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Is Your Community Playing Fair? CA's Fair Play Act (AB 2404) and Gender Discrimination in Youth Sports

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The Legal Aid Association of California

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Sports Program*



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The California Women's Law Center breaks down barriers and advances the potential of women and girls through transformative litigation, policy advocacy, and education. CWLC is extensively involved in ensuring girls in California have equal access to the athletic opportunities and benefits they are entitled to under Title IX and related laws.

www.cwlc.org

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Senior Staff Attorney
Legal Aid at Work

Fair Play for Girls in Sports | Gender Equity & LGBT Rights

Fair Play focuses on helping K-12 girls of color & girls in underserved, low-income areas fight inequity in athletics.



A QUICK NOTE...



Today's webinar is intended to be an informative general primer on gender equity law as it applies to community and school athletics, and **does not constitute legal advice.**

If you suspect a violation of the law, please consult an attorney for legal advice in your individual situation.

AGENDA

- Introductions
- Benefits of Sports for Girls
- Title IX Primer (AB 2404 basis)
- AB 2404, Fair Play in Community Sports Act Overview
- Hypotheticals
- Questions



BENEFITS OF SPORTS FOR GIRLS



HEALTH BENEFITS

- Girls with the highest physical activity during adolescence & young adulthood → **20% less likely to get breast cancer later in life**
- Girls who participate in regular exercise experience **lower rates of depression**



ACADEMIC & EMPLOYMENT GAINS

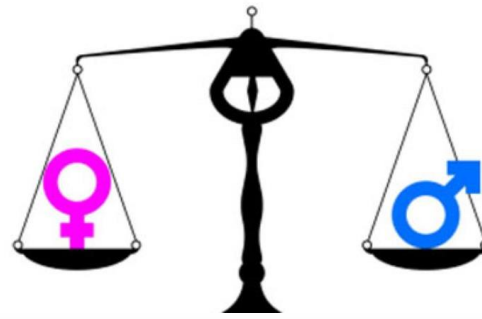
- Young female athletes have **higher grades, standardized test scores, and graduation rates** compared to non-athletes
- Women who played sports in high school earn **7% higher annual wages** than their non-athlete peers
- Community sports are a gateway to school sports



TITLE IX PRIMER (BASIS FOR AB 2404)



TITLE IX



- 47 year old federal law requiring gender equity in federally-funded programs
- Requires that K-12 schools, colleges, and universities accepting federal funds **treat female and male students equally**, in academics and athletics
- Law = more than girls simply playing sports or comparing one “like” sport to another

EQUITY IN SCHOOL - ANALYSIS

- Review **entire high school athletic program** – number of all athletes playing and experience of all athletes
- No exceptions for football
- Law requires **Equal Participation Opportunities** and **Equal Treatment and Benefits**
- **No Retaliation**



FOR EXAMPLE . . .



Boys' Baseball Field Grass



Girls' Softball Field Grass

Note: No female athletic facility made up for inequity between softball and baseball

PROGRESS: THEN & NOW

- Before Title IX passed (pre-1972) – **less than 300,000** girls playing high school sports
- Today, **more than 3,000,000 girls playing** high school sports
- Today, **boys** receive over 4 million opportunities; girls left out / **MORE TO DO for equity!**



AB 2404: Fair Play in Community Sports Act



AB 2404 (“The Fair Play Act”)

- Passed & signed into law: 2004
Effective: 2005 (15 years old)
- Requires **gender equity in youth competitive athletic programming** offered by and hosted through park and recreation departments (includes 3rd parties)
- **Private right of action** – lawsuit can be filed against agency / department
- Analysis of **Participation Opportunities & Treatment and Benefits**



AB 2404 (“The Fair Play Act”)



“No city, county, city and county, or special district, shall discriminate against any person 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: What & Where is Covered?

“parks and recreation facilities and resources” include, but are not limited to:

- athletic fields;
- athletic courts;
- gymnasiums;
- recreational rooms;
- restrooms;
- concession stands;
- storage spaces;
- lands and areas accessed through permitting & leasing



- sports and recreation equipment;
- devices used to promote athletics such as scoreboards, banners, and advertising;
- and all moneys used in conjunction with youth athletics.

Assessing Participation Opportunities

(1) Whether the selection of community youth athletics programs offered **effectively accommodate the athletic interests and abilities of members of both genders.**

- Community typically → 50% female and 50% male
- Competitive youth athletic programs → 50% female and 50% male (**Gold Standard**)
- Actual team members, not just slots offered
- OR – Show that all interest of underrepresented gender is fully met (e.g., surveys of girls' interests)



Assessing Equitable Treatment & Benefits

(2) The provision **of moneys, equipment, and supplies**

(3) **Scheduling** of games & practice times

(4) Opportunity to receive **coaching**.

(5) **Assignment and compensation** of coaches.

(6) Access to lands and areas accessed through **permitting, leasing**.

(7) **Selection of the season** for a sport.

(9) **Locker rooms**.

(10) Practice + competitive **facilities**.

(11) **Publicity**.

(12) **Officiation** by umpires, referees, or judges who have met training and certification standards.



Assessing Equitable Treatment & Benefits

Equipment and Supplies

- *E.g.*,
 - Uniforms
 - Balls
 - Goals
 - Rackets, bats
 - Protective gear



Assessing Equitable Treatment & Benefits

Scheduling of Games and Practice Times

- *E.g.*,
 - Primetime weekend slots vs. early morning and late night weekday slots



Assessing Equitable Treatment & Benefits

Coaching

- *E.g.*,
 - Assignment
 - Compensation
 - Number of coaches
 - Etc.



- Hypo: Former high school players w/ no coaching experience \neq former competitive collegiate athletes

Assessing Equitable Treatment & Benefits

Facilities

- Locker rooms
- Practice grounds
- Competition grounds
- Concession stands
- Bathrooms
- Scoreboards
- Bleachers
- Etc.



Assessing Equitable Treatment & Benefits

Publicity



Rim of the World Recreation and Park District
YOUTH BASKETBALL
League
January - March 2019
1st - 2nd \$80 3rd - 8th \$99
Registration
Opens October 21st
BOYS & GIRLS
Grades 1st - 8th
Saturday Games @ Rim High School

Volunteer Coaches are vital to the program. Coach applications are at the Park District Office. Thank you in advance for your time and commitment to our wonderful community's youth.

Register online at www.rim-rec.org or at the District Office 16777 State Hwy. 18, Rimforest, CA 92376 info@rim-rec.org | (909) 337-PA88

The purchase and distribution of certain sports items and materials is the responsibility of the individual participant.



CAMBRIDGE GIRLS YOUTH BASKETBALL
For Grades 3rd - 6th

- All Kids are allowed to play. **NO TRY OUTS.** Each child will be placed on a team based on grade level.
- All teams will practice through the week to compete on Saturdays against other local schools in the Southeastern Ohio Hoops Youth League.
- Cost per player is \$40
- Limited number of Scholarships available

Sign up dates are:

September 26th	September 28th	October 2nd
4-7:30	4-7:30	4-7:30
Conference Room at the Armory	Conference Room at the Armory	Conference Room at the Armory

SIGNUPS CAN ALSO BE MADE BY STOPPING IN AT SECOND CHANCE RETAIL BEFORE OCTOBER 3RD

See our website for more information. Please contact:
Renee Farrell 734-584-4766 Renee@ywcw.org
Wendy Van Dine 734-584-4526

Assessing Equitable Treatment & Benefits

Selection of Sport Season



- *E.g.*, Girls' soccer program is offered in the winter, while boys' soccer program is offered in the spring. In California City, weather is worst in winter and rain-outs are common.

Assessing Equitable Treatment & Benefits

Certified Umpires, Referees, Judges





HYPO 1: Opportunities

HYPO 1: Opportunities

City of Whoville

- Size: 200 people
- 100 adults; 100 children under 18;
50 boys & 50 girls
- Whoville Park and Recreation Department
- Offers basketball, baseball softball, soccer, tennis lessons, and cheer class



***Who counts for
participation under
AB 2404?***

HYP0 1: Opportunities

Whoville Park & Recreation Dept.

50 kids participating

Totals

10 girls on softball team
10 boys on baseball team
10 boys on soccer team
10 girls taking tennis lessons
10 girls learning cheer in
classes

10 athletic opportunities for
girls
20 athletic opportunities for
boys
**lessons and cheer don't
count

NEED TO ADD

10 Opportunities for girls, for proportionality (**gold standard**)



HYPO 2: TREATMENT & BENEFITS

Hypo 2: Treatment & Benefits

A Tale of Two Leagues

LEAGUE 1: Whoville All-Stars

- **Coaches:** former college players
- **Uniforms:** two sets of uniforms and new warm-ups
- **Equipment:** 5 bats, catchers' gear, mitts & new balls
- **Facilities:** re-conditioned field with lights
- **Opening day parade**



LEAGUE 2: Whoville Players

- **Coaches:** former high school players, no coaching experience
- **Uniforms:** one t-shirt
- **Equipment:** old balls, bring your own bats and mitts
- **Facilities:** soccer field without chalk or sprinklers; holes
- **No opening day festivities**



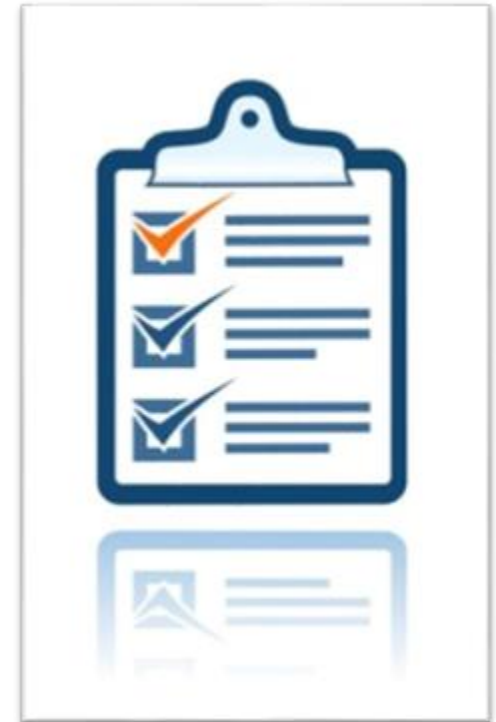
HYPO 2: Treatment & Benefits

- A Tale of Two Leagues
- **Assess and make adjustments** so that all girls and boys participating within all boys / all girls / coed leagues are getting equitable treatment and benefits



PROMOTE GENDER EQUITY: ASSESS, ADJUST, & ACHIEVE

- **ASSESS** entire program (all leagues, including 3rd party) for gender inequity.
 - *E.g.*, count all girls and boys playing
- **ADJUST** program to instill equity
 - *E.g.*, Greater outreach for female participants; re-think co-ed model
- **ACHIEVE** equity w/ persistent, regular, short & long-term action + monitoring



THANK YOU! QUESTIONS?



CONTACT US & GET MORE INFO.



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