The U.S. Department of Education's Office for Civil Rights on Tuesday rescinded a 2005 clarification that allowed institutions to use only Internet or e-mail surveys to meet the interests and abilities (third prong) option of the three-part test for Title IX compliance, including classifying a non-response as a lack of interest in sports participation.

NCAA Interim President Jim Isch said the decision, announced today by Vice President Joe Biden and Education Secretary Arne Duncan, was the best way to continue the progress made in women's athletics.

"This decision once again gives NCAA member schools the opportunity to more accurately determine the interest in women's athletics on their campuses," Isch said. "Much progress has been made over the past 38 years in women's athletics participation. Going back to the 1996 standard of measuring interest in women's sports will help ensure that continued progress is made and future generations of young women will have equal opportunities as young men."

The OCR's three-part test for Title IX compliance involves the following options for providing participation opportunities:

- Male-female athletics participation that is proportional to the institution's fulltime undergraduate enrollment, or
- A history and continuing practice of expansion of athletics opportunities for the under-represented gender, or
- Accommodating the interests and abilities of the under-represented gender

According to a 2000 General Accounting Office evaluation of athletics and Title IX, more than two-thirds of institutions indicated they were pursuing the third prong as their approach for assessing whether female students' interests and abilities are being fully accommodated under prong three of the three-part test.

The NCAA joined a coalition of civil rights advocates urging the withdrawal and suggested that the 1996 clarification's "mandate to evaluate multiple factors provides the best approach for assessing whether female students' interests and abilities are being fully accommodated under prong three of the three-part test."

The 1996 clarification listed several methods an institution could implement to evaluate the third prong, including surveys, interviews, and club/intramural participation. More detailed information can be found in the NCAA Gender Equity Manual.

Office for Civil Rights Assistant Secretary Russlynn Ali will be the keynote speaker at the NCAA Gender Equity and Issues Forum April 25-27 in Chicago. She is expected to address the OCR decision in her remarks.