



# Gender Equity in Local Sports Programs

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# Gender Equity in Local Sports Programs

OLO Report 2022-3

Executive Summary

February 8, 2022

Gender equity refers to fair and just opportunities and outcomes for all people regardless of gender. In sports, national data show significant and persistent gender disparities in participation, with girls and women accessing fewer participation opportunities than boys and men. In addition, persons in the LGBTQ+ community face several barriers to access. This report finds that many local sports programs serve more males than females. In addition, parents and student-athletes have observed examples of boys' sports being prioritized over girls' sports and of local sports programs failing to be inclusive for LGBTQ+ individuals. Opportunities exist to advance gender equity in local sports programs.

## The Legal Framework for Gender and Sports

Title IX of the Education Amendments of 1972 (pronounced "Title Nine") is a federal law that prohibits discrimination on the basis of sex in federally-funded education programs and activities, including athletic programs. Title IX applies to educational institutions that receive funding from the U.S. Department of Education. The U.S. Department of Education uses the "three-part test", summarized to the right, to assess whether an institution provides equal athletic participation opportunities for both sexes. Title IX does not typically apply to local parks and recreation departments that are not part of a school district or to private or nonprofit sports providers.

### Title IX Three-Part Test for Athletic Participation Opportunities

1. Participation in athletics by gender is proportionate to enrollment; or
2. A history and practice exists of expanding opportunities for the underrepresented sex; or
3. The interests and abilities of the underrepresented sex are accommodated.

State laws. Two states – California and Washington - have enacted laws that prohibit sex or gender discrimination in community sports programs that are not subject to Title IX.

#### California AB 2404

- Prohibits local governments from discriminating on the basis of sex or gender "in the operation, conduct, or administration of community youth athletics programs or in the allocation of parks and recreation facilities and resources that support or enable these programs."
- Establishes factors for determining whether discrimination exists, similar to the three-part test used to assess Title IX compliance.

#### Washington SB 5967

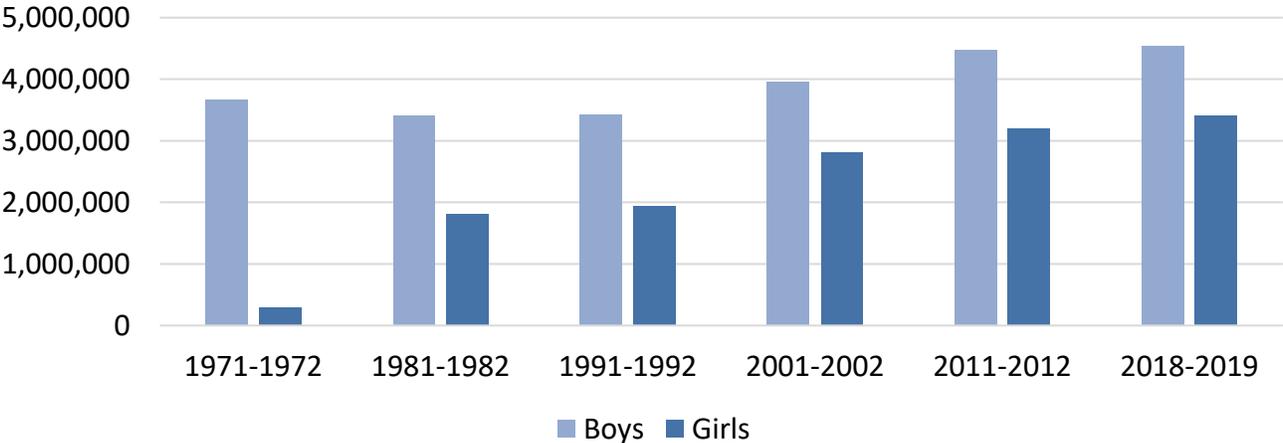
- Prohibits discrimination on the basis of sex in community athletics programs for youth or adults operated by cities, towns, counties, school districts and other local governments or by third parties with leases or permits to operate such a program.
- Requires local governments and school districts to adopt policies prohibiting discrimination on the basis of sex.

Rules and laws that impact transgender and gender nonconforming individuals. Transgender and gender nonconforming individuals must navigate a variety of rules established by national and international sport governing bodies, state high school athletic association guidelines, and a growing number of state laws. The Center for American Progress categorizes the Maryland Public Secondary Schools Athletic Association (MPSSAA) guidance as “fully inclusive,” meaning that high school student-athletes in Maryland can participate in athletics in accordance with their gender identity without requiring proof, documentation, or medical or legal transition.

### National Data and Research on Gender and Sports

National data show that while the gender gap in sports participation is significantly smaller than it was in 1972, the disparity persists, and progress in reducing it has slowed. The chart below displays National Federation of State High School Associations (NFHS) participation opportunity data by gender for select years between 1971-72, the year that Title IX was passed, and 2018-19, the most recent year for which data are available.

**High School Interscholastic Athletics Participation Opportunities by Gender, 1971-2019**



Data on sports participation by both gender and race and ethnicity are extremely limited, but they indicate significant disparities in participation between White girls and women and girls and women of color. A 2014 analysis of NCAA data showed that women of color represented majorities or pluralities of female student-athletes in basketball and outdoor track and field but were “grossly absent” from numerous other sports, including current and former “emerging sports” like ice hockey, water polo, rowing, rugby, and archery, which have helped to increase women’s sports participation in recent decades.

Benefits and Barriers to Sports Participation. Research shows that sports participation is associated with improved physical and mental health, social and emotional development, and educational and workforce outcomes. However, many people face barriers to sports participation that impact individuals differently based on gender or gender identity as well as other factors, such as race and ethnicity, disability status and income. Some barriers include gender norms and discrimination, costs of participation, time constraints, sexual harassment and assault, and neighborhood environments.

Best practices for advancing gender equity in sports. Expert recommendations to advance gender equity in sports include strategies for increasing girls' sports participation and guidance for making sports LGBTQ+ inclusive.

Increasing Girls' Participation	Making Sports LGBTQ+ Inclusive
<ul style="list-style-type: none"><li>• Targeted recruitment plans</li><li>• Focus groups to develop marketing strategies</li><li>• Partnerships with existing girls' leagues</li><li>• Incentives such as discounts and priority booking of public facilities</li><li>• Clinics to encourage women to coach</li></ul>	<ul style="list-style-type: none"><li>• Regular training for coaches on LGBTQ+ inclusion</li><li>• Inclusive codes of conduct</li><li>• Comfortable and safe uniform options</li><li>• Overnight trip policies that protect athletes' privacy and safety</li><li>• Inclusive facilities with alternatives available</li></ul>

### Local Sports Participation Data

The Montgomery County Recreation Department (MCRD) and Montgomery County Public Schools (MCPS) provided OLO with participation data for their sports and athletics programs. These data show that, overall, sports programs serve more males than females:

- MCRD's youth basketball leagues served 7,400 youth in FY19, of which two-thirds were boys, and participation was concentrated in the western and southwestern portions of the County;
- Data are limited for MCRD adult sport leagues but indicate that they serve more men than women. In the therapeutic recreation leagues over 90% of participants are men;
- Approximately 45% of MCPS high school athletic participation opportunities, excluding cheerleading and pompons in accordance with Title IX criteria, were filled by girls over the past five years, which is lower than the percentage of high school students that are girls;
- Girls' participation in in-person MCPS high school interscholastic athletics as a percentage of total in-person participation declined in 2020-21 (during this year, MCPS reduced in-person athletic activities in response to the COVID-19 pandemic);
- At high-FARMS MCPS high schools, participation by boys and girls in athletics was lower than at low-FARMS high schools, and girls' participation in athletics declined more in 2020-21 at high-FARMS high schools.

It is important to note that local data on sports participation by gender have significant limitations:

- Neither MCPS nor MCRD tracked sports participation by race or ethnicity. MCRD staff report they recently began collecting data on the race and ethnicity of participants. National data show significant disparities when examining sports participation by gender and race and ethnicity.
- MCPS does not track participation by transgender and gender nonconforming student-athletes.
- Comprehensive participation data for sports programs provided by third parties (e.g., private and non-profit sports providers) that use public athletic facilities are not available.

## Stakeholder Observations

OLO conducted interviews and an online survey to gather feedback from private and non-profit sports providers in Montgomery County. OLO also conducted an online survey of MCPS parents and a focus group with MCPS student-athletes.

### Private and non profit provider perspectives

- The vast majority of providers interviewed or surveyed reported serving more boys than girls.
- Many providers stated they believe girls are not as interested as boys in playing sports.
- Most providers reported relying on word of mouth to recruit participants to their program.
- A few providers had engaged in targeted efforts to recruit girls, often with significant success.
- Recruiting female coaches, as well as recruiting any coaches to coach girls, is a significant challenge for many providers.

### Parent and student athlete experiences

- When asked if the quantity of sports opportunities for children and youth in the community are similar regardless of gender, 59% of respondents of an online survey of MCPS parents agreed or strongly agreed, while 23% disagreed or strongly disagreed.
- Some families and MCPS student-athletes have observed specific examples of boys' sports being prioritized over girls' sports at their schools and in the community in practice schedules, coaching, disparities in facilities and school community support.

## Recommendations and Discussion Issue

OLO offers three recommendations and one discussion issue for Council consideration.

### Recommendations

1. Request that the County Executive and MCPS regularly track and report participation in publicly-provided and third-party sports programs by gender and race and ethnicity.
2. Discuss with MCPS leadership the need and necessary resources for more comprehensive oversight and/or training to advance gender equity in the MCPS interscholastic athletics programs.
3. Request that the County Executive work with stakeholders to develop and implement a comprehensive strategy to advance gender equity in publicly-provided and third party sports programs.

### Discussion Issue

California and Washington have enacted legislation at the state level aimed at advancing gender equity in sports programs not subject to Title IX. The Council may wish to discuss options for legislation to advance gender equity in sports at the local level.

# Gender Equity in Local Sports Programs

## OLO Report 2022-3

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## Introduction

Gender equity refers to fair and just opportunities and outcomes for all people regardless of gender. In sports, national data show significant and persistent gender disparities in participation, with women and girls accessing fewer participation opportunities than boys and men. In addition, persons in the LGBTQ+ community face discrimination and harassment, as well as a complex web of rules that impact their ability to access sports.

In Montgomery County, several government entities provide sports programming and manage sports facilities. Additionally, private and nonprofit organizations play a major role in sports provision. This OLO study responds to the Council's request to review gender equity in youth and adult sports programs in Montgomery County. In this report:

- **Chapter 1** examines the legal framework for gender and sports in the United States;
- **Chapter 2** reviews national data and research on gender and sports including participation rates, barriers to participation and best practices for advancing gender equity at the local level;
- **Chapter 3** describes local publicly-provided sports programs and data;
- **Chapter 4** summarizes stakeholder observations on gender equity in sports in Montgomery County gathered from interviews, online surveys and a student focus group;
- **Chapter 5** offers OLO's findings and recommendations for Council discussion and action; and
- **Chapter 6** includes written comments from the County Executive on this report.

Throughout this report, OLO uses the terms defined below:

- **Gender:** the state of being male, female, or elsewhere on a broad spectrum as expressed by social and/or cultural distinctions and differences rather than biological ones.
- **Gender Identity:** a person's inner sense or concept of their own gender.
- **Gender Nonconforming:** umbrella term used to refer to individuals whose gender expression does not conform to expectations or does not fit neatly into a category.
- **Nonbinary:** describes a person that does not identify exclusively as a man or a woman.
- **Sex:** a designation typically made at birth based on a child's external anatomy as to whether an individual is female, male or intersex (in this report, OLO uses the term "sex" when the term used in the referenced law, regulation or study).
- **Transgender:** a term used to refer to individuals whose gender identity and/or expression differs from cultural and social expectations that are based on their sex assigned at birth.

OLO staff member Natalia Carrizosa conducted this study with assistance from Karen Pecoraro and Leslie Rubin. OLO received a high level of cooperation from everyone involved in this study and appreciates the information and insights shared by all who participated, acknowledged on the following page.

## **Acknowledgments**

### **Office of the County Executive**

Fariba Kassiri, Deputy Chief Operating Officer

### **Montgomery County Recreation Department**

Robin Riley, Director

Adriane Clutter

Amanda DeFilippo

Marhonda Williams

### **Community Use of Public Facilities**

Sara Tenenbaum

### **Montgomery County Public Schools**

Jimmy D'Andrea, Chief of Staff

Dr. Jeffrey Sullivan

Dr. Kecia Addison

Kathy Green

James Koutsos

Anne Rossiter

### **City of Gaithersburg**

Maura Dinwiddie

### **City of Takoma Park**

Kristen Boone

### **BCC Baseball**

Jean Kurtz

### **Bethesda Lacrosse**

Matt Breslin

### **Burtonsville Athletic Association**

Molly Surden

### **Excel Beyond the Bell (Collaboration Council)**

Shane Tate

Yael Ginossar

### **Elite Soccer Youth Development Academy**

Agbegnigan Amouzou (Coach Fofo)

### **Identity**

Nora Morales

Efrain Viana

### **Girls on the Run**

Elizabeth McGlynn

Amalia Lopez

### **Koa Sports**

Tony Korson

Casey Hertel

### **MCCPTA**

Cynthia Simonson

Mark Eckstein

### **Montgomery County Little League**

Jason Orsin

### **NAACP Parents Council**

Byron Johns

### **Olney Boys and Girls Club**

Brad Scott

### **Potomac Soccer**

Laurie Lane

### **SAM Soccer**

Gary Burke

Gary Wheeler

### **Special Olympics Maryland - Montgomery County**

Shelly Bogasky

### **Takoma Soccer**

Howard Kohn

Sean Tipton

## Chapter 1. The Legal Framework for Gender and Sports in the United States

The legal framework for gender and sports rests primarily on Title IX of the Education Amendments of 1972 (pronounced “Title Nine”),<sup>1</sup> a federal law that applies to athletic programs in educational institutions that receive federal funding. However, two states have enacted legislation aimed at extending Title IX protections to community sports programs housed outside of educational institutions. In addition, transgender and gender nonconforming athletes face a variety of rules that vary across sports and states with regards to their ability to participate in accordance with their gender identity. This chapter summarizes these laws and rules, and is organized as follows:

- **Section A** provides an overview of Title IX, the federal law that prohibits discrimination on the basis of sex in certain sports programs and the Equity in Athletics Disclosure Act;
- **Section B** examines two states’ laws aimed at advancing gender equity in sports; and
- **Section C** summarizes the rules that govern the participation of transgender and nonbinary athletes in sports programs.

### A. Federal Laws Regarding Gender and Sports

Title IX is a federal law that prohibits discrimination on the basis of sex in federally funded education programs and activities, including athletic programs. In the decades following Title IX’s passage in 1972, girls’ and women’s participation in athletics increased significantly, as described in detail in Chapter 2 of this report. This section summarizes the history of Title IX and describes the requirements that it imposes on educational institutions’ athletic programs. It also summarizes the requirements of the Equity in Athletics Disclosure Act.

#### 1. History of Title IX

During the bulk of the twentieth century, explicit discrimination on the basis of gender was the norm in educational institutions in the United States. For example, colleges, professional schools, and universities required that girls have higher test scores and grades than boys to qualify for admission and established quotas limiting the number of girls they admitted. Bernice Sandler, who faced employment discrimination while job hunting after earning her doctoral degree at the University of Maryland, led the fight that resulted in the passage of Title IX.<sup>2</sup>

In the decades following the passage of Title IX in 1972, a series of court decisions, rules and regulations issued by the federal government as well as additional legislation passed by Congress

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<sup>1</sup> “Title IX and Sex Discrimination,” U.S. Department of Education, August, 2021, [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html), accessed 1/6/2022

<sup>2</sup> Staurowsky, E.J., “Title IX and Beyond: The Influence of the Civil Rights and Women’s Movements on Women’s Sports,” in *Women and Sport: Continuing a Journey of Liberation and Celebration*, ed. Ellen J. Staurowsky (Champaign, IL: Human Kinetics, 2016), p. 21.

defined the scope and enforcement mechanisms for Title IX, including its applicability to athletic programs. Several notable developments are listed below:<sup>3</sup>

- In 1975, the U.S. Department of Health, Education and Welfare (predecessor to the U.S. Department of Education) issued regulations implementing Title IX;
- In 1979, the Department of Health, Education and Welfare issued a policy document for intercollegiate athletics that established the “three-part test” that is used today to assess participation compliance (see page 6);
- In 1988, the Civil Rights Restoration Act passed by Congress clarified that civil rights laws including Title IX apply on an institution-wide basis rather than only to departments that directly receive federal funding, contrary to a 1984 Supreme Court ruling;
- A 1992 Supreme Court decision, *Franklin v. Gwinnett County Public Schools*,<sup>4</sup> allowed successful Title IX plaintiffs that experienced intentional discrimination to recover damages and legal fees, resulting in an increase in Title IX litigation; and
- In 2020, the U.S. Department of Education amended the Title IX regulations for the first time to specify how educational institutions must respond to allegations of sexual harassment.<sup>5</sup>

## 2. Scope and Requirements of Title IX for Athletic Programs

Title IX applies to educational institutions that receive funding from the U.S. Department of Education. These include local school districts, state education agencies, colleges, universities, trade and vocational schools, charter schools, for-profit schools, as well as libraries and museums. Title IX does not typically apply to local parks and recreation departments that are not part of a school district or to community-based and other private sports providers. The text of Title IX reads as follows:

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 education program or activity receiving Federal financial assistance.

The U.S. Department of Education’s Office of Civil Rights (OCR) is responsible for enforcing Title IX. OCR provides guidance to help institutions comply with Title IX, investigates complaints of sex discrimination, and conducts proactive investigations aimed at identifying systemic violations.<sup>6</sup> The regulations implementing Title IX and related policy documents define the specific criteria institutions subject to Title IX must meet in order to be in compliance with the law, as well as what Title IX does not require. The paragraphs below summarize these requirements, focusing on those that relate specifically to athletic programs.

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<sup>3</sup> Ibid. pp. 23-24

<sup>4</sup> *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992).

<sup>5</sup> Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026 (August 14, 2020).

<sup>6</sup> “Title IX and Sex Discrimination,” U.S. Department of Education, August, 2021, [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html), accessed 1/6/2022

**Participation Opportunities.** The Title IX regulations state that institutions subject to Title IX may not exclude from participation or otherwise discriminate against a person in athletic programs on the basis of sex. The regulations also state that institutions, “may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport,” meaning that athletic programs may segregate athletes by sex.<sup>7</sup> However, institutions must “provide equal athletic opportunity for members of both sexes”. OCR uses the “three-part test” to assess whether an institution is providing equal participation opportunities for both sexes. Institutions must meet **one** of the following criteria:

1. The number of male and female athletes is substantially proportionate to their respective enrollments; or
2. The institution has a history and practice of expanding participation opportunities responsive to the developing interests and abilities of the underrepresented sex; or
3. The institution is fully and effectively accommodating the interests and abilities of the underrepresented sex.<sup>8</sup>

The Title IX regulations state that if an institution sponsors a team for members of only one sex, then “members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.”<sup>9</sup> The exclusion of contact sports from this requirement is known as the “contact sport exemption.” However, since this regulation was issued in 1975, courts have held that the Equal Protection Clause of the U.S. Constitution prohibits institutions from excluding girls and women, as the underrepresented sex, from any sport, including contact sports.<sup>10</sup>

**Athletic Scholarships and Aggregate Operating Expenditures.** The Title IX regulations specify that the provision of athletic scholarships by sex must be proportionate to the participation of members of each sex in athletics programs.<sup>11</sup> However, the regulations explicitly do *not* require institutions to maintain equal aggregate operating expenditures for male and female teams.<sup>12</sup>

**Other Program Components.** The Title IX regulations state that the following program components are subject to review in order to determine if an institution is providing equal athletic opportunities:<sup>13</sup>

- The provision of equipment and supplies;
- Scheduling of games and practice time;

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<sup>7</sup> 34 Code of Federal Regulations (CFR) § 106.41 - Athletics.

<sup>8</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/title9-qa-20100420.html>; In 2010, OCR released a Dear Colleague letter which describes OCR’s current methods for assessing whether an institution is in compliance with Part Three of the three-part test: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100420.pdf>

<sup>9</sup> 34 CFR § 106.41. Contact sports are defined as “boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.”

<sup>10</sup> Staurowsky, E. J., “Women’s Sport in the 21<sup>st</sup> Century,” in *Women and Sport: Continuing a Journey of Liberation and Celebration*, ed. Ellen J. Staurowsky (Champaign, IL: Human Kinetics, 2016), p. 42.

<sup>11</sup> 34 CFR § 106.37 Financial assistance

<sup>12</sup> 34 CFR § 106.41 Athletics

<sup>13</sup> 34 CFR § 106.41 Athletics

- Travel and per diem allowance;
- Opportunity to receive coaching and academic tutoring;
- Assignment and compensation of coaches and tutors;
- Provision of locker rooms, practice and competitive facilities;
- Provision of medical and training facilities and services;
- Provision of housing and dining facilities and services; and
- Publicity.

### Cheerleading and Title IX

According to the National Federation of State High School Associations (NFHS), OCR has never approved an institution to include their cheerleading squad when calculating athletic participation opportunities for Title IX compliance.<sup>14</sup> In 2008, OCR released a Dear Colleague Letter aimed at clarifying which activities count as sports for the purposes of Title IX compliance in athletic participation opportunities. This letter establishes the following two criteria:<sup>15</sup>

- 1. Program Structure and Administration:** whether the activity is structured and administered similarly to established varsity sports, including the administration of the operating budget, coaching staff, and support services, as well as recruitment practices and provision of athletic scholarships and awards;
- 2. Team Preparation and Competition:** whether practice and competition opportunities are similar in number, length and quality as established varsity sports and the primary purpose of the activity is athletic competition rather than supporting other athletic activities.

In 2010, a U.S. District Court judge ruled in *Biediger v. Quinnipiac University*<sup>16</sup> that Quinnipiac University could not count participants in its competitive cheerleading program as athletic participants for Title IX compliance because the program did not meet the above criteria established by OCR.<sup>17</sup>

**Allegations of Sexual Harassment.** As noted on page 5, U.S. Department of Education amended the Title IX regulations in 2020 to specify how educational institutions must respond to allegations of sexual harassment in a way that is consistent with Title IX's prohibition against sex discrimination. The current regulations define sexual harassment as "conduct on the basis of sex" that includes:

- An employee conditioning an individual's receipt of services or other benefits on the individual's participation in unwelcome sexual conduct;

<sup>14</sup> Green, L., "Impact of Competitive Cheer Laws, Regulations on Title IX Compliance," National Federation of State High School Associations, April 16, 2019, <https://www.nfhs.org/articles/impact-of-competitive-cheer-laws-regulations-on-title-ix-compliance/> ;

<sup>15</sup> Stephanie Monroe to "Colleague", Office of Civil Rights, U.S. Department of Education, September 17, 2008, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20080917.pdf>

<sup>16</sup> *Biediger v. Quinnipiac University*, 691 F.3d 85 (2012).

<sup>17</sup> Memorandum of Decision, United States District Court, District of Connecticut, July 21, 2010, [https://www.acluct.org/sites/default/files/field\\_documents/quvballdecision72110.pdf](https://www.acluct.org/sites/default/files/field_documents/quvballdecision72110.pdf)

- “Unwelcome conduct,” meaning conduct “so severe, pervasive and objectively offensive” so as to effectively deny a person access to an educational program or activity; and/or
- Sexual assault, dating violence, domestic violence, or stalking.<sup>18</sup>

The regulations establish a grievance process for addressing complaints of sexual harassment that occurs “in the recipient’s education program or activity,” which includes athletic programs.<sup>19</sup>

### **Title IX and Discrimination Based on Sexual Orientation and Gender Identity**

In the past, the U.S. Department of Education has held that Title IX’s protections against discrimination on the basis of sex do not extend to discrimination on the basis of sexual orientation or gender identity. However, in 2020, the Supreme Court’s decision in *Bostock v. Clayton County* established that discrimination on the basis of sexual orientation or gender identity inherently involves discrimination on the basis of sex.<sup>20</sup>

In 2021, the Department issued a Notice of Interpretation stating that it will now interpret Title IX to prohibit discrimination on the basis of sexual orientation and gender identity. As such:

Where a complaint meets applicable requirements and standards as just described, OCR will open an investigation of allegations that an individual has been discriminated against because of their sexual orientation or gender identity in education programs or activities. This includes allegations of individuals being harassed, disciplined in a discriminatory manner, excluded from, denied equal access to, or subjected to sex stereotyping in academic or extracurricular opportunities and other education programs or activities, denied the benefits of such programs or activities, or otherwise treated differently because of their sexual orientation or gender identity. OCR carefully reviews allegations from anyone who files a complaint, including students who identify as male, female or nonbinary; transgender or cisgender; intersex; lesbian, gay, bisexual, queer, heterosexual, or in other ways.<sup>21</sup>

<sup>18</sup> 34 CFR § 106.30 Definitions

<sup>19</sup> 34 CFR § 106.44 Recipient’s response to sexual harassment

<sup>20</sup> *Bostock v. Clayton County*, 140 S.Ct. 1731 (2020), involved a claim of employment discrimination under Title VII, a federal law that prohibits employment discrimination based on race, color, religion, sex and national origin. In 2021, the U.S. Department of Justice issued a memorandum concluding that, in light of *Bostock v. Clayton*, Title IX also prohibits discrimination on the basis of gender identity and sexual orientation.

<sup>21</sup> Federal Register Notice of Interpretation: Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*, June 16, 2021, <https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf> , accessed 11/5/2021

### 3. The Equity in Athletics Disclosure Act

In 1994, Congress enacted the Equity in Athletics Disclosure Act (EADA). This act, which is separate from Title IX, requires that colleges and universities that receive federal funds publish annual reports on funding for men's and women's athletics. The annual reports must include the following data points:

- The numbers of male and female undergraduate students attending the institution;
- A listing of varsity teams that competed in intercollegiate athletics;
- The total number of participants by team as of the team's first scheduled contest;
- Total operating expenses for each team;
- The number and gender of head and assistant coaches for each team;
- The average annual salaries of head and assistant coaches for men's and women's teams;
- Expenditures on athletically-related student aid for men's and women's teams;
- Total revenues and expenses for men's and women's teams; and
- Expenditures on recruitment for men's and women's teams.<sup>22</sup>

Of note, advocates have pointed out that the required metrics to be reported under the EADA are different than those used by the Office of Civil Rights to assess Title IX compliance. For example, EADA instructions allow institutions to count male practice participants as members of a women's team, but institutions may not count such individuals for the purposes of Title IX compliance. The EADA metrics may misrepresent the extent to which the institution is providing equal participation opportunities as required under Title IX.<sup>23</sup>

#### B. State-Level Laws Aimed at Advancing Gender Equity in Sports

As noted above, Title IX does not typically apply to either local parks and recreation departments that are not part of a school district, or to community-based and other private sports providers. However, two states – California and Washington – have enacted legislation aimed at advancing gender equity in sports programs not subject to Title IX, as described below. In addition, California has enacted additional legislation to require K-12 schools to report sports participation rates by gender.

**California.** Known as the "Fair Play in Community Sports Act," AB 2404 was signed into law in 2004. This law prohibits cities, counties and other local governments in California from discriminating on the basis of sex or gender "in the operation, conduct, or administration of community youth athletics programs or in the allocation of parks and recreation facilities and resources that support or enable these programs." AB 2404 establishes the factors that courts must consider in determining whether discrimination exists, and these factors are similar to those used to assess Title IX compliance in educational institutions (see pages 6 to 7).<sup>24</sup>

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<sup>22</sup> 20 USC §1092(g)

<sup>23</sup> "Title IX Athletics Q & A," Good Sports, Inc. Title IX and Gender Equity Specialists, 2013 <http://titleixspecialists.com/wp-content/uploads/2013/09/Q-A-Equity-in-Athletics-Disclosure-Act.pdf>

<sup>24</sup> California Government Code, Section 53080

In addition, the California legislature enacted SB 1349 in 2014, which mirrors the Federal Equity in Athletics Disclosure Act (EADA) by requiring K-12 schools (which are not subject to the EADA) to report the following metrics by the end of each school year:

- The school's total enrollment by gender;
- The number of students who participate in competitive athletics by gender; and
- The number of boys' and girls' teams, by sport and by competition level.<sup>25</sup>

**SB 5967 (Washington).** In 2009, the Governor of Washington signed SB 5967, known as the "Fair Play" bill, into law. This law prohibits discrimination on the basis of sex in community athletic programs for youth or adults operated by cities, towns, counties, school districts and other local governments or by third parties with leases or permits to operate such a program.<sup>26</sup> It also requires local governments and school districts to adopt policies prohibiting discrimination on the basis of sex.<sup>27</sup>

### C. Rules Governing the Participation of Transgender and Gender Nonconforming Athletes in Sports

As noted on page 8, the U.S. Department of Education currently interprets Title IX to prohibit discrimination on the basis of sexual orientation or gender identity. However, transgender and gender nonconforming athletes in the United States face a variety of different rules that govern their ability to participate in sports in accordance with their gender identity. These include the rules established by national and international sport governing bodies, state high school athletic association guidelines, and a growing number of state laws. The Center for American Progress (CAP) categorizes policies around the participation of transgender athletes as follows:<sup>28</sup>

- *Fully inclusive* policies allow athletes to participate in accordance with their gender identity without requiring proof, documentation, or medical or legal transition;
- *Transgender participation allowed with restrictions* means that transgender athletes can participate in sports in accordance with their gender identity only if they undergo medical transition, such as hormone therapy, or provide certain medical documentation;
- *Surgery-required guidance* requires transgender athletes to prove that they have undergone gender confirmation surgery in order to participate in accordance with their gender identity; and
- *Transgender-exclusive guidance* requires athletes to participate in teams that align with the sex they were assigned at birth.

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<sup>25</sup> California Education Code, Section 221.9

<sup>26</sup> RCW 49.60.500

<sup>27</sup> RCW 49.60.505

<sup>28</sup> Goldberg, S., "Fair Play: The Importance of Sports Participation for Transgender Youth," The Center for American Progress, February 8, 2021, <https://www.americanprogress.org/article/fair-play/>, accessed 1/6/2022.

**National and International Sport Governing Bodies.** National and international sport governing bodies policies vary significantly and are frequently changing. For example:

- In 2015, the International Olympic Committee (IOC) adopted new guidelines that allow transgender athletes to compete in the Olympics without undergoing gender confirmation surgery or showing legal recognition of their gender but do require that athletes participating in women’s competitions to demonstrate that their testosterone levels are below a cut-off level.<sup>29</sup> The IOC is currently in the process of revising the guidelines again and anticipates finalizing them in 2022.<sup>30</sup>
- The Premier Hockey Federation (formerly the National Women’s Hockey League) updated its guidelines in October of 2021 to allow athletes to participate based on their gender identity without hormone cut-offs or hormone therapy requirements and is one of the few policies to specifically address the participation of nonbinary athletes.<sup>31</sup>
- The U.S. Soccer Federation adopted a policy in 2013 to allow transgender athletes to participate based on their gender identity with no medical requirements, but the policy does not apply to professional teams, and national teams must comply with different policies established by the IOC and FIFA (the international governing body for soccer).<sup>32</sup>

**State Athletic Associations.** State athletic associations in most states have established policies regarding the participation of transgender and nonbinary student-athletes that typically apply to athletic programs in K-12 schools.

As of November 10, 2021, 16 states’ associations (including the District of Columbia) had fully inclusive policies that allow transgender participation in accordance with gender identity without medical or legal requirements. In contrast, six states had transgender-exclusive guidance that prohibits transgender participation in accordance with gender identity. Three states had surgery-required guidance, and 16 states had policies that allowed transgender participation with restrictions. Another 10 state athletic associations offered no guidance, leaving decisions about the participation of transgender and nonbinary students up to individual schools.<sup>33</sup>

The Center for American Progress categorizes the Maryland Public Secondary Schools Athletic Association (MPSSAA) guidance as “fully inclusive.” The MPSSAA guidance calls for school systems to

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<sup>29</sup> “IOC rules transgender athletes can take part in Olympics without surgery,” Associated Press, The Guardian, January 24, 2016, <https://www.theguardian.com/sport/2016/jan/25/ioc-rules-transgender-athletes-can-take-part-in-olympics-without-surgery> , accessed 1/6/2022

<sup>30</sup> Ingle, S., “‘Conflicting opinions’: IOC’s transgender guidelines delayed again until 2022,” The Guardian, September 20, 2021, <https://www.theguardian.com/sport/2021/sep/20/conflicting-opinions-iocs-transgender-guidelines-delayed-again-until-2022> , accessed 1/6/2022.

<sup>31</sup> Barnes, K., “Premier Hockey Federation updates participation policy for transgender and non-binary athletes,” ESPN, October 15, 2021, [https://www.espn.com/nhl/story/\\_/id/32405923/premier-hockey-federation-updates-participation-policy-transgender-non-binary-athletes](https://www.espn.com/nhl/story/_/id/32405923/premier-hockey-federation-updates-participation-policy-transgender-non-binary-athletes) , accessed 1/6/2022.

<sup>32</sup> “Policies by organization,” Transathlete, <https://www.transathlete.com/policies-by-organization> , accessed 1/6/2022.

<sup>33</sup> Goldberg, S. “Fair Play,” 2021, and “Gender Affirming and Inclusive Athletics Participation,” GLSEN, <https://www.glsen.org/activity/gender-affirming-inclusive-athletics-participation> , accessed 1/6/2022.

“develop and apply criteria for students to participate on interscholastic athletic teams consistent with their gender identity,” and states that “[p]articipation should provide for the opportunity for all students to participate in interscholastic athletics in a manner that is consistent with their gender identity, irrespective of the gender listed on a student’s records.” The guidance states that school systems should establish Appeal Review Committees to address questions that may arise about specific students’ participation on a case-by-case basis.<sup>34</sup>

**Transgender Bans in State Laws and Executive Orders.** In 2020, the Governor of Idaho signed into law H.B. 500, which requires that student-athletes participate in teams based on their biological sex.<sup>35</sup> Eight additional states have since enacted similar legislation, and the Governor of South Dakota has issued an executive order requiring the same. These measures ban transgender participation in accordance with gender identity, and several are currently being challenged in court.<sup>36</sup>

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<sup>34</sup> “MPSSAA Guidance for Participation of Transgender Youth in Interscholastic Athletics,” Maryland Public Secondary Schools Athletic Association, August, 2016, [https://www.mpssaa.org/assets/1/6/MPSSAA\\_Transgender\\_Guidance\\_revised\\_8.16.pdf](https://www.mpssaa.org/assets/1/6/MPSSAA_Transgender_Guidance_revised_8.16.pdf), accessed 1/6/2022

<sup>35</sup> House Bill No. 500, Legislature of the State of Idaho, Sixty-fifth Legislature, Second Regular Session – 2020, In the House of Representatives, <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0500E1.pdf>, accessed 1/6/2022

<sup>36</sup> Chen, D., “Transgender Athletes Face Bans From Girls’ Sports in 10 U.S. States,” New York Times, October 28, 2021, <https://www.nytimes.com/article/transgender-athlete-ban.html>, accessed 1/6/2022.

## Chapter 2. Data and Research on Gender and Sports in the United States

Girls' and women's sports participation in the United States has increased substantially since the 1972 passage of Title IX. However, significant gender disparities persist. Girls start to play sports later in life than boys, exit sports earlier, and participate at persistently lower rates than boys.<sup>1</sup> This chapter provides an overview of the data and research on gender and sports in the United States, and is organized as follows:

- **Section A** examines data on participation in sports by gender in the United States;
- **Section B** summarizes the research on the benefits of sports participation and barriers to participation based on gender or gender identity; and
- **Section C** describes best practices for advancing gender equity in sports.

### A. Trends In Sports Participation by Gender Over Time in the United States

This section summarizes available national data on sports participation by gender from the Aspen Institute's Project Play and the National Federation of State High School Associations, and provides additional limited participation data by both gender and race and ethnicity. The data do not include all age groups and do not track participation by transgender or gender nonconforming individuals. The limited available data demonstrate that a significant gender gap in sports participation begins at young ages. While the gender gap is significantly smaller than it was in 1972, the disparity persists, and progress in reducing it has slowed.

#### 1. Sports participation among children ages 6-12

The Aspen Institute's Project Play, a youth sports initiative, publishes annual "State of Play" reports that include national data from the Sports & Fitness Industry Association's household survey on sports participation. The data show that gender disparities in sports participation begin at young ages. The chart on the following page displays the percentages of children ages 6-12 that participated in a team sport at least once during the year. In 2017, 62% of boys played a team sport at least once, compared with 52% of girls. While the gender disparity decreased slightly during this period, boys were consistently more likely to participate in team sports than girls between 2011 and 2017.

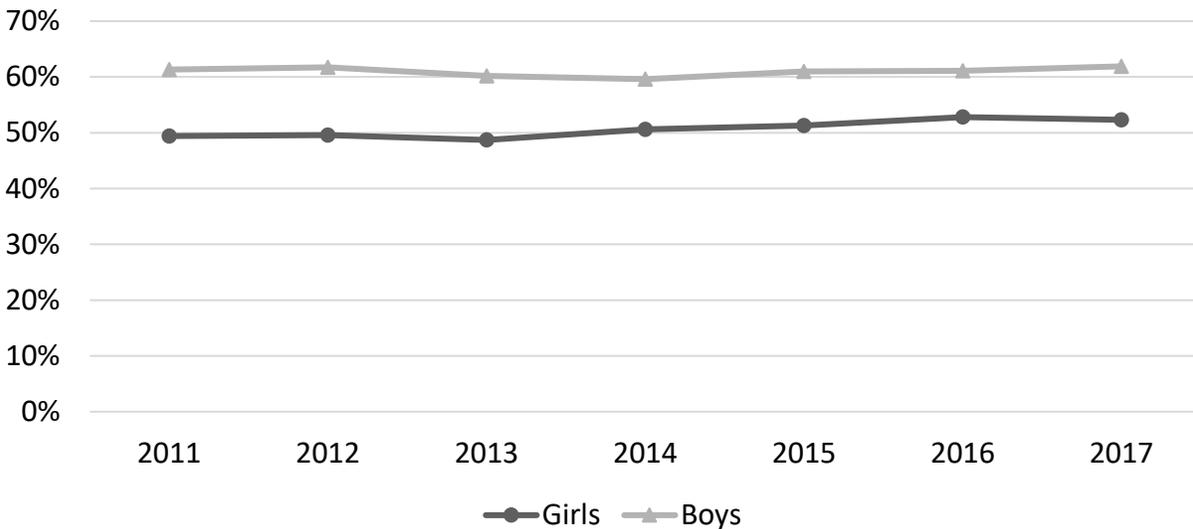
A 2014 study sponsored by Project Play showed that sports participation rates for boys and girls dropped dramatically between the eighth grade and 12<sup>th</sup> grade, with just under a third of youth dropping out of sports during this age range. However, girls left sports at rates that were two to three times higher than drop-out rates for boys.<sup>2</sup>

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<sup>1</sup> "Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women," Women's Sports Foundation, January 2020.

<sup>2</sup> Sabo, D. & Veliz, P. (2014). Mapping Attrition among U.S. Adolescents in Competitive, Organized School and Community Sports. Aspen, CO: The Aspen Institute, Project Play.

**Percentages of Children That Played a Team Sport At Least Once in the Past Year, 2011-2017**



Source: 2018 State of Play: Trends and Developments in Youth Sports, The Aspen Institute, Project Play, 2018.

### Impact of the COVID-19 Pandemic on Youth Sports

The Aspen Institute partners with Utah State University to conduct surveys of families regarding youth sports. The most recent parent survey, conducted in September of 2021, yielded the following major findings:

- Families face reduced supply of youth sports programs, with 44% of respondents reporting that community-based programs they used have closed, merged with other programs or returned with limited capacity;
- Half of respondents report that fear of their child getting sick is a barrier to resuming sports participation; and
- Nearly 3 in 10 parents reported that their child has lost interest in playing organized sports.

The survey results did not show differences by child gender in rates of return to youth sports since the beginning of the COVID-19 pandemic.<sup>3</sup>

<sup>3</sup> "Pandemic Trends," State of Play 2021, Aspen Institute Project Play and Utah State University Families in Sport Lab, <https://www.aspenprojectplay.org/state-of-play-2021/pandemic-trends>, accessed 11/22/2021; and Dorsch, T., and Blazo, K., "COVID-19 Parenting Survey IV," September 2021, Aspen Institute Project Play and Utah State University Families in Sport Lab, p. 56, <https://www.aspeninstitute.org/wp-content/uploads/2021/10/COVID-19-Parenting-Survey-PUBLISHED-REPORT.pdf>

## 2. High School Athletics Program Participation

The National Federation of State High School Associations (NFHS) advocates for high school athletics and fine and performing arts programs. It has conducted an annual survey of high school athletics participation since 1969. The chart below displays participation opportunity data by gender for select years between 1971-72, the year that Title IX was passed, and 2018-19, the most recent year for which data are available. Student-athletes can participate in more than one sport. These data do not reflect the numbers of girls and boys that participated but rather the number of slots filled by girls and boys.

The data show large and significant increases in girls’ participation in high school interscholastic athletics, from fewer than 300,000 participation opportunities in 1971-72 to over 3.4 million opportunities in 2018-19. However, a persistent gender gap in high school athletics participation remains, with boys accounting for 57% of participation opportunities in 2018-19.

Of note, the data in the chart include “competitive spirit” squads, which are cheerleading teams whose primary purpose is to compete against other squads. These accounted for 165,000 (of which girls accounted for 161,000) participation opportunities in 2018-19. The data do not include teams that schools categorized as sideline cheerleading, which refers to squads that serve primarily to support athletic teams and boost school spirit. A 2009 NFHS survey found that nearly 400,000 students participated in sideline cheerleading in that year.<sup>4</sup> As noted in Chapter 1, the U.S. Department of Education’s Office of Civil Rights has not recognized any cheerleading squads (sideline cheerleading or competitive spirit squads) as providing athletic participation opportunities for Title IX compliance.

**High School Interscholastic Athletics Participation Opportunities\* by Gender, 1971-2019**



Source: 2018-19 High School Athletics Participation Survey Conducted By The National Federation of State High School Associations, Based on Competition at the High School Level in the 2018-19 School Year

[https://www.nfhs.org/media/1020412/2018-19\\_participation\\_survey.pdf](https://www.nfhs.org/media/1020412/2018-19_participation_survey.pdf)

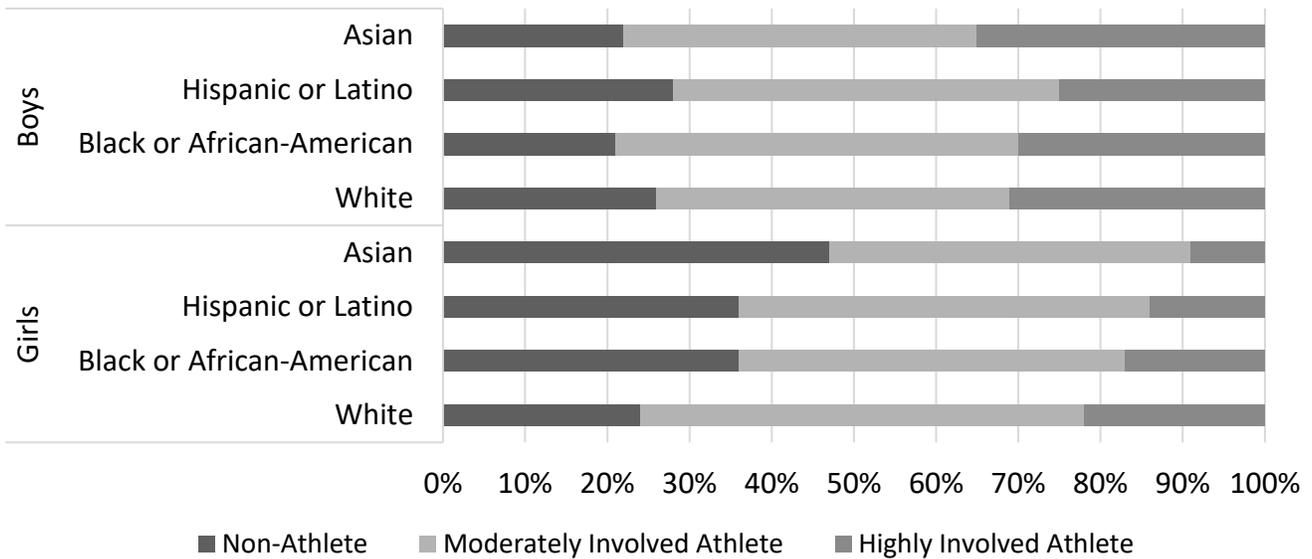
\* Student-athletes can participate in more than one sport, so the number of participation opportunities does not reflect the number of participants.

<sup>4</sup> <https://www.nfhs.org/articles/components-of-a-successful-cheerspirit-program/>

### 3. Sports Participation by Gender and Race and Ethnicity

Data on sports participation broken down by both gender and race and ethnicity are very limited. Results from a 2008 study by the Women’s Sports Foundation are summarized in the chart below. The data indicate that boys overall tended to be more involved in sports than girls, but White girls had higher levels of involvement than girls of color from all groups, especially Asian girls.

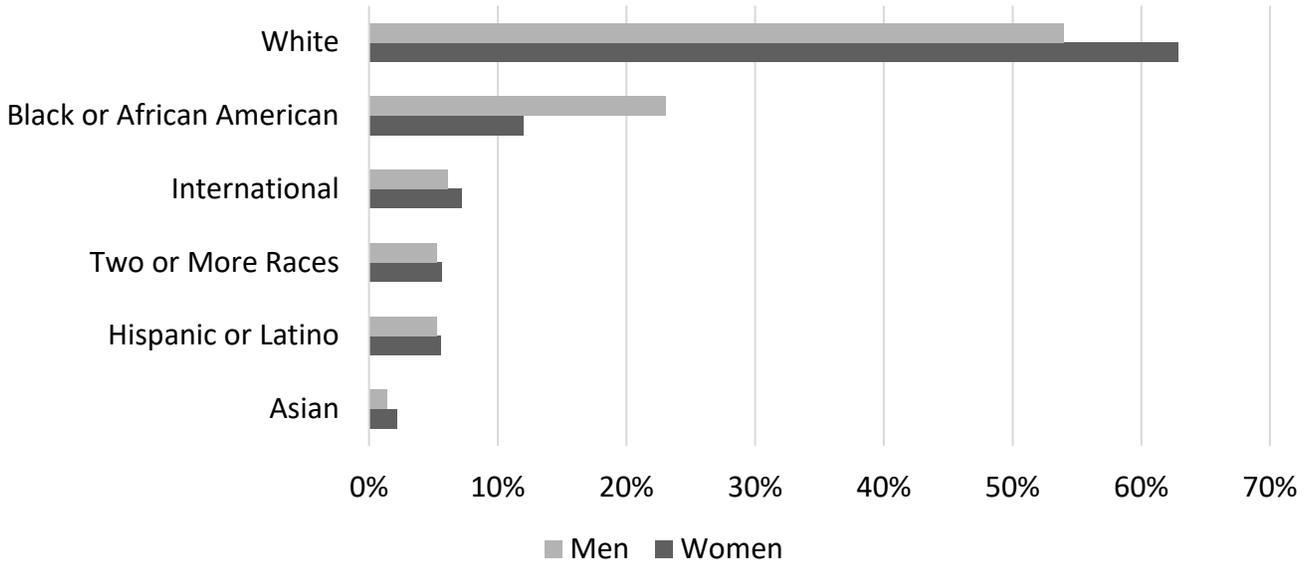
**Participation Rates of School-Age Children and Youth by Gender and Race/Ethnicity**



Source: Sabo, D. and Veliz, P. (2008). Go Out and Play: Youth Sports in America. East Meadow, NY: Women’s Sports Foundation, p. 16.

While more recent data on school-age children are not available, data on participation rates in college sports in 2019-2020 similarly show disparities by race and ethnicity among female student-athletes. The next chart displays data from The Institute for Diversity and Ethics in Sport’s (TIDES) most recent biennial report on the state of college sports with regards to gender and race. Participation data are derived from the Demographics Database of the National Collegiate Athletic Association (NCAA), the nonprofit organization that regulates student-athletes in approximately 1,100 member postsecondary institutions nationally.

**NCAA Division I Student-Athletes By Race and Gender, 2019-2020**



Source: [https://43530132-36e9-4f52-811a-182c7a91933b.filesusr.com/ugd/8af738\\_3b5d1b6bdb10457ebe8d46cc5a2fcfd0.pdf](https://43530132-36e9-4f52-811a-182c7a91933b.filesusr.com/ugd/8af738_3b5d1b6bdb10457ebe8d46cc5a2fcfd0.pdf)

The data show that 63% of NCAA Division I female student-athletes and 54% of male student-athletes in 2019-2020 were White. Data from the U.S. Census Bureau show that, as of October 2017, 54% of female undergraduate students and 56% of male students in U.S. colleges were non-Hispanic White.<sup>5</sup> These data indicate that White women are overrepresented in intercollegiate athletic programs.

A 2014 analysis of NCAA data showed that female student-athletes of color participate in different sports at different rates. Women of color represented majorities or pluralities of female student-athletes in basketball and outdoor track and field but were “grossly absent” from numerous other sports, including current and former “emerging sports” like ice hockey, water polo, rowing, rugby, and archery that have helped to increase women’s sports participation in recent decades.<sup>6</sup>

<sup>5</sup> “Table 5. Type of College and Year Enrolled for College Students 15 Years Old and Over, by Age, Sex, Race, Attendance Status, Control of School, and Enrollment Status: October 2017,” School Enrollment in the United States: October 2017 – Detailed Tables, Current Population Survey, October 2017, U.S. Census Bureau, December 11, 2018, <https://www.census.gov/data/tables/2017/demo/school-enrollment/2017-cps.html> accessed 11/28/2021. Of note, U.S. Census Bureau data are not directly comparable to TIDES data because TIDES data categorizes “non-resident aliens” as a separate group from other racial and ethnic groups.

<sup>6</sup> McDowell, J., and Carter-Francique, A., “Experiences of Female Athletes of Color,” in *Women and Sport: Continuing a Journey of Liberation and Celebration*, Staurowsky, E. ed., Human Kinetics: Champaign, IL, 2016, p. 101.

## B. The Benefits of Sports Participation and Barriers Related to Gender or Gender Identity

Research shows that sports participation is associated with improved physical and mental health, social and emotional development, and educational and workforce outcomes. The Aspen Institute's Project Play highlights the following research findings about the benefits of physical activity and playing sports:

- Leisure-time physical activity was associated with a lowered risk of developing 13 different types of cancer;<sup>7</sup>
- Children that exercised 60 minutes per day were half as likely to experience anxiety and depression, compared to children that were not physically active;<sup>8</sup>
- Individuals that played sports in adolescence were eight times more likely to be physically active at age 24 than one that did not play sports;<sup>9</sup>
- Physical activity was linked to better grades and standardized test scores as well as improved attention and classroom behavior;<sup>10</sup>
- High school athletes were more likely to attend college and graduate than non-athletes;<sup>11</sup>
- Physical activity, especially sports participation, was linked to improved self-esteem, goal-setting and leadership skills among youth;<sup>12</sup> and
- In a survey of senior women executives, 94% reported playing sports and three-quarters said playing sports can help women's careers.<sup>13</sup>

However, researchers have identified several barriers to sports participation, many of which have differential impacts based on gender or gender identity. The following paragraphs examine these barriers. Of note, individuals can experience multiple and intersecting forms of disadvantage based on gender, age, class, ethnicity, sexual orientation, immigrant status, or disability status. Intersectionality means that multiple structures of inequalities have a multiplying effect when these disadvantaged positions intersect in the same individual. The paragraphs below include limited

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<sup>7</sup> Moore SC, et al. Leisure-time physical activity and risk of 26 types of cancer in 1.44 million adults. *JAMA Internal Medicine*. May 16, 2016. DOI:10.1001/jamainternmed.2016.1548, <https://www.nih.gov/news-events/news-releases/increased-physical-activity-associated-lower-risk-13-types-cancer> accessed 1/6/2022.

<sup>8</sup> Zhu, X., Haegele, J., Healy, S., "Movement and mental health: Behavioral correlates of anxiety and depression among children of 6–17 years old in the U.S.," *Mental Health and Physical Activity* 16 (2019): 60-65, <https://www.sciencedirect.com/science/article/abs/pii/S1755296619300067> , accessed 1/6/2022.

<sup>9</sup> Perkins, D. F., Jacobs, J. E., Barber, B. L., Eccles, J. S., "Childhood and Adolescent Sports Participation as Predictors of Participation in Sports and Physical Fitness Activities During Young Adulthood," *Youth & Society* 35, No. 4 (2004): pp. 495-520, <https://eric.ed.gov/?id=EJ739158> accessed 1/6/2022.

<sup>10</sup> "School-Based Physical Education and Sports Programs," United States Government Accountability Office, February, 2012, <https://www.gao.gov/assets/gao-12-350.pdf> , accessed 1/6/2022

<sup>11</sup> Carlson, D., Scott, L., "What is the Status of High School Athletes 8 Years After their Senior Year?" National Center for Education Statistics, Statistics in Brief, September 2005, <https://nces.ed.gov/pubs2005/2005303.pdf> , accessed 1/6/2022/

<sup>12</sup> "School-Based Physical Education and Sports Programs," United States Government Accountability Office, February, 2012, <https://www.gao.gov/assets/gao-12-350.pdf> , accessed 1/6/2022

<sup>13</sup> "Where Will You Find Your Next Year," EY, 2015, <https://wnywomensfoundation.org/app/uploads/2017/11/76.-Where-will-you-find-your-next-leader.pdf> , accessed 1/6/2022.

available research findings that demonstrate intersectionality regarding gender-related barriers to sports participation.

**Gender Norms, Stereotypes and Gender-Based Discrimination.** Societal beliefs and expectations about gender and gender identity create barriers to sports participation in multiple ways. For example, a 2017 survey showed that parents were more likely to expect sons to participate in sports than daughters.<sup>14</sup> Previous research has shown that immigrant families are almost twice as likely as non-immigrant families to believe that “boys are more interested in sports than girls.”<sup>15</sup> Studies have shown that girls frequently experience teasing as a result of their participation in sports and that for some girls, this represents a barrier to participation. Research also shows that athletes that play sports that do not conform with gender expectations (e.g. girls wrestling or boys cheerleading) were at higher risk of suicidal ideation.<sup>16</sup>

Discrimination also impacts LGBTQ+ individuals. In a 2014 international online survey, 84% of Americans surveyed reported observing or experiencing homophobia in sports.<sup>17</sup> A 2014 study found that sexual minorities (lesbian, gay, bisexual) were 46%-76% less likely to participate in sports than their same-sex peers, and intolerance to gender nonconformity was cited as a key driver of this disparity.<sup>18</sup> Transgender and gender nonconforming youth may be particularly impacted: in a 2017 survey of LGBTQ+ youth, 11% of all respondents reported never feeling safe in the locker room, including 41% of transgender boys, 34% of transgender girls and 31% of non-binary youth.<sup>19</sup>

**Race-Based Discrimination.** Discrimination impacting high-profile athletes of color has made headlines in recent years. These concerns impact athletes of color at all levels, including girls and women of color. For example, several studies have documented how Black or African American female athletes struggle with how their appearance, including their hair and bodies, are viewed when participating in predominantly White sports, with one study noting that focus group participants felt they were “an attraction on display.”<sup>20</sup>

**Lack of Public and Institutional Support.** Many public school systems in the U.S. reduced funding for athletic programs in recent decades and began requiring families to pay fees for their children to

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<sup>14</sup> “Title IX and Girls in Sport,” A Report from YouGov America, Inc., and the Women in Sports Foundation, June/July 2017, <https://www.womenssportsfoundation.org/wp-content/uploads/2017/07/title-ix-and-girls-in-sport-report-public-final.pdf>, accessed 1/6/2022.

<sup>15</sup> Sabo, D. and Veliz, P. (2008). *Go Out and Play: Youth Sports in America*. East Meadow, NY: Women’s Sports Foundation, pp. 160, [https://www.womenssportsfoundation.org/wp-content/uploads/2016/08/go-out-and-play\\_full-report.pdf](https://www.womenssportsfoundation.org/wp-content/uploads/2016/08/go-out-and-play_full-report.pdf)

<sup>16</sup> Staurowsky, E. J., Watanabe, N., Cooper, J., Cooky, C., Lough, N., Paule-Koba, A., Pharr, J., Williams, S., Cummings, S., Issokson-Silver, K., & Snyder, M. (2020). *Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women*. New York, NY: Women’s Sports Foundation, p. 33.

<sup>17</sup> <https://outonthefields.com/wp-content/uploads/2020/11/Summary-of-American-Results-Out-on-the-Fields.pdf>

<sup>18</sup> Calzo, J. P., Roberts, A. L., Corliss, H. L., Blood, E. A., Kroshus, E., & Austin, S. B. (2014). Physical activity disparities in heterosexual and sexual minority youth ages 12-22 years old: Roles of childhood gender nonconformity and athletic self-esteem. *Annals of Behavioral Medicine*, 47(1), 17-27.

<sup>19</sup> Human Rights Campaign. (2017). *Play to win: Improving the lives of LGBTQ youth in sports: A special look into the state of LGBTQ inclusion in youth sports*, <https://assets2.hrc.org/files/assets/resources/PlayToWin-FINAL.pdf>

<sup>20</sup> Staurowsky, E. et. al. (2020), pp. 34-35

participate. In addition to reductions in overall funding for athletic programs, differential support for programs by gender impacts women and girls. In a 2017 YouGov survey of US adults, nearly three quarters of respondents agreed that high schools and colleges support boys' and men's sports programs more than girls' and women's programs.<sup>21</sup> Girls of color are doubly disadvantaged: one study found that high schools that predominantly serve students of color offer fewer athletic participation opportunities overall, and show larger gender disparities in participation, compared with schools that predominantly serve White students.<sup>22</sup>

**Lack of Female Role Models.** A 2015 Sports and Fitness Industry Association Survey found that only about a quarter of youth sports coaches are female. Women often play other roles in supporting youth sports, such as being "team moms" who coordinate schedules and/or organize snacks. Experts argue that female coaches can increase girls' confidence and self-efficacy and counter negative stereotypes. Data show that female coaches are overrepresented in certain female-dominated sports like gymnastics and dance, but are underrepresented in other sports like baseball, softball and basketball.<sup>23</sup>

**Cost of Participation.** A 2019 Aspen Institute/Utah State University survey found that families spend an average of \$693 annually on sports for one child. However, families spend an average of \$228 more annually on girls than boys. One reason cited for the disparity is that certain female-dominated sports, including volleyball, tennis, gymnastics and softball, are more expensive than male-dominated sports like baseball and tackle football.<sup>24</sup> Other studies have found that gender disparities in sports participation are smaller in communities with higher incomes, suggesting that financial barriers impact girls' participation relative to boys' participation. Girls and women of color are more likely than White girls and women to face financial barriers to participation – for example, in one survey 33% of African American parents reported their daughters did not play sports because they could not support them financially, compared with 18% of White parents.<sup>25</sup>

**Time Constraints.** Competing priorities such as school, work, relationships and family obligations can lead individuals to drop out of playing sports. A 2008 survey found that girls were more likely than boys to cite the need to focus on studying and grades as well as the need to care for younger siblings as reasons for dropping out of sports. When broken down further by race and ethnicity, girls of color were the most likely to cite these time constraints as reasons for dropping out, followed by boys of color.<sup>26</sup>

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<sup>21</sup> Staurowsky, E. et. al. (2020), p. 30

<sup>22</sup> "Finishing Last: Girls of Color and School Sports Opportunities," The National Women's Law Center and the Poverty & Race Research Action Council, 2015, [https://prrac.org/pdf/GirlsFinishingLast\\_Report.pdf](https://prrac.org/pdf/GirlsFinishingLast_Report.pdf), accessed 1/6/2022.

<sup>23</sup> : Zarrett, N., Cooky, C., & Veliz, P.T.,(2019), Coaching through a Gender Lens: Maximizing Girls' Play and Potential. Women's Sports Foundation, p. 24.

<sup>24</sup> "Survey: Sports Parents Now Spend More Money on Girls Than Boys," Aspen Institute, Project Play, <https://www.aspenprojectplay.org/national-youth-sport-survey/sports-parents-now-spend-more-money-on-girls-than-boys>, accessed 1/6/2022.

<sup>25</sup> Staurowsky, E. et. al. (2020), p. 30.

<sup>26</sup> Sabo, D. and Veliz, P. (2008). Go Out and Play: Youth Sports in America. East Meadow, NY: Women's Sports Foundation, pp. 130-133, [https://www.womenssportsfoundation.org/wp-content/uploads/2016/08/go-out-and-play\\_full-report.pdf](https://www.womenssportsfoundation.org/wp-content/uploads/2016/08/go-out-and-play_full-report.pdf)

**Sexual Harassment and Assault.** Sexual abuse in sport settings impacts athletes of all genders and gender identities. The most prominent recent case is that of Larry Nassar, the USA Gymnastics and Michigan State University team doctor who is known to have abused and assaulted 265 individuals over 25 years. Studies show that female athletes are at higher risk than male athletes – one study from the Netherlands estimated 17% of girls had experienced sexual abuse while participating in sports, compared with 10% of boys. While sport-specific data on sexual abuse of transgender and gender nonconforming individuals are not available, one study found that one in four transgender college students reported being sexually assaulted during their undergraduate careers.<sup>27</sup>

**Neighborhood Environments, Transportation, and Accessibility.** In general, the safety, walkability and available amenities in a neighborhood impact children’s physical activity levels and other health-related behaviors. Studies show that girls’ physical activity levels are more sensitive than those of boys to neighborhood characteristics such as walkability.<sup>28</sup> These issues impact communities of color more than predominantly White communities. For example, neighborhoods with predominantly African American or Latino populations are the most likely to lack local parks.<sup>29</sup> Transportation also impacts access to sports: a survey of female leaders in sports identified access to transportation as a key concern impacting girls’ sports participation.<sup>30</sup>

Accessibility of parks and other amenities is a related issue that impacts persons with disabilities. Persons with disabilities are three times as likely as able-bodied individuals to be sedentary. The 2010 Report of the White House Task Force on Childhood Obesity noted these disparities do not necessarily result directly from disability itself, but rather from challenges accessing facilities and programs.<sup>31</sup>

### **C. Expert Recommendations for Advancing Gender Equity in Sports at the Local Level**

Expert recommendations for advancing gender equity in sports include guidance for local parks and recreation departments on increasing participation of girls and women, as well as recommendations for making sports programs inclusive for LGBTQ+ individuals.

#### **1. Increasing Participation by Girls and Women**

As noted in Chapter 1, California’s Fair Play in Community Sports Act allows parties that believe they have been discriminated against on the basis of gender in community youth athletic programs to bring civil actions against the applicable city, county and/or special district. Two nonprofit organizations, Legal Aid at Work and Coaching Corps, developed a compliance toolkit to help local parks and

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<sup>27</sup> Staurowsky, E. et. al. (2020), p. 37

<sup>28</sup> Staurowsky, E. et. al. (2020), pp. 30-31

<sup>29</sup> “Youth Sports Facts: Challenges,” Aspen Institute, Project Play, 2021, <https://www.aspenprojectplay.org/youth-sports-facts/challenges>, accessed 1/6/2022.

<sup>30</sup> Staurowsky, E. et. al. (2020), p. 34

<sup>31</sup> Hums, M.A., “Women with Disabilities in Sport,” in *Women and Sport: Continuing a Journey of Liberation and Celebration*, Staurowsky, E. ed., Human Kinetics: Champaign, IL, 2016, p. 149

recreation departments in California to proactively comply with the Fair Play in Community Sports Act. The toolkit recommends the following steps to prevent or combat inequities in sports provision:<sup>32</sup>

1. Monitor participation in community sports programs by gender, including programs provided by third parties (by requiring third parties to provide participation data by gender as a condition for obtaining facility permits);
2. Survey residents to gauge community interest in new sports programs;
3. Adopt and distribute a gender equity policy;
4. Designate a compliance coordinator to train staff and investigate complaints;
5. Establish grievance procedures to address complaints;
6. Publish reports on compliance efforts that include participation data and efforts to advance gender equity.

According to the toolkit, if a parks and recreation department finds that more sports opportunities are being offered in the community to boys than to girls, the department should work to offer programs that serve large numbers of girls. The toolkit also describes the following tools for increasing girls' participation in youth sports:<sup>33</sup>

- **Targeted recruitment plans** that may include strategies such as sports demonstrations, follow-up phone calls to girls, encouraging girls to invite their friends, outreach to parents; and partnering with the local school district to market opportunities;
- **Focus groups** with department staff, parents, girls, coaches and others to develop strategies for marketing sports to girls;
- **Partnerships with existing girls' sports leagues** in order to add or expand local opportunities;
- **Incentives for increasing girls' participation** can include discounts or priority booking of facilities for organizations that offer increased sports opportunities for girls; and
- **Clinics for coaches and athletic officials** may encourage more women to act as coaches and athletic officials, and therefore increase the number of female role models in sports.

## 2. Making Sports LGBTQ+-Inclusive

GLSEN (the Gay, Lesbian & Straight Education Network) is a national nonprofit organization that advocates for LGBTQ+-inclusive K-12 education. In 2021, GLSEN relaunched its Changing the Game initiative, which offers a set of resources to help schools ensure that their physical education and athletic programs are inclusive. Its guide for administrators and athletic directors includes the following guidance for athletic programs:

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<sup>32</sup> "Fair Play in Community Sports Act: Compliance Toolkit," Legal Aid at Work, <https://legallaidatwork.org/wp-content/uploads/2019/04/Fair-Play-Toolkit-for-Park-Rec.pdf>, accessed 11/22/2021.

<sup>33</sup> "Fair Play in Community Sports: Compliance Toolkit," Legal Aid at Work and Coaching Corps, <https://legallaidatwork.org/wp-content/uploads/2019/04/Fair-Play-Toolkit-for-Park-Rec.pdf>

1. Provide regular training for coaching staff and volunteers on LGBTQ+ inclusion;
2. Call for coaches and volunteers to create and implement an inclusive code of conduct that prohibits anti-LGBTQ+ language, bullying or harassment;
3. Provide athletic uniform options that are comfortable and safe for all athletes;
4. For overnight trips, establish a policy that protects the privacy of transgender and non-binary athletes and allows transgender and gender nonconforming athletes to select sleeping arrangements that they feel safe in; and
5. Provide inclusive facilities that allow all students equal access to facilities that are consistent with their gender identities and offer alternatives for students that may be uncomfortable.<sup>34</sup>

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<sup>34</sup> "Game Plan for Administrators and Athletic Directors," Changing the Game, GLSEN, [https://www.glsen.org/sites/default/files/ctg/GLSEN\\_CTG2021\\_Administrators-AthleticDirectors\\_Guide.pdf](https://www.glsen.org/sites/default/files/ctg/GLSEN_CTG2021_Administrators-AthleticDirectors_Guide.pdf)

**Chapter 3. Montgomery County Department of Recreation and Montgomery County Public Schools Sports Programs and Data**

The Montgomery County Recreation Department (MCRD) and Montgomery County Public Schools (MCPS) are the largest public providers of sports programs in Montgomery County. This chapter examines MCRD and MCPS policies, programs and data as they relate to sports participation by gender. This report is focused on recreational and competitive sport leagues and clubs as well as MCPS interscholastic athletics. It provides top-level data on instructional sport classes, camps, and programs, but these are not the focus of this report. This chapter is organized as follows:

- **Section A** describes Department of Recreation programs, policies, and participation data by gender; and
- **Section B** examines MCPS Interscholastic Athletic policies and data.

**A. Department of Recreation**

This section examines Montgomery County Recreation Department (MCRD) policies and data regarding gender and sports. It provides detailed data on MCRD’s largest youth sports offering – its youth basketball leagues – as well as data on other youth and adult sports leagues and programs.

**1. Sports Offerings**

MCRD directly provides or partners with other organizations to offer sports leagues for children, youth and adults. These opportunities are summarized in the table below. The following table focuses on offerings that include competition (whether recreational or competitive), rather than programs that are primarily instructional. Some sports offerings are segregated by gender, while others are open to participants of any gender. “Co-rec” teams must follow rules about the numbers of male and female players on a team. Therapeutic recreation refers to programs designed for individuals with disabilities.

**MCRD Sports Leagues**

<b>Sport</b>	<b>League Types</b>	<b>Season(s)</b>	<b>Ages</b>
<b>Adult</b>			
Basketball	Women’s (drop-in) & Men’s	Fall, Winter, Spring	18+
Masters Swimming	Women’s and Men’s	Fall, Winter, Spring	18+
Pickleball	Open	Fall, Winter, Spring	18+
Soccer	Women’s, Men’s & Co-Rec	Fall & Spring	18+*
Softball	Women’s, Men’s & Co-Rec	Fall & Spring	18+**
Ultimate Frisbee	Co-Rec	Winter	18+
Volleyball	Co-Rec and Women’s	Fall & Spring***	18+
Therapeutic Rec Basketball	Open	Winter	18+
Therapeutic Rec Miracle League	Open	Fall & Spring	15+
Therapeutic Rec Soccer League	Open	Fall	18+

Sport	League Types	Season(s)	Ages
<b>Youth</b>			
Basketball	Open (K-1), Girls & Boys	Winter*	5-18
Ultimate Frisbee	Open	Fall, Winter, Spring	6-18
Soccer4Change	Girls & Boys	Year-round	MS & HS
Rockville Montgomery Swim Club	Girls & Boys	Year-round	18 & under
Montg. County Swim League	Girls & Boys	Summer	5-18

\* Men’s soccer leagues are divided into the following age groups: 18+, 45+, 55+ and 65+. Women’s soccer leagues are available for 18+ and 40+

\*\* Men’s softball leagues are divided into the following age groups: 18+, 50+, 55+, 60+. Women’s softball is available for women ages 40+. Co-Rec softball is for all players ages 18+.

\*\*\* The Volleyball League is new and operated for the first time in Fall of 2021

User fees vary widely among these programs based on the direct costs of operating the program as well as the extent to which the MCRD subsidizes the program with tax-supported funds. MCRD staff report that they prioritize programs for use of tax dollars based on the extent to which the program offers community benefits. For example, MCRD subsidizes recreational youth sports more than adult sports or advanced-level youth sports, and provides the highest level of subsidies where the community benefit is extremely high. However, staff report that current fees still represent a barrier to participation for individuals of all ages and noted there is a need to examine current fee structures and MCRD’s reliance on user fees. At the time of writing, OLO found the following fees listed as noted:

- \$65 for 10 games of drop-in women’s basketball (\$80 if non-resident);<sup>1</sup>
- \$85 to participate in the youth basketball league (\$100 if non-resident) which includes 8 games and a weekly practice;<sup>2</sup>
- \$1,299 for a *team* registration for the 40+ women’s soccer league;<sup>3</sup>
- \$265 in registration fees and an \$800 program fee for an individual to participate in the “Junior II” program of the Rockville Montgomery Swim Club for the Fall-Winter season.<sup>4</sup>

Of the leagues in the table above, Soccer4Change is the only program provided at no cost to participants. This chapter also highlights data on the two programs listed below. Although these programs include more instructional-focused programming in addition to competitive game play, they are aimed at increasing access to sports opportunities among children and youth.

- **PLAYMontgomery** is a program launched in 2021 offering a variety of different sports opportunities, including some free or reduced cost opportunities, for children 7-13; and
- **Excel Beyond the Bell**, a free afterschool program for middle school students that includes afterschool sports options for students.

<sup>1</sup> <https://www.montgomerycountymd.gov/rec/activitiesandprograms/sports/adultbasketball.html>

<sup>2</sup> <https://www.montgomerycountymd.gov/rec/activitiesandprograms/sports/youthbasketball.html>

<sup>3</sup> <https://www.montgomerycountymd.gov/rec/activitiesandprograms/sports/adultsoccer.html>

<sup>4</sup> <https://www.rockvillemd.gov/DocumentCenter/View/42190/RMSC---Rockville-Fall21-Winter22-Registration-Packet---version-30>

## 2. MCRD Policies

Under current County law, it is illegal for an owner or operator of a place of public accommodation, including MCRD programs, to discriminate against individuals based upon sexual orientation, gender identity, gender expression or HIV status.<sup>5</sup>

Staff report that the Recreation Department is committed to providing equitable and universal access to its sports programs in accordance with County law. Department rules and regulations establish that patrons have access to restrooms and locker rooms that correspond to their gender identity. Staff also report that individuals may participate in sports programs in accordance with their gender identity. However, where the Department engages in high level competition under the sanctioning of another organization (e.g. USA Swimming), the Department follows the policy of that organization to be allowed to compete.

## 3. Participation Data by Gender

MCRD provided OLO with registration data from the ActiveMontgomery system for all of its sports programs from FY17 to FY21, including sports leagues operated by MCRD and instructional sports programs. This section summarizes participation by gender. The data have the following limitations:

- The largest adult sports leagues and some youth leagues require registration by team rather than by individual. When registration is by team, MCRD does not collect data on individual participants.
- ActiveMontgomery allows individuals to select whether the person registering is “Female”, “Male” or “Other”, but does not provide a specific option for nonbinary individuals or allow individuals to select an alternative gender designation. In the dataset provided to OLO, 21 out of over 136,000 registrations listed “other” as the gender of the registrant.
- Although MCRD recently started collecting data on the race and ethnicity of participants, insufficient data were available to include in this report.

Of note, data from FY21 reflect program closures and changes resulting from the COVID-19 pandemic. Overall, the data show that across MCRD’s sports leagues, boys and men participated more frequently than women and girls. Because of the lack of individual participant data for team registration-based programs, it is not possible to quantify the total number of female and male participants across programs. The information on the following pages summarizes available data.

**Youth Sports Participation.** This section summarizes data on participation by gender in MCRD’s youth sports programs. The data focus primarily on MCRD’s youth basketball leagues, MCRD’s largest youth sports program.

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<sup>5</sup> MCC Sec. 27-11

The following table displays youth basketball league<sup>6</sup> registration data by gender and age. It shows that boys accounted for about two thirds of all youth basketball participants between FY17 and FY20. The data show that girls’ participation is highest at the elementary school level (ages 5-10), where girls accounted for 40% of participants, and lowest at the high school level (ages 14-18), where girls accounted for 20% of participants.

**MCRD Youth Basketball League Registrations by Age and Gender, FY17-FY20**

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>Total</b>	<b>% By Gender</b>
<b>Ages 5-10</b>	<b>4,367</b>	<b>4,067</b>	<b>3,878</b>	<b>3,550</b>	<b>15,862</b>	
Girls	1,735	1,621	1,571	1,459	6,386	40%
Boys	2,631	2,446	2,307	2,091	9,475	60%
Other	1				1	<1%
<b>Ages 11-13</b>	<b>1,933</b>	<b>2,147</b>	<b>2,032</b>	<b>1,989</b>	<b>8,101</b>	
Girls	709	744	749	785	2,987	37%
Boys	1,224	1,403	1,283	1,204	5,114	63%
<b>Ages 14-18</b>	<b>1,368</b>	<b>1,543</b>	<b>1,480</b>	<b>1,306</b>	<b>5,697</b>	
Girls	365	299	290	180	1,134	20%
Boys	1,003	1,244	1,190	1,126	4,563	80%
<b>Total</b>	<b>7,668</b>	<b>7,757</b>	<b>7,390</b>	<b>6,845</b>	<b>29,660</b>	
<b>% Girls</b>	<b>37%</b>	<b>34%</b>	<b>35%</b>	<b>35%</b>	10,507	35%
<b>%Boys</b>	<b>63%</b>	<b>66%</b>	<b>65%</b>	<b>65%</b>	19,152	65%

Source: OLO Analysis of MCRD Data

The table on the following page displays youth basketball registrations by gender and geographical location of the registrant based on the address provided during registration. Locations are classified based on the election district<sup>7</sup> in which the address is located. The data show that participation by gender as well as overall registration rates varied greatly by geographical location. The percentages of registrations by girls ranged from 19% in District 11 (Barnesville) and District 6 (Darnestown and North Potomac) to 42% in District 4 (Rockville).

Of note, District 3 (Poolesville), District 7 (Bethesda, Glen Echo and Somerset), and District 10 (Potomac) had significantly higher overall registration rates relative to the rest of the County, with between 89 and 135 registrations per 1,000 population under the age of 18. In contrast, District 9

<sup>6</sup> MCRD’s youth basketball leagues did not operate in FY21 due to restrictions associated with the COVID-19 pandemic. In addition, the data presented in this report do not include participants in MCRD’s Rising Star league, the most competitive youth basketball offering (registration data for Rising Star is by team, and data on individual participants are not available.)

<sup>7</sup> Election districts are relatively large subdivisions of the County in which polling places are located and to which registered voters are assigned (voters are assigned to a district and a precinct). Montgomery County has 13 election districts (for a detailed map, see the Montgomery County Board of Elections website: <https://www.montgomerycountymd.gov/Elections/Resources/Files/pdfs/maps/UpdateYear/PrecinctswElectionDistricts2018.pdf>).

(Gaithersburg, Montgomery Village and south Germantown) and District 5 (Burtonsville and White Oak) had only 6 and 8 registrations, respectively, per 1,000 population.

MCRD staff report that the Department has undertaken significant efforts to provide opportunities across the County. In some cases, MCRD brings multiple communities together in order to form enough teams to create a viable division and uses centralized locations to maximize accessibility to each of the communities. MCRD staff report that in some cases, the facilities that would be most accessible to the communities are not available to MCRD. MCRD staff also report that the cultural relevance of basketball in communities with large numbers of immigrants may play a role in low participation rates in those communities.

**MCRD Youth Basketball League Registrations by Geographical Location of the Registrant**

County District	Places	Population Under 18	Average Annual Registrations	Registrations Per 1,000 Population Under 18	% Girls
District 4	Rockville	27,369	699	26	42%
District 10	Potomac	8,706	773	89	39%
District 7	Bethesda, Glen Echo & Somerset	23,201	2,503	108	38%
District 13	Silver Spring & Wheaton-Glenmont	62,241	1,329	21	36%
District 12	Damascus	4,311	189	44	35%
District 8	Olney & Brookeville	11,181	142	13	34%
District 3	Poolesville	1,596	215	135	33%
District 9	Gaith., Mont. Vill. & South Germantown	43,417	240	6	30%
District 2	Clarksburg & North Germantown	17,257	428	25	23%
District 1	Laytonsville	4,910	50	10	20%
District 5	Burtonsville and White Oak	26,441	201	8	20%
District 11	Barnesville	357	24	66	19%
District 6	Darnestown & North Potomac	12,595	300	24	19%

Sources: OLO Analysis of MCRD Data, and American Community Survey, 2019 5-Year Estimates, U.S. Census Bureau

The following table provides data on additional MCRD sports program by gender. Data are provided for Soccer4Change, PLAYMontgomery, two aquatics programs (Rockville Montgomery Swim Club and the Montgomery County Swim League), MCRD’s ultimate frisbee leagues for children and youth, and the Damascus Soccer Club’s Futsal League. The two aquatics programs serve, by far, the largest number of youth among these programs, and in both programs over half of participants are girls. In the remaining programs, boys significantly outnumber girls.

**Additional MCRD Sports League/Program Registrations by Age and Gender, FY17-FY21**

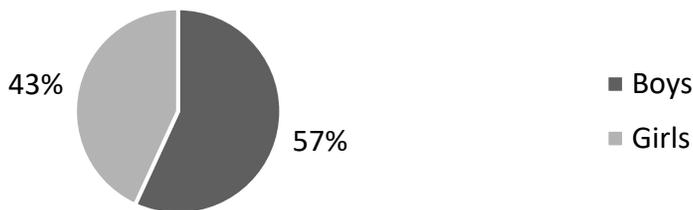
Sport or Program	FY17	FY18	FY19	FY20	FY21	5-Year Total	% by Gender
<b>Programs for increasing sports access</b>							
<b>Soccer4Change</b>	<b>374</b>	<b>496</b>	<b>574</b>	<b>462</b>		<b>1,906</b>	
Girls	113	94	162	104		473	<b>25%</b>
Boys	261	402	412	358		1,433	<b>75%</b>
<b>PLAYMontgomery</b>					<b>210</b>	<b>210</b>	
Girls					66	66	<b>31%</b>
Boys					144	144	<b>69%</b>
<b>Aquatics</b>							
<b>Rockville Montgomery Swim Club</b>	<b>2,875</b>	<b>2,694</b>	<b>2,801</b>	<b>910</b>		<b>9,280</b>	
Girls	1,537	1,495	1,511	466		5,009	<b>54%</b>
Boys	1,336	1,197	1,288	442		4,263	<b>46%</b>
Other				1		1	
<b>Montgomery County Swim League</b>	<b>839</b>	<b>863</b>	<b>851</b>			<b>2,553</b>	
Girls	460	467	444			1,371	<b>54%</b>
Boys	377	392	402			1,171	<b>46%</b>
<b>Other sports leagues</b>							
<b>Ultimate Frisbee League (ES, MS and HS)</b>			<b>277</b>	<b>224</b>	<b>138</b>	<b>639</b>	
Girls			25	43	22	90	<b>14%</b>
Boys			252	180	116	548	<b>86%</b>
<b>Damascus Soccer Club Futsal League</b>	<b>116</b>	<b>113</b>	<b>69</b>	<b>65</b>		<b>363</b>	
Girls	11	24	11	13		59	<b>16%</b>
Boys	105	89	58	52		304	<b>84%</b>

Source: OLO analysis of MCRD data

Note: Gender data were unavailable for a small number of registrants, so some numbers do not sum to totals.

OLO also examined registration data for sports-related MCRD classes and camps where the focus is on instruction rather than competition. These data, which include over 32,000 individual registrations, show that 57% of registrations for sports-related classes and camps for children and youth ages 0-18 from FY17 to FY21 were for boys, and 43% were for girls.

**MCRD Registrations for Children and Youth Ages 0-18 by Gender for Non-League Sports Programs, FY17-21**



Finally, MCRD provided OLO with participation data for physical activity/fitness components of Excel Beyond the Bell’s (EBB) middle school after school program. The data below show that from FY17 to FY22, approximately 40% of participants in EBB sports programs were female, and 60% were male. MCRD staff report that 91% of EBB middle school participants are children of color.

**Excel Beyond the Bell Middle School Physical Activity/Fitness Programs**

<b>Fiscal Year</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22*</b>
Total Participants	1,261	1,404	1,388	1,297	35	395
% Female	40%	38%	43%	39%	37%	42%
% Male	58%	61%	57%	60%	60%	57%

Source: OLO Analysis of MCRD Data

\* Data for FY22 are partial data

**Adult Sports Participation.** This section summarizes participation data by gender for MCRD’s adult sports programs, focusing on soccer and softball leagues. As noted above, most of MCRD’s adult sports leagues require team, rather than individual registrations, and in these cases MCRD does not collect data on individual players. At the same time, MCRD allows individuals that are not part of a team to register as “free agents.” The dataset provided to OLO by MCRD did not clearly distinguish between team registrations and free agent registrations.

The following table displays the total number of team or free agent registrations for adult soccer and softball leagues. Data reflect the type of team – men’s, women’s, or co-rec – rather than gender of the person registering the team (who may not reflect the persons participating). Of note, the team type was not available for a significant number of FY21 softball league registrations.

The table shows that registrations associated with men’s teams accounted for more registrations than women’s teams or co-rec teams. OLO emphasizes that because it could not distinguish between team and free agent registrations, these data do not provide an accurate measure of the number of teams of each type or the number of men and women participating. Basketball league data for the men’s and women’s leagues are not comparable and are therefore not listed in this report.<sup>8</sup>

<sup>8</sup> The women’s basketball league is a drop-in league and uses individual registrations, while the men’s league uses a team-based registration system.

**Registrations for MCRD Soccer and Softball Leagues by Team Type, FY17-FY21**

<b>Team Type</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>Total</b>
<b>Adult Soccer League</b>	<b>2,371</b>	<b>3,732</b>	<b>3,101</b>	<b>1,439</b>	<b>1,610</b>	<b>12,253</b>
Co-Rec*	396	588	285	155	88	1,512
Men's	1,236	2,348	2,120	982	1,278	7,964
Women's	739	777	666	296	244	2,722
Unknown		19	30	6		55
<b>Adult Softball League</b>	<b>227</b>	<b>214</b>	<b>295</b>	<b>89</b>	<b>1,899</b>	<b>2,724</b>
Co-Rec*	87	84	126	47	389	733
Men's	112	106	141	38	803	1,200
Women's	9	4	7	4	106	130
Unknown	19	20	21		601	661

Source: OLO analysis of MCRD data

\*According to rules posted on the MCRD website: in soccer, a co-rec team consists of 11 players with no more than six of one sex. In softball, a co-rec team consists of nine or 10 players with no more than five of one sex.<sup>9</sup>

The following table provides data on adult sports leagues that have individual registration data available: the adult pickleball and ultimate frisbee leagues and three therapeutic recreation leagues. Therapeutic recreation programs serve individuals with disabilities. The data show that:

- Men accounted for about two-thirds of adult ultimate frisbee league participants;
- Registrations for the adult pickleball league were relatively evenly split between men and women; and
- Men accounted for over 90% of registrations in each of the therapeutic recreation program leagues.

<sup>9</sup> <https://www.montgomerycountymd.gov/rec/Resources/Files/activitiesandprograms/sports/Adult%20Softball%20Rules.pdf> and <https://www.dcurbanmom.com/jforum/forums/list.page>

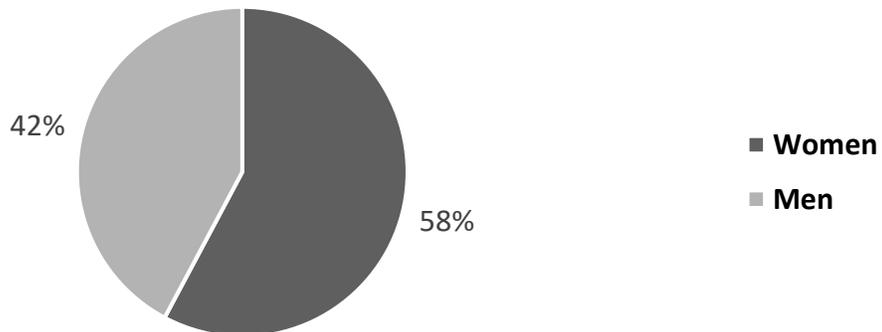
**Adult Sports Leagues with Individual Registration Data, FY17-FY20**

	FY17	FY18	FY19	FY20	4-Year Total	% by Gender
<b>Other Adult Sports Leagues</b>						
<b>Adult Ultimate Frisbee League</b>	<b>105</b>	<b>103</b>	<b>104</b>	<b>96</b>	<b>408</b>	
Women	32	31	40	33	136	<b>33%</b>
Men	73	72	64	63	272	<b>67%</b>
<b>Pickleball League</b>		<b>23</b>	<b>107</b>	<b>179</b>	<b>309</b>	
Women		12	53	100	165	<b>53%</b>
Men		11	54	79	144	<b>47%</b>
<b>Therapeutic Recreation</b>						
<b>Basketball League</b>	<b>38</b>			<b>36</b>	<b>74</b>	
Women	2			3	5	<b>7%</b>
Men	36			33	69	<b>93%</b>
<b>Miracle League</b>	<b>53</b>	<b>52</b>	<b>27</b>	<b>16</b>	<b>148</b>	
Women	6	4		1	11	<b>7%</b>
Men	47	48	27	15	137	<b>93%</b>
<b>Soccer League</b>	<b>37</b>	<b>31</b>	<b>41</b>	<b>34</b>	<b>143</b>	
Women	5	3	4	1	13	<b>9%</b>
Men	32	28	37	33	130	<b>91%</b>

Source: OLO analysis of MCRD data

Finally, the chart below displays the percentages of registrations by gender among adults over the age of 18 for non-league MCRD sports programs. These programs are instructional in nature and do not include a significant competitive component. The data reflect a total of 7,956 registrations from FY17 to FY21 and show that women accounted for 58% of non-league registrations during this period.

**Registrations by Adults Over 18 in Non-League MCRD Sports Programs, FY17-FY21**



Source: OLO analysis of MCRD data

**B. Montgomery County Public Schools Interscholastic Athletics**

Montgomery County Public Schools’ interscholastic athletics program serves MCPS students in 40 middle schools and 25 high schools. Approximately 5,000 rostered student-athletes participate at the middle school level and 22,000 rostered student-athletes participate at the high school level. This section provides an overview of the interscholastic athletics program, MCPS’s processes for maintaining compliance with Title IX with regards to athletics, and participation data by gender.

**1. Overview of MCPS Interscholastic Athletics**

The majority of sports in the MCPS interscholastic athletics program are segregated by gender. However, in accordance with Title IX regulations and related court rulings, girls, as the underrepresented gender, may participate in boys’ teams if a girls’ team is not available in that sport. Of note, in the 2020-21 school year, all three seasons of sports were conducted virtually during the first semester. In the second semester, only the fall and spring seasons were conducted in a shortened fashion (along with in-person engagement for seniors in basketball and wrestling).

**MCPS Interscholastic Athletics Program**

	Fall	Winter	Spring
<b>Middle School (7<sup>th</sup> &amp; 8<sup>th</sup> grade only)</b>			
Boys	Softball	Basketball	Soccer
Girls	Softball	Basketball	Soccer
Coed	Cross Country		
<b>High School</b>			
Boys	Cross Country Football Soccer	Basketball Indoor Track & Field Swimming & Diving Wrestling	Baseball Lacrosse Outdoor Track & Field Tennis Volleyball
Girls	Cross Country Field Hockey Soccer Volleyball	Basketball Indoor Track & Field Swimming & Diving Wrestling	Gymnastics Lacrosse Outdoor Track & Field Softball Tennis
Coed	Cheerleading Golf Pompons	Cheerleading Pompons	Volleyball
Corollary (Coed)	Team Handball	Bocce	Allied Softball

**Corollary sports.** In 2008, the Maryland General Assembly passed the Fitness and Athletics Equity Act. This law requires that the State Board of Education and each County Board of Education ensure access to physical education and athletic programs for students with disabilities. Specifically, the law requires that: (1) students with disabilities have opportunities to participate in mainstream physical education

and athletic programs; and (2) each County's Board of Education provide and adequately fund "adapted, allied, or unified physical education and athletic programs."<sup>10</sup>

MCPS implemented its corollary sports program at all 25 MCPS high schools during the 2011-2012 school year. Corollary sports form part of MCPS's interscholastic sports program and provide opportunities for students with and without disabilities to play and compete together. Currently, the high school program includes three sports: team handball in the fall, bocce in the winter, and allied softball in the spring.

**Academic eligibility requirements.** To participate in interscholastic sports, middle and high school students must meet academic eligibility requirements. Specifically, students must maintain a 2.0 grade point average and have no more than one failing grade during the previous marking period.<sup>11</sup> In 2021, the Board of Education changed the policy in order to make all students in their first year of high school eligible to participate in interscholastic athletics – academic eligibility requirements become effective in student's second year of high school. In addition, the Board of Education temporarily suspended all academic eligibility requirements during the first quarter of the 2021-22 school year.<sup>12</sup>

**Extracurricular Activity Fee (eliminated).** In previous years, MCPS charged a fee for students participating in extracurricular activities, including interscholastic sports. As of the 2018-2019 school year, MCPS eliminated the extracurricular activity fee.

**Additional sports programming.** Additional sports programming available for MCPS students includes:

- Physical education (PE) classes, which are part of the elementary, middle and high school curricula; and
- Intramural sports, which are recreational sports played among students from the same school and are most robust at the middle school level.

## 2. Title IX Compliance Resources and Efforts

MCPS's Title IX compliance efforts for athletic programs occur at two levels: the MCPS Athletics Office, which administers the interscholastic athletics program at the systemwide level, and each middle and high school's interscholastic athletics program.

**MCPS Athletics Office.** The MCPS Athletics Office develops policies and regulations applicable to interscholastic athletics, provides professional development for Athletics Specialists, and supports school principals in implementing their interscholastic athletics programs. It includes five staff: the Director of Systemwide Athletics, the Systemwide Athletics Specialist, the Systemwide Athletics Compliance Specialist, and two Athletics Secretaries. Staff report that the Systemwide Compliance Specialist position was added to the office in 2020 and allows for more robust Title IX compliance

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<sup>10</sup> MD Code, Education, § 7-4B-02

<sup>11</sup> Board of Education of Montgomery County Policy IQD, last revised May 10, 2011

<sup>12</sup> <https://ww2.montgomeryschoolsmd.org/departments/policy/detail.aspx?recID=247&policyID=IQD&sectionID=9>

efforts. The Athletics Office works in collaboration with the Student Welfare and Compliance Office and MCPS’s Districtwide Title IX Coordinator, who is responsible for coordinating implementation of Board of Education Policy ACF on sexual harassment.

In order to advance Title IX compliance, the Athletics Office works to schedule all games in an equitable manner with regards to the timing of the games (for example, for doubleheaders, they ensure girls’ teams play first half of the time) as well as the facilities used for games. Staff also report that new facilities such as locker rooms and fields are designed with gender equity as a requirement. Finally, every seven years, the Athletics Office produces a High School Athletics Gender Equity Report, which assess gender equity in the following areas of the interscholastic athletics program:

- Publicity and promotion
- Participation by gender
- Game schedules
- Game and practice facilities
- Coaching constituency
- Expenditures

### **2013 High School Athletics Gender Equity Report Findings**

At the time of writing, staff were in the process of drafting the latest High School Athletics Gender Equity Report, which was delayed during the COVID-19 pandemic. The most recent report available is from December 2013 and includes the following major findings for school years 2007-08 to 2012-13:

- Excluding cheerleading and pompons, 57% of rostered high school student-athletes were boys and 43% were girls (with cheerleading and pompons, 51% were boys and 49% were girls);
- Girls’ athletic teams received more extensive coverage in yearbooks than male student-athletes, while male student athletes received more extensive coverage in school newspapers;
- Across high schools, 68% of coaches were male, and 32% were female; and
- Per-athlete expenditures were \$161 for boys’ sports, \$118 for girls’ sports, \$42 for coed sports, and \$56 for cheerleading and pompons.

The report also examines game schedules and game and practice facilities, and notes policies to ensure gender equity. For example, staff work to ensure that soccer, lacrosse and basketball teams (sports in which girls’ teams and boys’ teams share the same facility) are scheduled such that the number of “prime time” (7:00 pm versus 5:15 pm) games are equal for boys’ and girls’ teams.

With respect to facilities, the report notes that for softball and baseball (where girls’ and boys’ teams use different facilities), “it is difficult to gather quantitative data to compare the condition of baseball and softball facilities across the county.” The full report is available in Appendix A.

**School Principals and Athletic Specialists.** School Principals and Athletic Specialists bear responsibility for ensuring gender equity within their school’s interscholastic athletics program. School Principals are responsible for implementing the interscholastic athletics program at their school, including personnel management. Each school’s Athletics Specialist is responsible for managing the program, including, “selection and care of equipment, practice organization, participant health and safety, and coach and athletic department certification and compliance.”<sup>13</sup> The minimum qualification standards for Athletics Specialist positions include “thorough knowledge of Title IX of the Education Amendments of 1972.”<sup>14</sup>

### 3. Title IX Complaint and Office of Civil Rights Response

In September 2021, the U.S. Department of Education’s Office of Civil Rights (OCR) submitted its response to a complaint that MCPS discriminates against female students on the basis of sex in the interscholastic sports program at Winston Churchill High School. The complaint alleged discrimination in:

1. Locker rooms, practice and competitive facilities;
2. Equipment and supplies; and
3. Travel and per diem.

Following a review of documents and photographs and interviews with the complainant and MCPS staff, OCR did not find sufficient evidence to support the allegations in the complaint. The full response by OCR is attached in Appendix B.

### 4. Gender Identity Guidelines and Sexual Harassment Policy

MCPS’s gender identity guidelines and sexual harassment policy are of direct relevance to gender equity in athletics. This section provides a brief summary of these documents.

**Gender identity guidelines.** As noted on pages 11 to 12, MPSSAA guidance calls for school systems to “develop and apply criteria for students to participate on interscholastic athletic teams consistent with their gender identity.”<sup>15</sup> Montgomery County Board of Education Policy ACA on Nondiscrimination, Equity, and Cultural Proficiency, prohibits discrimination, stigmatization, and bullying based on personal characteristics including gender identity, sex, gender, gender expression, and sexual orientation.

The FY22 MCPS Guidelines for Student Gender Identity call for school principals or their designees to work proactively with transgender and gender nonconforming students and their families, where appropriate “to ensure that the student has equal access and equal opportunity to participate in all programs and activities at school and is otherwise protected from gender-based discrimination at school.” The guidelines also note that, “Whenever students are separated by gender in school activities

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<sup>13</sup> Montgomery County Public Schools Class Description: Athletics Specialist

<sup>14</sup> Ibid.

<sup>15</sup> [https://www.mpssaa.org/assets/1/6/MPSSAA\\_Transgender\\_Guidance\\_revised\\_8.16.pdf](https://www.mpssaa.org/assets/1/6/MPSSAA_Transgender_Guidance_revised_8.16.pdf)

or are subject to an otherwise lawful gender-specific rule, students must be permitted to participate consistent with their gender identity.” With regards to interscholastic athletics, the MCPS guidelines state that in accordance with MPSSAA guidance:

...transgender and gender non-conforming students shall be allowed to participate on the interscholastic athletics team of –

- The student’s sex assigned at birth; or
- The gender to which the student has transitioned; or
- The student’s asserted gender identity.<sup>16</sup>

**Sexual harassment policy.** Board of Education Policy ACF defines and prohibits sexual misconduct and sexual harassment on MCPS property and/or in MCPS-sponsored programs or activities. It establishes that a principal or their designee must investigate all allegations of sexual misconduct or harassment committed against students by students, MCPS employees, contractors, vendors or volunteers in collaboration with the Student Welfare and Compliance Office and in accordance with federal and state laws. MCPS must notify all involved parties of “available supportive measures” such as counseling, course or schedule adjustments, or contact restrictions between parties. MCPS may not retaliate against any individual that reports or participates in an investigation of sexual misconduct or harassment. Policy ACF requires MCPS to appoint a Title IX coordinator to coordinate implementation of the policy.

## 5. MCPS Interscholastic Athletics Participation Opportunities By Gender

MCPS provided OLO with data on MCPS interscholastic athletics participation opportunities in middle school and high school by gender for the 2016-17 to 2020-21 school years. This section summarizes these data, which have the following limitations:

- Student-athletes can participate in more than one sport, so the total number of participation opportunities filled by girls or boys does not accurately reflect the total number of girls or boys that participated;
- MCPS did not provide data broken down by gender for virtual interscholastic athletics programs that were conducted during the 2020-21 school year, except for cheerleading and pompons;
- The data do not include information on the participation of transgender or gender nonconforming student-athletes;
- Data on middle school interscholastic athletics participation opportunities by gender were incomplete for the 2018-19, 2019-20 and 2020-21 school years; and
- No data are available on intramural sports participation.

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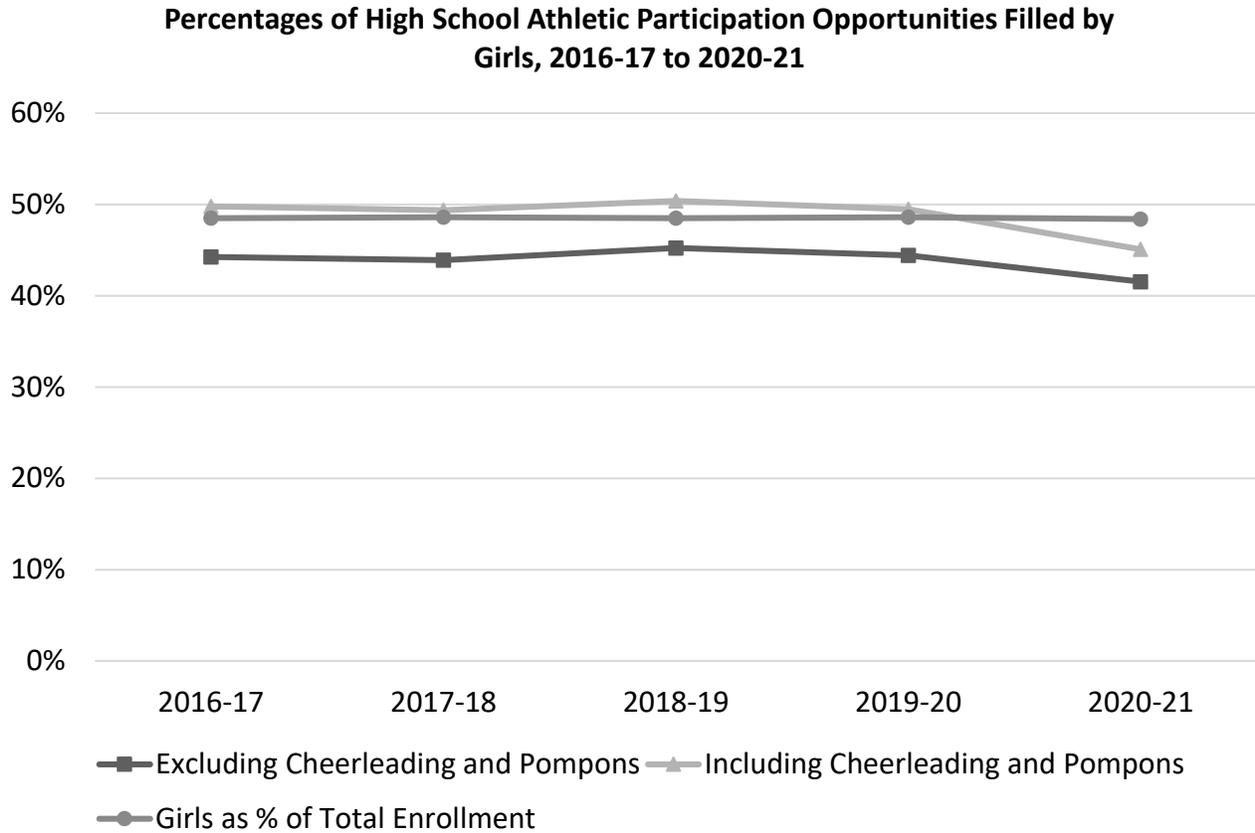
<sup>16</sup> 2021-2022 Guidelines for Student Gender Identity in Montgomery County Public Schools

Of note, MCPS does not currently include cheerleading or pompons in its reporting of athletic participation opportunities because these activities may not meet Title IX criteria to qualify as a sport. In this section, OLO presents topline numbers both excluding and including cheerleading and pompons, but more detailed data tables exclude cheerleading and pompons, consistent with MCPS's reporting. Overall, the data show that:

- In high school prior to 2020-21, the percentage of athletic participation opportunities filled by girls was somewhat lower than the percentage of high school students that are girls when excluding cheerleading and pompons, and was similar to the school population percentages when including cheerleading and pompons.
- In middle school prior to 2020-21, available data indicate that the percentage of athletic participation opportunities that were filled by girls was similar to the percentage of middle school students that were girls;
- The percentages of both middle school and high school participation opportunities that were filled by girls declined significantly in 2020-21, the first full school year following the beginning of the COVID-19 pandemic (these data do not include virtual athletics programs for which data broken down by gender were not available);
- In high schools with larger percentages of students receiving free and reduced price meals (FARMS), athletic participation opportunities filled by girls accounted for a significantly smaller percentage of student enrollment than in high schools with lower FARMS rates; and
- Of those athletic participation opportunities filled by students with IEP or 504 plans, 70% were filled by boys and 30% were filled by girls.

As noted on page 33, in the 2020-21 school year, all three seasons of sports were conducted virtually during the first semester. In the second semester, only the fall and spring seasons were conducted in a shortened fashion (along with in-person engagement for seniors in basketball and wrestling). MCPS did not provide participation data broken down by gender for activities provided virtually, except for cheerleading and pompons. Thus, the 2020-21 data presented in this report reflect reduced in-person athletic activities in response to the COVID-19 pandemic, and do not include participation in virtual athletic activities except for cheerleading and pompons.

**High school athletic participation opportunities by gender.** The chart below shows the percentages of high school athletic participation opportunities filled by girls, both including and excluding cheerleading and pompons, from 2016-17 to 2020-21. The chart also includes girls as a percentage of total student enrollment for comparison. When excluding cheerleading and pompons, girls accounted for a smaller percentage of athletic participation opportunities compared to their enrollment percentages. When including cheerleading and pompons, girls accounted for a similar or larger number of participation opportunities before 2020-21. In 2020-21, the first full school year following the onset of the COVID-19 pandemic, the percentage of participation opportunities filled by girls decreased by 2 to 4 percentage points depending on whether cheerleading and pompons is included.



Source: OLO analysis of MCPS data

The following table displays the percentages of athletic participation opportunities (excluding cheerleading and pompons) filled by girls, as well as girls’ athletic participation opportunities as a percentage of total school enrollment for each high school. The table compares “high-FARMS” high schools, meaning schools with a relatively larger percentage of students receiving free or reduced price meals (a measure of student poverty) with “low-FARMS” schools or schools with a relatively lower percentage of students receiving free or reduced price meals. These data show that:

- The percentage of athletic participation opportunities filled by girls varied among individual schools from approximately 40% to 50%;
- The total five-year percentage of athletic participation opportunities filled by girls was similar between high-FARMS and low-FARMS schools;
- In 2020-21, the percentage of athletic participation opportunities filled by girls dropped by about 4 percentage points on average in high-FARMS schools and 2 percentage points on average in low-FARMS schools; and
- High-FARMS schools had lower numbers of athletic participation opportunities filled by girls or boys relative to their total enrollment, resulting in female student-athletes accounting for a lower percentage of total student enrollment in high-FARMS schools -15% - compared with low-FARMS schools – 19%.

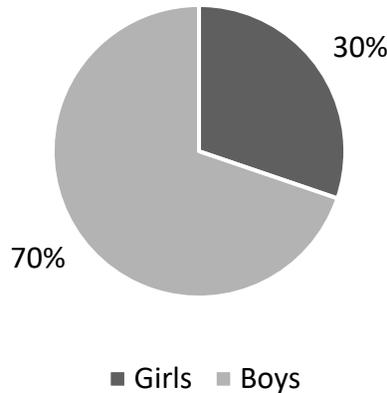
**High School Athletic Participation Opportunities by School and FARMS Rate, 2016-17 to 2020-21**

High School	# of Athletic Participation Opportunities (5-year average)	% of Athletic Participation Opportunities Filled by Girls			2018-19 Student Enrollment	Girls' Athletic Participation as % of Student Enrollment	FARMS Rate
		2016-2021 (5 years)	2020-21	Difference 2020-21			
<b>High-FARMS</b>							
<b>Average</b>	<b>630</b>	<b>45%</b>	<b>40%</b>	<b>-4 % pts</b>	<b>1,896</b>	<b>15%</b>	<b>42%</b>
Kennedy	464	50%	52%	+2	1,781	13%	51%
Watkins Mill	529	43%	33%	-10	1,615	14%	50%
Northwood	540	48%	43%	-5	1,732	15%	50%
Springbrook	700	42%	43%	0	1,735	17%	48%
Wheaton	652	42%	32%	-10	2,077	13%	47%
Gaithersburg	676	45%	36%	-10	2,352	13%	44%
Seneca Valley	564	47%	32%	-15	1,181	22%	38%
Albert Einstein	589	45%	48%	+3	1,746	15%	36%
Blake	629	44%	36%	-8	1,717	16%	36%
Paint Branch	701	40%	39%	-1	2,005	14%	36%
Blair	910	44%	43%	-1	3,196	13%	33%
Magruder	608	45%	48%	+3	1,609	17%	33%
<b>Low-FARMS</b>							
<b>Average</b>	<b>837</b>	<b>44%</b>	<b>42%</b>	<b>-2 % pts</b>	<b>2,044</b>	<b>19%</b>	<b>16%</b>
Clarksburg	887	46%	48%	+3	2,338	17%	27%
Rockville	585	45%	39%	-7	1,450	18%	24%
Northwest	840	43%	43%	0	2,586	14%	22%
Quince Orchard	875	41%	34%	-7	2,100	17%	22%
Richard Montgomery	853	41%	39%	-2	2,483	14%	20%
Damascus	697	42%	36%	-6	1,311	22%	16%
Sherwood	862	42%	41%	0	1,973	18%	16%
Bethesda-Chevy Chase	856	46%	44%	-2	2,124	19%	10%
Walter Johnson	877	46%	48%	+2	2,587	16%	7%
Poolesville	772	43%	38%	-6	1,185	28%	7%
Wootton	932	46%	46%	0	2,107	20%	5%
Churchill	978	42%	42%	0	2,227	18%	<5%
Whitman	865	47%	43%	-4	2,098	19%	<5%

Source: OLO analysis of MCPS data and MCPS Schools at a Glance Reports

MCPS also provided OLO with data on participation in interscholastic athletics by students with Individualized Education Programs (IEPs) or 504 plans, which are provided for children eligible for special education or otherwise receive accommodations for a disability. These data show that boys accounted for 70% of athletic participation opportunities filled by students with IEPs or 504 plans.

**Athletic Participation Opportunities Filled by Student-Athletes with IEP/504 Plans By Gender, 2016-17 to 2020-21**



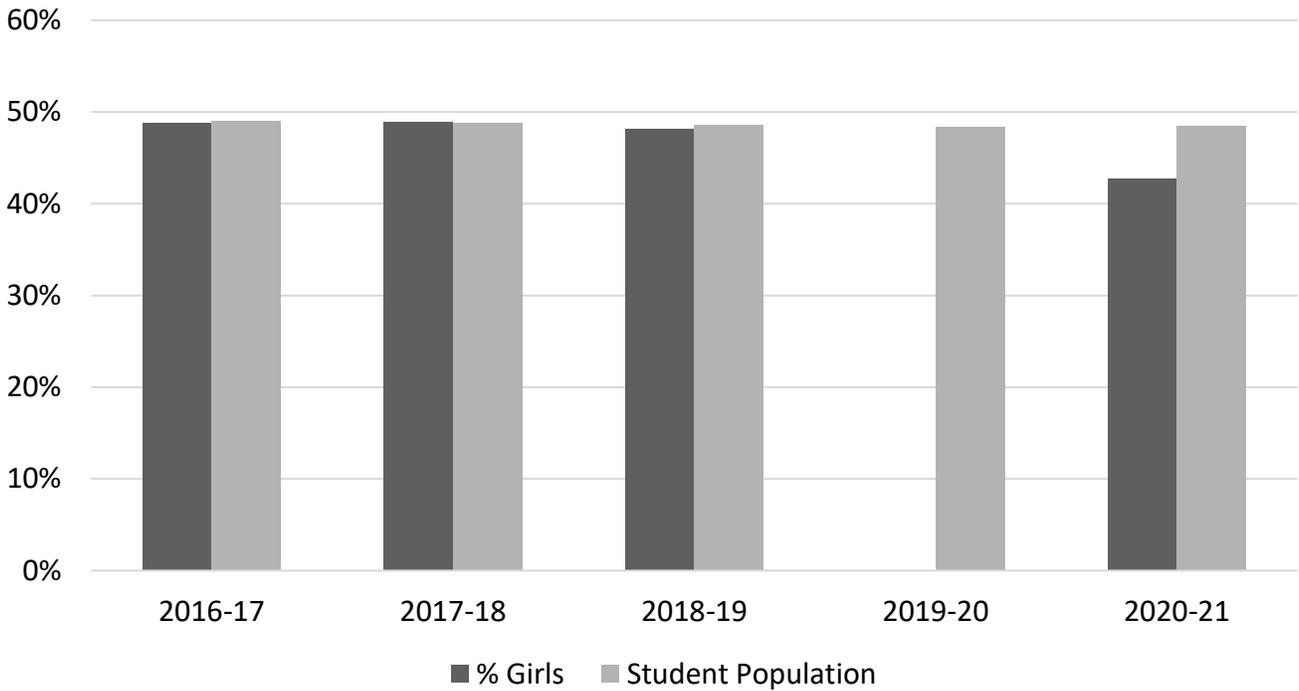
Source: OLO analysis of MCPS data

**Middle School Athletic Participation Opportunities By Gender.** The chart below displays the percentages of middle school interscholastic athletics participation opportunities that were filled by girls from 2016-17 to 2020-21. As noted on page 33, in the 2020-21 school year, all three seasons of sports were conducted virtually during the first semester. In the second semester, only the fall and spring seasons were conducted in a shortened fashion. MCPS did not provide participation data broken down by gender for activities provided virtually. Thus, the 2020-21 data presented in this report reflect reduced in-person athletic activities in response to the COVID-19 pandemic, and do not include participation in virtual athletic activities.

The data show that girls accounted for a similar percentage of athletic participation opportunities compared to student enrollment in middle schools overall until 2020-21, when girls' participation opportunities dropped below their enrollment percentage. However, the data are incomplete:

- Data for 2018-19 were missing for multiple sports at several schools;
- Data for 2019-20 included duplicate data from 2018-19 and are therefore not included in the chart; and
- Data for 2020-21 do not include the gender of participants in cross country teams.

**Percentage of MCPS Middle School Student-Athletes that Were Girls, 2016-2021**



Source: OLO analysis of MCPS data

To understand participation opportunity rates at individual middle schools, OLO examined data from 2017-18, the last year for which complete data by gender are available at the middle school level. OLO found that both percentages of participation opportunities filled by girls, as well as girls' athletic participation opportunities as a percentage of student enrollment, were similar across high-FARMS and low-FARMS middle schools. The tables on the following two pages display data for high-FARMS and low-FARMS middle schools.

**High-FARMS Middle School Athletic Participation Opportunities by School, 2016-17 to 2020-21**

School	Athletic Participation Opportunities, 2017-18	% Girls	Student Enrollment	Female Student-Athletes as % of Student Body	FARMS rate
<b>High-FARMS</b>					
<b>Average</b>	<b>128</b>	<b>49%</b>	<b>863</b>	<b>8%</b>	<b>51%</b>
Mont. Village	116	43%	742	7%	67%
Lee	128	48%	757	8%	67%
Neelsville	116	47%	922	6%	63%
Key	124	46%	996	6%	63%
White Oak	121	45%	789	7%	62%
Loiederman	96	63%	944	6%	59%
Forest Oak	96	66%	861	7%	57%
Parkland	115	43%	1,000	5%	55%
Argyle	125	46%	989	6%	54%
Eastern	143	56%	971	8%	50%
Banneker	108	50%	840	6%	49%
King	111	49%	596	9%	48%
Newport Mill	125	48%	626	10%	47%
Gaithersburg	147	42%	830	7%	47%
Briggs Chaney	133	50%	886	8%	47%
Shady Grove	134	49%	614	11%	43%
Silver Spring Int.	147	46%	1,082	6%	41%
Redland	122	53%	560	12%	41%
Sligo	170	49%	724	12%	41%
Wood	165	51%	1,026	8%	36%
Clemente	136	48%	1,373	5%	33%

Source: OLO analysis of MCPS data and MCPS Schools at a Glance Reports

**Low-FARMS Middle School Athletic Participation Opportunities by School, 2016-17 to 2020-21**

School	Rostered Student-Athletes, 2017-18	% Girls	Student Enrollment	Female Student-Athletes as % of Student Body	FARMS
<b>Low-FARMS</b>					
<b>Average</b>	<b>138</b>	<b>49%</b>	<b>941</b>	<b>8%</b>	<b>17%</b>
Takoma Park	89	54%	1,090	4%	28%
Ridgeview	129	53%	704	10%	28%
Silver Creek	124	51%	549	11%	24%
Julius West	176	48%	1,324	6%	24%
Lakelands Park	163	53%	1,103	8%	23%
Baker	112	46%	872	6%	22%
Rocky Hill	111	50%	804	7%	22%
Kingsview	144	49%	1,029	7%	20%
Hallie Wells	142	46%	752	9%	17%
Farquhar	133	50%	703	9%	15%
Tilden	140	50%	947	7%	12%
Rosa Parks	135	50%	845	8%	11%
John Poole	128	49%	375	17%	10%
Westland	159	39%	1,037	6%	8%
Cabin John	154	47%	1,005	7%	7%
North Bethesda	131	42%	1,165	5%	7%
Frost	143	47%	1,083	6%	6%
Hoover	130	50%	1,006	6%	<5%
Pyle	183	51%	1,485	6%	<5%

Source: OLO analysis of MCPS data and MCPS Schools at a Glance Reports

## **Chapter 4. Stakeholder Observations on Gender Equity in Sports in Montgomery County**

The data presented in Chapter 3 of this report show that, with some exceptions, sports programs offered by MCRD and MCPS serve more boys and men than girls and women. However, these data do not include information on sports participation outside of MCRD and MCPS or data on the participation of gender nonconforming individuals. In addition, they do not provide a full picture of the experiences of providers and participants in sports programs. To better understand issues around gender equity in sports in Montgomery County, OLO conducted two online surveys of private and nonprofit sports providers and MCPS families, interviewed community-based sports providers, and conducted a focus group with MCPS student-athletes. This chapter summarizes observations gathered from stakeholders through these efforts.

While the information gathered was not sufficient to generate quantitative estimates of sports participation by gender in private and nonprofit programs, many major sports providers in Montgomery County reported that the majority of their players are boys or men. In addition, some parents and student-athletes observed that boys receive more support for playing sports than girls do. Finally, OLO's conversations with stakeholders suggested that significant work needs to be done to make sports inclusive for LGBTQ+ individuals. This chapter is organized as follows:

- **Section A** summarizes responses to an online survey of community-based sports providers and observations gathered from interviews with providers;
- **Section B** describes responses to an online survey of MCPS parents; and
- **Section C** provides an overview of feedback received during a focus group of MCPS student-athletes.

### **A. Observations from Sports Providers**

To understand sports providers' experiences and concerns as they relate to gender equity in sports, OLO conducted an online survey of organizations that used publicly-owned athletic facilities. In addition, OLO conducted interviews with 14 private and non-profit community-based organizations that provide youth sports programs in Montgomery County and two municipalities. This section summarizes the observations and insights gathered through the survey and interviews.

#### **1. Online Survey of Sports Providers**

The Office of Community Use of Public Facilities (CUPF) and the Montgomery County Department of Parks ("Montgomery Parks) issue permits to use publicly-owned facilities in Montgomery County, including permits for sports leagues and clubs to use athletic facilities. Athletic facilities located at MCPS elementary, middle and high schools, MCRD Community Recreation Centers (athletic fields only), and Montgomery Parks are available via CUPF and Montgomery Parks. These athletic facilities are subject to historical use policies, which give priority booking to sports leagues and sports clubs that have booked an athletic facility in the past to use the same facility during the same time slot(s) in the future.

OLO sent its anonymous sports provider survey, available in English and Spanish, to 209 e-mail addresses of individuals who reserved MCPS, County Government and Montgomery Parks-owned athletic facilities during FY20 and FY21 for sports leagues and clubs that have historical use priority. OLO received 37 responses to the survey, which represents an 18% response rate. Of the 37 respondents, 26 responded to survey questions beyond the initial screening question. No Spanish-language responses were received. OLO cautions that the results of this survey cannot be used to generate quantitative estimates regarding participation by gender in local sports programs or the provision of sports in general.

**Respondent Organization Characteristics.** OLO’s provider survey asked respondents to provide information on the activities they offer and the participants they serve. Respondents reported offering a variety of sports, summarized in the table below. Baseball/softball, basketball, and soccer were the most common sports offered.

**Sports Offered by 26 Provider Survey Respondents**

Sports	Responses*
Baseball and/or Softball	13
Basketball	9
Soccer or Futsal	9
Football	5
Track and Field	4
Volleyball	4
Tennis	3
Cheerleading and/or Poms	2
Field Hockey	2
Lacrosse	2
Swimming	2
Golf	1
Gymnastics	1
Other**	8

\* Respondents could select more than one sport, so the sum of responses exceeds the total number of respondents to the question.

\*\* Respondents reported the following sports under “Other”: cross country, ultimate frisbee, rugby, cricket, kickball, dodgeball, bocce, and wrestling.

As shown in the following table, respondents were more likely to serve children and youth than adults. Respondents were most likely to serve children ages 11-13, followed by youth ages 14-18. Of the 11 respondents that reported serving adults ages 19 to 64, five also reported serving adults ages 65+.

**Ages Served by 26 Provider Survey Respondents**

Age Group(s) Served	Responses*
0-4	5
5-10	15
11-13	18
14-18	16
19-64	11
65+	5

\* Many respondents reported serving more than one age group, so, the sum of the responses exceeds the total number of respondents to the question.

Finally, respondents reported serving children across Montgomery County and beyond. Nearly half of respondents reported they serve children that live across the County, and 11 respondents reported serving participants that reside upcounty. On the other hand, only four respondents reported that they specifically serve participants residing in eastern Montgomery County (Silver Spring, Takoma Park, Colesville and Burtonsville).

**Where Participants in 26 Respondents' Programs Reside**

Area	Responses*
All of Montgomery County	12
Upcounty (Gaithersburg, Poolesville, Germantown, Clarksburg, Damascus)	11
Southwestern Montgomery (Bethesda, Potomac, Chevy Chase, Rockville)	8
Other counties	8
Mid-County (Wheaton, Aspen Hill, Olney, Derwood, Brookeville)	5
Eastern Montgomery (Silver Spring, Takoma Park, Colesville, Burtonsville)	4
Other (Northern Virginia, District of Columbia)	5

\* Many respondents reported serving participants in more than one area, so the sum of the responses exceeds the total number of respondents to the question.

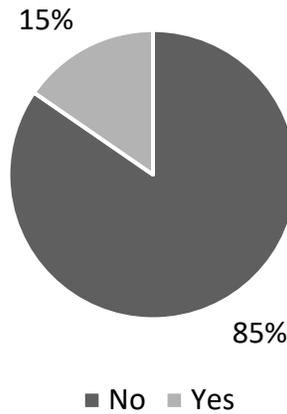
**Gender of Participants and Coaches.** The survey asked respondents to report the percentages of both participants and coaches that were girls or women. On average, 36% of participants and 26% of coaches in respondents' programs are girls or women. Four out of 25 (16%) respondents reported that more than 50% of their participants are girls or women, and one out of 25 respondents reported that more than 50% of their coaches are women.

**Percentages of Participants and Coaches that are Girls or Women as Reported by 25 Respondents**

% Girls or Women	# of Respondents Reporting Percentages For:	
	Participants	Coaches
0%-10%	4	8
11%-20%	1	3
21%-30%	4	5
31%-40%	6	2
41%-50%	6	6
51%-60%	2	1
61%-70%	2	0

**Policy on Participation of Transgender and Non-Binary Individuals.** Only four out of 26 respondents (15%) reported that they have a written policy regarding the participation of transgender and non-binary individuals.

**Does your organization have a written policy regarding the participation of transgender and non-binary individuals?**



**Recruitment Methods and Experiences.** OLO also asked respondents to select the methods they use to recruit women/girls and boys/men. Respondents reported similar methods for recruiting females and males. Word of mouth was by far the most common method for recruiting both female and male participants. Over half of respondents also reported using social media to recruit both female and male participants.

**Methods Used by 26 Respondents to Recruit Male and Female Participants**

Recruitment methods	Women or Girls		Boys or Men	
	%	#	%	#
Word of mouth	88%	23	92%	24
Social media	54%	14	58%	15
Flyers	42%	11	42%	11
In-person community outreach	38%	10	42%	11
Paid print advertising	4%	1	4%	1
We do not recruit this gender	12%	3	4%	1
Other	4%	1	4%	1

\* Respondents could select multiple recruitment methods, so the sum of the responses exceeds the total number of respondents to the question.

OLO also asked respondents to share challenges they have experienced in recruiting female and male participants, as well as recommendations for promoting gender equity. The table below summarizes the comments provided by survey respondents.

**Summary of Answers to Open-Ended Provider Survey Questions**

<p><b>Challenges recruiting any gender</b></p> <ul style="list-style-type: none"> <li>• Time constraints among potential players (work, family responsibilities)</li> <li>• Lack of access to transportation in low-income communities</li> <li>• Youth sports participation drops significantly starting at age 13</li> </ul>	
<p><b>Challenges recruiting girls/women</b></p> <ul style="list-style-type: none"> <li>• Mixed gender programs sometimes do not provide a good experience for less experienced female players</li> <li>• Securing athletic facilities to expand programming for girls/women, especially lit fields for evening play</li> <li>• Cultural/social stigmas prevent women from accepting coaching positions, especially to coach male teams</li> <li>• Lack of successful marketing strategies</li> </ul>	<p><b>Challenges recruiting boys/men</b></p> <ul style="list-style-type: none"> <li>• In one respondent’s mixed-gender program, they have to turn men away because they do not receive enough interest from women</li> <li>• Competition from other clubs</li> <li>• Since local newspapers have shut down, providers have fewer options for advertising their programs</li> <li>• Lack of volunteers</li> </ul>
<p><b>Recommendations to promote gender equity</b></p> <ul style="list-style-type: none"> <li>• Promoting more mixed-gender sports opportunities for youth (available opportunities are primarily for adults)</li> <li>• Discounts on facility fees for programs that serve girls and women, and more lit fields for evening play</li> <li>• Assistance with advertising programs</li> <li>• Highlighting female athletes and coaches in social media and publications</li> </ul>	

## 2. Interviews with Youth Sports Providers

In addition to its online survey of sports providers, OLO also conducted interviews with the following organizations that provide sports programs for children and youth.

- BCC Baseball
- Bethesda Lacrosse
- Burtonsville Athletic Association
- Excel Beyond the Bell (Collaboration Council)
- Elite Soccer Youth Development Academy
- Identity
- BCC Baseball
- Girls on the Run
- Koa Sports
- Montgomery County Little League
- Olney Boys and Girls Club
- Potomac Soccer
- SAM Soccer
- Special Olympics
- Takoma Soccer
- City of Gaithersburg
- City of Takoma Park

This section summarizes common themes and insights gathered from these interviews. The summary below reflects the perspectives of individual providers and does not necessarily reflect the opinions or experiences of all providers that were interviewed.

**Girls' Participation and Efforts to Increase It.** Most providers interviewed reported the majority of the participants they serve are boys and that the vast majority of their coaches are men. Some providers reported they had failed to field some planned girls' teams or converted programs from teams or leagues to instructional clinics because they did not receive sufficient interest from girls. Some providers dealt with this issue by pooling participants from different schools or areas to form a team. Several providers reported that girls' participation starts to drop off in middle school, when girls have other competing commitments and activities.

Several providers reported they do not currently conduct any marketing for their programs – all recruitment of players of any gender is done by word of mouth – and they had not made specific efforts to recruit more girls. OLO heard from a few providers that branding impacts girls' participation. For example, since baseball is a traditionally male-dominated sport, organizations that have historically focused on baseball struggle to recruit girls for that reason. On the other hand, providers that explicitly target girls in their branding reported they did not face significant struggles in recruiting girls.

Most providers stated that they believe girls are not as interested as boys in playing sports. Some providers observed that in some immigrant populations, parents are resistant to allowing their daughters to play sports. In addition, lack of access to transportation and family responsibilities represent major barriers in many communities. For example, some girls have to be home at a certain time to care for siblings while parents go to work at night, while others work jobs after school and cannot attend practice at the typical time. A few providers had engaged in targeted efforts to recruit girls to their program, often with significant success. Some of these efforts include:

- Partnering with schools to promote the program, including speaking with girls that already play sports;
- Offering incentives such as free shoes for participation;
- Asking current participants to bring their friends, since the social aspects of sports are important for many girls, and reaching out to girls that have dropped out;
- Conducting in-person outreach to families to encourage them to register their daughters by emphasizing the importance of physical exercise and addressing any cultural concerns (such as concerns about uniforms);
- Eliminating technological barriers, for example by offering in-person registration and allowing cash payments, in communities where families may have limited ability to use online registration systems; and
- Assigning members of the organization's board of directors to focus exclusively on the development of girls' programs.

**Recruiting Coaches to Coach Girls.** Nearly all providers reported that they struggled to recruit female coaches and many, especially those that rely on volunteers, struggled to recruit coaches in general. Some stated that most of their coaches are individuals that played the sport as children, and few women in their community played that sport as children, limiting the pool of potential female coaches. Some providers noted that coaching girls requires a different skill set than coaching boys, and some coaches are not interested in or do not feel confident coaching girls. Some strategies that providers reported using to encourage women and others to serve as coaches include:

- Providing comprehensive training and materials for coaches;
- Organizing coaching round tables to help make coaching a good experience; and
- Recruiting college-age athletes or recent college graduates and offering them a stipend.

**LGBTQ+ Inclusion.** Consistent with the results of the online provider survey, the vast majority of providers interviewed reported they do not have a policy regarding the participation of transgender or gender nonconforming individuals. Most providers stated they had not had any transgender or gender nonconforming individuals interested in playing and as a result had not yet seen a need to develop a policy. Others noted they would need to follow their parent organization's lead. Some providers reported they had not only developed a policy on the inclusion of transgender and gender nonconforming individuals, but also had engaged in extensive staff and coach training on LGBTQ+ inclusion, working in partnership with organizations with expertise in this area. In addition, some providers reported changing or eliminating some demographic questions on their registration forms to make them more inclusive for transgender and gender nonconforming individuals.

**B. Parent Survey**

To better understand families’ experiences with sports and gender equity, OLO distributed an online survey, available in English and Spanish, during meetings of the Montgomery County Council of Parent-Teacher Associations (MCCPTA) and the NAACP Parents’ Council. OLO received 245 responses, one of which was in Spanish. OLO emphasizes this online survey cannot be used to generate quantitative estimates regarding sports participation or public opinion as it relates to gender equity in sports. However, the survey responses offer qualitative insights into families’ experiences with MCPS and other sports programs in the community.

**Respondent characteristics.** Out of 245 respondents, 185 or about three-quarters of respondents reported they live in Silver Spring, Rockville, Chevy Chase, Bethesda, Olney or Potomac zip codes. The table below displays numbers of respondents by their place of residence, based on the zip code they selected.

**Place of Residence of 254 Respondents, Based on Zip Code**

Place	Responses	Place	Responses
Silver Spring	71	Poolesville	4
Rockville	33	Boyds	2
Chevy Chase	33	Burtonsville	2
Bethesda	16	Germantown	2
Olney	16	Montgomery Village	2
Potomac	16	Brinklow	1
Kensington	11	Cabin John	1
Derwood	9	Dickerson	1
Gaithersburg	9	Sandy Spring	1
Clarksburg	7	Washington, DC	1
Takoma Park	7		

The table below shows that over two-thirds of respondents, or 69%, reported that they identify as White. According to the 2020-21 MCPS Schools at a Glance report, 26% of MCPS students were White, 33% were Hispanic or Latino, 22% were Black and 14% were Asian. These data indicate that White families were overrepresented and families of color were underrepresented in this survey.

**Race or Ethnicity of 244 Respondents**

Race or Ethnicity	#*	%
White	169	69%
Asian or Asian American	22	9%
Black or African American	21	9%
Hispanic or Latino	14	6%
Two or more races	13	5%
American Indian or Alaska Native	1	<1%
Prefer not to answer	19	8%
Other	3	1%

\*Respondents could select more than one race or ethnicity, so the sum of the responses exceeds the total number of respondents.

The table below displays how many respondents reported having female, male, or non-binary children or children that identified otherwise. Slightly more respondents reported having female children than male children.

**Gender of 244 Respondents' Children**

Answer Choices	Responses*
Female	173
Male	162
Non-binary	9
Prefer not to answer	6
Other	6

\*Respondents could select more than one gender (for example if they have multiple children, so the sum of the responses exceeds the total number of respondents).

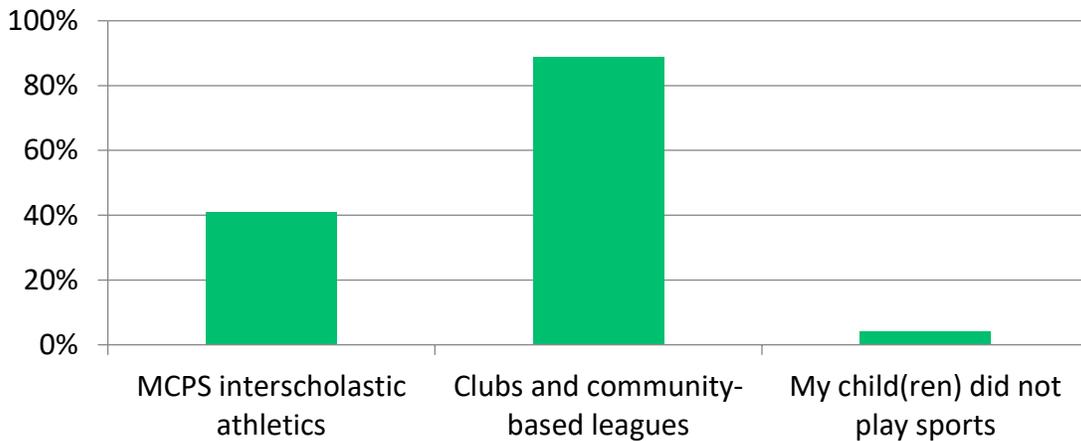
Respondents reported that their children played a variety of sports during the past three years. The most common sport reported was soccer or futsal. Other popular sports were basketball, swimming, and baseball/softball, as shown in the table below.

**Sports Played by 243 Respondents' Children During the Past Three Years**

Sport	#	%
Soccer or Futsal	132	54%
Basketball	90	37%
Swimming	86	35%
Baseball and/or Softball	82	34%
Other (please specify)	44	18%
Tennis	41	17%
Track and Field	33	14%
Lacrosse	29	12%
Gymnastics	27	11%
Football	24	10%
Field Hockey	22	9%
Cheerleading and/or Poms	19	8%
My child(ren) did not play sports	15	6%
Golf	12	5%
Volleyball	10	4%
Ice Hockey	8	3%

Nearly 90% of respondents reported their children played sports in clubs and community-based leagues, while just over 40% reported their children participated in the MCPS interscholastic athletics program.

**Categories of Sports Played By Respondents' Children**



**Parent Perceptions Regarding Gender Equity in Sports.** When asked if the quantity of sports opportunities for children and youth in the community are similar regardless of gender, 59% of respondents agreed or strongly agreed, while 23% disagreed or strongly disagreed. When asked whether the quality of opportunities is similar regardless of gender, 48% of respondents agreed or strongly agreed, while 28% disagreed or strongly disagreed.

**Regardless of gender, the quantity/quality of opportunities available for children and youth to play sports in my community are similar**

Answer	Quantity (n=244)		Quality (n=245)	
	#	%	#	%
Strongly disagree	14	6%	16	7%
Disagree	41	17%	52	21%
Neither agree nor disagree	17	7%	21	9%
Agree	97	40%	82	33%
Strongly agree	46	19%	36	15%
I don't know	29	12%	38	16%

OLO’s survey also included two open-ended questions regarding gender-equity in sports, listed below. About one in three respondents provided answers to the questions, which were optional to answer.

- “Please use the space below to offer any further comments you would like to make on whether you believe the quantity and quality of opportunities available for children and youth in your community to play sports are similar regardless of their gender.” (89 respondents)
- “What, if any, opportunities exist for Montgomery County to promote gender equity in sports programs?” (81 respondents)

The sections below summarize the perspectives expressed by respondents in response to the above questions. For brevity and to protect the anonymity of respondents, the statements below paraphrase and summarize comments made by respondents. These statements reflect the perspectives of the respondents that answered the questions, and do not necessarily reflect the opinions of all survey respondents or the realities in all schools or sports programs. In addition, the comments reflect experiences with both community-based sports programs and MCPS sports, including interscholastic athletics and intramural sports.

As stated above, large portions of respondents agreed or strongly agreed that the quantity and/or quality of youth sports opportunities in their communities is similar regardless of gender. The majority of the respondents that agreed or strongly agreed with those statements did not respond to the open-ended questions at the end of the survey. Many that did respond expressed they had not observed gender inequities in sports programs and that there are extensive opportunities for girls to play sports in Montgomery County. However, numerous respondents did express concerns about gender equity in youth sports in Montgomery County and offered recommendations to advance gender equity response to the open-ended questions, as summarized below.

### Perspectives Regarding Whether Gender Equity Exists in Sports

- A larger quantity of opportunities exists for boys to play sports than for girls.
- Boys' teams in the MCPS interscholastic athletics program and community-based sports organizations are provided more resources and receive favorable treatment in field access, field maintenance, overall facility quality, transportation, scheduling, coaches, and equipment.
- Boys' teams receive more attention – for example they play the “homecoming” game, are the focus during pep rallies, receive support from the cheerleading and pompons teams, and have the national anthem played before their games.
- Sports programs typically do not provide a welcoming environment for LGBTQ+ youth, especially with regards to gender identity/expression. Some respondents with children that are gender nonconforming reported their children could not find appropriate opportunities or had to stop playing sports, sometimes due to harassment from other families.
- The reliance on booster clubs to fund school sports sometimes amplifies gender inequities.
- Disparities in coaching exist – in privately-run programs coaches for boys' teams are paid more, and in MCPS coaches for boys' teams have more experience than girls' team coaches.
- Softball fields in some schools/parks are in worse condition and have fewer features (e.g. dugouts) than the baseball fields.
- From a cultural perspective, boys are viewed as more athletic than girls, and boys' sports are taken more seriously. As a result, boys have access to higher quality sports opportunities.
- Younger girls are discouraged from playing certain sports, such as baseball, because of a perception that girls should focus on sports in which they can progress during high school.
- Programs are segregated by gender at very young ages, which limits opportunities available for girls, for example if not enough girls are interested in joining the team.
- While some programs are open to both boys and girls, many girls do not feel comfortable joining teams that are predominantly male and may have negative experiences.
- A need exists for more variety in affordable sports opportunities for girls beyond soccer and basketball; some of the sports programs in which girls are interested are expensive to participate in or do not offer girls' teams.
- Girls lack sufficient opportunities to compete at a high level, especially at older ages.
- Concerns exist that individuals should participate in sports based on their biological sex and not their gender identity.

### Recommendations from Respondents Regarding Opportunities to Advance Gender Equity

- Ensure that girls' teams receive similar attention, funding, facilities, equipment, transportation, and scheduling of games during "prime time" as boys' teams through more oversight at the school or systemwide level rather than leaving these issues to the discretion of coaches;
- Offer sports opportunities that are welcoming and affirming for the entire spectrum of gender identities (e.g. converting "coed" teams to "all gender" teams), and train coaches to create welcoming and affirming spaces for non-binary athletes and athletes participating on teams where they are the only person of their gender;
- Make the same sports available for all genders;
- Offer more mixed-gender teams, and more opportunities overall at the elementary level;
- Take incidents of sexual abuse and abusive coaching in sports programs seriously and address them;
- Provide better promotion for sports that are not traditionally male-dominated;
- Provide sports opportunities for "late bloomers" that become interested in sports in high school but do not have experience playing;
- Help parents identify appropriate sports opportunities for their children, for example through a sports fair or centralized website;
- Provide financial support for community-based sports programs for girls;
- Better promotion of MCRD programs (e.g., mailing out the Recreation Guide again), providing information on programs during PTA meetings, help connect parents with others interested in forming a team;
- Launch a campaign to promote girls' sports participation;
- Ban private contributions towards MCPS sports programs; and
- Address socioeconomic inequities in access to sports and athletics programs that impact the participation of girls of color.

### Perspectives on Youth Sports Regarding Issues Not Specific to Gender Equity

- The cost of privately-operated programs is a deterrent for many families.
- Many programs are located far from respondents' homes and require a long commute to participate.
- Some places (e.g., eastern Montgomery County) lack quality sports programs.
- More attention is needed on sports opportunities for children with disabilities.
- A limited variety of sports opportunities are available at young ages.

- More opportunities are needed for all youth, particularly at the middle school level in lower-income communities.
- The lack of opportunities to play sports during the COVID-19 pandemic impacted many children and youth.

### **C. MCPS Student-Athlete Focus Group**

To understand MCPS student-athletes' perspectives on gender equity in MCPS interscholastic athletic programs as well as community-based programs, OLO conducted a virtual focus group with 17 student-athletes, representing 16 high schools, that serve on the MCPS Student-Athlete Leadership Council. MCPS Athletics Office staff coordinated the student-athletes' participation in the focus group. To protect the student-athletes' anonymity, this report does not identify the specific schools represented in the focus group. Of the 12 participants that responded to a follow-up survey:

- Three identified as Asian or Asian-American, four identified as Black or African-American, six identified as White and one respondent selected "Other"; and
- Nine identified as female, and three identified as male.

OLO asked focus group participants to respond to the following questions:

- How do you benefit from playing sports?
- What does gender equity in sports mean to you?
- Do you believe your gender or gender identity affects the opportunities available to you to participate in MCPS interscholastic athletics?
- Do you believe your gender or gender identity affects the opportunities available to you to participate in sports programs in the community?
- In a perfect world, what would you like to see done in Montgomery County (either MCPS or the broader community) that might help more youth of all genders and gender identities play sports?

The paragraphs below paraphrase and summarize observations expressed during the focus group discussion. The individual observations described below do not necessarily reflect the opinions or experiences of all focus group participants, all student-athletes, or conditions in all schools.

#### Experiences and Observations Regarding Gender Equity in MCPS Interscholastic Athletics

Focus group participants described the following examples of ways in which they observed MCPS to prioritize boys' sports over girls' sports at their schools:

- Practice schedules allow the boys' teams to practice first and/or use the closest field, while the girls' teams are required to practice later in the evening and/or walk to a field off-campus to practice, sometimes after dark.
- The football team has numerous coaches, while girls' sports struggle to find experienced coaches.
- A boys' football team is permitted to practice on the girls' softball field, causing wear and tear on the softball field, so that the football field is in good condition for games.
- The baseball field used by boys has more features, is closer and is in better condition than the softball field used by girls.
- The boys' team was allocated an athletic trainer for a game (athletic trainers specialize in preventing, diagnosing, and treating muscle and bone injuries and illnesses) and the girls' team was refused a trainer without a clear reason.
- The band and the cheerleaders perform for the boys' teams but not for the girls' teams.
- Boys' games are publicized via announcements and students attend the games; girls' games are not announced and students do not attend.
- The boys' team is provided bus transportation to a game and the girls' team is not.
- The boys' teams are allowed to scrimmage different schools and the girls' teams are not.
- The boys' team was provided with Gatorade and the girls' team had a water jug.
- When a concern about gender equity was raised, the school was not immediately responsive to that concern and resolution of the issue took time.

Focus group participants also described the impact of stereotypes and gender norms on MCPS student-athletes. One participant expressed that their sport, which is predominantly played by girls, is not considered a "real" sport, and that female student-athletes are not taken as seriously by their peers. Students that want to play sports that go against gender norms (e.g., girls playing football or boys cheerleading) face teasing and bullying by other students. In addition, focus group participants described cases where transgender and gender nonconforming students faced confusion. For example, a focus group participant reported learning that a transgender student-athlete was not sure if they would be allowed to compete in accordance with their gender identity in a coed sport with gender-segregated contests. Similarly, focus group participants noted that in coed volleyball, the rules specify how often a female player must touch a ball, but it is unclear how the referee determines which players are female.

Focus group participants expressed a desire for more opportunities for student-athletes to provide input on issues impacting them in MCPS interscholastic athletics. Focus group participants mentioned other issues besides gender equity, including concerns about the expertise and resources available to prevent and treat injuries in student-athletes. In the follow-up survey of focus group participants, one respondent stated that MCPS needs to address racial equity in sports.

### Experiences and Observations Regarding Gender Equity in Sports Programs Outside of MCPS

While the focus group discussion focused on MPCS interscholastic athletics, focus group participants also described examples of difficulties faced by girls' teams and differential treatment of girls' and boys' teams in sports programs outside of MCPS:

- Girls' teams face difficulties booking fields.
- Boys' wins are promoted more on social media than girls' wins within the same organization.
- The boys' teams receive better uniforms than the girls' teams.
- The boys' teams are sponsored by more high-profile organizations than the girls' teams.
- In a coed sport, boys' contests during meets receive the best time slots.

## Chapter 5. OLO Findings and Recommendations

This chapter summarizes the findings of this report and presents recommendations developed by the Office of Legislative Oversight (OLO) based on these findings.

### A. Findings

#### The National Legal Framework for Gender and Sports in the United States

**Finding #1. Title IX of the Educational Amendments of 1972, the federal law that prohibits discrimination on the basis of sex in sports and other educational programs, has important limitations.**

Title IX is a federal law that prohibits discrimination on the basis of sex in federally funded education programs and activities, including athletic programs. The U.S. Department of Education's Office of Civil Rights is responsible for enforcing Title IX by investigating complaints of sex discrimination in athletic programs and other programs and activities. Title IX has had a major impact on gender equity in sports: for example, in the decades following Title IX's passage in 1972, girls' and women's participation in athletics increased significantly. However, the law and its implementing regulations have important limitations, including:

- Title IX does not typically apply to local parks and recreation departments that are not part of a school district or to community-based and other private sports providers; and
- The regulations implementing Title IX explicitly do *not* require institutions to maintain equal aggregate operating expenditures for male and female teams.

**Finding # 2. Two states have enacted laws that prohibit gender discrimination in community sports programs that are not subject to Title IX.**

California and Washington have enacted legislation aimed at advancing gender equity in sports programs not subject to Title IX, as described below.

**California.** Known as the "Fair Play in Community Sports Act," AB 2404 was signed into law in 2004. This law prohibits cities, counties and other local governments in California from discriminating on the basis of sex or gender "in the operation, conduct, or administration of community youth athletics programs or in the allocation of parks and recreation facilities and resources that support or enable these programs." AB 2404 establishes the factors that courts must consider in determining whether discrimination exists, and these factors are similar to those used to assess Title IX compliance in educational institutions.<sup>1</sup>

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<sup>1</sup> California Government Code, Section 53080

**SB 5967 (Washington).** In 2009, the Governor of Washington signed SB 5967, known as the “Fair Play” bill, into law. This law prohibits discrimination on the basis of sex in community athletic programs for youth or adults operated by cities, towns, counties, school districts and other local governments or by third parties with leases or permits to operate such a program.<sup>2</sup> It also requires local governments and school districts to adopt policies prohibiting discrimination on the basis of sex.<sup>3</sup>

**Finding #3. Transgender and gender nonconforming individuals face a complex and frequently changing web of laws and rules that determine their ability to participate in sports programs in accordance with their gender identity.**

Transgender and gender nonconforming individuals must navigate a variety of rules established by national and international sport governing bodies, state high school athletic association guidelines, and a growing number of state laws. According to the Center for American Progress, these rules can broadly be categorized as follows:

- *Fully inclusive* policies allow athletes to participate in accordance with their gender identity without requiring proof, documentation, or medical or legal transition;
- *Transgender participation allowed with restrictions* means that transgender athletes can participate in sports in accordance with their gender identity only if they undergo medical transition, such as hormone therapy, or provide certain medical documentation;
- *Surgery-required guidance* requires transgender athletes to prove that they have undergone gender confirmation surgery in order to participate in accordance with their gender identity; and
- *Transgender-exclusive guidance* requires athletes to participate in teams that align with the sex they were assigned at birth.

The Center for American Progress categorizes the Maryland Public Secondary Schools Athletic Association (MPSSAA) guidance as “fully inclusive.” The MPSSAA guidance calls for school systems to “develop and apply criteria for students to participate on interscholastic athletic teams consistent with their gender identity,” and states that “[p]articipation should provide for the opportunity for all students to participate in interscholastic athletics in a manner that is consistent with their gender identity, irrespective of the gender listed on a student’s records.”

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<sup>2</sup> RCW 49.60.500

<sup>3</sup> RCW 49.60.505

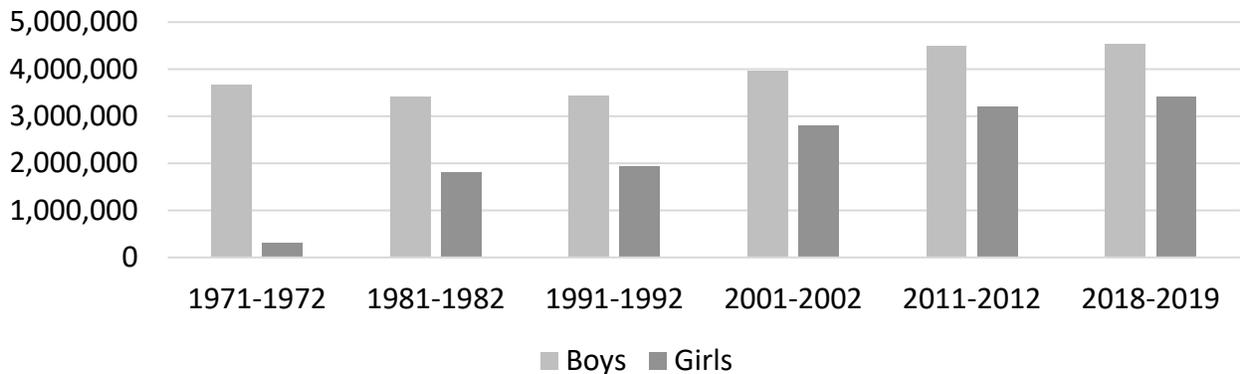
National Data and Research on Gender and Sports in the United States

**Finding #4. National data show that while the gender gap in sports participation is significantly smaller than it was in 1972, the disparity persists, and progress in reducing it has slowed.**

Data from the Aspen Institute’s Project Play show that gender disparities in sports participation begin at young ages and become more pronounced at older ages. In 2017, 62% of boys ages 6-12 played a team sport at least once, compared with 52% of girls in that age group. A 2014 study sponsored by Project Play showed that sports participation rates for boys and girls dropped dramatically between the eighth grade and 12<sup>th</sup> grade, but girls left sports at rates that were two to three times higher than drop-out rates for boys.<sup>4</sup>

The chart below displays National Federation of State High School Associations (NFHS) participation opportunity data by gender for select years between 1971-72, the year that Title IX was passed, and 2018-19, the most recent year for which data are available. The data show large and significant increases in girls’ participation in high school interscholastic athletics, from fewer than 300,000 participation opportunities in 1971-72 to over 3.4 million opportunities in 2018-19. However, a persistent gender gap in high school athletic participation remains, with boys accounting for 57% of high school athletic participation opportunities in 2018-19.

**High School Interscholastic Athletics Participation by Gender, 1971-2019**



Source: 2018-19 High School Athletics Participation Survey Conducted By The National Federation of State High School Associations, Based on Competition at the High School Level in the 2018-19 School Year

[https://www.nfhs.org/media/1020412/2018-19\\_participation\\_survey.pdf](https://www.nfhs.org/media/1020412/2018-19_participation_survey.pdf)

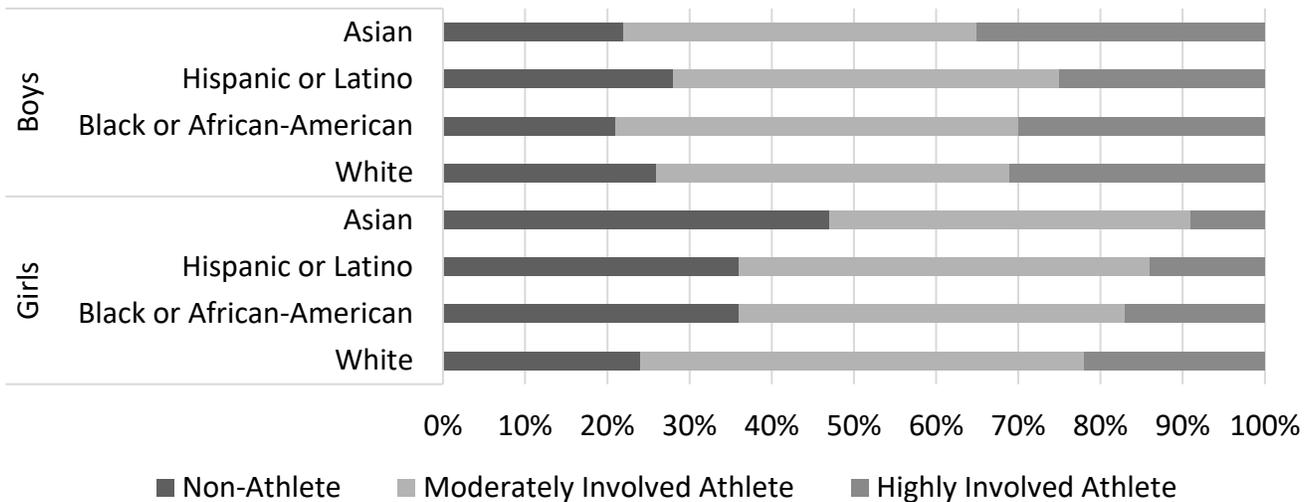
\* Student-athletes can participate in more than one sport, so the number of participation opportunities does not reflect the number of participants.

<sup>4</sup> Sabo, D. & Veliz, P. (2014). Mapping Attrition among U.S. Adolescents in Competitive, Organized School and Community Sports. Aspen, CO: The Aspen Project Play

**Finding #5. Data on sports participation by both gender and race and ethnicity are extremely limited, but they indicate significant disparities in participation between White girls and women and girls and women of color.**

Results from a 2008 study by the Women’s Sports Foundation, shown in the chart below, indicate that school-age boys overall tended to be more involved in sports than girls, but White girls had higher levels of involvement than girls of color from all groups, especially Asian girls.

**Participation Rates by Gender and Race/Ethnicity**



More recent data from the National Collegiate Athletic Association (NCAA) on participation rates in college sports in 2019-2020 published by the Institute for Diversity and Ethics in Sport similarly show that White women are overrepresented in intercollegiate athletic programs. A 2014 analysis of NCAA data showed that women of color represented majorities or pluralities of female student-athletes in basketball and outdoor track and field but were “grossly absent” from numerous other sports, including current and former “emerging sports” like ice hockey, water polo, rowing, rugby, and archery, which have helped to increase women’s sports participation in recent decades.<sup>5</sup>

**Finding #6. Playing sports has numerous benefits, but many people face barriers to sports participation that impact individuals differently based on gender or gender identity as well as other factors, such as race and ethnicity, disability status and income.**

Research shows that sports participation is associated with improved physical and mental health, social and emotional development, and educational and workforce outcomes. However, researchers have identified several barriers to sports participation, many of which have differential impacts based on gender or gender identity. Many of these barriers also impact persons differently based on their race

<sup>5</sup> McDowell, J., and Carter-Francique, A., “Experiences of Female Athletes of Color,” in *Women and Sport: Continuing a Journey of Liberation and Celebration*, Staurowsky, E. ed., Human Kinetics: Champaign, IL, 2016, p. 101.

and ethnicity, disability status, and income. These multiple structures of inequalities have a multiplying effect when these disadvantaged positions intersect in the same individual. These barriers include:

- Gender norms, stereotypes and discrimination against LGBTQ+ individuals;
- Race-based discrimination;
- Lack of public and institutional support;
- Lack of female role models;
- Cost of participation;
- Time constraints;
- Sexual harassment and assault; and
- Neighborhood environments, access to transportation, and accessibility of facilities.

**Finding #7. Expert recommendations to advance gender equity in sports include strategies for increasing girls’ sports participation and guidance for making sports LGBTQ+ inclusive.**

Efforts to advance gender equity in sports can include both initiatives to increase girls’ participation as well as strategies to make sports more inclusive for LGBTQ+ individuals. The figure below summarizes recommendations from Legal Aid at Work and Coaching Corps for parks and recreation departments that must comply with California’s Fair Play Act, and by GLSEN, a national nonprofit organization that advocates for LGBTQ+-inclusive K-12 education.

Increasing Girls’ Participation	Making Sports LGBTQ+ Inclusive
<ul style="list-style-type: none"> <li>• Targeted recruitment plans</li> <li>• Focus groups to develop marketing strategies</li> <li>• Partnerships with existing girls’ leagues</li> <li>• Incentives such as discounts and priority booking of public facilities</li> <li>• Clinics to encourage women to coach</li> </ul>	<ul style="list-style-type: none"> <li>• Regular training for coaches on LGBTQ+ inclusion</li> <li>• Inclusive codes of conduct</li> <li>• Comfortable and safe uniform options</li> <li>• Overnight trip policies that protect athletes' privacy and safety</li> <li>• Inclusive facilities with alternatives available</li> </ul>

MCRD and MCPS Programs and Data

**Finding #8. The Montgomery County Recreation Department’s (MCRD) youth and adult sports leagues serve more boys and men than girls and women.**

MCRD’s youth basketball leagues served 7,400 youth in FY19 and represent MCRD’s largest youth sports program. Boys accounted for about two-thirds of all youth basketball participants between FY17 and FY20. The data show that girls’ participation is highest at the elementary school level (ages 5-10), where girls accounted for 40% of participants, and lowest at the high school level (ages 14-18), where girls accounted for 20% of participants. Other youth sports programs include two aquatics programs that served 3,700 youth in FY19, of which 54% were girls. Smaller youth sports leagues and programs

include Soccer4Change, PLAYMontgomery, ultimate frisbee, and the Damascus Soccer Club's Futsal League, all of which overwhelmingly served boys. Boys also represented the majority of participants in MCRD's instructional youth sports programs, including classes, camps and the Excel Beyond the Bell after school sports programs.

Data on participation in MCRD's adult sports leagues is limited by the fact that registration for some leagues is by team, rather than by individual. However, available data show that in the adult soccer and softball leagues, registrations associated with men's teams accounted for more registrations than women's teams or co-rec teams. Data also show that men accounted for about two-thirds of adult ultimate frisbee league participants, and that registrations for the adult pickleball league were relatively evenly split between men and women. In MCRD's therapeutic recreation basketball, baseball and soccer leagues for individuals with disabilities, men accounted for over 90% of participants.

OLO notes that MCRD data provides limited information on the participation of transgender and gender nonconforming individuals in sports leagues and programs. In the dataset provided to OLO, 21 out of over 136,000 registrations listed "other" as the gender of the registrant.

**Finding #9. Girls' participation, and participation overall, in MCRD's youth basketball leagues, vary greatly by geographical location.**

OLO examined youth basketball registrations by gender and geographical location of the registrant based on the address provided during registration. OLO classified locations based on the election district<sup>6</sup> in which the address is located. The data show that participation by gender as well as overall registration rates varied greatly by geographical location. The percentages of registrations by girls ranged from 19% in District 11 (Barnesville) and District 6 (Darnestown and North Potomac) to 42% in District 4 (Rockville).

Overall registration rates varied even more. District 3 (Poolesville), District 7 (Bethesda, Glen Echo and Somerset), and District 10 (Potomac) had significantly higher overall registration rates relative to the rest of the County, with between 89 and 135 registrations per 1,000 population under the age of 18. In contrast, District 9 (Gaithersburg, Montgomery Village and South Germantown) and District 5 (Burtonsville and White Oak) had only six and eight registrations, respectively, per 1,000 population.

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<sup>6</sup> Election districts are relatively large subdivisions of the County in which polling places are located and to which registered voters are assigned (voters are assigned to a district and a precinct). Montgomery County has 13 election districts (for a detailed map, see the Montgomery County Board of Elections website: <https://www.montgomerycountymd.gov/Elections/Resources/Files/pdfs/maps/UpdateYear/PrecinctswElectionDistricts2018.pdf>).

**Finding #10. The MCPS Athletics Office provides central oversight to comply with Title IX and ensure gender equity in some aspects of the MCPS interscholastic athletic programs, but school staff also bear responsibility for Title IX compliance.**

Montgomery County Public Schools' (MCPS) interscholastic athletic programs serves MCPS students in 40 middle schools and 25 high schools. Approximately 5,000 rostered student-athletes participate at the middle school level and 22,000 rostered student-athletes participate at the high school level.

The MCPS Athletics Office has five staff and implements policies and regulations applicable to interscholastic athletics, provides professional development for Athletics Specialists, and supports school principals in implementing their interscholastic athletic programs. In order to advance Title IX compliance, the Athletics Office works to schedule all games in an equitable manner with regards to the timing of the games (for example, for doubleheaders, they ensure girls' teams play first half of the time) as well as the facilities used for games. Staff also report that new facilities such as locker rooms and fields are designed with gender equity as a requirement. Finally, every seven years, the Athletics Office produces a High School Athletics Gender Equity Report.

School Principals are responsible for implementing the interscholastic athletic programs at their school, including personnel management. Each school's Athletics Specialist is responsible for managing the program, including, "selection and care of equipment, practice organization, participant health and safety, and coach and athletic department certification and compliance."<sup>7</sup>

**Finding #11. MCPS's FY22 Gender Identity Guidelines call for students to be able to participate in school activities based on their gender identity.**

The FY22 MCPS Guidelines for Student Gender Identity note that, "Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, students must be permitted to participate consistent with their gender identity." With regards to interscholastic athletics, the MCPS guidelines state that in accordance with MPSSAA guidance:

...transgender and gender non-conforming students shall be allowed to participate on the interscholastic athletics team of –

- The student's sex assigned at birth; or
- The gender to which the student has transitioned; or
- The student's asserted gender identity.<sup>8</sup>

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<sup>7</sup> Montgomery County Public Schools Class Description: Athletics Specialist

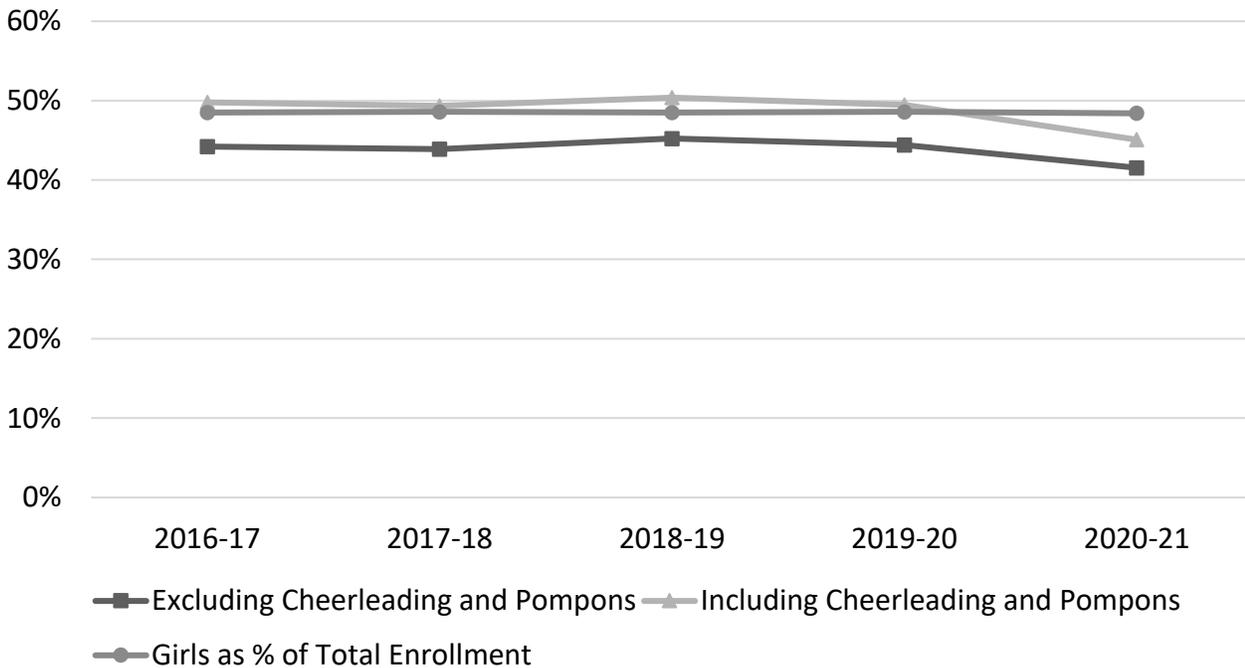
<sup>8</sup> 2021-2022 Guidelines for Student Gender Identity in Montgomery County Public Schools

**Finding #12. The percentage of MCPS high school athletic participation opportunities filled by girls is lower than the percentage of high school students that are girls, when excluding cheerleading and pompons. Girls' participation in athletics as a percentage of total participation declined after the onset of the COVID-19 pandemic.**

The chart below shows the percentages of high school athletic participation opportunities filled by girls, both including and excluding cheerleading and pompons, from 2016-17 to 2020-21, compared with the percentage of total student enrollment for comparison. When excluding cheerleading and pompons, girls accounted for a smaller percentage of athletic participation opportunities compared to their enrollment percentages.

In 2020-21, the first full school year following the onset of the COVID-19 pandemic, the percentage of in-person high school athletic participation opportunities filled by girls decreased by two to four percentage points depending on whether cheerleading and pompons is included. It is important to note that the 2020-21 data presented in this report reflect reduced in-person athletic activities in response to the COVID-19 pandemic, and do not include participation by gender in virtual athletic activities except for cheerleading and pompons because those data were not available.

**Percentages of High School Athletic Participation Opportunities Filled by Girls, 2016-17 to 2020-21**



**Finding #13. At high-FARMS high schools, participation by boys and girls in athletics was lower than at low-FARMS high schools, and girls' participation in athletics declined more in 2020-21 at high-FARMS high schools.**

OLO compared the percentages of athletic participation opportunities (excluding cheerleading and pompons) filled by girls, as well as girls' athletic participation opportunities as a percentage of total school enrollment among high-FARMS and low-FARMS high schools. These data show that:

- The total five-year percentage of athletic participation opportunities filled by girls was similar between high-FARMS and low-FARMS schools;
- In 2020-21, the percentage of athletic participation opportunities filled by girls dropped by about four percentage points on average in high-FARMS schools and two percentage points on average in low-FARMS schools; and
- High-FARMS schools had lower numbers of athletic participation opportunities filled by girls or boys relative to their total enrollment, resulting in female student-athletes accounting for a lower percentage of student enrollment in high-FARMS schools -15% - compared with low-FARMS schools – 19%.

**Finding #14. MCPS's most recent High School Athletics Gender Equity Report shows that over two-thirds of MCPS coaches are male, and per-athlete expenditures were higher for boys' teams than for girls' teams. It is inconclusive regarding equity in the condition of baseball and softball fields.**

The most recent MCPS High School Athletics Gender Equity report available is from December of 2013 and includes the following major findings for school years 2007-08 to 2012-13:

- Across high schools, 68% of coaches were male, and 32% were female; and
- Per-athlete expenditures were \$161 for boys' sports, \$118 for girls' sports, \$42 for coed sports, and \$56 for cheerleading and pompons.

In regards to facilities, the report notes that with respect to softball and baseball (where girls' and boys' teams use different facilities), "it is difficult to gather quantitative data to compare the condition of baseball and softball facilities across the county."

**Finding #15. Local data on sports participation by gender have significant limitations.**

OLO found several gaps in available local sports participation data by gender. These gaps include:

- Neither MCPS nor MCRD tracked sports participation by race or ethnicity, though MCRD recently began collecting these data. National data show significant disparities when examining sports participation by gender and race and ethnicity.

- Many of MCRD's sports leagues, particularly at the adult level, use team registration-based systems, and as a result it is not possible to fully quantify MCRD sports participation by gender.
- MCPS does not track participation by transgender and gender nonconforming student-athletes.
- Only partial data are available for middle school participation in MCPS interscholastic athletics for the past three school years.
- Comprehensive participation data for sports programs provided by third parties (e.g. private and non-profit sports providers) that use public athletic facilities are not available.

### Stakeholder Observations

**Finding #16. Many private and nonprofit sports providers in Montgomery County serve more males than females, yet few of these providers have engaged in targeted efforts to recruit more female players.**

OLO conducted interviews and an online survey to gather feedback from private and nonprofit sports providers in Montgomery County. The 26 providers that responded to the online survey reported an average of 36% of their participants are girls or women. OLO cautions that the results of this survey cannot be used to generate quantitative estimates regarding participation by gender in local sports programs or the provision of sports in general. The vast majority of organizations interviewed by OLO also reported serving more boys than girls.

Survey respondents and interviewees reported they primarily rely on word of mouth to market their programs, and very few reported using targeted marketing strategies to recruit girls or women. Most providers stated they believe girls are not as interested as boys in playing sports. On the other hand, a few providers had engaged in targeted efforts to recruit girls to their program, often with significant success. Some of these efforts include:

- Partnering with schools to promote the program, including speaking with girls that already play sports;
- Asking current participants to bring their friends, since the social aspects of sports are important for many girls, and reaching out to girls that have dropped out;
- Conducting in-person outreach to families to encourage them to register their daughters by emphasizing the importance of physical exercise and addressing any cultural concerns (such as concerns about uniforms);
- Eliminating technological barriers for families, for example by offering in-person registration and allowing cash payments; and
- Assigning members of the organization's board of directors to focus exclusively on the development of girls' programs.

**Finding #17. Recruiting female coaches, as well as recruiting any coaches to coach girls, is a significant challenge for many sports providers.**

On average, online sports provider survey respondents reported that only one in four of their coaches are women. In interviews, providers reported that they struggled to recruit female coaches and many, especially those that rely on volunteers, struggled to recruit coaches in general. Some stated that most of their coaches are individuals that played the sport as children, and few women in their community played the sport as children, limiting the pool of potential female coaches. Some providers noted that coaching girls requires a different skill set than coaching boys, and some coaches are not interested in or do not feel confident coaching girls. Some strategies that providers reported using to encourage women and others to serve as coaches include:

- Providing comprehensive training and materials for coaches;
- Organizing coaching round tables to help make coaching a good experience; and
- Recruiting college-age athletes or recent college graduates and offering them a stipend.

**Finding #18. Some families and MCPS student-athletes have observed gender inequities in sports, including specific examples of boys' sports being prioritized over girls' sports.**

When asked if the quantity of sports opportunities for children and youth in the community are similar regardless of gender, 59% of respondents of an online survey of MCPS parents agreed or strongly agreed, while 23% disagreed or strongly disagreed. When asked whether the quality of opportunities is similar regardless of gender, 48% of respondents agreed or strongly agreed, while 28% disagreed or strongly disagreed.

However, answers by parents to the open-ended survey questions as well as OLO's focus group discussion with MCPS student-athletes reveal that some parents and student-athletes have observed specific examples of boys' sports receiving more support than girls' sports in MCPS and community-based programs. Examples observed by student-athletes at their schools include:

- Practice schedules allow the boys' teams to practice first and/or use the closest field, while the girls' teams are required to practice later in the evening and/or walk to a field off-campus to practice, sometimes after dark.
- The football team has numerous coaches, while girls' sports struggle to find experienced coaches.
- A boys' football team is permitted to practice on the girls' softball field, causing wear and tear on the softball field, so that the football field is in good condition for games.
- The baseball field used by boys has more features, is closer and is in better condition than the softball field used by girls.

- The boys' team was allocated an athletic trainer for a game (athletic trainers specialize in preventing, diagnosing, and treating muscle and bone injuries and illnesses) and the girls' team was refused a trainer without a clear reason.
- The band and the cheerleaders perform for the boys' teams but not for the girls' teams.
- Boys' games are publicized via announcements and students attend the games; girls' games are not announced and students do not attend.

**Finding #19. Few private or nonprofit sports providers have established policies regarding the participation of transgender and gender nonconforming individuals.**

Only four out of 26 online provider survey respondents (15%) reported that they have a written policy regarding the participation of transgender and non-binary individuals. In interviews, most providers stated that they had not had any transgender or gender nonconforming individuals interested in playing and as a result had not yet seen a need to develop a policy. Others noted that they would need to follow their parent organization's lead. Some providers reported that they had not only developed a policy on the inclusion of transgender and gender nonconforming individuals, but also had engaged in extensive staff and coach training on LGBTQ+ inclusion, working in partnership with organizations with expertise in this area. In addition, some providers reported changing or eliminating some demographic questions on their registration forms to make them more inclusive for transgender and gender nonconforming individuals.

**Finding #20. Families and student-athletes observe that youth sports in Montgomery County are not inclusive for LGBTQ+ individuals.**

Respondents to the online parent survey reported that sports programs in Montgomery County typically do not provide a welcoming environment for LGBTQ+ youth, especially with regards to gender identity/expression. Some respondents with children that are gender nonconforming reported that their children could not find appropriate opportunities or had to stop playing sports, sometimes due to harassment from other families.

MCPS student-athlete focus group participants described cases where transgender and gender nonconforming students faced confusion. For example, a transgender MCPS student-athlete was not sure if they would be allowed to compete in accordance with their gender identity in a coed sport with gender-segregated contests. Similarly, focus group participants noted that in MCPS coed volleyball, the rules specify how often a female player must touch a ball, but it is unclear how the referee determines which players are female.

## B. Recommendations

OLO offers three recommendations and one discussion issue, detailed below, for Council consideration.

**Recommendation #1. Request that the County Executive and MCPS work in collaboration with stakeholders to regularly track and report participation in publicly provided and third-party sports programs by gender and race and ethnicity.**

As noted above, local data on sports participation by gender have significant limitations. Of particular concern is the lack of data on the race and ethnicity of MCRD and MCPS program participants, given national research showing that gender disparities impact girls of color the most acutely. MCRD has been to collect data on the race and ethnicity of participants, but insufficient data were available for this report. Policy changes and interventions that are not informed by baseline data that includes race and ethnicity may exacerbate racial disparities. In addition, no data are available on participation by gender or race and ethnicity in programs provided by private and non-profit organizations that use public facilities.

The Council may wish to request that the County Executive and MCPS work in collaboration with Montgomery Parks to provide comprehensive regular reports on participation in local sports programs by gender and race and ethnicity.

**Recommendation #2. Discuss with MCPS leadership the need and necessary resources for more comprehensive oversight and/or training to advance gender equity in the MCPS interscholastic athletic programs.**

As noted above, the MCPS Athletics Office provides central oversight to comply with Title IX and ensure gender equity in some aspects of the MCPS interscholastic athletic programs. The Athletics Office works to schedule all games in an equitable manner with regards to the timing of the games as well as the facilities used for games. Staff also report that new facilities such as locker rooms and fields are designed with gender equity as a requirement.

However, some MCPS families and student-athletes have observed specific examples of boys' sports being prioritized over girls' sports, including in practice schedules, coaching, disparities in facilities and school community support (e.g. band playing at games and game announcements). The Council may wish to discuss with MCPS leadership the resources needed to:

- Provide more comprehensive oversight and/or training to advance gender equity in individual schools' interscholastic athletic programs.
- Assess whether systematic disparities exist in facilities for girls' and boys' sports, such as between softball fields and baseball fields.

**Recommendation #3. Request that the County Executive work with stakeholders to develop and implement a comprehensive strategy to advance gender equity in publicly provided and community-based sports programs.**

Available data indicate that girls are underrepresented in MCRD programs and in many community-based sports programs. In addition, respondents to OLO’s online parent survey reported that sports programs in Montgomery County typically do not provide a welcoming environment for LGBTQ+ youth, especially with regards to gender identity/expression. The Council may wish to request that the County Executive develop a comprehensive strategy in collaboration with stakeholders such as Montgomery Parks to advance gender equity in sports programs in Montgomery County. Such a strategy could take into consideration these and other strategies recommended by Legal Aid at Work, Coaching Corp, and GLSEN.

**Increasing Girls’ Participation**

- Targeted recruitment plans
- Focus groups to develop marketing strategies
- Partnerships with existing girls’ leagues
- Incentives such as discounts and priority booking of public facilities
- Clinics to encourage women to coach

**Making Sports LGBTQ+ Inclusive**

- Regular training for coaches on LGBTQ+ inclusion
- Inclusive codes of conduct
- Comfortable and safe uniform options
- Overnight trip policies that protect athletes’ privacy and safety
- Inclusive facilities with alternatives available

**Discussion Issue. Legislation to advance gender equity in local sports programs that are not subject to Title IX.**

Title IX is a federal law that prohibits discrimination on the basis of sex in federally funded education programs and activities, including athletics programs. Title IX has had a major impact on gender equity in sports; however, it does not typically apply to local parks and recreation departments that are not part of a school district or to community-based and other private sports providers. California and Washington have enacted legislation at the state level aimed at advancing gender equity in sports programs not subject to Title IX. The Council may wish to discuss options for legislation to advance gender equity in sports at the local level.

## **Chapter 6. Agency Comments**

The Office of Legislative Oversight (OLO) shared final drafts of this report with staff from Montgomery County Government and the Montgomery County Public Schools. OLO appreciates the time taken by staff to review the draft report and to provide technical feedback. This final report incorporates technical corrections and feedback from agency staffs.

The written comments received from the Chief Administrative Officer are attached in their entirety beginning on the following page.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

Richard S. Madaleno  
*Chief Administrative Officer*

MEMORANDUM

February 2, 2022

TO: Chris Cihlar, Director  
Office of Legislative Oversight

FROM: Richard S. Madaleno, Chief Administrative Officer *RSM*

SUBJECT: Draft OLO Report 2022-3: Gender Equity in Local Sports Programs

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Report 2022-3: Gender Equity in Local Sports Programs.

Montgomery County and the Department of Recreation (REC) recognize that access to recreation and leisure programs such as sports is an important quality of life and equity indicator in a community. We also understand that quality of life is directly correlated with one's ability to access programs. REC works to affect positive change on issues such as racial and gender equity in sports and recognizes there is still much work to be done to achieve its mission of providing high quality, diverse, and accessible programs, services, and facilities.

REC and its partners are community leaders in conducting outreach through sport, providing accessible environments where young people acquire the assets needed for healthy development. Through sport, REC addresses pressing community issues such as supporting at-risk youth and youth who have been impacted by COVID induced stress. They work, in conjunction with their partners, to break down barriers. They provide transportation support, bilingual and female coaches, equipment, nutrition, service-learning opportunities, and much more. One example is REC's Soccer4Change program, which is designed to connect vulnerable youth, many who are newly arrived and English language learners, to a positive support structure. Other successes include programs such as PLAY Safe Swim Lessons, CHILL, and MoCo Lacrosse, which are all designed to break down historical barriers and establish new pathways for students between school and out-of-school-time supports. These programs create more access to sports, ensure constructive use of time, connect young people to caring adults, help them gain confidence and mastery of new skills, and connect them to wrap around supports—all critical protective factors which foster resiliency.

The draft report included the following recommendations pertaining to the Executive Branch.

**Recommendation #1:** Request that the County Executive and MCPS regularly track and report participation in publicly-provided and third-party sports programs by gender and race and ethnicity.

**CAO Response:** We are working towards continuous program improvement to affect desired culture change and dismantle long standing historical barriers to participation. REC has more recently began tracking participation by gender, race and ethnicity. However, there are limitations to the data, some of which are impacted by the software management system and how easily the data sets can be extracted from a combination of raw data and customizable reports (i.e. team vs. individual registration). The data is also limited by the user's choice to share this personal information. REC has begun to establish a new data trend since time of implementation. At the time of this report there was not yet enough reliable data on which to report. Furthermore, clarity on "third-party sports programs" would need to be provided to determine the current feasibility for the County to capture this information in a way in which data is usable (reliable, readily accessible, and easily replicated). Overall, the County agrees this is an important measure which should be collected and examined along with other measures as an indicator of performance in this area.

**Recommendation #3:** Request that the County Executive work with stakeholders to develop and implement a comprehensive strategy to advance gender equity in publicly-provided and community-based sports programs.

**CAO Response:** Girls in Montgomery County are underrepresented in sports. This is a national and local problem with solutions that are long overdue. The County, with support from the County Council, has implemented PLAYMontgomery, an initiative designed to address inequalities in youth sports. REC has begun work to convene partners to expand provisions to underserved groups; address access and silos in youth sports; and to create a plan for culturally responsive resource allocation through grants, contracts, program placement and other means. The County agrees more investments need to be made to address the long-standing historical inequalities across all ages, genders, and ethnicities in sports participation. Findings in this study will help guide a course of action and help the County to establish new strategies embedded with equity outcomes and measurable results.

The Department of Recreation will continue to work with community organizations and leaders to develop and grow opportunities for equity in sports and leisure our community. We look forward to discussing these items at the Council session.

RM/ac

cc: Fariba Kassiri, Deputy Chief Administrative Officer  
Sonia Mora, Assistant Chief Administrative Officer  
Ken Hartman, Director of Strategic Partnerships, Office of the County Executive  
Robin Riley, Director, Department of Recreation

**List of Appendices**

<b>Appendix</b>	<b>Title</b>	<b>Begins at</b>
<b>A</b>	MCPS High School Athletics Gender Equity Report, December 2013	©1
<b>B</b>	U.S. Department of Education Office for Civil Rights Letter of Finding, Winston Churchill Investigation, September 2021	©17

Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

January 9, 2014

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools 

Subject: High School Athletics Gender Equity Report

Attached is the 2013 Montgomery County Public Schools (MCPS) High School Athletics Gender Equity Summary and Evaluation Report prepared by the Athletics Unit in the Office of the Chief Operating Officer. This report assesses the status of gender equity among the 25 high schools that constitute the MCPS high school interscholastic athletics program. The last report was completed in 2007. The data support the strong and continuing efforts of the school system to ensure that athletic opportunities and resources are equal for both genders.

The report focuses on five specific areas: publicity and promotion, participation, schedules and facilities, coaching constituency, and financial support. The data covers a six-year period from 2007–2008 through 2012–2013. Results include the following:

- The ratio of male-to-female student-athletes, excluding cheerleading and pompons, in the MCPS high school interscholastic athletics program was an average of 56.8 percent males to 43.2 percent females during the six-year period. The ratio of athletic program participants, including cheerleading and pompons, was 51.1 percent males to 48.9 percent females. Total MCPS high school enrollment during the six-year span was 51.5 percent male to 48.5 percent female (see Table 1 of the report).
- There were a total of 22,795 participants in high school interscholastic athletics programs in the 2012–2013 school year, including cheerleading and pompons. For the past six years, average annual participation was 22,225.
- Consistent with the 2007 Athletics Gender Equity Report, female athletic teams and female athletes received more extensive coverage in school yearbooks than male athletic teams and male athletes. Conversely, male teams and male athletes received more extensive coverage in school newspapers. Though most school-related promotional efforts provide equal publicity for male and female sports, some school booster clubs publish fall sports programs that provide more extensive coverage of football teams than other fall teams.

- Male and female athletic teams had equal access to practice and game facilities, and a similar number of male and female teams practice on and off campus. Game times and season schedules were similar for both genders. Male/female “doubleheaders,” where male and female teams play at the same location on the same evening, were scheduled for 50 percent of soccer and basketball games. All lacrosse and baseball/softball games were scheduled as doubleheaders.
- The overall ratio of male to female coaches was 67.8 percent male to 32.2 percent female.
- Football remained by far the most expensive MCPS sport, primarily because of the extensive safety equipment required and the number of participants. Boys’ lacrosse is the second most expensive sport, largely because the cost of mandatory safety equipment far exceeds that for all sports except football. Expenditures per-student in male-female parallel sports, sports that include teams for both genders (basketball, lacrosse, soccer, tennis, and baseball/softball), were approximately the same for both genders.

The High School Interscholastic Athletics Unit will continue to work with high schools to ensure that athletic opportunities and resources remain equal for both genders. Ongoing efforts include:

- An opinion survey that is distributed to coaches each year, with feedback summarized regarding participation of male and female athletes.
- Information in school yearbooks and newspapers is analyzed each year.
- Participation information is obtained from team rosters, and is carefully evaluated each year.
- High school financial reports are summarized and evaluated each year.
- Information regarding the number of male and female coaches is summarized each year.

Data are summarized and are used to begin discussions with athletic directors, athletic coaches, and high school principals on topics including sharing successful strategies; generating new strategies; and developing future goals and objectives. If you have any questions, please contact Mr. Larry A. Bowers, chief operating officer, at 301-279-3626, or Dr. William G. Beattie, director, Systemwide Athletics, at 301-279-3144.

JPS:wgb

Attachment

Copies to:  
Executive Staff  
Dr. Beattie

**Montgomery County Public Schools**  
**High School Athletics Gender Equity Summary and Evaluation Report**  
**December 2013**

### **Introduction**

The Athletics Unit in the Office of the Chief Operating Officer collects and analyzes data every year relating to gender equity in the school system's 25 high schools. Periodically, a formal High School Athletics Gender Equity Summary and Evaluation Report is completed regarding the status of gender equity in the interscholastic athletics program and compliance to gender equity requirements of Title IX. The last report was completed in April 2007. This report covers a six-year period from 2007–2008 through 2012–2013.

Areas that are evaluated in this report include the following:

- Efforts to publicize and promote boys' and girls' sports
- Participation of male and female athletes
- Equitable schedules and facilities
- Efforts to achieve a balanced coaching staff
- Equitable financial support for both genders

Information entails the entire Montgomery County Public Schools (MCPS) interscholastic athletics program. Some portions of the report focus largely on sports with comparable male-female counterparts, otherwise referred to in this report as parallel sports. For the purposes of this report, parallel sports include boys' and girls' basketball, boys' and girls' soccer, boys' and girls' tennis, boys' and girls' lacrosse, and baseball/softball.

### **Publicity and Promotion**

Publicity and promotion are important components of a successful, comprehensive, interscholastic athletics program. Efforts to publicize and promote teams and student-athletes should be fundamentally the same for both genders. Yearbooks, athletic programs, brochures, and local school newspapers are among the ways in which schools publicize and promote their athletic programs. Samples of athletic programs, school brochures, yearbooks, and school newspapers are collected and analyzed annually using a rubric to evaluate whether boys' and girls' sports are represented in an equitable manner.

#### Yearbooks

A summary of the representation of female versus male student-athletes in school yearbooks during the six-year span from 2007–2008 through 2012–2013 reveals some interesting findings. The summary includes review of an average of 22 school yearbooks per year. During the six-year span, the total number of pictures of female student-athletes in school yearbooks has outnumbered pictures of male student-athletes by an average of 21 pictures per yearbook. Similarly, the number of pages

devoted to female sports has outnumbered the pages for male sports by an average of approximately three pages per year (three pages in 2007–2008 and 2008–2009; four pages for the past four years, 2009–2010 through 2012–2013). The total number of boys' and girls' sports that were included in school yearbooks was the same.

### Sports Programs/Brochures

Consistent with previous gender equity reports, there were considerable differences in structure and format of sport programs and brochures sold or distributed at athletic events. These publications were primarily produced by school booster clubs, and primarily featured teams that compete in the fall season. Some schools had two publications: one for football and one for other fall sports. Some schools had one publication that included all fall sports. Few schools had separate programs for all three sports seasons, though many schools print abbreviated programs/rosters for home contests that highlight players and team achievements.

### High School Newspapers

MCPS high schools newspapers published during the six-year period between 2007–2008 and 2012–2013 were reviewed. Newspapers from an average of 10 high schools per year were reviewed. Of 1,118 articles reviewed during the six-year period, including fall, winter, and spring sports, 513 (45.9%) highlighted boys' sports; 423 (37.8%) highlighted girls' sports, and 182 (16.3%) highlighted coed sports. Pictures of male athletes appeared more frequently than pictures of female athletes (56.8% to 43.2%).

Regarding school newspaper coverage of sports with male-female counterparts, the frequency of articles on boys' and girls' soccer were the same (50% boys'/50% girls'); articles on boys' basketball outnumbered girls' basketball (55.1% boys'/44.9% girls'); articles for boys' lacrosse outnumbered girls' lacrosse (54.3% boys'/45.7% girls'); articles for baseball outnumbered softball (55.1% baseball/44.9% softball); and articles for girls' tennis outnumbered boys' tennis (57.6% girls'/42.4% boys'). Overall, in male-female parallel sports, articles for boys' teams (318) outnumbered the articles for girls' teams (287) by 5.2% (52.6% boys'/47.4% girls').

### Summary and Recommendations Regarding Publicity and Promotion

- Consistent with previous reports, school yearbook editors are making strong efforts to promote boys' and girls' sports in an equitable manner.
- School and booster club athletic programs and brochures do not necessarily provide greater coverage to boys' sports, but rather one particular sport, football. Emphasis on equitable coverage, inclusive of all teams, will be addressed with high schools.
- During the six-year span of the study, school newspapers provided a larger degree of coverage for boys' sports and male athletes than girls' sports and female athletes. These findings will be shared with schools, including school newspaper editors and sponsors. Strategies will be developed on ways to attain an equal and consistent level of exposure.

## Athletic Participation

Athletic directors submit team rosters in the fall, winter, and spring that summarize athletic participation in the respective sports at their high schools. Season participation figures provided by athletic directors are entered in a database and sorted by sport, school, and gender to provide data regarding athletic participation in MCPS. Data for Maryland public school athletic participation was obtained from the Maryland Public Secondary Schools Athletic Association (MPSSAA). The National Federation of State High School Associations (NFHS) was the source for nationwide athletic participation. Data from the United States Census Bureau was used to determine percentages of males and females in the 14- to 17 year-old age group.

### Proportional Male and Female Participation

Proportional participation versus equal participation is an important distinction in Title IX. Title IX standards are based on the former. Regarding proportional participation, the percentage of male and female participation should be proportional to the percentage of male and female school system enrollment. Cheerleading and pompons participants are not included under Title IX gender equity requirements.

The percentage of male and female student-athletes participating in the MCPS high school interscholastic athletics program, as compared to overall high school enrollment, is indicated in Table 1.

**Table 1: MCPS Male/Female Athletic High School Participation Compared with School System Enrollment**

	Participation (Excluding Pompons and Cheerleading)			Participation (Including Pompons and Cheerleading)			MCPS High School Enrollment		
	Total	% Boys	% Girls	Total	% Boys	% Girls	Total	% Boys	% Girls
2007–2008	19,322	57.5%	43.5%	21,723	51.3%	48.7%	45,096	51.5%	48.5%
2008–2009	19,492	56.8%	43.2%	21,706	51.1%	48.9%	45,068	51.6%	48.4%
2009–2010	19,721	57.1%	42.9%	22,073	51.1%	48.9%	45,179	51.6%	48.4%
2010–2011	19,933	56.9%	43.1%	22,300	50.9%	49.1%	45,335	51.4%	48.6%
2011–2012	20,411	56.9%	43.1%	22,751	51.2%	48.8%	45,260	51.4%	48.6%
2012–2013	20,479	56.4%	43.6%	22,795	50.8%	49.2%	45,163	51.3%	48.7%
<b>Average</b>	<b>19,893</b>	<b>56.8%</b>	<b>43.2%</b>	<b>22,225</b>	<b>51.1%</b>	<b>48.9%</b>	<b>45,184</b>	<b>51.5%</b>	<b>48.5%</b>

Table 1 demonstrates that the ratio of MCPS male-to-female student-athletes, excluding pompons and cheerleading, has remained relatively constant since the 2007–2008 season (56.8% males to 43.2% females). The percentage of female participation hit its highest level in 2012–2013, but only by a narrow margin (43.6%). During that same time frame, the average ratio of MCPS high school enrollment was 51.5% males to 48.5% females.

If participation in cheerleading and pompons programs were included, the ratio of male (51.1%) to female (48.9%) participation would be very close, and would exceed the Title IX standard of proportional participation.

Table 2 provides a comparison of MCPS high school athletic participation to Maryland and nationwide athletic participation. The MCPS participation figures do not include pompons and cheerleading; however, nationwide figures in Table 2 include competitive spirit squads and dance/drill teams.

**Table 2: Comparison of MCPS, Maryland, and National High School Athletic Participation (Six Years: 2007–2008 through 2012–2013)**

	Nationwide Participation	Nationwide Enrollment	Maryland Participation	Maryland Enrollment	MCPS Participation	MCPS Enrollment
Boys	58.5%	51.2%	58.2%	50.8%	56.8%	51.5%
Girls	41.5%	48.8%	41.8%	49.2%	43.2%	48.5%

Cheerleading, Spirit Squads, Pompons, and Dance

A brief discussion is in order regarding cheerleading, spirit squads, pompons, and dance teams/participants. For purposes of Title IX compliance, the Office of Civil Rights does not allow cheerleading, spirit squads, pompons, or dance squads to count toward athletic participation unless these teams or squads are predominately competition oriented. Though MCPS cheerleading squads and pompon squads enter multiple competitions during their respective seasons, including the MCPS Cheerleading Championship Competition and the MCPS Pompons Championship Competition, MCPS does not apply participation figures in these two activities toward Title IX compliance because the majority of the performances are not competition oriented. Many school systems apply less-stringent criteria than MCPS.

In 2012–2013, there were 4,847 schools nationwide that included competitive spirit squads as competitive sports, including approximately 116,508 female participants. Similarly, there were 1,284 schools nationwide that included dance/drill teams as competitive sports in 2012–2013, including 24,369 female participants. The aforementioned figures are included in nationwide figures indicated in Table 2. Clearly, if MCPS included cheerleading and pompons participation in its Table 2 figures, the male-female participation ratio would be significantly adjusted, as reported in Table 1 (51.1% male and 48.9% female).

Achieving Proportional Participation

Across the country, achieving proportional participation has proven elusive. The proportion of female participation in MCPS exceeds state and national averages, but falls short of the intended goal of proportional participation. Statistics provided by the Women’s Sport Foundation indicate that proportional participation is not achieved in any of the 50 states.

As demonstrated in Table 1, if one measures participation across the entire MCPS interscholastic athletics program, including pompons and cheerleading, the ratio of male/female athletic participation is almost identical and surpasses the standard of proportionality. However, as mentioned previously, Title IX requirements do not allow pompons and cheerleading to be included

in participation figures unless they are exclusively designated as competitive programs. MCPS pompons and cheerleading compete, though competing is not their primary function. Without counting cheerleading and pompon participation, MCPS falls short of the Title IX standard of proportional participation.

In order to generate potential strategies to narrow the gap between male and female participation in sports that are exclusively competitive, a more detailed analysis is required. In essence, where does female participation lag? Below are participation comparisons in parallel male-female sports, sport categories, and coed sports.

### Participation in Parallel Male-Female Sports

Table 3 provides information regarding MCPS participation in male-female parallel sports—sports with a comparable male-female counterpart. Table 3 also provides a comparison of MCPS participation in parallel sports to statewide participation in those parallel sports. The ratio of MCPS male-female participation in parallel sports (52.6% to 47.4%) is nearly the same as the ratio of MCPS male-female high school enrollment as indicated in Table 2 (51.5% to 48.5%). Table 3 also illustrates that MCPS female participation in parallel sports is similar to statewide averages in all of the sports listed.

**Table 3: MCPS Participation Summary in Parallel Male-Female Sports**

Year	Soccer		Basketball		Tennis		Lacrosse		Baseball/ Softball		Total	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
2007–2008	1,017	956	709	615	372	401	1,083	927	778	716	3,959	3,615
2008–2009	1,010	962	697	604	377	392	1,139	1,004	807	704	4,030	3,666
2009–2010	1,004	944	716	609	397	363	1,205	1,017	816	700	4,138	3,633
2010–2011	1,017	978	710	633	424	365	1,251	1,059	802	690	4,204	3,725
2011–2012	994	975	735	631	401	383	1,234	1,085	808	754	4,172	3,828
2012–2013	1,041	967	720	629	398	377	1,183	1,040	786	714	4,128	3,727
Total	6,083	5,782	4,287	3,721	2,369	2,281	7,095	6,132	4,797	4,278	24,631	22,194
Average #	1014	964	715	620	395	380	1183	1022	800	713	4,105	3,699
Team #	20	19	14	12	8	8	24	20	16	14		
MCPS %	51.3%	48.7%	53.5%	46.5%	50.9%	49.1%	53.6%	46.4%	52.9%	47.1%	52.6%	47.4%
State %	52.1%	47.9%	56.2%	43.8%	48.5%	51.5%	56.3%	43.7%	52.4%	47.6%	53.6%	46.4%

A cursory glance at the average number of male versus female players included on team rosters for parallel sports (third row from bottom) reveals, in general, that female participation in parallel male-female sports lags male participation by approximately one-to-two students per team. For instance, whereas a boys' soccer team may include a roster of 20 players, a girls' soccer team would tend to have a roster of 19 or perhaps 18 players. This tendency is evident in all parallel sports except tennis.

### Participation by Sport Category (Boys', Girls', and Coed Sports)

Table 4 is a summary of participation by sport category (boys' sports, girls' sports, and coed sports). Boys' sports are those in which participation is predominately male, including football, wrestling,

and the male component of parallel sports listed in Table 3. Girls' sports are exclusively female, including field hockey, gymnastics, and the female component of parallel sports in Table 3. Coed sports include cross country, golf, indoor track, spring track, swimming/diving, and coed volleyball. Boys and girls compete separately in most coed sports, but they generally practice together and share the same coach.

**Table 4: MCPS Athletic Participation by Sport Category**

	2007– 2008	2008– 2009	2009– 2010	2010– 2011	2011– 2012	2012– 2013	Six-Year Average
Boys' Sports	7,312	7,311	7,461	7,505	7,516	7,424	7,422
Girls' Sports	5,147	5,264	5,205	5,335	5,434	5,401	5,298
Coed Sports	7,095	6,843	7,002	7,045	7,175	7,267	7,071
Corollary				184	434	554	391
Pompons/Cheerleading	2,200	2,214	2,357	2,367	2,341	2,316	2,299
<b>Total</b>	<b>21,754</b>	<b>21,632</b>	<b>22,025</b>	<b>22,436</b>	<b>22,900</b>	<b>22,962</b>	<b>22, 285</b>

Table 4 includes “corollary” sports. Designed largely to enhance opportunities for students with disabilities, corollary sports are full-fledged varsity interscholastic sports. The primary difference between MCPS corollary athletic teams and non-corollary athletic teams is the goal to achieve a 50 percent/50 percent ratio of participants with and without disabilities. MCPS corollary sports, added in 2010–2011, include team handball (fall), bocce (winter), and Allied softball (spring).

Table 4 illustrates that six-year average participation in boys' sports (7,422) was significantly greater than participation in girls' sports (5,298), a difference of 2,124 participants. The most significant factor in the discrepancy between participation in male versus female sports is the level of participation in football versus field hockey. The average annual participation in football during the six-year period was 2,227. By comparison, average annual participation in field hockey was 841, a difference of 1,386 participants per year between football and field hockey.

Table 3 shows that there was an average of 4,105 male participants in male-female parallel sports compared to 3,699 females, a difference of 406 students. Similarly, male participation exceeded female participation in coed sports by an average of 332 student-athletes per year.

#### Participation in Coed Sports

Table 5 provides a comparison of male and female participation in MCPS coed sports. Average participation in coed sports during the six-year span favored males (3,868) over females (3,218) by a margin of 650 students (9.2%).

There is no immediate explanation why male participation in coed sports exceeds female participation by a 9.2 percent margin. In golf, the difference may be attributed to the fact that females must compete directly against males in regular season matches. However, in cross country, indoor track, and spring track and field, males and females compete separately, yet there remains a sizable gap in participation between genders. The most noticeable gap is in cross country, where the

average male participation exceeds female participation by a margin of 304 (782 male participants, 478 versus female participants).

**Table 5: MCPS Male/Female Participation in Coed Sports**

	Cross Country		Golf		Indoor Track		Swim and Dive		Track and Field		Volleyball		Six-Year Total		Percentage	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
2007–2008	779	470	232	38	939	776	601	823	1,101	872	155	194	3,807	3,173	54.5%	45.5%
2008–2009	822	450	200	33	849	744	662	761	1,078	898	158	188	3,769	3,074	55.1%	44.9%
2009–2010	784	488	193	36	935	754	642	709	1,096	1019	153	193	3,803	3,199	54.3%	45.7%
2010–2011	752	442	187	27	882	766	658	745	1,190	1026	156	214	3,825	3,220	54.3%	45.7%
2011–2012	779	494	189	33	911	776	663	711	1,280	988	151	200	3,973	3,202	55.4%	44.6%
2012–2013	778	522	194	40	942	866	660	727	1,286	1074	168	209	4,028	3,438	54.0%	46.0%
Avg.	782	478	199	35	910	780	648	746	1,172	980	157	200	3,868	3,218	54.6%	45.4%

Summary and Recommendations Regarding Participation

- Excluding cheerleading and pompons, average annual MCPS high school athletic participation over a six-year span was 11,319 male (56.8%), and 8,594 female (43.2%) (Table 1).
- Including pompons and cheerleading, average annual MCPS high school athletic participation over a six-year span was 11,366 males (51.1%), and 10,868 females (48.9%). Total MCPS high school enrollment over a six-year span was 51.5 percent male and 48.5 percent female (Table 1).
- Average male-female participation in parallel sports over a six-year period was 52.6 percent male and 47.4 percent female (Table 3). Male-female participation in coed sports was 54.6 percent male and 45.4 percent female (Tables 5).
- The percentage of MCPS female participation exceeds state and national averages (Table 2).
- Strategies on how to narrow the gap between male and female participation in parallel sports, especially coed sports, will be addressed with principals, coaches, and athletic directors.

**Equitable Schedules and Facilities**

Each spring, schools complete a comprehensive Facility Constraint Form providing detailed information regarding scheduling preferences for the next school year. Information also is requested on school social and academic activities that present potential conflicts with athletic activities, and construction projects or facility limitations that may affect scheduling. Schedulers incorporate the information when creating the master athletic schedule. The goals are to create a conflict-free master athletic schedule and ensure that all teams have equitable schedules and equitable access to game facilities.

### Schedules and Game Facilities

As suggested previously, a useful way to gauge the degree of equity between boys' and girls' sports is to compare sports that have a clear male and female counterpart (parallel sports). Soccer, lacrosse, and basketball teams are male-female parallel sports that share the same game facility. Games are conducted on the stadium field or in the gymnasium. Boys' and girls' teams play precisely the same number of home and away games. In addition, boys' and girls' teams in these sports have an equal number of games scheduled for "prime-time" (7:00 p.m. versus 5:15 p.m.) and an equal number of games scheduled for weekday and "premier" (Friday) evenings.

Other parallel sports include boys'/girls' tennis and baseball/softball. For both genders, tennis matches are primarily played on the school tennis courts with a 3:30 p.m. start time. Girls' tennis is conducted in the fall and boys' tennis is in the spring. Both have the same number of weekday and Saturday contests.

Baseball and softball are conducted on separate fields, with game times primarily at 3:30 p.m. It is difficult to gather quantitative data to compare the condition of baseball and softball facilities across the county. In general, it is easier to maintain a softball field than a baseball field. Fences, dugouts, and spectator seating are very similar throughout the county with respect to comparing baseball and softball facilities. There are three night softball facilities (Montgomery Blair, James Hubert Blake, and Walter Johnson high schools) and three night baseball fields (Montgomery Blair, James Hubert Blake, and Walt Whitman high schools).

### Football and Field Hockey

Football and field hockey also are sports that either fully or partially utilize the stadium field. Whereas all varsity and junior varsity football games are played on the stadium field, approximately 50 percent of field hockey games are played on the stadium field. This arrangement is primarily a matter of preference on the part of field hockey coaches. Field hockey requires very specific field conditions, including grass cut to a maximum length of 1-1/2 inches. In addition, the field hockey field is generally in much better condition than the more heavily used stadium field. Many schools do not conduct the majority of their field hockey games on the stadium field for the simple reason that the alternative facility has a superior surface for conducting field hockey games.

### Doubleheaders

In male-female counterpart sports, basketball, soccer, and lacrosse, approximately 50 percent of all games are scheduled as "doubleheaders," where both varsity teams play at one site and both junior varsity teams play at the opposite site. The other 50 percent are scheduled so that the varsity and junior varsity teams of one gender play at home, and the varsity and junior varsity teams of the other gender plays away. As described, for 50 percent of the games during the course of a year, students and spectators are able to stay at one site to watch both the boys' game and the girls' game without having to choose to support athletes of one gender over the other. This is an important gender equity principle.

When conducting doubleheaders, the start time for contests is adjusted to allow an equal number of early and late contests for both genders. Boys' and girls' teams are designated an equal number of

times as the first game or second game of a doubleheader. Similarly, both genders are scheduled an equal number of times on “premier” evenings (Friday) versus other weekday evenings.

### Practice Facilities

Indoor and outdoor practice facilities are equitable for both genders. Boys’ and girls’ basketball teams alternate between practicing in the main and second gymnasium. Outdoor practice facilities for male-female counterpart sports also are equitable. In instances where boys’ and girls’ soccer and lacrosse teams practice on-campus, they share the same facility or rotate between two facilities. Frequently, soccer and lacrosse teams do not practice on campus.

Regarding off-campus soccer practices, for the 2012–2013 season, 18 varsity and junior varsity boys’ programs and 16 girls’ programs conduct the majority of their practices off-campus. Three baseball teams and four softball teams practice off campus, and three boys’ and three girls’ tennis teams conduct the majority of their practices off campus. There is equity in the degree to which one gender or the other practices off campus.

### Summary and Recommendations Regarding Schedules and Facilities

- Contests for parallel boys’ and girls’ sports are scheduled in an equitable manner. Each gender has an equal number of home and away contests; each has the same number of afternoon, evening, and Saturday contests; and each has an equal number of games scheduled on “premier nights.”
- Approximately 50 percent of all contests in boys’ and girls’ parallel sports are scheduled as “doubleheaders,” where the boys’ team and the girls’ team play at the same site, one game preceding the other on a rotating basis.
- The scheduling of off-campus practices is equitable for boys’ and girls’ teams.
- Contests in nonparallel male-female sports are scheduled in an equitable manner. Football plays exclusively in the stadium. Field hockey does not, but this is a matter of coach preference.

### **Coaching Constituency**

A survey is completed each year regarding the coaching constituency of MCPS athletic teams. Responses are organized to determine the number of male and female coaches, the number of coaches who teach at elementary, middle, and high schools, and the number of non-unit members who occupy coaching positions systemwide.

### Overall Status

There is significant turnover in the high school coaching profession. Schools extend considerable efforts in maintaining a full complement of coaches. Table 6 provides a summary of male-female coaches during a six-year span. Consistent with findings in the 2007 Gender Equity Report, the proportion of male coaches is considerably larger than female coaches. This ratio has remained relatively constant during the past decade.

**Table 6: Ratio of MCPS Male/Female Coaches—All Sports**

Year	Male Coaches		Female Coaches	
	Total	Percent	Total	Percent
2007–2008	472	65.1%	253	34.9%
2008–2009	455	68.3%	211	31.7%
2009–2010	450	68.8%	204	31.2%
2010–2011	420	68.4%	194	31.6%
2011–2012	430	68.8%	195	31.2%
2012–2013	453	68.0%	213	32.0%
<b>6-year Total</b>	<b>2,680</b>	<b>67.8%</b>	<b>1,270</b>	<b>32.2%</b>

Also consistent with previous findings, the male-female coaching ratio at individual schools indicates that some schools have been more successful than others in hiring female coaches. Similarly, as may be expected, a comparison of individual sports indicates that certain sports have a clearly dominant ratio of coaches of one gender versus the other. This is certainly true for sports such as football and field hockey, but it also is true for male-female parallel sports as indicated in Table 7.

Coaching Ratio in Male-Female Parallel Sports

The gap between female and male coaches in male-female parallel sports has improved slightly since the 2007 Gender Equity Report. In the 2007 report, the ratio was 74.9 percent male/25.1 percent female. As shown in Table 7, that ratio has narrowed slightly over the past six years (73.9% male to 26.1% female). (Figures in Table 7 are based on responses from coaches/schools. There are actually more coaches than represented in Table 7.)

**Table 7: The Ratio of MCPS Male/Female Coaches in Male/Female Parallel Sports**

	Six-Year Totals			Percent	
	Male	Female	Total	Male	Female
Boys' Basketball	102	0	102	100.0%	0.0%
Girls' Basketball	39	46	85	45.9%	54.1%
Boys' Soccer	145	4	149	97.3%	2.7%
Girls' Soccer	68	43	111	61.3%	38.7%
Boys' Lacrosse	81	0	81	100.0%	0.0%
Girls' Lacrosse	37	77	114	32.5%	67.5%
Boys' Tennis	108	5	113	95.6%	4.4%
Girls' Tennis	82	9	91	90.1%	9.9%
Boys' Volleyball	50	38	88	56.8%	43.2%
Girls' Volleyball	42	44	86	48.8%	51.2%
Baseball	104	0	104	100.0%	0.0%
Softball	58	58	116	50.0%	50.0%
<b>Total</b>	<b>916</b>	<b>324</b>	<b>1,240</b>	<b>73.9%</b>	<b>26.1%</b>

## Summary and Recommendations

- The overall ratio of male-to-female coaches favors males by a 67.8 percent to 32.2 percent margin (Table 6), a slight gain from the 69 percent to 31 percent ratio indicated in the 2007 Gender Equity Report.
- The ratio of male to female coaches in male-female parallel sports also favors male coaches by a 73.9 percent to 26.1 percent margin (Table 7), a modest improvement from the 74.9 percent male to 25.1 percent female ratio indicated in the 2007 Gender Equity Report.
- Efforts to attract a greater number of female coaches have proven modestly successful.

## **Financial Support**

Each high school completes a comprehensive, annual athletic financial report of all athletic program income and expenditures. Data are organized into specific categories, summarized, and distributed to high schools in the *Annual Athletic Financial Report*. The goal is to achieve equitable spending for both genders.

## Expenditures

Table 8 reveals that average systemwide annual athletic program expenses during a six-year period, excluding coaching stipends, were \$4,162,969. Of this amount, an average of \$1,193,855 per year was spent specifically on boys' sports (28.7%), \$625,715 on girls' sports (15.0 percent), \$300,264 on coed sports (7.2%), and \$128,547 on pompons and cheerleading (3.1%). The remaining \$1,914,588 was spent on general program expenses, including items such as security, medical supplies, custodial overtime, field repairs and maintenance, field preparation, awards, and playoff expenses (46.0%).

**Table 8: MCPS Total Athletic Program Expenses (Excluding Coaching Stipends)**

	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012	2012–2013	Average
Boys' Sports	\$1,171,101	\$1,138,460	\$1,172,636	\$1,329,426	\$1,193,850	\$1,157,655	\$1,193,855
Girls' Sports	\$611,437	\$613,023	\$621,706	\$677,545	\$650,736	\$579,845	\$625,715
Coed Sports	\$309,031	\$287,198	\$318,307	\$256,348	\$295,626	\$335,075	\$300,264
Pompons/ Cheerleading	\$121,311	\$118,039	\$114,103	\$127,727	\$129,509	\$160,590	\$128,547
General	\$1,851,514	\$2,014,528	\$1,836,805	\$1,855,631	\$2,010,142	\$1,918,909	\$1,914,588
<b>Total</b>	<b>\$4,064,394</b>	<b>\$4,171,248</b>	<b>\$4,063,557</b>	<b>\$4,246,677</b>	<b>\$4,279,863</b>	<b>\$4,152,074</b>	<b>\$4,162,969</b>

Table 8 illustrates that total expenses for boys' sports are significantly greater than for girls' sports. However, comparing total athletic program expenses may not provide the most accurate perspective for comparing expenditures for boys' and girls' sports. Following is a comparison of expenditures per-athlete over the past six years.

## Per-Athlete Expenditures

Comparing expenditures (Table 8) with participation (Table 4), Table 9 provides a six-year summary of expenditures for male and female sports from the perspective of per-athlete expenditures.

**Table 9: MCPS Per-Athlete Expenditures for Boys', Girls', and Coed Sports**

	2007– 2008	2008– 2009	2009– 2010	2010– 2011	2011– 2012	2012– 2013	Six-Year Average
Boys' Sports (with football)	\$160	\$156	\$157	\$177	\$159	\$156	\$161
Boys' Sports (without football)	\$139	\$123	\$125	\$134	\$134	\$118	\$129
Girls' Sports	\$119	\$116	\$119	\$127	\$120	\$107	\$118
Coed Sports	\$44	\$42	\$45	\$36	\$41	\$46	\$42
Pompons/Cheerleading	\$55	\$53	\$48	\$54	\$55	\$69	\$56

It is perhaps misleading to include football in comparing per-athlete expenditures, whether comparing sport-to-sport or gender-to-gender. Football requires extensive mandatory safety equipment not required for other sports. During a six-year period, the average per-athlete expense for football was \$161. If football is excluded, per-athlete expenditures for boys' sports during a six-year period were \$129, compared to \$118 for girls' sports, an \$11 dollar difference.

One explanation for the \$11 difference between per-athlete expenditures for boys' and girls' sports, even after factoring out football, is that there are other boys' sports that are inherently more expensive than their female counterpart, most notably boys' lacrosse. Boys' lacrosse regulations require players to wear helmets, shoulder pads, and other equipment not required for girls' lacrosse. Similarly, baseball players are required to wear hats, whereas softball players are not. To further examine this theory, Table 10 provides a six-year comparison of expenditures in male-female counterpart sports (sports in which there are separate boys' and girls' teams).

## Expenditures in Parallel Sports (Sports with Male-Female Counterparts)

Another way of measuring the degree of equity in athletic expenditures is to focus attention on parallel sports, those sports with a male-female counterpart. Table 10 illustrates that total expenditures for males and females in parallel sports during a six-year span are not equal – total expenditures for boys' sports, even when limiting the comparison to male-female counterparts, favored male sports by a margin of 54 percent to 46 percent. This discrepancy exceeds the proportionality standard reported in Table 1 (systemwide enrollment 51.5% male and 48.5% female).

**Table 10: MCPS Six-Year Summary of Expenditures for Male-Female Parallel Sports**

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	Six-Year Average	Percent
Boys' Basketball	\$149,910	\$129,035	\$137,236	\$130,799	\$143,656	\$126,618	\$136,209	51.5%
Girls' Basketball	\$125,705	\$132,950	\$136,232	\$136,505	\$133,120	\$106,557	\$128,512	48.5%
Boys' Soccer	\$85,502	\$92,299	\$99,106	\$112,590	\$94,431	\$91,141	\$95,845	50.5%
Girls' Soccer	\$87,337	\$91,805	\$109,615	\$95,082	\$91,990	\$88,738	\$94,095	49.5%
Boys' Lacrosse	\$172,725	\$112,879	\$142,799	\$133,766	\$174,062	\$112,974	\$141,534	58.6%
Girls' Lacrosse	\$129,277	\$87,380	\$83,465	\$100,364	\$109,837	\$90,795	\$100,186	41.4%
Boys' Tennis	\$19,156	\$14,792	\$11,243	\$11,772	\$11,674	\$13,758	\$13,733	47.2%
Girls' Tennis	\$13,660	\$16,826	\$17,255	\$15,443	\$14,621	\$14,365	\$15,362	52.8%
Baseball	\$150,755	\$157,059	\$134,489	\$142,286	\$141,134	\$124,760	\$141,747	55.8%
Softball	\$117,794	\$110,658	\$111,588	\$107,206	\$115,283	\$111,953	\$112,414	44.2%
<b>Boys' Total</b>	<b>\$578,048</b>	<b>\$506,064</b>	<b>\$524,873</b>	<b>\$531,213</b>	<b>\$564,957</b>	<b>\$469,251</b>	<b>\$529,068</b>	<b>54.0%</b>
<b>Girls' Total</b>	<b>\$473,773</b>	<b>\$439,619</b>	<b>\$458,155</b>	<b>\$454,600</b>	<b>\$464,851</b>	<b>\$412,408</b>	<b>\$450,569</b>	<b>46.0%</b>

Expenditures Per-Athlete in Male-Female Parallel Sports

Total expenditures for male-female counterpart sports are not equal, but viewed from the perspective of expenditures per-athlete, expenditures between the genders are very close. Table 11 combines participation data (Table 3) with financial data (Table 10) and compares per-athlete expenditures for male-female counterpart sports. Average expenditures per male athlete (\$130) exceed average expenditures per female athlete (\$122) by a margin of 51.7 percent/48.3 percent.

**Table 11: MCPS Per-Athlete Expenditures in Male-Female Parallel Sports**

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Average	Percent
Boys' Basketball	\$211	\$185	\$192	\$184	\$195	\$176	\$191	47.9%
Girls' Basketball	\$204	\$220	\$224	\$216	\$211	\$169	\$207	52.1%
Boys' Soccer	\$84	\$91	\$99	\$111	\$95	\$88	\$95	41.5%
Girls' Soccer	\$131	\$138	\$144	\$140	\$137	\$110	\$133	58.5%
Boys' Lacrosse	\$159	\$99	\$119	\$107	\$141	\$95	\$120	54.9%
Girls' Lacrosse	\$139	\$87	\$82	\$95	\$101	\$87	\$99	45.1%
Boys' Tennis	\$51	\$39	\$28	\$28	\$29	\$35	\$35	46.4%
Girls' Tennis	\$34	\$43	\$48	\$42	\$38	\$38	\$41	53.6%
Baseball	\$194	\$195	\$165	\$177	\$175	\$159	\$177	52.9%
Softball	\$165	\$157	\$159	\$155	\$153	\$157	\$158	47.1%
<b>Boys' Total</b>	<b>\$146</b>	<b>\$126</b>	<b>\$127</b>	<b>\$134</b>	<b>\$135</b>	<b>\$114</b>	<b>\$130</b>	<b>51.7%</b>
<b>Girls' Total</b>	<b>\$131</b>	<b>\$120</b>	<b>\$126</b>	<b>\$122</b>	<b>\$121</b>	<b>\$111</b>	<b>\$122</b>	<b>48.3%</b>

## Summary and Recommendations Regarding Financial Support

- Total expenditures for boys' sports were greater than expenditures for girls' sports during the six-year period. However, because of extensive equipment requirements, certain boys' sports are significantly more expensive than girls' sports, especially football and boys' lacrosse.
- Per-athlete expenditures for girls' sports (46%) are more comparable with boys' sports (54% if football is excluded in the calculations (Table 10).
- Per-athlete expenditures in male-female parallel sports are very close, 51.7 percent for boys' parallel sports; 48.3 percent for girls' parallel sports (Table 11).
- Per-student expenditures for boys' (\$130) in boys'-girls' parallel sports are slightly greater than per-student expenditures for girls' (\$122).

## **Conclusions**

- The overall findings are consistent with the findings in previous MCPS athletic gender equity reports.
- Schools have both an ethical commitment and a legal commitment to provide equity among male and female student-athletes and male and female athletic teams. The potential benefits that are derived through athletic participation apply to males and females.
- MCPS has been successful in achieving and maintaining equity overall. However, there are important areas that merit addressing. One important area regards the ratio of male-to-female coaches. Just as a male coach can have a positive, powerful, influence over male athletes as a role model, a female coach has the same potential to influence female athletes.
- Strategies to enhance the highest degree of gender equity will continue. Awareness is one important component. The matter of gender equity will continue to be an area of focus with school administrators, athletic directors, and coaches.



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION III  
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KENTUCKY  
MARYLAND  
PENNSYLVANIA  
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**September 24, 2021**

**IN RESPONSE, PLEASE REFER TO: 03191276**

Dr. Monifa B. McKnight  
Interim Superintendent  
Montgomery County Public Schools  
850 Hungerford Drive  
Rockville, MD 20850

Email: Monifa\_B\_Mcknight@mcpsmd.org

Dear Dr. McKnight:

This to notify you of the determination in the complaint filed with the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department), against the Montgomery County Public Schools, which we will refer to as the District. The Complainant alleged that the District discriminates against female students on the basis of sex in interscholastic sports at the Winston Churchill High School, which we will refer to as the School, in the following program areas:

1. Locker rooms, practice and competitive facilities;
2. Equipment and supplies; and
3. Travel and per diem.

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex by recipients of Federal financial assistance. Because the District receives Federal financial assistance from the Department, the District is subject to these laws.

In reaching a determination, OCR reviewed documents and photographs provided by the parties and interviewed the Complainant and School staff, including coaches and the athletic director. After carefully considering all of the information obtained during the investigation, OCR did not find sufficient evidence to support the Complainant's allegations.

**Legal Standards**

The Title IX regulation, at 34 C.F.R. § 106.41(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club, or intramural athletics offered by a recipient. The Title IX regulation, at 34 C.F.R. § 106.41(c), states that a recipient which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both sexes.

The regulation implementing Title IX also requires a recipient to provide equal athletic opportunities for members of both sexes in the provision of equipment and supplies (34 C.F.R. §106.41(c)(2)); travel and per diem allowance (34 C.F.R. § 106.41(c)(4)); and the provision of locker rooms, practice and competitive facilities (34 C.F.R. §106.41(c)(7)).

When investigating athletics program components, OCR examines whether the availability and quality of benefits, opportunities, and treatment provided are equivalent (equal or equal in effect) for members of both sexes. OCR determines whether any disparities are the result of nondiscriminatory factors or whether these disparities resulted in the denial of equal opportunity to male or female athletes, either because the disparities collectively are of a substantial or unjustified nature, or because the disparities in individual program areas are substantial enough by themselves to deny equality of athletic opportunity.

**FACTS AND ANALYSIS**

Based on its enrollment, the School is classified by the Maryland Public Secondary Schools Athletic Association (MPSSAA) as a 4A school, the largest category.

<b>INTERSCHOLASTIC SPORTS</b>		
<b>Boys</b>	<b>GIRLS</b>	<b>Co-ed</b>
Basketball	Basketball	Bocce
Lacrosse	Lacrosse	Cross Country
Volleyball	Volleyball	Volleyball
Soccer	Soccer	Indoor track
Tennis	Tennis	Outdoor track
Football	Field Hockey	Swim/Dive
Baseball	Softball	Softball
Wrestling	Competitive Cheer	
	Poms	

Indoor and outdoor track, cross country, and swimming/diving, are teams that practice together, use the same equipment and facilities, and travel in the same manner. However, these teams compete against other same sex teams. Bocce, co-ed volleyball, and co-ed softball are sports where the teams are open to both boys and girls and compete against other co-ed squads.

It is not clear whether competitive cheer and Poms are sports. The District asserts that both activities are sports and the School provides them with uniforms, practice space, and the other amenities that it provides to interscholastic sports teams. The athletic director notes that competitive cheer has a competitive season in the fall and they compete on a local county level and also on a state level. However, competitive cheer is not listed on the MPSSAA website as having a championship, nor is there any other information on its website about competitive cheer. There is an organization (the Maryland Public Schools State Cheerleading Committee) that sponsors such competitions. Poms has local competitions, but not a state level championship. Based on the available information, it appears possible that competitive cheer could be considered a sport, but unlikely that Poms would be. However, for the purposes of this investigation, it is not necessary for OCR to make a determination as to whether these activities are sports.

### **Equipment and Supplies**

The Title IX regulation requires recipients to provide equal athletic opportunity for members of both sexes regarding the provision of equipment and supplies. The Interscholastic Athletic Policy Interpretation (Policy Interpretation) issued December 11, 1979, states: "Equipment and supplies include but are not limited to uniforms, other apparel, sport-specific equipment and supplies, instructional devices, and conditioning and weight training equipment." The Policy Interpretation lists five factors to be assessed in determining compliance: (1) quality (e.g., condition), (2) amount (e.g., adequacy), (3) suitability (e.g., officially sanctioned), (4) the availability of equipment and supplies (e.g., amount of time equipment is accessible) and (5) maintenance and replacement policies and practices (e.g., maintenance services such as laundry, equipment storage, and replacement schedule) of the institution regarding equipment and supplies.

According to the Complainant the varsity boys cross country and track teams wore higher-quality white uniforms, the boys junior varsity wore blue uniforms, while the girls varsity and junior varsity all wore the same blue uniform.

The School provides uniforms to most teams on a four-year replacement cycle, including football, field hockey, soccer, volleyball, basketball, baseball, softball, lacrosse, competitive cheer, and Poms; the old uniforms get passed down to the junior varsity team. Based on coach/athlete preference, the other teams prefer to purchase their own uniforms. Athletes are responsible for purchasing their own footwear, and items like bats (baseball and softball) and sticks (boys and girls lacrosse, field hockey). Coaches reported that they had extra equipment of that type (bats, sticks, etc.) if students needed them, but that it was rarely if ever used and students preferred to use their own.

Coaches are generally responsible for notifying the athletic director of equipment needs, including items that may need repair or replacement, and this is generally done on an annual basis at the end of the season. For football, certain equipment (such as helmets) must pass inspection each year and get reconditioned. All of the coaches reported to OCR that equipment was in good to excellent condition, and that the athletic director works with the teams to ensure that equipment is repaired or replaced as needed. All coaches also reported that equipment was regulation for each sport, it is available in appropriate quantity, and is readily available in storage areas at or near practice/competitive facility. The School does not provide laundry service to teams, but laundry facilities are available for use by all teams. The head football coach is the only coach to use the laundry facilities.

With respect to the Complainant's concern regarding uniforms for the track and cross-country teams, OCR found that student-athletes purchase their own uniforms. The indoor/outdoor track coach, who also serves as the assistant cross-country coach, stated that his preference is for students to purchase and wear a blue top. However, he said that students are permitted to purchase and wear either a blue or white jersey, that many of the students prefer the white jersey, but the color of the jersey bears no significance in terms of varsity or junior varsity status. The Athletic Director also stated that the blue uniforms were the varsity uniforms.

### ***Analysis***

For the teams that the School provides with uniforms, they are replaced on a four-year cycle. On some teams, based on student and coach preference, students purchase their own uniforms. Coaches reported that the equipment and supplies required by their teams is regulation, is in at least good condition, and items that need repair or replacement are

addressed. With respect to availability, coaches reported that equipment is available for use in season and is readily accessible in storage areas on or near the practice/competitive facility. As to the Complainant's specific concern regarding the jerseys worn by members of the cross-country team, OCR's investigation determined that students purchase their own uniform and they have option of a blue or white top regardless of gender or status as varsity or junior varsity. Based on the information provided above concerning the quality, suitability, amount, maintenance and replacement, and availability of the uniforms, sport-specific equipment and general equipment to the boys and girls teams, equipment and supplies are provided to the boys and girls teams in an equivalent manner at the School. Therefore, OCR has determined the District is in compliance with 34 C.F.R. § 106.41(c)(2).

### Travel and Per Diem

The Policy Interpretation lists five factors to be assessed in determining whether a recipient provides equal opportunities in the area of travel and per diem allowance: modes of transportation; housing furnished during travel; length of stay before and after competitive events; per diem allowances; and dining arrangements.

According to the Complainant, there were times that the coach for cross country and track teams requested a bus, but the School was not able to provide one. The Complainant stated that football always uses buses, while track and cross-country teams are similar in size but do not get to use buses.

The athletic director told OCR that it is up to each coach whether or not to use a District bus to transport athletes or to use carpools. Coaches who wish to have a bus let the athletic director know that preference prior to the start of the season. Due to the scheduling of District transportation, buses can leave the School at either 1:30 pm or 4:30 pm. Many coaches prefer using carpools as the timing of the buses leaves either too much or too little time before an event. Other factors include the size of the team, the amount of equipment involved, and the distance to the competition. Football, bocce, Poms, and co-ed softball were the only teams exclusively using buses to competitions. The following teams use carpooling or buses, depending on the number of athletes attending or the distance to the event: cross country, indoor and outdoor track, wrestling, basketball (girls and boys), lacrosse (girls and boys), and competitive cheer. Field hockey, soccer (girls and boys), golf (girls and boys), volleyball (girls, boys, and coed), swimming, tennis (boys and girls), baseball, and softball all use carpools.

The indoor/outdoor track coach, who is also the assistant coach for cross country, told OCR that the decision as to whether or not to use a District bus depends on when and where the meet the meet is. Typically, a bus will be used to transport the team to all after-school meets and weekend meets outside the county; carpooling is used to transport students home and to transport students to weekend meets within the county. All coaches interviewed by OCR explained that the decision on whether or not to use buses is a team/coach decision. None of the coaches indicated that there was any pressure to use carpools instead of buses, or that there was any problem in getting a bus if that is what the team preferred.

With regard to housing furnished during travel, the School reported that teams rarely travel overnight. The athletic director told OCR that, at some point in the past, the track team went to invitationals that were out of state and stayed overnight. However, he added that none of that is paid for by the athletics department; it is paid for by the parents and is done through the county, which has a very stringent field trip policy, so they have to go through that entire process in order to get it approved and to get everything set-up for them and again we do not provide anything for those overnight trips. The School does not provide per diem.

The School does not provide any dining arrangements for student-athletes. To the extent that meals are provided prior to competitions, these are arranged and paid for by parents.

### *Analysis*

With respect to modes of transportation, OCR determined that the decision to use buses is up to the coach. Some teams, such as football, will use buses because of the number of participants and the amount of equipment. Other teams use carpools exclusively because it is more convenient from a scheduling standpoint and it to minimize the amount of time student athletes are out of school. Many of the School's teams use both buses and carpools depending on the place and time of the competitive event and the number of athletes participating. No coaches reported ever being denied a bus or being discouraged from requesting a bus.

With regard to housing, length of stay, and per diem, the School does not provide for such expenses. If travel is required for an event, it is up to parents to pay for. The School also does not provide for dining. To the extent that teams have pre-game meals, these are arranged by parents. By a preponderance of the evidence OCR finds that there is insufficient evidence that the District violated the regulation implementing Title IX, at 34 C.F.R. § 106.41(c)(4) with respect to Travel and Per Diem.

### **Locker rooms, practice and competitive facilities**

Compliance determinations for the provision of locker rooms, practice and competitive facilities component must be based on an assessment of the following six factors: quality and availability of the facilities provided for practice and competitive events; exclusivity of use of facilities provided for practice and competitive events; availability of locker rooms; quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events.

More specifically, OCR must: (1) determine whether any policies, procedures, or other criteria used for allocating locker rooms, practice, and competitive facilities differ on the basis of sex; (2) compare the quality and availability of the practice and competitive facilities provided to participants in the boys and girls athletics programs; (3) compare the quality and availability of locker rooms provided to participants in the boys and girls athletics programs; (4) compare the number of boys teams that have exclusive use of practice and/or competitive facilities to the number of girls teams that have exclusive use of practice and/or competitive facilities; (5) compare the number of boys teams that have exclusive use of locker room facilities to the number of girls teams that have exclusive use of locker room facilities; and (6) compare the maintenance and preparation of practice and competitive facilities for the boys program with the maintenance and preparation of practice and competitive facilities for the girls program.

At the time that OCR opened the investigation of this complaint, the Complainant stated that baseball has a nicer facility than softball and that the track was in disrepair. In a later interview, the Complainant acknowledged that the track is new, but asserted that: baseball has a new scoreboard while softball has a very old one; baseball has a foul pole while softball does not; softball has less seating than baseball; baseball has a nicer field compared to softball field; baseball has better dug-out space compared to softball; and more resources goes to football and baseball for their practice and competitive facilities.

The School has separate locker rooms for male and female athletes. Within each locker room there are two "team rooms" designated for a specific team each season. The locker rooms and

team rooms for boys and girls and are identical size, layout, and quality. Four boys teams (football, soccer, baseball, and lacrosse) and five girls teams (field hockey, soccer, softball, lacrosse, and basketball) have exclusive use of a *team room* during their sport's season. Some coaches reported that their teams do not use a locker room (e.g., boys and girls volleyball), or that varsity athletes on the team generally do not use the locker room (boys lacrosse and baseball). No coaches reported any issues with not having adequate access to a locker room.

The School has the practice facilities for each team that practices on campus and all are described by coaches as being in good to excellent condition. Five boys teams (football, soccer, wrestling, baseball, and lacrosse) and seven girls teams (field hockey, soccer, volleyball, competitive cheer, Poms, softball, and lacrosse) have exclusive use of a practice area during their respective seasons. No coaches reported any issues with having adequate space to practice.

The School has the following competitive facilities that are used by multiple girls and boys teams: stadium (football, girls and boys soccer, boys and girls lacrosse, and track); gymnasium (boys and girls volleyball, coed volleyball, boys and girls basketball, wrestling, and bocce); and the tennis courts used by boys and girls tennis. Baseball, girls softball, and field hockey have competitive facilities exclusively for that team during its season, and each field has an excellent playing surface. The field hockey coach stated that the facility has adequate seating for spectators and a scoreboard that was purchased in 2005. In comparing the baseball and softball facilities, the following differences were identified: baseball has a permanent fence while softball has a temporary fence; baseball has cinder block dugouts compared to wood for softball; baseball has a newer scoreboard; baseball has more seating, but softball has better sight lines for watching the games. The softball coach told OCR that he is happy with the temporary fence because it provides the School with greater flexibility in using the outfield area as a practice space. With regard to the scoreboard, the athletic director noted that the baseball team had no scoreboard when the new scoreboard was installed and the softball team currently has a functioning scoreboard.

In terms of maintenance and preparation of practice and competitive facilities, this is primarily the duty of the School's maintenance or athletic staff, with coaches handling certain aspects such as painting lines or setting up goals. However, the wrestling coach reported that the preparation of mats can only be done by the coach or one of the team managers because it is a specific process required to reduce the transmission of germs. All coaches reported that the School's facilities are well-maintained.

### *Analysis*

Overall, the District locker facilities are the same for boys and girls teams, all teams have sufficient access to locker rooms, practice and competitive facilities, and these facilities are well-maintained. OCR determined that there is a disparity favoring the boys teams in terms of the amenities of the baseball field compared to the softball field. OCR also determined that there is a disparity favoring the girls teams in the number of teams that have exclusive use of a practice or competitive facility. These disparities are offsetting and none are substantial enough to deny equal athletic opportunity. Therefore, OCR has determined the District is in compliance with 34 C.F.R. § 106.41(c)(7).

### **CONCLUSION**

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues

other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

The Complainant has a right to appeal OCR's determination within 60 calendar days of the date indicated on this letter. In the appeal, the complainant must explain why the factual information was incomplete or inaccurate, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal. If the complainant appeals OCR's determination, OCR will forward a copy of the appeal form or written statement to the District. The District has the option to submit to OCR a response to the appeal. The District must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the District.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact Catherine Deneke, Team Attorney, at Catherine.Deneke@ed.gov or (215) 656-5964.

Sincerely,



Christina M. Haviland  
Supervisory Attorney

cc: Eric C. Broussides, Esq., [ecb@carneykelehan.com](mailto:ecb@carneykelehan.com)