

# Sex Equity in School Athletics: Annual Athletic Evaluation

## Why We Focus on Sex Equity in School Athletics

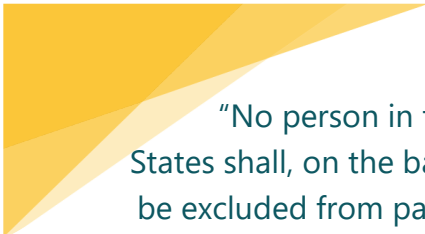
- **It's the law.** Title IX and Washington law require local educational agencies (LEAs) to ensure students do not experience sex discrimination in interscholastic athletic and recreational programs.
- **The associated benefits.** Students who play sports demonstrate improved physical, social, and emotional health; higher confidence; greater academic success, better employment outcomes; and stronger leadership skills.<sup>1</sup>
- **There is still work to do.** Despite the exponential increase in girls' participation in sports over the last fifty years, there is still a significant athletics participation gap between girls and boys. For example, girls today still have fewer opportunities to participate in high school sports than boys did when Title IX was passed in 1972.<sup>2</sup>

## Legal Framework

### Title IX of the Education Amendments of 1972

Under Title IX, which is the federal law prohibiting sex discrimination in public schools that accept federal funding, any school that operates or sponsors interscholastic, club or intramural athletics is required to provide equal athletic opportunities for members of both sexes.<sup>3</sup>

To make this determination, a school should consider a set of factors, often referred to as the "Title IX Laundry List."<sup>4</sup>



"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 education program or activity receiving federal financial assistance."

20 U.S.C. § 1681 ("Title IX").

<sup>1</sup> Staurowsky, E.J., Flowers, C.L., Busivis, E., Darwin, L., & Welch, N., *50 Years of Title IX: We're Not Done Yet*. Women's Sports Foundation (2022). Available here: [https://www.womenssportsfoundation.org/wp-content/uploads/2022/05/13\\_Low-Res\\_Title-IX-50-Report.pdf](https://www.womenssportsfoundation.org/wp-content/uploads/2022/05/13_Low-Res_Title-IX-50-Report.pdf).

<sup>2</sup> *Id.* at 20 (showing that boys' high school sports participation numbers in 1972-73 were approximately 3.6 million, while girls high school sports participation opportunities in 2018-19 are approximately 3.4 million).

<sup>3</sup> 34 C.F.R. § 106.41(c).

<sup>4</sup> *Id.*



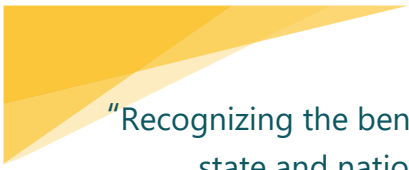
## Title IX Laundry List

- Whether the selection of sports and levels of competition effectively accommodate both sexes' interests and abilities;
- Equipment and supplies;
- Scheduling;
- Travel and per diem;
- Coaching and tutoring;
- Athletic, medical, and training facilities and services;
- Housing and dining facilities and services;<sup>5</sup> and
- Publicity.<sup>6</sup>

## State law

Under state law, Washington public schools are also required to ensure that equal opportunities are available to members of both sexes with respect to any interscholastic, club, or intramural athletics they operate or sponsor.<sup>7</sup>

To determine whether it is providing both sexes with equal athletics opportunities, each LEA must evaluate any recreational and athletic program it offers at least once each year, using the same set of factors outlined in Title IX (*i.e.*, the Title IX Laundry List).<sup>8</sup>



"Recognizing the benefit to our state and nation of equal educational opportunities of all students, discrimination on the basis of sex for any student in grades K-12 of the Washington public schools is prohibited."

RCW 28A.642.010

Additionally, each LEA must administer OSPI's student athletic interest survey at least once every three years in each school and grade level where interscholastic, intramural, and other athletics are conducted.<sup>9</sup> LEAs must then consider the survey results, disaggregated by building and by sex, when planning and developing school-sponsored recreational and athletic activities and when determining whether equal opportunities are available to boys and girls.<sup>10</sup>

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<sup>5</sup> Typically applicable only to post-secondary educational institutions.

<sup>6</sup> 34 C.F.R. § 106.41(c).

<sup>7</sup> WAC 392-190-030.

<sup>8</sup> *Id.*

<sup>9</sup> WAC 392-190-040.

<sup>10</sup> *Id.*

## Transgender and nonbinary students

To date, most interscholastic sports in Washington public schools are offered separately for boys and girls. This can pose a unique challenge for some transgender and nonbinary students, who may not identify as either male or female but who still want to participate in school sports, as well as for district athletic directors who may be unsure how to accommodate transgender and nonbinary students in their athletic programs or include them when analyzing their athletic programs for sex equity.

However, Washington law is clear. LEAs must allow **all** students, including transgender and nonbinary students, the opportunity to participate on the interscholastic sports team that most closely aligns with their gender identity.<sup>11</sup> When analyzing their overall programs for sex equity under Title IX and state law, LEAs would then include transgender or nonbinary students when counting the total number of students participating on boys' and girls' teams.

LEAs with further questions about transgender or nonbinary students' participation in athletics are encouraged to contact the Equity and Civil Rights Office and review the resources relating to gender-inclusive schools that are available on our [website](#).<sup>12</sup>

## Providing Equivalent Benefits and Treatment

### Annual Athletic Evaluation<sup>13</sup>

In addition to analyzing whether they are providing equal participation opportunities to male and female student-athletes each year (via the Three-Part Test), schools must also determine whether they are providing male and female student-athletes with equal benefits and treatment. This determination is made by conducting an annual athletic evaluation.

When completing the annual athletic evaluation, LEAs must compare the following required components (often referred to as the Title IX "Laundry List") in their boys' and girls' athletic programs:

- Accommodating student interest and abilities (measured via the Three-Part Test)
- Scheduling
- Facilities
- Equipment and supplies
- Publicity and awards
- Travel and per diem
- Coaching
- Medical and athletic training services.

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<sup>11</sup> See WAC 392-190-025. See also WIAA Rule 18.16.0: (Gender Identity Philosophy and Participation Procedure), available here: <https://assets.wiaa.com/results/handbook/2024-25/handbook.pdf>.

<sup>12</sup> OSPI's website on creating gender-inclusive schools: <https://www.k12.wa.us/policy-funding/equity-and-civil-rights/resources-school-districts-civil-rights-washington-schools/gender-inclusive-schools>.

<sup>13</sup> 34 C.F.R. § 106.41(c); WAC 392-190-025(3).

Schools should collect and compare information about each component for each girls' and boys' team and make a compliance conclusion for every component, before making an overall compliance determination for the girls' and boys' athletic programs.

In other words, schools should compare the benefits and treatment received by *all* male athletes in a school's athletic program to the benefits and treatment received by *all* female athletes in that same school's athletic program to determine if any differences exist.

**General rule.** Any difference in benefits and treatment between the girls' and boys' athletic programs that results in an advantage to one sex and is not offset somewhere in the other sex's program could be a compliance concern.

**Girls' and boys' athletics programs do not have to be identical.** Neither Title IX nor state law require identical athletic programs for girls and boys or identical benefits for girls' and boys' teams in the same (or similar) sports, as long as the benefits between the overall girls' and boys' programs are equitable. Benefits for specific teams can differ based on factors such as the nature of the sport, coaches' professional decisions, athletes' preferences, and others, and still be consistent with Title IX.

- *Example:* A school athletic program offers 10 sports for girls and 8 sports for boys. Is this a compliance concern?

*Answer:* This is a difference that should be investigated, but it may not be a compliance concern. To investigate, the school would need to compare the benefits and treatment provided to all 10 girls' teams with those provided to all 8 boys' teams. If any advantage in benefits and treatment has been provided to one sex but has not been offset in the other sex's program, then this difference *could* be a compliance concern.

**Remedying compliance concerns.** Compliance concerns should be remedied through corrective actions that can be completed within a reasonable time.

- *Example:* Girls' volleyball must schedule post-season practices around girls' and boys' basketball, resulting in an inconvenient schedule for the volleyball players. If this disparity is not already being offset somewhere in the girls' athletic program, the school should develop and implement a plan to remedy it.

Possible solutions might include giving girls' volleyball priority scheduling during the few weeks that post-season practice overlaps with basketball and alternating the remaining preferred schedules for girls' and boys' basketball on a daily or weekly basis.

Regardless of what the remedy is, schools should document their efforts and communicate them with the school district, as well as with the student-athletes who are impacted by the scheduling issues.

## Documenting the Annual Athletic Evaluation

It is critical for schools to document their annual athletic evaluations each year, using a system that is sustainable (*i.e.*, able to survive changes in institutional leadership) and flexible (*i.e.*, able to be adjusted to reflect changing student interests and abilities).

OSPI has developed [three worksheets](#) that schools can opt to use for this purpose.<sup>14</sup>

1. **Team worksheets**, which solicit feedback from individual team coaches on the benefits and treatment provided to their individual teams.
2. **Building worksheets**, which are used by the building athletic director to compile and analyze the results of the team worksheets; and
3. **District worksheets**, which are used by the district athletic director to compile and analyze the results of the building worksheets, and ultimately, to assess whether the district, as a whole, is in compliance.

**Additional sources of information to collect.** When preparing for the annual athletic evaluation, the following documents may be helpful to collect:

- Questionnaires and interviews with coaches, student athletes, parents, athletic trainers, administrators, support staff, etc.
- Practice and competitive schedules for each team (including pre- and post-season play)
- Student support group performance schedules (e.g., cheerleaders, bands, dance teams)
- Budget information
- Facilities tours
- Team publications
- Media coverage (outside and inside)
- Insurance policies
- School website

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**Compliance Tip:** *If your LEA does already not have a consistent documentation system for its annual athletic evaluation, consider using OSPI's [team, building, and/or district worksheets](#).*

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<sup>14</sup> OSPI's worksheets are available here: <https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/resources-school-districts-civil-rights-washington-schools/sex-equity-athletics> (scroll to "Annual Athletic Evaluations").

## Analyzing each Program Component

When analyzing each component in the Laundry List, remember the general rule: Any difference in benefits and treatment between the girls' and boys' athletic programs that results in a disadvantage to one sex *and* is not offset in the other sex's program could be a compliance concern.

### Scheduling

Scheduling is not simply about the number and times of competitions and practices held by a particular team during a sports season. It is also about the potential impact that unequal scheduling could have on students' opportunities to participate, compete, attract media coverage, play in front of spectators, and develop strong overall programs. These same factors should also be considered when analyzing pre- and post-season competition.

#### Factors to consider:

- Number of competitive events per sport
- Number and length of practice opportunities
- Time of day that competitive events are scheduled
- Time of day that practices are scheduled
- Opportunities to engage in available pre- and post-season competition

**Nondiscriminatory scheduling differences are permissible.** The law allows for some nondiscriminatory differences in scheduling, including, but not limited to:

- **The nature of the sport.** For example, scheduling 25 games in a season might be reasonable for a softball team, whereas that same number of games would not make sense for a football team.
- **A coach's reasonable professional decisions.** A coach's decisions are permitted to influence the length of practice sessions and number of practice hours per week. For example, holding a three-hour practice session four days a week might be reasonable for a golf team, whereas these hours would likely be excessive for a cross-country team.
- **A lack of competition in the normal competitive region.** Fewer competitive contests in a school's normal competitive region may affect practice schedules as well as pre- and post-season games.
- **Coach availability.** Schools may accommodate an individual coach's personal schedule (e.g., a coach who works off-campus), provided that any resulting inconvenience to the student-athletes affects both boys' and girls' teams to the same extent.
- **Facility availability.** For example, a school whose swim team uses a community pool or whose bowling team uses a local bowling alley might need to fit its practices and competitions around the facility's existing schedule.

**"Like" sports.** Schools are not required to schedule the same number of competitions or practices for boys' and girls' teams in "like" (i.e., same or similar) sports, such as girls'/boys'

basketball, or baseball/softball, etc. However, any differences favoring a boys' team in a certain sport, for example, should be offset by differences favoring a girls' team in another sport.

**Scheduling “prime time” events.** The times for competition that are considered “prime time” are those that are most desirable. This may vary from school to school. Some schools, for example, may consider Friday night games to be “prime time.” When determining whether the school is in compliance, an *overall* program assessment is needed. For example, a schedule that favors a boys' basketball team over a girls' basketball team is only part of the determination. If the difference is offset by scheduling prime time matches for other sports that favor girls, the school may still be in compliance.

**When to be concerned.** Remember, scheduling differences are not compliance concerns until they create a disadvantage, and disadvantages are not a compliance concern until they affect only students of one sex *and* are not offset by other advantages provided to that sex in another sport. Disparities between the programs that are not offset should be remedied through a corrective action plan.

## Facilities

Facilities may include, but are not limited to, locker rooms, playing fields (including scoreboards, dugouts, lighting, etc.), gyms, courts, and swimming pools, whether on-campus or off-campus. The annual athletic evaluation should allow an LEA to assess whether boys and girls receive equal benefits and treatment related to competitive and practice facilities.

### Factors to consider:

- Quality and availability of the facilities provided for practice and competitive events, including on-campus and off-campus facilities
- Exclusive use of facilities provided for practice and competitive events
- Maintenance of practice and competitive facilities
- Preparation of facilities for practice and competitive events
- Availability and quality of locker rooms

**Identical facilities are not required.** A school must ensure that the facilities used by boys' teams and girls' teams are comparable with respect to the above-listed factors. The availability and adequacy of facilities is often dependent upon the number of athletes who need to use a facility at any one time. If many groups use a particular facility, it can also affect the quality of the facility or the necessary maintenance and preparation of the facility. Facilities are often a hot-button issue for families and student-athletes, who may not understand that the law does not necessarily require facilities for “like” teams to be identical. However, schools should nonetheless take the time to listen to such concerns and respond appropriately.

**Exclusive use of facilities is discouraged.** “Exclusive use” refers to any team’s exclusive or priority use of a facility (e.g., gym, weight room, locker room, etc.) during specific times, and can impact whether equal opportunities are provided for all student-athletes. For example, a school cannot only allow the football team to access the weight room every day after school during pre-season activities.

**Analyzing outside facilities.** If a school uses facilities they do not own (e.g., city soccer fields, local bowling alley, community swimming pool, etc.) for school-sponsored practice or competitions, it must ensure that, overall, the facilities used by the girls’ teams and the facilities used by the boys’ teams are comparable.

## Equipment and Supplies

Equipment and supplies include, but are not limited to, practice and game uniforms, shoes, rain gear, warm-up suits, sport-specific equipment such as bats, balls, nets, gymnastics equipment, and general equipment and supplies such as instructional devices and strength and conditioning equipment. Stationary equipment, however, such as basketball hoops, field goals, and tennis nets are reviewed under the facilities program component.

Schools are not required to provide equipment and supplies for their student-athletes. However, if they choose to provide them, they must do so in a way that meets the needs of the boys’ and girls’ athletic programs equally.

### Factors to consider:

- Quality
- Quantity
- Suitability (i.e., whether they meet sport-specific rules or specifications)
- Maintenance and replacement schedules
- Availability

**Developing a purchasing cycle and tracking system.** Schools are encouraged to develop a cycle for the purchase of equipment and supplies as well as a system to track past and planned purchases. If there are immediate disparities between the girls’ and boys’ programs, schools will then be able to prioritize purchases to ensure equity. There is no need for all “like” sports (e.g., boys’ basketball and girls’ basketball) to be on the same schedule for receiving new equipment. However, as coaches, students, and parents often compare the purchases for like sports, it can be helpful to communicate the school’s rationale and process when making purchasing decisions.

**Identical equipment and supplies are not required.** The law does not require that schools provide identical equipment, as long as the overall effect of any differences in equipment is negligible. Schools are also permitted to account for real differences between the costs of girls’



and boys' sports that may justify a difference in the amount spent on their equipment and supplies. For example, if it costs more to buy boys' football uniforms than girls' volleyball uniforms, then a school is permitted to spend more on the boys' program, as long as the girls' uniforms are of equal quality.

## Publicity and Awards

Here, a school must consider the efforts it has made to provide equal publicity, promotions, awards, and the support of certain student groups—for example, cheerleaders, pep bands, and dance teams—for boys' and girls' teams. Equal publicity and awards are significant because they help schools to grow their athletic programs, encourage students to participate, and communicate to student-athletes that their hard work is valued.

**Media coverage.** Schools are not responsible for inequities that result from outside media that provides greater coverage of girls' or boys' sports, so long as equal efforts have been made to obtain coverage. That said, schools are responsible for internal school publicity and media coverage which includes:

- School newspaper articles and photographs
- Yearbooks
- Posters and banners on school grounds
- Pep assemblies and rallies
- Trophy cases and displays
- Athletics banquets and awards ceremonies

### ***Scenario: Post-Season Banquets***

*A high school has a long-standing tradition of hosting a post-season banquet for the boys' basketball team. This banquet is paid for by donations from the boys' basketball booster club. The team attends a fancy dinner and receives individual awards (e.g., Most Improved) during the banquet. Due to a lack of funds, the girls' basketball team does not have a post-season banquet. Is this a compliance concern?*

Here, the girls' basketball team is being disadvantaged by not receiving equivalent benefits in publicity and awards. If an equivalent offsetting benefit is not provided elsewhere in the girls' program, this could be a compliance concern.

One way the school could remedy this inequity is to instead host an end-of-season banquet for all male and female athletes who played basketball that year, which would allow *everyone* who participated to be honored for their efforts.

**Student support groups.** Schools are not required to provide student support groups like cheerleaders, pep bands, or dance teams for every athletic contest. However, schools are required to ensure that when cheerleaders, pep bands, and dance teams are provided for boys' teams, they are equally provided for girls' teams. For example, if the school band travels to boys' athletic events, it should also travel to girls' athletic events.

## Travel and Per Diem

Different teams will have different travel and per diem needs, and the law allows for such flexibility. However, the general rule is that travel and per diem must be provided in a way that equally meets the overall needs of the boys' and girls' teams.

### Factors to consider:

- **Modes of transportation.** Schools should compare the types of transportation used by each team, particularly when teams are traveling similar distances. Some differences in transportation may be explained by nondiscriminatory factors such as the number of athletes traveling with the team, amount of equipment that needs to be transported, length of stay, or number of additional travelers (*e.g.*, support staff like athletic trainers, managers, etc.)
- **Overnight accommodations.** If a school provides housing accommodations for teams on travel, the school should compare two factors—the overall quality of the accommodations and the number of athletes assigned to each room.
- **Length of stay.** With some exceptions, interscholastic competition requires nothing more than same-day travel. With all travel, schools should consider whether girls' and boys' teams are provided comparable opportunities to arrive at away games with time to rest, have meals, or practice.
- **Per diem allowances.** Schools have different ways of handling meal allowances for teams at away events. Regardless of how a school covers these costs (*e.g.*, set allowances for each player or for each meal, a set amount for the whole team, etc.), the measure should be the quality and quantity of the meals, not whether a certain amount was spent per athlete. Overall, the quality and quantity of meals should be comparable.
- **Dining arrangements.** The start time, length of a competitive event, and the nature of the sport can affect dining arrangements. For example, track meets can begin early in the morning and last all day, with athletes competing at different times, thus resulting in a need for more flexible dining options (as opposed to providing a single large meal for the entire team). The bottom line is that if a school makes dining arrangements for athletes, the convenience and quality of the arrangements should meet the needs of girls' and boys' teams equally.

## Coaching

When assessing this component, consider the following:

- **Availability of coaching.** Includes considerations such as the number of coaches assigned to each team, their full- or part-time status, and any other duties or employment that could affect a coach's time. Above all, schools should provide comparable coach-to-athlete ratios for its male and female athletes, including assistant coaches.

- **Assignment of coaches.** Generally measured by training, experience (e.g., number of years of experience each coach has), and any additional qualifications. Schools must assign similarly qualified coaches to the boys' and girls' athletic programs.
- **Compensation of coaches.** Includes coach salaries and/or stipends. Schools are not required to pay the same salary/stipend to boys' and girls' coaches of like sports. However, schools should compare the overall allocation of funds for coaching in the boys' and girls' programs. If overall differences exist, consider whether or not these differences are the result of nondiscriminatory factors, such as extra duties, experience, number of assistant coaches supervised, etc.

## Medical Services and Athletic Training

If a school offers medical and/or athletic training services, then they must consider this component in the annual evaluation of their athletic programs.

### Factors to consider

- Access to medical and emergency personnel and assistance
- Qualifications of medical personnel available
- Coverage and type of accident and medical insurance
- Access to trainers
- Access to and quality of weight, conditioning, and training facilities

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## Outside Sources of Funding

Outside sources of funding can include booster clubs, donations, and fundraisers, and donations from outside sources can take many different forms, including cash, equipment, or services. Schools may accept outside sources of funding to support their athletic programs.


However, any benefit provided to student-athletes by an outside source of funding is viewed under Title IX as having been provided by the LEA itself. Note, that until the LEA actually spends the donated funds, there is no Title IX concern, because there has been no benefit provided to either sex's program.

However, if an LEA accepts a donation from an outside source and *uses it to provide a benefit*, it must determine if that benefit has created a disparity along gender lines. If so, the LEA must then find and use other resources—often its own—to offset it.

**Developing a tracking system.** Although Title IX provides districts with a tremendous amount of flexibility when resolving such disparities, it can be challenging to track and document the offsetting benefits to each program. This is why it is critical for LEAs to have a system for tracking and monitoring outside sources of funding. The system does not need to be unduly complicated—it can be a simple Excel spreadsheet—but it should collect basic information, such as where a particular donation came from, how it was spent, and which program—girls' or boys'—it benefited.

**Correcting disparities.** Looking to the previous scenario from the Publicity and Awards section (found on page 16 and involving a post-season banquet funded by a booster club for the boys' basketball team) as an example, the school would need to correct this disparity by finding and using other resources—perhaps from its own funds—to provide a similar benefit somewhere in the overall girls' athletic program.

Even though this scenario focuses on balancing the benefits provided to “like” teams (boys' and girls' basketball, respectively), remember that benefits and treatment for like teams do not have to be identical. This is because the LEA should be comparing the benefits and treatment provided to the overall boys' and girls' athletic *programs*. Thus, if the school provided an



Any benefit provided to student-athletes by a booster club, donation, or fundraiser is viewed under Title IX as having been provided by the school itself.

If the resulting benefit creates a disparity that disadvantages one sex, then the school is responsible for offsetting it.

equivalent benefit somewhere within the girls' program—either by using additional fundraising dollars raised or its own funds—the school would likely still be in compliance.

**Educating your booster clubs and private donors.** Many booster clubs or private donors are adamant that donations go to a particular team or be used for a particular purpose. This can be a tricky situation, because the LEA likely does not want to turn down the donation, but it must also ensure that the donation (or the impact of that donation) does not result in a disparity based on sex.

Educating booster clubs and private donors about the LEA's Title IX obligations is therefore key, and might involve taking proactive steps such as:

- **Developing and distributing policies and procedures** for:
  - Forming and governing booster clubs
  - Accepting outside sources of funding from booster clubs
  - Organizing booster club fundraisers
  - Requesting funding
  - Reporting donations

Having clear policies and procedures in place can allow for better school and district oversight and avoid donations going directly to individual coaches or teams without the school's knowledge.

- **Establishing an inclusive, school-wide sports booster club,** ensuring that all donations go into one fund and that athletic director controls and tracks any and all subsequent distributions to a particular sport or program.
- **Establishing a booster club advisory committee comprised** of booster club members, parents, coaches, and athletic director(s) to encourage communication and collaboration.
- **Developing a consistent system for tracking booster club donations.** Even something as simple as an Excel spreadsheet can work for this purpose. The keys are that the system is able to track where the donation came from, how much was donated, how it was spent, when it was spent, and which athletic program (girls' or boys') received the benefit.
- **Providing ongoing training for all coaching staff** in the areas of equal opportunity in fundraising and donations, as well as in federal and state nondiscrimination laws.
- **Educating private donors** about the impact of donations that benefit only one sex's program on the school's obligation to comply with Title IX.

**Possible models.** The following are possible booster club models that may help schools ensure that donations do not create disparities:

- Single “umbrella” club, where all donations go into one fund and the school decides where money should be funneled after taking equity into consideration.
- Sport-specific clubs where the athletic director’s approval is needed before any funds may be distributed.
- Combination of the above.

**Keys to success.** When working with outside sources of funding such as booster club or private donations, schools should: (1) educate them about how Title IX applies; (2) develop and consistently implement a process for managing and tracking all donations; (3) anticipate and prepare for complications (*e.g.*, situations where outside funding is used to provide benefits to a specific team *without* the athletic director’s knowledge and consent); and (4) document the process used and the reasons behind any decisions made.

**Records retention.** The Washington Secretary of State (SOS) publishes a records retention schedule for all school districts—which includes an entire section devoted to athletic records.<sup>15</sup> Because these records are subject to public records requests (and public disclosure) is critical that each building manage its own athletic records effectively and in accordance with the SOS’s retention schedule.

### ***Scenario: Football Scoreboard***

*A former Seahawk decides to donate \$20,000 to his high school alma mater for a state-of-the-art, football-specific scoreboard for the school stadium. If the school accepts this donation, will it create a Title IX compliance concern?*

It depends. These are always highly fact-specific situations, but in general, if the money is used strictly as the Seahawk intended, then the resulting football-specific scoreboard is likely to only benefit the boys’ athletic program. To avoid creating a Title IX compliance concern, the athletic director would need to ensure that this benefit to the boys’ program is offset somewhere within the girls’ program (*i.e.*, that the girls’ program is provided with an equivalent benefit within a reasonable time).

Another solution might be for the athletic director to reach out to the Seahawk to see if he would consider allowing the school to use his donation to fulfill a need that would benefit *both* the boys’ and girls’ athletic programs, thereby eliminating the need for offsetting. For example, perhaps the donation could instead be put toward a different type of scoreboard that could be used for the boys’ football games *and* the girls’ field hockey games, which are both played in the stadium.

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<sup>15</sup> The most recent version of the athletics record retention schedule can be accessed on the Secretary of State’s website at: [public-schools-\(k-12\)-records-retention-schedule-v.8.4-\(april-2021\).pdf](https://www.sos.wa.gov/public-schools-(k-12)-records-retention-schedule-v.8.4-(april-2021).pdf) (updated April, 2021).

## Additional OSPI Tools and Resources

OSPI's Sex Equity in Athletics webpage. Available at:

<https://www.k12.wa.us/policy-funding/equity-and-civil-rights/resources-school-districts-civil-rights-washington-schools/sex-equity-athletics>

OSPI's Student Athletic Interest Survey and Instructions. Available at:

[https://ospi.k12.wa.us/sites/default/files/2023-08/studentathleticsurvey\\_ospi\\_sample.docx](https://ospi.k12.wa.us/sites/default/files/2023-08/studentathleticsurvey_ospi_sample.docx)

OSPI's Athletics Opportunities Worksheet. Available at:

<https://ospi.k12.wa.us/sites/default/files/2023-10/athleticopportunitiestool.xlsx>

OSPI's Annual Athletic Evaluation Worksheets

<https://www.k12.wa.us/policy-funding/equity-and-civil-rights/resources-school-districts-civil-rights-washington-schools/sex-equity-athletics> (scroll to Annual Athletic Evaluations, Team, Building, and District Worksheet Samples).