

PRESS RELEASE

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Settlement Agreement Reached in Landmark Gender Equity Lawsuit against Hawai'i High School

(Honolulu, Hawai'i, October 31, 2023.)

The parties in a longstanding federal lawsuit involving gender equity at Hawai'i's largest public school, Campbell High School, have reached a settlement agreement to ensure that girls at the school have the same athletic opportunities, access, treatment, and benefits in high school sports as boys. The Title IX civil rights class action lawsuit was brought against the Hawai'i Department of Education and the O'ahu Interscholastic Association in December 2018. The plaintiffs, a group of brave female athletes at Campbell High School, brought the case on behalf of a class of current and future students after their efforts to resolve the inequities short of litigation failed. The case was filed by ACLU of Hawai'i, Legal Aid at Work, and Simpson Thacher & Bartlett LLP. As part of the state's single statewide school district, the landmark settlement with Campbell High School sets the stage for improving gender equity for girls across the state. The settlement with the O'ahu Interscholastic Association will also expand sports opportunities for girls across Hawai'i.

The agreement includes significant changes to level the playing field for female student athletes. The complaint alleged numerous specific examples of disparate treatment and benefits ranging from the boys having exclusive access to a stand-alone locker room near the athletics fields, to a softball field that was far inferior to the boy's baseball facility, as well as a failure to provide coaches and facilities for certain girls' teams.

Lead Plaintiff **Ashley Badis**, who [won a Billie Jean King Youth Leadership Award at the ESPYs earlier this summer](#) for her fight for gender equity and bravery in the case, had this to say:



“I’m happy that future students won’t have to go through what my teammates and I did. We just wanted girls to have the same opportunities to play that boys had, and it’s great to see Campbell moving in the right direction with this settlement.”

Specifically, the settlement provides:


- That Defendants hire an Independent Evaluator who will immediately take steps to ensure girls at Campbell High School receive substantially equivalent sports offerings (number of opportunities to play sports) and equal athletic benefits (such as athletic facilities, transportation, scheduling, and publicity), among other program components.
- A 7-year comprehensive compliance plan for monitoring and evaluating gender equity for girls in sports at Campbell High School. This plan requires regular site visits by an independent evaluator, publicly available reports that will ensure transparency around Campbell’s efforts to ensure gender equity, as well as federal court oversight to ensure that any inequities uncovered are fixed.
- Comprehensive training on the requirement for gender equity in sports under Title IX for Campbell High School staff and key stakeholders, including administrators, coaches, teachers, students, and parents.
- A hotline and online complaint process so that students, parents, teachers, administrators, and others can report violations.
- Protections for students to be free from retaliation when they raise concerns about gender equity in Campbell’s sports offerings.

This settlement could not have come at a more important time. Although Title IX, also known as the Patsy Mink Equal Opportunity in Education Act, was passed over 50 years ago, much of its promise remains unrealized, especially at the high school level. Nationwide, [girls receive fewer opportunities to play sports](#) than boys. That number is even worse at schools with larger percentages of students of color, like Campbell. These fundamentally unfair and illegal policies under federal law have the practical effect of robbing girls of opportunities to succeed throughout their lives.

Studies show that girls who play sports benefit not only from better mental and physical health outcomes, but also from learning life skills such as teamwork, self-esteem, and leadership. Playing sports leads to enhanced academic and employment outcomes. As a result, ensuring gender equity in sports can have literally life-altering consequences.

Plaintiff **Tatiana Troup** explained “I filed this case when I was still just a teenage girl at Campbell. I felt that it was unfair how we had to fight harder for the basic benefits that the male athletes received with ease (such as locker rooms for basic privacy). I’m very proud that we as young girls had the bravery to step up and say something for the future female athletes of Campbell.”

Elizabeth Kristen, Director of the Gender Equity and LGBTQ Rights Program at **Legal Aid at Work** said: “We are excited that the Hawai’i Department of Education and the O’ahu Interscholastic Association have decided to join with its female student athletes to become leaders in sports equity for girls. We sincerely hope and expect that the seven-year settlement



plan will benefit not only the girls at Campbell High School, but also all girls across Hawai'i who play school sports or want to play."

Wookie Kim, Legal Director of the **ACLU of Hawai'i** said: "We're proud to see this settlement in former Congresswoman Patsy Mink's home state. As the first woman of color elected to Congress, who overcame gender and racial discrimination during her political career and lifetime, she understood first-hand what girls in Hawai'i were facing to achieve a level playing field. In a state with a high proportion of students of color and an extremely high cost of living, the opportunities afforded to female athletes are all the more important and impactful. This settlement honors Congresswoman Mink's legacy and carries forward her tireless work for education reform and gender equity for generations of girls in Hawai'i to come."

Jayma Meyer, Counsel at **Simpson Thacher & Bartlett LLP** said: "We are thrilled the Hawai'i Department of Education and the O'ahu Interscholastic Association have agreed to systematic change so that girls will have the same access and opportunity as boys to the benefits provided by playing sports. We are hopeful that this monumental settlement will be a building block in Hawai'i and nationwide to a future where every girl is ensured the rights required by Title IX."

A copy of the proposed settlement agreement is available [online](#). Because the case was brought as a class action, the proposed settlement agreement requires court approval. The Court will set a hearing on the settlement agreement at the U.S. District Court for the District of Hawai'i for February 2024.

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About Legal Aid at Work:

Legal Aid at Work partners with people to help them understand and assert their workplace rights, and we advocate for employment laws and systems that empower low-paid workers and marginalized communities. Legal Aid at Work's Fair Play for Girls in Sports project spurs schools and parks and recreation departments to treat girls equally on and off the field. Focusing particularly on girls of color and girls who live in low-income communities, this work promotes the health, educational achievement, and future employment opportunities of girls in grades K-12. www.legalaidatwork.org.

About the ACLU of Hawai'i

The ACLU of Hawai'i has worked since 1965 to ensure that the government does not violate fundamental constitutional rights including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled. <https://www.acluhi.org>

About Simpson Thacher & Bartlett LLP



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