athletics and its advocacy programs. Her goal is to promote athletics as a vehicle for higher education and enhanced quality of life for over 10,000 scholar athletes within the District of Columbia Charter, Private and Public Schools. She fervently believes athletics secures the resources necessary to ensure our children's academic excellence along with lifelong success in terms of personal and professional development.

As a volunteer, she served as Special Assistant to the President of the District of Columbia Board of Education. After comprehensive research on which programs were determined the best to improve overall academic achievement and workforce development, she wrote the resolutions with supporting documentation to secure over \$6 M in funding to purchase equipment and uniforms, which totaled \$2.31 M for high school athletics (#1) and \$3.39 M for high school music programs (#2) and \$300 K for museum studies. She also reviewed the initial paperwork for the athletic stadiums at DCPS high schools with sports programs and specific Department of Parks and Recreation centers which are adjacent to various DCPS middle schools.

For this, she won the 2008 Donald Huff Award by The Washington Post (Editors of High School Athletics) due to the transformation of high school athletics within the Nation's Capital. Based on the award, she was given grants from the DC Children and Youth Investment Trust Corporation to create Capital Athletics Association to advocate for youth athletics to enhance academic and workforce development.

In 2003, she was the event planner and fundraiser for the Hispanic College Fund's 10<sup>th</sup> Anniversary Gala at the newly opened Washington Convention Center. The event doubled both the annual attendance rate and the net profits by highlighting the diversity of the 20 Hispanic Countries. Before this, she was a consultant to the School-to-Careers Department for the Oakland Unified School District. There she formed relationships with the business and fashion departments of the Art Institute of San Francisco, San Francisco State University, the Fashion Institute of Design and Merchandising (SF) and the Haas School of Business at the University of California, Berkeley plus numerous corporations like Macy's West, Levi Strauss and PGE.

She began her business career as a volunteer before she became the Membership Marketing Manager for the DC Chamber of Commerce in 1993. She attended Hampton University to receive a Bachelor's Degree in Marketing in 1991. Since then, she has taken courses for Special Event Planning Certification at The George Washington University plus the Marketing Certification at the UC Berkeley Continuing Education programs. Joy is currently taking classes with the National Interscholastic Athletic Administrators Association.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
District of Columbia Public School (DCPS)



Public Hearing on  
B21-5, "Access to Emergency Epinephrine in Schools Act of 2015"

and

B21-31, "Title IX Athletic Equity Act of 2015"

Testimony of  
**John Davis**  
Chief of Schools

Before the

Committee on Education  
Chairman David Grosso

March 25, 2015  
Room 123  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004



**Testimony of John Davis, Chief of Schools  
District of Columbia Public Schools (DCPS)**

**before the  
Council of the District of Columbia – Committee on Education**

**\*\*\***

**Public Hearing on B21-31, Title IX Athletic Equity Act of 2015**

**Wednesday, March 25, 2015**

**Introduction**

Good afternoon, Councilmember Grosso and members of the Committee. I am pleased to offer comments today on Bill 21-31, the “Title IX Athletic Equity Act of 2015” and on our progress in athletic programming for DC Public Schools.

Let me start by saying that DCPS is deeply committed to ensuring that our schools comply with the requirements of Title IX in all ways, including athletics. We know that Title IX protects individuals from discrimination based on gender in any education programs or activities which receive federal financial assistance. But we are not merely focused on compliance with the federal requirements. DCPS actually envisions the development of rich athletic programming that expands opportunities, especially for our female student-athletes to pursue their interests in sports, while building invaluable skills for life.

**Update on DCPS Settlement Agreement with U.S. Department of Education**

***Data Collection and Reporting.*** We are pleased to report that DCPS is in full compliance with the settlement agreement filed with the Department of Education Office of Civil Rights (OCR) in 2013. We are in constant, close communication with OCR and continue to work with the Department to clarify and fulfill the requirements of the agreement. Per the agreement, we’ve created an Athletics Tracking Database and use it to build rosters and track participation for every sport that DCPS offers. Each July 1<sup>st</sup> (until OCR closes its monitoring of this case), DCPS is required to provide the number of participants on each interscholastic athletic team at each school by gender. DCPS sent the first report before the 2014 deadline and we are currently on track to submit this year’s report well before the 2015 deadline.

***Determining Unmet Interest and Ability.*** DCPS was required by OCR to survey female students at each DCPS high school, and its eighth grade level at every middle school. We administered 1,838 surveys to the high schools students, and 714 to middle schools students. As a result of the survey results, we added Swimming as a sport. The survey results indicated that there was also a strong interest in Gymnastics and Double Dutch. We are currently hosting focus groups to gain a sense of students' ability levels that would support the creation of teams in these sports. DCPS is equally committed to creating opportunities for the formation of *new*, sanctioned sports. In addition to the expansions generated by student surveys, we have also worked with Athletic Directors to upgrade club sports. Our policy for creating new sports programs is also published on our website.

We were also required, as a part of the Settlement Agreement, to develop resources identifying all sports, teams, and the levels of those sports offered at each high school. The Department of Athletics produced charts that are posted in major common areas where they are clearly visible to students and highlight the sports that are offered across the district; this way, if a student's own school does not offer a sport, they are able to find a school that does offer it. DCPS students are allowed to participate in sports at any high school if the sport is not offered at their home school. This information is also posted on the DC Interscholastic Athletic Association (DCIAA) website.

To put a human touch to our quest to capture our girls' interests in sports, last year, we added Female Sports Liaisons in *each* DCPS high school. These staff members work with students at the high school level, as well as in the middle schools, to provide information and to promote and support their interests. We are aware of the press for a wide variety of additional sports that may sound attractive in the abstract, but do not necessarily match the data we've collected from our students. The work that we've done and continue to do satisfies the requirement to determine students' unmet interest and ability.

***Actions to Increase Athletic Opportunities.*** The installation of the Liaisons at each high school is a critical tool for increasing the athletic opportunities for students. These individuals will help us assess the unmet needs and improve communication between middle and high schools. DCPS was also required to provide information gauging the impact of the lack of transportation on our student-athletes' participation in programs at other schools. We determined that our city's local transportation partnerships, providing free

access to public transportation, pretty nearly eliminates that challenge. The *DC Kids Ride Free* program is designed to ensure that students have transportation to and from school and school activities; beyond this, if a transportation issue occurs with a student athlete, the Athletics Department provides Metro cards or tokens to ensure that students can get to practices at an alternate high school.

***Data Reporting and Transparency.*** We acknowledge that the Council is keenly concerned about data reporting and transparency of data in terms of Title IX for athletics in DCPS. We share that interest in knowing how we are doing and where there are gaps – so that we can plan for and build stronger programming. Several of the reporting elements included in the bill mirror what we are already required to provide to OCR in annual reports. Those reports must detail participation numbers and rates, lists of teams, and year-over-year increases in the size of teams. All of these are broken down by gender for each DCPS high school. We have submitted the required reports for last year to OCR and we're working to ensure that timely submission this year. But beyond that, we are confident that, with the Athletics Tracking Database, we are in a good position to make our athletics participation data widely available and more transparent.

Already, the DCIAA website provides a portal for students – and the public- to view standings and results, to look up information on the NCAA Eligibility Center, or on upcoming SAT and ACT testing dates. We are revising our Athletics Handbook and strengthening the language around Title IX. We are certainly open to considering ways to circulate add even more information here that gives the public information about the district's sports programs.

### **The Good News of our Progress**

I want to take time now to describe some of the work we have accomplished since we appeared before the Council last year. We are very proud of the progress we have made, both in adding sports and increasing female students' participation in sports. Over the last several years, we have seen an increase in female participation in four sports: Varsity Girls Basketball, Girls Indoor Track, Girls Soccer, and Volleyball. We added two new girls soccer teams at Cardozo and Roosevelt (comprised of 33 new female athletes) and have seen small, but encouraging increases in participation on each team. Just this year, over the Fall

and Winter sports seasons, participation for female athletes in DCPS increased by 26%.

In its inaugural season this year, we have 12 new swim teams at six high schools, with 99 participants (52 girls and 47 boys). The team at Wilson High School fielded 28 female participants - 53% of the total participants. We are also excited to have three of our middle schools fielding swim teams. We have three girl's teams and three boy's teams, with 61 participants (38 girls and 23 boys). Also, in its second year, DCPS increased the total number of Bowling teams to 13; we expect bowling to continue to grow, which will also help us to close the gap related to female participation proportionality.

We also continue to emphasize the importance of building our girls' foundational skills at younger ages, since this will yield better and more talented players and generate a pipeline for our high school programs. We are doing this even at the elementary school level. One example is Walker-Jones Education Campus, which has developed into a powerhouse basketball program, appearing in three out of four championship games. The elementary girls team was victorious in their championship game, while the middle grades girls team reached the finals before losing to Deal Middle School in the championship. The Walker-Jones middle grades boys ended their season as champions of the EC Boys Basketball league. With the continued development of their student-athletes, including girls, Walker-Jones is a great example of elementary/middle school athletic programs that are helping us to create strong feeder programs for our high school athletic programs.

Since SY2011-2012, DCPS has realized an 11% increase in the total number of female participants in athletics. And we have made significant strides in reducing the negative proportionality for girls in DCPS. Seven of our high schools (Ballou, Banneker, Cardozo, Phelps, School Without Walls, Wilson and HD Woodson) are within the range - that is, within a 5% difference - to be considered compliant. Several schools are only a handful of female athletes away from being compliant. We have several schools that are further away in terms of proportionality (Anacostia, Coolidge, Eastern, and McKinley), but even at those schools, we know from the results of their surveys that we are actually meeting the unmet interests of the female students there. We have a bit more work to do with our alternative schools

(Luke C. Moore and DC Met), and we are continuing to evaluate the viability of our athletic programming at those two schools. Overall as a district, DCPS has reached 6.15% proportionality. This is good standing and it shows that we are making progress in meeting the needs of our female students.

Included with our testimony is some of the data highlighting participation rates, by gender and by school through the Fall and Winter sports seasons, as well as the increases over the previous year. We also provide data showing our participation proportionality.

### **Conclusion**

We've described the work we have done to date, and in our upcoming FY16 budget, we have a clear plan to improve schools with investments in a range of areas, particularly at the high school level, *including* providing every high school with an Athletics and Activities Director and ensuring that every DCPS high school has a band program to celebrate those teams. In this way, we are focused on building long-term sustainable programming for female athletes which will not only result in greater compliance, but also robust set of athletic opportunities for male and female students in DCPS.

We support the goals and ideals of the legislation being discussed today, and right now DCPS is in a posture of building the kind of programming we all envision, especially for our female athletes. Overall, DCPS is making good progress around proportionality, generating a track record of adding sports, and meeting the interests and abilities of students.

As the Chancellor puts it, "we know that our investments are working, and we have shown great progress. We know where our challenges lie and we have plans to address them." In our planning for athletic programs at DCPS, as much as our academic programming, we are excited about where our schools are headed and we are happy to have the Council's support in celebrating those strides and helping us to achieve any greater success.

Thank you the invitation to speak to you today. I would be happy to answer any questions.

## Appendix to Testimony of John Davis, DC Public Schools, March 25, 2015

(Blue – New teams for SY2014-2015. Green – Sports with increases in participation)

DCPS SY2014-2015 Student Athletics Participation Data for Fall and Winter HS Sports									
School	JV Girls Basketball	Basketball Girls	Cross Country Track Girls	Indoor Track Girls	Volleyball	Soccer Girls	Bowling	Swimming Girls	
Anacostia	0	12	2	0	11	0	7	0	
Ballou	0	10	2	4	13	5	14	0	
Banneker	10	6	2	4	14	14	0	0	
Bell (Chec)	0	11	0	8	12	19	7	0	
Cardozo	0	8	1	3	13	16	8	4	
Coolidge	0	10	5	0	0	0	4	0	
DC Met	0	0	0	0	0	0	0	0	
Dunbar	0	15	0	18	8	0	6	5	
Eastern	0	13	12	28	13	0	13	6	
HD Woodson	0	11	0	3	11	0	6	0	
Luke C. Moore	0	0	0	0	0	0	0	0	
McKinley Tech	0	13	12	21	18	16	5	6	
Phelps	0	12	0	5	9	0	5	0	
Roosevelt	0	11	0	3	10	17	8	0	
SWW	0	12	7	4	12	16	6	3	
Wilson	0	8	32	60	14	23	10	28	
Duke Ellington	0	0	0	0	0	0	0	0	
SY14-15 Totals	10	152	73	161	158	126	99	52	
SY13-14 Totals	15	116	83	116	143	76	112	0	
% Difference	-33%	31%	-12%	38%	10%	65%	-11%	New Sport	

DCPS SY2014-2015 Student Athletics Participation Data for Fall and Winter HS Sports									
School	Football	JV Football	Basketball Boys	JV Basketball Boys	Cross Country Track Boys	Indoor Track Boys	Soccer Boys	Swimming Boys	
Anacostia	29	0	14	9	2	9	0	0	
Ballou	40	0	11	14	7	17	10	0	
Banneker	3	0	3	7	0	0	14	0	
Bell (Chec)	29	0	11	16	0	1	19	0	
Cardozo	31	0	11	12	9	7	23	6	
Coolidge	36	0	12	12	4	1	0	0	
DC Met	2	0	9	0	0	0	0	0	
Dunbar	43	0	13	9	0	13	0	3	
Eastern	39	20	13	15	6	13	0	6	
HD Woodson	35	24	13	13	0	4	0	0	
Luke C. Moore	1	0	10	0	0	1	0	0	
McKinley Tech	44	0	10	14	7	14	22	4	
Phelps	36	0	11	16	6	7	14	0	
Roosevelt	24	0	15	11	0	5	21	0	
SWW	0	1	15	0	8	1	20	7	
Wilson	45	46	18	15	25	43	24	21	
Duke Ellington	0	0	0	0	0	1	0	0	
SY14-15 Totals	437	91	189	163	74	137	167	47	
SY13-14 Totals	421	126	165	144	70	138	84	0	
% Difference	3%	-27%	14%	13%	5%	-1%	99%	New Sport	

## Appendix to Testimony of John Davis, DC Public Schools, March 25, 2015

(Blue – New teams for SY2014-2015. Green – Sports with increases in participation)

DCPS SY2014-2015 Student Athletics Participation Data for Fall and Winter HS Sports			
School	Female Total by School	Male Total by School	Grand Total by School
Anacostia	32	63	95
Ballou	48	99	147
Banneker	50	27	77
Bell (Chec)	57	76	133
Cardozo	53	99	152
Coolidge	19	65	84
DC Met	0	11	11
Dunbar	52	81	133
Eastern	85	112	197
HD Woodson	31	89	120
Luke C. Moore	0	12	12
McKinley Tech	91	115	206
Phelps	31	90	121
Roosevelt	49	76	125
SWW	60	52	112
Wilson	175	237	412
Duke Ellington	0	1	1
Grand Totals SY2014-2015	833	1305	2138
Grand Totals SY2013-2014	661	1179	1840
% Difference	26%	10%	16%

Schools	Male Total School Enrollment	Female Total School Enrollment	Total Enrollment	Percentage of Female Students	# of Male Participants in Sports	# of Female Participants in Sports	Total Participants	Percentage of Female Athletes	Difference 2013-2014
Anacostia	368	392	760	51.58%	89	54	143	37.76%	13.82%
Ballou	351	353	704	50.14%	95	86	181	47.51%	
Banneker	106	321	427	75.18%	25	79	104	75.96%	
Bell	448	488	936	52.14%	102	78	180	43.33%	8.80%
Cardozo	364	212	576	36.81%	109	58	167	34.73%	
Coolidge	228	180	408	44.12%	89	30	119	25.21%	18.91%
DC Met	113	111	224	49.55%	15	0	15	0.00%	49.55%
Dunbar	315	311	626	49.68%	130	100	230	43.48%	6.20%
Eastern	400	377	777	48.52%	94	46	140	32.86%	15.66%
Luke C. Moore	133	174	307	56.68%	14	7	21	33.33%	23.34%
McKinley	280	378	658	57.45%	157	123	280	43.93%	13.52%
Phelps	194	116	310	37.42%	71	35	106	33.02%	
Roosevelt	264	193	457	42.23%	102	52	154	33.77%	8.47%
Spingarn	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SWW	223	320	543	58.93%	110	166	276	60.14%	
Wilson	910	808	1718	47.03%	362	304	666	45.65%	
Woodson	429	342	771	44.36%	121	85	206	41.26%	
Totals	5126	5076	10202	49.75%	1685	1303	2988	43.61%	6.15%

\*DCPS worked with OCR to properly calculate participation and proportionality numbers. The information was submitted to OCR in June of 2014 as a part of the annual reporting requirement.





**Testimony of  
Clark Ray  
Director of the State Athletic Association  
Office of the State Superintendent of Education**

**Public Hearing on  
Bill 21-31, "Title IX Athletic Equity Act of 2015"**

**Council of the District of Columbia  
Committee on Education  
The Honorable David Grosso, Chairman**

**March 25, 2015  
Room 123  
John A. Wilson Building**

Good afternoon Chairman Grosso and members of the Education Committee. My name is Clark Ray, and I serve as the Director of the State Athletic Association within the Office of the State Superintendent of Education (OSSE) for the District of Columbia. I am pleased to testify before you today with regard to Bill 21-31, the "Title IX Athletic Equity Act of 2015."

OSSE's DC State Athletic Association (or the DCSAA), established in June 2012, was created to expand interscholastic athletics via a state model that would allow for any school in the District of Columbia (public, public charter, and private) to compete against one another for statewide championships. The DCSAA has 43 member schools, which include every public and public charter high school in the District. Beyond participating in statewide competitions, DCSAA member schools share knowledge and best practices to enhance student-athlete achievement through athletic programming and to promote the educational significance of interscholastic athletics.

### **TITLE IX AND THE IMPORTANCE OF ATHLETICS**

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities offered by recipients of federal funding. The Title IX provision of equal opportunities with respect to the participation in interscholastic athletics is addressed in the Title IX implementing regulation. Simply put, Title IX requires institutions to provide students equal opportunities to play sports and comparable athletic benefits and services.

To demonstrate that students have equal opportunities to play sports, an institution must show one of the three compliance options: (1) the athletic participation opportunities for male and female students are provided in numbers substantially

proportionate to their respective enrollments; or (2) there is a showing by the institution of a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the underrepresented sex; or (3) it is demonstrated that the interests and abilities of the underrepresented sex are fully and effectively accommodated by the present program.

The second piece of Title IX requires that students have comparable, although not identical, benefits and services from their interscholastic athletics program, which include: equipment, supplies, scheduling of games and practice times, opportunities for coaching and academic tutoring, practice and competitive facilities, locker rooms and shower facilities, medical and training facilities and services, publicity, and recruiting.

Title IX of the Education Amendments of 1972 has had a profound impact on female participation in sports. For instance, in 1970, only 1 out of every 27 high school girls played varsity sports. As of 2012, two in five high school girls played varsity sports.

We all know that Title IX's benefits stretch far beyond the playing field. There is abundant research that shows that involvement in well run school-based athletic programs provide students with a structure and support system that leads not only to higher graduation rates and higher college acceptance and scholarship rates, but also decreases school truancy and drop outs rates, as well as teen drug use, and teen pregnancy.

## **CURRENT EFFORTS TO IMPROVE ACCESS TO ATHLETICS**

Therefore, OSSE and the DCSAA remain committed to ensuring equal athletic opportunity for female students at all of the District's schools. Over the last year and a half, OSSE and the DCSAA have continued to lay the groundwork necessary to bring about major improvements in our athletic offerings for female students so that the District is not only compliant with Title IX but a national leader in providing equal opportunities for the District's female student-athletes.

Each year the National Federation of State High School Associations conducts a "High School Participation Survey" where schools self-report various requested data points. The athletics portion of the participation survey collects the number of students playing a competitive sport from each high school - public, public charter and private. In the 2010-2011 School Year, the District of Columbia self-reported 1,262 female athletes. In the most recent Athletics Participation Survey, the 2013-2014 School Year, the District of Columbia self-reported 3,743 female athletes participating in basketball, competitive cheerleading, crew, cross country, golf, lacrosse, alpine skiing, soccer, softball, indoor and outdoor track and field, and volleyball. In addition, the most recent survey showed that girls are also competing in sports that are new to female athletes in the District such as bowling, field hockey, swimming and diving, and flag football.

In an effort to further ensure equal athletic opportunity, the DCSAA hired a Senior Women's Administrator/Title IX Coordinator for Athletics, Ms. Marie Rudolph, who is with us today. As the Title IX Coordinator, Ms. Rudolph is responsible for assisting the DCSAA in coordinating LEA sports programs and helping guide the development and implementation of an athletic program with a special emphasis on girls sports programming that will provide the best possible academic, health,

and physical education experiences for each student. She also serves as the primary contact for all interscholastic women's athletic programs and will work with each individual LEA to develop and promote women's interscholastic athletic programs.

In addition to hiring a Title IX Coordinator for Athletics, DCSAA also became a member of ATIXA (the Association for Title IX Administrators). The DCSAA membership is shared with all 43 member schools. ATIXA brings campus and district Title IX coordinators and administrators into professional collaboration to explore best practices, share resources, and advance the worthy goal of gender equity in education.

DCSAA has also organized a number of events to encourage and promote compliance with Title IX. For instance, on April 2, 2014, DCSAA held a Title IX and Athletics Workshop led by the Office of Civil Rights (OCR) where over eleven DCPS and public charter school representatives were in attendance. During the workshop, OCR laid a foundation for understanding the nuts and bolts of Title IX, including what is required of each school/LEA. In addition on December 3, 2014, DCSAA held a workshop titled, "Title IX: Equity and Sexual Misconduct in Athletics" led by W. Scott Lewis, J.D., the founder and advisory board member of ATIXA and SCOPE (School and College Organization for Prevention Education) where over fifteen DCPS and public charter school representatives were in attendance.

Additionally, DCSAA held three (3) developmental coaches clinics for girls in volleyball, soccer and softball and DCSAA designed Title IX awareness content

for a certification course required for DCSAA member school coaches and game officials.

DCSAA has and continues to work vigorously to encourage and promote athletic equity in the District. As a part of this ongoing effort, DCSAA proactively established a Title IX working group to help establish a true baseline understanding of the District's current status and inform how best to move forward. This cross-sector collaborative group is comprised of representatives from DCPS, charter LEAs, key stakeholders including, FOCUS, Sankofa, and the Mayor's Office of Women's Policy and Commission for Women. The Title IX working group served as a forum for stakeholders to share information and exchange best practices.

In 2014, the Title IX working group met four (4) times. During those meetings, the Title IX working group began to draft a Title IX Policy to govern DCSAA member schools modeled after Kentucky. DCSAA chose to model the District's Title IX policy after Kentucky because Kentucky was one of the most progressive states in this arena.

The policy, although still a work in progress, required DCSAA member schools to comply with the Title IX Policy in order to maintain membership, and essentially compete in statewide championships. The policy required each member school to:

- Create a Title IX plan that evaluated the entire athletic program and developed a corrective action if necessary;
- Establish a Gender Equity Review Committee who is responsible for evaluating the athletics program and managing Title IX issues at the member school;

- Require each LEA to designate an LEA Title IX Coordinator and a member school Title IX liaison. The LEA Title IX Coordinator is responsible for oversight and monitoring of each member school within the LEA and the Title IX liaison coordinates activities at the school level.
- Develop grievance procedures;
- Maintain a permanent and accessible Title IX Record that is subject to review by DCSAA which includes the plan, executive summaries of complaints and their resolutions, the grievance procedures, information about the Gender Equity Review Committee; and
- Submit an annual Title IX Report to DCSAA, using forms provided, that evaluate the aspects of Title IX compliance contemplated in the federal statute and its implementing regulations.

However, the working group never finalized the policy because the group received word that this Council's Title IX Athletic Equity Act of 2013 would be marked-up imminently. Nonetheless, it is the DCSAA's understanding that the working group is ready to reconvene to incorporate the concerns addressed in the legislation into the Title IX policy and remains committed to encourage and ensure athletic equity for students throughout the District of Columbia.

### **THE TITLE IX ATHLETIC EQUITY ACT OF 2015**

The Title IX Athletic Equity Act of 2015 aims to improve access to high quality athletic opportunities for female students by requiring all public schools to submit annually to the Mayor assurances of Title IX compliance and relevant data on their athletic programming. The bill also requires that the Mayor draft a five year strategic plan, and update it every five years thereafter, to bring all public elementary, middle, and high schools into compliance with Title IX. Lastly the bill

requires that the Mayor establish grievance procedures for Title IX related complaints and mandates the designation of a Title IX Coordinator at each public school and a Title IX Coordinator and a NCAA Athletic Scholarship Coordinator at the state level.

We applaud the bill's focus and intent and believe that the goal of the legislation is directly aligned with the efforts that OSSE and the DCSAA have recently embarked upon. However, given the cross-sector collaborative work of the Title IX Working Group and the great strides taken throughout the District towards athletic equity, OSSE highly recommends going forward with adopting the working group's policy recommendations, which share the same intent and goals of the proposed legislation, for the following reasons:

First, under current federal Title IX and its implementing regulation, compliance is the responsibility of each recipient of federal funds. It is our understanding that LEAs and state-level or citywide agencies have a separate responsibility for compliance with Title IX athletic requirements. We have concerns regarding the scope of the legislation as potentially imposing specific requirements on OSSE as the State Education Agency (SEA) for the District of Columbia to monitor and ensure the compliance of LEAs beyond what is contemplated in the federal legislative and regulatory scheme and, more importantly, with no mechanism for OSSE to compel the compliance of LEAs. Unlike other federal education grant programs that OSSE oversees and pursuant to which OSSE awards grants to LEAs, there are no Title IX or local grant funds that OSSE can withhold or direct the usage of to compel compliance by LEAs. Moreover, OSSE as the SEA, does not have similar responsibilities under other civil rights laws like Section 504, prohibiting discrimination on the basis of disability, or Title VI, prohibiting

discrimination on the basis of race, color, or national origin, which may raise questions as to why Title IX is accorded such heightened oversight.

Second, the legislation as written assumes schools are not currently in compliance. It appears to be a legislative acknowledgement of the violation of federal law that can further expose the District to OCR investigations and private law suits.

Third, requiring the Mayor to issue regulations to establish the grievance procedures for responding to and resolving complaints relating to noncompliance with Title IX would create a new requirement for the District of Columbia that is not required under the federal Title IX. Under federal Title IX regulations, the recipient of the federal funds shall adopt and publish grievance procedures. Further, the position of the DCSAA, through its Title IX working group, has been to allow each member school flexibility to establish its own grievance procedures to gain greater buy-in and support.

Finally, the legislation requires an “assurance of compliance with Title IX.” The assurance of compliance as described in the legislation shall include the requested data points. However, merely providing data is not an assurance of compliance with Title IX. As previously discussed, compliance with Title IX is determined through a three part test to evaluate participation opportunity and then an analysis to evaluate and weigh the benefits offered to participants. In other words, although an LEA or school may meet all the requirements of the Title IX Athletic Equity Act of 2015, a school may still not be compliant under federal Title IX.

If, however, the Committee decides to move forward with the legislation, OSSE and the DCSAA recommend that the Committee consider including the following key provisions from the Title IX Working Group's Policy:

- LEAs maintain control over developing grievance procedures, per the Title IX implementing regulation;
- Maintain a permanent and accessible Title IX Record that is subject to review by DCSAA; and
- Submit annual Title IX Report to DCSAA, using forms provided by DCSAA, that evaluate the aspects of Title IX compliance contemplated in the federal statute and its implementing regulations.

In addition, if the Committee decides to move forward with the legislation, OSSE and the DCSAA recommend that the Committee consider:

- Adding a provision to allow data collection to occur in a scaled fashion where high schools submit data this year and elementary and middle schools are phased in the following year;
- Removing race/ethnicity from the requested information as there is no legal basis to require this data, which falls under Title VI not Title IX;
- Adding fiscal impact of a consultant to complete the 5 year strategic plan;
- Adding an enforcement mechanism for the Mayor to bring LEAs into compliance with the legislation such as mandated Title IX trainings as offered or approved by the DCSAA; and
- Adding a definitions section.

As mentioned previously, OSSE and the DCSAA are fully committed to making major improvements in our athletic offerings for female students so that we are not

only compliant with Title IX but ensuring equal athletic opportunity for female students throughout the District's high schools. However, OSSE believes that allowing this issue to be addressed through policy and not through legislation will allow additional review by our Title IX working group and outside experts to ensure that we are focusing on the most important data points, provide flexibility to evolve the data collections to continually meet best practices, and potentially ensure buy-in as LEAs will have a chance to engage and participate fully in the working group. OSSE and the DCSAA will continue to work hard to ensure equal access to athletic opportunities and all the benefits that flow from them.

We look forward to working with the Council and other pertinent stakeholders as we work towards an effective solution that will provide assurance of fundamental fairness on the playing field and in all areas of education for each child in the District of Columbia. Thank you again, Chairman Grosso, for the opportunity to testify. I am happy to answer any questions that you or Committee members may have.

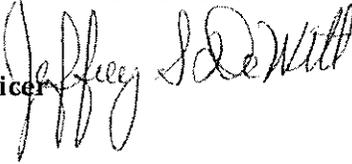
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** June 24, 2015

**SUBJECT:** Fiscal Impact Statement – Bill 21-31 - Title IX Athletic Equity Act of 2015

**REFERENCE:** Draft Committee Print as shared with the Office of Revenue Analysis on June 22, 2015

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**Conclusion**

Funds are sufficient in the FY 2015 budget and the proposed FY 2016 through FY 2019 budget and financial plan to implement the bill.

**Background**

The bill establishes Title IX<sup>1</sup> reporting and staffing designation requirements for District of Columbia local education agency high schools and middle schools. Specifically the legislation:

- Requires each high school in FY 2016 and each middle school in FY 2017 to submit an annual assurance of Title IX compliance;
- Specifies data that must be collected and reported annually by local education agencies;
- Requires each local education agency high school to establish a Gender Equity Review Committee;
- Mandates that each local education agency designate a staff member as a Title IX Athletic Coordinator and as a Title IX Athletic Liaison; and,
- Requires the Mayor to develop a five-year athletic equity strategic plan.

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<sup>1</sup> Title IX of the Education Amendments of 1972, Public Law 92-318, 86 Stat. 235, 373 (codified as amended at 20 U.S.C. §§ 1681-1688).

The Honorable Phil Mendelson

FIS: Bill 21-31, "Title IX Athletic Equity Act of 2015," Draft Committee Print as shared with the Office of Revenue Analysis on June 22, 2014

**Financial Plan Impact**

Funds are sufficient in the FY 2015 budget and the proposed FY 2016 through FY 2019 budget and financial plan to implement the bill. The reporting requirements and staffing designations required by the legislation can be satisfied without additional resources.



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia  
1150 Pennsylvania Avenue, NW, Suite 4  
Washington, DC 20004  
(202) 724-8026

MEMORANDUM

**TO:** Councilmember David Grosso

**FROM:** Ellen Efros, General Counsel *EE*

**DATE:** June 24, 2015

**RE:** Legal sufficiency determination for Bill 21-31, the Title IX Athletic Equity Act of 2015

The measure is legally and technically sufficient for Council consideration.

Bill 21-31 creates reporting and records maintenance requirements for DCPS and public charter high schools (beginning with the 2016-2017 school year) and middle schools (beginning with the 2017-2018 school year) regarding Title IX compliance. The bill also requires each school to form a Gender Equity Review Committee and each LEA to establish a grievance process. Bill 21-31 requires each school to designate a Title IX Liaison and each LEA to designate a Title IX coordinator. It requires the D.C. State Athletic Association to provide education about Title IX and the Mayor to develop a 5-year strategic plan to promote gender equity within athletics in public schools.

I am available if you have any questions.

1 **Committee on Education**  
2 **Committee Print**  
3 **June 24, 2015**  
4  
5  
6

7 **A BILL**

8  
9 **21-0031**

10  
11 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**  
12

13 To require public and public charter middle and high schools to submit an annual assurance of  
14 compliance with Title IX and middle schools starting in 2017, to require the Mayor to  
15 publish a list of schools that do not submit an assurance of compliance, to require schools  
16 to annually report data on their athletic programming and make such data publicly  
17 available, to require the Mayor to develop 5-year athletic equity strategic plans, to  
18 designate local education agency and school-based Title IX Athletic Coordinators, and to  
19 provide the District of Columbia State Athletic Association with education  
20 responsibilities for Title IX and college athletic eligibility and scholarships.  
21

22 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**  
23 **act may be cited as the “Title IX Athletic Equity Act of 2015”.**

24 **Sec. 2. Definitions**

25 For the purposes of this act, the term:

26 (a) “Applicable schools” means any public or public charter high school beginning in  
27 school-year 2016 and any public or public charter school beginning in school year 2017.

28 (b) “Athletic program” means all interscholastic sports offered to students by a District  
29 public or public charter school.

30 (c) “Competition level” means the division or categorization of teams by ability or  
31 competitiveness which may include varsity, junior varsity, intramural, and similar.

32 (d) “Interscholastic athletics program” means all athletic activities or sports offered  
33 within a school the purpose of which is to provide opportunities for students to compete with  
34 other students on like teams in other schools.

35 (e) "Local education agency" or "LEA" means the District of Columbia Public Schools  
36 system or any individual or group of public charter schools operating under a single charter.

37 (f) "Participant" means a student who is attending a District public or public charter high  
38 school and a member on the tryout roster or official team roster of an interscholastic or  
39 intramural activity or sport who participated in team practices, contests, and competitions, or  
40 otherwise engaging in other activities as part of the team and was eligible for participation.

41 (g) "Participation rate" means the ratio of the number of participants of that sex in the  
42 athletic program to the number of students of that sex in the student body.

43 (h) "Title IX" means Title IX of the Education Amendments of 1972, approved June 23,  
44 1972 (86 Stat. 373; 20 U.S.C. §§ 1681-1688).

45 (i) "Title IX regulations" means 34 CFR § 106.1 *et seq.*  
46 Sec. 3. Nondiscrimination.

47 Each applicable school in the District shall operate its athletic programs in a manner that  
48 does not discriminate against students or staff on the basis of sex, gender, or gender identity.

49 Sec. 4. Athletic equity reporting.

50 (a) Each applicable school shall report to the Mayor annually a statement of compliance  
51 and submit the following information:

52 (1) The total enrollment in the school by gender, race, and ethnicity;

53 (2) The number of students participating in athletics by team and competition  
54 level and by gender categorized by race or ethnicity if available;

55 (3) The coach-to-athlete ratio for each team;

56 (4) The total number of athletic directors, athletic staff, coaches, trainers, and  
57 medical service providers, and for those identified, the following information, to be provided in

58 aggregate by gender:

59 (A) Total compensation, separated by primary duties and athletic duties if  
60 applicable, and race or ethnicity if available;

61 (B) Employment status, such as full-time, part-time, contract, or volunteer;

62 (C) Qualifications and experience including relevant certifications and  
63 length of time in the current position grouped by number of years: up to 5 years; more than 5 but  
64 fewer than 10 years; and more than 10 years; and

65 (5) The funding sources for athletic programs and amount by team, if available,  
66 including state and federal funding, fundraising, booster clubs, game and concession receipts,  
67 donations, grants, and other sources;

68 (6) The total annual expenditures by athletics team, including:

69 (A) Expenditures for travel;

70 (B) Expenditures for equipment, including any equipment replacement  
71 schedule;

72 (C) Expenditures for uniforms, including any uniform replacement  
73 schedule;

74 (D) Expenditures for construction, renovation, expansion, maintenance,  
75 repair and rental of athletic facilities, including medical facilities, locker rooms, fields, and  
76 gymnasiums;

77 (E) Publicity and marketing; and

78 (F) Awards, banquets, insurance, and any other expenses;

79 (7) The practice and competition schedule, including the days of the week, times,  
80 and locations where practices or competitions were scheduled;

- 81 (8) The season in which each team competed;
- 82 (9) Whether each team participated in post-season competition and the success of  
83 the team in any post-season competition;
- 84 (10) The nature and extent of training provided to athletic administrators, coaches,  
85 and other staff regarding the requirements of Title IX and strategies to promote gender equity in  
86 athletics;
- 87 (11) The availability of additional academic supports, including tutors, designed  
88 exclusively for or available exclusively to athletes;
- 89 (12) The conditions and locations of all athletic facilities and a listing of the teams  
90 that use each facility;
- 91 (13) The graduation rates, college and college athletic scholarship offer and  
92 acceptance rates of students by gender, race, and ethnicity.
- 93 (14) For the initial submission under this section, the school year in which each  
94 existing team was established and, for each subsequent year, a listing of teams that were newly  
95 established, reestablished, eliminated, or demoted from competition during the school year.
- 96 (b) If the data reported shows that the allocation of resources, athletic participation  
97 opportunities, and benefits and services from interscholastic athletic programs for males and  
98 females is not substantially proportional to their respective enrollment numbers, then the  
99 statement of compliance that accompanies the data described in the previous section shall  
100 include an explanation of the disproportion, how it will be remedied, and the timeline for  
101 effectuating the remedy.
- 102 (c) Each LEA shall submit the assurance of compliance for each school under its control  
103 to OSSE by August 1. If an LEA fails to submit the assurance of compliance by the required

104 date, the school must complete an OSSE approved Title IX training. If a school fails to complete  
105 the OSSE approved Title IX training by October 1, the school will be barred from competing in a  
106 new season for any District of Columbia State Athletic Association athletic event until the school  
107 both submits the required assurance of compliance and completes an OSSE approved Title IX  
108 training.

109 (d) The Mayor shall publish a list of applicable schools that fail to submit the assurance  
110 of compliance annually within 90 days. The Mayor shall publish the information submitted  
111 pursuant to subsections (a) and (b) of this section on the website of the Office of the State  
112 Superintendent of Education and submit the information to the Council.

113 Sec. 5. Additional requirements.

114 (a) Each public or public charter high school shall establish a 3-member Gender Equity  
115 Review Committee ("GERC") or identify at least 3 senior administrators to establish criteria for  
116 ensuring the gender equity in the school's athletic program, evaluate the athletics program, and  
117 manage Title IX issues at the LEA. This grievance procedures and criteria shall be posted  
118 publicly on the school's website.

119 (b) An LEA shall develop grievance procedures that are made available upon request or  
120 to any person alleging a violation of Title IX in accordance with federal Title IX regulations.

121 (c) An applicable school shall maintain Title IX records for a minimum of 10 years. The  
122 Title IX records are subject to review by the Mayor and shall include, but are not limited to the  
123 following:

124 (1) A Title IX Plan, which shall include a self-evaluation of the school's entire  
125 athletic program based of the annual assurance of compliance required by this act and proposed  
126 plans and timetables, as appropriate, to ensure gender equity in the athletics program, including

127 items such as practice times, facilities, coaching stipends and athletic budgets;

128 (2) A summary of Title IX complaints, including the resolution of each, for the  
129 current and previous 9 years;

130 (3) A copy of the school's grievance procedures; and

131 (4) A list of members of the GERC or the 3 senior administrators serving in this  
132 capacity and their contact information.

133 Sec. 6. Designation of Title IX athletic coordinators.

134 (a) The Mayor shall designate a Title IX coordinator for the District's interscholastic  
135 athletics who shall coordinate the District's efforts to ensure and encourage compliance with the  
136 athletics aspects of Title IX and this Act. The responsibilities of this Title IX coordinator shall  
137 include those described in 34 CFR § 106.8(a). The Mayor shall annually notify all students and  
138 guardians of and make publicly available on a website the name, office address, e-mail address,  
139 and phone number of the Title IX Coordinator designated pursuant to this section. Each  
140 applicable school shall post a notice with this information in the school's athletic facilities.

141 (b) Each LEA shall designate:

142 (1) An LEA Title IX Athletic Coordinator who shall oversee and monitoring of  
143 each high school within the LEA to ensure and encourage compliance with the athletic aspects of  
144 Title IX and this act; and

145 (2) A School Title IX Athletic Liaison, in accordance with 34 C.F.R. § 106.8(a),  
146 who coordinates the activities at the school level that are designed to promote gender equity in  
147 athletics. The School Title IX Athletic Liaison is not required to, but may, serve as one of the 3  
148 members of the GERC. Additionally, the School Title IX Athletic Liaison shall:

149 (A) Receive and process complaints and inquiries related to Title IX and

150 athletics;

151 (B) Make recommendations to the school's GERC on promoting gender

152 equity in athletics;

153 (C) Maintain the school's Title IX records as described in section 5(c);

154 (D) Enforce the school's athletic non-discrimination policy, if any; and

155 (E) Implement corrective measures to comply with Title IX.

156 (3) In the event that a public charter high school is also an LEA, the LEA Title IX  
157 Coordinator shall carry out the responsibilities of both the LEA Title IX Athletic Coordinator  
158 and the School Title IX Athletic Liaison.

159 Sec. 7. District of Columbia State Athletic Association responsibility.

160 The District of Columbia State Athletic Association shall coordinate with each applicable  
161 school to educate the school, its students, and their guardians regarding National Collegiate  
162 Athletic Association eligibility requirements and collegiate athletic scholarships, with particular  
163 emphasis on outreach to girls.

164 Sec. 8. Title IX athletic equity strategic plans.

165 By August 1, 2016, and every 5 years thereafter, the Mayor shall develop a 5-year  
166 strategic plan to encourage and ensure gender equity in compliance with Title IX in public and  
167 public charter high schools. The plan shall include:

168 (1) Data submitted to the Mayor under this act for the prior 5 years;

169 (2) A listing of schools by gender participation gap by greatest to least, to be  
170 measured by the difference between the percentage of enrolled students who are girls and the  
171 percentage of total athletic opportunities, measured as spots on teams, provided to girls;

172 (3) A description of athletic funding, by school;

- 173 (4) A strategy for ensuring athletic gender equity;
- 174 (5) An account of the District's high school student-athlete graduation rates,  
175 college attendance rates, and college athletic scholarship acceptance rates by gender, as  
176 available; and
- 177 (6) A survey of best practices from other national membership organizations,  
178 states, municipalities, and local community-based organizations.

179 Sec. 9. Rulemaking.

180 The Mayor shall issue rules under this act.

181 Sec. 10. Fiscal impact statement.

182 The Council adopts the fiscal impact statement in the committee report as the fiscal  
183 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
184 approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

185 Sec. 11. Effective date.

186 This act shall take effect following approval by the Mayor (or in the event of veto by the  
187 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
188 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
189 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
190 Columbia Register.