

A Reinvigorated Call for Support of Title IX at the High School Level

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Given the economic challenges that public school systems around the country will face in the coming year, athletic programs are going to suffer the consequences of reduced budgets. During this difficult economic time, we must remain vigilant about how budget cuts affect girls' and boys' sport participation opportunities. As observed in Florida, budget decisions regarding athletic programs can result in decreased opportunities for girls and boys in some sports in order to maintain opportunities for the boys' football team (DeCotis, 2009). Unfortunately, not all school systems can be trusted to do the right thing for all of their athletic participants. We must renew the call for passage of the High School Athletics Accountability Act of 2009 (H.R. 2882) and the High School Sports Information Collection Act of 2009 (S. 471), formerly the High School Athletics Accountability Act of 2007 (H.R. 901), and the High School Sports Information Collection Act of 2007 (S. 518).

Although enormous progress has been made regarding athletic participation opportunities for girls in the 35 years since Title IX was enacted, high school girls still receive 1.3 million fewer participation opportunities than boys, and the money spent on girls' sports remains far less than that spent on boys' sports (National Association for Girls and Women in Sport [NAGWS], 2009). High schools, unlike colleges, are not required to disclose any data on gender equity in sports, making it difficult for schools, students, and parents to ensure fairness in their schools' athletics programs. The High

School Athletics Accountability Act of 2009 and the High School Sports Information Collection Act of 2009 would help to address these inequities by requiring high schools to report information (most of which is already collected by schools) on the gender breakdown of their teams and of athletics expenditures. This information will allow schools, parents, and students to evaluate their athletics programs and make sure that they are treating boys and girls equally (NAGWS).

Recent events continue to provide evidence that, despite increasing opportunities for participation in sports at the high school level, girls are not receiving equitable opportunities as required under law. These inequities range from schedule reductions, continued denial of access to the same types of facilities as those provided to the boys (including locker rooms, weight rooms, fields, or courts for participation), sub-par uniforms, and inferior modes of transportation. In addition, coaching resources are unfairly distributed. Whether it is the number of coaches for teams, the quality of coaching, or the salaries provided to coaches, high school girls do not get the same quality and level of coaching that is provided to high school boys (Women's Sports Foundation, 2008). To illustrate this, take a look at these three examples:

- This past spring the Florida High School Athletic Association (FHSAA) voted to reduce the number of varsity games by 20 percent and all other play by 40 percent for the 2010-11 school year. However, the football sched-

ule was not reduced, due to the FHSAA's rationale that football was the largest revenue generator. Cheerleading also was spared in an attempt to avoid violating Title IX (DeCotis, 2009). Parents of six female high school athletes formed the Florida Parents for Athletic Equity group and fought the reduction, arguing that female athletes were receiving an unfair share of the reductions. The United States Department of Justice agreed and filed an amicus brief in support of the female athletes. Instead of facing a mounting legal challenge, the FHSAA reversed course and eliminated the schedule reductions.

- In Woodbridge, Virginia, the Office of Civil Rights of the U.S. Department of Education is investigating claims brought forward by the parents of softball players regarding the significantly disparate facilities available to baseball players, fans, and media, compared to the facilities available to softball players, fans, and media. C. D. Hylton High School in Woodbridge is not alone, as schools in Charles and Frederick counties in Virginia and 47 other school systems nationwide are under investigation by federal officials for sex discrimination based on disparities between softball and baseball facilities (Birnbau, 2009).

- A Franklin County (Indiana) High School girls' basketball coach filed suit in federal district court in Indianapolis against the Indiana High School Athletic Association (IHSAA) and the school corporations of 14 Franklin County opponents (Baird, 2009). The suit alleges violations of Title IX because the majority of boys'

basketball games are played on weekend evenings, while the girls' games are played either on weekday evenings or weekend mornings or early afternoons. The suit notes that, under Title IX, girls should also have the opportunity to play games on weekend evenings, as that schedule draws bigger crowds and creates a better atmosphere for the players and fans.

As is demonstrated by these three recent examples, female athletes are continuing to struggle for equitable treatment at the high school level. In light of the economic challenges that school systems currently face, female athletes will continue to struggle for equal access to sport opportunities as required under Title IX. High school systems have not had to report and disclose the amount of money spent on boys and girls sport programs, and as a result, girls continue to receive less than equal opportunities to fully participate in high school athletics. Yes, there are many high school athletic associations that provide equitable opportunities for both female and male athletes. However, without reporting requirements, we are unable to highlight the schools that have found ways to comply with the law. These school systems should be highlighted as embodying best practices in order to help other school systems struggling to become compliant. Unfortunately, those athletic associations failing to provide equal opportunity for girls and boys continue to violate Title IX with minimal scrutiny. Currently, the burden of proving gender inequities in high school sports most often falls on the coaches and parents of girls receiving disparate treatment. Requiring school systems to report information on the gender breakdown of their teams and of athletics expenditures would allow for more transparency for all individuals interested in providing full

and equitable sport opportunities for boys and girls participating in high school sports.

On June 16, 2009, the High School Athletics Accountability Act of 2009 was referred to the House Committee on Education and Labor (for more information, go to www.govtrack.us/congress/bill.xpd?bill=h111-2882). The High School Sports Information Collection Act of 2009 was referred to the Committee on Health, Education, Labor, and Pensions on February 25, 2009 (for more information, go to www.govtrack.us/congress/bill.xpd?bill=s111-471). With passage of both these acts, all decisions regarding high school interscholastic athletic programs could be viewed in a more open and transparent manner. This legislation will benefit school systems that are working hard to provide the most equitable opportunities for both girls and boys playing high school sports, as well as advocates trying to ensure equal high school sport opportunities in school systems failing to comply with Title IX. We must renew the call for passage of these important pieces of legislation.

To contact members of Congress to support these acts, go to http://wsf.convio.net/site/PageServer?pagename=adv_advocate.

References

- Baird, N. (2009, July 23). *Reactions differ over Title IX lawsuit*. Retrieved August 11, 2009, from <http://www.jconline.com/article/20090723/SPORTS01/907230326>.
- Birnbaum, M. (2009, July 20). *Hilton high sports fields eyed for signs of sex bias*. Retrieved August 11, 2009, from <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/19/AR2009071901429.html>.
- DeCotis, M. (2009, July 16). *Florida high schools reverse decision to cut contests*. Retrieved August 11, 2009, from http://www.usatoday.com/sports/preps/2009-07-16-florida-cuts_N.htm.
- National Association for Girls and Women in Sports. (2009). *24th Annual National Girls and Women in Sports Day*. Retrieved August 11, 2009, from <http://www.aahperd.org/ngwsdcentral/template.cfm?template=highSchoolAcct.html>.
- Women's Sports Foundation. (2008). *Coaches*. Retrieved August 11, 2009, from <http://www.womenssportsfoundation.org/Issues-And-Research/Equity-Issues/Coaching.aspx>.
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