

KEEPING SCORE:

GIRLS' PARTICIPATION IN HIGH SCHOOL ATHLETICS IN MASSACHUSETTS



**A Joint Report by the
National Women's Law Center
&**

**Harvard Prevention Research Center on Nutrition and Physical Activity
Harvard School of Public Health**

February 2004



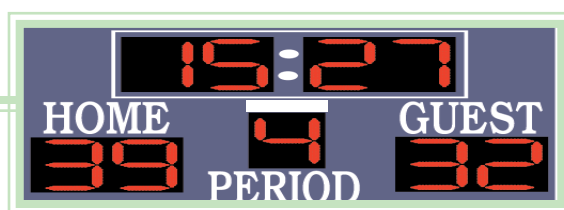
The National Women's Law Center is a Washington-based non-profit organization working to expand opportunities and eliminate barriers for women and their families, with a major emphasis on women's health, education and employment opportunities and family economic security.

The Harvard Prevention Research Center on Nutrition and Physical Activity, Harvard School of Public Health, works with community partners to design, implement, and evaluate programs that improve nutrition and physical activity, reduce overweight and reduce chronic disease risk among children and youth.

Copyright 2003 National Women's Law Center
Harvard Prevention Research Center on Nutrition and Physical Activity
Harvard School of Public Health

KEEPING SCORE:

GIRLS' PARTICIPATION IN HIGH SCHOOL ATHLETICS IN MASSACHUSETTS



A Joint Report by the
National Women's Law Center
&
Harvard Prevention Research Center on Nutrition and Physical Activity
Harvard School of Public Health

February 2004



ACKNOWLEDGEMENTS

The National Women's Law Center (NWLC) and the Harvard Prevention Research Center on Nutrition and Physical Activity at the Harvard School of Public Health (HPRC) would like to express their gratitude to the students, parents, coaches, administrators, and advocates who supplied information for this Report. We are also grateful to Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C. for their assistance in researching Massachusetts law.

The following individuals were primary contributors to this Report: Jocelyn Samuels, Vice-President for Education and Employment, NWLC; Neena Chaudhry, Senior Counsel, NWLC; Kate E. Pomper, Policy Fellow, NWLC; Jean L. Wiecha, PhD, HPRC; and Alison M. El Ayadi, MPH, HPRC. Several other individuals also deserve appreciation for their work on, and contributions to, this report: Steven L. Gortmaker, PhD, HPRC; Marcia D. Greenberger, Co-President, NWLC; Dina Lassow, Senior Counsel, NWLC; Kate Burson, Intern, NWLC; Erin Fitzpatrick, Intern, NWLC; Gayle Horwitz, Intern, NWLC; Christina Smith FitzPatrick, Senior Policy Analyst, NWLC; and Jeanette Turner, Program Assistant, NWLC.

This Report would not have been possible without the financial support provided by the Caroline and Sigmund Schott Foundation & Schott Center for Public and Early Education. Play Across Boston was funded by the Centers for Disease Control and Prevention through a cooperative agreement with Dr. Steven Gortmaker and Dr. Jean Wiecha of the Harvard Prevention Research Center. The opinions and conclusions expressed herein do not necessarily represent the views or positions of these funders.

TABLE OF CONTENTS

EXECUTIVE SUMMARY.	1
INTRODUCTION.	4
SECTION I	
<i>Physical Activity Is Important For Girls.</i>	5
SECTION II	
<i>Girls in Massachusetts Lag Behind Boys in Physical Activity.</i>	9
SECTION III	
<i>Girls in Massachusetts Face Numerous Barriers to Athletic Participation. . .</i>	15
SECTION IV	
<i>Recommendations for Improving Gender Equity in Physical Activity and High School Athletics.</i>	25
CONCLUSION.	34
APPENDICES.	35

EXECUTIVE SUMMARY

Obesity - called “overweight” among children and youth - is a public health crisis of enormous proportions in America. Over two million children are overweight and, consequently, at risk for serious health, social, and emotional problems. Public health professionals and a host of organizations, from the Centers for Disease Control to the National Association for Sports and Physical Education, are urging immediate action.

Efforts to encourage children and adolescents to participate in physical activity are critical in addressing this public health crisis. The data show that large percentages of children and adolescents across the nation, both girls and boys, do not participate in physical activity at adequate levels. Alarming, the evidence also shows that girls' rates of participation in physical activity consistently fall significantly below those of boys and that the participation of girls of color is even lower.

These statistical disparities, as well as other evidence revealed in this Report, suggest that girls confront unique barriers to participating in physical activity, and in particular continue - even more than 30 years after the enactment of Title IX of the Education Amendments of 1972, the federal law that bars sex discrimination in educational institutions receiving federal funds - to face discrimination in the area of athletics. Girls' under-participation in physical activity consequently demands attention, not only for the health and host of additional benefits physical activity promotes - a reduced risk of developing health problems later in life; reduced incidence of risky behaviors, such as illegal drug use or smoking; enhanced personal skills; and greater success in school - but also to ensure that gender equity becomes a reality in America.

This Report analyzes public health data to assess gender disparities in physical activity among secondary school students in Massachusetts. These data reveal that substantial proportions of high school boys and girls do not meet recommended levels of physical activity. Girls, however, are consistently less likely than boys to participate in physical activity - whether that activity is measured by participation in organized sports, physical education classes, or informal forms of exercise. This Report additionally explores some of the sources of and reasons for the disparities between boys and girls, including persistent discrimination in Massachusetts high school athletics programs. It urges that more opportunities for physical education be provided for both boys and girls, and sets out recommendations for improving gender equity in youth physical activity in Massachusetts.

The major findings of the Report include the following:

- **Girls in Massachusetts lag significantly behind boys in participating in athletics.** In Boston, only 36% of high school girls participated in one or more sports teams in 2001, compared to 55% of high school boys. Statewide, 50% of Massachusetts high school girls participated in one or more sports teams in 2001, compared to 58% of high school boys.
- **Girls of color participate in sports at even lower rates than their white female peers.** Just 33% of African American high school girls and 32% of Hispanic high school girls participated in one or more sports teams in Boston during 2001. The same year, 49% of white high school girls in Boston were on at least one sports team. Statewide, only 37% of African American high school girls and 28% of Hispanic high school girls participated in one or more sports teams in 2001, relative to 54% of white high school girls. The same clear pattern does not emerge for boys of color generally, but Hispanic boys did typically participate at lower rates than their white peers in 2001.
- **Girls in Massachusetts high schools are still subjected to persistent discrimination in attempts to gain access to sports participation opportunities and in the treatment of their teams when they are allowed to play.** Students, parents, coaches and advocates report that girls in many Massachusetts high schools still receive inferior participation opportunities, facilities, equipment, publicity, and schedules for their teams and are subject to stereotypes about their interests and abilities. The Report contains numerous examples of reported discrimination.
- **Progress toward gender equity in Massachusetts high school athletics programs is possible.** Some high schools in Massachusetts have tackled and reduced gender equity problems in their athletics programs. The Report presents examples of actions they have taken.
- **More can be done to educate girls, their parents and their advocates about the importance of girls' participation in sports and their right to be free from discrimination; to provide technical assistance to schools on means to ensure gender equity in their athletics programs; to facilitate girls' participation in athletics; to challenge specific practices of discrimination; and to improve the enforcement of state law.** The Report sets forth numerous recommendations for addressing the gender gap in participation in Massachusetts.

The findings of this Report suggest that troubling patterns of gender inequity persist in Massachusetts high schools and that more must be done both to improve health outcomes for girls in the state and to eliminate unlawful discrimination. Moreover, specific attention is necessary to address barriers faced by girls of color. Cross-disciplinary partnerships of the sort illustrated by this Report can help to achieve these goals. Gender equity and public health advocates share the agenda of increasing girls' participation in sports and together can make progress toward their mutual goals. Uniting gender equity and public health analyses can provide a more comprehensive assessment of girls' participation in physical activity. Taking joint action to eliminate the gender-based discrimination revealed in the Report can lead to substantial public health benefits and promote the attainment of true equality of educational opportunity. Girls in Massachusetts, and throughout the country, deserve no less.

INTRODUCTION

Girls in Massachusetts, like their counterparts across the country, face numerous challenges in their adolescent years - challenges such as obesity, drug use, teen pregnancy, and failure to complete high school, to name a few. As research has consistently demonstrated, participating in physical activity, particularly through organized sports, can help girls meet these challenges by promoting physical health, reducing risky social behaviors, encouraging completion of school, and building important life skills that help ensure success in the workplace. As a result, sports participation not only benefits the individuals who engage in it, but can serve important social goals as well.

While substantial proportions of both boys and girls in Massachusetts do not achieve recommended levels of physical activity, the situation is much worse for girls. The evidence shows that girls in Massachusetts consistently lag behind boys in their levels of participation in physical activity - whether that activity is measured by participation in organized sports, physical education classes, or informal exercise. These disparities in physical activity are serious and mean that girls are denied the important benefits that can result from immersion in sports. For these reasons, and because the evidence shows that the disparities result, at least in part, from persistent discrimination against girls, this problem cries out for immediate attention from all who are concerned with girls' well-being in the state of Massachusetts.

Public health and gender equity professionals and advocates, school personnel, and state officials and policy makers can all make critical contributions to improving levels of physical activity among girls. Advocates can publicize the extent of the disparities in physical activity and their consequences, as well as work with schools, sports providers, and others to address the root causes of the problem. With over 50 million girls and boys attending primary and secondary schools in the United States, schools have a remarkable and unique potential to implement policies to address racial and gender-based disparities in physical activity. Policymakers can act to ensure that girls' rights to non-discriminatory opportunities to participate in sports are protected and enforced.

This Report is divided into several sections. Section I addresses the reasons that physical activity is so important for girls. Section II marshals the evidence that shows that girls in Massachusetts are consistently less likely than their male peers to be physically active. Section III explores the barriers that girls face in attempting to participate in athletics - and, in particular, the types of discrimination that, even three decades after passage of Title IX of the Education Amendments of 1972, continue to plague female athletes in Massachusetts secondary schools. Finally, Section IV sets forth recommendations for improving gender equity in physical activity and high school athletics.

Section I

PHYSICAL ACTIVITY
IS IMPORTANT
FOR GIRLS

Participation in physical activity, particularly through organized sports, is important for girls. Physical activity provides critical health benefits; organized sports are similarly associated with important health benefits, as well as social and academic benefits.

*Almost 16%
of 12 to
19 year olds
are now
considered
overweight*

Obesity - called “overweight” among children and youth - is currently epidemic throughout the country.¹ Almost 16% of 12 to 19 year olds are now considered overweight (body mass index at or above the 95th percentile), and an additional 15% are at risk for overweight (body mass index between the 85th and 95th percentile).² While physical activity can help to address this problem, a sizable proportion of youth across the country do not get the amount of physical activity that experts recommend.³ Regular physical activity can decrease a young woman's chances of becoming overweight and developing obesity-related diseases.⁴

Physical activity similarly can reduce a young woman's chance of developing osteoporosis, breast cancer, and other health problems, and can help young women achieve and maintain healthy weight.⁵ Increased fitness levels can contribute to better posture, the reduction of back pain, and the development of adequate strength and flexibility - qualities that allow girls to participate fully in their daily activities, whether vocational or recreational.⁶

Participation in organized sports is associated with a host of additional health benefits and promotes healthy behavior. Young women who play sports have a higher level of self-esteem, a lower incidence of depression,⁷ and can have a more positive body image.⁸ Athletes are less likely to use tobacco⁹ or drugs.¹⁰ Adolescent female athletes have lower rates of both sexual activity and pregnancy.¹¹

Athletic participation is additionally associated with responsible social behaviors, enhanced personal skills, and greater success in school. Female student-athletes learn important life skills, including the ability to work with a team, to perform under pressure, to set goals, and to take criticism. In addition, playing sports helps young women develop self-confidence, perseverance, dedication, and a competitive edge. Female student-athletes also have higher grades and higher high school graduation rates than their non-athletic peers.¹² Athletic participation can also lead to college scholarships.

Participation in sports is especially important for girls of color, who have a higher risk of overweight than white girls. For example, 46% of African American and 44% of Mexican American teenage girls have body mass indices above the 85th percentile, compared to 25% of white teen girls.¹³ Moreover, disparities in overweight prevalence between white girls and girls of color have risen in the past ten years.¹⁴

Female athletes of color also experience higher levels of self-esteem, are more likely to be involved in extracurricular activities, and are more likely to become leaders in their communities than girls of color who do not play sports.¹⁵ Female athletes of color get better grades than their non-athletic peers.¹⁶ In particular, African American female athletes are 15% more likely to graduate from college than their non-athletic peers.¹⁷

Encouraging participation in physical activity during youth is particularly beneficial because school sports, physical education, and opportunities for informal physical activity form part of a continuum of lifelong physical activity that is associated with improved health. The need for action supporting lifelong physical activity is great in Massachusetts, where the evidence shows that a substantial proportion of women (26%) do not participate in any leisure-time physical activity.¹⁸ Non-participation in physical activity is particularly high among women of color. In Massachusetts, 43% percent of African American women and 43% of Hispanic women do not participate in any leisure-time physical activity, compared to 23% of white women.¹⁹ Improving physical activity during childhood and adolescence can help to address these troubling facts.

Participation in physical activity during youth is particularly beneficial because school sports, physical education, and opportunities for informal physical activity form part of a continuum of lifelong physical activity that is associated with improved health.

Section II

GIRLS
IN MASSACHUSETTS
LAG BEHIND BOYS
IN PHYSICAL ACTIVITY

Thousands of boys and girls in Massachusetts do not meet recommended levels of physical activity. But the situation is worse for girls, who are substantially less likely to be physically active than their male peers during high school, whether physical activity is measured by participation in organized sports, by levels of moderate or vigorous physical activity, or by attendance at physical education classes. Additionally, girls of color in Massachusetts are consistently even less likely to be physically active than white girls, thus suggesting that race and/or ethnicity pose additional barriers to achieving recommended levels of physical activity for girls of color. The situation is more complex for boys of color. Statewide in 2001, for example, African American boys participated at equivalent or greater levels than white boys in both sports teams and vigorous activity generally. In Boston, on the other hand, white boys participated in both forms of activity more than their African American counterparts. Hispanic boys generally participated in both sports teams and vigorous physical activity at lower rates than either white or African American boys in 2001.²⁰

This section sets forth available data on the disparities between girls' and boys' participation in physical activity in Massachusetts, statewide and within Boston. Participation in physical activity is defined by measures the Centers for Disease Control and Prevention (CDC) use to track progress toward Healthy People 2010, a statement of health objectives for the nation established by the United States Department of Health and Human Services.²¹ Where indicated, the data come from the Play Across Boston project of the Harvard Prevention Research Center on Nutrition and Physical Activity.²² Otherwise, all data come from the CDC's Youth Risk Behavior Surveillance System (YRBSS).²³

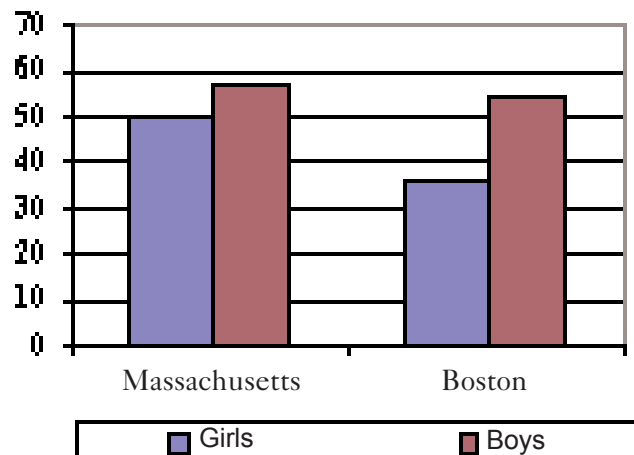
Physical Activity Participation Indicators

Sports Teams	one or more sports teams over the past 12 months
Physical education class	one or more days during an average school week
Moderate physical activity	30 or more minutes on at least 5 of the past 7 days
Vigorous physical activity	20 or more minutes on at least 3 of the past 7 days

SPORTS TEAMS

Only approximately 50% of Massachusetts high school girls participated in one or more sports teams in 1999 and 2001, compared to 61% and 58% of high school boys, respectively. Discrepancies were even greater in Boston, where girls' participation in sports teams is substantially lower than girls' participation statewide. Only 36% of high school girls in Boston participated in one or more sports teams in 1999 and 2001, while 53% and 55% of high school boys participated, respectively. Data from the Play Across Boston youth survey reveal that girls are not only less likely to participate in sports than boys, but are also significantly less likely to participate in multiple sports teams. While 59% of boys 14 to 18 reported participating in multiple sports teams in the Play Across Boston youth survey, only 26% of girls 14 to 18 reported participating in multiple sports teams.²⁴

**Sports Team Participation in Massachusetts
by Gender, YRBSS
2001**

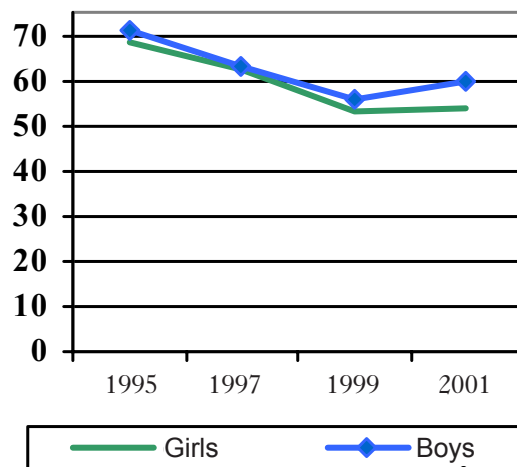


Girls of color face an even bleaker situation, because their participation in sports teams during high school uniformly falls well below that even of white girls. Thirty-seven percent of African American high school girls and 28% of Hispanic high school girls statewide participated in one or more sports teams during 2001. That same year, 54% of white high school girls statewide were on at least one sports team. In Boston, 33% of African American girls and 32% of Hispanic girls participated in sports teams in 2001, relative to 49% of white girls.²⁵

PHYSICAL EDUCATION CLASSES

In 1996, the state legislature rescinded regulations stipulating the amount of time that students were required to participate in physical education, though physical education continued to be mandatory.²⁶ Before the physical education requirements were relaxed, girls' participation in high school physical education classes was relatively similar to that of boys. Gender disparities emerged after 1996, however, especially among youth ages 16 and older. Among Massachusetts boys, participation was nine percentage points lower in 2001 than in 1995 (70% vs. 79%), while in Boston, boys' participation was 11 percentage points lower (60% vs. 71%). In contrast, participation among girls statewide was 14 percentage points lower in 2001 than in 1995 (67% vs. 81%) and 15 percentage points lower (54% vs. 69%) within Boston. Examining participation in physical education classes by age group suggests that gender disparity widens with age: disparities between girls and boys were the greatest among high school students 18 or older. Physical education participation among girls 18 and older fell from 63% to 56% between 1995 and 2001, while physical education participation among boys 18 and older rose slightly, from 62% to 65%.

**Physical Education Participation in Boston
by Gender, YRBSS
1995-2001**



Patterns in physical education participation by race/ethnicity are mixed statewide, but within Boston, girls of color are consistently less likely to attend physical education classes than white girls. Hispanic females, in particular, are consistently the least likely to attend physical education classes during high school, with participation at 63% in 1995 and declining since.²⁷

MODERATE PHYSICAL ACTIVITY

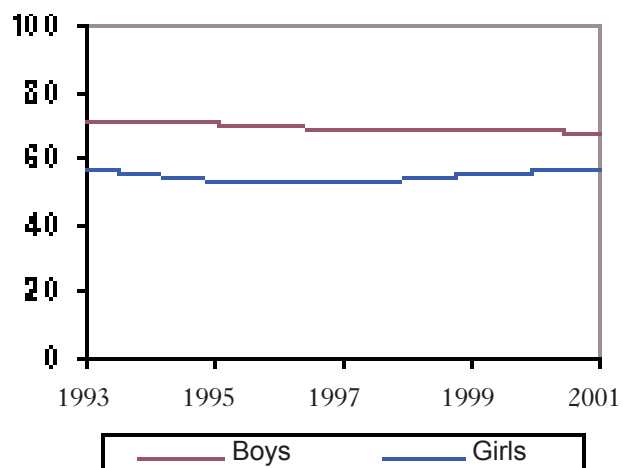
Moderate physical activity can be achieved through play, chores, walking, or biking; it does not cause sweating or hard breathing. Though large majorities of Massachusetts boys and girls alike fail to meet CDC recommended levels of participation in moderate physical activity, girls are even less likely to be moderately active. In 2001, 28% percent of high school boys statewide, as compared to 22% of high school girls, reported being moderately active for 30 minutes or more on at least five of the preceding seven days. In Boston, high school girls and boys reported relatively similar participation in moderate physical activity during 2001: 17% and 18%, respectively, achieved CDC recommended levels.

Girls of color, both statewide and in Boston, are substantially less likely to report adequate moderate activity than white girls. In 2001, 15% of both African American and Hispanic high school girls statewide reported obtaining the recommended level of moderate physical activity for 30 minutes or more on at least five of the preceding seven days, compared to 24% of white high school girls. Thirteen percent of African American, and 16% of Hispanic, high school girls in Boston were moderately physically active, compared to 28% of white girls.²⁸

VIGOROUS PHYSICAL ACTIVITY

Vigorous activity occurs when the participant sweats or breathes hard, as is likely during jogging or sports training.²⁹ Since 1993, the earliest year for which data on physical activity were examined in this Report, the proportion of high school boys in Massachusetts who reported vigorous physical activity at CDC recommended levels has been consistently higher than the proportion of high school girls who have met

Participation in Vigorous Activity in Massachusetts
by Gender, YRBSS
1993-2001



these standards. For example, in 2001, 69% of boys statewide were vigorously active for 20 or more minutes on at least three of the seven preceding days, as compared to 57% of girls. Similarly, in Boston, 60% of boys, compared to 40% of girls, achieved CDC recommended levels of vigorous physical activity.

Again, girls of color are even less likely than white girls to meet CDC standards. Forty percent of African American girls and 47% of Hispanic girls statewide participated in vigorous activity for 20 or more minutes on at least three of the seven days prior to their interviews in 2001, compared to 61% of white girls. Discrepancies by race/ethnicity were even more severe in Boston: 37% and 36% of African American and Hispanic girls, respectively, met CDC standards for vigorous physical activity, compared to 61% of white girls.³⁰

* * *

These findings reveal the existence of significant gender disparities in levels of physical activity among boys and girls in Massachusetts. While substantial proportions of both boys and girls in Massachusetts fail to achieve levels of physical activity recommended by the Centers for Disease Control and Prevention regardless of how physical activity is measured, girls are consistently less likely to be physically active than boys, and girls of color generally participate in physical activity even less.³¹

In making efforts to address these gender-based disparities, barriers to girls' participation in secondary school athletic programs are of special importance. This is because this Report's findings indicate that participation in organized sport is an increasingly important component of total physical activity. Availability of and participation in physical education classes is declining, and participation in informal opportunities for moderate physical activity (e.g., walking, bike riding) appears to be low. Moreover, because vigorous activity intensity is consistent with sports team participation, the relatively higher participation rates for vigorous physical activity may largely reflect - and could thus be increased by - participation in sports teams.

Given the relative importance of organized sport in determining total physical activity and the substantial potential of schools to address disparities, the next section of the Report explores barriers to girls' participation that contribute to gender disparities in secondary school athletics.

Section III

GIRLS IN MASSACHUSETTS
FACE NUMEROUS
BARRIERS TO ATHLETIC
PARTICIPATION

Girls face numerous barriers to participation in secondary school athletics in Massachusetts. The quantitative evidence of under-participation described above suggests that girls face barriers that boys do not encounter. Complaints filed during the past five years with the U.S. Department of Education's Office for Civil Rights and information obtained by the National Women's Law Center through interviews with athletes, parents, coaches, administrators, and advocates in Massachusetts during 2003 provide qualitative evidence that sex discrimination continues to affect girls' opportunities in Massachusetts high school sports programs. The youth survey component of the Play Across Boston project indicates that disparities in sports participation are also caused by a lack of programs to which girls feel they have safe and effective access. Both discrimination and institutional barriers to physical activity can spawn a self-perpetuating cycle in which girls feel less skilled in, and less enjoyment of, participation in athletics.

The following section describes some of the barriers that girls face to achieving equitable participation and treatment in athletics programs. The interviews conducted by the National Women's Law Center show that the playing field is still not level for girls in Massachusetts, and that more work must be done before gender equity is achieved. But as the experiences of several schools also discussed below attest, progress toward gender equity in athletic participation is possible and should be vigorously pursued.

THE LAW PROTECTS GIRLS AGAINST DISCRIMINATION IN ATHLETICS

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in federally funded education programs and activities.³² It covers most colleges and universities as well as public elementary and secondary schools, including the elementary and secondary schools in Massachusetts. Applicable to every aspect of federally funded education programs and activities, Title IX prohibits sex discrimination in competitive athletics and physical education.³³ Title IX imposes two fundamental requirements on athletics programs in secondary schools: schools must offer their male and female students equal opportunities to participate in sports, and they must treat girls and boys fairly in all aspects of athletics when they do play.³⁴

In Massachusetts, moreover, state laws provide additional protection for gender equity in athletics. The Equal Rights Amendment to the Massachusetts Constitution,³⁵ the

Massachusetts Anti-Discrimination Law,³⁶ and the Equal Opportunity Regulations,³⁷ which implement the Anti-Discrimination Law, all prohibit discrimination on the basis of sex in a range of educational activities, including athletics.

The impact of these laws has been substantial. When Congress passed Title IX in 1972, fewer than 32,000 women competed in intercollegiate athletics.³⁸ Women's sports received only two percent of schools' athletic budgets, and athletic scholarships for women were almost nonexistent.³⁹ Today, the number of college women participating in competitive athletics is nearly five times the pre-Title IX rate: in 2001-2002, a record 153,601 women competed in intercollegiate athletics, representing 42 percent of college athletes nationwide.⁴⁰

The impact of Title IX and complementary state laws on female athletic opportunities at the high school level has also been tremendous. Before Title IX, fewer than 300,000 high school girls played competitive sports.⁴¹ By 2002, the number had climbed to more than 2.8 million.⁴²

DESPITE THESE LAWS, GIRLS FACE PERSISTENT INEQUITIES IN ATHLETICS

Although women and girls have enjoyed tremendous gains as a result of the strong statutory protections on the books, the evidence shows that the playing field is not yet level for women and girls across the country. Although females account for more than half the nation's undergraduates, they represent only 42% of college athletes.⁴³ In 1999-2000, women represented 53% of students in Division I colleges and universities but received only 41% of the participation opportunities, 32% of recruiting dollars, and 36% of operating budgets.⁴⁴ While similar national data on athletic participation through elementary and secondary school programs are not available, court cases and anecdotal evidence strongly suggest that there is broad-based discrimination against female athletes at these levels of education as well.⁴⁵

Data and information from Massachusetts confirm that discrimination is present at the secondary school level: girls in Massachusetts high schools do not receive equal opportunities to play sports and do not receive equal benefits (facilities, equipment, publicity) when they do play. Though girls account for 49% of Massachusetts high school students,

they comprise only 44% of Massachusetts high school athletes.⁴⁶ If girls' participation in school-based athletics programs in Massachusetts matched their representation, roughly 19,575 additional girls would realize the benefits of sports.⁴⁷ Reports of discrimination -- in participation opportunities, in stereotypes about interests and abilities, in the allocation of facilities, scheduling, equipment, publicity, and game officials, and in the selection of coaches and athletic directors -- are found in formal complaints filed between 1999 and 2003 with the U.S. Department of Education's Office for Civil Rights⁴⁸ and were raised in extensive individual interviews and a forum conducted by the National Women's Law Center in 2003 with athletes, parents, coaches, administrators and advocates about the status of gender equity in Massachusetts high schools.⁴⁹ An athletics director and coach in Massachusetts summarized the situation from her perspective, commenting, "We are really still second-class citizens when it comes to physical education and athletics."⁵⁰

Unequal Participation Opportunities

Participation inequities in Massachusetts high school athletics alleged through complaints and interviews ranged from displacement of girls by boys on formerly unisex girls' teams, to failure to provide girls a team, to harassment of girls who played on boys' teams when equivalent girls' teams were unavailable. Some of the participation inequities reported are described below.

<i>Failure to provide girls a team</i>	<p>School officials in a town north of Boston repeatedly brushed off requests to create a girls' ice hockey team. Although a lacrosse team had been created for boys two years earlier with most of the boys never having played before, school officials told parents that a girls' ice hockey team could be started only if the girls had prior knowledge of ice hockey.⁵¹</p> <p>Although girls in a western suburb of Boston had repeatedly requested formation of an ice hockey team at their high school, school officials required that they provide proof of interest through a petition of signatures. Upon being provided with such a petition, the school informed girls that they could not start a team with beginners. While a girls' varsity ice hockey team now exists, treatment of the team is not comparable to treatment of the multiple boys' ice hockey teams at the high school, and the town eliminated the only ice hockey team for which younger girls were permitted to try out to make ice time for the girls' varsity team.⁵²</p>
--	--

<p><i>Harassment of girls who played on boys' teams</i></p>	<p>Pole vault was provided only for boys at a high school south of Boston since there was only one certified coach. Upon being contacted about the situation, a school district official stated that the certified coach would be shared by the boys and the girls, but no action was taken. Additionally, a student was told that, to participate, girls would have to purchase their own poles at a price of \$200 each, even though the school provided the boys with poles.⁵³</p> <p>A female high school student from Boston who wanted to play baseball and who was supported by her school's baseball coach was denied permission by the state because the Massachusetts Interscholastic Athletic Association (MIAA) only allows girls to play on boys' teams when equivalent teams are unavailable, and the MIAA classifies baseball and softball as equivalent sports. From the perspective of the student, baseball and softball not only differ in terms of ball size and field dimensions, but also in terms of publicity and recognition.⁵⁴</p> <p>Shortly before varsity ice hockey tryouts, boys on the varsity team at a high school southwest of Boston verbally harassed a girl who had played JV boys' ice hockey and kicked her feet out from under her while she was still on crutches from ankle surgery. The school took no action against the boys on the varsity team.⁵⁵</p>
---	--

Second-Class Treatment of Female Athletes

The most common complaints regarding treatment inequities in Massachusetts include the poor quality of facilities for female athletes, the lack of adequate uniforms, the scheduling of games during non-prime-time hours, and discrimination faced by female coaches.⁵⁶ Massachusetts high school girls additionally report that they suffer from misperceptions and stereotypes about their interests and abilities; from discrepancies in scheduling of seasons, equipment, publicity, and quality of game officials; and from discrimination against female athletic directors. Selected examples of reported treatment inequities are described below.

<i>Facilities/Coaches</i>	At a high school in western Massachusetts, the boys' baseball team had separate game and practice fields located on school property, while the girls' softball team had to travel over a mile to get to their practice field, which was also their game field. Additionally, girls' varsity and JV volleyball shared a coach, while boys had both varsity and JV coaches. ⁵⁷
<i>Scheduling of games during non-prime time hours</i>	Girls' varsity and junior varsity basketball teams did not receive an equitable share of night-time or "prime-time" slots for competitive events in three public school districts in western Massachusetts. ⁵⁸ In one district, for example, the girls' basketball teams (JV and Varsity) had twenty games, eleven of which were night games. Of the night games, only two were on a Friday night. All of the boys' basketball teams' games, in contrast, were at night, and seven took place on a Friday night.
<i>Coaches</i>	A woman who had previously coached softball at her school on Cape Cod for over a decade and whom others recognized as having an "incredible record" was rejected when she reapplied for the position of softball coach in favor of a much less qualified male. Although the hiring decision makers claimed that the male candidate had equal experience, the male candidate had only four years of coaching experience, none of which included coaching softball at the high school level. ⁵⁹
<i>Misconceptions and stereotypes about interests and abilities</i>	<p>A coach in Boston noted that there are still stereotypes among Massachusetts athletic directors about girls not being as interested in or as good at sports as boys: "There are still people around here who don't believe that girls can play as well as boys can. It's sad. We are way behind."⁶⁰</p> <p>A basketball coach in western Massachusetts told parents that the girls' practice was shorter than the boys' team's practice because girls did not have the "attention span" or the "interest" to focus on basketball for two hours at a time and were more interested in socializing than in the game. A separate coach wrote an article distributed by the first coach concluding that girls were not fit to seriously play the game of basketball.⁶¹ Though the travel team was part of a recreation league and not a secondary school, these girls' experiences highlight the pervasiveness of stereotypes regarding girls' interest in sports.</p>

<i>Scheduling of seasons</i>	Girls swimming in the Western division of the state swim during the traditional swimming season, winter. Girls in the Central and Eastern divisions, however, compete during the fall. The scheduling of the Central and Eastern division seasons raises issues of gender equity, in terms of opportunity for scholarship recruitment and club team participation, and prevents statewide competition. ⁶²
<i>Scheduling of sectional playoffs</i>	Scheduling of sectional playoffs for the state tournament did not allow girls' teams to scout opposing teams or equal time to prepare for sectional play. Officials of an athletic conference in western Massachusetts yelled at and threatened a parent who approached some of them about his gender equity concerns. ⁶³
<i>Equipment</i>	Female lacrosse players at a high school southwest of Boston were getting injured because they did not have adequate equipment. The girls' goalie, for example, was forced to play with equipment that was thirteen years old. The boys' team, by contrast, had good equipment and new uniforms. ⁶⁴
<i>Publicity</i>	All of the students interviewed mentioned that girls' teams receive less publicity from their schools and that this hurts attendance at girls' games. One girl noted, "This year the girls' and boys' soccer teams qualified for the tournament. There was a bus set up for the boys' team, and the fans wanted to go and see their game, and there wasn't a bus set up for the girls." ⁶⁵
<i>Quality of game officials</i>	Female high school athletes in Massachusetts receive lower priority for quality game officials than do male high school athletes. Until 2002, boys' and girls' officials were in separate divisions. When the Massachusetts Game Officials Committee combined the divisions, ostensibly to ensure that both the girls and the boys received the best officials, girls ended up receiving "the officials that were put out to pasture from the boys' events." In addition, a number of girls' varsity games have only one official, while, on average, the boys' varsity games have two or more officials. ⁶⁶

OTHER BARRIERS CONTRIBUTE TO THESE DISPARITIES IN ATHLETIC PARTICIPATION

Girls in Massachusetts additionally face institutional barriers that have a disproportionate impact on girls' athletic participation. For example, data from the Play Across Boston youth survey show that girls are significantly more likely than boys to cite lack of program availability and lack of safety as barriers to sports or physical activity when asked about obstacles to participation.⁶⁷ Specifically, girls were more likely than boys to identify inconvenient locations, lack of programs near home or near school, and feeling unsafe on transportation to sports programs and to other opportunities for physical activity as preventing participation.

The lack of programs to which girls feel they have safe and effective access may also indirectly affect girls' perceptions of their abilities and their enjoyment of sports and thereby inhibit participation, particularly if encountered early in life. If lack of athletic programs or safe access to athletic programs prevents full participation in athletics prior to high school, girls may lack confidence in their skill level upon beginning high school and, consequently, enjoy sports less than they might otherwise. The inequities in Massachusetts high school athletic programs exacerbate this problem; discrimination against girls has been recognized to limit their development of the skills and confidence that can boost their participation levels.⁶⁸ Consistent with this understanding, in the Play Across Boston youth survey, girls were significantly more likely than boys to cite lack of fun or skill and coordination as barriers to sports or physical activity.⁶⁹

PROGRESS TOWARD GENDER EQUITY IN ATHLETICS IS POSSIBLE

Some schools in Massachusetts are moving in the right direction, tackling and reducing gender equity problems without intervention by the United States Department of Education's Office for Civil Rights or state officials. Selected examples of positive steps schools have taken toward gender equity are:

- At a school in northeast Massachusetts, dividing an athletic facility previously providing a changing room for boys and not for girls equally between boys and girls when renovating it;⁷⁰
- In northeast Massachusetts, redistributing fields to ensure that good fields would be shared equitably between the boys and the girls;⁷¹
- At a school in Boston, hiring an athletic director committed to treating boys' and girls' teams equally, leading to a significant reduction in disparities formerly apparent at the school;⁷² and
- In western Massachusetts, establishing compatible freshman teams for girls and alternating Friday night games between boys' and girls' basketball where the high school had previously had freshman teams only for boys and scheduled more desirable game times for boys' than for girls' basketball.⁷³

Section IV

RECOMMENDATIONS
FOR IMPROVING
GENDER EQUITY IN
PHYSICAL ACTIVITY AND
HIGH SCHOOL ATHLETICS

The research conducted by the National Women's Law Center and the Harvard Prevention Research Center on Nutrition and Physical Activity at the Harvard School of Public Health reveals significant gender inequities in physical activity among secondary students in Massachusetts. The tremendous benefits of athletics-good health outcomes, improved academic achievement, and positive social behavior-make it imperative that these inequities be addressed. Recommendations for improving gender equity in physical activity and athletics in Massachusetts detailed below include engaging in public education around girls' participation in athletics; providing technical assistance to schools on means to improve gender equity; engaging health providers in efforts to improve gender equity in athletics; facilitating girls' participation in athletics; challenging practices or policies of discrimination; improving enforcement of state law; and pursuing further research. The recommendations are informed by the observed barriers to participation and a review of relevant public health literature.

EDUCATE GIRLS AND THEIR PARENTS AND ADVOCATES ABOUT PARTICIPATION IN ATHLETICS

The evidence of discrimination discussed in this Report, as well as the current inequities in girls' participation in physical activity and athletics, raise concerns that girls today lack the understanding and information necessary to fight for and ensure protection of their rights. As a result, there is a pressing need for public education around the importance of girls' participation in physical activity, the disparities between boys' and girls' participation in athletics, girls' right to equality in school-sponsored athletics, and the available avenues for enforcement of these rights.

Because girls of color participate in physical activity at consistently lower rates than their white peers, it is critical that these educational efforts contain a specific focus on girls of color. Public education should highlight the particularly low participation rates of girls of color. All educational materials must be culturally sensitive, and specific outreach should be targeted at communities of color.

These educational efforts should reach all relevant constituencies, including students, parents, advocates, health providers, and sports providers, and could be achieved through:

- Distributing plain-language, eye-catching, culturally-sensitive brochures explaining the importance of physical activity for girls, the benefits girls gain from athletic participation, and girls' rights to equal opportunity and means of enforcement;
- Placing articles in parent newsletters emphasizing the importance of physical activity for their daughters as well as their sons;
- Distributing materials helping girls to evaluate the extent to which their schools are complying with federal and state law. Publications such as *Check It Out*, a National Women's Law Center guide to conducting gender equity evaluations for students, parents, coaches, and administrators, can be useful;⁷⁴
- Providing materials to train advocates on working with girls and school personnel to address barriers faced by girls and girls of color to participating in sports; and
- Distributing a resource directory of enforcement agencies, attorneys, and advocacy organizations.⁷⁵

PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS ON MEANS TO IMPROVE GENDER EQUITY

Efforts to assist schools in ensuring equal treatment of girls and boys and addressing barriers posed by race and/or ethnicity with regard to athletics could include production and dissemination of:

- Materials to enable schools to evaluate the extent and nature of barriers contributing to the under-participation of girls, including girls of color;
- A compilation of best practices undertaken by schools to address barriers based on gender, race, and/or ethnicity;
- Materials that schools can use to train personnel on prevention and response to discrimination and harassment based on gender, race, and/or ethnicity; and
- Model documents to implement the non-discrimination requirements of federal and state law.

ENGAGE THE HEALTH COMMUNITY IN EFFORTS TO IMPROVE GENDER EQUITY IN ATHLETICS

Engaging the health community in assuring gender equity in athletics could be achieved through:

- Alerting health care providers to current gender disparities in physical activity and racial and/or ethnic disparities among girls;
- Encouraging health care providers to screen for inadequate physical activity among girls and boys and to prescribe physical activity when necessary;
- Informing health care providers of current recommendations for improving physical activity levels among girls;
- Notifying health care providers of local opportunities for girls to participate in sports and physical activity;
- Incorporating standards for participation in organized sports into prominent public health recommendations such as Healthy People 2010, and promoting increased visibility of existing expert recommendations in this area;⁷⁶
- Educating public health professionals on Title IX and its implications through forums or other collaborative events with gender equity advocates; and
- Encouraging and facilitating public health professionals to engineer strategies for broad outreach and dissemination of their research results, with targeted efforts to reach diverse communities.

FACILITATE GIRLS' PARTICIPATION IN ATHLETICS

Girls who participate in sports prior to high school, through schools, community leagues or non-league skill programs, may be more likely to participate in sports when they enter high school because they have already developed necessary skills. Conversely, girls who have had no prior experience in sports may be less likely to participate at the high school level due to lack of opportunity or confidence. Consequently, two important ways to facilitate girls' participation in athletics include increasing girls' opportunities for physical activity at younger ages⁷⁷ and providing more opportunities for new and unskilled athletes to participate in sports at the high school level. Given girls' perceptions of a lack of available, convenient, safely-accessible programs, identifying and addressing barriers to girls' sports participation related to social and institutional factors, including infrastructure issues (transportation, facilities), is especially important.

CHALLENGE PRACTICES OR POLICIES OF DISCRIMINATION

Discriminatory practices or policies may be challenged on either the federal or state level and through courts or administrative agencies. Each route has advantages and disadvantages. By pursuing litigation in the courts, individuals can often get the broadest range of relief - from orders that schools correct the inequities for the future to damages to compensate for the past injury caused by the discrimination. Cases can be brought by a student or group of students for themselves, or on behalf of other students who have suffered or would suffer from the discrimination at issue. Where courts issue published decisions, those decisions can set precedents that will be applied in other cases of discrimination, thereby providing a mechanism to advance changes in the law. Additionally, students and their parents can go to court without having to depend on potentially unresponsive or understaffed administrative agencies.⁷⁸

However, litigation can be expensive and slow, and administrative challenges can offer an alternate route to address discrimination. Some administrative agencies are charged with investigating allegations that schools have failed to comply with relevant laws, and such challenges typically require substantially fewer resources than litigation from the injured individual. The individual parent or student who files an administrative complaint is not, for

example, required to be represented by a lawyer. Although the resolution of administrative challenges will not necessarily provide full, individualized relief to a victim of discrimination, particularly if money damages are being sought, where an enforcement agency finds a violation of the law, it may facilitate informal settlements between the parties or issue findings and conclusions that require the school to come into compliance into the future.⁷⁹ On occasion, administrative agencies can also issue decisions in ways that have broader applicability.

STRENGTHEN ENFORCEMENT OF STATE LAW

The Massachusetts Equal Rights Amendment⁸⁰ and the Massachusetts Anti-Discrimination Law,⁸¹ as implemented through the Equal Opportunity Regulations,⁸² provide strong protection for gender equity by mandating that individuals be treated equally under the law regardless of sex, race, color, creed, or national origin and by requiring that schools provide boys and girls equal opportunities to participate in athletics, offer equal treatment to those boys and girls who do play, and undertake a variety of affirmative steps to ensure their compliance with the law. However, the Massachusetts Anti-Discrimination Law and the Equal Opportunity Regulations could be better enforced by, among other things:

- *Enhancing state administrative enforcement mechanisms for gender equity protections of state laws.* Though the Massachusetts Department of Education handles gender equity complaints, it does not have any formal procedures to enforce the requirements of the Equal Opportunity Regulations or to process complaints about violations of the Regulations or the Anti-Discrimination Law. Such procedures would be useful to assist in full enforcement of the law's substantive provisions. At a minimum, such procedures should authorize the Massachusetts Department of Education to undertake periodic compliance reviews and should contain a mandate for the Department to investigate complaints that are filed with it. The procedural provisions of the regulations adopted by the U.S. Department of Education's Office for Civil Rights,⁸³ as well as those of comparable state laws,⁸⁴ could serve as models for this effort.

- *Providing more detailed guidance on the requirements for school anti-discrimination procedures.* While Massachusetts' regulations mandate that schools adopt their own complaint procedures, the Equal Opportunity Regulations provide no guidance on the appropriate parameters for such procedures. Schools could potentially benefit from more detailed instructions, such as those found in some other states' laws. Under Georgia law, for example, each local school system is required to designate an employee to coordinate its equal opportunity responsibilities, including the investigation of complaints. The law also contains detailed requirements for the complaint procedures each school system is to adopt. For example, an initial decision on a complaint must be rendered within 30 days, and the student has the right to appeal to the State Board of Education.⁸⁵
- *Providing specific data collection and reporting requirements for schools and the Massachusetts Interscholastic Athletic Association (MIAA).* Although the Equal Opportunity Regulations require that schools undertake annual evaluations to ensure that all students, regardless of sex, have the opportunity to participate in school programs, the Regulations contain no specific requirements for the nature of those evaluations or for the data which schools must collect. This evaluation requirement could be strengthened in several ways, whether through legislative action or additional administrative interpretations of the Equal Opportunity Regulations:
 - o Require schools to collect and submit to the Massachusetts Department of Education data on the participation opportunities offered to boys and girls; the types and numbers of teams for each gender; the budgets for those teams; the number of discrimination complaints received, and the like. These data should be disaggregated by race and national origin and should be made publicly available by the school or by the Department of Education. Models for these types of data collection and reporting requirements can be found in the federal Equity in Athletics Disclosure Act (EADA),⁸⁶ which requires similar analyses of colleges and universities; in a bill recently introduced in the U. S. Senate to extend the EADA to the high school level;⁸⁷ and in the provisions of Georgia state law.⁸⁸
 - o Require the MIAA to submit to the Massachusetts Department of Education and make publicly available an annual report identifying such things as requests for additional or different sports or sporting events, gender and race discrimination complaints received, or compliance activities undertaken.

- *Conducting legislative oversight of administrative enforcement of Massachusetts laws.* State legislators could investigate the efforts of the Massachusetts Department of Education to enforce the Equal Opportunity Regulations, requesting information on activities such as numbers and types of complaints received; types of investigations conducted; and remedies obtained for victims of discrimination.

PURSUE FURTHER RESEARCH

Further research would be useful to better understand the scope of gender inequities in Massachusetts high school athletics, the factors that contribute to those gender inequities, and appropriate remedies. A larger systematic analysis of athletics in Massachusetts high schools, including additional schools and measures and providing more detailed data, would be particularly useful in identifying the scope of gender inequities in Massachusetts high school athletics.

Research on youth decisions to participate in athletics and on identified barriers to participation would be helpful to illuminate factors contributing to gender inequity. Specifically, studies examining gender equity in Massachusetts athletics prior to secondary school and in community leagues; systemic problems of gender discrimination; availability of programs, transportation, and safety; urban/rural distinctions; and cultural attitudes toward athletics would be useful. Research must focus on identifying the particular needs of and barriers faced by girls of color since the evidence shows that these girls typically have low levels of physical activity.

Finally, an examination of the applicability of Title IX, the state Equal Rights Amendment, and the Massachusetts Anti-Discrimination Law to non-school institutions could help identify additional avenues to fight discrimination. Investigation of the application of legal prohibitions on the basis of sex, race, and national origin in combination is also important. Following research, gender equity researchers and advocates should set strategies to disseminate their results and conduct outreach.

CONCLUSION

This Report shows clearly that gender inequities persist in physical activity in Massachusetts and that these inequities are exacerbated for girls of color. It also demonstrates that eradicating inequities would have important benefits for girls' health, education, and overall wellness. This Report illuminates some of the barriers that limit girls' participation in sports programs in Massachusetts high schools, and provides concrete recommendations for addressing these barriers and improving girls' athletic participation.

The effectiveness of each of these recommendations can be substantially enhanced by partnerships between gender equity advocates and public health experts of the sort illustrated by production of this Report. Public health research can lead to improved enforcement of anti-discrimination laws by reinforcing the importance of gender equity in athletics and illuminating the extent of under-participation by girls and girls of color. Awareness and use of legal tools to achieve gender equity can, in turn, create substantial public health benefits by exposing more girls and women to the health and other benefits of athletic activity. The insights and data compiled through each discipline can inform the action agenda of the other, and these symbiotic partnerships should be encouraged. The girls of Massachusetts deserve no less.

Appendices

A. AUTHORS OF THE REPORT

B. DATA

C. RESOURCE DIRECTORY

APPENDIX A: AUTHORS OF THE REPORT

Founded in 1972, the year that Title IX was passed, the National Women's Law Center (the Center) has been at the forefront of virtually every major effort to secure and defend women's legal rights to equal educational opportunities, particularly with regard to participation in athletics. Most recently, the Center spearheaded a coalition of more than 50 organizations opposing efforts by the Department of Education to substantially weaken Title IX policies mandating equal opportunity for girls and women in athletics. In a great victory for girls and women across the country, the Department announced in the summer of 2003 that it would keep current Title IX policies intact.

The Center's leadership role in this effort built on its long history of effective advocacy for gender equity in athletics. In 1974, the Center brought the lawsuit requiring the Department of Education to enforce Title IX and issue policies applying its protection to athletics. Thereafter, it has participated in most of the subsequent federal appellate cases to consider the application of Title IX to athletics and has filed amicus briefs or been counsel in every Supreme Court case involving Title IX. The Center has also testified before Congress and the Executive branch on Title IX and athletics and has developed outreach and advocacy materials designed to educate diverse audiences on the protections available under federal and state laws.

The Harvard Prevention Research Center (HPRC), located at the Harvard School of Public Health, was founded in 1998. It is one of 28 Prevention Research Centers (PRC) funded by the National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) at the Centers for Disease Control and Prevention (CDC). Directed by Dr. Steven Gortmaker, its mission is to work with community partners to design, implement, and evaluate programs that improve nutrition and physical activity, reduce overweight and reduce chronic disease risk among children and youth. HPRC projects involve community partners in every phase, from brainstorming to evaluation. Its long-term goals are to build community capacity to implement and evaluate effective prevention programs and to advance national knowledge regarding interventions that promote nutrition and physical activity.

APPENDIX B: DATA

Data on girls' participation in athletics and physical activity in Massachusetts in this Report comes from Play Across Boston and the Youth Risk Behavior Surveillance System (YRBSS). Play Across Boston is a project of the Harvard Prevention Research Center (HPRC) at the Harvard School of Public Health, undertaken in collaboration with Northeastern University's Center for the Study of Sport in Society and a broad-based Community Advisory Board. Play Across Boston documents youth sports and physical activity resources in Boston, primarily through implementation of a comprehensive community-based assessment protocol evaluating physical activity resources for youth, including schools, after school programs, team sports, and other community organizations. The data collected through the protocol is integrated with baseline data on the presence and condition of publicly accessible parks, facilities, and playgrounds and complemented by a survey of Boston youth ages 10 through 18. Further information on the Play Across Boston methodologies can be found at <http://www.hsph.harvard.edu/prc/collab.html>.

The YRBSS is a national surveillance system conducted every other year as a collaborative effort of state and local departments of education and health and the Centers for Disease Control and Prevention (CDC). In Massachusetts, it is conducted by the state Department of Education and in Boston by the Boston Public Schools. The YRBSS collects data on a wide range of health risk behaviors via a randomized sample survey conducted biennially among public high school students. The data is representative of students in grades 9-12 and is weighted to adjust for non-response and selection. The YRBSS measures of participation in athletics and physical activity include participation in sports teams, physical education, moderate physical activity (30 minutes of physical activity that did not cause sweating or breathing hard), and vigorous physical activity (20 minutes of physical activity caused sweating or breathing hard). More details on YRBSS methodology and survey findings can be found on the web site of the Centers for Disease Control and Prevention at: <http://www.cdc.gov/yrebs>.

APPENDIX C: RESOURCE DIRECTORY

American Association of University Women

1111 Sixteenth St. N.W.
Washington, DC 20036
1.800.326.AAUW(2289)
info@aauw.org
<http://www.aauw.org>

Boston Center for Youth and Families

City of Boston, Boston Centers for Youth & Families
1483 Tremont Street, Boston, 02120
617.635.4920 x2102
617.635.4524 (fax)
<http://www.cityofboston.gov/bcyf>

Boston Girls Sports and Physical Activity Project

Contact the Women's Sports Foundation in New York for information:
1.800.227.3988, www.WomensSportsFoundation.org;

Boston Teachers' Union

180 Mount Vernon Street
Boston, MA 02125
617) 288 - 2000
<http://www.btu.org/>

Boston Women's Commission, Mayor's Office

Room 716
1 City Hall Plaza
Boston, MA 02201
617.635.4427
617.635.3031 (fax)
<http://www.cityofboston.gov/women/>

CityKicks Soccer for Girls

44 Cottage Street
Cambridge, MA 02139
617.576.4730
617.661.6756 (fax)
CityKicks@comcast.net
<http://www.citykickssoccer.org/about/accomplish.html>

Centers for Disease Control website for "tweens"

<http://www.cdc.gov/youthcampaign/>

Equity Assistance Center

Equity Assistance Center Programs
U.S. Department of Education
600 Independence Ave., SW
Portals, Suite 4500
Washington, DC 20202-6140
202.260.2495
202.205.0302 (fax)
<http://meac.educ.ksu.edu/mdac/intro/intro.html>

Gender Equity in Sports

The University of Iowa
Women's Intercollegiate Athletics
340 Carver-Hawkeye Arena
Iowa City, IA 52242
319.335.9247
<http://bailiwick.lib.uiowa.edu/ge/>

Girls Coalition of Greater Boston

P.O. Box 930
Boston, MA 02117
617.536.8543
<http://www.girlscoalition.org/>

Girls, Inc.

Girls Incorporated
120 Wall Street
New York, NY 10005-3902
1.800.374.4475
<http://www.girlsinc.org/>

Girl Scouts

Girl Scouts of the USA
420 Fifth Avenue
New York, New York 10018-2798
(800) 478-7248] or
(212) 852-8000
<http://www.girlscouts.org>

Harvard Prevention Research Center on Nutrition and Physical Activity, Harvard School of Public Health

677 Huntington Ave., 7th Floor
Boston, MA 02115
617.432.3840
617.432.3875 (fax)
hprc@hsph.harvard.edu
<http://www.hsph.harvard.edu/prc/>

Massachusetts Board of Higher Education

One Ashburton Place
Room 1401
Boston, MA. 02108-1696
617.994.6950
617.727.6397 (fax)
bhe@bhe.mass.edu
<http://www.mass.edu/>

Massachusetts Commission on the Status of Women

The Charles F. Hurley Building
19 Staniford St., 6th Fl.
Boston, MA 02114-2502
617.626.6520
617.626.6520 (TTY)
617.626.6530 (fax)
mcsw@state.ma.us
<http://www.state.ma.us/women/>

Massachusetts Department of Education

350 Main Street
Malden, MA 02148-5023
781.338.3000
<http://www/doe.mass.edu>

Equal Educational Opportunity Regulations:

<http://www.doe.mass.edu/lawsregs/603cmr26.html>

Massachusetts Governor's Committee on Physical Fitness and Sports

319 Longwood Avenue
Boston, MA 02115
617.355.6934
617.730.0227 (fax)
<http://www.govfitness.com/>

Massachusetts' Interscholastic Athletic Association

33 Forge Parkway
Franklin, MA 02038
508.541.7997
508.541.9888 (fax)
miaa@miaa.net
<http://www.miaa.net/>

Massachusetts' Interscholastic Athletic Association school information link:

<http://www.nasports.com/members/membership/index.cfm?Org=MIAA>

Massachusetts Commission Against Discrimination

One Ashburton Place, Sixth Floor, Room 601
Boston, MA 02108
617.994.6000
617.994.6196 (TTY)
<http://www.state.ma.us/mcad/welcome.html>

Massachusetts Partnership for Healthy Weight

Massachusetts Department of Public Health
617.624.5470
617.624.5075 (fax)
mass.partnership@state.ma.us
http://www.cdc.gov/nccdphp/dnpa/obesity/state_programs/massachusetts.htm

MDPH Women's Health Network

The Massachusetts Department of Public Health
250 Washington Street
Boston, MA 02108-4619
1.877.414.4447
617.624.5992 (TTY)
<http://www.state.ma.us/dph/fch/whn/>

National Federation of State High Schools Association

PO Box 690
Indianapolis, IN 46206
317.972.6900
317.822.5700 (fax)
<http://www.nfhs.org/>

Massachusetts' high school participation statistics:

<http://www.nfhs.org/Participation/Sports%20Participation'01-FINAL.pdf>

National PTA

330 N. Wabash Avenue
Suite 2100
Chicago, IL 60611
312.670.6782
800.307.4PTA (4782) (toll-free)
312.670.6783 (fax)
<http://www.pta.org/>

National Women's Law Center

11 Dupont Circle, Suite 800
Washington, DC 20037
202.588.5180
202.588.5185
<http://www.nwlc.org>

Northeastern Center for the Study of Sport in Society:

360 Huntington Ave, Suite 161 P
Boston, MA 02115-5000
617.373.4025
617.373.4566/2092 (fax)
sportinsociety@neu.edu
<http://www.sportinsociety.org/>

Office for Civil Rights

U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202
1.800.USA.LEARN
1.800.437-0833 (tty)
202.401.0689 (fax)
customerservice@inet.ed.gov
<http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>

OCR Reading Room:
<http://www.ed.gov/offices/OCR/publications.html>

OCR Electronic Complaint Form:
<http://www.ed.gov/offices/OCR/complaintintro.html>

Title IX publications:
<http://www.ed.gov/offices/OCR/publications.html#TitleIX>

General Information on filing complaints with OCR:
<http://www.ed.gov/offices/OCR/publications.html#General>

Simmons Institute for Leadership and Change:

Simmons College
300 The Fenway
Boston, MA 02115
617.521.2000
<http://www.simmons.edu/silc/>

Special Projects, Metro Lacrosse, Inc.

545 Medford St., Suite Two
PO Box 290613
Boston, MA 02129
617.242.9898
info@metrolacrosse.com
<http://www.metrolacrosse.com/>

Title IX Advocacy Project

140 Clarendon Street, 7th Floor
Boston, MA 02116
617.247.6722
<http://www.volunteersolutions.org/boston/org/213372.html>

The Tucker Center for Research on Girls and Women in Sport

University of Minnesota
203 Cooke Hall
1900 University Ave. SE
Minneapolis, MN 55455 USA
612.625.7327
612.625.8147 (fax)
info@tuckercenter.org
<http://education.umn.edu/tuckercenter/>

United Way of Massachusetts Bay

245 Summer Street
Suite 1401
Boston, MA 02210-1121
617.624.8000
617.624.9114 (fax)

Wellesley Center for Research on Women: Wellesley Centers for Women

Wellesley College
106 Central Street
Wellesley, MA 02481
781.283-2500
781.283.2504 (fax)
wcw@wellesley.edu
<http://www.wellesley.edu/WCW/crwsb.html>

Women's Issues Committee, Massachusetts Chapter of the National Education Association

Massachusetts Teachers Association
20 Ashburton Place
Boston, MA 02108
617.742.7950
<http://www.massteacher.org/>

Women's Sports Foundation

Eisenhower Park
East Meadow, NY 11554
1.800.227.3988 (U.S. only)
1.516.542.4700 (business)
1.516.542.4716 (fax)
wosport@aol.com
<http://www.womenssportsfoundation.org>

ENDNOTES

¹ In a study across 13 European countries, Israel, and the United States, the United States had the highest prevalence of overweight adolescents. See Inge Lissau, *et al.*, *Body Mass Index and Overweight in Adolescents in 13 European Countries, Israel, and the United States*, Arch. Pediatr. Adolesc. Med. 2004, 158: 27-33, available at <http://www.archpediatrics.com>.

² C.L. Ogden, *et al.*, *Prevalence and Trends in Overweight Among US Children and Adolescents, 1999-2000*, Jama 2002, 288(14): 1728-32.

³ Recent data show that one-third of high school students did not meet recommended levels of vigorous physical activity, and three-quarters did not meet recommended levels of moderate physical activity. See data from the Center for Disease Control Youth Risk Behavior Surveillance System, at <http://www.cdc.gov>.

⁴ Lower levels of physical activity among women overall and among African American women in particular contribute to higher risks for obesity-related disease, including diabetes. See F.B. Hu, *et al.*, *Television Watching and Other Sedentary Behaviors in Relation to Risk of Obesity and Type 2 Diabetes Mellitus in Women*, Jama, 2003, 289(14): 1785-91; see also R.P. Troiano, *Physical Inactivity Among Young People*, New Eng. J. Med., 2002, 347(10): 706-7.

⁵ Dorothy Teegarden, *et al.*, *Previous Physical Activity Relates to Bone Mineral Measures in Young Women*, Med. & Sci. in Sports & Exercise, Jan. 1996, 28(1): 105; L. Bernstein *et al.*, *Physical Exercise and Reduced Risk of Breast Cancer in Young Women*, J. Nat'l Cancer Inst., 1994, 86(18):1403; see also Marilie D. Gammon, *et al.*, *Does Physical Activity Reduce the Risk of Breast Cancer?: A Review of the Epidemiologic Literature* (Abstract), Menopause: J. N. Am. Menopause Soc'y, 1996, 3(3): 172.

⁶ The President's Council on Physical Fitness and Sports Report, *Physical Activity & Sport in the Lives of Young Girls: Physical and Mental Health Dimensions from an Interdisciplinary Approach* Section 1 (Spring 1997) [hereinafter President's Council].

⁷ Debra L. Schultz, Ms. Foundation for Women, National Girls Initiative, *Risk, Resiliency, and Resistance: Current Research on Adolescent Girls* 7 (1991).

⁸ President's Council, *supra* note 6, at Section II.

⁹ Only 25 percent of high school athletes, versus 40 percent of non-athletic high school students, report daily tobacco use. National Federation of State High School Associations, *The Case for High School Activities* 3, 9 (2002) [hereinafter High School Activities] (citing a 1998 available at Wyoming High School Activities Association Statewide Student Survey) available at <http://www.nfhs.org/case.htm>

¹⁰ Ninety-two percent of high school athletes do not use drugs. *Id.*

¹¹ The National Campaign to Prevent Teen Pregnancy, *Fact Sheet: Not Just Another Single Issue: Teen Pregnancy and Athletic Involvement* (July 2003) (citing ; D. Sabo *et al.*, *The Women's Sports Foundation Report: Sport and Teen Pregnancy* 5-7 (1998)), available at http://www.teenpregnancy.org/resources/reading/fact_sheets/sports.asp ; see also President's Council, *supra* note 6, at Introduction (citing D. Sabo, *et al.*, *High School Athletic Participation, Sexual Behavior and Adolescent Pregnancy: A Preliminary Analysis*, unpublished analysis generated by the New York State Research Institute on Addictions and the Department of Sociology, SUNY Buffalo (1996)).

12 See *Black Female Athletes Show Grad-Rate Gains*, The NCAA News, June 28, 1995, at 14 (female student athletes graduate at a significantly higher rate than female students generally, 69 percent and 58 percent, respectively); High School Activities, *supra* note 9, at 3 (state-wide, three-year study by the North Carolina High School Athletic Association found that athletes had higher GPAs (2.86 vs. 1.96), lower dropout rates (.7 percent vs. 8.98 percent) and higher high school graduation rates (99.56 percent vs. 94.66 percent), than their non-athletic peers).

13 Ogden, *supra* note 2.

14 *Id.*

15 The Women's Sports Foundation, *Minorities in Sports: The Effect of Varsity Sports Participation on the Social, Educational and Career Mobility of Minority Students* 27 (1989).

16 *Id.*

17 Jerry Crowe, *Graduation Rates Fall for Most Players, Colleges*, Los Angeles Times, Nov. 21, 2000, at D6; see also The Women's Sports Foundation, *Title IX and Race in Intercollegiate Sport* 17 (2003) (white female scholarship athletes and female athletes of color overall graduate at rates significantly higher than those of their counterparts in the general student body), available at http://www.womenssportsfoundation.org/binary-data/WSF_ARTICLE/pdf_file/955.pdf.

18 The National Women's Law Center, *Making the Grade on Women's Health: A State By State Report Card* (2001).

19 *Id.*

20 For statistics on the participation of boys of color in physical activity, see endnotes 25, 27, 28, and 30, *infra*.

21 These measures are the best available surveillance data on youth physical activity. Detailed descriptions of the measures are available at <http://apps.nccd.cdc.gov/YRBSS>. Information on Healthy People 2010 is available at <http://www.healthypeople.gov/>.

22 Public health data are extremely valuable because there is no independent requirement that high schools monitor gender equity in athletics. Play Across Boston is a project of the Harvard Prevention Research Center undertaken in collaboration with Northeastern University's Center for the Study of Sport and Society and a broad-based Community Advisory Board. The Play Across Boston Youth Survey was completed by 421 Boston youth between the ages of 10 and 18 at two Boston public schools and 14 after-school program sites during June 2002 and fall/winter 2002-2003. Play Across Boston Program Survey data were collected for baseline censuses of programs (n=235) and recreation complexes (n=226) for June 1999-June 2000. Appendix B provides a detailed description of the study.

23 The Harvard Prevention Research Center partnered with the Massachusetts Department of Education (MDOE) and the Boston Public Health Commission to obtain the YRBSS state-level and Boston-specific results for physical activity and demographic variables from 1993 through 2001. Appendix B provides a detailed description of the study.

24 Play Across Boston Youth Survey data, Harvard Prevention Research Center on Nutrition and Physical Activity, unpublished analysis.

25 Participation in one or more sports teams for boys by race/ethnicity in 2001 was: (Boston) white, 61%, African American, 55%, Hispanic, 50%; (statewide) white, 60%, African American, 59%, Hispanic, 49%.

26 Mass. Gen. Laws Ch. 71, § 3 (West, WESTLAW through 2003 legislation).

27 As among girls, patterns in physical education participation by race/ethnicity among boys are mixed statewide. Within Boston, Hispanic males, like females, are consistently the least likely to attend physical education classes during high school, with participation ranging from a high of 68% in 1995 to low of 42% in 1999. In every year but 1997, when African American males in Boston reported higher participation than white males (68% vs. 62%), white males in Boston reported the highest participation in high school physical education classes.

28 Participation in moderate physical activity for boys by race/ethnicity in 2001 was: (Boston) white, 28%, African American, 15%, Hispanic, 17%; (statewide) white, 28%, African American, 34%, Hispanic, 21%.

29 Participation in sports teams may engage individuals in vigorous physical activity. However, as some sports are not associated with vigorous physical activity and vigorous physical activity may be achieved without participation in sports teams, the two measures are not entirely duplicative.

30 Participation in vigorous physical activity for boys by race/ethnicity in 2001 was: (Boston) white, 76%, African American, 57%, Hispanic, 54%; (statewide) white, 70%, African American, 72%, Hispanic, 60%.

31 Participation in physical education classes is the sole measure of physical activity examined that does not hold to this pattern. In 1999 and 2001, African American girls statewide reported higher participation in physical education classes than white girls. Sixty-four percent of African American girls reported participation in physical education classes one or more days during an average school week in 1999, compared to 57 percent of white girls. In 2001, 72 percent of African American girls reported at least weekly participation in physical education classes, compared to 66 percent of white girls.

32 20 U.S.C. § 1681-1688 (West, WESTLAW through 2003 legislation.) Title IX states in relevant part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681.

33 20 U.S.C. § 1687.

34 For colleges and universities, Title IX also requires the equitable allocation of scholarship dollars. See 34 C.F.R. § 106.37(c). The percentage of total athletic scholarship dollars awarded to female athletes must be within 1 percent of the percentage of female athletes or within one scholarship (whichever is greater), unless legitimate nondiscriminatory reasons justify a larger disparity. See Letter from Dr. Mary Frances O'Shea, National Coordinator for Title IX Athletics, to Ms. Nancy S. Footer, General Counsel, Bowling Green State University, July 23, 1998 (clarifying Title IX's athletic financial aid requirements). For example, if 42 percent of a school's athletes are women, the school will be in compliance with this aspect of Title IX if it provides between 41 percent and 43 percent of its total athletic scholarship dollars to these athletes.

35 M.A. Const. pt. I, art. I, *amended* by M.A. Const. amend. art. 106

36 Mass. Gen. Laws ch. 76, § 5 (West, WESTLAW through 2004 2nd Sess. ch. 9)

37 Mass. Regs. Code. tit. 603 § 26 (2003).

38 United States Department of Health, Education, and Welfare, Office for Civil Rights, *Title IX of the Education Amendments of 1972; A Policy Interpretation: Title IX and Intercollegiate Athletics*, 44 Fed. Reg. 71413, 71419 (1979).

39 130 Cong. Rec. S4601 (daily ed. April 12, 1984) (statement of Sen. Stevens (R-AL)).

40 National Collegiate Athletic Association, *1982-2002 Sponsorship and Participation Report* 65, [hereinafter NCAA Sponsorship and Participation], available at http://www.ncaa.org/library/research/participation_rates/1982-2002/participation.pdf.

41 National Federation of State High School Associations, *2002 High School Athletics Participation Survey*, [hereinafter 2001-2002 Participation Survey], available at http://www.nfhs.org/nf_survey_resources.asp.

42 *Id.*

43 NCAA Sponsorship and Participation, *supra* note 40.

44 National Collegiate Athletic Association, *1999-00 Gender-Equity Report* 20 (2002).

45 National data on gender equity in athletics are not as available at the secondary level as at the post-secondary level because federal law only requires post-secondary schools to collect gender equity data for their athletic programs. Equity in Athletics Disclosure Act, Pub. L. No. 103-382, Title III, § 360B(a), 108 Stat. 3969 (1994).

46 2001-2002 Participation Survey, *supra* note 41; Massachusetts Department of Education Information Services and Technology, *Student Information Management System (SIMS), Individual School Report Format, Public Summary, October 1, 2001*, available at <http://www.doe.mass.edu/info services/reports/enroll/>. Across the country, girls receive 41 percent and boys receive 59 percent of the participation opportunities in high school athletics programs-although the number of boys and girls enrolled in high school is roughly equal. See 2001-2002 Participation Survey, *supra* note 41; U.S. Census Bureau, *Statistical Abstract of the United States: 2002*, available at <http://www.census.gov/prod/www/statistical-abstract-02.html>. The Statistical Abstract enrollment data is for 2000; more recent data is not available.

47 2001-2002 Participation Survey, *supra* note 41; National Women's Law Center, unpublished analysis. Calculations assume an increase in the total number of athletes.

48 With one exception, all of the complaints to Department of Education, Office for Civil Rights were resolved through school action responding to Office for Civil Rights findings of discrimination.

49 Information on discrimination revealed through the National Women's Law Center interviews and forum has not been independently verified.

50 Transcript of remarks at forum on Title IX and Athletics in Massachusetts High Schools, held by the National Women's Law Center on May 3, 2003, Cambridge, Massachusetts, at 226 [hereinafter Title IX Athletics Forum Transcript].

51 Complaint filed with U.S. Department of Education, Office for Civil Rights, Mar. 30, 2000.

52 Interview conducted by the National Women's Law Center, May 14, 2003.

53 Interview conducted by the National Women's Law Center, Apr. 23, 2003.

54 Interview conducted by the National Women's Law Center, May 6, 2003.

55 Interview conducted by the Women's Sports Foundation, Nov. 8, 2002.

56 When Title IX was enacted, more than 90% of women's college teams nationally were coached by women. In 2002, only 44 percent of the coaches of women's college teams were female, the lowest percentage of female head coaches of women's college teams in history. See Vivian Acosta and Linda Carpenter, *Women in Intercollegiate Sport: A Longitudinal Study-Twenty-Five Year Update* (2002). Coaches and advocates interviewed noted that female coaches and athletic directors face discrimination in Massachusetts. Title IX Athletics Forum Transcript, *supra* note 50, at 190-91, 218-19. Discrimination against female coaches and athletic directors is a problem both for female athletes, who lack female role models as a result, and for the women who are not getting jobs due to discrimination.

57 Complaint filed with U.S. Department of Education, Office for Civil Rights, Oct. 1999.

58 Complaints filed with U.S. Department of Education, Office for Civil Rights, May-June 1999.

59 Title IX Athletics Forum Transcript, *supra* note 50, at 218-219.

60 Title IX Athletics Forum Transcript, *supra* note 50, at 55-56.

61 Interview conducted by the National Women's Law Center, May 6, 2003.

62 Interview conducted by the National Women's Law Center, Apr. 2003. Scheduling of sports seasons for high school athletes is important because scheduling a sport in a nontraditional season diminishes opportunities for players in that sport to participate in club sports (because the club sports season is scheduled around the traditional season) and negatively affects the players' chance of getting a college athletic scholarship (because coaches recruit in the traditional season).

63 Complaint filed with U.S. Department of Education, Office for Civil Rights, June 28, 1999.

64 Interview conducted by the Women's Sports Foundation, April 23, 2001.

65 Title IX Athletics Forum Transcript, *supra* note 50, at 14.

66 Interview conducted by National Women's Law Center, May 3, 2002; Title IX Athletics Forum Transcript, *supra* note 50, at 238.

67 Play Across Boston Youth Survey data, *supra* note 24.

68 *Cohen v. Brown University*, 101 F.3d 155, 178-79 (1st Cir. 1996) (“[i]nterest and ability rarely develop in a vacuum; they evolve as a function of opportunity and experience...[W]omen’s lower rate of participation in athletics reflects women’s historical lack of opportunities to participate in sports”), cert denied, 520 U.S. 1186 (1997).

69 *Id.*

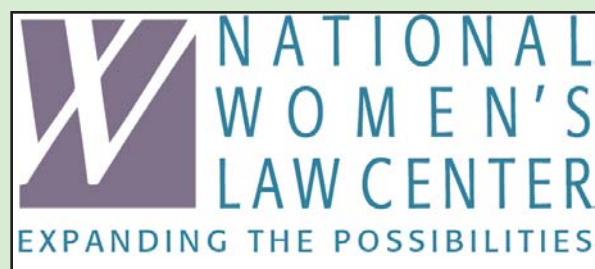
70 Title IX Athletics Forum Transcript, *supra* note 50, at 244-45.

71 *Id.*

- 72 Interview conducted by National Women's Law Center, April, 2003.
- 73 Interview conducted by National Women's Law Center, April, 2003.
- 74 *Check It Out* is available on the National Women's Law Center web site at <http://www.nwlc.org/pdf/Checkitout.pdf>.
- 75 Appendix C contains a partial list of enforcement agencies and advocacy organizations in Massachusetts.
- 76 Centers for Disease Control and Prevention, *Guidelines for School and Community Programs to Promote Lifelong Physical Activity Among Young People*, 46 (RR-6) (1997); Centers for Disease Control and Prevention, *Promoting Better Health for Young People through Physical Activity and Sports* (2002); H. Wechsler, *et al.*, *Using the School Environment to Promote Physical Activity and Health Eating*, *Preventive Medicine*, 2000, 31: S121-37.
- 77 Community leagues may favor boys in physical, emotional, and attitudinal preparation for high school sports. Play Across Boston Program Survey data show that gender disparities are localized in the nonprofit sector. In most settings, boys comprise a majority of the participants, sometimes by as much as 4 to 1. Play Across Boston Program Survey data, Harvard Prevention Research Center on Nutrition and Physical Activity, unpublished analysis.
- 78 Lawsuits based on violations of Title IX or those based on both federal and state law may be filed in either state or federal district court. Substantive considerations based on the scope of federal and state law, as well as practical considerations such as the timeliness and receptiveness of each court, guide the choice between state and federal district court. Lawsuits based exclusively on state law may only be filed in state court.
- 79 Complaints of Title IX violations may be filed with the Office for Civil Rights at the U.S. Department of Education at the regional administrative enforcement headquarters in Boston. Administrative complaints pertaining to the Massachusetts Equal Rights Amendment and the anti-discrimination laws may be filed with the Massachusetts Department of Education and, in some cases, with the Massachusetts Commission Against Discrimination.
- 80 M.A. Const., pt. I, art. I, *amended* by M.A. Const. amend. art. 106.
- 81 Mass. Gen. Laws Ch. 76, § 5.
- 82 Mass. Regs. Code. tit. 603 § 26
- 83 35 C.F.R. § 100.7
- 84 Fla. Stat. Ann. § 1000.05 (West, WESTLAW through 2003 legislation).
- 85 Ga. Code Ann. § 20-2-315 (West, WESTLAW through 2003 legislation).
- 86 § 360B(a), 108 Stat 3969.
- 87 High School Sports Information Collection Act of 2003, S. 282, 108th Cong. (1st Sess. 2003).
- 88 Ga. Code Ann. § 20-2-315.



Harvard Prevention Research Center, Harvard School of Public Health
677 Huntington Avenue • 7th Floor • Boston MA 02115
Phone: 617-432-3840 • Fax: 617-432-3875 • www.hsph.harvard.edu/prc/



National Women's Law Center
11 Dupont Circle, NW • Suite 800 • Washington, DC 20036
Phone: 202-588-5180 • Fax: 202-588-5185 • www.nwlc.org