

# Gender Equity in Sports:

Title IX &  
California's  
AB 2404



# AGENDA

- Introductions
- Benefits of Sports for Girls
- Title IX – K-12 & Collegiate
- AB 2404 – Parks & Rec. Programs
- Davis Youth Softball Example
- Getting Girls in the Game

# Who is this guy?

Carson Wilcox

Coach and Board member at DYSA since 2010

President for a loooong time

Now working on facilities and equipment upgrades

# Benefits of Sports for Girls

## Education

- Higher grades
- Higher scores on standardized tests
- Higher rates of graduation from high school & college

## Health

- Lower rates of breast cancer as adults
- Reduced risk of endometrial cancer
- Lower rates of depression and greater psychological well-being, including higher levels of confidence and a more positive body image

## Employment

- 7% higher annual wages as adults
- Increased participation in the labor force
- 90% of “C-Suite” women played sports growing up
- More likely to pursue a career in





# Title IX: K-12 and Collegiate Sports

# What is Title IX?



- Title IX is a federal law prohibiting gender discrimination in any school receiving federal funds.
- Became law in 1972.
- Applies to K-12 schools, colleges, and universities in every state in the U.S.
- According to a 2021 Department of Education Notice of Interpretation, Title IX also prohibits discrimination based on sexual orientation and gender identity.

# How Does Title IX Apply to Sports?

- Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) reads:

“No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

- Athletics programs are considered “educational programs and activities.”



# Title IX Components



**Equal  
Participation  
Opportunities**



**Equal  
Treatment  
and Benefits**



**Anti-  
Retaliation  
Mandate**

# Equal Participation

- How can schools demonstrate that their students have equal participation opportunities?
  - Substantial Proportionality – the percentage of total athletes at the school who are female is the same as the percentage of total students enrolled at the school who are female (the proportionality test), OR
  - A history and a continuing practice of expanding opportunities for female students, OR
  - The school is fully and effectively meeting its female students' interests and abilities to participate in sports (or the underrepresented gender)

# Substantial Proportionality: An Example



- 1,000 students attend a high school
  - 500 females = 50% of student body
- 200 students in athletic program
  - 50 males = 25% of program
  - 70 female athletes = 35% of athletes
  - 130 male athletes = 65% of athletes
- Girls' share of students = 50%
- Girls' share of athletics = 35%
  
- $50\% - 35\% = 15\%$  Participation Gap

**NOT Substantially  
Proportionate**

There need to be **60 additional girls** playing to achieve substantial proportionality



# Equal Treatment and Benefits

## THE "LAUNDRY LIST"

- ❑ Equipment & Supplies (e.g., uniforms)
- ❑ Facilities for Practices & Games
- ❑ Locker & Team Rooms
- ❑ Scheduling of Practices & Games
- ❑ Coaching
- ❑ Medical & Training Facilities
- ❑ Publicity & Promotion
- ❑ Travel & Per Diem Allowances
- ❑ Collegiate Sports: additional items



Benched!



Fired!



Expelled!



Failed!

# No Retaliation

- Anyone who makes complaints regarding gender inequity is protected from retaliation, including:
  - Students
  - Teachers
  - Coaches
  - Staff
- Examples of improper action:
  - Benching a student who complains
  - Firing a coach who requests an investigation

# Findings on Title IX Compliance at the K-12 Level

- High school boys have over 1 million more opportunities than girls to play sports.
- At predominantly white high schools, girls have 82% of boys' athletics opportunities. At high schools attended predominantly by students of color, girls have only 67% of boys' athletics opportunities.
- 21% of transgender girls report that they have been discouraged from playing in sports and 58% report that they were prevented from using the locker room that aligns with their gender.



# Positive Impacts of Title IX



Before Title IX (1972),  
**fewer than**  
**300,000**  
girls playing high  
school sports



Today,  
**over 3,000,000**  
girls playing high  
school sports



# Equal Treatment & Benefits Example



vs.



- Level; well-maintained; sprinklers
- Exclusive use of field
- Easy to schedule practices, games
- Adequate number/quality bleachers
- Two lighted batting cages
- Cinderblock dugouts & backstops
- Fully fenced and locked

- Dangerously uneven; poorly maintained, dry
- Shared field with P.E. and boys' teams
- Problems scheduling practices, games
- Inadequate number/quality bleachers
- Inadequate batting cages
- Inadequately roofed dugout, dirt floor
- Not fully fenced, open to passersby

As a Result of Title IX Action,  
***The School Made Significant Improvements to the Softball Field!***

AB 2404 –  
Parks and  
Recreation  
Programs



# Baca v. City of L.A. (Precursor to AB 2404)

- A lawsuit by the California Women's Law Center, ACLU of Southern California, and the law firm of Kaye, Scholer, Fierman, Hays and Handler alleged that an overwhelming majority of girls had no access to city-sponsored programs, services, or facilities offered by their local parks and recreation departments.
- In 1999, a settlement agreement was reached:
  - A new facility was to be built for the West Valley Girls Softball League.
  - The Los Angeles City Council adopted "Raise The Bar," a program that took the first step to ensure all girls in the city had full access to a breadth of sports programs and activities.



# Overview of California's AB 2404– The “Fair Play Act”

- Passed and signed into law in 2004
  - Modeled after Title IX
- Gender equity in youth competitive athletic programs re: participation opportunities and treatment and benefits:
  - Run by park and recreation AND
  - Hosted through park and recreation (3rd parties)
- Similar law passed in WA state in 2009; other state laws requiring equity for all youth and community members using publicly-funded resources possibly





## What Does AB 2404 Say?

“No city, county, city and county, or special district,

- [S]hall discriminate against any person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs
- [I]n the allocation of parks and recreation facilities and resources that support or enable these programs.”

## Participation Aspect of AB 2404

- Under CA Park and Rec Equity Law  
If girls make up 50% of the area population, 50% of athletic opportunities run/hosted by park should be afforded to girls, OR  
City/park and rec. shows all interest met
- Recent records requests show 20% (and less) of youth competitive sports opportunities afforded to girls in major cities

**This means they have to PROVE that they have offered and tried and they just won't or can't hit 50%**



# Davis Example and Experience

What led DYSA to look for a legal solution?

- Massive disparities between facilities for girls vs boys
- Obstinate city staff unwilling to allow basic rights for DYSA
- Status Quo was not seen as problematic
- View of DYSA that we could spend years begging for rights, and have them taken away at any moment with staff turnover etc.



# Boys Vs. Girls

## Massive disparities in support and treatment between DYSA and Little League

- Little League has complex, with snack bar, lights, bathrooms, parking and the ability to monetize the park
- DLL has sweetheart deal to pay NOTHING for park itself, City pays their electricity and utilities
- DLL has permanent signage on busy street for marketing.
  - DLL is allowed to sell ad space in the park, making \$\$\$ to subsidize league
- DLL carveout to not pay per player fee on their t ball kids that use parks like other sports.
- Softball has 5 fields spread all over town. No water, toilets, snackbar or lights
- DYSA pays same per player fee as other field sports BUT also pays for all improvements, maintenance and supplies for fields.
- DYSA is not even allowed to hang seasonal banners announcing registration. No kids on field.. No evidence DYSA exists.
- DYSA has no lit fields at all. Massively shrinking our use window for girls vs boys.

# Process

1. Get your data. Public record request all official contracts, agreements and leases. Don't assume you know who gets what and how.
2. Do a history project. CURRENT disparity is only part of it.
3. Get in touch with CWLC and LAAW or? and discuss your issues.
4. Gather your remediation plan. What will you accept from the other side to fix the problem. Goal is a settlement. Not a lawsuit.
5. What IS a demand letter? How is it different from a lawsuit? Pro-bono lawsuit is very difficult to get.
6. WAIT. Negotiate. WAIT. Repeat.

## Results for DYSA

- Taking over lit field as part of regular package. No rental \$ or light charges
- Ability to hang any promotional signage on fields any time
- Permanent “home of DYSA” street signage at two main locations
- Selling fence space at City softball park
- Dugout covers, bleachers, water at each field where possible. City \$
- Ability to \$ and mount “sponsored by” signs on each field.
- “approval” to add lights and snackbar building to one field, city paying for electricity for 20 years. DYSA \$
- Approval for more storage space

# Why does this work?

If you have a case, you will win in court, and the city or county will incur \$\$\$\$ costs above and beyond what you are asking for

It is a binding agreement to avoid a lawsuit. Not just a handshake

It exposes your league and the inequities to the public who is very receptive to these issues->>  
Fundraising

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# Thank You!

- Thank you for your time and interest!
- Questions?

# Resources

- Join the Fair Play e-mail list and follow us on social media: [fairplay@legalaidatwork.org](mailto:fairplay@legalaidatwork.org)  
[fairplay4girls](#) (FB/Twitter/IG)
- Join CWLC's mailing list and follow us on social media: [cwlc.org](http://cwlc.org)  
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