

AMENDED IN SENATE APRIL 29, 2009

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 248**

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**Introduced by Senator Oropeza  
(Principal coauthor: Senator Florez)**

February 24, 2009

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An act to amend Section 271 of, and to add Article 6 (commencing with Section 66295) to Chapter 4.5 of Part 40 of Division 5 of Title 3 of, the Education Code, relating to educational equity.

LEGISLATIVE COUNSEL'S DIGEST

SB 248, as amended, Oropeza. Educational equity: Title IX.

(1) Existing law prohibits discrimination on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified characteristics, in any program or activity conducted by an educational institution, as defined, that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. Existing law prohibits public funds from being used in connection with any athletic program conducted under the auspices of the governing board of a school district or a student organization with the district that does not provide equal opportunity to both sexes for participation and for use of facilities. Existing law lists the rights that are based on the relevant provision of the federal regulations implementing the federal law prohibiting discrimination on the basis of sex in education programs and activities (Title IX) and requires the State Department of Education to post that list on its Internet Web site.

This bill would require a school district, the president or chief executive officer of a community college campus, and the president of a campus of the California State University, by July 1, 2010, to place

on their Internet Web site, and post on the entrance to the gymnasiums of the schools, colleges, or universities, as the case may be, and in the locker rooms, the list of rights accorded to pupils under Title IX. The bill would request the chancellor of a campus of the University of California also to place the list of those rights on the campus Internet Web site and post them in the university gymnasiums and locker rooms by July 1, 2010. By requiring school districts and community college campuses to post this information, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 271 of the Education Code is amended  
2 to read:  
3 271. (a) The following list of rights, which are based on the  
4 relevant provisions of the federal regulations implementing Title  
5 IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681  
6 et seq.), may be used by the department for purposes of Section  
7 270:  
8 (1) You have the right to fair and equitable treatment and you  
9 shall not be discriminated against based on your sex.  
10 (2) You have the right to be provided with an equitable  
11 opportunity to participate in all academic extracurricular activities,  
12 including athletics.  
13 (3) You have the right to inquire of the athletic director of your  
14 school as to the athletic opportunities offered by the school.  
15 (4) You have the right to apply for athletic scholarships.  
16 (5) You have the right to receive equitable treatment and benefits  
17 in the provision of all of the following:  
18 (A) Equipment and supplies.  
19 (B) Scheduling of games and practices.

- 1 (C) Transportation and daily allowances.
- 2 (D) Access to tutoring.
- 3 (E) Coaching.
- 4 (F) Locker rooms.
- 5 (G) Practice and competitive facilities.
- 6 (H) Medical and training facilities and services.
- 7 (I) Publicity.

8 (6) You have the right to have access to a gender equity  
9 coordinator to answer questions regarding gender equity laws.

10 (7) You have the right to contact the State Department of  
11 Education and the California Interscholastic Federation to access  
12 information on gender equity laws.

13 (8) You have the right to file a confidential discrimination  
14 complaint with the United States Office of Civil Rights or the State  
15 Department of Education if you believe you have been  
16 discriminated against or if you believe you have received unequal  
17 treatment on the basis of your sex.

18 (9) You have the right to pursue civil remedies if you have been  
19 discriminated against.

20 (10) You have the right to be protected against retaliation if you  
21 file a discrimination complaint.

22 (b) By July 1, 2010, a school district shall place on its Internet  
23 Web site and post on the entrance to the gymnasiums of the schools  
24 in the district and in the locker rooms, the list of rights set forth in  
25 subdivision (a). These rights shall be posted in no less than 12-point  
26 ~~bold~~ **boldface** type, and the bottom of each poster shall contain the  
27 name and contact information for the gender equity coordinator  
28 of the school.

29 SEC. 2. Article 6 (commencing with Section 66295) is added  
30 to Chapter 4.5 of Part 40 of Division 5 of Title 3 of the Education  
31 Code, to read:

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#### Article 6. Athletes' Bill of Rights

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35 66295. (a) By July 1, 2010, the president *or* chief executive  
36 officer of a community college campus and the president of a  
37 campus of the California State University shall place on the Internet  
38 Web site of the ~~colleges in the district or university~~ *campus* and  
39 post on the entrance to the college or university gymnasiums and  
40 in the locker rooms, the following list of rights, which are based

1 on the relevant provisions of the federal regulations implementing  
2 Title IX of the Education Amendments of 1972 (20 U.S.C. Sec.  
3 1681 et seq.):

4 (1) You have the right to fair and equitable treatment and you  
5 shall not be discriminated against based on your sex.

6 (2) You have the right to be provided with an equitable  
7 opportunity to participate in all academic extracurricular activities,  
8 including athletics.

9 (3) You have the right to inquire of the athletic director of your  
10 school as to the athletic opportunities offered by the school.

11 (4) You have the right to apply for athletic scholarships.

12 (5) You have the right to receive equitable treatment and benefits  
13 in the provision of all of the following:

14 (A) Equipment and supplies.

15 (B) Scheduling of games and practices.

16 (C) Transportation and daily allowances.

17 (D) Access to tutoring.

18 (E) Coaching.

19 (F) Locker rooms.

20 (G) Practice and competitive facilities.

21 (H) Medical and training facilities and services.

22 (I) Publicity.

23 (6) You have the right to have access to a gender equity  
24 coordinator to answer questions regarding gender equity laws.

25 (7) You have the right to contact the ~~State Department of~~  
26 ~~Education and the California Interscholastic Federation to access~~  
27 *National Collegiate Athletic Association and the United States*  
28 *Office of Civil Rights to access* information on gender equity laws.

29 (8) You have the right to file a confidential discrimination  
30 complaint with the United States Office of Civil Rights ~~or the State~~  
31 ~~Department of Education~~ if you believe you have been  
32 discriminated against or if you believe you have received unequal  
33 treatment on the basis of your sex.

34 (9) You have the right to pursue civil remedies if you have been  
35 discriminated against.

36 (10) You have the right to be protected against retaliation if you  
37 file a discrimination complaint.

38 (b) These rights shall be posted in no less than 12-point-~~bold~~  
39 *boldface* type, and the bottom of each poster shall contain the name

1 and contact information for the gender equity—~~coordination~~  
2 *coordinator* of the college or university.

3 66296. The Legislature requests that the chancellor of each  
4 campus of the University of California, by July 1, 2010, place on  
5 its Internet Web site and post on the entrance to the university  
6 gymnasiums and in the locker rooms, the list of rights specified  
7 in Section 66295. These rights should be posted in no less than  
8 12-point ~~bold~~ *boldface* type, and the bottom of each poster should  
9 contain the name and contact information for the gender equity  
10 ~~coordination~~ *coordinator* of the university.

11 SEC. 3. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.