



Title IX



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Title IX



“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.” - 1972



Title IX



Gender Equity

1992 - Franklin vs Gwinnett - First Punitive Damages

1993 - NCAA Begins Certification Process

1996 - Equity in Athletics Disclosure Act - A Commitment to Equity

1997 - Cohen vs Brown University was first court case to challenge gender equity



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The Three- Prong Test

The Office of Civil Rights (OCR) established the 3-Prong Test in 1980 to assist educational programs with the parameters of Title IX.

In 1996, The OCR tried to clarify the 3-Prong Test with a Policy Guidance Document.



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Component 1 - The Three-Prong Test

Prong 1 of the Three - Prong Test - Substantial Proportionality

Male to Female Ratios of athletic participants should match the male to female ratios of the student body. -5 Margin of error.

Prong 2 of the Three - Prong Test - History and Continuing Practice
Institution must show recent proof of attempting to expand underrepresented gender programs. This must be an honest attempt by the institution to offer appealing programs for the underrepresented.

Prong 3 of the Three - Prong Test - Full and effective Accommodation
Institutions must show that the interests of the underrepresented have been fully and effectively accommodated.



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Component 2 - Financial Assistance to Both Genders

Financial Aid dollars distributed to male recipients vs female recipients must be strictly proportional.

This creates substantial opportunities for the underrepresented gender.



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Component 3 - Equivalence in other benefits and Opportunities

Protection, equipment, clothing and supplies

Locker Rooms, practice facilities

Allocation of travel budgets

Years of experience in coaching assignments

Institutional housing and dining facilities

Nature of publicity, marketing and media services

Game and practice times and scheduling

Facilities for athletic training

Academic tutoring services

Institutional support services for athletics

Recruiting resources provided to athletics



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How are Title IX Complaints filed?

Formal Complaint to the Office of Civil Rights (OCR)

Formal Letter to the District in Question

File a Title IX Lawsuit in Federal District Court.



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Simmons/Johnson Letter to the Millard Public Schools
(November 12th, 2012)

Stated MPS was discriminating against their female athletes on the MPS Softball teams when compared to their male counterparts.

Focus was on disparate treatment between the softball and baseball programs

Baseball had superior facilities compared to softball

Stated MPS was not meeting numerous Title IX criteria



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However, the parents would have two options if they are not satisfied with the District's response to their letter: File a formal complaint with the Office of Civil Rights (OCR) of the Department of Education; or file a Title IX lawsuit in federal district court.

The MPS district sent the letter to their lawyer who outlined all possible Title IX violations or disparities.

If the OCR or district court determines that the District was violating Title IX, it will generally order the school district to devise a compliance plan and will retain jurisdiction to insure compliance with Title IX. All cost will be incurred by the school district.

Here is what our lawyer determined in his investigation.



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Definition of Disparity

“Disparity” a difference on the basis of sex, in benefits or services that has a negative impact on athletes of one sex when compared with the benefits or services available to athletes of the other sex.

Title IX Investigator’s Handbook sets out a subjective rule which provides that “if a pattern of discrimination is evident (or) it appears that athletes of one sex are accorded ‘second class’ status, then a violation is likely.”



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There have been at least 20 complaints or lawsuits filed against school districts across the country alleging Title IX discrimination because of disparities and inequities between boys baseball and girls softball facilities.

Since 2009, OCR Complaints based on disparities between softball and baseball programs have been filed against several school districts, including the Evergreen School District (Vancouver, WA); the Homewood-Floosmoor School District, (Floosmoor, IL); the Wilkes County School District (North Wilkesboro, N.C.); Butte School District No. 1 (Butte, MT); the New Hanover County School District, (Wilmington, N.C.); and Prince William County Schools/Hylton High School (Woodbridge, VA).



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Alleged Pattern of Discrimination

1. Millard West does not have a dedicated softball facility, but instead, a baseball field that is temporarily retrofitted for softball with temporary fences, no warning track, and improper infield dimensions.
2. Millard South field has a “little league” backstop with no protective netting for foul balls.
3. Millard South softball complex doesn't have bathrooms on site. The closest bathroom is 100 yards across the street at the baseball complex.
4. The lack of lights, concession stands, a press box and a public address system is a common allegation in almost every OCR complaint and federal court lawsuit. MW and MS had none of these items at softball but baseball had all of these amenities.



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With respect to lights, the Florida district court has stated that night games have a substantial impact on spectator attendance, parental involvement, and player and spectator enjoyment and have a “big league” quality not associated with daytime play, affords more flexibility regarding practice scheduling and thus, the absence of lighting detrimentally affects the girls’ teams in all these respects.

Landow v. School Bd. of Brevard County, 132 F.Supp.2d 958, 965 (M.D.Fla. 2000); Daniels v. School Bd. of Brevard County, Fla., 985 F.Supp. 1458, 1461-62 (M.D.Fla. 1997).



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Other alleged disparities at Millard South and Millard West:

In addition to disparities between baseball and softball facilities, the letter also alleges Title IX violations because of inequities between the level of support and publicity for the sports; access to medical treatment and training staff during practices for softball players; scheduling which requires softball players to miss several afternoon classes; and communication and recognition of the two sports within the student body.



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Pep Bus for State Tournament





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Year/Phase	MILLARD NORTH	MILLARD SOUTH	MILLARD WEST	Notes
Year 1/Phase 1	ADA Concerns	Concrete Padding Under Bleachers Concrete sidewalk access to get into Field area and concrete slab for ADA seating. Back Stop	Permanent fencing at softball dimensions (200 feet down the lines and 210 feet to straight away center field Grass to have infield to conform to softball regulations. 2 sets of concrete pads/ADA sidewalks for spectator seating Dug out screening	
	Cost	Contingency (10%) + Soft Cost (18%)	Base Bid Total	
Year One Total	\$172, 573	\$48,346	\$221,009	
Year 2/Phase 2	Lights	Lights	Lights	
	Cost	Contingency (10%) + Soft Cost (18%)	Base Bid Total	
Year Two Total	\$593,850	\$166,278	\$760,128	
Year 3-5/Phase 3-5	Press Box, Sound System, Restrooms, Concessions	Press Box, Sound System, Restrooms, Concessions,	Press Box behind home plate, Sound System	
	Cost	Contingency (10%) + Soft Cost (18%)	Base Bid Total	Notes
Year 3-5 Project Total				
Level A	\$577,000	\$161,560	\$738,560	Press box with Storage and sound system/score board controllers
Level B	\$47,000	\$13,160	\$ 60,160 (\$798,720)	Level A plus concession without water
Level C	\$182,098	\$50,987	\$233,085 (\$1,031,805)	Level B plus water for concessions
Level D	\$437,100	\$131,130	\$568,230 (\$1,600,035)	level C plus restrooms
	Total Bid Price with Contingency and Soft Costs Range			\$1,719,697 to \$2,581,172



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Results of Title IX Survey



What is the first thought that comes to your mind when you hear the words "Title IX?"

Please share any experiences you have dealt with Title IX in the past 5 years?

How does Title IX affect how you do your job daily?

How much impact does Title IX have on your decisions when updating your facilities?

What is the most pressing Title IX issue in your school?

How much knowledge do the coaches in your building have about Title IX?



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Ah Ha's from Researching for this Title IX Presentation:

Booster Club funds or donations - Title IX doesn't care where you get the funds from. All funds must be distributed equally with male and female sport programs. What does our district have in place?

How do some schools combat low participation numbers in female sports? The Papillion school district in Papillion, Nebraska, has a no-cut policy to promote more female athletes to participate. Pro's and Con's

Schools must find ways to make media coverage equal for both sexes. This would include the social media platforms in your school. How are we doing this at Millard South?

Priority Calendar for Title IX Upgrades (Five Year Plan)

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