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**TITLE IX AT 50**

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# The Battle For Gender Equity In Athletics In Elementary And Secondary Schools

Title IX of the Education Amendments of 1972 bars sex discrimination in all schools that receive federal funding, including in their athletic programs. Title IX requires schools to (1) offer students equal opportunities to play sports based on sex; (2) allocate athletic scholarship dollars equitably based on sex; and (3) treat student athletes who play sports equally based on sex with respect to other benefits and services, such as equipment, coaching, and facilities. While Title IX has led to greater opportunities for girls to play sports, receive scholarships, and obtain lifelong benefits that flow from sports participation, its goal of equal opportunity in sports has yet to be realized.

## **Athletic Opportunities for Girls Remain Unequal.**

Despite the fact that Title IX has opened many doors for 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 data on gender equity in athletics are not as readily available at the elementary and secondary level as they are at the college level, the available information indicates that discrimination against girls is widespread.

- Schools are providing 1.3 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 percent of all high school athletes, compared to 3.67 million boys.<sup>2</sup> By the 2018-19 school year, the number of girls had risen to 3.4 million, while the number of boys rose to 4.5 million.<sup>3</sup>
- Girls of color in particular play sports at far lower rates than both white girls and boys of color.<sup>4</sup> Girls of color are more likely to participate in sports through their schools than through private organizations,<sup>5</sup> making it even more critical that they have equal access to school-sponsored sports to enable them to be physically active.
- Three quarters of boys from immigrant families are involved in athletics, while less than half of girls from immigrant families are.<sup>6</sup>

- LGBTQI+ students are more likely than their peers to avoid school athletics spaces, and even more so when they experience verbal harassment regarding their sexual orientation or gender expression.<sup>7</sup> One in ten LGBTQI+ students were discouraged by school staff or coaches from playing sports because of their identity.<sup>8</sup>

## Girls Face Inequities Nationwide

Many middle and high schools provide fewer athletic participation opportunities for girls than boys and inferior treatment of girls' teams compared to boys' teams.

- **California:** In 2017, girls at Red Bluff High School filed a class-action suit against their school district for failing to provide equal access to sports programs and unequal benefits—including unequal storage, bathroom facilities, access to equipment, and coaching resources. Although girls made up 52 percent of the school's population, they received only 38 percent of the athletic participation opportunities.<sup>9</sup> The school district eventually agreed to a settlement that included adding new girls' teams, improving existing girls' teams' facilities, and increasing fundraising and resources for girls' sports.<sup>10</sup>
- **Hawai'i:** In 2018, girls at Hawai'i's largest public high school, Campbell High School, filed a class-action lawsuit against the Hawai'i Department of Education and the O'ahu Interscholastic Association for systemic gender inequity. For example, while boys had a standalone, dedicated athletic locker room, girls did not have a locker room at all and received inferior practice and game facilities, unequal access to coaches and athletic trainers, less publicity and promotion, and far fewer athletic offerings. In 2019, a federal district court denied the girls' request for class certification, but in 2022, the Ninth Circuit reversed, acknowledging that when girls seek remedies for systemic discrimination under Title IX, a class-action lawsuit is the proper vehicle for doing so.<sup>11</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>12</sup>

### Greater Academic Success

- Girls who play sports in high school have higher grade-point averages, are more likely to graduate from high school, score higher on standardized tests, and are more likely to finish college than their non-athlete peers.<sup>13</sup>
- Girls who play sports are more likely to do well in math, science, English language, and foreign language classes than their classmates who do not play sports.<sup>14</sup>
- Girls of color who play sports consistently benefit from increased academic success. For example, Latina girl athletes are more likely than their non-athlete peers to attend college.<sup>15</sup>

### Increased Career Opportunities

- Being a high school athlete is associated with 14 percent higher wages for women, even when controlling for other factors.<sup>16</sup>
- An increase in girls' sports participation is associated with an increase in women's labor force participation down the road and greater women's participation in previously male-dominated occupations, particularly high-skill, high-wage ones.<sup>17</sup>
- Among executive businesswomen, 75 percent reported that the lessons they learned on the playing field contributed to their success in business. Among women in C-suite positions, 94 percent had competed in sports.<sup>18</sup>

### Health Benefits

- Girls who play sports have higher levels of confidence, self-esteem, positive body image, and psychological well-being, and they have lower levels of depression than their non-athlete peers.<sup>19</sup>
- Girls who play sports have a lower chance of developing heart disease and breast cancer later in life.<sup>20</sup>
- Adolescent girls who play sports have lower rates of unintended pregnancy.<sup>21</sup>

**Are you concerned about sports inequities at your school? Visit [nwlc.org/legal-help](https://nwlc.org/legal-help) to learn about your rights and get connected to attorneys.**

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- 6 Women's Sports Foundation, *Go Out and Play: Youth Sports in America* 160 (2008), [https://www.womenssportsfoundation.org/articles\\_and\\_report/go-out-and-play](https://www.womenssportsfoundation.org/articles_and_report/go-out-and-play)
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- 10 Legal Aid At Work, *Northern California school district agrees to settle gender equity claims* (Nov. 1, 2017), <https://legalaidatwork.org/releases/northern-california-school-district-agrees-settle-gender-equity-claims>.
- 11 Legal Aid At Work, *Ninth Circuit Recognizes Class Action Status of High School Girls in Hawai'i Title IX Athletics Civil Rights Case* (Apr. 5, 2022), <https://legalaidatwork.org/releases/campbell-9th-circuit>.
- 12 WSF Report, *supra* note 1, at 27-28.
- 13 WSF Report, *supra* note 1, at 29; National Coalition for Women and Girls in Education, *Title IX at 45: Advancing Opportunity through Equity in Education* 41-42 (2017), available at <https://www.ncwge.org/index.html>.
- 14 WSF Report, *supra* note 1, at 28-29.
- 15 Dara Shifrer et al., *College-Going Benefits of High School Sports Participation: Race and Gender Differences Over Three Decades*, 47(3) *Youth Soc'y* 295-318 (May 1, 2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4473778>.
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- 18 WSF Report, *supra* note 1, at 52.
- 19 *Id.* at 27-28.
- 20 *Id.* at 25-26.
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