

BILL ANALYSIS

Senate Research Center
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S.C.R. 13
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State Affairs
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As Filed

DIGEST

In 1972, the U.S. Congress passed the Education Amendments, which included provisions known as Title IX, which banned sex discrimination in school academics, athletics, or any other school-sanctioned endeavor, stating that “No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” In the 30 years since its passage, Title IX has impacted several generations of women, opened doors of opportunity, and transformed significant aspects of American society. The impact of Title IX has been particularly strong in the field of sports, as schools, colleges, and universities have established many new athletic programs in compliance with the legislation. In fact, the total number of women’s teams increased by 66 percent between 1981 and 1999; 800 new programs were established in women’s soccer alone. At the high school level the increases have been significant as well, with 2.7 million girls playing on high school sports teams today, compared with fewer than 300,000 before Title IX.

Questions have arisen over the effectiveness of the federal government’s enforcement of Title IX and the guidelines for compliance, and concerns have been voiced regarding unintended consequences of such enforcement. In June 2002, the U.S. secretary of education appointed a panel to examine ways of strengthening enforcement of Title IX and expanding opportunities for participation that would ensure fairness for all college athletes. The secretary of education’s Commission on Opportunity in Athletics was also asked to make recommendations on whether standards should be revised, and if so, how.

On January 30, 2003, the commission approved proposals that would change the way schools, colleges, and universities are judged as regards the opportunities they afford women to play sports. These proposals would ease the burden of proof to colleges and universities to show that they meet the requirements of the three options under a three-part test established by the U.S. Department of Education in 1979. The net result of a less stringent burden of proof would be that schools would no longer have to put forth the current level of effort to achieve or remain in compliance, and women may therefore see a rollback of gains made since the implementation of Title IX.

PURPOSE

As proposed, S.C.R. 13 submits the following resolutions:

Respectfully urges the Congress of the United States to protect the gains made by women in sports and to support the continued enforcement of standards under Title IX that made such gains possible. Requires the secretary of state of Texas to forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America.