

AMENDED IN ASSEMBLY AUGUST 28, 2001

AMENDED IN ASSEMBLY JULY 5, 2001

AMENDED IN SENATE APRIL 18, 2001

AMENDED IN SENATE MARCH 28, 2001

**SENATE BILL**

**No. 225**

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**Introduced by Senator Kuehl  
(Coauthor: Senator Romero)**

(Coauthors: Assembly Members Aroner, *Goldberg*, Keeley, Koretz,  
Steinberg, and Thomson)

February 14, 2001

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An act to amend Sections 33353, 33354, and 35179 of the Education Code, relating to educational programs and activities.

LEGISLATIVE COUNSEL'S DIGEST

SB 225, as amended, Kuehl. Education: interscholastic athletics: discrimination.

(1) Existing law, until January 1, 2002, describes the California Interscholastic Federation (CIF) as a voluntary organization consisting of school and school-related personnel with the responsibility for administering interscholastic athletic activities in secondary schools and sets forth legislative intent that the CIF, in consultation with the State Department of Education, implement certain policies. Existing law prohibits a voluntary interscholastic athletic association, of which any public school is a member, from discriminating against, or denying the benefits of any program to, any person on the basis of race, sex, or ethnic origin. Existing law requires the CIF to report to the Legislature

on its evaluation and accountability activities undertaken pursuant to those activities on or before January 1, 2002.

This bill would broaden that prohibition against discrimination to include, among others, discrimination on the basis of religion, mental or physical disability, and any basis contained in the prohibition of hate crimes and would prescribe related matters. The bill would also require the CIF to provide information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints in interscholastic athletics.

(2) Under existing law, the State Department of Education has certain authority over interscholastic activities including that if the department states that a school district, an association, or consortium of school districts, or the California Interscholastic Federation is not in compliance with state or federal law, the department may require the school district, association, or consortium, or the federation to adjust its policy so that it is in compliance. Under existing law, the department is prohibited from determining the specific policy that a school district, association, or consortium, or the federation must adopt in order to comply with state and federal laws.

This bill would, notwithstanding any other provision of law, allow a complainant who wishes to file a discrimination complaint based on interscholastic activities conducted by an association, by a consortium of school districts, or by the California Interscholastic Federation to file that discrimination complaint directly with the department without having to first file a discrimination complaint with a school district, and would authorize the department, if it states that an association, a consortium of school districts, or the California Interscholastic Federation is not in compliance with state or federal law, to prescribe the administrative remedies that such an association, consortium of school districts, or the California Interscholastic Federation must provide in order to comply with state or federal law.

The bill would extend those provisions pertaining to the CIF until January 1, 2007, and would instead require that report to be made to the Governor and the Legislature on or before January 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



*The people of the State of California do enact as follows:*

1 SECTION 1. Section 33353 of the Education Code is  
2 amended to read:

3 33353. (a) The California Interscholastic Federation is a  
4 voluntary organization ~~consisting~~ *that consists* of school and  
5 school related personnel with responsibility for administering  
6 interscholastic athletic activities in secondary schools. It is the  
7 intent of the Legislature that the California Interscholastic  
8 Federation, in consultation with the State Department of  
9 Education, implement the following policies:

10 (1) Give the governing boards of school districts specific  
11 authority to select their athletic league representatives.

12 (2) Require that all league, section, and state meetings  
13 affiliated with the California Interscholastic Federation be subject  
14 to the notice and hearing requirements of the Ralph M. Brown Act  
15 (Chapter 9 (commencing with Section 54950) of Division 2 of  
16 Title 5 of the Government Code).

17 (3) Establish a neutral final appeals body to hear complaints  
18 related to interscholastic athletic policies.

19 (4) Provide information to parents and pupils regarding the  
20 state and federal complaint procedures for discrimination  
21 complaints arising out of interscholastic athletic activities.

22 (b) The California Interscholastic Federation shall report to the  
23 Legislature and the Governor on its evaluation and accountability  
24 activities undertaken pursuant to this section on or before January  
25 1, 2005.

26 (c) This section shall remain in effect only until January 1,  
27 2007, and as of that date is repealed, unless a later enacted statute,  
28 that is enacted before January 1, 2007, deletes or extends that date.

29 SEC. 2. Section 33354 of the Education Code is amended to  
30 read:

31 33354. (a) The State Department of Education shall have the  
32 following authority over interscholastic athletics:

33 (1) The department may state that the policies of school  
34 districts, of associations or consortia of school districts, and of the  
35 California Interscholastic Federation, concerning interscholastic  
36 athletics, are in compliance with both state and federal law.

37 (2) (A) If the department states that a school district, an  
38 association, or consortium of school districts, or the California



1 Interscholastic Federation is not in compliance with state or  
2 federal law, the department may require the school district,  
3 association, or consortium, or the federation to adjust its policy so  
4 that it is in compliance. However, the department shall not have  
5 authority to determine the specific policy that a school district,  
6 must adopt in order to comply with state and federal laws.

7 (B) Notwithstanding any other provision of law, a complainant  
8 who wishes to file a discrimination complaint pursuant to the  
9 regulations adopted for the purpose of implementing Section 261  
10 based on interscholastic activities conducted by an association, a  
11 consortium of school districts, or by the California Interscholastic  
12 Federation, shall not be required to first file a discrimination  
13 complaint with a school district, and may file an initial  
14 discrimination complaint directly with the department, and the  
15 department shall have the authority to specify, with regard to a  
16 specific discrimination complaint, the administrative remedies  
17 that such an association, a consortium of school districts, or the  
18 California Interscholastic Federation must provide in order to  
19 comply with state or federal law.

20 (3) If the department states that a school district, association, or  
21 consortium, or the federation is not in compliance with state or  
22 federal law in matters relating to interscholastic activities, and the  
23 school district, association, or consortium, or the federation does  
24 not change its policy in order to comply with these laws, the  
25 department may commence with appropriate legal proceedings  
26 against the California Interscholastic Federation, the school  
27 district or against school districts that are members of the  
28 California Interscholastic Federation or the association or  
29 consortium that the department states is in noncompliance. In a  
30 legal proceeding the court shall determine the matter de novo. The  
31 department may make recommendations for appropriate remedies  
32 in these proceedings.

33 (b) This section shall not be construed or interpreted to limit the  
34 discretion of local governing boards, or voluntary associations  
35 formed or maintained pursuant to subdivision (b) of Section  
36 35179, in any policy, program, or activity that is in compliance  
37 with state and federal law.

38 (c) The state law with which the policies of school districts,  
39 associations, or consortia of school districts, and of the California  
40 Interscholastic Federation, concerning interscholastic athletics,



1 are required to comply, in accordance with this section, includes,  
2 but is not limited to, any regulations issued by the State Board of  
3 Education pursuant to Section 232 with regard to discrimination  
4 in interscholastic athletics.

5 (d) This section shall remain in effect only until January 1,  
6 2007, and as of that date is repealed, unless a later enacted statute,  
7 that is enacted before January 1, 2007, deletes or extends that date.

8 SEC. 3. Section 35179 of the Education Code is amended to  
9 read:

10 35179. (a) Each school district governing board shall have  
11 general control of, and be responsible for, all aspects of the  
12 interscholastic athletic policies, programs, and activities in its  
13 district, including, but not limited to, eligibility, season of sport,  
14 number of sports, personnel, and sports facilities. In addition, the  
15 board shall assure that all interscholastic policies, programs, and  
16 activities in its district are in compliance with state and federal law.

17 (b) Governing boards may enter into associations or consortia  
18 with other boards for the purpose of governing regional or  
19 statewide interscholastic athletic programs by permitting the  
20 public schools under their jurisdictions to enter into a voluntary  
21 association with other schools for the purpose of enacting and  
22 enforcing rules relating to eligibility for, and participation in,  
23 interscholastic athletic programs among and between schools.

24 (c) Each governing board, or its designee, shall represent the  
25 individual schools located within its jurisdiction in any voluntary  
26 association of schools formed or maintained pursuant to this  
27 section.

28 (d) No voluntary interscholastic athletic association, of which  
29 any public school is a member, shall discriminate against, or deny  
30 the benefits of any program to, any person on any basis prohibited  
31 by Chapter 2 (commencing with Section 200) of Part 1.

32 (e) Notwithstanding any other provision of law, no voluntary  
33 interscholastic athletic association shall deny a school from  
34 participating in interscholastic athletic activities because of the  
35 religious tenets of the school, regardless of whether that school is  
36 directly controlled by a religious organization.

37 (f) Interscholastic athletics is defined as those policies,  
38 programs, and activities that are formulated or executed in  
39 conjunction with, or in contemplation of, athletic contests between  
40 two or more schools, either public or private.



1 (g) This section shall remain in effect only until January 1,  
2 2007, and as of that date is repealed, unless a later enacted statute,  
3 that is enacted before January 1, 2007, deletes or extends that date.

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