

Title IX Athletics Audit



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Title IX Athletics Audit – Brunswick School Department

Executive Summary

The enclosed report sets forth the results of Drummond Woodsum’s comprehensive Title IX audit of the interscholastic athletics program at Brunswick High School (BHS). We undertook this review at the request of the Superintendent in order to determine the extent to which the high school’s interscholastic sports program complies with Title IX of the Education Amendments of 1972 – that is, whether BHS affords girls and boys equal opportunities and benefits in athletics – and to identify any areas of potential non-compliance that the school department should address.

Compliance with the Title IX mandate to provide boys and girls “equal athletic opportunities” is measured in a number of ways. First, federal regulations and Office for Civil Rights (OCR) policy require public schools to sufficiently “accommodate the interests and abilities” of female athletes relative to males. “Accommodation” of interests means that girls and boys compete in high school sports in relative proportion to their overall enrollment in the high school. At BHS, athletic opportunities for female athletes are generally proportional to the number of girls in the overall student body:

Year	Girls		
	Percent of Student Body	Percent of Athletes	Disparity
2016-2017	44.15%	42.95%	1.2%
2017-2018	44.41%	42.21%	2.2%
2018-2019	45.13%	42.31%	2.82%

Given the very slight difference between its proportion of female students and proportion of female athletes, the High School is affording girls and boys an equal opportunity to compete in interscholastic athletics, as required by Title IX. In sum, the audit demonstrates, as anyone closely following BHS athletics would likely agree, that the High School supports extensive, quality athletics programs for both girls and boys.

Title IX also sets out a lengthy list of factors for assessing whether female athletes are treated equally to male athletes. These “Equal Treatment” factors encompass, for purposes of this review: *Equipment and Supplies; Game/Practice Scheduling; Travel; Coaching; Facilities; Medical/Training Support; Publicity; Support Services; and Additional Benefits*. Our review shows that the High School is complying with Title IX in most of these identified areas. Whether, for example, addressing each team’s equipment and supply needs, providing sufficient coaching support across all teams, and making sure facilities are of sufficient quality and well-maintained, the High School is, in large part, supporting boys and girls teams equally. As

explained in the report, the school also had already embarked on making some key changes in advance of this review that fortified the district's compliance with Title IX.

However, under Title IX, all services and benefits provided to a high school team – no matter the funding source – are to be considered when assessing equality among boys and girls teams. Despite clear limitations in available data, our review indicates that male student athletes are, in certain instances, receiving greater benefits compared to female athletes through funding from dedicated, and clearly effective, booster clubs. Booster funding, for example, used to pay for fees at an indoor practice facility, food during team travel, and special apparel or other activities were reflected in the information we reviewed. To be clear, a number of girls teams are benefitting from active booster clubs as well. Yet, the expenditure amounts and types of benefits suggest a compliance issue under Title IX that calls for closer oversight of booster expenditures to ensure equity in benefits between boys and girls teams overall. We understand that such protocols are already being considered, which is a step in the right direction.

The enclosed report addresses these and several other aspects of the High School athletics programs in detail. Also discussed are a number of points we identified, or learned from coaches or athletes, that do not necessarily indicate a Title IX compliance issue, but should help guide the High School in its continued efforts to support high quality athletics programs for all of its student athletes.

We have greatly appreciated the opportunity to conduct this review and are thankful for the cooperation and extensive assistance we received from Superintendent Perzanoski and his team, including Assistant Superintendent and Title IX Coordinator Shawn Lambert, Principal Troy Henninger, and Athletic Director Jeff Ramich. We also appreciate the cooperation and excellent input we received from the many coaches, student athletes and community members we met with during the review.

Finally, we remain available to assist the School Department in addressing any of the areas addressed in the report, answer any questions, or to provide additional information.

Thank you.

Laura O'Neill & Allen Kropp

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BRUNSWICK SCHOOL DEPARTMENT, ME

Title IX Athletics Audit

OBJECTIVES AND SCOPE

This report describes the Title IX athletics audit that our office conducted of the interscholastic athletic program at Brunswick High School (BHS or the High School). Specifically, we sought to determine whether the program complies with the requirements of Title IX and its accompanying regulations. This report has been produced at the request of the Brunswick School Department (or the district), and is based on available information for the 2016-2017, 2017-2018, 2018-2019, and 2019-2020 school years.

Below is an introduction to the purpose and application of Title IX to school athletic programs, followed by a detailed description of the investigative activities undertaken and our findings and conclusions regarding the High School's compliance with Title IX.

PURPOSE AND APPLICABILITY OF TITLE IX

Title IX prohibits discrimination on the basis of sex in programs or activities receiving federal financial assistance. Specifically, Section 901(a) of Title IX of the Education Amendments of 1972 states that, “[n]o 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”¹ As a recipient of federal funds from the U.S. Department of Education (the Department), the district is subject to Title IX. In general, Title IX applies to all district programs and activities, including its interscholastic athletic program.

TITLE IX REQUIREMENTS

The Office for Civil Rights (OCR) within the U.S. Department of Education is responsible for enforcing Title IX with regard to public school programs and activities, and assesses compliance through the application of federal regulations implementing Title IX. With regard to athletics, the Title IX regulations specify:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated

¹ 20 U.S.C. §1681(a).

against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such activities separately on such basis.²

The regulations also state:

“[a] recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes.”³

In sum, these directives require that public schools, like recipient colleges and universities, provide equal opportunity for male and female students to participate in its competitive and non-competitive sports program. This report focuses on the competitive, interscholastic boys and girls athletic programs at Brunswick High School.

The specific requirements for determining whether boys and girls are afforded equal athletic opportunities are derived from the Title IX regulations, along with a series of OCR “Policy Interpretations” which provide further guidance on how schools are to comply with the law. The initial Policy Interpretation details thirteen factors to consider when determining whether schools are in compliance with Title IX.⁴ Those thirteen factors fall into two general categories for assessing compliance with the Title IX regulations – (1) Accommodation of Athletic Interests and Abilities (the first factor in the Policy Interpretation); and (2) Equal Treatment (the remaining factors – e.g., equipment and supplies, scheduling, travel, coaching, locker rooms, practice and game facilities, etc.).⁵ Consequently, a school can violate Title IX if it does not effectively accommodate student interests, or if it does not afford boys and girls equal treatment.

Because some of the factors in the Policy Interpretation apply only to intercollegiate athletic programs operated by postsecondary education institutions (and not to the interscholastic school

² 34 C.F.R. §106.41(a).

³ *Id.* at (c).

⁴ See Department of Health, Education, and Welfare, Office of Civil Rights (OCR) Policy Interpretation, 44 Fed. Reg. 71413, 71416-18 (1979). The thirteen factors are:

- 1) Accommodation of Athletic Interests and Abilities
- 2) Athletic Scholarships
- 3) Equipment and Supplies
- 4) Scheduling of Games and Practice Time
- 5) Travel and Per Diem Allowance
- 6) Opportunity to Receive Coaching and Academic Tutoring
- 7) Assignment and Compensation of Coaches and Tutors
- 8) Locker Rooms, Practice and Competitive Facilities
- 9) Medical and Training Facilities
- 10) Housing and Dining Facilities and Services
- 11) Publicity
- 12) Support Services
- 13) Recruitment of Student Athletes

⁵ As stated in a Ninth Circuit opinion addressing a Title IX claim, “[e]ffective accommodation claims . . . concern the opportunity to participate in athletics, while equal treatment claims allege sex-based differences in the schedules, equipment, coaching, and other factors affecting participants in athletics.” *Manourian v. Regents of the Univ. of California*, 602 F.3d 957, 965 (9th Cir. 2010).

programs), they were omitted from our review in Brunswick.⁶ In place of those factors, our report includes an analysis of a tenth factor called “Additional Benefits” which is meant to capture things such as team apparel, facility or tournament fees, awards, and other benefits received by teams provided (i.e., funded) by booster clubs.

Accordingly, our investigation focused on the following 10 factors, and this report describes our findings with regard to each:

- 1) Accommodation of Athletic Interests and Abilities
- 2) Equipment and Supplies
- 3) Scheduling of Games and Practice Time
- 4) Travel and Per Diem Allowance
- 5) Opportunity to Receive Coaching & Assignment and Compensation of Coaches
- 6) Locker Rooms, Practice and Competitive Facilities
- 7) Medical and Training Facilities
- 8) Publicity
- 9) Support Services
- 10) Additional Benefits

AUDIT METHODOLOGY

The methodology for determining Brunswick’s compliance with Title IX and evaluating the above factors involved multiple sources of information and investigative steps. We obtained extensive quantitative data related to various aspects of the High School athletic program, and reviewed related policies, procedures, rules, and guidelines applicable to the program.⁷ We also conducted on-site interviews with the Athletic Director, all current coaches of Varsity girls teams, and most of the Varsity coaches of boys teams at the High School. We also held an interview session with a large group of female student-athletes that included representatives of most all Varsity girls teams. Lastly, we toured and reviewed all athletic game and practice locations, locker rooms, and training and storage facilities at the High School.

ASSESSING COMPLIANCE

It is important to note that strict equality is not required for Title IX compliance, meaning that Title IX does not require identical benefits, opportunities, or treatment among all athletics teams. Rather, Title IX requires an athletics program to provide equivalent benefits to boys and girls overall. Boys and girls teams do not, for example, need to have the same budgets, the same pieces of new and used equipment, or play the same number of games. The basic method for

⁶ In general, “Athletic Scholarships,” “Housing and Dining Facilities and Services” and “Recruitment of Athletes” do not apply to public high school athletics.

⁷ The figures in this report are based on information provided by Brunswick High School and no attempt has been made to independently verify the data. In addition, the information related to certain factors was incomplete or otherwise limited, making analysis of those factors difficult; those limitations are discussed further in applicable sections of the report.

analyzing the information contained in this report is to compare the benefits provided to all of the boys teams with the benefits provided to all of the girls teams within the above ten factors. Significant discrepancies, or numerous small discrepancies between boys and girls teams within any of the above factors, may lead to a compliance concern if it appears that: (1) the differences cannot be explained by nondiscriminatory justifications;⁸ and (2) the identified benefit to a boys program is not “offset” by an equivalent benefit to any of the teams in the girls program.⁹

A Note about Funding Sources (e.g., Booster Clubs)

Public school districts are responsible under Title IX for ensuring that equivalent benefits and services are provided to members of both sexes in its athletics programs, regardless of the funding source(s) for the benefits and services. Thus, under Title IX, any benefits and services provided through the use of private funds, including booster club funding, are to be treated the same as all other benefits and services funded or supported by the School Department. According to OCR, where private funds provide benefits or services that assist only teams of one sex, the district must ensure that benefits and services are equivalent for both sexes. Instances in which booster or other private funding results in a benefit to certain programs are addressed in this report – particularly under the sections entitled *Additional Benefits*.

ORGANIZATION OF THE REPORT

The remainder of this report is comprised of two primary sections. The first section addresses accommodation of student interests and abilities, and includes an examination of the extent to which girls and boys are afforded athletic opportunities that are proportionate to their enrollment in the High School. The second section discusses equal treatment, which as noted above, encompasses: equipment and supplies; scheduling of games and practice time; travel and per diem allowance; opportunity to receive coaching and assignment and compensation of coaches; locker rooms, practice and competitive facilities; medical and training facilities; publicity; support services; and additional benefits.

⁸ For example, the Policy Interpretation notes that football, while not exempt from Title IX, can have permissible special costs associated with it due to such factors as squad size, equipment costs, injury rates, and other costs which can create an imbalance in funding for male and female sports. For this reason, any compliance assessment must carefully weigh what are permissible and impermissible differences resulting from (more costly) football programs. This report acknowledges that there will be times when differences in benefits provided to boys and girls are the result of nondiscriminatory reasons, such as the unique aspects of a given sport. In general, if a nondiscriminatory justification can be provided, no disparity will be found.

⁹ Because Title IX compliance is based on equivalency of benefits to boys and girls programs overall, we must consider whether any identified (superior) benefit provided to a boys’ team is offset (i.e., matched) by a superior, similarly effective benefit to any of the girls’ teams.

EFFECTIVE ACCOMMODATION OF STUDENT INTERESTS AND ABILITIES

Title IX regulations require schools to effectively accommodate the interests and abilities of students so as to provide equal opportunity in the selection of sports and levels of competition available to members of both sexes.¹⁰ The basic determination for this factor relies on a two-part analysis, looking at: 1) equal opportunities to compete and 2) levels of competition.¹¹ In effectively accommodating the interests and abilities of male and female athletes, schools must provide opportunities for individuals of each sex to participate in interscholastic competition *and* for athletes of each sex to have competitive team schedules that equally reflect their abilities.

Equal Opportunities to Compete

In assessing the equality of opportunity for individuals of both sexes to compete in interscholastic athletic programs, the Department of Education's Title IX Policy Interpretation establishes a three-part test. The test provides three options for demonstrating that a school is affording both sexes equal athletic opportunities under Title IX. The options are:

Part 1: Interscholastic level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.¹²

Part 2: Where the members of one sex have been and are underrepresented among interscholastic athletes, the institution (school) can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interest and abilities of that sex.

Part 3: Where the members of one sex are underrepresented among interscholastic athletes, and the institution (school) cannot show a continuing practice of program expansion such as that cited above, it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.

If Part 1 of the test is satisfied, the other two parts need not be examined. Similarly, satisfaction of Part 2 means that Part 3 need not be examined.

In determining whether opportunities for boys and girls to participate in athletics are substantially proportionate under Part 1, "there is no set ratio that constitutes substantially

¹⁰ 34 C.F.R. §106.41(c)(1).

¹¹ For interscholastic sports "levels of competition" refers to team levels such as Varsity, Junior Varsity, and Freshman (or First) teams. In many sports, the High School permits players to "swing" between teams and play at multiple levels (e.g., Varsity and JV). In addition, how First or freshman teams are identified is not uniform. Those titles are used in some instances, while in others both teams are referred to as junior varsity teams with the color designation of "JV orange" and "JV black."

¹² The Policy Interpretation references "intercollegiate" sports, but this reference is also applicable to all recipients of federal education funds, including high schools, and thus applies to interscholastic high school sports as well as intercollegiate sports. See 34 C.F.R. §106.11.

proportionate or that, when not met, results in a disparity or a violation.”¹³ However, it is “suggest[ed] that substantial proportionality entails a fairly close relationship between athletic participation and . . . enrollment.”¹⁴ A general rule of thumb is that if correcting the disparity – through additional athletic opportunities for girls – would be sufficient to support a viable, additional girls team, a Title IX compliance problem may exist. Thus, court cases differ in terms of what would be considered a sufficiently “high” differential, with some courts finding a disparity of 4%-5% in athletic participation versus enrollment problematic. Notably, OCR has found disparities of 3%-6% over a three-year period insufficient to meet the proportionality standard (Part 1 of the three-part test), and thus constituting a violation of Title IX.

Percentages of Boys and Girls in the Brunswick High School Student Body

The percentage of boys and girls in the High School student body was relatively consistent during the four years covered by this audit. The percentage of boys ranged between 54.87% and 55.85% while the percentage of girls ranged from 44.15% and 45.13%. *See Chart 1 below.*

Chart 1: Enrollment by Gender

Year	Total Students	Girls	Percent Girls	Boys	Percent Boys
2016-2017	743	328	44.15%	415	55.85%
2017-2018	716	318	44.41%	398	55.59%
2018-2019	718	324	45.13%	394	54.87%
2019-2020	743	333	44.82%	410	55.18%

¹³ *Roberts v. Colorado State Bd. of Agric.*, 998 F.2d 824, 829–30 (10th Cir. 1993) (internal quotation marks and alterations omitted).

¹⁴ *Id.* at 830.

Percentages of Boys and Girls Participating in Athletics

The High School's interscholastic athletics program is comprised of the following teams:

Fall:

Boys Cross Country (V)
Girls Cross Country (V)
Field Hockey (V/JV)
Football (V/JV)
Golf (V/JV)
Boys Soccer (V/JV/First)
Girls Soccer (V/JV/First)
Volleyball (V/JV)

Winter:

Boys Basketball
(V/JV/First)
Girls Basketball
(V/JV/First)
Boys Ice Hockey (V/JV)
Girls Ice Hockey (V/JV)
Boys Indoor Track (V)
Girls Indoor Track (V)
Boys Skiing (Alpine)
Girls Skiing (Alpine)
Boys Skiing (Nordic)
Girls Skiing (Nordic)
Boys Swim/Dive (V)
Girls Swim/Dive (V)
Wrestling (V/JV)¹⁵

Spring:

Baseball (V/JV)¹⁶
Boys Lacrosse (V/JV/First)
Girls Lacrosse (V, JV)
Boys Outdoor Track (V)
Girls Outdoor Track (V)
Softball (V/JV)
Boys Tennis (V/JV)
Girls Tennis (V/JV)

Our assessment of student participation in athletics is based on three full years of participation data (2016-2017, 2017-2018, and 2018-2019), along with 2019-2020 data for the fall season.¹⁷

Boys

The percentage of boys participating in athletics fluctuated from 57.05% to 57.80%. In 2016-2017, 433 boys participated in athletics at the High School, which comprised 57.05% of total athletes (759). In 2017-2018, 419 boys participated in athletics, which comprised 57.08% of total athletes (725). In 2018-2019, 420 boys participated in athletics, which comprised 57.70% of total athletes (728). In the fall of 2019, 138 boys participated in athletics, out of a total of 244 fall athletes.

Girls

The percentage of girls participating in athletics fluctuated from 42.21% to 42.95%. In 2016-2017, 326 girls participated in athletics at the High School, which comprised 42.95% of total athletes (759). In 2017-2018, 306 girls participated in athletics, which comprised 42.21% of total athletes (725). In 2018-2019, 308 girls participated in athletics, which comprised 42.31%

¹⁵ The wrestling team is a cooperative team among BHS and Mt. Ararat High School

¹⁶ Baseball also included a first team in 2016-2017.

¹⁷ We note that the High School has a cheerleading program, and a unified basketball team for students with and without disabilities, both of which are significant programs to the school and to the school community. However, pursuant to Title IX policy, neither of those programs are considered in this assessment of the school's interscholastic athletic program.

of total athletes (728). In the fall of 2019, 106 girls participated in athletics, out of a total of 244 fall athletes. *See Chart 2 below.*

Chart 2: Athletic Participation by Gender

Year	Total Athletes	Girl Athletes	Percent Girls	Boy Athletes	Percent Boys
2016-2017	759	326	42.95%	433	57.05%
2017-2018	725	306	42.21%	419	57.80%
2018-2019	728	308	42.31%	420	57.70%
2019-2020	244	106	Incomplete	138	Incomplete

Chart 3 describes the variance, or level of disparity, between athletic participation and school enrollment rates for girls.

Chart 3: Difference Between Enrollment and Participation (Girls)

Year	Girls		
	Percent of Student Body	Percent of Athletes	Variance
2016-2017	44.15%	42.95%	1.2%
2017-2018	44.41%	42.21%	2.2%
2018-2019	45.13%	42.31%	2.82%
2019-2020	44.82%	Incomplete	Incomplete

As shown in Chart 3, the discrepancy between the proportion of female athletes and proportion of female athletes overall ranged between a low of 1.2% and a high of 2.82% over the three full school years reviewed.

As discussed above, schools must ensure that athletic participation by girls is “substantially proportional” to their enrollment. The levels of disparity in Brunswick for the years under review ranged from 1.2% to 2.82%—with the highest level occurring in the 2018-2019 school year. While there is no set ratio for determining whether “substantial proportionality” has been achieved, neither courts nor OCR have held that a disparity below 3% constitutes a violation of Title IX. Since the levels of disparity in Brunswick did not breach the 3% threshold at any time during the years for which data was available, we conclude that athletic participation by girls is “substantially proportional” to their enrollment at BHS under prevailing case law and OCR enforcement history.

Thus, the data establishes that the district satisfies Part 1 of the above three-part test for assessing equality of athletic opportunities, and we found that the High School is affording girls and boys an equal opportunity to compete in interscholastic athletics under Title IX.¹⁸

Levels of Competition

The second part of the two-part athletic opportunity analysis examines the level and quality of competitive opportunities provided to athletes. In making this determination, schools are to consider whether the competitive schedules for boys and girls teams, on a program-wide basis, afford proportionally similar numbers of male and female athletes advanced competitive opportunities that are equivalent. According to OCR cases, schools should compare the competitive events for each team at the institution’s declared competitive level(s) and determine whether any of the teams compete below the declared levels.

First, we note that, within individual sports, the High School generally provides equal levels of competition (Varsity, JV, and/or First teams) for girls and boys based on the participation rates for each sport.¹⁹ In addition, most BHS teams are members of the Kennebec Valley Athletic

¹⁸ Consistent with directives under Title IX, we also considered whether correcting the disparity between girls athletic participation and enrollment rates – through adding athletic opportunities for girls – would be sufficient to support a viable, additional girls team. Proportionality between the athletic participation and enrollment rates for girls would have required: 13 additional female athletes in 2016-2017; 29 additional female athletes in 2017-2018; and 38 additional female athletes in 2018-2019. As noted, however, the overall disparities between athletic participation in enrollment for girls are relatively low – between 1.2% and 2.82%. Additionally, the High School already has a boys and girls team, or a co-ed team, in every sport sanctioned by the Maine Principals Association (MPA). At most, the data suggests that the disparity in female athletes relative to enrollment is slowly increasing, which may warrant the district’s attention in the future.

¹⁹ We did discuss with the Athletic Director the potential for adding a First team for girls lacrosse and a Junior Varsity girls ice hockey team. The participation rates may support, but do not necessarily require, an additional team for either sport. In fact, the Athletic Director explained that the school usually holds approximately five “JV” girls ice hockey games or scrimmages each season, but does not have a formal Junior Varsity team given the relatively limited number of high schools with Junior Varsity teams with which to schedule games.

Conference (KVAC) with exceptions for volleyball and girls ice hockey (which compete either on a regional or statewide schedule given limits on the number of schools with teams). Most of the High School's teams compete at the Class A level, while football and boys ice hockey compete at the Class B level based on the Maine Principal Association's (MPA) enrollment guidelines.

There is no information to suggest that any Brunswick teams, boys or girls, are playing below an appropriate competitive (e.g., Varsity, Junior Varsity, First) level. The volleyball and girls ice hockey teams do not yet have a conference affiliation due to the absence of an appropriate conference for that sport, but each compete at the appropriate level available for that sport. Additionally, the Athletic Director reported that any team that qualifies for post-season (State championship) tournaments, is afforded the opportunity to compete in the post-season at the applicable Class level. Thus, on a program-wide basis, male and female athletes appear to be afforded equivalent competitive opportunities.

Conclusion

The school district is complying with its obligations under Title IX to effectively accommodate the interests and abilities of female athletes at the High School.

EQUAL TREATMENT

Here, we have examined whether Brunswick High School provides male and female athletes with benefits, opportunities, and treatment that are equivalent in availability, quality, and kind. Generally, the analysis is organized according to the sub-categories for each major factor: Provision of Equipment and Supplies; Scheduling of Games and Practice Times; Travel and Per Diem Allowance; Assignment and Compensation of Coaches; Locker Rooms, Practice, and Competitive Facilities; Medical and Training Facilities and Services; Publicity; Provision of Support Services; and Additional Benefits. We compared benefits, opportunities, and treatment within each sub-category of a given factor. If a significant disparity was found, we considered whether the difference was offset by a disparity favoring the other sex, whether it was the result of a nondiscriminatory practice, and ultimately whether it raised potential Title IX issues.

Provision of Equipment and Supplies

Equipment and supplies include, but are not limited to, uniforms, other apparel, sport-specific equipment and supplies, instructional devices, and conditioning and weight training equipment. Five factors are to be assessed in determining compliance: (1) quality, (2) amount, (3) suitability, (4) maintenance and replacement, and (5) availability of equipment and supplies. Title IX does permit nondiscriminatory differences based on the unique aspects of particular sports, and as noted, compliance does not require equal expenditures for each team or program. For instance, team size and the difference inherent in the nature of particular sports will often affect budgetary

needs and equipment and supply needs. An analysis of the budget information is important mainly when disparities are evident in the provision of equipment and supplies. If there are no disparities in the overall provision of equipment and supplies, then an in-depth analysis of budgetary information is unnecessary.

By way of an overview, all teams in Brunswick receive a per-team appropriation from the Brunswick School Board for instructional equipment and supplies through the annual district budget process. Each year, the board sets a general per-team amount, which is determined based on enrollment; in recent years, this amount has been set at \$467 for each team.²⁰ The majority of teams receive the same amount each year, but certain teams (football, in particular) receive a greater amount due, justifiably, to the more extensive and expensive safety equipment the sport requires.

According to the Athletic Director and coaches, if a team's equipment need cannot be met by the per-team appropriation, the Athletic Director and the coach typically work out a plan for funding the item through one or more of the following funding sources: (1) the Athletic Director's "discretionary" budget of \$10,000 per year, which is specifically earmarked for equipment and supply needs of athletics teams; (2) revenue generated by tickets sales at competitive events (designated by BHS as the "Dragon Fund"); and (3) booster club funding money (see further detailed discussion under Additional Benefits).

There was no indication from any of the interviews with the coaches or students that the quality, amount, suitability, maintenance and replacement, or availability of equipment and supplies differed between girls teams and boys teams. As noted, all coaches, including those of girls teams, reported that they typically request the Athletic Director's assistance in purchasing needed equipment for their teams, and those needs have been met. If differences appeared within the budget information we reviewed, those differences appeared to be warranted based on the equipment requirements for a given sport and were met through one of the additional funding sources.

Additionally, the availability of equipment and supplies—i.e., that provided by the School as opposed to the individual athletes—appeared to be very similar among girls and boys teams of the same sport. For instance, in general, student-athletes must provide their own athletic shoes appropriate to their sport. Variations in the equipment and supplies provided by the school appeared to be attributable to the different needs of certain teams.

The Athletic Director explained that the maintenance and replacement schedule for uniforms rotates among all teams, as uniforms for each team are replaced every four years and are paid for by the Dragon Fund. However, we identified some concerns regarding discrepancies in team apparel, other than uniforms, for certain teams that appear to receive extensive or costly apparel funded by that team's Booster clubs. As is discussed further in the Additional Benefits section below, the data regarding booster expenditures is inconclusive. Yet, the information suggests that certain boys teams may be receiving more extensive (and costly) apparel than girls teams and warrants the school exercising greater oversight of booster expenditures.

²⁰ A Varsity, JV, and first team comprise one "team" for budget purposes.

Conclusion

In general, the information available indicates that the High School is providing equivalent benefits to boys and girls teams with regard to the provision of equipment and supplies. However, closer oversight of boosters' expenditures for apparel is necessary.

Scheduling of Games and Practice Time

The following five factors are assessed in determining compliance regarding the scheduling of games and practice time: (1) number of competitive events per sport; (2) number and length of practice opportunities; (3) time of day competitive events are scheduled; (4) time of day practice opportunities are scheduled; and (5) opportunities to engage in available pre-season and post-season competition.

As a member of the MPA and the KVAC, the start and end dates for the fall, winter, and spring teams at Brunswick High School are standardized. Thus, boys and girls playing the same or similar sports participate over the same general time period. Although these dates fluctuate slightly each year, they remain the same for both boys and girls sports each season. Consequently, there is no disparity based on sex when it comes to the length of various sports seasons.

Similarly, game schedules for most sports are set by the KVAC and through coordination among the KVAC athletic director for each school. Based on each teams' game schedule for the full period of this review (2016-2019), the number of competitive events, and event times, for sports in which boys and girls have separate teams (e.g., soccer, basketball, lacrosse) are equivalent, as are the events for the boys and girls teams that practice together and compete in joint meets or events (cross-country, swimming, outdoor track).²¹ Additionally, as noted previously, all teams compete in post-season tournaments whenever they qualify, and most all take advantage of pre-season competitions as well. In fact, school scheduling data over this review period indicates that girls teams, as a whole, schedule slightly more pre-season competitions than do boys teams, suggesting a disparity that favors the girls programs, although it appears to have limited impact.

Regarding times of competitive events, we found general equivalency among most sports in that boys and girls teams typically start games at the same time when hosting home games (e.g., boys and girls soccer; boys and girls basketball, etc.). However, the High School did make a significant change for fall sports to respond to requests that teams, other than the football team,

²¹ For example, using the most recent full season (2018-2019) as a guide, the football team played 8 regular season games (prior to playoffs); the field hockey team played 14 games; the boys and girls soccer teams each played 14 regular season games; the boys basketball team played 19 games; the girls basketball team played 18; the baseball team played 16 games, as did the softball team; and the boys and girls lacrosse teams each played 12 games. We do note that there appear to be fewer Junior Varsity competitions for certain girls teams as opposed to boys teams, including hockey, girls lacrosse, and tennis. That difference appears based, however, on other schools having too few competitors to field full Junior Varsity teams, meaning that such differences among the number of Junior Varsity events appear to be based on non-discriminatory reasons.

be afforded access to the lighted stadium field for evening games. Late in the fall 2019 fall season, both the boys and girls soccer teams held home team games at the stadium field at night (a track construction project did not allow for any teams to play at the stadium until mid-October 2019); the Athletic Director reports that evening soccer games will continue to be held on the stadium field going forward. Thus, there does not appear to be a current disparity, for Title IX purposes, with regard to the time of day for competitive events.

Similarly, practice schedules appeared standardized and equitable in terms of rotating schedules utilized when teams share facilities (e.g., for boys and girls basketball, and spring sports teams utilizing the High School gym during the pre-season).

Conclusion

The High School is currently providing equivalent benefits to boys and girls teams with regard to scheduling of games and practice time.

Travel and Per Diem Allowance

Most of the factors established in the Title IX Policy Interpretation for assessing travel concern intercollegiate, not interscholastic, athletic programs.²² In determining the School's compliance in this area, we adjusted the policy criteria, to assess two factors specifically: (1) Mode of transportation; and (2) Funding for food during travel.

Our review indicated that the transportation provided for both boys and girls teams is generally the same; boys and girls teams alike travel to "away" games and scrimmages by school bus. For teams that practice at off-campus facilities, travel arrangements are the same for both boys and girls. For example, the swim team is expected to arrange their own rides to the swimming facility at Bowdoin College where the team practices, but that is true for both boys and girls. Members of the golf team also provide their own transportation to practices at Brunswick Country Club.

A notable exception to the relative parity in transportation by girls and boys teams is that the football team traveled to the 2016 state championship game in VIP chartered buses. While other teams have competed in their sports' state championships – e.g., girls basketball, girls swimming, boys lacrosse, and girls tennis have also competed in state title games in recent years – none of those teams appeared to travel to their state championship game through a similarly special form of transportation, although travel for those trips (to Augusta and Portland) involved shorter distances. While we did not identify any offsetting benefit to girls teams in 2016-2017, we also did not identify any similar disparity in more recent seasons. Still, the benefit afforded only to the football team would be considered a disparity favoring boys for the 2016 season. The

²² For example, housing during travel, length of stay, and dining arrangements, are not typically provided by public high school programs.

district should consider this finding in affording special transportation for its teams in the future.²³

As a general matter, the district does not provide food during travel to games. Team parents or a team's booster club do provide bag lunches for teams traveling particularly far. However, the limited financial data we received concerning booster club expenditures – see Additional Benefits discussion below – suggests that some boys teams may be expending far more on food during travel.

Conclusion

Overall, the High School is providing equivalent benefits to boys and girls teams with regard to travel, with the notable exception of the football chartered bus in the fall of 2016. In addition, closer oversight of boosters' expenditures for food during travel is necessary.

Assignment and Compensation of Coaches

In assessing compliance in this area, schools are to assess the relative equity among coaches for boys and girls athletic teams across three broad categories: (1) availability of coaching; (2) assignment of coaches; and (3) the compensation of coaches. The Policy Interpretation discusses several considerations in assessing Title IX compliance regarding coaching, including the relative availability of full-time, part-time, and assistant coaches, as well as the training, experience, other professional qualifications and professional standing of coaches. The Policy Interpretation also states that a violation will be found where compensation or assignment policies or practices deny male and female athletes coaching of equivalent quality, nature, and availability. Nondiscriminatory factors can affect the compensation of coaches, however; such factors include the range and nature of coaching duties, the experience of individual coaches, the number of participants for particular sports, the number of assistant coaches supervised, and the level of competition at issue.

The availability and assignment of coaches is largely premised on the overall number of coaches, relative to the number of athletes, in the boys and girls athletics programs. Thus, per OCR directives, we calculated—for each school year—the total number of head, assistant coaches, and athletes across all girls and boys teams, and then determined the overall ratio of coaches to players for the boys and girls athletic teams as a whole.

²³ Prior to this audit, we were apprised of one occasion in the fall 2018 season in which the girls soccer and field hockey teams games were rescheduled due to poor weather, resulting in a shortage of bus drivers on the make-up date and requiring the school to secure a large 72-person bus to transport the teams. While the bus was less spacious than the smaller buses typically used for single sports, the total number of occupants on the large bus did not exceed the maximum capacity of the bus (both teams combined in 2018 totaled 61 athletes). Both school administration and female athletes from those teams explained that the issue was addressed and has not recurred. Thus, the transportation of two female teams on a single, less spacious bus was an isolated incident and even so, appeared to be based on nondiscriminatory reasons; in other words, it would not constitute a compliance concern under Title IX.

In each year, the girls teams experienced a slightly more favorable ratio of coaches (head coaches plus assistant coaches) to athletes.²⁴ In 2016-2017, the overall coach to player ratio for girls teams was 1:15, compared to 1:18 to boys teams; in 2017-2018, the ratio for girls teams was 1:15 compared to 1:17 for boys teams; and in 2018-2019, the ratio for girls teams was 1:15 compared to 1:17 for boys teams.²⁵ Accordingly, any disparity under Title IX regarding the availability of coaches would appear to slightly favor the girls teams.²⁶

It should be emphasized that, in general, only compensated coaches are counted in the Title IX analysis of coach-to-player ratios. At BHS, many teams benefit from full-time “volunteer” coaches who, according to the respective head coaches, are fully involved with the relevant team and clearly provide additional coaching support to the players on that team. None of the volunteers appear to be compensated, although football volunteer coaches have received restaurant gift cards – paid for by the football booster club – for nominal amounts (\$40-\$50) in certain years. Given the limited gift card amount, the volunteers were not considered compensated coaches for Title IX purposes, and none of the volunteer coaches were included in the above calculations regarding the availability of coaches. It is noteworthy, however, that the boys teams average slightly more full-time volunteer coaches than the girls teams, suggesting that the noted overall disparity in coach-to-player ratio does not favor the girls in a significant way.

Regarding the assignment of experienced and qualified coaches, each coach must meet the MPA’s standards for coaching eligibility, which establishes a general baseline of equality as far as qualifications for both boys and girls team coaches. For example, MPA rules specify that all coaches must complete a coaching principles course and the CPR/First Aid training, as well as certain other conditions (e.g., concussion management). Data regarding the relevant experience of each coach (including training and/or coaching certification levels) was not available to us, although we did not learn of any significant issues with regard to particular coaches lacking the general qualifications, ability, or training to coach their respective teams.²⁷

Compensation levels (or stipends) for coaches are determined through the collective bargaining process between the Brunswick Education Association and the District. The stipend for each coach depends on: (1) the current contractual hourly rate for extra teacher hours; (2) the total

²⁴ It is noteworthy that our review indicated that certain girls teams – most notably, girls lacrosse – tend to have a larger coach-to-player ratio, meaning that players may not receive the same level of coaching attention as other teams. As noted, that discrepancy does not necessarily raise a compliance issue under Title IX since ratios are calculated for all girls teams collectively.

²⁵ The golf, wrestling, swimming, and Nordic and Alpine skiing teams are excluded from this analysis as boys and girls on those teams train together and the head and assistant coaches for the teams appear to work equally with both female and male participants.

²⁶ As detailed in Part I of this report (Accommodations of Interests and Abilities), there are significantly fewer female athletes at the school compared to boys, similar to the fact that there are significantly fewer girls enrolled in the High School overall.

²⁷ We were, however, informed of recent adjustments with regard to coaching for the girls cross country, and indoor and outdoor track teams that rectified a concern (according to the head coach and Athletic Director) as to the amount of coaching received by female runners. While we did not obtain sufficient data to examine the extent of this issue or any actual discrepancy under Title IX, the point bears consideration by the High School in assessing coaching for teams in which girls and boys train together.

amount of hours allotted a position by the stipend committee; and (3) the years of experience of the coach (longevity pay). As to the hours allotted for each position, the committee considers: the frequency of practices for the sport; the frequency of competitions; the length of practices; and the length of the season.²⁸ We studied stipend data for all coaches at the High School over the full four year period of the review and learned of a single discrepancy in compensation – specifically, for the girls ice hockey coach in 2016-2017 – which the Athletic Director resolved when it was brought to his attention. Otherwise, we found compensation for coaches for boys and girls teams equitable, and reflective of the criteria described above.

Conclusion

The High School is currently providing equivalent benefits to boys and girls teams with regard to the assignment and compensation of coaches, with a slight discrepancy (of limited impact) favoring girls teams.

Locker Rooms, Practice, and Competitive Facilities

In determining whether there is equivalence in this program area, we examined the following six sub-categories: (1) Quality and availability of the facilities provided for practice and competitive events; (2) Exclusivity of use of facilities provided for practice and competitive events; (3) Availability of locker rooms; (4) Quality of locker rooms; (5) Maintenance of practice and competitive facilities; and (6) Preparation of facilities for practice and competitive events.

With certain exceptions explained below, our review indicated that the overall availability, upkeep and maintenance of athletic facilities, and the quality of the facilities, is generally high and appeared to be equitable for girls and boys teams.²⁹ That is not surprising given that many teams share the same facilities. The stadium field, for example, is currently used by several teams for home games, including football, boys and girls soccer, and boys and girls lacrosse; and boys and girls outdoor track teams share the track.³⁰ Similarly, the boys and girls basketball teams use the gym according to a schedule in which each team rotates between afternoon and evening practice times.³¹ The locker rooms for the boys and girls teams appeared virtually identical and in similar good condition.

Our review, however, did indicate some notable differences among facilities available to boys and girls teams.

²⁸ The winter season runs somewhat longer than the fall and spring sports seasons.

²⁹ In fact, the Athletic Director touted the work and dedication of the school grounds and maintenance workers who maintain the school's outdoor fields and indoor facilities.

³⁰ As noted, the outdoor track was significantly renovated, through private funding, during the 2019-2020 school year.

³¹ Additionally, the fields used by the softball and baseball teams appeared to be equitable in quality, although we toured those facilities in the fall when neither was being used by those teams; instead, in the fall, the outfield to the baseball field serves as the field hockey field and the softball field is used by the football team.

In general, there are four fields used at BHS: the stadium field; Gardner field; the baseball field; and the softball field; and a sole off-campus field, Crimmins field. First, and as previously discussed under scheduling, the significant change instituted at the end of this past fall in holding Varsity soccer games at the stadium field improved the extent to which the school's premium competitive facility is available to teams other than football, particularly a girls team. Since both boys and girls Varsity soccer teams, and boys and girls lacrosse games are held at the stadium field, the High School has rectified a prior discrepancy regarding facility quality and availability.

Otherwise, the school assigns use of the Crimmins and Gardner fields equitably, assigning one girls team (soccer) and one boys team (lacrosse) primary use of the Gardner field for practices, which is on-campus and more convenient to the designated teams. Thus, the girls get primary use of the Gardner field during the fall soccer season and the boys get primary use of it during the spring lacrosse season.³² In terms of quality, the Gardner field and the Crimmins field appear to be generally comparable, although not all coaches and players shared that view and most all recognized that the Gardner field is far more convenient (and thus more favorable) because it is on campus; Crimmins field, a town field, is located near the middle school and approximately 2.4 miles from campus, requiring players to either take the school bus to the middle school or drive in a private vehicle. In addition, unlike the Gardner field, which is on the High School campus and thus close to the school locker facilities, the Crimmins field only has portable toilets and no locker rooms or changing facilities.

Previously, the use of the Gardner and Crimmins fields appeared to favor boys. Access to the Gardner field by the boys lacrosse team was not interrupted to the same degree as it was for the girls soccer team, in that the girls soccer team had to vacate the field whenever the boys soccer team played a home game on the Gardner field; there was no similar interruption to the boys lacrosse practice schedule because girls lacrosse games previously took place on Crimmins field.

Another discrepancy arose with regard to the use of a private indoor field (the Topsham Dome), used on occasion by High School teams – more often boys teams – during inclement weather. The girls lacrosse team used the Dome one day in the spring of 2019, while the football team held a number of practices at the Dome in 2018 and 2019 (funded by its booster club), and the boys lacrosse team enjoyed use of the Dome in 2019 as well.³³ Thus, boys teams appeared to have greater access to the Dome and we did not identify an offsetting benefit (as to facilities) favoring girls.

We also reviewed teams' use and access to facilities at Bowdoin College. Certain teams use Bowdoin facilities in an equitable manner – specifically, the boys and girls swim, indoor track, and ice hockey teams each use Bowdoin facilities for practice and competition. The football team played multiple games at the Bowdoin stadium in the fall of 2019 when the High School stadium field was unavailable due to the track renovation project, a clear non-discriminatory

³² During soccer season, the teams swap fields the day before the boys teams have a home game.

³³ The boys lacrosse teams are able to access the Dome because they volunteer their time with the local youth league and, in return, they are permitted to use the Dome during tryouts. We heard conflicting information about how many times the boys lacrosse team accessed the Dome in 2019 but it appears that the team accessed it on at least one occasion.

justification for doing so.³⁴ In addition, the boys soccer team played one game at Bowdoin in 2019, while the girls soccer team was offered, but declined, the same opportunity. Also, the girls field hockey team generally plays a game a year on a turf field at Bowdoin.³⁵ In all, access to Bowdoin facilities did not appear to disproportionately favor boys or girls.

Conclusion

While the High School is currently providing equivalent benefits to boys and girls teams with regard to locker rooms and competitive facilities, the inequitable use of the Topsham Dome warrants resolution.

Medical and Training Facilities and Services

The following five sub-categories are assessed in determining compliance regarding the provision of medical and training facilities and services: (1) Availability of medical personnel and assistance; (2) Health, accident and injury insurance coverage; (3) Availability and quality of weight and training facilities; (4) Availability and quality of conditioning facilities; and (5) Availability and qualifications of athletic trainers.

The District contracts with a local medical provider, Mid Coast Hospital, for the services of a licensed athletic trainer who covers athletic team practices and games. The Athletic Director reports that the trainer has served in the role for approximately 10 years, is certified by the National Athletic Trainer Association and meets all other Maine State licensing requirements for athletic trainers.

The Athletic Director further explained that the trainer arrives before the end of the school day daily and remains on campus until the final competition or practice has ended. Access to the trainer was described as equitable in that the trainer works with all athletes across all girls and boys teams. The trainer provides treatment in one of the trainer's offices – either in the gym area or in the outdoor facility – to all athletes in need of attention and moves among the athletic fields to oversee practices and games. The trainer also travels to all football games to address the health needs of players, a necessary benefit to the football team due to the high risk of injury inherent to the sport. All other teams, when traveling, utilize the home team's trainer for addressing in-game injuries, a common practice in high school sports. Additionally, the trainer, along with the school nurse, manages students who have suffered concussions in accordance with the school's concussion protocol, and oversee training sessions for all athletes by scheduling workout sessions in the weight room, and issuing dieting and other training information.

³⁴ The Bowdoin stadium was made available without a charge to the football team during this period.

³⁵ We also learned that, according to some students, girls teams are more likely to be assigned use of the cafeteria instead of the gym for practice on days of inclement weather. The understanding is that on such days, coaches must reserve use of the gym and/or cafeteria and the gym is afforded on a first come-first serve basis. We did not have sufficient information to confirm the extent to which girls teams were able to use the gym; nor did we assess the cafeteria as a practice location. Nonetheless, the use of the gym as an alternative practice location for teams warrants attention.

The High School has a large weightlifting/cardio room with a range of machines and weights for use by all athletes, as well as a smaller fitness room also available for general use. The rooms are open every day after school for all student athletes, so long as they have a coach or other school employee (commonly, the trainer or nurse) supervising their use of the facility.

Conclusion

The High School is currently providing equivalent benefits to boys and girls teams with regard to medical and training facilities and services. Additional services afforded the football team are based on the medical needs of participants in that sport.

Publicity

In assessing compliance in this area, the following three sub-categories were assessed:

(1) Availability of sports information personnel; (2) Access to other publicity resources for boys and girls programs; and (3) Quantity and quality of publications and other promotional devices featuring boys and girls programs.

Sports information tasks are handled by the Athletic Director. Game schedules and other information (e.g., contact information for coaches; listing of facilities) for boys and girls teams are posted on the High School's Athletics website. The other primary publicity vehicle used by the High School is the Athletic Department's Twitter feed, which is managed and maintained by the Athletic Director.³⁶ The Twitter feed is quite active as the Athletic Director regularly posts schedules and provides in-game updates, for both boys and girls teams. In describing his use of the Twitter feed, the Athletic Director stated that he tries his best "to promote everything and everybody," and give equal coverage to both boys and girls team events; a limited review of the Twitter feed over the past several months supports the Athletic Director's view as to his efforts.

One other area of publicity pointed to by the female athletes we spoke with concerned the "morning announcements" at the High School when the main office reports results from the prior days athletic contests. Some of the athletes suggested that the announcements appear more focused on certain boys teams, as opposed to girls teams, although the sentiment was not universally shared.

Conclusion

The High School appears to provide equivalent benefits to boys and girls teams with regard to publicity.

³⁶ The District previously maintained a FaceBook page for athletics, but no longer does.

Provision of Support Services

In assessing compliance in this area, the following two sub-categories were assessed: (1) the amount of administrative assistance provided to boys and girls programs; and (2) the amount of secretarial and clerical assistance provided to boys and girls programs

The High School employs an office assistant for student activities, including athletics. As such, that individual serves as the administrative assistant for the Athletic Department and supports the Athletic Director with regard to handling needs of all athletic teams. The position became full-time in the 2016-2017 school year. Chief among the assistant's responsibilities is oversight of the student activity accounts. The school has approximately 120 student activity accounts in total, one each dedicated to each athletic team. The assistant also maintains information for all student/athletes (contracts, physicals, participation packets, etc.) and team rosters within the school database, and handles reporting of roster and other information or forms to the MPA, and coordinates end of the season certificates, awards, pins, etc. for all teams. The Athletic Director noted that the current assistant, as well as the other administrative staff in the central and guidance offices who assist him from time to time, are wonderfully supportive and "tremendous."

Conclusion

The High School is currently providing equivalent benefits to boys and girls teams with regard to support services.

Additional Benefits

In addition to analyzing each of the above described athletics program components, we sought to determine whether any additional benefits available to boys and girls teams are relatively equitable. It is clear that many of the High School teams have very involved and committed booster groups that support the teams in a number of helpful ways, including paying for a range of additional items or benefits for the designated team. However, and as discussed previously, although booster clubs raise funds privately via donors and various fundraising activities – commonly through the involvement and dedication of athletes and their families – any benefits funded and received by a High School team from its booster club are subject to the equity requirements under Title IX and, therefore, must be considered as a part of the Title IX assessment.

The review of booster club expenditures indicates that significant variability exists in the availability of booster funds across boys and girls teams. The Athletic Director explained that each Varsity coach and team have the discretion to have a booster club, to organize, and conduct team fundraisers, and that many such clubs work extensively to raise money for their programs, while others choose not to. As such, certain teams raise large amounts of money through their booster club, while other teams do not.

The Athletic Director also explained, as did the coaches that, historically, the High School has held booster club funds in individual student activity accounts for the specific team.³⁷ However, there is no current practice for monitoring booster club expenditures and for determining whether those funds result in equity in benefits to boys and girls teams. Rather, expenditure of booster money is handled entirely on a team-by-team basis with the Varsity coach and boosters representatives communicating and deciding how booster club funds will be spent in support of the team.

Turning to an analysis of the use of booster expenditures and the additional benefits received by teams, we note first that the analysis was impeded due to the lack of consistent and comprehensive boosters data for the full period of the review. We were able to access data for only one complete year, the 2018-2019 school year, which was informative, but also had limitations.³⁸ Thus, we could not conduct a complete assessment as to the use of booster funds.³⁹

Nonetheless, our review of the 2018-2019 data is instructive. The data, and related interview information, demonstrates that at least in some instances, booster club expenditures result in discrepancies in benefits afforded boys teams compared to girls teams. For example, boosters' expenditures have been used to fund: a boys basketball team trip to a college basketball game out of state; the use of Topsham Dome for training by the football team; and food for the boys lacrosse team during travel.⁴⁰ We did not identify corresponding costs or benefits to girls teams that would offset those benefits under Title IX. Moreover, the booster clubs for certain boys teams (e.g., basketball, hockey, and lacrosse) significantly outspent the booster clubs for their counterpart girls team.

The Appendix to this report identifies the expenditure amounts and certain types of expenditures for team booster clubs in 2018-2019. Although we could not fully identify the actual expenditure and item (and thus, benefit) to a team in all cases, the disparities in expenditure amounts alone suggest that overall, boys teams are receiving more extensive benefits compared to girls teams, which would be at odds with the requirements of Title IX. Moreover, those teams that expended far more significant funds appeared to support a wide variety of benefits, some of

³⁷ That practice is changing as the district is in the midst of an initiative of modifying its accounting practices, whereby booster and other privately raised funds will be maintained in privately held accounts instead of the school's student activity accounts. That change was in response to a recent financial audit and does not address, nor impact, the district's obligations to ensure that the benefits provided to High School teams from private (including boosters) comply with Title IX.

³⁸ We also received partial data for the 2019-2020 school year. However, the findings in this report are premised on the 2018-2019 data only. As to the limits of 2018-2019 data – in some cases, that data identified an apparent benefit paid for by the boosters and provided to the relevant team; in others, the nature of the expenditure was not entirely clear or the data did not distinguish between fundraising costs for a boosters event or activity, and actual benefits provided to a team.

³⁹ It was reported that the district had lost previous data related to booster expenditures due to a technical computer problem impacting the QuickBooks accounting programs used for its student activity accounts.

⁴⁰ Additionally, members of the football team purchased championship rings upon winning the state championship in 2016. The district allocated \$500 from the Dragon Fund to subsidize the rings, while parents paid for the remainder of the cost. The Athletic Director reported that the option of purchasing championship rings with support from the Dragon Fund was available to all BHS teams that won state championship titles, but that only the football team took advantage of this opportunity.

which fall under the factors previously discussed (e.g., equipment and supplies, including apparel; travel (food); and facility use), while others represent additional items or benefits afforded certain teams (e.g., awards, clinics, etc.). Thus, while a complete accounting and comparison of actual benefits received cannot be determined, protocols for monitoring and overseeing booster expenditures are necessary and should be implemented to prevent or resolve any such discrepancies going forward.

Conclusion

Due to the lack of full data records, we are unable to provide a complete analysis of what additional benefits teams received based on support from their booster clubs. However, available data indicates that male student athletes are, on the whole, receiving greater benefits (in certain areas) compared to female athletes due to funding from boosters, resulting in a likely compliance problem under Title IX and requiring improved protocols and oversight of booster club expenditures.

See following pages for Appendix

APPENDIX – Booster Clubs Expenditures [2018-2019]		
BOYS TEAMS	Total Expenditures	Sample Expenditures
Football	\$20,308.35	pants; performance tees; Topsham Dome rental; film exchange; reimbursement for “golf to”; breakfasts; stadium equipment; gift cards; sandwiches; coaching clinic; as well as summer programs and fundraising costs ⁴¹
Boys Soccer	\$6,700.68	uniforms; team hoodies; uniform shorts; team pullovers; JV tourney costs; flowers; senior gifts; award reimbursement; banquet; additional team gear; fundraising costs
Boys Basketball	\$19,696.38	performance tees; coaches clinic; travel gear and backpacks; team shooting shirts; bus for college trip; awards; clinic; summer programs and fundraising costs
Boys Hockey	\$11,153.42	supplies; team socks; dues; T-shirts; shells and nets; craft fair services; player jackets; equipment; Gatorade; Bowdoin College locker room; coaching supplies; goalie jersey; letters; ties; banquets; sandwiches; summer programs and fundraising costs;
Boys Lacrosse	\$17,806.55	coaches attire; paint; shooter shirts; lax nets; embroidery; goals; state championship jackets; pizza; balls; play day fee; printing; prizes; fundraising cards; sandwiches; supplies; flowers; plaques; fundraising costs;
Boys Tennis		No documented expenditures
Baseball	\$1,276.75	field rental; turf rental; baseball caps

⁴¹ Several booster clubs (e.g., football, boys basketball, boys hockey, girls basketball) expend significant funds for summer camps or training, which are not part of the high school program for purposes of this Title IX analysis.

GIRLS TEAMS	Total Expenditures	Sample Expenditures
Field Hockey	\$6,986.99	charity game; membership fees; team building; team bags; senior gifts; alumni shirts; breakfast; fundraising costs;
Girls Soccer	\$7,614.41	Membership fees; preseason tournament costs; headbands; supplies; flowers; jackets; food; player awards; equipment
Girls Ice Hockey	\$7,032.05	ice time; team meals; team jackets/warm ups/hats; tournament fees; ice time; awards; team banquet; fundraising costs;
Girls Basketball	\$6,782.40	jackets; videos; travel gear; apparel; flowers; awards; shirts; tournament costs; fundraising costs;
Girls Lacrosse	\$325.00	play day; fundraising costs
Softball	\$6,925.93	awards; pullovers; sweatpants; team jackets; turf field rental; fundraising costs;
Girls Tennis		No documented expenditures
Volleyball	\$474.94	senior night; summer league
CO-ED TEAMS	Total Expenditures	Sample Expenditures
Cross-country	\$591.00	festival costs; track donation
Golf	\$3,917.26	State qualifier fee; team pullovers
Indoor track	\$9.66	No notable expenditures
Swim	\$2,889.91	team suits; awards; senior night costs
Track		No documented expenditures