

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Parks and Recreation

AGENDA DATE: January 20, 2009

CONTACT PERSON/PHONE: Judy Weiss, Assistant Director 541-4259

DISTRICT(S) AFFECTED: All

CITY CLERK DEPT.
09 JAN 14 AM 11:34

SUBJECT:

Discussion and action to authorize the Parks and Recreation Department to continue to use the current rules regarding gender eligibility in sports leagues offered by the City of El Paso.

BACKGROUND / DISCUSSION:

The Parks and Recreation Department provides a continuum of services designed to offer a variety of recreational opportunities to youth, adults and seniors throughout the City. The Sports Section provides four levels of sports activities: instructional/developmental, recreational leagues, competitive leagues, and tournaments. Current practice has boys and girls playing together on the same teams in instructional and recreation leagues. Throughout the year, there are recreational levels of sports offered either by the El Paso Parks and Recreation Department or by a complementary agency. A parent may choose to have their child play at the recreational level throughout the child's youth sports career.

On the competitive level of basketball, however, boys and girls are separated to remain consistent with governing body and school rules and to prepare the child to play at higher levels. The current rules with competitive leagues are to only allow a girl to play on a boys' team if a girl's division in that sport does not have enough participants. Girls desiring more challenge are allowed to play in a higher age group of girls. Girls are only allowed to play on boys' teams if no girls sport counterpart is offered. An example of this is football; girl's football is not offered so girls are allowed to play on boys' teams. All current Parks and Recreation league rules are consistent with the governing bodies for youth sports in schools.

Attached please find our current rules for the competitive level basketball program, excerpts of rules from two governing bodies, and our sports program continuum.

The major issue: should girls be allowed to play on boys' teams and vice versa within the competitive level leagues?

Allowing girls to play on boys teams and vice versa at the competitive level may have unintended or negative outcomes. Eligibility for championship play, or to travel to compete in Regional, State, or National tournaments, may be in jeopardy as the competitive rules at this level do not allow co-ed teams. The rules we establish on the local level are used to determine if teams qualify for participation at other sanctioned events. Other issues to consider are that some girls may choose to play with boys, and there may be a decline in the number of girls' teams, leading to the dissolution of girls' leagues. Boys playing time may also decline as the girls play instead of the boys. Slightly different rules in some sports between boys and girls may cause confusion as boys and girls would have to adjust on a competitive level of play to one set of rules or another.

If our local rule changes, boys would have to be allowed to play on girls teams as well. If the concept of "generic" leagues is applied further, younger adults would have to be allowed to play on seniors' teams, and so forth.

If there is a demand for more opportunities for girls and boys to play on the same teams, staff could offer specific basketball or offer leagues for youth that are *designed* to be co-ed. Modeled after the adult co-ed sports offerings, a set of rules could be developed that equalize play for boys and girls and still meet the objectives of building teams, developing socialization skills, and learning the game. These types of basketball leagues would be recreational in nature as staff is unaware of any sanctioned basketball programs at the competitive level that are co-ed.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

December 23, 2008 – Council referred the issue of allowing girls under the age of 12 to play on boys’ team in city leagues to the Economic and Community Development, Quality of Life and Tourism Legislative Review Committee and the Parks and Recreation Advisory Board.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

January 6, 2009 – Joint meeting of the Economic and Community Development, Quality of Life and Tourism Legislative Review Committee and the Parks and Recreation Advisory Board. Both bodies voted to recommend continuing the current rules for gender eligibility in city operated sports programs (LRC 4-0, PRAB 10-2).

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.
09 JAN 14 AM 11:34



**CITY OF EL PASO
PARKS & RECREATION
SPORTS' DIVISION
YOUTH AND TEENAGE BASKETBALL
RULES AND REGULATIONS**

I. Introduction

The National High School Federation Rules (UIL) will govern play except as modified below:

1. For a player to be eligible to participate in any City of El Paso sanctioned sports leagues, one parent must attend a mandatory Parent Education Program class.
2. Coaches and scorekeepers must be certified by EPPARD and attend the mandatory rules training session prior to each season and must consent to a mandatory background check in order to perform their duties. These requirements must be met prior to the first game.
3. A picture ID must be obtained by all coaches and scorekeepers prior to the start of the season. The ID will be issued after we receive a clear criminal background check. Cost is \$40.00. **Picture ID must be worn at all times.**
4. Every participant must have a signed permission slip on file at Acosta Sports Center prior to playing first game.

II. Organization

The sports programming section, of the City of El Paso Parks and Recreation will be the governing body for this program. The application, construction and interpretation of these rules and regulations or the eligibility requirements, shall be solely at the discretion of the program director and sports staff to include any changes for the benefit of the program.

III. Type of Program - Competitive

- a. The league will be divided into the following age groups:
 - Youth (8u, 9u, 10u, 11u, 12u, 13u, 14u)
 - Teenage (15u, 16u, 17u, 18u)

At least 5 teams must be registered in an age group for that single age group to form a division. If not, teams must move up one age group.

- b. There will be boys and girls divisions. (Girls are not allowed to play on boys teams and boys are not allowed to play on girl's teams. If the girls division does not make then the girl is allowed to play on the boys teams but must meet the boys age cut off. criteria)

- c. **You** must make your scheduled game or it will be a forfeit. If a team forfeits 3 games for any reason, they will be dropped from the league without a refund. Teams that don't pay their forfeit fees will be dropped.

- d. League champion will be determined by overall won lost record.
 - 1) Head to head
 - 2) head to head point differential
 - 3) coin flips for placing in playoffs only-both teams will be Co-Champions

- e. Playoffs will include the following seeded teams:
 - All teams if division has seven or less teams and is the only division.
 - Top three teams for a division of six or seven teams
 - Top four teams for a division of eight or nine teams
 - Top five for a division of ten teams

IV. Conduct of Participants

The attached matrix will apply to players, parents, spectators and Officials:

Penalty Matrix:

| Infraction | Penalty |
|---|---|
| Engage in aggressive behavior that has resulted in physical violence against another player, game official, City of El Paso employee, game spectator, or program participant. | Suspension from facility or activity for a minimum of one year and up to five years. |
| Verbal abuse or physically threaten a game official (umpire, referee, site supervisor), City of El Paso employee, or another player or program participant with intent to cause harm. | <ul style="list-style-type: none"> • Suspension for a minimum of 2 <i>games</i> and up to one season. • Trespass from the specific <i>facility</i> or program for a minimum of two operating days and up to six months. |
| Refusal to abide by a game official's or facility staff member's decision either with abusive and/or argumentative language or other forceful action. | <ul style="list-style-type: none"> • Immediate removal from the <i>game</i> and suspension up to 2 games. • Immediate removal from the <i>facility</i> for a min. of two operating days and trespass from the facility or recreation program for up to 3 months. |
| Play illegally, or solicit another to play illegally. | Illegal player and/or coach to be removed from the game and suspended for a minimum of one season and up to one year. All games in which the illegal player played will be forfeited. |
| Appear upon the field of play or in a parks and recreation facility at any time in an intoxicated condition or to be in non-compliance with City ordinances which prohibit possession or consumption of alcohol in any City park. | <ul style="list-style-type: none"> • Immediate removal from the <i>game</i> and suspension for one additional game. A police report will be filed. • Immediate removal from the <i>facility</i> and trespassed from the program or facility for up to one month. A police report will be filed. |

V. Coaching Staff

- a. Each team will be allowed three coaches and one scorekeeper. All coaches and scorekeepers must wear their ID badges to all games. NO ID NO COACH!!
The Scorekeeper must sit at the scorer’s table and is not allowed to coach from there. If a scorekeeper sits on the bench, they will be counted as a coach.
- b. Only coaches and players from present game may sit in the bench area.
- c. Coaches will be held responsible for the actions of their players, assistant coaches, parents and spectators. A parent/spectator is subject to the same penalties as coaches and players.
- d. Only one coach may stand at any time during the game.
- e. Coaches must stay in Coaches Box at all times, subject to technical fouls.
- f. Both the first and last names of the participant and jersey number must be written neatly on the score sheet by a coach.

VI. Coaching Eligibility

1. All coaches must attend a mandatory coaches training prior to each season.
2. All coaches must sign a “Volunteer in Youth Sports Consent/Release Form” for a criminal background Check (\$40). A coach is disqualified if the coach has a conviction of, imposition of a deferred sentence for, or any plea of guilty or no contest at any time past or present or the existence of any pending charges for:
 - a) Any felony
 - b) If a coach has a misdemeanor conviction for crimes of a violent nature, such as assault, in the past 10 years, he/she will not be allowed to coach.
 - c) Any offense involving use, possession, distribution or intent to distribute illegal drugs or substances
 - d) Any crime involving sexual misconduct
 - e) Any crime involving violence or a violent act.
3. All coaches collecting money from players must provide either a detailed breakdown or a budget for the money received to all parents and the Acosta Sports Center Program Director.
4. If the Sports Office receives three written complaints, regarding three separate individuals, concerning three different incidents, the coach may be subject to suspension.

5. All coaches are responsible for the maintenance of the facility being used. All team areas are to be left clean, and all team materials are to be picked up after each practice or game.
6. Coaches are responsible for the actions of their players and players' fans. Relatives and/or friends of players are to bring up their concerns to the coach. The coach then can speak to our staff.

VII. Game Officials

- a. Officials and scorekeepers who have successfully completed all contract requirements, may be assigned to Officiate and score-keep games.
- b. Two officials will be assigned to each game. If only one official is present the game will be played at a lower fee if both teams agree to play game with one Official. If the second Official shows up after game has started then both teams must agree to allow the extra Official in and must adjust payments.

Official's fees paid per team:

**Youth- 1 Official costs \$18 and 2 Officials cost \$24
Teenage-1 Official costs \$19 and 2 Officials cost \$25.**

Officials are not perfect and neither are we, please respect them. Scorekeepers have a job to do and they will let you know information when time allows. Please do not disturb them during fast paced portions of the game. If you are interested in officiating let us know.

VIII. The Game

- a. Two 18-minute halves for youth games.
- b. Two 20-minute halves for teenage games.
- c. Time will stop as follows: on time outs, last minute of each half, when official hands ball to free throw shooter and at the scorekeeper or official's discretion. Overtimes will be two minutes regular stop time. Each team will receive three full timeouts and two twenty second timeouts per game. Teams will receive one additional full timeout in overtime. Timeouts carry over.
- e. There will be a ten second count in the backcourt for all games.
- f. A ten minute grace period will be allowed only if there are less than 4 players present by game time.

IX. Full Court Press Defined

A Full Court Press is defined as any defensive player(s) who pursues their opponent or ball in the backcourt.

- a. In the 8u, 9u, 10u any team with a 20 point lead any time during the game may not press.
- b. In the 11u, 12u, 13u, and 14u any team with a 25-point lead in the second half may not press.
- c. Penalties:
 - 1) 1st and 2nd offense = warning
 - 2) 3rd and 4th offense = two shot technical foul
 - 3) 5th offense = forfeiture of game.

X. Player Eligibility

- a. In the boys division age will be determined as of September 1, 2009.
- b. In the girls division age will be determined as of January 1, 2009.
- c. Players may not play on more than one team regardless of age or gender division. **(Girls must play on Girls' teams and Boys must play on Boys' teams. If the Girls' division does not have enough teams then the girls in that age category can either play up in the Girls' division or play in the Boys' division but must follow the Boys age cutoff date for that age category.)**
- d. Players may play up in division.

e. An ineligible player is defined as a player that does not meet the following qualifications:

1. Age
2. Player ID Card.-must have ID Card to be eligible **Id. schedule Mon.-Thurs. 4-8pm Sat. 8-4pm**
3. Parent Class Information on ID Card
4. Not on Roster.
5. Wrong Gender if applicable

f. If an ineligible player is discovered, that player will be deemed ineligible for the remainder of the season and playoffs. All games player participated in will be forfeited.

g. If a coach knowingly permits an ineligible player to participate, that coach will be suspended from participating in any City of El Paso Parks & Recreation dept. sanctioned events for one to five years.

h. Dunking or hanging from the rim/net or any part of the basketball backboard is an automatic suspension from the league/tournament and playoffs.

i. The team coach is responsible for ensuring that all of his/her players are eligible to participate. Players/Coaches committing fraud will be suspended one to three years or more.

XI. Rosters

Rosters and permission slips are due January 9, 2009. Teams not turning in their paperwork will have their games forfeited even if the entry fee has been paid. *Paperwork received after Jan. 9, 2009 will have a fee of \$5/transaction.*

- 1). Rosters are limited to 12 active players.
- 2). Only players who appear on the roster will be allowed to play.
- 3). Once a player has played on a team during the regular season that player cannot change teams.
- 4). Players can be added until the 3rd game.

Schedules will only be available on line at www.quickscores.com/elpaso starting Jan. 7, 2009

Copies will not be handed out anymore. Coaches are responsible for knowing their schedules. Changes to schedules will not be made.

XII. Entry fees

Entry fee will be \$250 per team. Officials will be paid on the floor before each game.

Any team that forfeits a game must pay for both teams' officials fees (youth \$48, teenage \$50).

Forfeits must be paid the 1st Friday after your game at Acosta Sports before 8pm.

If your team cannot make the scheduled time CONFIRMATION with the director is required 48hr. in advance.

(Hint: Next year's entry fee is proposed to have the Officials fees included; hence, making this the last year of paying officials on the floor)

XIII. Awards

- a. Team Trophies and Dog-tag style medals for 1st place -regular season.
- b. Team Trophy for second place-regular season
- c. Team Trophies and T-shirts for 1st place -playoffs
- d. Team Trophy for runner up in playoffs

XIV. Equipment and Uniforms

- a. Game balls will be provided by teams and mutually agreed upon by both head coaches and officials.
- b. 8u, 9u, 10u and all girls divisions will use the 28.5" basketball. All other divisions will use 29.5"
- c. Jerseys must be alike in color and have a number from 0 – 99.
- d. Players may not wear jewelry during the game.
- e. Numbers must be screened on the jersey. No duplicate numbers, taped numbers or numbers put on by markers will be allowed. Numbers must be different in color from jersey color.

XV. Protest

Protests may be filed only on player eligibility. No other protest will be accepted. Protests must be filed within 24 hours of scheduled game time along with a \$50.00 fee.

The protest fee will be returned if protest is upheld. A two week processing time will occur for all returned Protest fees. All Protest Fees will be receipted. Please retain original receipt for refund process. During playoffs/tournament, protest must be made immediately after the game is over. Decision rendered will be final, no appeals will be accepted.

XVI. Appeals

For regular season games, appeals must be filed within 24 hours and notification must be in writing.

XVII. Liability

The City of El Paso assumes no responsibility in case of injuries or accidents to players, coaches, Officials or spectators. All individuals concerned should carefully examine their personal insurance protection to ensure they are adequately covered.

AGE CUTOFF CHART 2009 WINTER COMPETITIVE YOUTH BASKETBALL SEASON

| Boys cutoff date: September 1, 2009 | Age Group | Girls cutoff date: January 1, 2009 |
|-------------------------------------|-----------|------------------------------------|
| Born September 1, 2000 or after | 8u | Born January 1, 2000 or after |
| Born September 1, 1999 or after | 9u | Born January 1, 1999 or after |
| Born September 1, 1998 or after | 10u | Born January 1, 1998 or after |
| Born September 1, 1997 or after | 11u | Born January 1, 1997 or after |
| Born September 1, 1996 or after | 12u | Born January 1, 1996 or after |
| Born September 1, 1995 or after | 13u | Born January 1, 1995 or after |
| Born September 1, 1994 or after | 14u | Born January 1, 1994 or after |

II. Eligibility

A. AAU Membership Required

All athletes, non-athletes and other participants in the AAU Boys' Basketball program, at any level, must be a current member of the AAU. Every club/team must have an AAU club/team membership for the current year.

B. Player/Team Disqualification

All Non-athletes/coaches are responsible to see that their team meets all eligibility requirements. If a player is found to be ineligible prior to the start of a sanctioned competition, the player will be expelled from the competition and the team will continue. If a player is found to be ineligible after the competition has started, the player will be expelled from the competition and the team will forfeit all games in which the ineligible player was listed on the official score sheet. The team may continue to participate, if applicable, without the expelled player.

C. Player/Club Attachment

A player becomes attached (a member of) to an AAU club when he participates in an AAU sanctioned competition, which involves two (2) or more AAU clubs (This does not include practice or league sanctions issued by AAU).

D. Age Grade Divisions

Competition in boys' basketball shall be in the following age divisions: 7U/1st Grade (Authorized for competition at the District Level Only) 8:Under/2nd Grade, 9:Under/3rd grade, 10:U/4th grade, 11:U/5th grade, 12:U/6th grade, 13:U/7th grade, 14:U/8th grade, 15:U/9th grade, 16:U/10th grade, Junior Boys, and Senior Boys.

E. Age Determining Date/Grade Exception Rule

September 1, 2009 shall be the determining date for the age of the competitor for all districts and national championship events. Eligibility to participate is based first on the age determining date. The grade of the athlete is not a consideration if the athlete meets the age determining date. An athlete who does not meet the age determining date may qualify under the grade exception rule. In the 8U/2nd Grade through the 14U/8th Grade division, each team is allowed a maximum of three grade exception athletes. There is no limit on the number of grade exception athletes in the 15U/9th Grade divisions through the Senior Boys' division.

Senior Boys Division - born on or after - September 1, 1989 (no later than summer following H.S. Class Graduation or Prep School graduation). No limit on the number of grade exception athletes.

Junior Boys Division - born on or after September 1, 1991

Grade Exception 1: A player who is in the 11th grade and who was born on or after September 1, 1990 can participate in the Junior Boys/11th grade division.

Junior Boys Division - born on or after September 1, 1991

Exception 2: A player who is enrolling in Prep School is eligible to participate in the AAU Jr. Boys' Basketball Program provided he was born on or after September 1, 1990 (Subject to the approval of the National Chair). Contact the National Chairman (Boo Williams) to apply for approval. No limit on the number of grade exception athletes.

16 and Under/10th grade - born on or after - September 1, 1992

Grade Exception: A player who is in the 10th grade and who was born on or after September 1, 1991 can participate in the 16: under/10th grade division. No limit on the number of grade exception athletes.

15 and Under/9th grade - born on or after - September 1, 1993

Grade Exception: A player who is in the 9th grade and who was born on or after September 1, 1992 can participate in the 15: under/9th grade division. No limit on the number of grade exception athletes.

14 and Under/8th grade - born on or after - September 1, 1994

Grade Exception: A player who is in the 8th grade and who was born on or after September 1, 1993 can participate in the 14: under/8th grade division. Maximum of three grade exception athletes per team.

13 and Under/7th grade - born on or after - September 1, 1995

Grade Exception: A player who is in the 7th grade and who was born on or after September 1, 1994 can participate in the 13: under/7th grade division. Maximum of three grade exception athletes per team.

12 and Under/6th grade - born on or after - September 1, 1996

Grade Exception: A player who is in the 6th grade and who was born on or after September 1, 1995 can participate in the 12: under/6th grade division. Maximum of three grade exception athletes per team.

11 and Under/5th grade - born on or after - September 1, 1997

Grade Exception: A player who is in the 5th grade and who was born on or after September 1, 1996 can participate in the 11: under/5th grade division. Maximum of three grade exception athletes per team.

10 and Under/4th grade - born on or after - September 1, 1998

Grade Exception: A player who is in the 4th grade and who was born on or after September 1, 1997 can participate in the 10: under/4th grade division. Maximum of three grade exception athletes per team.

9 and Under/3rd grade - born on or after - September 1, 1999

Grade Exception: A player who is in the 3rd grade and who was born on or after September 1, 1998 can participate in the 9: under/3rd grade division. Maximum of three grade exception athletes per team.

8 and Under/2nd grade - born on or after - September 1, 2000

Grade Exception: A player who is in the 2nd grade and who was born on or after September 1, 1999 can participate in the 8: under/2nd grade division. Maximum of three grade exception athletes per team.

F. Grade Confirmation

Players participating under the grade eligibility exception must present a birth certificate and confirmation of grade level from the School Administrator. NOTE: Grade level is determined by players grade on March 1, 2009 (See Grade Exception Form at www.aausports.org click on forms to obtain a copy)

G. PLAYER PARTICIPATION RESTRICTIONS

1. Only males may participate as players.
2. A player may not participate later than the summer following his class graduation from high school or prep school.
3. A player may participate in a maximum of three (3) age/grade divisions of the AAU Boys' Basketball program for which he can qualify. Players that compete in more than one age/grade division must compete with the same AAU club.

H. Residency

RESIDENCY – An athlete must compete with (attach to) a club registered in the district of his bona fide residency unless he elects to compete under one of the following exceptions:

1. An athlete may attach to a club in any district which shares a common border with the athlete's district of residency.
2. An athlete enrolled as a bona fide student at an educational institution located outside his district of residency may elect to treat the district in which the school is located, as his district of residency.
4. An athlete who is subject to a written joint custody arrangement may elect to treat the district of either custodian as his district of residency.

ARTICLE 12 BOYS' AND GIRLS' YOUTH BASKETBALL

12.1 GENERAL RULES: BOYS' AND GIRLS'

- .01 Boys must play in the Boys' Divisions (I or II).
- .02 Girls must play in the Girls' Divisions (I or II).

Exception:

- a) A member city must file in writing that they do not have enough girl participants to send separate girls teams.
 - b) Upon doing this, the member city may send a mixed team to the appropriate age Boys State Tournament, if they qualify.
 - c) NOTE: If there is one boy on a roster, that team will be classified as a Mixed team eligible to play in the Boys Divisions (I or II).
- .03 Age is determined by the participant's age for:
- a) Winter Basketball based on the player age on September 1 of the current school year and for
 - b) High School Age Girls' and Boys' Divisions on September 1 of the current calendar year for spring and/or summer basketball championships
- .04 National Federation Rules and UIL Guidelines will apply with the exception of the T.A.A.F. Rules published here.

12.2 DIVISIONS OF PLAY: BOYS' AND GIRLS'

.01 WINTER BASKETBALL:

- 14 & Under
- 12 & Under Divisions I & II
- 10 & Under Divisions I & II
- 8 & Under Divisions I & II

Division I

- a) Any MEMBER CITY or Affiliate member registering less than four (4) boys or girls teams in any age division / classification must register as Division I.
- b) Participation in a city sponsored or co-sponsored league is not required of a Division I team. However, if a team does not participate in a league, the team must register and participate as a Division I team. Additionally, participation in a city sponsored or co-sponsored league does not automatically qualify a team to participate in Division II. Rather, the method used to form the team is the most important criteria.
- c) Division I consists of teams that are hand-selected by the coach or who are formed to create tournament teams or all-star teams. Additionally, any team whose team name includes the words "all stars" is required to participate in Division I.
- d) Any team may request to be a Division I team.
- e) Any team that participates in a national level tournament and returns more than two roster players is required to be classified as a Division I team.

Division II

- a) Teams must have played in a city sponsored or co-sponsored recreational league, and must have played in at least four (4) league games.
- b) Division II consists of teams that are formed through some type of “draft” system (conducted for the current season of play) where the emphasis is put on balancing the strength of teams throughout the league.
- c) Division II teams are allowed to pick up 2 players for post-season play. To be eligible to be picked up, players must be from a team registered in the same division and from the same member city as the team drafting the players.
- d) Division II teams must play with their recreational league roster, with the exception of their 2 pick up players.
- e) Any team that is misclassified as Division II may be disqualified or re-classified at the discretion of the Commissioner.

.02 SPRING AND/OR SUMMER HIGH SCHOOL AGED BASKETBALL: Spring & Summer Basketball will follow ALL UIL Guidelines.
18 & Under 16 & Under 14 & Under

**City of El Paso Parks and Recreation
Sports Continuum**

| Sport | Instructional Programs | Recreational Programs | Competitive Programs | Tournaments | Governing Bodies |
|-------------------------|-------------------------------|-----------------------------------|-----------------------------|---------------------------------|-------------------------------|
| Youth Basketball | Mini Sports * | YMCA-Winter League | City Winter League * | Holiday Tournament * | AAU, TAAF, NHSF |
| | Basketball Camps * | City Spring Recreational League * | City Summer League * | Gold Medal Tournament * | NHSF, JR WNBA/NBA, USOC, NCAA |
| | Basketball in the Barrio | City Fall Recreational League * | Willie Cager League | Southwest Shootout | NBA, WNBA |
| | Open Gym * | | | Invitationals * | |
| Adult Basketball | Open Gym * | Womens' Recreational League * | Womens League * | King of the Court Tournament * | TAAF, USOC, NCAA |
| | | Postal League | 35 and Over Men * | Queen of the Court Tournament * | |
| | | Police League | 50 and Over Men * | Invitationals * | |
| | | | Open League * | | |
| | | | 6 foot and Under League * | | |
| Youth Football | Mini Sports * | Southwest Flag Football | City Tackle Football * | | TAAF, Pop Warner, USOC, NCAA |
| | Football Camps * | Just For Kids Flag Football | Little Bowl * | Steven Lee Tournament | |
| | Pre-Season Scrimmages * | YMCA Flag Football | PPK Sectional-Sun Bowl * | Invitationals * | |
| | Region 19 | Spring Tackle Football-Private | | | |
| | PPK-local * | City Spring Flag Football * | | | |
| Adult Football | | Sun City Flag | Southwest Adult Flag | Turkey Bowl | TAAF, TFFA |
| | | Sun City 4 v 4 Flag | Adult Tackle Football | | |
| Youth Soccer | Mini Sports * | AYSO Soccer | EP Youth Soccer | Sun Bowl Soccer Tournament | AYSO, USSF, SAY, USOC, NCAA |
| | Soccer Camps | YMCA Soccer | Del Valle Soccer | City 3 V 3 Soccer Tournament * | |
| | Open Gym * | | | Kohls Cup | |
| Adult Soccer | | Industrial Soccer | Del Valle Soccer | State Qualifiers | |
| | | Independent Soccer | West Texas Soccer | Invitationals * | |
| | | Border Soccer | | | |
| | | United Soccer | | | |
| | | Azteca Women's Soccer | City Indoor Soccer * | City Indoor Tournament * | |
| Youth Baseball | Mini Sports-T-ball * | YMCA T-Ball | City Summer Baseball * | Cinco De Mayo * | ASA, USSSA, AABC, USOC, NCAA |
| | Optimist T-Ball | Frank Manning Baseball | City Fall Baseball * | Fourth of July * | Little League, Pony |
| | Miracle League | Ysleta Boys Baseball | City Winter Baseball * | State Qualifier * | |
| | Region 19 | | | Labor Day Tournament * | |
| | | | | Monster Mash * | |
| | | | | Winter Freeze * | |
| Adult Baseball | | Old Timers | | Invitationals * | |
| | | 50 and Over Independent | | | |
| | | EP Winter/Summer Baseball | | | |
| Girls' Softball | Mini Sports-T-ball * | Westside Girls Softball | City Girls Fast pitch * | Cinco De Mayo * | ASA, USSSA, USOC, NCAA |
| | Optimist T-Ball | | | Fourth of July * | AAU, TAAF, NHSF |
| | Softball Camps * | | | State Qualifier * | |
| | | | | Monster Mash * | |
| Adult Softball | Tuesday/Thursday open field * | Senior Softball | City Mens Softball * | King of the Hill * | ASA, USSSA, USOC, NCAA |
| | | Delta Softball | City Mixed Softball * | State Qualifier * | |
| | | Media Softball * | City Womens Softball * | Invitationals * | |
| | | Independent Softball | | | |
| Youth Hockey | Monday night camps * | Recreational Hockey * | Competitive Hockey * | | AAU, USA Hockey, USOC, NCAA |
| | Adult Hockey | Sunday Open Gym | Recreational Hockey * | Competitive Hockey * | AAU, TAAF, NHSF |
| Youth Kickball | Open Field-Tues and Thurs * | Recreational Kickball * | | | USA Kickball, USOC, NCAA |
| Adult Kickball | | El Paso Kickball League | | | AAU, TAAF, NHSF |

City of El Paso Parks and Recreation
Sports Continuum

| <i>Sport</i> | <i>Instructional Programs</i> | <i>Recreational Programs</i> | <i>Competitive Programs</i> | <i>Tournaments</i> | <i>Governing Bodies</i> |
|-------------------------|-------------------------------|--|---|--|---|
| Youth Volleyball | Open Gym * | Recreational Volleyball * | Club Volleyball | Invitational Tournaments * | AAU, TAAF, USOC, NCAA |
| Adult Volleyball | Open Gym * | Recreational Volleyball * | Competitive Volleyball * | | |
| | | City Volleyball * | | | |
| Adult Cricket | | | UTEP Cricket | | USA Cricket, USOC, NCAA |
| Youth Rugby | | High School Club Rugby | | | |
| Adult Rugby | | | | Scorpions Rugby | USA Rugby, USOC, NCAA |
| | * City Sanctioned League | | | | |
| Youth Sports | <i>Girls and Boys</i> | Girls and boys learn together | Girls and Boys can play together because of skill developed draft. | Title IX and Governing Body rules apply-If there is an opportunity for girls to play then the girls must play in the girls divisions and vice versa for the boys and boys' divisions. | Title IX and Governing Body rules apply-If there is an opportunity for girls to play then the girls must play in the girls divisions and vice versa for the boys and boys' divisions. |
| | <i>Emphasis</i> | Fundamentals, Having Fun | Fundamentals, Developing team concept, learning to win and lose, having fun | Improving skills, preparing for Middle and High School Play, and learning under a highly competitive atmosphere | Improving skills, preparing for Middle and High School Play, and learning under a highly competitive atmosphere are emphasized at this level. Scholarship exposure starts to become important in later years. |
| | <i>How it is achieved</i> | Everybody participates and program develops to the level of all participants | Teams are similar in skill by draft. Everyone plays an equal amount of time. Score is kept but standings are not. Everyone gets an award. | Teams are not similar because there is no draft. Age and gender qualifications are used for eligibility for legal play under governing body regulations. Score is important, standings are kept and Champions only get awards. | Play governing body rules. Qualify for State, Regional and National Tournaments. Win big name tournaments as a team. |
| Adult Sports | <i>Men and Women</i> | Men and Women show up and play together and help each other. | Men and Women can play together but some leagues are strictly women. Teams are designated by common bond such as age, employment, church group, height, national origin, past experiences, skill level etc....No college level players are allowed at this level and no players who have participated in State, Regional or National level are allowed. | Title IX, US Olympic Committee, NCAA and Governing Body rules apply-If there is an opportunity for women to play then the men must play in the mens' divisions and vice versa. | Title IX, US Olympic Committee, NCAA and Governing Body rules apply-If there is an opportunity for women to play then the men must play in the mens' divisions and vice versa. |
| | <i>Emphasis</i> | Fitness and Lifetime Sport Activity | Playing either something that adult has wanted to try or has familiarity with. Lifetime enjoyment of Sport Activity and exercise for better health. | Improving skills, winning tournaments and continuing to play at High level. | Improving skills, winning tournaments and continuing to play at High level. Professionals play at this level. |

**City of El Paso Parks and Recreation
Sports Continuum**

| Sport | Instructional Programs | Recreational Programs | Competitive Programs | Tournaments | Governing Bodies |
|--------------|-------------------------------|---|---|---|---|
| | <i>How it is achieved</i> | Adults are expected to do this on their own with limited outside resources other than space to play | Teams are similar in some manner-by age, employment, church group, height, national origin, past experiences, skill level etc...This promotes comradery and makes it easier for adults to actually exercise when they may not have tried. | Teams are not similar because there is no commonality about them. Age, gender, skill, and many other qualifications are used for eligibility for legal play under governing body regulations. Score is important, standings are kept and Champions only get awards. | Play governing body rules. Qualify for State, Regional and National Tournaments. Win big name tournaments as a team. Represent City on Professional teams |
| | | | | | |

JOHN COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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MAYOR AND COUNCIL

MEMORANDUM

TO: Mayor and Council
FROM: Susie Byrd, City Representative, District #2 
DATE: January 30, 2009
RE: Item 17B on the City Council Agenda on February 3, 2009

Regarding item 17B,

Discussion and action to authorize the Parks and Recreation Department to continue to use the current rules regarding gender eligibility in sports leagues offered by the City of El Paso.

Dear Mayor and Council:

I am going to ask City Council to consider the following:

1. Allow girls to play on boys' teams only if the coach and all the parents sign forms indicating that they understand by having a girl participate on the team that it will make the team ineligible for participation in the TAAF and the AAU tournaments.
2. Ask the City Manager to advocate for a rule change at both TAAF and the AAU that would allow girls to play on boys' teams. We are active members in both organizations and as members have the ability to request and advocate for rule changes. Paula Powell is the City's representative in TAAF and AAU and currently is on the executive board for TAAF. She is a voting member for all rule changes for these organizations. In the same manner that El Paso took a lead in requiring all parents to take Parent Education when enrolling their children in City leagues in order to reduce conflicts during games, I think El Paso should be an advocate for increasing girl's opportunities in sport.

I would like you to consider the following in making your decision.

PHYSIOLOGICAL DIFFERENCES. If we look at the current rationale for segregating girls and boys before the age of puberty, it is based on the premise that girls and boys are different in skill and ability and that this difference is so substantial that integrating girls and boys would cause harm. The fact is that prior to puberty, there is no gender-based physiological reason to separate girls and boys in sports competition. Once boys reach puberty, it can become difficult for girls to compete because the male hormone androgen allows boys to develop more muscle mass per unit volume of body mass than girls.

In speaking with professors from UTEP we found that gender is not a determinant for athletic ability prior to the onset of puberty and that the biggest differences in skill and ability before the onset of puberty are between children of different ages, not between children of different genders.

DEVELOPING RESPECT. Another reason to consider a rule change is to foster respect between boys and girls. It is still common for boys to tease other boy's abilities by suggesting that they play like a girl or that they should go put on a skirt. Both my sons have played on mixed gender teams. My sons and the boys on his team have learned to value and depend on the skills and the abilities of the girls on their team, and it is rare to hear teasing such as this. The tease "you play like a girl," doesn't have much meaning if the girls on the team are just as good and valued players as the boys.

If we know that girls and boys have equal sports' ability prior to the onset of puberty, we send a very damaging message to girls when we say that the only reason that you cannot compete on a particular team is "because you are a girl."

CREATING NEW OPPORTUNITIES FOR GIRLS. While the City is not governed by Title IX rules that state that "no person in the United States shall, on the basis of sex, be exclude from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance," Title IX should still be a guiding tool for the City in that it seeks to create equal opportunities for girls and it seeks to overcome girls' historic underrepresentation in sports competition.

The Women's Sports Foundation says that when "girls are underrepresented with regard to total athletic program opportunities, girls should be permitted to try out for and compete on boys' teams even if there is a comparable sports teams for girls. Whether analyzed under Title IX's regulations or under the 14th Amendment, the result is the same. For example, at School A only 40% of the student-athletes are female, but 50% of the student body is female. School A has two soccer teams, one for its females and another for its males. Because the females are underrepresented with regard to total athletic program opportunities, a girl with the requisite athletic ability can compete on the boys' soccer team."

According to the Census 2000, girls comprise 49% of children aged 8 to 12. Currently, the make up of the competitive basketball leagues if 600 girls and 900 boys. Girls comprise only 40% of the participation in these leagues and are therefore underrepresented with regard to total athletic program opportunities.

In addition, there are fewer girls' teams than boys' teams, giving girls less opportunity for experiencing a full range of competitive play in the girls' league.

| | <u>Girls teams</u> | <u>Boys teams</u> |
|----------|---------------------------|--------------------------|
| Under 8 | 5 teams | 7 teams |
| Under 9 | no teams | 8 teams |
| Under 10 | 11 teams* | 13 teams |
| Under 11 | 7 teams | 15 teams |
| Under 12 | 9 teams | 15 teams |
| Under 13 | 9 teams | 10 teams |
| Under 14 | 8 teams | 13 teams |

*This year there were not enough girls teams in under 9 or under 10 to form a competitive enough program. Because of this, the Under 9 and Under 10 leagues were combined.

This last year, the City of El Paso had 7 boys teams compete in the TAAF state basketball tournament and no girls teams compete. Not one single girl from the El Paso city leagues had an opportunity to compete at the state tournament.

The City of El Paso should encourage more opportunities for girls participation by allowing girls to play on boys teams. This decision should be the choice of the girls, the parents, the teammates and the coach. If a team chooses to include a girl in their make up, we should allow the team to compete. However, we should make sure that the coach, the teammates and the parents know that this would make them ineligible to compete at TAAF and AAU tournaments until the rule is changed. Many teams may feel like the most valuable competition is the local competition and may not be motivated by the opportunity to participate in regional and state tournaments.

ANSWERING CONCERNS.

The Parks Department, the public and members of council raised some concerns about changing the rules.

Parks Department: *“One consequence may be that, if available at the competitive level, some girls may choose to play with boys, and there may be a decline in the number of girls’ teams. The unintended consequence of this may be that boys playing time may also decline as the girls play instead of the boys.”*

There is no available research or anecdotal information that we could find that shows that opening up new opportunities for girls in any way diminishes girls’ or boys’ participation. According to the Women’s Sports Foundation, “athletics is not a zero-sum environment where the participation of one girl on the boys’ teams come at the expense of a loss of participation on girls’ team. Opening boys’ teams to girls should not be viewed as a loss of participating for the girls’ teams, but a broadening of opportunities for girls to compete that will only serve to expand the participation and growth of girls in sports.”

According to the Women’s Sports Foundation, “Courts have found, under the EPC, that allowing girls to compete on boys’ teams even when a corresponding girls’ team exists is substantially related to the important government objective of maintaining and promoting athletic opportunities for girls. Denying girls the right to choose what level of competition is most appropriate for their abilities restricts their opportunities for participation and violates equal protection. As one court noted, the government objective of promoting participation in girls in sports ‘is patently not served when female athletes are denied any opportunity to play.’”

I have also spoken with many female athletes who had the opportunity to participate on boys’ teams and all of them determined that that opportunity made them more competitive than if they had not had the opportunity. As noted in one of the attached emails from Tracy Yellen, the YWCA mantra is, “more for girls does not equal less for boys.”

Parks Department: *Slightly different rules in some sports between boys and girls may cause confusion as boys and girls would have to adjust on a competitive level of play to one set of rules or another.*

In the case of Competitive Basketball governed by TAAF rules, there is only one difference in the rules for boys and girls under 12 and this is only for the under 11 and under 12 teams. Under 11 and under 12 boys’ teams play with a basketball that is an inch larger than the girls’ teams. It is hard for me to understand how handling a different sized basketball may cause harm or confusion.

Other Concerns: *Girls may be harmed if they play on boys’ teams.*

According to the Women’s Sports Foundation, “it is wrong to assume that girls cannot participate on boys’ teams due to inferior physical strengths or other insufficient physical capabilities. When schools have tried to use gender as a proxy for safety, judges have struck down this notion as discriminatory, stating: ‘The evidence shows that range of differences among individuals in both

sexes in greater than the average differences between sexes. The failure to establish any physical criteria to protect small or weak males from the injurious effects of competition with larger or stronger males destroys the credibility of the reasoning urged in sport of the sex classification...Any notion that young women are so inherently weak, delicate or physically inadequate that the state must protect them from the folly of participation in vigorous athletics is a cultural anachronism unrelated to reality.”

After I first raised this issue, I received a lot of emails and calls. For your consideration, I am including all of the emails that I received on this issue including those for and against this initiative. I am also including additional information that we have gathered as we have research this issue.

As with other issues, I believe that this is one where El Paso should lead. In order to increase sports opportunities for girls, we should eliminate all barriers to participation. In those cases where we are in conflict with governing bodies such as TAAF and AAU, we should advocate for change at those bodies rather than to succumb to the notion that it is something outside of our control.

Thank you for your consideration.

Susie
City Council Representative, District 2

Beaverton girl allowed to play on boys basketball team

Posted by Tom Hallman, The Oregonian September 12, 2008 22:49PM



Brent Wojahn / The

OregonianJaime Nared will be allowed to play on the boys basketball team at The Hoop after a lawyer started working on the case.

Jaime Nared, the 12-year-old Beaverton-area basketball sensation who was banned from a boys team in spring, earned a big win Thursday afternoon after a lawyer threatened to take her case to another kind of court.

"It was a slam-dunk case," Portland attorney Beth Creighton said Friday of a decision to let Nared reclaim her spot on a boys team.

Nared and her mother, Reiko Williams, have decided not to comment anymore on the matter that thrust the girl into the national spotlight, Creighton said.

"They've done the circuit," she said. "From now on out, it's all about the game for her."

Two factors ended a rule against coed teams at The Hoop, the private Beaverton basketball facility where Nared played, Creighton said. In May, Creighton's law firm sent letters telling Hoop officials of plans to sue. The firm got no response.

Then in August, officials for The Hoop and the YMCA of Columbia-Willamette entered an agreement to have the Y operate the facility. Creighton's firm then sent all the documents to Y officials and asked whether they planned to enforce the rule. Creighton heard back Thursday. "The answer was no," she said. "She can play."

Teams will form Sept. 23, Creighton said, and play will start soon after. Nared, a 6-foot-1 seventh-grader at Stoller Middle School, might have to "play up" -- meaning she's good enough to play on a team of eighth-grade boys. Or her entire seventh-grade team could play in the upper division, Creighton said.

The controversy began in April when Hoop officials said it would enforce a little-used rule against coed teams. Nared was ousted from a sixth-grade boys team. Though she was still welcome on girls teams, her coach and parents wanted her to be with kids her own age but get the tougher competition of boys' play.

Nared's coach, Michael Abraham, said Hoop officials revived the rule only after parents of opposing players -- unhappy at seeing their sons beaten by a girl -- complained. Nared scored 30 points in a game the day before she was told of the rule.

Hoop officials, however, denied that the decision had anything to do with Nared's ability.

The case caused an uproar, and Nared became a reluctant celebrity. Her story was discussed on hundreds of blogs, with nearly everyone siding with Nared. It was discussed on ABC's "The View," and featured on other television and radio programs across the country.

Janet Chung, an attorney with the Northwest Women's Law Center in Seattle, said her organization heard about the case, contacted Nared's mother and teamed up with Creighton's law firm.

"The family didn't have a legal strategy," Chung said. "This is an area where we are involved in. It's an issue you don't expect to see in 2008. We hear stories about parents of boys saying their sons were afraid to play with girls because they could hurt them. What they're doing is making a blanket decision based on a person's gender. To us, that's what equal opportunity laws are all about."

Abraham, the coach, said Friday that he's always wanted the best for Nared but is still upset about how the case was handled. "All along, they denied it was about her ability," he said. "Now they are saying it's about her ability" -- noting that she might be moved to an eighth-grade team.

Creighton, a partner at Steenson, Schumann, Tewksbury, Creighton & Rose, said the case interested her because girls and women have been pushed to the side for "outdated reasons."

"I couldn't tell you who plays on the Blazers," she said. "To me, this wasn't about sports -- but equality."

-- Tom Hallman Jr.; tomhallman@news.oregonian.com

Categories: [Breaking News](#), [Hot Topics](#), [Sports](#), [Top Stories](#), [Washington County](#)

Comments

lakeithae says...

Congrats to Jaime and her family.

Posted on 09/12/08 at 11:59AM

jokamojo says...



Published on MomsTeam (<http://www.momsteam.com>)

Should I Let My Daughter Play On the Boys' Team?

By Doreen Greenberg
Created 05/30/2008 - 16:25

"If my father hadn't treated me like my brother - always telling me I was capable of the best in whatever I did - I would never have made it to the Olympic victory stand" ~ Donna de Varona, Olympic Swimming Gold Medallist

When my first daughter was born, 28 years ago, I was a very young, very optimistic woman. I was determined my daughter would not be gender-stereotyped. After all, it was the early 1970's; I had been doing my marching in Washington to ensure that she would have parity with all the little boys in anything she pursued. I returned each and every pink outfit we got as presents. I bought my newborn Tonka trucks and basketballs. It was symbolic. I was making a statement about gender equity.



Here I am again - making a statement about the role of females in a male world. Of course I'm wiser now (and older). Experience has taught me that there's no denying the differences that do exist between girls and boys in the world of sports. But most of these differences are still socially imposed. Let's look at some basics.

Physiological:

- Up until puberty - there are no differences in strength, endurance or speed.
- After around age 13, there is good reason to think carefully about (but not rule out) contact and collision sports for a co-ed team.
- Most sports, though -- primarily require skill, agility and coordination for success.

Psychological:

- Girls are just as capable as boys of dealing with intense sports competition.
- There's no avoiding it - some girls will be ashamed of their own power and some boys will feel their masculinity threatened by a co-ed situation.
- There's more damage done to the self-identity of an aspiring athlete -when she's told that she can't play -because she is a girl!

Social:

- Gender stratification in sport is socially constructed - not inherited. Before the 1970's, girls who played sports were often considered unfeminine and indecent.
- Traditionally, boys are encouraged to get early experiences in sports.
- Girls, starting skill training later -are at a disadvantage both sport-wise and confidence-wise.
- Girls, too, need to learn how to be an assertive, achievement-oriented team-player
- Parents need to look at the gender messages they send to their children - aggressive play for boys and passive play for girls begins very early in life.

To co-ed or not to co-ed

There are advantages and disadvantages. The same-sex team will most likely offer a very different experience. It will probably be less intimidating. It may be easier for some girls to take the initiative as leaders and build their sports skill levels. Overcoming the gender barrier - may not be the athletic role she wants to take on.

So the decision, for a parent and an aspiring young female athlete will be based on her age, her size, her skill level and her reasons for participation in her sport. Is she pretty adept at the fundamentals? Are her skills on equal footing with the boys? Does she thrive on the competition? Is the coach gender-blind - giving equal opportunities to every one? Is it an environment where masculinity and femininity are not questioned?

If you can answer yes -- then let her play! At a time when a young woman is asserting her independence and seeking new, healthy challenges - what better way than to play on the team of her choice. Supportive parents will need to be on their guard -looking out for teasing, inequity in playing time, and bruised egos.

I will also tell you that most elite female athletes I know, at the Olympic and professional level, have trained and competed with and against the boys - and are better for it. They have had to prove their worthiness. They gained a sense of competence in their skills, developed self-assuredness in their risk-taking ability, and were pushed to their full potential -- all within a higher level of competition.

Oh - and now my little girl wears a pink suit to the law practice she works at. What a rebel!

Want to discuss this article or have question answered? Join us in the [forums](#) [1]!

Teaser title:

How To Decide Whether Your Daughter Plays On An All-Boys' Team

Teaser text:

There are many factors for a parent and an aspiring young female athlete to consider when deciding whether she should play on a boys' team. Is she pretty adept at the fundamentals? Are her skills on equal footing with the boys? Does she thrive on the competition? Is the coach gender-blind - giving equal opportunities to every one? Is it an environment where masculinity and femininity are not questioned? If you can answer yes -- then let her play!

Related articles:

[Assertiveness An Important Skill for Girls and Women in Sports](#) [2]

[Girls Playing Boy's Hockey: No Easy Answers](#) [3]

[Sports Are Good For Girls](#) [4]



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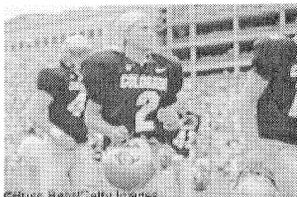
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Issues Related to Girls and Boys Competing With and Against Each Other in Sports and Physical Activity Settings: A Women's Sports Foundation Position

Learn what the Women's Sports Foundation has to say about this controversial issue.



Athletic opportunities for girls and women are protected by an array of civil rights laws that apply broadly to physical education, intramural, club, varsity, and other physical activity programs conducted by schools, colleges, parks and recreation departments, and organizations operating open amateur sports programs in public facilities or under the jurisdiction of the United States Olympic Committee and its national sports governing bodies. Title IX of the Education Amendments of 1972,ⁱ the Equal Protection Clause of the United States Constitution,ⁱⁱ state and local Equal Rights Amendments,ⁱⁱⁱ the Ted Stevens Olympic and Amateur Sports Act,^{iv} and state and local public accommodations laws^v are all designed to prevent and remedy sex discrimination. In general, the following guidelines are consistent with these laws and, also importantly, with the body of research regarding the physical and psychological development of girls and boys.

I. WHEN IS IT APPROPRIATE OR NECESSARY THAT FEMALES AND MALES PARTICIPATE WITH AND AGAINST EACH OTHER IN SPORTS?

POSITION: Prior to puberty, females and males should compete with and against each other on co-educational teams.

Prior to puberty, there is no gender-based physiological reason to separate females and males in sports competition. In fact, research demonstrates that girls who participate with boys in youth sports are more resilient. Competition groupings should be organized around skill and experience. Girls and boys possessing similar skills should be playing with each other and against teams consisting of boys and girls who are similarly skilled. For instance, the "blue" league could consist of teams with the highest skill levels; "red" for players with experience and basic skills and "green" for beginners with little skill. Such coed participation between similarly skilled teams should be encouraged.

POSITION: After puberty, co-educational sport competition should be encouraged at all levels where there are rules that require equal numbers of females and males on both teams and also rules that maximize fair competition between the sexes.

Co-educational competition, when appropriately governed to prevent female or male advantage, is desirable. Physical differences among members of one sex are actually greater than the average difference between the two sexes.^{vi} This lack of substantial physical differences between the sexes means that girls and boys should be encouraged to compete with and against each other in sports whenever possible. Mixed doubles in tennis, coed volleyball and coed basketball are good examples of competitions in which females and males on the same team and in equal numbers compete against identical number of females and males on the opposing team. Such competition is safe, healthy and desirable and should be encouraged.

II. WHEN ARE SINGLE-SEX TEAMS NECESSARY OR APPROPRIATE?

POSITION: Voluntary, single-sex teams for girls is the only permissible instance of sex segregation in athletics.

Title IX and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution (EPC) permit schools to create single-sex teams for girls in response to girls' past and continued discrimination and underrepresentation in athletics. These teams must be offered on a voluntary basis; meaning that girls have the right to compete on a single-sex team for girls or to participate on a co-educational team with boys.

Title IX expressly requires schools to create single-sex teams for girls under the following circumstances:

a. For non-contact sports, a school must provide a single sex team for girls where their opportunities have historically been limited, there is sufficient interest and ability to sustain a viable team, there is a reasonable expectation for competition for that team, and the girls would not possess sufficient skill to be selected for a single integrated team or compete actively on such a team if selected.^{vii}

b. For contact sports, Title IX requires that schools offer a separate team for girls where the opportunities for girls have historically been limited, there is sufficient interest and ability to sustain a viable team, and there is a reasonable expectation for competition for that team.^{viii}

III. ARE SCHOOLS REQUIRED TO ALLOW GIRLS TO TRY OUT FOR BOYS' TEAMS WHEN THE SCHOOL DOES NOT OFFER A TEAM FOR GIRLS IN THAT SPORT?

POSITION: Yes. When a school does not offer a team for girls in a certain sport, a school must allow the girl to try out to participate on the boys' team when girls are underrepresented among a school's athletes and possess the interest and ability to participate.

a. For non-contact sports, Title IX requires that if no team exists for girls in that sport, then a school must provide girls with the opportunity to compete on the boys' team.

b. For contact sports, the EPC requires that schools allow girls to try out for the boys' teams when no team exists for girls. Specifically, courts have held that because girls are underrepresented in athletics, the exclusion of females from participation on a boys' team, in non-contact and contact sports violates the EPC.^{ix} (The EPC in this case takes precedence over Title IX's contact sport exemption, which permits school not to allow a girl to compete on boys' team for contact sports.)

IV. ARE SCHOOLS REQUIRED TO ALLOW GIRLS TO TRY OUT FOR BOYS' TEAMS EVEN WHEN THE SCHOOL DOES OFFER A TEAM FOR GIRLS IN THAT SPORT?

POSITION: Even when a school does offer a team for girls in a certain sport, a school must allow the girl to try out for the boys' team when girls are underrepresented among a school's athletes and possess the interest and ability to participate.

Girls must be allowed to try out for boys' teams, contact or non-contact sport, even if a team for girls exists. Schools are required to offer single-sex teams for girls in certain circumstances as a means to remedy the past and continued discrimination against girls in sport. However, these teams must be offered on a completely voluntary basis, meaning that girls have the right to play on the all-girls team or to try out to play on the boys' team.

Courts have found, under the EPC, that allowing girls to compete on boys' teams even when a corresponding girls' team exists is substantially related to the important government objective of maintaining and promoting athletic opportunities for girls.^x Denying girls the right to choose what level of competition is most appropriate for their abilities restricts their opportunities for participation and violates equal protection.^{xi} As one court noted, the government objective of promoting participation of girls in sports "is patently not served when female athletes are denied any opportunity to play..."^{xii} Any opportunity includes playing with the boys even when a school sponsors a team for girls.

Accordingly, courts have held that schools may not prohibit girls from playing on boys' teams without an individualized assessment of each athlete's abilities.^{xiii} This means that schools must give girls the opportunity to choose which particular team—single-sex or co-educational—will most appropriately match their skill level.

V. ON WHAT BASIS CAN SCHOOLS RESTRICT PARTICIPATION?

POSITION: If the skill, size and strength of any participant, female or male, compared to others playing on the team creates the potential of a hazardous environment, participation may be limited on the basis of these factors, rather than the sex of the participant.

Teachers and coaches are obligated to ensure safe sports and physical activity environments. Gender, however, cannot be a proxy for safety. For instance, a teacher or coach would not pair a heavyweight Olympic boxer with a novice lightweight because the situation creates the potential of significant injury. In such cases, objective decisions by experienced teachers should be made. In instructional settings, teachers are better able to control skill match-ups. In competitive athletics, that control is possible in sports that use weight classes, but may not be possible in other sports.

While schools may restrict teams based on skill, they cannot do so by requiring that some athletes pass more strenuous fitness and skills tests than others for admission onto the team. For example, it is discriminatory to require a girl to pass a

more strenuous fitness test than other team members to try out for a spot on the boys' team.^{xiv}

VI. WHEN SHOULD SCHOOLS ALLOW BOYS TO TRY OUT FOR GIRLS' TEAMS?

POSITION: Boys should be allowed to play on a girls' team only when there is no team for boys offered in that sport, boys are underrepresented with regard to total athletic opportunities, and the strength and skill levels of the boys are comparable to those of the girls.

Boys cannot participate on girls' teams when there is no team offered for boys in the sport if girls are underrepresented in the sports program. While courts have found girls have the right to compete on boys' teams under the EPC and Title IX, the courts have not granted boys the same access to girls' teams.^{xv}

First, under Title IX, boys do not have the right to participate on girls' teams in schools even when no boys' team exists because their opportunities in athletics have not historically been limited, and they are typically overrepresented in athletic departments.^{xvi}

Additionally, under the EPC, courts have repeatedly denied boys the right to participate on girls' teams when no boys' team exists on the grounds that it contradicts the important government interest of "maintaining, fostering and promoting athletic opportunities for girls."^{xvii} It is the class of girls, not boys, with whom the government seeks to redress past discrimination and promote equality.^{xviii} It is girls, not boys, who have suffered and continue to suffer from discrimination and inequalities in athletics.

While some courts in Equal Rights Amendment (ERA) states have found that such a position violates the individual rights of boys,^{xix} other courts in ERA states^{xx} and federal courts supporting EPC protections have found that protecting the participation rights of girls as a previously discriminated against "class" outweigh the rights of an "individual" boy to play on a girls' team.^{xxi}

As long as boys continue to enjoy significantly more opportunities for athletic competition than girls, opening boys' teams to girls even where girls' teams exist should not be viewed as harming boys, but rather as leveling the playing field for girls. Allowing a girl to try out for the boys' team breeds competition. Her participation should be viewed no differently than if another boy joined the program and competed against the rest of the squad for a slot on the team. In the arena of sports, the most talented athlete gets to play; a girl has just as much of a right to demonstrate her ability to fill that spot as a boy does.

VII. DOES ALLOWING GIRLS TO COMPETE ON BOYS' TEAMS TAKE GIRLS AWAY FROM GIRLS' TEAMS?

POSITION: No. Allowing girls the right to compete on the boys' teams does not have an adverse impact on girls' teams.

Athletics is not a zero-sum environment where the participation of one girl on the boys' team comes at the expense of a loss of participation on the girls' team. Opening boys' teams to girls should not be viewed as a loss of participation for the girls' teams, but a broadening of opportunities for girls to compete that will only serve to expand the participation and growth of girls in sports.

Just as girls' participation in sport expanded when Title IX opened the doors of opportunity for competition by creating teams for girls, opening the door to boys' teams will also help expand opportunities for girls to compete. As one court noted, denying girls this choice actually works to restrict girls' participation because it denies them the right to choose which particular competition is most appropriate for their ability.^{xxii}

Offering competition with the boys provides girls with a different type of competitive experience that could increase overall participation by drawing girls into sport who previously chose to remain on the sidelines because they did not want to participate on sex-segregated teams. Furthermore, to the extent that girls from all-girls teams choose to compete with boys, overall participation for girls will increase because it opens slots on female teams that girls not currently participating in sports can then fill.

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ⁱ 20 U.S.C. Section 1681, et. seq. "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." Generally, there are three elements of the law as it applies to athletics: (1) Participation, (2) Scholarships and (3) Treatment. 34 C.F.R. § 106 (2002). In order to determine whether male and female students are being provided equitable participation opportunities to play sports, the high school or college must meet any one of the following

three standards:

- (1) Student-athlete participation is proportional to the student body. (For example, if 50% of the students are male and 50% of are female, then this criteria would be met if half of the athletes are male and half are female).
- (2) The college or high school has a history and continuing practice of program expansion for the underrepresented gender (e.g., adding sports, expanding squad sizes).
- (3) The college or high school has met the interests and abilities of the underrepresented gender.

44 Fed. Reg. 71413 (1979).

If athletic scholarships are being provided, the law requires that they must be provided in proportion to the student-athlete percentage. (For example, if women comprise 55% of the student-athlete population, then women should be receiving 55% of the athletic scholarship dollars.) The treatment requirements call for benefits and services provided to male athletes and female athletes to be similar in quality, quantity and suitability with 11 areas that must be examined in order to determine overall compliance. These 11 areas are:

- Equipment and Supplies
- Scheduling of Games and Practice Times
- Travel and Related Expenses
- Availability of Coaches and their Compensation
- Locker Rooms, Practice and Competitive Facilities
- Medical and Training Services
- Publicity
- Support Services
- Recruitment of Student-Athletes
- Housing and Dining Facilities and Services
- Availability of Tutors

44 Fed. Reg. 71413 (1979).

ⁱⁱ United States Constitution. Fourteenth Amendment (1868). Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

ⁱⁱⁱ Various states have promulgated equal rights amendments (ERA) requiring that state laws treat men and women equally. State ERAs support the rights of female athletes to participate on men's teams in both contact and non-contact sports. In general, while males have the same rights to play on women's teams, such rights have not been upheld when women are underrepresented in athletic programs and the courts have considered the issue in that context.

^{iv} 36 U.S.C. § 220501, et seq., hereinafter the "Amateur Sports Act" established the current governance structure for amateur and Olympic sports in the United States. The Amateur Sports Act specifically addressed the obligations of the USOC and the National Governing Bodies (NGBs) to address gender discrimination. Specifically:

1. USOC to encourage women's sports. Section 220503 (12) notes that the USOC's purposes include to "encourage and provide assistance to amateur athletic activities for women."
2. NGBs must provide equal opportunity. Section 220522 (a) (8) mandates that an amateur sports organization cannot be recognized as an NGB unless it "provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, age, sex or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator or official before declaring the individual ineligible to participate."
3. NGBs must have women on their boards. Section 220522 (a) (9) follows the previous provision, declaring that an amateur sports organization cannot be recognized as an NGB unless it "is governed by a board of directors or other governing board whose members are selected without regard to race, color, religion, national origin or sex, except that, in sports where there are separate male and female programs, it provides for reasonable representation of both males and females on such board of directors or other governing board."
4. NGBs must provide equitable support for women. Sec. 220524(6) says that a national governing body is under a duty to "provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis."

^v In athletics cases, public accommodation laws are used to prevent municipal recreation programs from discriminating on the basis of sex in the provision of programs or facilities or prevent businesses, organizations or clubs offering public services or using public facilities from discriminating on the basis of sex in membership, participation opportunities.

^{vi} Hoover v. Meiklejohn, 430 F. Supp. 164, 164 (D.Colo.1977).

^{vii} OCR Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test, (Jan. 16, 1996); available at <http://www.ed.gov/offices/OCR/docs/clarific.html> at 10.

^{viii} Id.

^{ix} Darrin v. Gould, 540 P.2d 882 (Wash. 1975) (holding that the exclusion of two females, based solely on sex and who completely satisfied all requirements for participating in their school district's football program, violated the ERA).

^x Petrie v. Illinois High Sch. Ass'n, 394 N.E.2d 855, 862 (Ill. App. Ct. 1979).

^{xi} Commonwealth of Pennsylvania v. Pennsylvania Interscholastic Athletic Ass'n, 334 A.2d 839, 843 (Pa. Cmwlth. 1975).

^{xii} Yellow Springs v. Ohio High Sch. Athletic Ass'n, 647 F.2d 651, 656 (6th Cir. 1981).

^{xiii} Pennsylvania, 334 A.2d at 841.

^{xiv} Mercer v. Duke University, 190 F.3d 643 (4th Cir. 1999).

^{xv} See Clark v. Arizona Interscholastic Ass'n, 695 F.2d 1126 (Ariz. 1982) (holding that a rule excluding males from female volleyball team did not violate the Equal Protection Clause); Kieczek v. Rhode Island Interscholastic League, 768 F.Supp. 951 (D.R.I. 1991) (holding prohibiting boys from playing on the girls' field hockey team did not violate Equal Protection); Petrie, 394 N.E.2d at 862 (holding that excluding boys from girls' volleyball team did not violate Equal Protection); B.C. v. Board of Educ., Cumberland Regional Sch. Dist., 531 A.2d 1059 (N.J. Super. Ct. App. Div. 1987) (holding that a rule excluding boys from girls' field hockey team did not violate Equal Protection); Forte v. Board of Educ., N. Babylon Union Free Sch. Dist., 105 Misc. 2d 36 (N.Y. Sup. Ct. 1980) (upholding a rule prohibiting boys' from participating on girls' volleyball team).

^{xvi} 34 C.F.R. 106.41 (c)(1).

^{xvii} Petrie, 394 N.E.2d at 862.

^{xviii} Clark, 695 F.2d at 1131.

^{xix} Attorney General v. Massachusetts Interscholastic Athletic Ass'n, 393 N.E.2d 284 (Mass. 1979) (overturning an interscholastic league policy forbidding males to participate in females' sports teams, but permitting females to participate in males' teams). Comment per Farina, Elizabeth. (2005) Unpublished manuscript prepared for Professor Deborah Brake, University of Pittsburgh, dated August 11, 2005.

^{xx} Cumberland Regional Sch. Dist., 531 A.2d at 1059 (holding that preserving women's athletic opportunities was an important governmental objective, and that prohibiting males from participating on females' teams was substantially related to that objective); Petrie, 394 N.E.2d at 863 (holding that preserving and fostering athletic competition for females, and preventing unfair athletic domination by males were compelling state interests, thus allowing the school's policy to restrict membership on the only volleyball team to females). Comment per Farina, Elizabeth. (2005) Unpublished manuscript prepared for Professor Deborah Brake, University of Pittsburgh, dated August 11, 2005.

^{xxi} Clark, 695 F.2d at 1126 (holding that excluding males from participating on the female volleyball team did not violate Equal Protection rights of the male students because it was a substantially related method of achieving the important objectives of promoting sport opportunities for females and redressing past discrimination); Mularadelis v. Haldane Central Sch. Board, 74 A.D.2d 248 (N.Y. App. Div. 1980) (holding that the petitioner's exclusion was justified because males in general still had more opportunities than females in the institution's sports program). Comment per Farina, Elizabeth. (2005) Unpublished manuscript prepared for Professor Deborah Brake, University of Pittsburgh, dated August 11, 2005.

^{xxii} Pennsylvania, 334 A.2d at 840.

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