

Introduced by Senator Oropeza

February 24, 2009

An act to amend Section 271 of the Education Code, relating to educational equity.

LEGISLATIVE COUNSEL'S DIGEST

SB 248, as introduced, 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 that elects to offer a competitive athletic program to its pupils to place on its Internet Web site, and post on the entrance to the school gymnasium and in the locker rooms, the list of rights accorded to pupils under Title IX. By requiring school districts 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 (a)

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

11 (b)

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

15 (c)

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

18 (d)

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

20 (e)

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

23 (1)

24 (A) Equipment and supplies.

25 (2)

26 (B) Scheduling of games and practices.

27 (3)

28 (C) Transportation and daily allowances.

~~(4)~~

~~(D)~~ Access to tutoring.

~~(5)~~

~~(E)~~ Coaching.

~~(6)~~

~~(F)~~ Locker rooms.

~~(7)~~

~~(G)~~ Practice and competitive facilities.

~~(8)~~

~~(H)~~ Medical and training facilities and services.

~~(9)~~

~~(I)~~ Publicity.

~~(f)~~

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

~~(g)~~

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

~~(h)~~

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

~~(i)~~

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

~~(j)~~

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

(b) A school district that elects to offer a competitive athletic program to its pupils shall place on its Internet Web site, and post on the entrance to the school gymnasium and in the locker rooms, the list of rights set forth in subdivision (a). These rights shall be posted in no less than 12-point bold type, and the bottom of each poster shall contain the name and contact information for the gender equity coordinator of the school.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.