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AMERICAN SPORTS COUNCIL

Press Release

For Immediate Release

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American Sports Council Sues U.S. Department of Education to Prevent Use of Title IX Quotas in High School Athletics

Applying Quotas to High School Sports Violates Constitution's Equal Protection Clause

WASHINGTON, D.C. - July 21, 2011 - The [American Sports Council](#) (ASC) filed suit against the U.S. Department of Education (DOE) today, alleging that the use of gender quotas to enforce Title IX in high school athletic programs is unconstitutional because it violates the Equal Protection Clause. Attorneys at the [Pacific Legal Foundation](#) (PLF) filed the suit in the U.S. District Court for the District of Columbia on behalf of the ASC.

In recent months, quota activists have been intimidating high school districts with charges that they are in violation of Title IX simply on the basis of the gender balance in their athletic departments. "Not only is this interpretation not supported by law, it has the potential of destroying much of what is so good about the uniquely American athletic system – one that produces the world's best scholar-athletes," said ASC Chairman, Eric Pearson. "This pattern of legal intimidation needs to stop."

Nationwide, there are currently 1.3 million more boys participating in high school sports than girls. Using a gender quota to enforce Title IX in high school sports would put those boys athletes at risk of losing their opportunity to play.

"Title IX does not require sex-based quotas in high school sports. Quota mandates are at odds with the U.S. Constitution's guarantee of equal protection and equal treatment of people regardless of sex," said PLF attorney Joshua Thompson. "But in recent years, federal policy guidelines on Title IX have made

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vague references to high schools in a way that allows pro-quota activists to misconstrue Title IX and wrongly demand that high schools institute quota

policies.”

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In 2007, PLF’s legal team, acting on behalf of the ASC, formally petitioned DOE to revise or repeal current Title IX enforcement guidelines because they do not make it clear that the law does not require high schools to use strict quotas to comply with the law.

The agency refused. Today’s lawsuit argues that DOE acted arbitrarily and capriciously when it denied the 2007 petition, and that it must amend, clarify or repeal guidelines that are being used to promote gender-based quotas in high school sports. The threat of unfair Title IX enforcement on high school sports has been a national issue ever since the National Women’s Law Center (NWLC) filed complaints with DOE’s Office of Civil Rights, alleging discrimination against female athletes in 12 different school districts based solely on the gender balance in their sports programs. Subsequently, the ASC and the PLF advised those school districts that Title IX’s three-part test – including the use of strict gender quotas – did not apply to high schools and that they had far more leeway in proving compliance with the law.

The complaint and a video explaining the lawsuit are available at each organization’s respective website. Click [here](#) to view the complaint.

About the Pacific Legal Foundation

Donor-supported PLF is the leading legal watchdog that litigates for limited government and equal protection under the law, in courts nationwide. The PLF is serving as the ASC’s legal counsel in the lawsuit against DOE.

Press Conference and Briefing

WHEN: July 21, 2011, 1:00 P.M. EDT/10:00 a.m. PDT

WHO: Eric Pearson, ASC Chairman
Josh Thompson, Attorney, Pacific Legal Foundation
Dwight Johnson, Colorado parent fighting for varsity recognition for boys high school volleyball

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HOW: **Dial-in Number: (866) 210-1669, Pin #6518749**

FORMAT: An overview of the suit will be followed by open Q&A.

Formerly known as the College Sports Council, the [American Sports Council](#) is a national coalition of coaches, parents, athletes and alumni. It is the nation's leading voice advocating reform of Title IX enforcement. Follow us on our [blog](#), our [Twitter feed](#) or [Facebook](#).

Additional Background: www.americanportscouncil.org