

Senate Bill No. 225

CHAPTER 889

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

[Approved by Governor October 13, 2001. Filed
with Secretary of State October 14, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 225, 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 from a public school 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, 2005.

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

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

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

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

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

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

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

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



(c) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

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

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

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

(2) (A) 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. However, the department shall not have authority to determine the specific policy that a school district, must adopt in order to comply with state and federal laws.

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

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



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

(c) The state law with which the policies of school districts, associations, or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are required to comply, in accordance with this section, includes, but is not limited to, any regulations issued by the State Board of Education pursuant to Section 232 with regard to discrimination in interscholastic athletics.

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

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

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

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

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

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

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



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

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

