

AMENDED IN SENATE MAY 27, 2014
AMENDED IN SENATE APRIL 23, 2014
AMENDED IN SENATE APRIL 9, 2014
AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1349

Introduced by Senator Jackson
(Principal coauthor: Assembly Member Bonilla)
(Coauthors: Senators Correa and Hancock)

February 21, 2014

An act to add Section 221.9 to the Education Code, relating to school athletics.

LEGISLATIVE COUNSEL'S DIGEST

SB 1349, as amended, Jackson. School athletics: information relating to competitive athletics.

Existing law, known as the Sex Equity in Education Act, declares that it is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted without regard to the sex of the pupil enrolled in those classes and courses. The act also prohibits public funds from being used in connection with any athletic program conducted under the auspices of a school district governing board or any student organization within the district that does not provide equal opportunity to both sexes for participation and for use of facilities.

This bill would express legislative findings and declarations relating to the participation of girls and women in competitive athletics. The bill would require, commencing with the 2015–16 school year and every ~~3 years~~ year thereafter, each public elementary and secondary school

in the state that offers competitive athletics, as defined, to ~~report~~ *make* specified data to the governing board of its school district. The bill would also require the governing board of the school district to cause *publicly available at the end of the school year, and to post* this information to be posted on the school district's *school's* Internet Web site. The bill would require the State Auditor, on July 1, 2019, and every 3 years thereafter, to choose 10 high schools ~~whose numbers are not~~ *proportionally representative of the male and female participants in the school's athletic program, that offer competitive athletics and to* audit each of those schools for full compliance with specified ~~laws.~~ *federal law*. The bill would require the State Auditor, within 6 months of the applicable July 1, to report the results of the audit to various entities, including, among others, the audited schools, the Governor, and the Senate and Assembly Committees on Education.

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. The Legislature finds and declares all of the
2 following:

3 (a) Female pupils receive substantial benefits from participating
4 in athletics, including physical benefits, psychological and
5 emotional health benefits, learning responsible social behavior,
6 and achieving greater academic success. The achievements of
7 women in athletics is demonstrated by their performances in the
8 Olympic Games, women's professional sports leagues, and other
9 national and international women's sporting events that receive
10 public attention.

11 (b) In 1912, only 2 percent of Olympic athletes were women;
12 in 2012, 44 percent of Olympians were women.

13 (c) Between 1972 and 2011, the number of girls competing in
14 high school sports jumped from under 295,000 to nearly 3,200,000.
15 But ~~girls' opportunities~~ *the level of opportunity for girls still have*
16 *has not reached the level that of opportunity for boys were at back*
17 *that existed* when Title IX of the Education Amendments of 1972
18 to the Civil Rights Act of 1964 was enacted.

19 (d) There are more women playing collegiate sports—about
20 200,000—than ever before. The number of female athletes at
21 National Collegiate Athletic Association (NCAA) schools has

1 increased from less than 30,000 to over 193,000 since 1972, but
2 women still have over 60,000 fewer participation opportunities
3 than their male counterparts.

4 (e) Despite the fact that millions of women and girls are
5 competing, they are unlikely to see athletic role models of their
6 own gender in the media. Researchers from the University of
7 California and Purdue University completed a 20-year study of
8 sports coverage that shows the short shrift that women’s sports
9 receives compared to men’s on network news and ESPN
10 SportsCenter: in 2009, women’s sports got only 1.6 percent of the
11 airtime, down from 6.3 percent in 2004.

12 (f) Unfortunately, Title IX has not managed to extend the social
13 and health benefits of sports to all girls equally. In 2008, a national
14 survey of pupils in grades 3 to 12, inclusive, by the Women’s
15 Sports Foundation found that 75 percent of Caucasian girls play
16 sports, compared to less than two-thirds of African American and
17 Hispanic girls, and about one-half of Asian girls. And, while boys
18 from immigrant families are well represented in youth sports, less
19 than one-half of the girls from those families are ~~playing~~ *playing*
20 *sports*.

21 (g) The gender gap is also worse in urban schools and among
22 kids from low-income families. These disparities in youth sports
23 persist at the collegiate level. African American women are
24 underrepresented in all sports except for Division I basketball and
25 track and field, and Latinas make up just 4 percent of the female
26 athletes in the NCAA.

27 SEC. 2. Section 221.9 is added to the Education Code, to read:

28 221.9. (a) Commencing with the 2015–16 school year and
29 every ~~three years~~ *year* thereafter, each public elementary and
30 secondary school in the state that offers competitive athletics shall
31 ~~report to the governing board of its school district~~ *publicly make*
32 *available at the end of the school year* all of the following
33 information:

34 (1) The total enrollment of the school, classified by gender.

35 (2) The number of pupils enrolled at the school who participate
36 in competitive athletics, classified by gender.

37 (3) The number of boys’ and girls’ teams, classified by sport
38 and by competition level.

1 (b) The data required pursuant to subdivision (a) shall reflect
2 the total number of players on a team roster on the official first
3 day of competition.

4 ~~(b)~~

5 ~~(c) The governing board of the school district shall cause post~~
6 ~~the information submitted by each school pursuant to specified in~~
7 ~~subdivision (a) to be made publicly available by being posted on~~
8 ~~the school's Internet Web site of each school district. site.~~

9 ~~(e)~~

10 (d) The materials used by ~~each~~ a school to compile the
11 information submitted pursuant to *specified in* subdivision (a) shall
12 be retained by the school for at least three years after the
13 information is posted on the Internet pursuant to subdivision ~~(b)~~.
14 (c).

15 ~~(d)~~

16 (e) As used in this section, "competitive athletics" means sports
17 where the activity has ~~coaches,~~ *coaches and a governing*
18 ~~organization, practices, competitions~~ *practices, and competes*
19 during a defined season, ~~a governing organization,~~ and has
20 competition as its primary goal.

21 ~~(e)~~

22 (f) (1) On July 1, 2019, and every three years thereafter, the
23 State Auditor shall ~~randomly~~ choose 10 high schools that offer
24 competitive athletics, ~~and whose numbers are not proportionally~~
25 ~~representative of the male and female participants in the school's~~
26 ~~athletic program,~~ and shall audit each of the schools for full
27 compliance with Title IX of the Education Amendments of 1972
28 (20 U.S.C. Sec. 1681 et seq.).

29 (2) The State Auditor shall, within six months of the applicable
30 July 1, report the results of the audit required pursuant to paragraph
31 (1) to the audited schools, the governing board of the school district
32 of the audited schools, the department, the Governor, the Senate
33 and Assembly Committees on Education, and the Senate and
34 Assembly Judiciary Committees.

35 (3) The requirement for submitting a report pursuant to this
36 subdivision is inoperative on January 1, 2024, pursuant to Section
37 10231.5 of the Government Code.

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