



TITLE IX

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

### Athletic Opportunities for Girls Remain Unequal

Despite the fact that Title IX has opened many doors for young women 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 boys do, as well as inferior treatment in areas such as equipment, facilities, coaching, and publicity. Although data on gender equity in athletics are not as readily available at the elementary/secondary level as they are at the college level, the available information indicates that discrimination against this population is widespread.

- Schools are providing about 1.2 million fewer chances for girls to play sports in high school as compared to boys.<sup>1</sup> In 1972, only 295,000 girls competed in high school sports, a mere 7.4% of all high school athletes, compared to 3.67 million boys.<sup>2</sup> By the 2015-2016 school year, the number of girls had swelled to 3.32 million, while the number of boys was 4.54 million.<sup>3</sup>
- Girls of color in particular receive far fewer opportunities to play school sports than white girls, white boys, and boys of color.<sup>4</sup>
- Three quarters of boys from immigrant families are involved in athletics, while less than half of girls from immigrant families are.<sup>5</sup>

- More than a quarter of LGBT students reported being harassed or assaulted while playing on a school sports team because of their sexual orientation (27.8%) or gender expression (29.4%).<sup>6</sup>

### Girls Face Inequities Nationwide

Complaints of discrimination at the middle and high school levels involve schools providing fewer participation opportunities for girls and treating girls' teams in an inferior manner.

- **California:** In 2014, the Ninth Circuit Court of Appeals upheld a district court decision finding that the Sweetwater High School Union District violated Title IX by failing to provide girls with equal opportunities to play sports, as well as equal athletic facilities, coaching and publicity. The court also found that the school district unlawfully retaliated against the girls by, among other things, firing the well-liked softball coach who complained on their behalf. The National Women's Law Center filed a brief supporting the girls' claims in the case.
- **Indiana:** In 2012, the National Women's Law Center helped represent Franklin County girls' basketball players who sued their school for scheduling them to play primarily weeknight games while giving the boys' basketball team almost entirely "primetime" (Friday and Saturday night) game slots. The discriminatory scheduling made it difficult for the girls' basketball players to complete their homework and deprived them of the opportunity to play before a large audience, with the band, cheerleaders, and dance team. Moreover, the district sent a message to the girls' basketball players that they are less important than and inferior to the boys,



### Examples of Unequal Opportunities - continued -

causing psychological harm. In October 2012, after a favorable court decision, the school agreed to schedule girls' games in primetime slots in equal proportion to boys' games.<sup>7</sup>

- **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 on an unlit field. In response to a Title IX complaint, the district agreed to begin building a comparable field for the girls' softball team.<sup>8</sup>

## The Importance of Equal Sports Opportunities for Girls

Ensuring that girls have equal opportunities to play sports is critical. Studies show that sports participation has a positive influence on girls' academic and employment paths, as well as their physical and psychological health.<sup>9</sup>

Minority girls are more likely to participate in sports through their schools than through private organizations,<sup>10</sup> making it even more critical that they have equal access to school-sponsored sports.

### Greater Academic Success

- Female athletes "do better in school, do not drop out, and have a better chance to get through college."<sup>11</sup>
- 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.<sup>12</sup> This pattern of greater academic achievement is consistent across community income levels.<sup>13</sup>
- Female athletes are more likely to do well in science classes than their classmates who do not play sports.<sup>14</sup>
- Female athletes of color consistently benefit from increased academic success. For example, Latina athletes are more likely than non-athletes to improve their academic standing, graduate from high school,<sup>15</sup> and attend college.<sup>16</sup>

### Increased Career Opportunities

- One study showed that being a high school athlete was associated with 14% higher wages for women, even when controlling for other factors.<sup>17</sup>
- Another study using state-level data concluded that an increase in female sports participation leads to an increase in women's labor force participation down the

road and greater female participation in previously male-dominated occupations, particularly high-skill, high-wage ones.<sup>18</sup>

- A number of senior managers and executives worldwide played organized sports as girls and credit their athletic participation with helping prepare them well for the business world: Of 400 executive businesswomen surveyed, 94% reported playing organized sports while growing up, and 74% "agree that a background in sport can help accelerate a woman's leadership and career potential."<sup>19</sup>

### Responsible Social Behaviors

- High school athletes are less likely to smoke cigarettes<sup>20</sup> or use drugs<sup>21</sup> than their peers who don't play sports. One study found that female athletes are 25% less likely to smoke than non-athletes.<sup>22</sup>
- 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 as their peers who are not athletes.<sup>23</sup> This is true for white, African American, and Latina female athletes.<sup>24</sup>

### 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. In 2014, 20.7% of African American and 21.4% of Hispanic high school girls were obese, compared to 15.1% of white girls.<sup>25</sup>
- Regular physical activity can reduce the risk of obesity for adolescent girls.<sup>26</sup> It can also have positive health effects later in life. The New York Times highlighted research showing that women who played sports while young had a 7% lower risk of obesity 20 to 25 years later, when women



were in their late 30s and early 40s.<sup>27</sup> The study notes that while a 7% decline in obesity is modest, “no other public health program can claim similar success.”<sup>28</sup>

- Sports participation decreases a young woman’s chance of developing heart disease, osteoporosis, and other health related problems.<sup>29</sup>
- Women who participate in sports significantly reduce their risk of developing breast cancer.<sup>30</sup>

## 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.<sup>31</sup>
- One study showed that the difference in self-reported life satisfaction for girls who play sports versus girls who do not is greater than the difference for boys.<sup>32</sup>

**Are you concerned about sports inequities at your school? Contact NWLC to share your story or for further information.**

<sup>1</sup> NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS (NFHS), 2015-16 HIGH SCHOOL ATHLETICS PARTICIPATION SURVEY (2016) available at [http://www.nfhs.org/ParticipationStatistics/PDF/2015-16\\_Sports\\_Participation\\_Survey.pdf](http://www.nfhs.org/ParticipationStatistics/PDF/2015-16_Sports_Participation_Survey.pdf).

<sup>2</sup> NFHS, 1971 SPORTS PARTICIPATION SURVEY (1971).

<sup>3</sup> NFHS, *supra* note 1, at 55.

<sup>4</sup> NATIONAL WOMEN’S LAW CENTER & THE POVERTY & RACE RESEARCH ACTION COUNCIL, FINISHING LAST: GIRLS OF COLOR AND SCHOOL SPORTS OPPORTUNITIES 1 (2015), available at [http://www.nwlc.org/sites/default/files/pdfs/final\\_nwlc\\_girlsfinishinglast\\_report.pdf](http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_girlsfinishinglast_report.pdf).

<sup>5</sup> DON SABO & PHIL VELIZ, GO OUT AND PLAY: YOUTH SPORTS IN AMERICA 14-15, 161 (2008), available at <http://www.womenssportsfoundation.org/sitecore/content/home/research/articles-and-reports/mental-and-physical-health/go-out-and-play.aspx>.

<sup>6</sup> NATIONAL WOMEN’S LAW CENTER, RALLY FOR GIRLS’ SPORTS: SHE’LL WIN MORE THAN A GAME (NOV. 2010), available at <http://www.nwlc.org/sites/default/files/pdfs/rallyforgirlssports2010.pdf>.

<sup>7</sup> GAY, LESBIAN, AND STRAIGHT EDUCATION NETWORK, THE 2011 NATIONAL SCHOOL CLIMATE SURVEY: THE EXPERIENCES OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER YOUTH IN OUR NATION’S SCHOOLS (2012), available at <http://www.glsen.org/sites/default/files/2011%20National%20School%20Climate%20Survey%20Full%20Report.pdf>.

<sup>8</sup> National Women’s Law Center, *Female High School Basketball Players Win Title IX Victory* (Feb. 1, 2012), available at <http://www.nwlc.org/press-release/female-high-school-basketball-players-win-title-ix-victory>; see also Brief for Plaintiff-Appellants at 10, *Parker v. Franklin Cnty. Cmty. Sch. Corp.* (2011) (No. 10-3595), available at [http://www.nwlc.org/sites/default/files/pdfs/appellants\\_reply\\_brief\\_in\\_parker\\_vs\\_ihsaa.pdf](http://www.nwlc.org/sites/default/files/pdfs/appellants_reply_brief_in_parker_vs_ihsaa.pdf); Bryan Toporek, *Women’s Advocates Declare Victory in Title IX Settlement*, EDUCATION WEEK, (Oct. 17, 2012), available at [http://blogs.edweek.org/edweek/schooled\\_in\\_sports/2012/10/womens\\_advocates\\_declare\\_victory\\_in\\_ind\\_title\\_ix\\_settlement.html](http://blogs.edweek.org/edweek/schooled_in_sports/2012/10/womens_advocates_declare_victory_in_ind_title_ix_settlement.html).

<sup>9</sup> Alex Poinsett, *The Role of Sports in Youth Development*, CARNEGIE CORPORATION OF NEW YORK (Mar. 1996), available at <http://www.eric.ed.gov/PDFS/ED407376.pdf>.

<sup>10</sup> WOMEN’S SPORTS FOUNDATION, THE WILSON REPORT: MOMS, DADS, DAUGHTERS AND SPORTS 5 (June 7, 1988).

<sup>11</sup> National Federation of State High School Associations (NFHS), *The Case for High School Activities* (2015), available at <http://www.nfhs.org/articles/the-case-for-high-school-activities/>.

<sup>12</sup> *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.).

<sup>13</sup> DON SABO & PHIL VELIZ, *supra* note 5, at 14-15, 161.

<sup>14</sup> WOMEN’S SPORTS FOUNDATION, HER LIFE DEPENDS ON IT III: SPORT, PHYSICAL ACTIVITY, AND THE HEALTH AND WELL-BEING OF AMERICAN GIRLS 100 (2015).

<sup>15</sup> Dara Shifter, Jennifer Pearson, Chandra Muller, and Lindsey Wilkinson, *College-Going Benefits of High School Sports Participation: Race and Gender Differences Over Three Decades*, EDUCATIONAL EVALUTATION AND POLICY ANALYSIS (June 1, 2014).

<sup>16</sup> DON SABO, MINORITIES IN SPORTS: THE EFFECT OF VARSITY SPORTS PARTICIPATION ON THE SOCIAL, EDUCATIONAL, AND CAREER MOBILITY OF MINORITY STUDENTS 14 (1989), available at <http://goo.gl/IQHwLC>.

<sup>17</sup> Betsey Stevenson, *Beyond the Classroom: Using Title IX to Measure the Return to High School Sports* 23-24, NAT’L BUREAU OF ECON. RESEARCH, Working Paper No. 15728 (2010).

<sup>18</sup> *Id.* at 23-24.

<sup>19</sup> EY Women Athletes Business Network and ESPNW, *Female Executives Say Participation in Sport Helps Accelerate Leadership and Career Potential* (Oct. 2014), available at <http://www.ey.com/GL/en/Newsroom/News-releases/news-female-executives-say-participation-in-sport-helps-accelerate--leadership-and-career-potential>.

<sup>20</sup> WOMEN’S SPORTS FOUNDATION, *supra* note 16, at 63.

<sup>21</sup> *Id.* at 70.

<sup>22</sup> Brian Castrucci et al., *TOBACCO USE & CESSATION BEHAVIOR AMONG ADOLESCENTS PARTICIPATING IN ORGANIZED SPORTS*, 28 AM. J. HEALTH BEHAVIOR 63, 63 (2004).



- <sup>23</sup> See, e.g., Tonya Dodge & James Jaccard, PARTICIPATION IN ATHLETICS AND FEMALE SEXUAL RISK BEHAVIOR: THE EVALUATION OF FOUR CAUSAL STRUCTURES, 17 J. Adolescent Res. 42 (2002); Don Sabo et al., THE WOMENS SPORTS FOUNDATION REPORT: SPORT AND TEEN PREGNANCY, WOMEN'S SPORTS FOUNDATION 5-7 (1998), available at <http://goo.gl/usnqAn>; accord The President's Council on Physical Fitness and Sports, Physical Activity & Sport in the Lives of Girls (Spring 1997), available at [http://www.cehd.umn.edu/tuckercenter/library/docs/research/pcpfs\\_report.pdf](http://www.cehd.umn.edu/tuckercenter/library/docs/research/pcpfs_report.pdf).
- <sup>24</sup> Sabo et al., *supra* note 25, at 7; see also WOMENS SPORTS FOUNDATION, *supra* note 16, at 79.
- <sup>25</sup> CTRS. FOR DISEASE CONTROL & PREVENTION, YOUTH ONLINE: NATIONAL YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM (2013), available at <http://nccd.cdc.gov/youthonline/App/Default.aspx>.
- <sup>26</sup> THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS, CATCH THE BALL, available at [http://www.orau.gov/cdcynergy/soc2web/content/activeinformation/media/posters/SOC\\_catch.pdf](http://www.orau.gov/cdcynergy/soc2web/content/activeinformation/media/posters/SOC_catch.pdf).
- <sup>27</sup> Tara Parker-Pope, AS GIRLS BECOME WOMEN, SPORTS PAY DIVIDENDS, N.Y. TIMES (Feb. 16, 2010), available at <http://www.nytimes.com/2010/02/16/health/16well.htm>; Robert Kaestner & Xin Xu, TITLE IX, GIRLS' SPORTS PARTICIPATION, AND ADULT FEMALE PHYSICAL ACTIVITY AND WEIGHT, 34 Eval. Rev. 52 (2010).
- <sup>28</sup> *Id.*
- <sup>29</sup> See generally WOMENS SPORTS FOUNDATION, *supra* note 16, at 22-23, 52-53; Dorothy Teegarden et al., PREVIOUS PHYSICAL ACTIVITY RELATES TO BONE MINERAL MEASURES IN YOUNG WOMEN, 28 MEDICINE SCIENCE SPORTS EXERCISE 105-13 (Jan. 1996).
- <sup>30</sup> WOMENS SPORTS FOUNDATION, BENEFITS OF SPORT: THE UNIVERSAL TRUTHS, available at <http://www.womenssportsfoundation.org/home/she-network/health/benefits-of-sport-the-universal-truths>; Leslie Bernstein et al., PHYSICAL EXERCISE AND REDUCED RISK OF BREAST CANCER IN YOUNG WOMEN, 86 J. NAT'L CANCER INST. 1403 (Sept. 24, 1994); see also Marilie D. Gammon et al., DOES PHYSICAL ACTIVITY REDUCE THE RISK OF BREAST CANCER?, 3 J. N. Am. Menopause Soc'y 172-80 (1996), available at [http://journals.lww.com/menopausejournal/Abstract/1996/03030/Does\\_Physical\\_Activity\\_Reduce\\_the\\_Risk\\_of\\_Breast.9.aspx](http://journals.lww.com/menopausejournal/Abstract/1996/03030/Does_Physical_Activity_Reduce_the_Risk_of_Breast.9.aspx).
- <sup>31</sup> Don Sabo & Phil Veliz, *supra* note 5, at 96-109.
- <sup>32</sup> Keith J. Zullig & Rebecca J. White, PHYSICAL ACTIVITY, LIFE SATISFACTION AND SELF-RATED HEALTH OF MIDDLE SCHOOL STUDENTS, 6 (3) Applied Research Quality of Life 277-289 (2010).

