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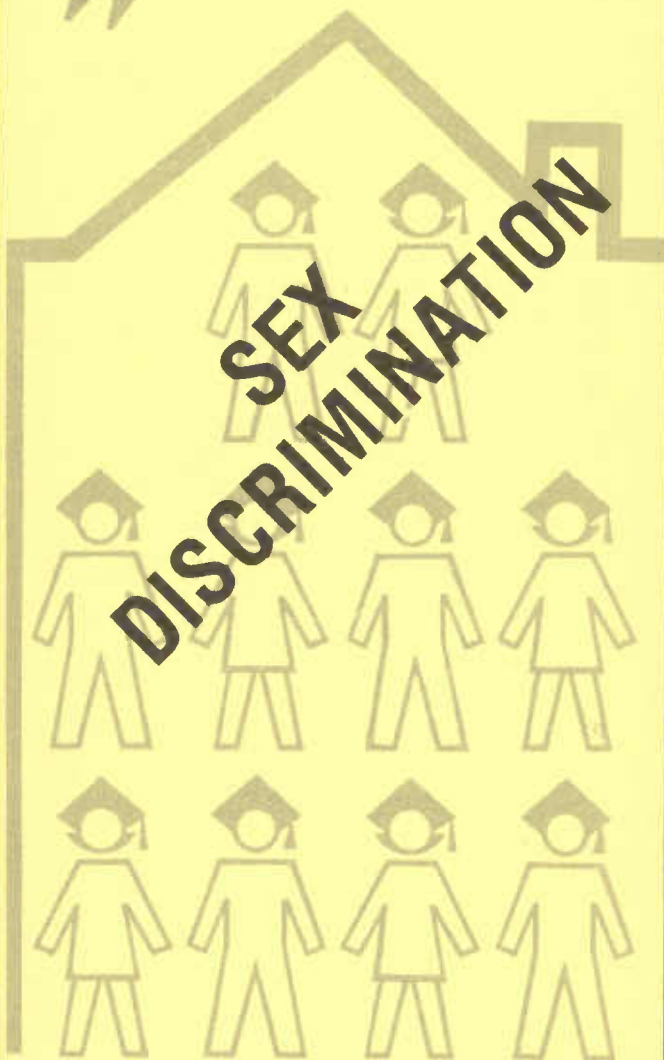
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MARYLAND COMMISSION FOR WOMEN

1123 N. Eutaw Street, Room 603 • Baltimore, Md. 21201

**SEX
DISCRIMINATION**



**IN THE PUBLIC SCHOOLS
OF MARYLAND IS**

ILLEGAL!

DHR

QUALITY EDUCATION REQUIRES EQUAL EDUCATIONAL OPPORTUNITIES

The Maryland Commission for Women is the state agency which identifies problems, defines issues, and recommends policies and solutions that would change those practices which prevent the full participation of women in today's society.

Federal and State laws and policies provide for equal educational opportunity for girls and boys in our educational institutions. Summaries of these are contained in this brochure.

WHAT IS SEX DISCRIMINATION, BIAS AND STEREOTYPING?

Sex Discrimination: An act which violates Title IX or other Federal or State laws on the basis of sex. For example, prohibiting a girl from enrolling or applying for admission to a vocational education course solely on the basis of sex.

Sex Bias: An attitude toward a boy or girl which is prejudiced on the basis of sex. This action may cause a girl to limit her career or educational choices.

Sex Stereotyping: Assumptions that certain characteristics or options are limited to girls or boys. For example, girls are weak, dependent; girls only become nurses, teachers, or secretaries.

DOES MARYLAND HAVE LAWS AND POLICIES PROHIBITING SEX DISCRIMINATION IN PUBLIC EDUCATION?

The State cannot pass laws and regulations which are less restrictive or negate Federal laws, but can pass policies and provisions which increase protection against sex discrimination in the public schools of Maryland. Maryland laws and resolutions which prohibit sex discrimination in general and in public education in particular are:

- The Maryland Equal Rights Amendment which became Article 46, Declaration of Rights of the Maryland State Constitution in 1972. It states "Equality of rights under the law shall not be abridged or denied because of sex."
- State Board of Education Resolution No. 1974-75, **Sex Stereotyping in Textbooks and Other Instructional Materials**, which passed August 28, 1974. The resolution makes provisions for the State Board of Education to direct the Maryland State Department of Education in working with the

local school systems to develop procedures for ensuring the elimination of sex stereotyping in print and non-print materials, and makes the State Board of Education responsible for urging each local school system to implement procedures for the review, selection and purchase of print and non-print materials.

- State Board of Education Resolution No. 1981-9, **Sex Equity**, which passed on February 25, 1981. It states that the Maryland State Board of Education affirms the right of every student to receive an education which is free of bias, stereotyping or discrimination based on sex, and, the right of all employees to receive the full benefits of employment regardless of sex. Further, to ensure those rights, the Maryland State Board of Education affirms the achievement of sex equity as an explicit goal of all local education agencies to do the same. It directs the State Superintendent of Schools, through departmental staff, to assist and advise local education agencies in developing programs to achieve sex equity in their school system, including the areas of administration, guidance, curriculum, instructional materials, vocational education, extra-curricular activities, employment, staff development and facilities, and, to assist and advise local school systems in determining progress toward achieving sex equity and ensuring compliance with all federal and state equity laws, and directs the State Superintendent to provide annual reports to the State Board on the progress of implementing this resolution.
- Title 13.05 **Interscholastic Athletics in Maryland** (COMAR as amended in August 1977) clarifies athletic opportunities for boys and girls. Section .04 A, Operational Guidelines (1) states, "A student may not be excluded on the basis of sex from overall equal opportunity to participate in athletic programs. If a school sponsors a team in a particular sport for members of one sex but sponsors no such team for members of the opposite sex, and prior to July 1, 1975, overall opportunities for members of the excluded sex have been limited, the excluded sex must be allowed to try out for the team offered."

WHAT ARE THE FEDERAL LAWS AND REGULATIONS WHICH PROHIBIT SEX DISCRIMINATION IN EDUCATIONAL INSTITUTIONS?

Federal laws and regulations which prohibit sex discrimination in educational institutions for either students or employees or both are:

- Equal Pay Act of 1963, as amended by the Education Amendments of 1972.
- Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, the Pregnancy Disability Act of 1978, and the Guidelines on Discrimination Because of Sex of 1980.
- Title IX of the Education Amendments of 1972.
- Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976.

Of these, Title IX, and its implementing regulations, is the most specific Federal law prohibiting sex discrimination in educational institutions. Therefore, this publication will focus on its major provisions.

(For publications/charts summarizing these laws write: The Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, Washington, D.C. 20009.)

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Title IX states: "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 educational program or activity receiving Federal financial assistance..."

The rules and regulations promulgated by the United States Department of Health, Education and Welfare went into effect in July 1975. They contain procedural guidelines in the areas of student and personnel coverage.

PROCEDURAL GUIDELINES AND DATES REQUIRED

(Required of all school districts in order to be in compliance):

By **October 1975** each school district must have:

- Appointed a Title IX designee (a staff member responsible for school district compliance with Title IX).
- Developed a grievance/complaint procedure.
- Notified students, staff, and community of the district's intent to comply with Title IX.

By **July 1976** each school system must have:

- Completed an institutional self-evaluation to determine whether there is sex discrimination in district policies and/or practices.
- Developed a plan for remediation where discrimination was found.

By **July 1978** school districts must have:

- All their physical education and athletics in compliance.
- All remedial actions completed.

COVERAGE - The Title IX rules and regulations prohibit sex discrimination in:

- Treatment of students.
- Admission to and recruitment by public undergraduate schools, vocational schools, graduate and professional schools.
- Counseling and guidance including counseling materials and tests/inventories.
- Access to course offerings.
- Extra-curricular activities.
- Financial assistance.
- Employment assistance, including apprenticeship and training programs.
- Health and insurance benefits and services.
- Personnel practices.

EXEMPTIONS FROM COVERAGE OF TITLE IX:

- Sex stereotyping in textbook and curriculum materials.
- Admissions to undergraduate, private colleges.
- Admissions to educational institutions which have always been single sex.
- Admissions to educational institutions with religious affiliations (if exempted by the Office for Civil Rights).

- Schools whose primary purpose is training for the United States military services.
- Membership practices of single sex youth service organizations, such as Girl Scouts and Boy Scouts.
- Membership practices of university based social sororities and fraternities.
- Mother/daughter or father/son activities (opportunities should be reasonably comparable).
- Rules of appearance (dress codes).

SPECIAL RULINGS FOR SPECIAL ACTIVITIES:

- Sex segregated activities in athletics and physical education.
 - Separate teams for each sex are permissible in contact sports (rugby, football, wrestling, basketball, boxing, ice hockey).
 - Overall athletic program must provide equal athletic opportunity for both sexes.
 - Sex segregation cannot take place in physical education except during participation in contact sports.
- Courses in human sexuality may be taught in single sex classes.
- Choruses may be based on vocal range or quality which may result in single sex choruses.

MAJOR DECISIONS OF THE SUPREME COURT OF THE UNITED STATES REGARDING TITLE IX:

- *Cannon v. University of Chicago* (441 US 677-1979). Established the private right of action for complainants in Title IX.
- *North Haven Board of Education v. Bell* (456 US 512-1982). Verified coverage of educational personnel under Title IX.
- *Grove City College v. Bell* (No. 82-792-1983). Defined program coverage under Title IX.

IF YOU BELIEVE YOU ARE A VICTIM OF SEX DISCRIMINATION IN YOUR SCHOOL, WHAT CAN YOU DO UNDER TITLE IX?

Under Title IX, if the program or activity receives Federal funds, you can:

- Use your district's grievance/complaint procedure.
- Complain directly to your district's Title IX designee.

- Request the regional Office for Civil Rights to investigate (Office for Civil Rights, Region III, United States Department of Education, The Gateway Building, 3535 Market Street, P.O. Box 13716, Philadelphia, PA 19101, 215/596-6056).

- Use your private right of action in court.

SELECTED RESOURCES TO ASSIST SCHOOLS IN ELIMINATING SEX DISCRIMINATION

Local District:

Your Title IX designee or member of your Title IX Advisory Committee

Your local Commission for Women

State:

State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201
301/659-2000

(Ask for the Title IX Specialist in the Office of Equal Opportunity and/or the Sex Equity Coordinator in the Division of Vocational-Technical Education)

Maryland Commission for Women
1123 North Eutaw Street, Room 603
Baltimore, Maryland 21201
301/383-5608

General Title IX Information, write or call:

Project on Equal Education Rights (PEER)
1112 13th Street, NW
Washington, D.C. 20005
202/332-7337

(Request resource list)

Office for Civil Rights, Region III
United States Department of Education
The Gateway Building
3535 Market Street
Philadelphia, PA 19101
215/596-6092 (Elementary/Secondary)
215/596-6091 (Post Secondary)

(Request technical assistance)

Association of American Colleges
Project on the Status and Education of Women
1818 R Street, NW
Washington, D.C. 20009
202/387-1300

(Request information on newsletter and other publications)

Sports and Athletic Information, write or call:

Women's Sports Foundation
185 Moulton Street
San Francisco, California 94123
Toll Free 800-227-3988

Vocational Education Information, write or call:

Federal Education Project
Lawyer's Committee for Civil Rights
Under the Law
733 15th Street, NW, Suite 526
Washington, D.C. 20005
202/371-1212

(Newsletter, vocational education assistance)

National Center for Research in
Vocational Education
The Ohio State University
1960 Kenny Road
Columbus, Ohio 43210
Toll Free 800-848-4815

Career Information for Guidance Counselors, write or call:

United States Department of Labor
Women's Bureau - Office of the Director
200 Constitution Avenue, NW
Washington, D.C. 20210
202/523-6652 or 6665

United States Department of Labor
Bureau of Labor Statistics
441 G Street, NW
Washington, D.C. 20210
202/523-1222

Curriculum Materials and Workshop Guides, write or call:

Women's Education Equity Act
Publishing Center
55 Chapel Street
Newton, MA 02160
Toll Free 800-225-3088

(Inexpensive curriculum materials, request catalogues: *Resources for Educational Equity* and *Resources for Working Women*)

Developed by:

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