



**Written Testimony of the
American Association of University Women**

before the

United States Senate Committee on Health, Education, Labor, and Pensions

Hearing on

“ESEA Reauthorization: Supporting Student Health, Physical Education, and Well-Being”

May 18, 2010

Chairman Harkin, Ranking Member Enzi, and members of the Committee, thank you for the opportunity to submit testimony for the hearing “ESEA Reauthorization: Supporting Student Health, Physical Education, and Well-Being.”

The American Association of University Women is a membership organization founded in 1881 with more than 100,000 members and donors and 1000 branches nationwide. AAUW has a proud 128-year history of breaking through barriers for women and girls and has always been a strong supporter of public education. Today, AAUW continues its mission through education, research, and advocacy.

While there were many positive aspects of No Child Left Behind, the focus on reading and math had the unintended consequence of schools decreasing the amount of time spent on other subjects such as physical education. While there needs to be a new emphasis on physical education classes, especially with the increasing rates of childhood obesity, participation in school athletics can also help improve students’ health and well-being.

One of AAUW’s top priorities for inclusion in the Elementary and Secondary Education Act reauthorization is the bipartisan **High School Sports Information Collection Act (S. 471)**, introduced by Senators Snowe (R-ME) and Murray (D-WA). This legislation would aid in improving students’ health and would require that high schools report basic data on the number of female and male students participating in their athletic programs and the expenditures made for their sports teams. It is important to note that schools already collect the data required under this legislation. However, currently this data is not publicly available. This bill would improve students’ health and access to school athletics, in addition to making this baseline Title IX information available to the public.

Increasing children’s physical activity can improve students’ health and help combat childhood obesity, which is at an all-time high. Over the past three decades, childhood obesity rates in the

U.S. have tripled, and today, one in three American children are overweight or obese.¹ The issue is receiving even more attention after the recent creation of the Presidential Task Force on Childhood Obesity and Let's Move program. The High School Sports Information Collection Act could aid in decreasing childhood obesity by helping to ensure that schools are providing all their students with equal opportunities to benefit from school sports programs. The *New York Times* recently highlighted research that found that the "increase in girls' athletic participation caused by Title IX was associated with a 7 percent lower risk of obesity 20 to 25 years later, when women were in their late 30s and early 40s." The study notes that while a 7 percent decline in obesity is modest, "no other public health program can claim similar success."² Simply put, properly enforcing Title IX and increasing children's physical activity can lower obesity risks even into adulthood.

The benefits girls receive from participating in sports can lead to success in all aspects of life. Statistics have shown that girls thrive when they participate in sports and are less likely to get pregnant, drop out of school, do drugs, smoke, or develop mental illness.³ However, high school girls are being deprived of the critical opportunity to play sports. In fact, while girls comprise half of the high school population, they receive only 41 percent of all athletic participation opportunities – 1.3 million fewer participation opportunities than male high school athletes.⁴ However, record number of women are now actively participating in collegiate sports in large part due to the requirements of accountability provided under the Equity in Athletics Disclosure Act of 1994, which requires colleges and universities to account for how their athletics opportunities, resources, and dollars were allocated among male and female athletes. This reporting requirement accounts, in large part, for the narrowing of the athletics gap at the college level, proving that sunshine can be the best of disinfectants. While women's athletics continue to lag behind men both in opportunities to participate and in dollars spent, women's college athletic participation has increased by 574 percent since 1972, proving that interest follows opportunity.⁵ It has been a significant drawback to Title IX enforcement that no such accountability requirement exists at the high school level.

While colleges must be transparent about their athletic opportunity and funding, high schools are not required to report opportunity and funding statistics to any higher authority. Including the High School Sports Information Collection Act (S. 471) in ESEA reauthorization would require schools to be transparent about the athletic opportunities they offer and would also help improve students' health.

In addition, this legislation would only require a few hours of work per year to make this data public. The National Federation of State High School Associations already requires that school administrators submit annual reports of their athletic participation numbers by sport and gender to their state high school athletic associations. Additionally, school bookkeepers already keep records of all school expenditures—including those made within the athletic department. Therefore, the legislation merely requires that schools transfer this existing data into a report that is publicly available, a task that should take an administrator from two to six hours maximum, depending on the number of sports offered.⁶ In addition, several states already have similar state legislation, proving that this straightforward legislation works. Kentucky and Georgia have adopted and successfully implemented state legislation that requires high schools to submit annual reports with information regarding their athletic participation rates as well as budgets and

expenditures. New Mexico passed similar legislation in April of 2009. Since the implementation of this legislation, the administrators of the compliance programs in the Kentucky and Georgia State High School Athletic Associations have said they have seen significant improvements in the Title IX compliance of their member schools.⁷

While ESEA reauthorization should address students' health and physical education, students' well-being must also be a focus of the legislation. Simply put, students cannot learn if they don't feel safe. The implementation of policies that improve school climate will increase student achievement. ESEA must recognize the connection between emotional and physical health and support programs and policies that emphasize social and emotional learning. AAUW supports policies and programs that promote youths' social and emotional health and address relational aggression, bullying, and harassment to ensure their overall health, safety, and well-being.

The inclusion of stronger policies to deter and address bullying and harassment will help to ensure a safe learning environment for all students. Almost a decade ago, AAUW's own research revealed that 83 percent of girls and 79 percent of boys reported having experienced sexual harassment, and over one in four students stated that harassment happens "often."⁸ More recent research shows that bullying affects nearly one in three American school children in grades six through ten.⁹ The Girl Scout Research Institute reports that girls, in particular, are most concerned about their emotional safety. One-third of girls surveyed consider speaking or participating in class as a threat to their emotional safety.¹⁰ AAUW supports the Safe Schools Improvement Act (H.R. 2262) which would help deter and address bullying and harassment and includes the Department of Education's Office for Civil Rights' definition of harassment and identifies the prohibited bases for such conduct, including actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, and religion. ESEA reauthorization should make clear that sexual harassment is included under the definition of harassment.

In addition to supporting provisions to prevent and address bullying and harassment, AAUW also supports the Student Nondiscrimination Act (H.R. 4530) which would prohibit discrimination in public schools based on actual or perceived sexual orientation or gender identity. The legislation would also provide meaningful and effective remedies, such as loss of federal funding and legal cause of action for victims. All students deserve a safe learning environment. AAUW also supports the Positive Behavior for Safe and Effective Schools Act (H.R. 2597), which would fund efforts that create positive learning environments to help keep children in school. Ineffective and harmful school discipline practices severely impact schools' ability to educate our children. Many girls, particularly girls of color, are affected by disproportionate punishments for minor infractions at school. The legislation would enable schools to use Title I funds to implement evidence-based approaches, such as Positive Behavior Supports, which have been proven to reduce school discipline referrals, support improved academic outcomes, and improve perceptions of school safety. The legislation will reduce unnecessary reliance upon suspensions, expulsions, and referrals to law enforcement by providing schools the support needed to improve school climate. Provisions from the above pieces of legislation could fit in the same section of ESEA reauthorization as the Successful, Safe, and Healthy Students, which AAUW is supportive of.

For more than 128 years, AAUW has fought for educational equity and achievement in our nation's public schools. Reauthorization of ESEA represents a tremendous opportunity to make significant strides in this direction. AAUW continues to urge Congress to include the High School Sports Information Collection Act (S. 471) and provisions to improve school climate in ESEA reauthorization.

Thank you for the opportunity to submit testimony.

¹ The New York Times (February 16, 2010). *As Girls Become Women, Sports Pay Dividends*. Retrieved March 1, 2010, from <http://www.nytimes.com/2010/02/16/health/16well.html>.

² Ibid.

³ Women's Sports Foundation. (December 12, 2007). *Women's Sports & Physical Activity Facts & Statistics*. Retrieved January 16, 2008, from http://www.womenssportsfoundation.org/binary-data/WSF_ARTICLE/pdf_file/191.pdf.

⁴ National Federation of State High School Associations. (2009). 2008-2009 High School Athletics Participation Survey. Retrieved March 9, 2010, from <http://www.nfhs.org/content.aspx?id=3282&linkidentifier=id&itemid=3282> and National Center for Educational Statistics. 2006-2007. Retrieved March 9, 2010 from <http://nces.ed.gov/>.

⁵ Women's Sports Foundation. (2008). *Gender Equity in Athletics: 2007-2008 High School and College Statistics Update*. Retrieved March 9, 2010, from http://www.womenssportsfoundation.org/Content/Articles/Issues/General/123/2007_2008-Gender-Equity-in-Athletics.aspx.

⁶ Conversations between Women's Sports Foundation staff and compliance officers at the Georgia and Kentucky State High School Athletic Associations and high school athletic directors in Missouri. May 2007.

⁷ Ibid.

⁸ AAUW Educational Foundation. *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, p. 4 2001.

⁹ Members of the National Safe Schools Partnership (June 2007). *Bridging the Gap in Federal Law: Promoting Safe School and Improved Student Achievement by Preventing Bullying and Harassment in our Schools*. Retrieved on April 7, 2009, from http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/912-1.pdf.

¹⁰ Judy Schoenberg, Toija Riggins, and Kimberlee Salmond, *Feeling Safe: What Girls Say*, A Report from the Girl Scout Research Institute (New York, NY: Girl Scouts of the USA, 2003).