

From: Kim Turner
Sent: Thu, 10 Jun 2021 23:24:00 +0000
To: T9PublicHearing
Subject: Emailing: 6-10-21 Title IX Public Comment re Athletics - Letter - PDF (00619685).PDF
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Thanks so much,
Kim Turner

Kim Turner
Senior Staff Attorney & Project Director
Legal Aid at Work
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[Legal Aid at Work](#) delivers on the promise of justice for low-income people. We provide free direct services through our clinics and helplines. We also offer extensive legal information for free online and in trainings, we litigate individual and class actions, and we advocate for new policies and laws.

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President

Via email to T9PublicHearing@ed.gov

June 10, 2021

The Honorable Miguel Cardona
Secretary
Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Suzanne B. Goldberg
Acting Assistant Secretary, Office for Civil Rights
Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Re: Written Comment for Title IX Public Hearing (Sex Discrimination-Athletics)

Dear Secretary Cardona and Acting Assistant Secretary Goldberg:

I write on behalf of the Fair Play for Girls in Sports Project—part of the 105 year old nonprofit Legal Aid at Work (www.legalaidatwork.org; www.fairplayforgirlsinsports.org).

For nearly twenty years, Fair Play has focused on low-income girls of color in K-12 public schools to ensure they're experiencing lasting gender equity in athletic programming across the country. Unfortunately, still today, millions of girls are not being afforded gender equitable opportunity in federally-funded school athletics, and those that do play are on a blatantly uneven playing field.

Title IX athletics equity is directly connected to and supportive of anti-gender discrimination aims. Girls who play sports have lower rates of depression and breast cancer, as well as higher self-esteem. Girls who play sports growing up experience significantly better mental and physical health, higher graduation rates, and increased workplace success, among the myriad lifelong benefits of athletics participation.

We have litigated Title IX athletics cases for K-12 girls for almost two decades because virtually all federally-funded schools across the country are not yet making good on the requirements of Title IX despite the nearly 50 years since the law was passed.

At the high school level, girls across the U.S. are afforded one million fewer chances to play sports, compared to boys, although girls want to play in far greater numbers. The girls that are playing sports face obviously inferior or non-existent locker rooms, team rooms, scheduling, publicity, and coaching in violation of Title IX.

As OCR assesses the current regulations and approaches regarding Title IX and its implementation, athletic equity must be a key pillar to OCR's work, regulations, updates, and strategies.

Nine key items on which OCR should take action to resolve acute gender-based athletic inequity in schools include the following:

1. Fund and support OCR staff and leadership learning and implementing athletics-oriented Title IX standards;
2. Lessen the investigation and resolution time for OCR athletics complaints (and all OCR complaints) and repeal harmful DeVos-era complaint processes and standards;
3. Proactively review schools for gender inequity in athletics, require K-12 athletics-oriented reporting on equity, and mandate schools make changes so individual students do not bear the burden of filing a complaint;
4. Mandate regular Title IX training of schools before federal funds can be annually disbursed;
5. Review current guidance such as the Dear Colleague Letters and the Policy Interpretation regarding athletics and ensure they are most understandable to school staff, students, and families, including strengthening and promoting anti-retaliation provisions given backlash complainants continually face;
6. Create a one-stop web site for school personnel, families, and students to understand and apply Title IX athletics standards in an easy-to-digest manner;
7. Review, update, and re-issue the 1990 athletics Investigator's Manual;
8. Review and evaluate sunseting prong two, the continued history and practice of program expansion component of the three prong test as schools should now simply be offering proportional athletic opportunities under prong one or showing they gender-equitably meet all students' athletic interests under prong three;
9. Support legislation to enhance the role of and training for Title IX coordinators.

We look forward to partnering so as to transform schools sports into truly gender equitable offerings, to ensure discrimination-free, positive, inclusive school environments for all, regardless of one's gender, gender identity, sexual orientation, or gender expression. If you have any questions, please contact Kim Turner (kturner@legalaidatwork.org).

Sincerely,

(b)(6)

Kim Turner
Director, Fair Pay for Girls in Sports
Senior Staff Attorney, Gender & LGBTQ Rights Program
Legal Aid at Work