

THE BATTLE FOR GENDER EQUITY IN ATHLETICS IN ELEMENTARY AND SECONDARY SCHOOLS

I. Unequal Athletic Opportunities for Girls

A. Overview

Despite the fact that Title IX has opened many doors for women and girls in athletics, schools across the country are still not providing equal opportunities for girls to participate in sports and are not treating girls' teams equally in terms of benefits and resources. Girls, particularly girls of color, receive far fewer opportunities to play sports than do boys, as well as inferior treatment in areas such as equipment, facilities, coaching, and publicity. Although national data on gender equity in athletics is not as readily available at the elementary/secondary level as it is in intercollegiate athletics (there is nothing comparable to the Equity in Athletics Disclosure Act or the NCAA Gender-Equity Study), the available statistics and qualitative information indicate that discrimination against girls and young women in athletics is every bit as much of a problem in middle and high schools as it is in colleges and universities.

- Schools are providing 1.3 million fewer chances for girls to play sports in high school than boys.¹ In 1972, only 295,000 girls competed in high school sports, a mere 7.4%, compared to 3.67 million boys.² By the 2009-2010 school year, the number of girls had swelled to 3.2 million, while the number of boys was 4.5 million.³
- Less than two-thirds of African-American and Hispanic girls play sports, while more than three quarters of Caucasian girls do. Three quarters of boys from immigrant families are involved in athletics, while less than half of girls from immigrant families are.⁴

B. Examples of Unequal Opportunities

Complaints of discrimination at the middle and high school level seem to be increasing and involve schools providing inadequate participation opportunities and inferior treatment for female students and athletes.

- **Florida:** In 2009, in an effort to save money, the Florida High School Athletics Association implemented cuts in the numbers of games scheduled for teams statewide. But they specifically spared football from any cuts, ensuring that girls would shoulder a greater burden of the reductions made due to the economic crisis. After parents sued, the FHSAA responded by claiming that the cuts were not discriminatory, because football is technically a co-ed sport, although only eight of the state's 40,400 football players are girls.⁵ While the FHSAA reversed its scheduled cuts as a result of the successful Title IX complaint, individual districts have stated publicly that they will nonetheless limit their games in the same manner, thereby disproportionately disadvantaging female students.⁶
- **North Carolina:** In 2009, parents at a high school in Richmond complained that the boys'

baseball team had exclusive access to the only baseball field with lights, while the girls were forced to cut games short after playing in an unlit field. There were also complaints that boys' teams received greater publicity through local radio advertisements. In response to a Title IX complaint, the District agreed to begin building the girls' softball team a comparable field.⁷

- **California:** In Benicia, California, the district's single high school has three baseball teams all of which are provided access to campus fields and facilities, while the girls' softball teams were required to schedule all games and practices off of school grounds at a local park, sharing fields with the city's adult baseball league. In the past, this arrangement led to girls' games and practices being cut short for adult use. In 2008, an OCR investigation found the district in violation of Title IX, citing the softball scheduling arrangement, as well as an overall failure to provide equal athletic opportunities to girls. The district responded by agreeing to work with the community to ensure that softball teams have "acceptable" access to fields at the local park, and also assessing whether the District is effectively accommodating the interests of the female students.⁸
- **Maryland:** In 2006, Prince George's County Public Schools entered into a comprehensive, county-wide agreement with the National Women's Law Center to settle claims arising initially from inequities in the county's treatment of girls' softball teams. PGCPSS agreed to ensure Title IX compliance by each county middle and high school, including providing equal opportunities and funding for girls' sports; improvements to the girls' softball fields, such as protective fencing, backstops, dugouts, storage sheds, and batting cages; equal scheduling of games and practice times, equipment, uniforms, publicity, and locker rooms for boys' and girls' teams; and annual data reports showing the progress it has made toward these goals, including participation rates, funding received, and plans for expenditures of funds.⁹
- **Michigan:** Parents of female high school students brought a class action case in 1998 against the Michigan High School Athletic Association (MHSAA). The parents claimed that MHSAA scheduled six girls' sports and no boys' sports during nontraditional and/or disadvantageous seasons (for example, basketball in the fall and volleyball in the winter); operated shorter seasons for some girls' sports than for boys; scheduled girls' competitions on inferior dates; provided inferior athletic facilities for girls' teams; required girls, but not boys, to play under rules and/or conditions differing from those in the NCAA; allocated more resources to publicity for boys than for girls; and refused to sanction additional girls' sports. All claims except those involving seasons were settled out of court. After trial on the seasons issue, the district court held that MHSAA discriminated against girls because placing them in nontraditional seasons limited their ability to be recruited for collegiate teams and their access to athletic scholarships, among other harms. The Court required MHSAA to schedule basketball and volleyball in their traditional seasons and approved MHSAA's plan to schedule the other four girls' sports in an equitable manner.¹⁰

II. Importance of Equal Sports Opportunities for Adolescent Girls

Increased sports participation for adolescent girls is a necessary step towards achieving gender equity. Studies show that sports participation has a positive influence on young girls' academic success, as well as their physical and psychological health.¹¹

A. Greater Academic Success

- By a 3-1 ratio, female athletes “do better in school, do not drop out, and have a better chance to get through college.”¹²
- Young women who play sports are more likely to graduate from high school, have higher grades, and score higher on standardized tests than non-athletes.¹³ This pattern of greater academic achievement is consistent across community income-levels.¹⁴
- Female athletes are more likely to do well in science classes than their classmates who do not play sports.¹⁵
- Female athletes of color consistently benefit from increased academic success. One study showed that female Hispanic athletes were more likely than non-athletes to improve their academic standing, graduate from high school, and to attend college.¹⁶
- A number of successful women played organized sports as girls and believed that it prepared them well for the business world; “Of 401 executive businesswomen surveyed, 82 percent reported playing organized sports while growing up, including school teams, intramurals, and recreational leagues.”¹⁷

B. Responsible Social Behaviors

- High school athletes are less likely to smoke cigarettes¹⁸ or use drugs¹⁹ than their nonathletic peers. One study found female athletes were 29% less likely to smoke than non-athletes.²⁰
- Adolescent female athletes have lower rates of both sexual activity and pregnancy. In fact, female athletes are less than half as likely to become pregnant than their non-athletic peers.²¹ This was true for white, African-American, and Latina female athletes.²²

C. Health Benefits

- Obesity is an emerging children’s health epidemic and a particular concern for girls of color. African-American girls are more likely to be overweight than white girls. Of girls aged 6 to 11, 24.8% of African-American girls, compared to almost 16% of white girls, are overweight. Of girls aged 12 to 19, 23.8% of African-American girls and 14.6% of white girls are overweight.²³
- Regular physical activity can reduce the risk of obesity for adolescent girls.²⁴ It can also have positive health effects later in life. The *New York Times* recently highlighted research that found that women who played sports while young had a 7 percent lower risk of obesity 20 to 25 years later, when women were in their late 30s and early 40s.²⁵ The study notes that while a 7 percent decline in obesity is modest, “no other public health program can claim similar success.”
- Minority girls are more likely to participate in sports through their schools than through their private organizations²⁶; thus minority girls, in particular, need equal access to school-sponsored athletics to increase the opportunities for them to engage in physical activity and reduce their risk of obesity.

- Sports participation decreases a young woman's chance of developing heart disease, osteoporosis, and other health related problems.²⁷
- A recent study shows that women who participate in sports significantly reduce their risk of developing breast cancer.²⁸

D. Improved Mental Health and Increased Personal Skills

- Girls who play sports report better health, body image, popularity, and an overall higher quality of life, compared to girls who don't play sports.²⁹
- One study showed that the difference in self-reported life satisfaction for girls who play sports versus girls who do not play sports is greater than for boys.³⁰

The National Women's Law Center is a non-profit organization that has been working since 1972 to advance and protect women's legal rights. The Center focuses on major areas of importance to women and their families, including employment, education, reproductive rights and health, family support and income security, with special attention given to the needs of low-income women.

Notes

- ¹ National Federation of State High School Associations (NFHS), 2009-10 High School Athletics Participation Survey (2010).
- ² National Federation of State High School Associations (NFHS), 1971 Sports Participation Survey (1971).
- ³ NFHS, 2009-10 High School Athletics Participation Survey (2010).
- ⁴ Sabo, D. and Veliz, P. Go Out and Play: Youth Sports in America, 14-15, 161 (East Meadow, NY: Women's Sports Foundation, 2008).
- ⁵ Katie Thomas, "Florida Drops Budget Plan That Favored Prep Football," The New York Times, July 16, 2009.
- ⁶ See Eduardo Encina, "Hillsborough County to Retain Number of Sponsored Contests," Tampabay.com Blogs, Jul. 29, 2009 (quoting officials saying they will follow FHSAA's proposed cuts); Buddy Collings, "FHSAA Votes To Rescind Cuts in High School Game Schedules," Orlando Sentinel, July 15, 2009 (citing four counties that independently decided to lower schedule limits without touching football).
- ⁷ Philip D. Brown, "Schools looking to build new field to satisfy Title IX probe." www.yourdailyjournal.com, May 25, 2010.
- ⁸ Tony Burchyns, "Benicia Schools Fail Title IX Test," The Time Herald, December 9, 2008.
- ⁹ See National Women's Law Center, "Prince George's County Public Schools Title IX Agreement," available at <http://www.nwlc.org/details.cfm?id=2842§ion=athletics>.
- ¹⁰ Communities for Equity v. Michigan High Sch. Athletic Ass'n, 178 F. Supp. 2d 805 (W.D. Mich. 2001), aff'd 377 F.3d 504 (6th Cir. 2004); see also 459 F.3d 676 (6th Cir. 2006) (summarizing district court opinion).
- ¹¹ Carnegie Corporation, The Role of Sports in Youth Development (March 1996), available at <http://www.carnegie.org/sub/pubs/reports/poinst1.htm#develop>.
- ¹² NFHS, The Case for High School Activities (2008), available at <http://www.nfhs.org/content.aspx?id=3262>.
- ¹³ Id. (A state-wide, three year study by the North Carolina High School Athletic Association found that athletes had higher grade point averages (by almost a full grade point), lower dropout rates, and higher high school graduation rates, than their nonathletic peers).
- ¹⁴ Sabo, D. and Veliz, P. Go Out and Play: Youth Sports in America, 115-117 (East Meadow, NY: Women's Sports Foundation, 2008).
- ¹⁵ Sabo, D., Miller, K. E., Melnick, M. J. & Heywood, L., Her Life Depends On It: Sport, Physical Activity, and the Health and Well-Being of American Girls 31 (East Meadow, NY: Women's Sports Foundation, 2004).
- ¹⁶ Sabo D., Minorities in Sports: the Effect of Varsity Sports Participation on the Social, Educational, and Career Mobility of Minority Students 14 (East Meadow, NY, Women's Sports Foundation 1989).
- ¹⁷ Oppenheimer/MassMutual Financial Group, Successful Women Business Executives Don't Just Talk a Good Game — They Play(ed) One (2002).
- ¹⁸ Sabo, D. Her Life Depends On It, (East Meadow, NY: Women's Sports Foundation, 2009) 29
- ¹⁹ The Case for High School Activities, *supra* note 14, at 4.
- ²⁰ Melnick, M.J., Miller, K.E., Sabo, D., Farrell, M.P., and Barnes, G.M. "Tobacco use among high school athletes and nonathletes: Results of the 1997 Youth Risk Behavior Survey." Adolescence, 36: 727-747 (2001).
- ²¹ See, e.g., T. Dodge and J. Jaccard, Participation in Athletics and Female Sexual Risk Behavior: The Evaluation of Four Causal Structures, 17 Journal of Adolescent Research 42 (2002); The Women's Sports Foundation Report: Sport and Teen Pregnancy (1998) at 5-7; accord The President's Council on Physical Fitness and Sports Report, Physical Activity & Sports in the Lives of Girls (Spring 1997).
- ²² D. Sabo, et al., The Women's Sports Foundation Report: Sport and Teen Pregnancy, 7 (1998).
- ²³ Center for Disease Control's National Center for Health Statistics, Prevalence of Overweight Among Children and Adolescence: United States, 2003-2004 (2006).
- ²⁴ The President's Council on Physical Fitness and Sports Report, Catch the Ball, available at <http://www.fitness.gov/catch.pdf>.
- ²⁵ Tara Parker-Pope, As Girls Become Women, Sports Pay Dividends, N.Y. TIMES, Feb. 16, 2010, at D5, available at <http://www.nytimes.com/2010/02/16/health/16well.htm> (last visited July 16, 2010); Robert Kaestner and Xin Xu, Title IX, Girls' Sports Participation, and Adult Female Physical Activity and

Weight, 34 EVAL. REV. 52 (2010).

²⁶ Women's Sports Foundation, The Wilson Report: Moms, Dads, Daughters and Sports 5 (June 7, 1988).

²⁷ See generally Her Life Depends On It, supra note 16; Dorothy Teegarden, et al., "Previous Physical Activity Relates to Bone Mineral in Young Woman," 28 Medicine and Science in Sports and Exercise 105-13, Vol. 28 (1996).

²⁸ Leslie Bernstein et al., "Physical Exercise and Reduced Risk of Breast Cancer in Young Women," Journal of the National Cancer Institute, Vol. 86, No. 18 (Sept. 21, 1994); see also Marilie D. Gamon, et al., "Does Physical Activity Reduce the Risk of Breast Cancer?" Menopause, Vol. 3, No. 3, 172-80 (1996).

²⁹ Sabo, D. and Veliz, P. Go Out and Play: Youth Sports in America, 96-109 (East Meadow, NY: Women's Sports Foundation, 2008).

³⁰ Zullig, Keith J. & Rebecca J. White "Physical Activity, Life Satisfaction and Self-Rated Health of Middle School Students." Applied Research Quality of Life (2010)