KEEPING
SCORE

AN ATHLETICS EQUITY CHECKLIST FOR STUDENTS, ATHLETES, COACHES, PARENTS, ADMINISTRATORS, AND ADVOCATES
The National Women's Law Center fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. We use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us—especially women of color, LGBTQI+ people, and low-income women and families. For 50 years, we have been on the leading edge of every major legal and policy victory for women.

Keeping Score: An Athletics Equity Checklist for Students, Athletes, Coaches, Parents, Administrators, and Advocates guides readers through a series of easy-to-answer questions that can help answer the larger question of whether the athletic programs at their schools treat women or girls fairly compared to men or boys. This includes transgender and intersex as well as nonbinary students, who also want to ensure that their schools are offering equal opportunities for sports participation. Readers interested in learning more the rights of transgender, intersex, and nonbinary students to play on sports teams consistent with their gender identity should check out the National Women's Law Center’s factsheet, “Fulfilling Title IX’s Promise: Let Transgender and Intersex Youth Play,” as well as a variety of other resources listed in the “Additional Resources” section at the end.

Keeping Score is designed for students, athletes, coaches, parents, administrators, and anyone who is concerned about whether or not their school provides all students with equal opportunities in sports.

Keeping Score is intended to provide general information only and does not constitute legal advice.

NWLC would like to thank the MARGARET Fund for its generous support of our work on athletics and education, without which this publication would not be possible.

Authors

This resource was originally published as Check It Out in September 2000 by Linda Bunker, Neena Chaudhry, Peggy Kellers, Deborah Slaner Larkin, and Verna Williams. The resource was updated and republished in September 2022 by Neena Chaudhry, Vice President, General Counsel, and Senior Advisor for Education, and Hunter F. Iannucci, MARGARET Fund Fellow.
Introduction

What’s fair when it comes to school sports opportunities for women and girls?

What should schools do to make sure that all students have equal opportunities to benefit from sports?

*Keeping Score* can help answer these questions.

*Keeping Score* is a tool to help students, athletes, coaches, parents, administrators, and advocates assess whether schools treat women and girls fairly in their sports programs. Keeping Score is not designed to determine whether a particular school is complying with Title IX, the federal law that prohibits sex discrimination in federally funded education programs. Instead, it is a guide to understanding the rules that courts and the Department of Education's Office for Civil Rights (the federal agency with the main job of enforcing Title IX) use to determine whether schools are treating women and girls fairly when compared to men and boys in sports.

*Keeping Score* can help identify the good things that are going on at your school, as well as the areas where improvements are needed.

How to Use Keeping Score

First, review “The Fundamentals” in the next section.

Second, read through the entire checklist and figure out what information you will need. Since you may not know all the answers, forming a “team” of people who share an interest in providing athletic opportunities fairly may help you answer the questions. This team might include students, athletes, coaches, the athletic director, parents, student or faculty organizations, and others at your school or in your community.

Finally, answer the questions, review them, and identify the areas to cheer about and those that need improvement. Work with your school to make the necessary changes and seek outside help if needed.
What Is Title IX and What Does It Mean in Athletics?

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in schools and other educational programs that receive federal funds. It applies to all aspects of educational opportunities, but is especially well known for its success in opening the door to athletics for women and girls. Because almost all public elementary and secondary schools and most colleges and universities receive some sort of federal funding, their athletics programs are covered by Title IX.

**Title IX requires schools to:**
- offer women or girls equal opportunities to play sports compared to men or boys;
- treat women or girls who play sports fairly as compared to men and boys who play sports;
- give women and men who play sports their fair shares of athletic scholarship dollars; and
- protect LGBTQI+ students from discrimination.

What Does “Equal Opportunities to Play Sports” Mean?

To demonstrate that it offers equal opportunities for both women and men or girls and boys to play sports, a school must show one of three things:

- that the percentage of spots on teams provided to women or girls is roughly equal to the percentage of students who are women or girls;
  - or -
- that the school has a history and a continuing practice of expanding athletic opportunities for women or girls, since they usually have been the ones given fewer chances to play;
  - or -
- that the school is fully meeting women or girls’ interests and abilities.
What Does “Treat Women and Girls Who Play Sports Fairly” Mean?

Fair treatment means making sure that women and girls who play sports receive equal benefits and services from their school, including:

- equal quality and quantity of equipment and supplies;
- fairness in scheduling games and practices;
- equal financial support for travel and expenses;
- fairness in assigning and paying quality coaches; and
- equal facilities (locker rooms, fields, and arenas, for example).

Remember: Schools do not have to provide the exact same benefits and services to their women or girls as they do for their men or boys, as long as schools treat them equally overall.

What Does “Fair Shares of Scholarship Money” Mean?

The percentages of athletic scholarship money awarded to women should be within one percent of their respective participation rate, unless the school can show why a bigger gap is not discriminatory.

So, What’s the Bottom Line?

Schools must give women and girls a fair chance to play sports, and they must provide women and girls who play sports with equal support. That means they generally must treat women and girls equally to men and boys overall in the athletic program.

With these fundamentals, you’re now ready to get started!
SECTION I.

Are There Equal Opportunities to Play Sports?
There are three ways to find the answer to this question. A “yes” to any of the following means that your school is providing women and girls with equal opportunities to play sports as compared to men and boys:

1. Is the percentage of spots on teams given to women or girls about the same as the percentage of women or girls enrolled at the school?

_Unsure?_ Check with your school and follow the formula:

**What is the TOTAL number of students in the school?**

- How many are women or girls? ____________
- How many are men or boys? ____________

- What are the percentages of students who are women or girls and men or boys? ____________

_________________ % women or girls    ___________ % men or boys

**What is the TOTAL number of spots on teams at the school?**

- How many spots on teams are given to women or girls? ____________
- How many are given to men or boys? ____________

- What are the percentages of spots given to women or girls and men or boys? ____________

_________________ % spots on teams given to women or girls

_________________ % spots on teams given to men or boys

**NOTE:** When you’re counting the total number of spots on teams, you should only include those teams that receive school support in the form of coaching, equipment, etc., on a regular basis during a sport’s season. Most often this will mean that you count only spots on varsity and possibly junior varsity teams, and do not count spots on club or intramural teams.
2. Does the school have a history and a continuing practice of expanding athletic opportunities for women or girls?

Unsure? Schools must make good faith efforts to increase athletic participation opportunities for students who previously have been denied opportunities, usually women and girls, either through the addition of teams, levels of teams, or the addition of athletes to existing teams. These opportunities must be added in response to women's or girls' developing interests and abilities. If a school can only show that it increased opportunities during the early years of its women's or girl's program, but has stopped doing so, then the answer is “no.” Also, if your school just keeps making promises to increase opportunities for women or girls in the future, but fails to follow through, the answer is “no.” Finally, cutting or capping men's or boys' teams does not count as increasing opportunities for women or girls.

The following can help you answer this question:

- Yes  No
  - Over the last few years, has the school added women's or girls' teams?
  - Has the school cut any women's or girls' teams?
    - If “yes,” did the school cut each team because there truly weren’t enough women or girls who were interested or had the ability to play? (If “no,” go to Section 3).
  - Have women or girls asked for any sports to be added?
    - If “yes,” did the school grant their request(s)?
    - If the school did not grant their request(s), why not?
    - Do the reasons the school gave seem fair?
  - Does the school have plans to add new sports for women or girls?
    - Does the school have any policies or procedures for deciding whether to add new sports?
    - If “yes,” do the same policies and procedures apply to women/girls and men/boys alike?
  - Does the school have any policies or procedures for finding out what sports women or girls want to play?
3. Does your school fully satisfy the athletic interests of the underrepresented sex?

**Unsure?** Your school should fully satisfy the athletic interests of the underrepresented sex, usually women and girls. Here are some questions to help you figure out the answer:

<table>
<thead>
<tr>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does your school regularly ask women or girls what additional sports opportunities they are interested in?</td>
</tr>
<tr>
<td>This can be done through a survey, but your school cannot rely solely on surveys to show they are fully meeting the interests of women or girls.</td>
</tr>
<tr>
<td>In addition to a survey, does your school use other methods to determine interest levels of women or girls in sports, such as conducting interviews with students, admitted students, and coaches regarding interest in certain sports?</td>
</tr>
<tr>
<td>• If “yes,” does your school use the same methods for women and men or girls and boys to determine interest levels in sports?</td>
</tr>
<tr>
<td>Does your school have a process that allows students to request the addition or elevation (from club to intercollegiate status) of sports?</td>
</tr>
<tr>
<td>• If “yes,” is this process easy to understand and known to all students?</td>
</tr>
<tr>
<td>• Have women or girls asked for any sport to be added or elevated?</td>
</tr>
<tr>
<td>o If “yes,” has your school granted a request(s) to add or elevate a sport to intercollegiate status?</td>
</tr>
<tr>
<td>o If “no,” why not?</td>
</tr>
<tr>
<td>o Do the reasons seem fair?</td>
</tr>
</tbody>
</table>

If women or girls have asked their school to add any sport(s), or there is evidence that women or girls have the interest and ability to play any sport(s) currently not offered, and the school has added the sport(s), then check “Yes” in the box above. If, on the other hand, the school has refused requests to add any sport(s), even though women or girls have the interest and ability to play them, or the school has not found out what women or girls are interested in playing, then check “No.”
SECTION II.

Are women/girls who play sports given equal benefits and services as compared to men/boys who play sports?
Across the board, schools must provide women/girls who play sports with equal benefits and services as they do men/boys. Schools don’t have to spend the same amount of money on the genders, however, nor do their opportunities have to be identical. The key question in this area is, overall, are women/girls and men/boys treated equally?

**FOR EXAMPLE:** The fact that a school spends more on men’s uniforms than on women’s uniforms may not be unfair if the men’s uniforms just cost more than the women’s. But if the school spends more on men’s uniforms because they are top-of-the-line, and the women’s uniforms are bargain-basement, then the school is not treating women and men equally. Or if the school provides half of the men’s teams with top-of-the-line uniforms, but only one-fourth of the women’s teams with similar quality uniforms, then the school is not treating women fairly.

To find out whether your school really is being fair, evaluate the following areas of its sports program and compare how women/girls are treated as compared to men/boys:

<table>
<thead>
<tr>
<th>Overall Support</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are overall budgets (including income from booster clubs, concession stand profits, and fundraisers) equitable?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are school-sponsored athletic banquets and social events equal overall?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Equipment and Supplies</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does your school provide athletic paraphernalia (gym bags, towels, jackets, travel bags, sweaters, rings, etc.) of similar quality and quantity for women/girls and men/boys?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does your school provide practice and competitive uniforms of similar quality and quantity for women/girls and men/boys?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are uniforms and equipment paid for in the same way for both women/girls and men/boys?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the replacement schedules for equipment and uniforms the same for women/girls and men/boys?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Scheduling of Games and Practice Times**

- Do women/girls and men/boys have equal amounts of practice time (hours of practice, days per week)?
- Are the numbers of competitive events for both equal?
- Are practice and competition times equally desirable for both (e.g., scheduling boys’ games for Friday nights and girls’ games for Tuesday mornings would not be equally desirable)?
- Do women/girls and men/boys lose similar amounts of academic time due to practices and games?
- Do the competitive schedules provide equal quality competition (e.g., do women/girls and men/boys have opportunities to compete at the same division levels)?
- Are postseason, league championship, etc., opportunities equal?
- Are the seasons (time of year) of competition the same for both (e.g., do both boys and girls play basketball in the traditional, winter season)?

**NOTE:** This question probably will apply only to athletic programs at the elementary/secondary school level.

**Travel and Related Expenses**

- When women/girls and men/boys travel to games, do they get meals at similar places (e.g., if boys eat at nice restaurants, while girls eat at fast food spots, check “No”)?
- Are pre-game meals, snacks, etc., provided equally?
- Do women/girls and men/boys have similar modes of transportation to away games (e.g., if coaches or athletes drive women in cars or vans, while professionals drive men in buses, check “No”)?
- When extensive travel is required, are provisions for overnight stays equal (quality of motels, number per room, etc.)?
- Does your school provide equal amounts of money for food to women/girls and men/boys when they travel?
Availability of Coaches and Their Compensation

- Are the numbers of athletes seen by coaches of women’s/girls’ and men’s/boys’ teams equivalent?
- Does your school provide the same quality coaches for women/girls and men/boys?
- Do coaches of women/girls and men/boys receive equal salaries for equal work?
- Do coaches of women/girls and men/boys have equal “other duties” (e.g., teaching versus full-time coaching)?
- Do coaches of women/girls and men/boys have equal support staff and office resources to handle paperwork, hire officials, line fields, set up the gym, etc.?
- Are quality officials (referees, umpires, linespeople, etc.) provided equally?
- Are assistant coaches equally available?

Locker Rooms, Practice and Competitive Facilities

- Are practice and competitive facilities equally available to women/girls and men/boys at desirable times?
- Are practice and competitive facilities maintained equally?
- Do women/girls and men/boys have locker rooms of equivalent quality and size?
- Are spectator seating and scoreboards provided equally?
- Are the conditions of playing fields, courts, and pools equal?
Medical and Training Services

- Are weight training and conditioning facilities equally available and of equal quality for women/girls and men/boys?  
- Are medical personnel provided equally for athletes’ physicals and at games?  
- Are qualified athletic trainers or auxiliary coaches (strength, sports psychology, etc.) provided equally?  
- Is health, accident, or injury insurance equally available?

Publicity

- Is coverage in the school’s paper and media of women/girls and men/boys equal?  
- Are the school’s sports publicity personnel equally available?  
- Are cheerleaders, pep bands, drill teams, etc., equally provided for women/girls and men/boys?  
- Are athletic awards and recognition equal?  
- Are the quantity and quality of press guides, press releases, game programs, etc., equal?  
- At the college level, is the school treating men and women equally with respect to endorsement contracts and the opportunity to make money from the use of their names, images, and likenesses?
Questions Primarily for College Programs (some may apply to high school programs):

**Recruitment**
- Are the policies regarding recruitment and the methods used equal for women and men?  
- Are the numbers of recruitment personnel and the numbers of recruitment trips made by personnel equal for women and men?  
- Are the amounts of time coaches spend recruiting equal for women and men?  
- Are women and men treated equally with respect to recruitment budgets (the percentages of the total budget used to recruit women and men should be roughly equal to their respective participation rates)?  
- Are other recruitment resources equally provided (e.g., availability of cars, recruitment brochures, etc.)?  
- Are the numbers of prospective student athletes who visit the campus and the quality of their visits (meals, transportation, entertainment, etc.) equal for women’s and men’s teams?

**Availability of Tutors and Their Compensation**
- Are tutors equally available to women and men? For equal amounts of time?  
- Are the numbers of students helped by tutors in an academic term equal for women and men?  
- Does your school provide the same quality tutors for women and men?  
- Do tutors for women and men receive equal salaries for equal work?

**Housing and Dining Facilities and Services**
- Is the quality of housing provided to women and men equal (location, furnishings, shower and restroom facilities, special features, etc.)?  
- Are women and men treated equally with respect to their meal plans or cafeteria services (type of plan, number of meals per week, and adequacy of food provided)?  
- Does your school provide equal housing and dining arrangements for women and men when they are on campus during breaks or when the dorms are closed?  
- Are pre-game meals, drinks, and supplements provided equally to women and men before home games?  
- Are the policies for providing special housing and/or dining arrangements and the quantity and quality of special housing and/or dining arrangements equal for women and men?
SECTION III.

Are Women and Men Who Play Sports Given Their Fair Shares of Athletic Scholarship Money?
NOTE: While it is rare for elementary or secondary schools to give any scholarships to student-athletes, these schools should provide similar help to girls and boys in securing athletic scholarships for college. It is also important for students going to college to know what colleges and universities must do to treat their athletes fairly in this area.

Treating women and men who play sports fairly with respect to athletic scholarships means that the percentages of total athletic financial aid awarded to women and men must be within one percent of their participation rates, unless a school can show why a bigger gap is not discriminatory. (Athletic financial aid includes any money given to athletes because they are athletes, such as grants-in-aid, loans, and work-related grants.) Schools do not have to give the same number of scholarships to women and men, and the individual scholarships do not have to be of equal value.

FOR EXAMPLE: If 40 percent of a school’s athletes are women, then they should get between 39 and 41 percent of the total athletic scholarship money awarded by the school.

Are women athletes receiving their fair share of scholarship money?  

Yes  No

Unsure? Follow these steps:

• A. What percentage of your school’s athletes are women? _________ men? _________  
  **NOTE:** You already did this calculation on page 4.

• B. What percentage of your school’s total athletic financial aid is awarded to men? _______ women? _______

• Is the percentage of total athletic aid awarded to women in (B) within one percent of the percentage of women who are athletes in (A)?

• If yes, then check “Yes” in the box above.

FOR EXAMPLE: If a school can show that it gives more out-of-state scholarships to men, it may be able to justify giving them more than their fair share of athletic scholarship money because out-of-state scholarships typically cost more than in-state scholarships. But the school would have to show that it does not discriminate when recruiting out-of-state athletes. It would not be fair, for example, if the school devotes more resources to recruiting out-of-state men than it does to out-of-state women.

While there may be fair reasons for a scholarship gap of more than one percent, in general a school will have some explaining to do to justify such a gap.

REMEMBER: Schools might be able to justify scholarship gaps of more than one percent if they have reasons that are not discriminatory.
SECTION IV.

So What’s Next?

Now that you’ve been able to go through this checklist, take a look at the answers to your questions and formulate an action plan. Identify the areas where your school did well and those in need of improvement.

Here are some suggested next steps:

▶ If you haven’t been able to complete the checklist or you need additional information, find out who can help you complete the job—there may be other interested students or people in your school or community willing to work with you.

▶ Develop a plan of action to address the problem areas. This plan should include both short-term and long-term goals and actions, as well as specific suggestions to help reach those goals. Include a timetable for making the changes and determine who should receive it. If school officials such as coaches, the athletic director, principal, dean of students, or school board members have not been involved, you may want to begin talking to them now.

▶ Discuss these issues with your school’s Title IX Coordinator (the law requires federally funded schools to have one). Seek out that person’s help in leveling the playing field.

▶ Find out if your school has a grievance procedure (the law also requires federally funded schools to have a procedure for handling sex discrimination complaints). If appropriate, consider using that procedure to address your concerns.

▶ Contact a resource organization for other suggestions about how to make athletics fair at your school. The next section lists some groups that can help.
If you have questions or concerns about your school’s athletic program, contact:

**Additional Resources**

**National Women’s Law Center**
1350 I Street NW, Suite 700
Washington, DC 20005
**Phone:** (202)588-5180
**Fax:** (202)588-5185
**Email:** info@nwlc.org
**Website:** www.nwlc.org

**Office for Civil Rights (OCR)**
(the main federal agency that enforces Title IX)
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202
**Phone:** 1(800) 421-3481
**TTY:** (877) 877-8339
**Fax:** 202-205-9862
**Email:** OCR@ed.gov
**Website:** https://www2.ed.gov/about/offices/list/ocr/index.html (ask for the number of the regional office in your area)

If you have questions about how to file a complaint with the Office of Civil Rights, you can review our resource on filing complaints here, which outlines the basics of filing an OCR complaint: https://nwlc.org/wp-content/uploads/2016/08/OCRProcess_nwlc_PPToolkitAug2016.pdf

*Keeping Score* is based on the Department of Education’s Title IX guidance. If you want to learn more about your school’s obligations under Title IX to treat women and girls equally in sports, visit this page to read in greater detail about the Department of Education’s guidance: https://www2.ed.gov/about/offices/list/ocr/athleticresources.html
Other groups that can help are:

**Women’s Sports Foundation**
247 West 30th Street, 5th Floor
New York, NY 10001
Phone: 1-800-227-3988
Fax: 516-542-4716
Email: info@WomensSportsFoundation.org
Website: www.womenssportsfoundation.org

**Women’s Law Project**
125 S. 9th Street, Suite 300
Philadelphia, PA 19107
Phone: (215) 928-9802
Fax: (215) 928-9848
Email: info@womenslawproject.org
Website: https://www.womenslawproject.org/

**Legal Aid at Work**
180 Montgomery Street, Suite 600
San Francisco, CA 94104
Phone: (415) 864-8848
Fax: (415) 593-0096
Website: https://legalaidatwork.org/

**LGBTQI+ Student Resources:**

**Factsheet:** The National Women’s Law Center’s “Fulfilling Title IX’s Promise: Letting Transgender and Intersex Youth Play”

**Link:** https://nwlc.org/wp-content/uploads/2022/06/BS_NWLC_Trans50th_FS.pdf

**Factsheet:** Joint Guidance by the Office of Civil Rights of the Department of Education and the Civil Rights Division of the Department of Justice on LGBTQI+ students’ rights, “Confronting Anti-LGBTQI+ Harassment in Schools”

**Link:** https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tix-202106.pdf

**Organizations:** If you have questions or concerns about your schools’ obligations to support LGBTQI+ students, contact:

**GLSEN, Inc.**
110 William Street, 30th Floor
New York, NY 10038
Phone: (212) 727-0135
Email: info@glsen.org
Website: https://www.glsen.org/

**Public Justice**
National Headquarters: 1620 L Street NW, Suite 630
Washington, DC 20036
Phone: (202) 797-8600
Fax: (202) 232-7203
West Coast Office: 475 14th Street, Suite 610
Oakland, CA 94612
Phone: (510) 622-8150
Website: https://www.publicjustice.net/

**Equal Rights Advocates**
611 Mission Street, 4th Floor
San Francisco, CA 94105
Contact form: https://www.equalrights.org/contact/
Website: https://www.equalrights.org/

**Athlete Ally, Inc.**
25 West 45th Street, Suite 701
New York, NY 10036
Phone: (646) 389-0225
Email: https://www.athleteally.org/contact/

**National Center for Lesbian Rights**
870 Market Street, Suite 370
San Francisco, CA
Phone: (415) 392-6257
Fax: (415) 392-8442
Email: info@NCLRights.org
Website: https://www.nclrights.org/

**Human Rights Campaign**
1640 Rhode Island Avenue NW
Washington, DC 20036
Phone: (202) 628-4160
TTY: (202) 216-1572
Fax: (202) 347-5323
Website: https://www.hrc.org

**American Civil Liberties Union**
To contact your local office, visit:
https://www.aclu.org/affiliates
Website: https://www.aclu.org/
Women and girls continue to make tremendous contributions to sports, and they in turn reap great academic, economic, social and health benefits. Yet, fifty years after Title IX was enacted, too many schools still are not providing women and girls with equal athletic opportunities.

Keeping Score: An Athletics Equity Checklist for Students, Athletes, Coaches, Parents, Administrators, and Advocates is an important tool for women and girls at all levels of education, as well as others interested in making sure that athletic opportunities are distributed fairly. It explains Title IX’s requirements as applied to athletics and allows readers to examine their own schools’ athletics programs to see whether women and girls and men and boys are treated equally.

To request copies, please email info@nwlc.org.