

Guide to Item 14.6

Equity in Athletics: Accommodating Athletic Interests and Abilities

Important! Only submit evidence for Item 14.6 if your LEA operates, sponsors, or provides interscholastic athletics. Otherwise, please add a note to this item in EGMS stating grounds for N/A.

Legal Background

Student Athletic Interest Survey. Federal and state law require LEAs to provide equitable athletic opportunities, benefits, and treatment to girls and boys. At least once every three years, each school that offers interscholastic athletics must administer OSPI's student athletic interest survey to assess whether its athletic program effectively meets students' interests and abilities.

LEAs must disaggregate survey results by sex and school and use these results when planning athletic and recreational offerings and evaluating whether students of both sexes have equal opportunities to participate.

Three-Part Test. Each building that offers an interscholastic athletic program must equally accommodate the interests and abilities of male and female students as demonstrated in one of the following ways ("Three-Part Test"):

Part 1: The ratio of male/female student enrollment is **substantially proportionate** to the ratio of male/female athletic participation,

Part 2: The school has a **history and continuing pattern of program expansion** for the underrepresented sex, or

Part 3: The school's current program **fully and effectively accommodates the interests and abilities of the underrepresented sex** as demonstrated by the athletic interest survey and other requests for specific sports.

Legal Authority: Title IX, [34 C.F.R. §106.41](#); RCW [28A.640.020](#); WAC [392-190-025](#), [392-190-030](#), [392-190-040](#), and [392-190-045](#).

OSPI Tools and Resources

[OSPI Student Athletic Interest Survey](#)

[Sample Survey Results Summary Worksheet](#)

[Athletic Opportunities Tool](#)

[Sex Equity in Athletics Training Handout](#)



Student Athletic Interest Survey (14.6.A)

Evidence to Provide

Only submit evidence if your LEA operates, sponsors, or provides interscholastic athletics. Otherwise, please add a note to this item in EGMS stating grounds for N/A.

- A. A complete copy of the [student athletic interest survey](#) instrument administered within the last three years, and date it was last administered.

Tips for Program Review

- **LEAs must use the OSPI Student Athletic Interest Survey.** LEAs may add questions or modify the format for online administration as needed. Any other changes to the survey content require OSPI approval before distribution.
- **Translated versions of the survey** are available on OSPI's [Sex Equity in Athletics](#) webpage.

Summary of Athletic Interest Survey Results (14.6.B)

Only submit evidence if your LEA operates, sponsors, or provides interscholastic athletics. Submit evidence from two middle/junior high schools and two high schools (as applicable).

- B. Student athletic interest survey results **for each selected building**, with a summary of student responses **disaggregated by sex** (use the [OSPI's Sample Summary Worksheet](#) or equivalent).

Evidence must include at least the following:

1. The number of students surveyed.
2. The number of students enrolled (i.e., eligible to take the survey).
3. The top five sports requested, including the number of students who expressed interest in each sport.
4. The top reasons for non-participation.

Tips for Program Review

- **Submit survey results for two middle/junior high schools and two high schools, as applicable.** Clearly identify the school included in the sample.
- **Consider using OSPI's [Sample Survey Results Summary Worksheet](#) to compile and organize survey data.**
 - Although use of the worksheet is optional, it helps to ensure that survey data is properly broken down by building and by sex.

- Using a consistent format to summarize results also makes it easier to review participation patterns, identify potential gaps in athletic opportunities, and show that the LEA conducted its analysis in a clear and systematic manner.
- **Use survey results when evaluating each school's athletic program for sex equity under Part Three of the Three-Part Test.** Student interest surveys are an important source of information for determining whether athletic opportunities effectively accommodate students' athletic interests and abilities.

Three-Part Test for Athletic Opportunities (14.6.C)

Evidence to Provide

Only submit evidence if your LEA operates, sponsors, or provides interscholastic athletics. Submit evidence for the same schools previously selected in 14.6.B.

- C. A completed Three-Part Test analysis for each selected building, using OSPI's [Athletic Opportunities Tool](#).

Tips for Program Review

- **During Program Review, LEAs must use OSPI's Athletic Opportunities Tool (Excel file) to assess whether athletic participation opportunities are equitable by sex.** Although use of the tool outside the Program Review process is optional, OSPI recommends using it annually. Consistent use helps track trends, identify potential concerns early, and ensure a uniform approach to evaluating participation opportunities across schools and reporting periods.
- **For Item 14.6.C, provide evidence for the same schools included in Item 14.6.B.** Using the same schools for both items provides necessary context and supports a more efficient and accurate review.
- **Complete all three parts of the Athletics Opportunities Tool.** Schools most commonly demonstrate compliance through Part Three of the Three-Part Test. Further, if an LEA cannot demonstrate compliance under any part of the test, any required corrective action will likely focus on the Part Three analysis.
- **To help ensure an accurate review, please exclude cheer and dance from the Part One participation numbers and instead document any consideration of these activities separately within the Part Three analysis, as appropriate.** This approach aligns with federal guidance and supports a clear and consistent evaluation of athletic opportunities.
 - Questions? Contact the OSPI Equity and Civil Rights Office and/or review OCR's [Dear Colleague Letter: Athletic Activities Counted for Title IX Compliance](#).
- **For Part Three, please ensure the LEA's analysis addresses each of the key questions related to the feasibility of expanding athletic opportunities.**

- **Is there unmet interest in a particular sport?** Consider the results of the Student Athletic Interest Survey, requests from students or families, and any other relevant information.
- **Is there sufficient ability to sustain a team in the sport?** Consider whether enough students possess the ability and skills necessary to support ongoing participation.
- **Is there a reasonable expectation of competition for the team?** Consider whether sufficient competitive opportunities exist within the school's normal competitive region. The LEA should state whether a reasonable expectation of competition exists and describe the basis for that conclusion.
- **Provide clear "yes" or "no" determinations, supported by evidence, and state the basis for the determination.** Thorough explanations for each question ensure that the district's analysis is sufficient. Additional guidance can be found on pages 6-8 of OSPI's [Sex Equity in Athletics Training Handout](#).
- **Consistent with federal guidance, OSPI will not consider concerns about the cost of expanding athletic opportunities to be an acceptable basis for determining that expansion is not feasible.** Under Part Three of the Three-Part Test, the analysis should focus on whether there is sufficient interest, ability, and available competition to support the additional opportunities.

Frequently Asked Questions

How often must schools administer the student athletic interest survey?

State law requires that schools administer the athletic interest survey **at least once every three years**. Schools may also choose to administer the survey more frequently to help assess student interests and inform athletic program planning.

What is an acceptable response rate for the survey?

No specific response rate is required. However, OSPI will assess each school's survey on a case-by-case basis. OSPI generally affords more weight to a survey with a higher response rate but will also consider the school's efforts to encourage participation, the target population surveyed, and treatment of nonresponses.

Schools should take steps to allow—and encourage—all students to participate in the athletic interest survey. Schools should take steps to widely publicize the survey, give students adequate time to respond, and send reminder notices as needed. To ensure high response rates, schools can administer the survey as part of a mandatory student activity, such as during course registration or advisory period.

Why are cheer and dance typically not considered athletic opportunities under Title IX?

For Title IX purposes, countable athletic participation opportunities must take place in a recognized sport. While OCR does not have a specific definition for “sport,” it evaluates activities on a [case-by-case basis](#), considering factors such as program structure and administration, team selection and preparation, and competition structure and opportunities.

To date, OCR generally has not treated cheer or dance programs as countable athletic opportunities because they do not consistently satisfy these factors. As a result, OSPI strongly discourages schools from counting cheer or dance participants when assessing athletic participation opportunities under Part One of the Three-Part Test unless they first consult legal counsel or OCR.

Other activities and sports that have generally not been counted as athletic opportunities for Title IX purposes include Unified Sports and eSports.

What is “substantial proportionality?”

OCR considers athletic opportunities to be substantially proportionate when the number of opportunities that would be required to achieve proportionality would not be sufficient to sustain a viable team. A “viable team” would be a team which there are enough interested and able students and enough available competition to sustain an interscholastic athletic team.

Learn More About Sex Equity in Athletics

- OSPI’s [Sex Equity in Athletics](#) webpage
- OSPI’s Equity and Civil Rights Office’s Three-Part Test [webinar](#) and [training handout](#)
- OSPI [Survey Instructions](#), including instructions for administering the survey and analyzing the results, information about the Three-Part Test, and frequently asked questions
- OCR [Dear Colleague Letter: Part Three of the Three-Part Test \(2010\)](#)
- OCR [Dear Colleague Letter: Athletic Activities Counted for Title IX Compliance](#)