

AMENDED IN SENATE MARCH 26, 2014

**SENATE BILL**

**No. 1349**

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**Introduced by Senator Jackson**  
(Principal coauthor: Assembly Member Bonilla)

February 21, 2014

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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.

~~(1) Existing~~

*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 2 years thereafter, each public elementary and secondary school in the state that has pupils who participate in competitive athletics, as defined, to report specified data to its school district governing board. The bill would also require ~~school district~~ *the governing boards board of the school district* to cause this information to be posted on the school

district’s Internet Web site. ~~Because this bill would impose new duties on schools and school districts, it would constitute a state-mandated local program. The bill would require the State Auditor, on July 1, 2017, and every 2 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, and to audit each of those schools for full compliance with specified laws. 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 and the Senate and Assembly Committees on Education.~~

~~(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~~-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 still have not reached the level that boys
- 16 were at back when Title IX of the Education Amendments of 1972
- 17 to the ~~1964~~ Civil Rights Act of 1964 was enacted.

1 (d) There are more women playing collegiate sports—about  
2 200,000—than ever before. The number of female athletes at  
3 National Collegiate Athletic Association (NCAA) schools has  
4 increased from less than 30,000 to over 193,000 since 1972, but  
5 women still have over 60,000 fewer participation opportunities  
6 than their male counterparts.

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

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

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

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

30 221.9. (a) Commencing with the 2015–16 school year and  
31 every two years thereafter, each public elementary and secondary  
32 school in the state that has pupils who participate in competitive  
33 athletics shall report to its school district governing board all of  
34 the following information:

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

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

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

1 (4) The names, genders, job titles, and employment status,  
2 including, but not limited to, full time, part time, contract, or  
3 volunteer, and the amount of compensation or stipend, if any, for  
4 all of the following: the school's athletic director or equivalent,  
5 and each coach and other athletic staff, including trainers and team  
6 managers.

7 (5) The coach-to-athlete ratio for each team.

8 (6) For schools maintaining any of grades 9 to 12, inclusive, all  
9 of the following:

10 (A) An accounting of the funding sources that are used to  
11 support the school's athletics programs and the programs to which  
12 those funds are allocated, including, but not necessarily limited  
13 to, state and federal funding, fundraising or booster clubs, game  
14 admission and concession receipts, cash or in-kind donations, and  
15 grants.

16 (B) Any capital outlay expenditure made for any athletic  
17 program.

18 (C) Expenditures for each athletic program, including, but not  
19 necessarily limited to, travel expenses including transportation,  
20 meal allowances and overnight accommodations, equipment,  
21 uniforms, facilities, improvements to facilities, publicity expenses,  
22 awards, banquets, and insurance.

23 (D) A statement of benefits and services provided to each  
24 athletic program, including, but not necessarily limited to,  
25 replacement schedules for uniforms, practice and game schedules,  
26 locker rooms, weight rooms, and practice, competitive, and training  
27 facilities.

28 (b) ~~The school district~~ governing board *of the school district*  
29 shall cause the information submitted by each school pursuant to  
30 subdivision (a) to be made publicly available by being posted on  
31 the Internet Web site of each school district.

32 (c) The materials used by each school to compile the information  
33 submitted pursuant to subdivision (a) shall be retained at the school  
34 for at least three years after the information is posted on the Internet  
35 pursuant to subdivision (b).

36 (d) As used in this section, "competitive athletics" ~~includes, but~~  
37 ~~is not necessarily limited to, interscholastic and intramural athletics.~~  
38 *means sports where the activity has coaches, practices,*  
39 *competitions during a defined season, a governing organization,*  
40 *and has competition as its primary goal.*

1 (e) (1) On July 1, 2017, and every two years thereafter, the  
2 State Auditor shall randomly choose 10 high schools that offer  
3 competitive athletics, and whose numbers are not proportionally  
4 representative of the male and female participants in the school's  
5 athletic program, and shall audit each of the schools for full  
6 compliance with Title IX of the Education Amendments of 1972  
7 (20 U.S.C. Sec. 1681 et seq.).

8 (2) The State Auditor shall, within six months of the applicable  
9 July 1, report the results of the audit required pursuant to  
10 paragraph (1) to the audited schools, the governing board of the  
11 school district of the audited schools, the department, the Senate  
12 and Assembly Committees on Education, and the Senate and  
13 Assembly Judiciary Committees.

14 (3) The requirement for submitting a report pursuant to this  
15 subdivision is inoperative on January 1, 2022, pursuant to Section  
16 10231.5 of the Government Code.

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