

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

### I. Unequal Athletic Opportunities for Girls

#### A. Overview

Gender equity problems in athletics at the elementary and secondary level mirror those at the intercollegiate level. Female athletes receive far fewer participation opportunities than male athletes; lower expenditures for athletic teams; and inferior coaching, equipment, practice facilities and competitive opportunities. Although national data on the treatment of athletes 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 anecdotal 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.

- Female athletes currently make up 41% of high school athletes.<sup>1</sup> In 1972, only 295,000 girls competed in high school sports, a mere 7.4%, compared to 3.67 million boys.<sup>2</sup> By the 2008-2009 school year, the number of girls had swelled to 3.1 million, while the number of boys was 4.4 million.<sup>3</sup>

#### 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.

#### 1. Legal Actions

- **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. PGCPs 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.<sup>4</sup>
- **California:** The boys' baseball team at Alhambra High School played on newly renovated fields that cost \$900,000, while the girls' softball team was forced to play on an uneven field that was strewn with trash. In 2006, the high school agreed in a settlement to build two new softball fields and a girls' locker room. Additionally, all athletic teams must put a third of the money that they raise into a common fund. Due to increased interest in softball after the settlement, the school added a third softball team.<sup>5</sup>

- **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.<sup>6</sup>
- **Florida:** A case filed in 1997 against a school district challenged the unequal treatment of boys' and girls' sports, specifically the differences in treatment of the baseball and softball teams. The district court found that "[t]he [d]efendant has chosen to favor the boys' baseball team with a lighted playing field, a scoreboard, a batting cage, superior bleachers, signs publicizing the team, bathroom facilities, and a concession stand/press box/announcer's booth, but has not seen fit to provide the girls softball team with any of these things." The court went on to address the school district's claim that it did not violate Title IX because the district funded the teams equally, but the teams' booster clubs raised unequal sums of money. "The [c]ourt rejects this argument. It is the [d]efendant's responsibility to ensure equal athletic opportunities, in accordance with Title IX. This funding system is one to which [d]efendant has acquiesced; [d]efendant is responsible for the consequences of that approach."<sup>7</sup> The court required the school district to remedy the disparity by removing the fence separating the girls' and boys' fields so that both teams and spectators could access the restroom facilities, locating the pitching machine so that both girls' and boys' teams may use it, changing the sign so it includes "baseball" and "softball," and installing lights on the girls' field.<sup>8</sup>

## 2. Media Reports

- **Louisiana:** Local reports abound about the small number of sports for girls and the inequitable facilities, equipment, and budgets for female student athletes in the New Orleans metro area. Stories include: boys' football and baseball teams having their own practice fields, while the girls' softball team has to make do with the school's front lawn; girls make up 41% of the athletes, but get only 23% of the available coaching funds; and boys' events are regularly promoted over the school PA system, while girls' events, even victories, are not promoted.<sup>9</sup>
- **Pennsylvania:** Although strapped for funds, several of the school districts in Western Pennsylvania find the money for boys' sports, but not for girls' sports. In Duquesne, for every dollar the school board spent on sports, girls received only a dime. The district also spent more on the football team than it did to maintain its school buildings. In Brownsville, of every dollar spent on athletics, only 5 cents goes to girls' sports. Brownsville offers only one girls' sport, basketball.<sup>10</sup>
- **Georgia:** After a series of newspaper articles exposing gender inequities across the state,

the Governor of Georgia signed legislation in 2000 requiring public schools to submit information on the treatment of male and female athletes.<sup>11</sup> An Atlanta paper found that only 36% of athletes in Georgia high schools are girls, even though girls are a majority of the student body. Moreover, 86% of the legislative grants made for stadiums, lighting and equipment were directed to projects that benefited boys' sports. Booster clubs also contributed to gender inequities. The state's top school official said she thought that a case could be made that nearly every public high school in the state might violate Title IX.<sup>12</sup>

## **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.<sup>13</sup>

### **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."<sup>14</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>15</sup>
- Female athletes are more likely to do well in science classes than their classmates who do not play sports.<sup>16</sup>
- 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."<sup>17</sup>

### **B. Responsible Social Behaviors**

- High school athletes are less likely to smoke cigarettes or use drugs<sup>18</sup> than their nonathletic peers. One study found female athletes were 29% less likely to smoke than non-athletes.<sup>19</sup>
- Adolescent female athletes have lower rates of both sexual activity and pregnancy.<sup>20</sup> This was true for white, African-American, and Latina female athletes.<sup>21</sup>

### **C. Health Benefits**

- Obesity is an emerging children's health problem 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.<sup>22</sup> Regular physical activity can reduce the risk of obesity for adolescent girls.<sup>23</sup> Girls who play sports engage in regular physical activity, but minority girls are more likely to participate in sports through their schools than through their private organizations<sup>24</sup>; thus minority girls 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.<sup>25</sup>
- A recent study shows that women who participate in sports significantly reduce their risk of developing breast cancer.<sup>26</sup>

#### **D. Increased Personal Skills**

High school athletes are more likely to describe themselves as 'highly' popular<sup>27</sup> and experience higher levels of self-esteem, and are less likely to suffer from depression.<sup>28</sup>

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

<sup>1</sup> National Federation of State High School Associations (NFHS), 2008-09 High School Athletics Participation Survey (2009).

<sup>2</sup> National Federation of State High School Associations (NFHS), 1971 Sports Participation Survey (1971).

<sup>3</sup> NFHS, 2008-09 High School Athletics Participation Survey (2009).

<sup>4</sup> 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&section=athletics>.

<sup>5</sup> Patricia Jiayi Ho, "Suit Could Make Ripples", Pasadena Star-News, January 29, 2006.

<sup>6</sup> 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).

<sup>7</sup> Daniels v. School Bd. Of Brevard County, 985 F.Supp. 1458, 1462 (M.D. Fla. 1997).

<sup>8</sup> Daniels v. School Bd. Of Brevard County, 995 F. Supp. 1394, 1398 (M.D.Fla. 1997).

<sup>9</sup> Sheila Mulrooney Eldred, "Still in the Shadows: Nearly 30 years after Title IX mandated boys and girls be given equal support and opportunities in public schools, girls sports at metro area schools don't receive the attention or resources that boys teams enjoy," The Times-Picayune, July 1, 2001.

<sup>10</sup> "Poor Districts Still Find Cash for Boys," The Tribune-Review, May 23, 2001.

<sup>11</sup> Ga. Code Ann. § 20-2-315 (2007).

<sup>12</sup> Mike Fish and David A. Milliron, Special Report: Eight-Day Series, "The Gender Gap," The Atlanta-Journal Constitution, Dec. 12, 1999.

<sup>13</sup> Carnegie Corporation, The Role of Sports in Youth Development (March 1996), available at <http://www.carnegie.org/sub/pubs/reports/poinst1.htm#develop>.

<sup>14</sup> NFHS, The Case for High School Activities (2004), available at [http://www.nfhs.org/web/2004/01/the\\_case\\_for\\_high\\_school\\_activities.aspx](http://www.nfhs.org/web/2004/01/the_case_for_high_school_activities.aspx).

<sup>15</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>16</sup> 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).

<sup>17</sup> Oppenheimer/MassMutual Financial Group, Successful Women Business Executives Don't Just Talk a Good Game — They Play(ed) One (2002).

<sup>18</sup> The Case for High School Activities, supra note 14, at 4.

<sup>19</sup> 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).

<sup>20</sup> 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).

<sup>21</sup> D. Sabo, et al., The Women's Sports Foundation Report: Sport and Teen Pregnancy, 7 (1998).

<sup>22</sup> Center for Disease Control's National Center for Health Statistics, Prevalence of Overweight Among

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Children and Adolescence: United States, 2003-2004 (2006).

<sup>23</sup> The President's Council on Physical Fitness and Sports Report, Catch the Ball, available at <http://www.fitness.gov/catch.pdf>.

<sup>24</sup> Women's Sports Foundation, The Wilson Report: Moms, Dads, Daughters and Sports 5 (June 7, 1988).

<sup>25</sup> 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).

<sup>26</sup> 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).

<sup>27</sup> Women's Sports Foundation, "Table 2," Minorities in Sports 23.

<sup>28</sup> See, e.g., Don Sabo et al., High School Athletic Participation and Adolescent Suicide: A Nationwide Study, International Review for the Sociology of Sport (2004) (on file with the Women's Sports Foundation); G. Nicoloff, and T.S. Schwenk, Using Exercise to Ward Off Depression, 9 Physician Sports Med. 23, 44-58 (1995); R.M. Page & L.A. 12 Tucker, Psychosocial Discomfort and Exercise Frequency: An Epidemiological Study of Adolescents, 29 Adolescence, 113, 183-91 (1994) (suggesting that physically active adolescents tend to feel less lonely, shy, and hopeless as compared to their less physically active peers).