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Abstract

Males have been the dominant focus of sports participation in America since the 19th century. Serious examination of women's participation in sports did not begin to receive substantial treatment until the early 1970s, when social and legal forces led to the enactment of Title IX of the 1972 Education Amendments to the Civil Rights Act of 1964. The purpose of the present study is to address the question of whether Black and White women have benefited equally from Title IX by (a) examining Post-Title IX trends in Black and White females' sport participation in high school and college, using data from national longitudinal surveys; (b) assessing the effect of race on sport participation opportunities for high school girls based on these data; and (c) examining legal cases involving Title IX to assess the extent to which legal challenges have improved access to and participation of Black women in sports relative to their White female counterparts. The findings of the current study reveal that this benefit has not been shared equally by White and African American females. High schools attended by African American females do not offer the same range of sports as those available in schools attended by White females.

Keywords

race relations, sociology of sport, gender, middle classes

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Males have been the dominant focus of sports participation in America since the 19th century (Cahn, 1994; Coakley, 2004; Messner, 1992). Serious examination of women's participation in sports did not begin to receive substantial treatment until the early 1970s, when social and legal forces led to the enactment of Title IX of the 1972 Education Amendments to the Civil Rights Act of 1964 (Feltz, 1978; Feltz & Weiss, 1984; Holland & Thomas, 1994; Kane, 1988; Melnick, Vanfossen, & Sabo, 1988; Thirer & Wright, 1985; Trent & Braddock, 1992; Zimmerman & Reavill, 1998). More specifically, Title IX is the major federal law that prohibits sex discrimination in *any* educational program receiving federal funds. However, Title IX became best known as the catalyst for girls' and women's increased access to athletic participation opportunities. Title IX applies to most public and private colleges and universities, as well as, to most elementary, middle, and high schools in the United States (U.S. Commission on Civil Rights, 1978). Despite substantial progress in female participation in sports since the passage of Title IX, full gender equity has not been achieved. For example, a recent report entitled *Title IX at 30, A Report Card on Gender Equity*, issued by the National Coalition for Women and Girls in Education (2002), rated progress toward achieving gender equity in athletics as earning a C+ grade.

Although there continues to be a long way to go toward achieving gender equality in athletic participation, less attention has focused on the extent to which women of color, most notably African Americans and Latinas, have benefited as much as White women (Braddock, Katz, Greene, & Basinger-Fleischman, 2005). A focus on both race and gender equity in access and participation in interscholastic athletics is needed to ensure that Title IX addresses gender equity, while recognizing the double jeopardy status faced by women of color. The purpose of the present study is to address the question of whether Black and White women have benefited equally from Title IX by (a) examining Post-Title IX trends in Black and White females' sport participation in high school and college, using data from national longitudinal surveys; (b) assessing the effect of race on sport participation opportunities for high school girls based on these data; and (c) examining legal cases involving Title IX to assess the extent to which legal challenges have improved access to and participation of Black women in sports relative to their White female counterparts.

Literature Review

Title IX Policy Enactment, Challenges, Clarifications, and Progress

Title IX of the Education Amendments of 1972 amended the Civil Rights Act of 1964, which provided the most comprehensive antidiscrimination protections to U.S. citizens at the time. Title IX extended Title VI of the 1964 Civil Rights Act's protection to include prohibiting discrimination on the basis of sex in federally funded education programs. Thus, Title IX applies to all schools receiving federal funds directly or indirectly through grants, scholarships, research awards, academics, or extracurricular programs. While Title IX applies more broadly, its major focus has been on providing

greater access and participation opportunities for females in school-based athletics. An institution found to be in violation of Title IX is at risk of losing its funding for educational programs (Coakley, 2004). Despite an increase in participation numbers for female athletes in the first decade after Title IX was enacted, by the 1980s participation levels began to plateau due to the U.S. Supreme Court decision in *Grove City College v. Bell*,¹ which ruled that Title IX only applied to programs or activities that directly received federal funding. Because most collegiate athletic programs did not receive direct federal funding, the growth of women's athletic participation opportunities stopped (National Collegiate Athletic Association [NCAA], 2008) for a time. Consequently, 4 years after that ruling, Congress passed the Civil Rights Restoration Act of 1988. This Act applied Title IX to indirect recipients of federal funding. These preceding actions set the scene for the *Cohen v. Brown University*² decision, where it was determined that an institution must provide opportunities to its female students by meeting their sports interests and abilities.

Although Title IX was signed in 1972, the authorization for implementing regulations, the Javits Amendment (Sec. 844 of the Education Amendments of 1974), was not approved until 2 years later, May 20, 1974, which required the (then) Department of Health, Education, and Welfare (now Department of Education) to provide regulations to implement Title IX. The Javits Amendment (codified at 34 CFR § 106.41) allowed the Department of Health, Education, and Welfare to develop regulations implementing Title IX that took into account the "nature" of particular sports.

One section of the regulations pertains to athletics, and requires institutions to "effectively accommodate the interests and abilities of members of both sexes" (U.S. Department of Education, 2003). The regulations also require that athletic facilities and support services be provided on an equal basis for men and women. Title IX is not so much controversial because it mandates equality for women, but instead, the outcry against Title IX has focused on its effects on men's sports. In 1978, the Department of Health, Education, and Welfare published a policy interpretation for public comment, and after receiving over 700 comments, the Department adopted the final interpretation (codified at 44 Fed. Reg. 71413 on December 11, 1979; Office for Civil Rights 1979). Title IX does not require that educational institutions treat men's sports and women's sports equally, but it does require that the benefits provided to these sports should be comparable (Greenlee, 1997; Office for Civil Rights, 1979).

The policy interpretation of 1979 condensed the responsibilities of educational institutions into three general areas: (a) financial assistance, (b) benefits and opportunities, and (c) accommodation of interests and abilities. With regard to the third responsibility, the Department provided a three-part test that educational institutions could use to demonstrate compliance with accommodating the interests and abilities of their students. This three-part test provides that an institution is in compliance with Title IX if it can demonstrate that (a) the ratio of student athletes at an institution is "substantially proportionate" to the male/female ratio of student enrollment, (b) the institution has a "history and continuing practice of program expansion" for women, or (c) the institution is "fully and effectively" accommodating the

interests and abilities of women (Office for Civil Rights, 1979). This test does not require compliance with all three parts or prongs of the test: If a school is unable to comply under the first section, it may do so under the second part; and if it still is in noncompliance, it may meet the third part of the test (Suggs, 2003). For most institutions, then, compliance with Title IX is best achieved under the third prong of the three-part test. Under this prong, an institution must show that it has put forth a good faith effort to meet the interest and abilities of the underrepresented gender.

There has been considerable debate over what meeting the three-part test really means. For example, women's rights organizations, like the Women's Sports Foundation, the National Women's Law Center, and the American Association of University Women, agreed that Title IX requires increasing the number of female teams to meet the female proportionality test, whereas opponents of Title IX disagreed and believed that Title IX proponents would seek to decrease men's teams and male athletic participation in order to meet the proportionality test (Gavora, 2002).

The U.S. Department of Education issued policy clarifications in 1996, 2003, and 2005 with the aim of further clarifying the meaning and understanding of the three-part test and its application in meeting Title IX requirements. A summary of these clarifications is presented in Table 1. The policy clarification in 1996, which focused on the first prong of the three-part test (i.e., the proportionality test), generated much debate over its role in clarifying how best to comply with the requirements of Title IX. For example, some believed that the reference to the first prong of the three-part test as a "safe harbor" was confusing, forcing a numbers game, and allowed schools to disregard the second (history of expansion) and third (meeting interest needs) prongs. Others, especially those who opposed Title IX, believed that the safe harbor provision in practice was a quota system that negatively affected male athletic programs (O'Shea & Cantu, 1998).

Notwithstanding the clarifications, Title IX still retains three basic components. First, a school can demonstrate compliance with the first part of the three-part test by showing that the athletic participation rate of the underrepresented sex is substantially proportionate to the school's full-time undergraduate enrollment. Institutions maintain the right to eliminate programs instead of expanding opportunities to the underrepresented sex. Second, the institution has to have a history and continuing practice of program expansion that is "demonstrably responsive" to the developing interests and abilities of the underrepresented sex. Third, if an institution cannot show proportionality or a history and continuing practice of expansion, it may still be in compliance with the law if it can demonstrate that it is fully and effectively accommodating the interests and abilities of the underrepresented sex.

Title IX, Black Females, and the Race, Gender, Class Intersection: Empirical Evidence

The focus of current strategy to achieve Title IX compliance tends to be on adding "growth" sports to a school's lineup. Since 1988, the NCAA reports that through the

Table 1. Title IX Policy Clarifications

1996	Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test	Provided an outline of the Department of Education's policy on the three-part test. In this "Dear Colleague" letter, the often-cited proportionality test is referred to as a "safe harbor" compliance with Title IX.
2003	Open to All: Title IX at 30	The Commission on Opportunities in Athletics released its controversial report based on a study of the impact of Title IX on college athletics and hearings over an 8-month period (two commission members released a minority report).
2003	Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance	The Office of Civil Rights (OCR) in the U.S. Department of Education clarified that (a) the three-part test for assessing compliance with the participation portion of Title IX would continue to be the test used by the OCR to determine compliance; (b) Title IX did not require the cutting or reduction of teams and that such a practice is disfavored; (c) although the OCR would "aggressively enforce Title IX standards, including implementing sanctions for institutions" that were not in compliance, it would also work with schools to achieve compliance and thereby avoid such sanctions; (d) private donations to athletics programs were not exempt from Title IX equity considerations; and (e) OCR enforcement would be uniform throughout the United States. This new clarification reinforced that the Title IX policies would remain intact as they were.
2005	Additional Clarification of Intercollegiate Athletic Policy: Three-Part Test—Part Three	This new clarification purportedly made it easier for universities and colleges to assess interests and abilities on campus consistent with Title IX mandates by allowing members to assess interest through email surveys. The Office of Civil Rights would deem schools to comply with Title IX if the school used the e-mail survey and found that there were no unmet interests or abilities of the underrepresented sex. Perhaps most controversial is the portion of the clarification that allows a "no response" to be counted as an indication of "no interest" (Sabo & Grant, 2005). However, one year after releasing the 2005 clarification, the Office of Civil Rights released a report to the Senate Appropriations Committee that the 2005 clarification was misguided (Zimbalist, 2006).

academic year 2007–2008, member institutions have posted a net gain of 2,342 women's teams added to their varsity rosters (NCAA, 2009). Although the women's sports with the highest annual net gain are soccer, golf, and softball (NCAA, 2009), many schools also add “emerging” growth sports. For example, in the academic year 2007–2008, the women's sport with the highest net gain was lacrosse (NCAA, 2009). The strategy of focusing on growth sports may have direct implications for sports participation of Black females and other women of color. Until recently, Black female participation in interscholastic athletics has been limited to sports that are the least expensive for both the participant and the school: Basketball and track & field are the primary sports meeting the criteria (Lopiano, 2001). Citing the *Wilson Report*, a joint effort in 1988 between Wilson Sporting Goods Company and the Women's Sport Foundation, which was based on a sample of 500 families nationwide, Weiler (1998) noted that although Black and White females were equally likely to participate in sports, 33% of Black girls (compared to 18% of White girls) said that their families could not afford to pay the cost of equipment and lessons. Although purchasing a basketball is considerably cheaper than purchasing a horse, equestrian gear, and a country club membership, what is not so clear is the long-term effect of this approach in terms of providing equal access for both Black and White girls in interscholastic sports programs. It may be argued, for example, that by increasing the number and offering of women's sports at the high school and collegiate level, opportunities for sports participation and development are extended toward White, middle-class women at the expense of Blacks. For example, in NCAA member institutions that maintain equestrian programs, the overall percentage of White female equestrian athletes has increased from 82.7% in 1999 to 94.5% in 2007 (NCAA, 2008).

The most widespread strategy employed by educational institutions to meet Title IX mandates has been to institute programs in nontraditional sports—sports that generally pull its participants from the primarily White female athletic pool of participants. The “big three” among nontraditional sports are volleyball, crew (rowing), and soccer. If Black female athletic participation is primarily concentrated in basketball and track & field, the additional programs and scholarships in the big-three sports may attract and benefit White female athletes at the expense of Black women.

Since 1995, other emerging sports appearing on NCAA member institution college campuses include ice hockey, water polo, rugby, and equestrian (NCAA, 2009), which pull the vast majority of their participants from the White female athletic pool (NCAA, 2008). Consequently, scholarships that were benefitting powerhouse programs in basketball and track & field may become more inaccessible, and opportunities for post-secondary education would also diminish for Blacks. Thus, it is at the intersection of race, class, and gender that the relatively understudied impact of the implementation of Title IX policies may be found.

Some evidence indicates that underrepresentation of Black women has been clearly a pattern in terms of such outcomes as the awarding of scholarships. Athletic scholarships were not awarded to female athletes until the early 1970s, and in 1974, only 50 women were attending college on athletic scholarships compared to 50,000 men (Roth

& Basow, 2004). By the end of the collegiate athletic season 1977–1978, it was estimated that more than 10,000 female student-athletes from more than 460 schools received athletic scholarships. Despite expanding scholarship opportunities and increasing numbers of female athletes receiving awards, Black female athletes have not been proportionately represented in the awards granted.

Evidence also indicates a continuing pattern of Black female athletes' concentration in a limited number of sports, while their representation in the overall women athlete population has declined. For example, in 1996, the NCAA reported that Black women made up 15% of all female college athletes but that these athletes were concentrated in basketball and track & field (NCAA, 2000). In 2000, the NCAA (2007) reported that the participation rate of Black women had decreased to only 13.8% of all Division I female athletes, but the overrepresentation in basketball and track & field persisted. Although making up only 13.8% of the female athlete population, Blacks represented 25.7% of female basketball players and 20.4% of track & field athletes. Collectively, Black females represented only 3.2% of participants in all of the collegiate sports offered for women (NCAA, 2007). By the academic year 2005–2006, the NCAA reported that the percentage of Black female basketball student athletes increased from 37.8% to 42.6%. Moreover, from 1999 to 2006, the percentage of Black female basketball athletes had increased steadily from 35.7% to 44.6%. Yet the percentage of Black female athletes as a whole only increased from 9.4% to 10.7% (NCAA, 2007). As these reports clearly indicate, although Black female athletes were concentrated in limited areas (e.g., basketball and track & field), they continued to be underrepresented in college sports overall in comparison to White female athletes, suggesting that progress in closing the gender gap in sport participation attributed to Title IX has not benefited Black and White females equally. More specifically, Black females have been consistently underrepresented in 20 of the 25 sports where the NCAA maintains participation statistics (Women's Sports Foundation, 1988). Black women have, therefore, not realized the benefits as much as their White female counterparts of the Title IX strategy of introducing "growth" sports such as crew, soccer, and volleyball to attract more women to participation in sports.

Although most of the research on the impact of Title IX has been focused on the college level, ironically, far more young women are involved in high school sports. For example, Stevenson (2007) reports that there are over 7 million participants in high school sports each year, compared to about 400,000 intercollegiate athletes. In 2005–2006, the 3 million female high school athletes and 4.2 million male athletes represented 53.5% of the overall high school population in the United States (Stevenson, 2007).

The evidence, based largely on reports issued by governmental bodies, women advocacy groups, and the NCAA, indicates that, despite progress since enactment of Title IX, athletic participation opportunities continue to be disproportionate to male participation opportunities (Braddock et al., 2005). Girls participate in sports much less than boys, non-White girls participate even less, and poor minority girls engage in sports the least (Phillips, 1998; Sabo, Miller, Melnick, & Heywood, 2004). Yet sport participation may be more important for minority females, such as African Americans,

because the benefits of sport participation may not be equally experienced for those groups in comparison to their White female counterpart.

Because previous research focusing on issues of gender inequality in athletics has focused little attention on the extent to which Black and White females differ in the effects of Title IX on creating greater access and participation, there is clearly a need for such investigations. A major issue to address is the extent to which the current Title IX strategies employed to achieve gender equity have produced unintended effects that erect barriers to access and participation in high school and college athletics by non-White women. For example, whereas Black females continue to represent less than 10% of all college athletes (Lopiano, 2001), to what extent has the implementation of current Title IX strategies at the high school and collegiate levels contributed to maintaining a pattern of “funneling” Black female athletes into the two main sports (basketball and track & field) at the same time that White female athletes are benefiting the most from the addition of new sports and sports programs? If Black females attend high schools where only a narrow range of sports is available, this may adversely affect the accessibility of college and college athletics for non-White females who may be seeking athletic scholarships. The present study addresses these issues by drawing upon quantitative data from national longitudinal surveys conducted across four decades since the enactment of Title IX in 1972 and qualitative data based on cases representing legal challenges to Title IX. After describing the study’s methodology, we will turn our attention to an analysis of data bearing on these issues.

Method

Data

Quantitative data for this study were drawn from four independent national surveys conducted by the National Center for Education Statistics (NCES): the National Longitudinal Study (NLS), the High School and Beyond Survey (HSB), the National Educational Longitudinal Survey (NELS), and the Educational Longitudinal Survey (ELS). These NCES surveys, conducted during the decades of the 1970s (NLS), 1980s (HSB and NELS), 1990s (NELS and ELS), and in the first decade of the 2000s (ELS), are well-established datasets based on nationally representative samples and are widely used for secondary data analyses (see the appendix for more detailed description of each dataset).

Qualitative data for this study were based on legal cases involving challenges to Title IX. The legal cases were retrieved from the LEXIS/NEXIS academic search engine. This Web-based tool provided access to comprehensive full-text judicial decisions on Title IX cases from American trial courts, appellate courts, state supreme courts, and the U.S. Supreme Court. Not all judicial decisions are published, and some that are published may not be accessible through LEXIS/NEXIS Academic. Nevertheless, cases selected for the present study were based on a search of this database to determine the relevance of Title IX litigation to the issue of gender and race equity in sports. Utilizing

the “legal” search option in LEXIS/NEXIS Academic, the search term “Title IX” produced 867 records and 448 legal cases. The search was narrowed down and refined by introducing the search term “sport” within the Title IX results, which produced 209 records and 55 legal cases. Alternatively, the term “athlete” instead of “sport” was used to narrow down the initial 867 records and 448 legal cases, resulting in 156 records and 44 legal cases. Thus, the final results of the search included 365 records and 99 legal cases. A review of selected items from the 365 records and the 99 legal cases was conducted to determine the underlying facts of the suit, identification of the legal issues before the court, the rules of law and legal analysis applied to the case by the justices, and the conclusion reached by the court. All cases used in the current study were adjudicated in the U.S. court system.

Measurement of Variables From the Longitudinal Survey Datasets

Participation in school sport. This measure is the primary dependent variable drawn from each of the four national surveys. Although items were worded somewhat differently across surveys, students indicated whether they participated or did not participate in intramural or interscholastic (varsity and junior varsity) sports for each of the following sports: baseball, softball, soccer, basketball, swimming, football, ice hockey, field hockey, volleyball, lacrosse, tennis, cross country, track, golf, gymnastics, wrestling and other sports. Participated = 1; Did not participate, sport not available = 0 (NLS, HSB, NELS and ELS).

Sport availability. This measurement of the dependent variable is based on the list of sports provided above and indicates whether each sport was available for student participation as reported by school administrators for the 12th-grade cohort of ELS. Sport unavailable = 1; Sport available = 0 (ELS).

Student race. This is a self-reported measure of racial identification. Black = 1; White = 0 (NLS, HSB, NELS, and ELS).

Student gender. This is a self-reported measure of gender identification. Female = 1; Male = 0 (NLS, HSB, NELS, and ELS).

School region. This measure uses U.S. Department of Education categories to classify the student's school region. South = 1; West, East, Central = 0 (ELS).

School size. This measure uses school administrator data reflecting total student enrollment. Large schools (enrollment greater than 1,000) = 1; Small schools (enrollment less than or equal to 1,000) = 0 (ELS).

School poverty concentration. This measure uses school administrator data reflecting overall percentage of students receiving free or reduced price lunch. High-poverty schools (greater than 30%) = 1; Low-poverty schools (less than or equal to 30%) = 0 (ELS).

School urbanicity. This measure uses U.S. Census categories to classify the student's school as urban (central city); suburban (area surrounding a central city within a metropolitan statistical area); or rural (outside a metropolitan statistical area). Urban = 1; Suburban, Rural = 0 (ELS).

Table 2. Post–Title IX Trends in High School Female Interscholastic Sports Participation by Race (subsample sizes in parentheses)

Race	1972 NLS		1982 HSD		1992 NELS		2002 ELS	
	Percent participated	Parity ratio ^a	Percent participated	Parity ratio	Percent participated	Parity ratio	Percent participated	Parity ratio
African American	34.7 (1,567)	1.14	37.0 (825)	0.95	20.6 (423)	0.79	27.0 (869)	0.80
White	30.6 (7,818)	1.00	34.6 (3,542)	1.02	28.2 (2,913)	1.08	39.9 (825)	1.18
Totals	30.5 (10,344)		35.3 (5,791)		26.2 (4,975)		33.8 (6,716)	

^aParity ratio is an odds ratio indicator representing the ratio of each racial group's participation to total female participation.

Results

We first present descriptive results based on analysis of data drawn from the four national longitudinal surveys: NLS, HSB, NELS, and ELS. Comparisons in sports participation trends by race and gender are assessed across four decades following passage of Title IX in 1972. Second, we analyze data from the ELS to address Title IX effects related to the issue of the relative availability and access to specific sports, with emphasis on so-called “growth sports” (e.g., soccer, volleyball, and crew) for Black and White females in high school. In this analysis, we employ logistic regression techniques to assess the extent to which specific sports are available in high school, while controlling for school size, school region, school poverty concentration, and urbanicity. Finally, we analyze selected legal cases to assess the impact of legal challenges to Title IX on issues of race and gender equity in women’s interscholastic and intercollegiate athletic participation.

Descriptive Analysis

A comparison of Black-White females’ participation in high school athletics across three post–Title IX decades (1972–2002) can be made by drawing upon data from the four national longitudinal surveys: the NLS in 1972, the HSB in 1982, the NELS in 1992, and the ELS in 2002.

Table 2 reports data from these surveys on percentages of students who participated in high school interscholastic athletics for Black and White females. In addition, a *parity* measure was created as an indicator of overrepresentation or underrepresentation in sports for each racial group at the four time periods (1972, 1982, 1992, and 2002). The parity measure is an odds ratio representing the ratio of each group’s participation to total female participation in athletics. Values above unity (1.00) reflect overrepresentation, whereas values below unity reflect underrepresentation. The results in Table 2 show that the percentage of Black females who

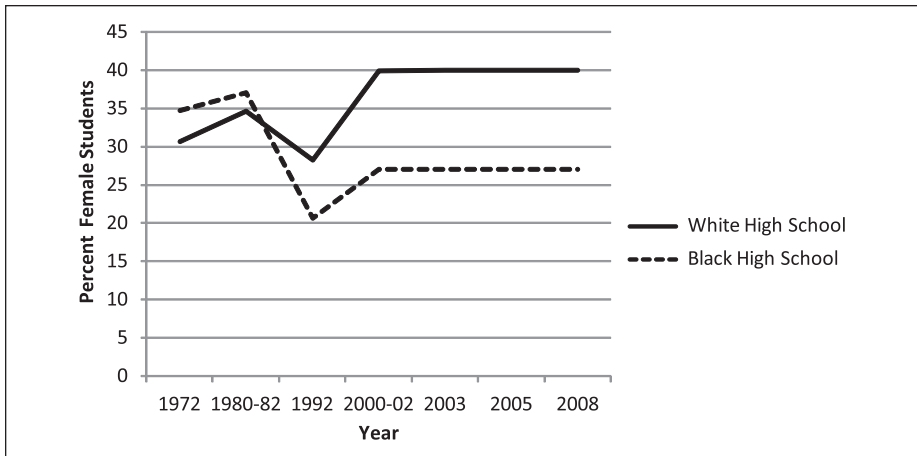


Figure 1. Proportion of White and African American high school females participating in interscholastic sports

participated in high school interscholastic athletics declined after reaching 37 % in 1982 to 27% in 2002, whereas White female participation increased from 30.6% in 1972 to 39.9% in 2002. Furthermore, whereas the parity ratio of 1.14 for African American females in 1972 indicated their overrepresentation in sports (i.e., Blacks were 14% more likely to participate in interscholastic sports than their female peers), by 2002, African American high school females were only 80% as likely (or 20% less likely than their female peers) to participate in sports.

Figure 1 provides further illustration of these trends, which indicate that, whereas Black females participated in high school sports at a higher rate than their White female counterparts in 1972, by 1992 White females began to participate in sports at a higher rate than Black females, a trend that continued into the next decade (i.e., 2002). During the same post–Title IX time period (1972–2002) and extending to more recent years (2003, 2005, and 2008), data from the four previously mentioned national surveys along with follow-up waves of ELS can be drawn upon to examine trends in sports participation of Black and White females at the college level. As shown in Figure 2, these data reveal that the gap in Black-White participation in intercollegiate athletics, which has existed since 1972 (and earlier), continued to widen in the post–Title IX decades, with White females having higher levels of participation in college sports than Black females.

Multivariate Analysis

Data for the multivariate analysis are taken from ELS. The ELS base year survey was conducted in 2002 when the students were in 10th grade and employed a two-stage, stratified random sample of nearly 17,000 tenth graders in some 1,000 schools who were

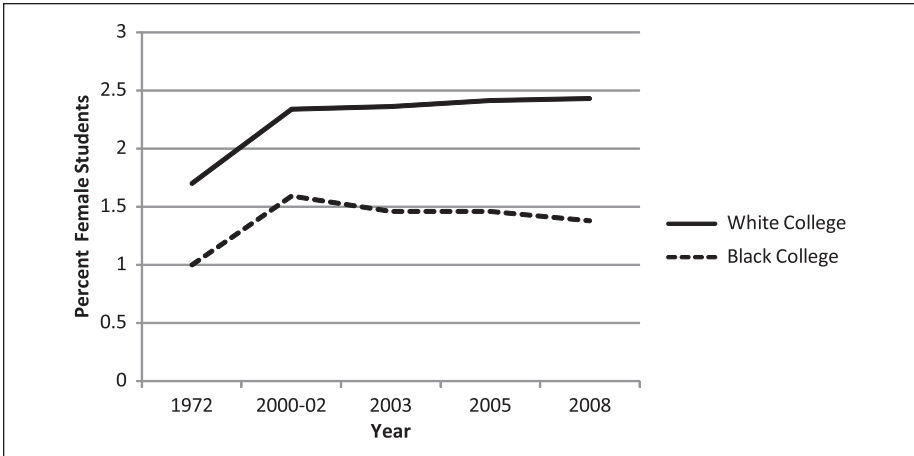


Figure 2. Proportion of White and African American college females participating in intercollegiate sports

followed up in 2004 when the respondents were in 12th grade. Follow-ups were also conducted in 2006 and 2008. Estimated response rates remained consistently over 90%. The overall sample is made up of Whites, 53.7%; Hispanics, 13.7%; African Americans, 12.5%; Asian/Pacific Islanders, 9%; and Native Americans/Alaskan Natives, 8%. However, in the present analysis, we include only White and Black females enrolled in public schools. We also use data from the school administrator questionnaire to identify schools that do (or do not) offer specific sports for female students.

We employ logistic regression analysis given the categorical outcome (dependent) measure (i.e., availability of a specific sport versus that sport's nonavailability in high school). Table 3 reports the logistic regression of each sport's availability to female students across 16 specific sports activities (along with cheerleading and drill team) on race, school size, school urbanicity, school region, and school poverty level. The unstandardized regression coefficients represent the net or direct effect of each of our predictor variables on the availability to female students of the 18 specific activities.

The reported odds ratios allow us to compare the availability to female students of specific sports across categories of the predictor variables. We focus our discussion here on the net effect of race on the availability of specific sports offered by schools as reported by school administrators.

As reported in Table 3 (second column across the top panel), schools attended by Black females were typically less likely to offer many of the sports that have been introduced to attract females (i.e., "growth" sports) in accordance with the Title IX strategy to achieve gender equity, including such growth sports as soccer, volleyball, softball, and field hockey. It is also clear by examining the percentage change in the number of high schools offering specific sports to girls between 1994 and 2005 (first column across the top panel) that there is a pattern of overall growth in the expansion

Table 3. African American Females Access Opportunities and Participation in Interscholastic and Intercollegiate Sports

Sport	Percentage change in number of high schools offering specific sports for girls (1994–2005)	Likelihood sport is available to African American vs. White high school girls ^a	College percentage African American female participation (2005–2006)	Percentage participation change among all college females (1994–2004)	Percentage of colleges offering specific sports for women
Rowing	+148.2	N/A	1.8	+87.3	4.1
Softball	+19.5	–70%**	6.0	+22.7	87.6
Soccer	+51.0	–54%**	3.8	+45.4	87.4
Basketball	+2.4	–88%**	29.0	+3.0	97.7
Swimming	+33.0	–11%**	1.3	+23.0	46.7
Skiing	+0.9	N/A	0.2	+4.3	3.8
Ice hockey	+402.9	–54%	0.4	+257.6	7.0
Field hockey	+12.2	+18%*	1.4	+10.2	24.2
Volleyball	+8.0	–41%**	8.8	+7.7	93.2
Lacrosse	+227.0	+11%	2.2	+51.0	25.5
Tennis	+15.5	–28%*	6.0	+0.2	83.5
Cross country	N/A	–46%**	9.7	+46.1 ^b	90.0
Track	N/A	–57%**	20.0	+63.9 ^b	67.9
Golf	+62.1	–47%**	3.1	+64.7	47.4
Gymnastics	–1.5	–22%*	3.9	+8.4	8.1
Fencing	+218.2	N/A	5.4	+22.9	4.1
Water polo	+277.8	N/A	0.8	+329.9	5.7
Bowling	+155.6	N/A	70.2	+896.6	4.1
Equestrian	+124.7	N/A	0.4	+214.5	4.2
No sports	N/A	–385%**	N/A	N/A	N/A

^aSee Walker-Pickett, Dawkins, and Braddock (2009).

^bCross country and track data are for 1991–2004.

p* < .05. *p* < .01.

of sports offerings. Despite the overall increase in both the number of sports being offered and the number of high schools offering specific sports, the likelihood that specific sports are available to Black females is lower than their White counterparts. A notable exception to these patterns is that schools attended by African American females were significantly *more* likely to offer (to females) only wrestling. Although coefficients for net effects of the other predictor variables are not shown, as other research would suggest, school size, region, location, and poverty level are also related to sport participation opportunities in predictable ways. Large schools and low-poverty schools offer greater participation opportunities for females, whereas the results for region and urbanicity vary according to sport types.

Results for the analysis of participation in athletics among African Americans in college are similar to the patterns found in high school sports participation. As shown in Table 3 (third and fifth columns across the top panel), among each of the most widely available sports (except for basketball and track & field), African American female participation is less than 10%. It is particularly noteworthy that this pattern applies for such widely available “growth” sports in colleges and universities as softball, soccer, and volleyball, where African American female participation in each of these sports is under 9%.

Analysis of Legal Cases

Legal cases (case law) are an important primary source of information to discern the issues and policy stance of the judicial branch of government. Written opinions of the courts retain their judicial and legal effect indefinitely unless and until an opinion is expressly overruled by subsequent judicial review, or the pertinent legislation or statute is repealed. Legal practitioners and the legal system follow a principle of precedent, whereby courts tend to follow the interpretation of laws previously determined by prior courts. Accordingly, it is imperative that legal decisions from U.S. courts are available for review by attorneys, practitioners, scholars, and the courts.

Legal cases brought as challenges to Title IX have spanned the four decades since its passage in 1972. As presented in Table 4, this litigation reveals, first, that neither the cases, nor judicial dicta, have addressed the issue of racial disparity within gender in terms of educational institutions' provisions of the same resources and opportunities for Black and White girls that are provided for boys and men. Instead, legal cases related to Title IX have focused on three types of challenges: (a) disparate treatment/substitution/elimination of teams, (b) women on men's teams, and (c) men on women's teams. Selected cases representative of these three types of challenges are identified in Table 4. Second, most of the challenges to Title IX have come from sports at the collegiate level. A possible interpretation of the collegiate focus is the vast difference in revenue generation between high school and college sports, resulting in higher stakes for colleges and universities. Third, the cases tend to direct much attention toward concern for the impact that Title IX has presented to men, or its relation to male sports opportunities. Finally, the specific sports that have been called into question under Title IX litigation tend to be the more highly visible sports. Such high-visibility sports as football also provide more openings for scholarship opportunities to colleges and universities. These findings, therefore, indicate that litigation advancing the position of girls in sports generally does little to alleviate the race-based discrimination affecting Black women and girls in high school and college sports. Thus, legal challenges have further reinforced the underrepresentation of Black women in sport.

Conclusion

A major benefit of Title IX has been an increase in the number and offerings of women's sports teams at the high school and collegiate levels, providing greater opportunities for sports participation and development among females. However, the findings of the current study reveal that this benefit has not been shared equally by White and African American females. High schools attended by African American females do not offer the same range of sports as those available in schools attended by White females. Schools attended by African American females tend not to offer the "growth sports" leading to college athletic scholarships—for example, soccer, volleyball, crew, softball, and the like—in similar proportions to those available in schools with large concentrations of White females. For example, women's crew and

Table 4. Title IX Legal Challenges: Selected Cases

Case	Facts	Issue	Ruling	Sport
<i>Adams v. Baker</i> , 919 F.Supp. 1496 (D. Kan. 1996) ^b	Plaintiff participated on the male wrestling team during eighth grade, but was prohibited from participating in ninth grade. Defendant cited moral beliefs and potential disruptions due to her gender.	Does denying female participation on male teams based on moral beliefs satisfy a governmental objective substantially related to a specific governmental purpose?	Objections based on moral beliefs do not meet the standard of important governmental objectives. Policy prohibiting females on male teams was not substantially related to student safety (defendant relied on generalization on lack of female strength compared to males); female participation on male teams would pose minimal hardship to defendant, and the hardship was outweighed by the benefits to plaintiff/females; public interest favored allowing female participation on the team.	Wrestling-F
<i>B.C. v. Board of Education</i> , 531 A.2d 1059 (N.J. Super:A.D. 1987) ^c	Plaintiff participated on the female field hockey team as a ninth-grade junior varsity player. After receiving complaints, the state athletic board prohibited males from participating on female teams.	Has plaintiff's rights been violated by prohibiting him from playing on the female team?	Prohibiting males from participating on female teams does not violate male equal protection rights. Excluding males from female teams prevents males from dominating or displacing females from athletic participation opportunities. If a female is on a male team, she assumes the risks, but placing males on female teams forces girls to compete against boys or forfeit her participation.	Field Hockey-M
<i>Favia v. Indiana University of Pennsylvania</i> , 812 F.Supp. 578 (W.D. Pa. 1992), <i>aff'd</i> , 7 F.3d 332 (3rd Cir. 1993) ^a	Indiana University of Pennsylvania (IUP) discontinued two men's athletic teams and two women's teams, citing budgetary concerns. Plaintiffs were females who wanted reinstatement of the women's teams (gymnastics and field hockey). IUP added women's soccer to replace the two discontinued teams.	Does replacing one team with another satisfy Title IX?	IUP could not show a history of expansion for women's sports, nor could it show that women's sports were offered according to their proportionate population.	Gymnastics; field hockey; soccer

(continued)

Table 4. (continued)

Case	Facts	Issue	Ruling	Sport
<i>Force v. Pierce City R-VI School District</i> , 570 F.Supp. 1020 (W.D. Mo. 1983) ^b	Plaintiff (female) was prevented from playing junior high school football.	Is prohibition of females on male teams a legitimate governmental interest?	There was no significant governmental interest in preventing girls from playing on the boys' football team.	Football
<i>Hoover v. Melklejohn</i> , 430 F.Supp. 164 ^b (D. Colo. 1977)	Plaintiff was excluded from playing soccer on her high school's boy's team. The Colorado High School Athletic Activities Association (CHSAAA) only allowed males to play soccer.	Can females play on male team; did denial of participation violate plaintiff's rights?	The CHSAAA violated plaintiff's equal protection rights.	Soccer
<i>Kleczec v. Rhode Island Interscholastic League</i> , 612 A.2d 734 (R.I. 1992) ^c	Plaintiff (male) tried out for the high school girls' field hockey team. Although the school placed him on the team, the Rhode Island Interscholastic League (RILL) did not allow him to participate.	Can males play on female teams; did denial of participation violate plaintiff's rights?	Athletic opportunities at the school had not been limited for males, thus denying him participation on the team did not violate his rights.	Field hockey
<i>Lantz v. Ambach</i> , 620 F.Supp. 663 (D.C.N.Y. 1985) ^b	Plaintiff was prohibited from playing high school football on boy's team. School regulations prohibited mixed competition in football.	Does prohibiting plaintiff (female) from playing football violate title IX and equal protection?	Title IX does not require opportunities for females to compete in contact sports. However, the regulation was overbroad by excluding qualified members of one gender because that gender is presumed to be inferior.	Football
<i>Mercer v. Duke University</i> , 32 F.Supp. 2d 836 (M.D.N.C. 1998), rev'd, 190 F.3d 643 (4th Cir. 1999) ^b	Plaintiff, Heather Mercer, was allowed to try out for the Duke University football team. Mercer participated on the team and was officially listed on the team roster, and posed as part of the team picture. She was subsequently cut, although other walk-on kickers were not cut from the team.	Does Contact Sports Exemption allow gender discrimination?	Court found in Mercer's favor; holding that because Duke University had allowed Mercer, a member of the female sex, to participate as a member of the team, it had waived its right to assert the Contact Sports Exemption defense and, thus, was prohibited from discriminating against her because of her sex.	Football

(continued)

Table 4. (continued)

Case	Facts	Issue	Ruling	Sport
<i>Petrie v. Illinois High School Association</i> , 31 Ill.Dec. 653 (1979) ^c	Plaintiff, a male high school student, wanted to play volleyball on the female team.	Is it constitutional for the defendant association to prohibit males from participating on female volleyball teams?	Defendant's rule does not violate plaintiff's equal protection rights. Distinguishing male and female athletics is not unconstitutional. Court noted that females are at a physical disadvantage when competing against males, and affirmative action is allowable to promote the government interest of fostering athletic competition for girls and boys.	Volleyball
<i>Roberts v. Colorado State University</i> , 814 F.Supp. 1507 (D. Colo. 1993), aff'd, 998 F.2d 824 (10th Cir. 1993), cert. denied ^a	Colorado State University (CSU) planned to discontinue fast pitch softball. Plaintiffs were current and former players challenging the decision.	Did CSU violate Title IX by discontinuing the fast pitch softball program? Did trial court properly order a remedy (trial court had ordered that the university play a fall exhibition season for softball)?	The court held that CSU did violate Title IX. CSU could not show that female participation in athletics was proportionate to their enrolled numbers; CSU could not show continuing expansion of female athletic programs; CSU had not met the interest and abilities of female students. However, the trial court had no authority to require the school to play a season against a competitive team.	Softball

^aDisparate treatment/substitution/elimination of teams.

^bWomen on men's teams.

^cMen on women's teams.

soccer programs have experienced some of the largest growth since Title IX was enacted. Indeed, NCAA data show that from 1991 to 2000 the number of women's crew teams increased from 12 to 129, while the number of women's soccer teams grew from 318 to 811. Since the inception of Title IX, college scholarships in those sports that have also been added in efforts to attract female athletes tend to be extended toward White, middle-class women. Thus, the effect of Title IX at the high school level may be to maintain the "funneling" of Black female athletes into two main sports (e.g., basketball and track & field), whereas White female athletes benefit the most from the addition of new sports and sports programs. In continuing to provide a narrow range of sports available at the high school level for Black women, this process may also adversely affect the accessibility of college athletics for non-White females who may be seeking athletic scholarships. Therefore, although the current strategy of adding "growth" sports for women to achieve gender equity, and Title IX compliance, may be far-reaching in terms of closing the gender gap in sports participation, it may also erect unintended barriers to access and participation in high school and college athletics for non-White women.

Although Title IX is intended to provide greater sports participation and athletic opportunities for women, the current study provides further substantiation of the argument that women of color may be left behind and excluded from newly available sports opportunities that Title IX brings. For example, when many institutions attempt to meet the second part of the Title IX regulations by adding women's teams to the roster of sports offered, they may not give enough consideration to possible negative race and class effects. The diversity of sports now being offered at many college and university campuses disproportionately exclude women athletes of color because the majority of newly added women's sports teams tend to attract suburban, White females (Suggs, 2005). Among the fastest growing of these sports at NCAA member institutions are lacrosse, golf, soccer, and rowing (NCAA, 2008).

Several reasons have been offered for the lack of availability of the growth sports at schools attended by African Americans at the high school level. One explanation is that urban female athletes do not participate in the growth sports because their high schools do not have the space needed for sports like soccer or lacrosse, or the water needed for rowing (Williams & Brake, 2008). These schools also lack the financial resources necessary to support large sports programs (Suggs, 2005). Furthermore, it is suggested that there is a need for coaches to train the athletes in such new fields, and a lack of qualified coaches to do so (Suggs, 2001). Accordingly, recruiting Black women and girls to participate in these growth sports is difficult. Nevertheless, there is insufficient research and a clear need for further study of this issue.

Finally, the legal precedence that has been set following Title IX and equal protection litigation clearly supports the idea that women and girls should have equal opportunity and access to sports. Although Title IX redresses gender equity issues, it is not clear that Title IX addresses the needs or desire for racial equity for women of color. Case law challenging or supporting Title IX has neglected to test the double jeopardy implications for Black women in sports. Title IX as a policy only seeks to redress one

form of discrimination (i.e., gender), whereas a need to focus on race remains. Few cases if any deal with the intersection of race and gender equity issues and, specifically, the challenges faced by Black female athletes who may confront discrimination based on their gender and their race. The question of equal access for Blacks should, therefore, be a part of addressing gender equity. Race and gender equity have their roots in the equality of access. The introduction of new, growth sports affects both. Although we do not conclude that Black women have not benefited from Title IX, this study indicates that Black women and girls may not have received equal benefits when compared to the benefits reaped by White females under Title IX. Special attention is, therefore, needed to address the manner in which educational and gender equity policies coexist and intersect with sports participation as the key to making sure that all girls and women receive the benefits that sports participation provides.

In this article, we have shown that interscholastic athletic access and participation opportunities for females are unevenly distributed along racial lines, with the result that Black girls receive fewer opportunities to experience the benefits of athletic participation beginning in high school and miss out on the many positive consequences of involvement in organized school sports as a learning and socialization context both at the high school and college levels. Greater emphasis must, therefore, be given to racial considerations in Title IX's mandate of achieving equality of access, because school sport participation is especially important for young women of color as they are more likely to participate in sports through their schools than through private organizations (Women's National Law Center, 2002; Women's Sports Foundation, 1988).

Appendix

Descriptions of the Longitudinal Datasets Employed in the Analysis

National Longitudinal Study of 1972 (NLS). The NLS was sponsored by the National Center for Education Statistics (NCES), a division of the U.S. Department of Education, and consists of surveys completed by selected high school seniors in the spring of 1972. Follow-up surveys were completed by the same sample of students in 1973, 1974, 1976, 1979, and 1986, effectively capturing data from the sample for 14 years. The NLS study of the Class of 1972 from its high school years through its early 30s is widely considered as the baseline against which the progress and achievements of subsequent cohorts may be measured. It provides one of the largest and richest sources of data for studying a wide range of characteristics of youth as they transition from high school to adulthood. A two-stage sample design was employed to select the nationally representative sample. In the first stage of the NLS sampling design, 1,200 high schools were randomly selected from the 50 states and the District of Columbia. In the second stage, 18 high school seniors were randomly selected from each of the participating schools, resulting in a base-year sample size of approximately 21,600 students, who completed surveys in 1972. The first follow-up in 1973 obtained data from 93.7% of the students from the original sample. The second follow-up in 1974

obtained data from 94% of the students from the original sample. Similarly, the third follow-up in 1976 obtained data from 92% of the original sample.

High School and Beyond (HSB). The HSB survey included data taken from the 1980 twelfth-grade senior class, and the 1980 tenth-grade sophomore class. Additionally, each cohort was surveyed again in follow-up surveys every 2 years through 1986 and from the 1980 tenth-grade sophomore class again in 1992. This survey included data on postsecondary school enrollment, educational attainment, and employment outcomes. In the 1980 base year, over 30,000 sophomore students and 28,000 senior students were surveyed from 1,122 participating schools. Nearly 94% of respondents participated in the first follow-up in 1982 during their 12th-grade senior year. Close to 93% of respondents participated in the second follow-up in 1984, and 92% participated in the third follow-up in 1986.

National Educational Longitudinal Study of 1988 (NELS). The NELS began being compiled by the NCES in 1988. NCES subsequently conducted follow-ups to the initial compilation of data in 1990, 1992, 1994, and 2000. The design as implemented in 1988 used a two-stage procedure to select a nationally representative sample of public and private schools that contained eighth-grade students, and then a stratified random sample of eighth-grade students within each selected school. For the base year of 1988, in-school surveys were taken of these eighth-grade students, and the subsequent follow-ups assessed them at 10th grade (1990), 12th grade (1992), and then 2 and 6 years later in 1994 and 2000, respectively. Each follow-up represented a smaller subsample of the initial sample. In addition to the students surveyed, their teachers, parents, and school administrators were also surveyed. In the 1988 base year, 24,599 eighth-grade students were surveyed from 1,052 participating schools. Over 90% of the base year respondents were surveyed for the 1990 and 1992 follow-ups. The first follow-up in 1990 surveys the students in their sophomore year of high school, which allows longitudinal measurements from the 1988 baseline, and also provides a comparison point to high school sophomores from the previous decade as studied in the HSB survey. Similarly, the second follow-up in 1992 (the students' senior year) allows a comparison point to the high school senior class of 1980 as studied in the HSB survey. A total of 16,489 students completed both the 1990 follow-up and the 1992 follow-up surveys.

Educational Longitudinal Study of 2002 (ELS). The ELS was also conducted by the NCES. The study is designed to track a nationally representative sample of high school 10th graders through their 12th-grade senior year. In addition to the student sample, data were also collected from the students' parents, teachers, librarians, and school administrators. The base year survey in 2002 employed a two-stage sampling procedure, resulting in a stratified random sample of nearly 17,000 tenth-grade students from around 1,000 schools. The subsequent follow-up in 2004 had a response rate of over 90% of the initial sample, and is representative of high school seniors in 12th grade. NCES also compiled data from a 2006 follow-up to gather additional information about colleges and enrollment in postsecondary education. ELS data from 10th-grade and 12th-grade students allow comparisons to be made the HSB survey

from similar students in the 1980s, as well as 10th- and 12th-grade students responding to the NELS in the 1990s and high school seniors from the NLS Class of 1972.

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1. *Grove City College v. Bell*, 687 F.2d 691 (3d Cir. 1982), *aff'd*, 465 U.S. 555 (1984).
2. *Cohen v. Brown University*, 809 F.Supp. 978 (D. R.I. 1992), *aff'd*, 991 F.2d 888 (1st Cir. 1993); 879 F.Supp. 185 (D. R.I. 1995), *aff'd in part, rev'd on other grounds*, 101 F.3d 155 (1st Cir. 1996).

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