

COMPETITION SEASONS – GIRLS' SPORTS IN “NON-TRADITIONAL” SEASONS

DID YOU KNOW THAT SOME ATHLETIC ASSOCIATIONS ARE REGULATING WHEN GIRLS HAVE THEIR SPORTS SEASONS? THE DISADVANTAGES THAT COME WITH THIS PRACTICE ARE NOT JUST WRONG, THEY'RE AGAINST THE LAW.

HIGH SCHOOLS SHOULD PLAY ALL OF THEIR GIRLS' SPORTS IN THEIR TRADITIONAL SEASONS.

Various state high school athletic associations have policies mandating the conducting of girls' sports in their “non-traditional” seasons. These policies are discriminatory and unlawful for a number of reasons.

(1) STATE AND FEDERAL COURTS CONSIDERING CASES IN WHICH THE SCHEDULING POLICIES OF A STATE HIGH SCHOOL ATHLETIC ASSOCIATION REQUIRE GIRLS' SPORTS TO BE PLAYED IN “NON-TRADITIONAL” SEASONS HAVE RULED THAT SCHEDULES BE CHANGED.

EXAMPLE: In 1994, the West Virginia State Supreme Court ordered under state nondiscrimination laws that the state's Secondary School Activities Commission move girls' basketball from the fall season to the winter season, *Lambert v. West Virginia Secondary School Activities Commission*, 191 W. Va. 700, 447 S.E.2d 901, 1994.

EXAMPLE: In 1992, the Arizona Interscholastic Association settled a Title IX lawsuit by agreeing to eliminate the practice of having girls' basketball in the spring season instead of the winter season.

(2) TITLE IX CLEARLY ADDRESSES THE ISSUE OF WHETHER INSTITUTIONS COVERED BY TITLE IX (ALL EDUCATIONAL INSTITUTIONS RECEIVING FEDERAL FUNDS) CAN USE ATHLETIC GOVERNANCE ORGANIZATION RULES TO OBIVIATE THEIR OBLIGATIONS UNDER THE LAW.

The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives or benefits from Federal financial assistance. Section 86.6c of Title IX of the Educational Amendments Act of 1972

(3) TITLE IX APPLIES TO STATE HIGH SCHOOL ATHLETIC ASSOCIATIONS.

EXAMPLE: The Sixth Circuit Court ruled in Horner versus the Kentucky High School Athletic Association that Title IX does apply to the association.

EXAMPLE: Courts have ruled that Title VI (which prohibits racial discrimination) and Section 504 (which prohibits disability discrimination) apply to state high school associations. Since Title VI and Section 504 are construed the same way as Title IX, they support the claim that Title IX applies to state high school associations.

EXAMPLE: The Third Circuit Court ruled in Smith versus NCAA that Title IX applies to the NCAA, thus extrapolating that Title IX applies to state high school athletic associations.

(4) IT IS NOT JUSTIFIABLE FOR STATE HIGH SCHOOL ATHLETIC ASSOCIATIONS OR THEIR MEMBER SCHOOLS TO ARGUE THAT INCREASED COSTS, SCHEDULING DIFFICULTIES, LACK OF GYM TIME OR LACK OF COACHES PREVENT MEMBER SCHOOLS FROM COMPLYING WITH THE LAW.

If these factors result in a need for sports being played in “non-traditional” seasons, then both boys’ and girls’ sports would have to be similarly disadvantaged.

(5) REQUIRING FEMALE STUDENT-ATHLETES TO PARTICIPATE IN SPORTS DURING SEASONS WHICH ARE DIFFERENT THAN TRADITIONAL SEASONS DISCRIMINATES AGAINST THESE FEMALE ATHLETES AND TAKES AWAY FROM THEIR ATHLETIC OPPORTUNITIES AND EXPERIENCES.

EXAMPLE: Females who are forced to play basketball in the spring rather than in the winter lose publicity opportunities, scholarship dollars (because recruiting and letters of intent offers are based on calendars keyed to the traditional seasons), their sense of pride and self worth (because they realized that boys receive the preferred season and advantaged position with regard to scholarship opportunities), and athletic participation opportunities (because they are not as likely to be recruited as their male counterparts who are playing in the winter.)

All female high school athletes have the right to participate in their sports during the sports’ traditional season. Forcing them to do otherwise is discriminatory and unlawful.