

AMENDED IN SENATE MAY 28, 2009
AMENDED IN SENATE APRIL 29, 2009
AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 248

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

February 24, 2009

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 *respective* 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,~~ sites the list of rights accorded to ~~pupils~~ students under Title IX. *The bill would require the president of a campus of the California State University also to post the list of rights at the entrance to the university gymnasiums and in the locker rooms.* The bill would request the chancellor of ~~a each~~ campus of the University of California also to place the list of those rights on ~~the~~ its 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 *on their respective Internet Web sites*, 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.

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

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

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

6 (A) Equipment and supplies.

7 (B) Scheduling of games and practices.

8 (C) Transportation and daily allowances.

9 (D) Access to tutoring.

10 (E) Coaching.

11 (F) Locker rooms.

12 (G) Practice and competitive facilities.

13 (H) Medical and training facilities and services.

14 (I) Publicity.

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

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

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

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

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

29 (b) By July 1, 2010, a school district shall place on its Internet
30 ~~Web site and post on the entrance to the gymnasiums of the schools~~
31 ~~in the district and in the locker rooms, the list of rights set forth in~~
32 ~~Web site the list of rights set forth in~~ subdivision (a). These rights
33 shall be posted in no less than 12-point boldface type, and the
34 bottom of each ~~poster page~~ shall contain the name and contact
35 information for the gender equity coordinator of the school.

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

Article 6. Athletes' Bill of Rights

66295. (a) By July 1, 2010, the president or chief executive officer of a community college campus and the president of a campus of the California State University shall place on the Internet Web site of the campus ~~and post on the entrance to the college or university gymnasiums and in the locker rooms~~; the following list of rights, which are based on the relevant provisions of the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.):

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

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

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

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

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

(A) Equipment and supplies.

(B) Scheduling of games and practices.

(C) Transportation and daily allowances.

(D) Access to tutoring.

(E) Coaching.

(F) Locker rooms.

(G) Practice and competitive facilities.

(H) Medical and training facilities and services.

(I) Publicity.

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

(7) You have the right to contact the National Collegiate Athletic Association and the United States Office of Civil Rights to access information on gender equity laws.

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

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

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

3 (b) *The president of a campus of the California State University*
4 *shall post the list of rights set forth in paragraphs (1) to (10),*
5 *inclusive, of subdivision (a) at the entrance to the university*
6 *gymnasiums and in the locker rooms.*

7 ~~(b) These rights~~

8 (c) *The rights set forth in paragraphs (1) to (10), inclusive, of*
9 *subdivision (a) shall be posted in no less than 12-point boldface*
10 *type, and the bottom of each page or poster shall contain the name*
11 *and contact information for the gender equity coordinator of the*
12 *college or university.*

13 66296. The Legislature requests that the chancellor of each
14 campus of the University of California, by July 1, 2010, place on
15 its Internet Web site and post on the entrance to the university
16 gymnasiums and in the locker rooms, the list of rights specified
17 in Section 66295. These rights should be posted in no less than
18 12-point boldface type, and the bottom of each poster should
19 contain the name and contact information for the gender equity
20 coordinator of the university.

21 SEC. 3. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.