

By: Shapleigh

S.C.R. No. 13

CONCURRENT RESOLUTION

1 WHEREAS, When the U.S. Congress passed the Education
2 Amendments of 1972, it included provisions, collectively known as
3 Title IX, to ban sex discrimination in schools, whether it be in
4 academics, athletics, or any other school-sanctioned endeavor; and

5 WHEREAS, Title IX states "No person in the United States
6 shall, on the basis of sex, be excluded from participation in, be
7 denied the benefits of, or be subjected to discrimination under any
8 education program or activity receiving Federal financial
9 assistance"; and

10 WHEREAS, In the 30 years since its passage, this landmark
11 legislation has had far-reaching impact, affecting several
12 generations of women, opening doors of opportunity that previously
13 had been closed to them, and transforming significant aspects of
14 American society in the process; and

15 WHEREAS, Nowhere has this transformation been more dramatic
16 than in the field of sports, as scores of new athletic programs were
17 established by schools, colleges, and universities seeking
18 compliance with the provisions of Title IX as a condition to their
19 continued receipt of federal funds; and

20 WHEREAS, Indicative of the explosive growth in the number of
21 women's sports teams at the college level, the total number of
22 women's teams increased by 66 percent between 1981 and 1999, with
23 the General Accounting Office reporting the creation of more than
24 800 new teams in women's soccer alone; and

1 WHEREAS, The effect of creating so many opportunities for
2 participation where previously there had been none was evident at
3 the high school level as well; in 1971, before Title IX, fewer than
4 300,000 girls participated in high school athletics; today, there
5 are more than 2.7 million girls playing on high school sports teams;
6 and

7 WHEREAS, Despite these remarkable gains, questions have
8 arisen regarding the effectiveness of the federal government's
9 enforcement of Title IX provisions and its guidelines for
10 compliance, while at the same time concerns have been voiced
11 regarding unintended consequences of such enforcement; and

12 WHEREAS, In June 2002, the U.S. secretary of education
13 appointed a panel of sports professionals and educators to examine
14 ways of strengthening enforcement of Title IX and expanding
15 opportunities for participation that would ensure fairness for all
16 college athletes; the secretary's Commission on Opportunity in
17 Athletics also was asked to make recommendations on whether
18 standards should be revised, and if so, how they should be revised;
19 and

20 WHEREAS, On January 30, 2003, after holding a series of town
21 hall meetings across the nation to provide a forum for public
22 discussion of the various issues and obtaining broad public input
23 on the application of current federal standards, the commission
24 approved proposals that would change the way schools, colleges, and
25 universities are judged with regard to the opportunities they
26 afford women to play sports; and

27 WHEREAS, In particular, these proposals would ease the burden

1 of proof for colleges and universities to show that they meet the
2 requirements of any one of the three options under a three-part test
3 established by the U.S. Department of Education in a policy
4 interpretation issued in 1979; and

5 WHEREAS, The net result of a less stringent burden of proof,
6 however, would be that schools no longer would have to put forth the
7 current level of effort to achieve or remain in compliance, and
8 ultimately women may see a rollback of the dramatic gains made
9 during three decades of progress; now, therefore, be it

10 RESOLVED, That the 78th Legislature of the State of Texas
11 hereby respectfully urge the Congress of the United States to
12 protect the gains made by women in sports and support the continued
13 enforcement of standards in Title IX of the Education Amendments of
14 1972 that made those gains possible; and, be it further

15 RESOLVED, That the Texas secretary of state forward official
16 copies of this resolution to the president of the United States, to
17 the speaker of the house of representatives and the president of the
18 senate of the United States Congress, and to all the members of the
19 Texas delegation to the congress with the request that this
20 resolution be officially entered in the Congressional Record as a
21 memorial to the Congress of the United States of America.