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AB-1327 Interscholastic athletics: California Interscholastic Federation: racial discrimination, harassment, or hazing. (2023-2024)

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Date Published: 10/09/2023 09:00 PM

Assembly Bill No. 1327

CHAPTER 366

An act to amend Section 33353 of the Education Code, relating to interscholastic athletics.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1327, Weber. Interscholastic athletics: California Interscholastic Federation: racial discrimination, harassment, or hazing.

Existing law describes the California Interscholastic Federation as a voluntary organization that consists of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools, and sets forth the Legislature's intent regarding the California Interscholastic Federation's implementation of certain policies. Existing law requires the California Interscholastic Federation, on or before January 1, 2023, and on or before January 1 every 7 years thereafter, to report to the appropriate policy committees of the Legislature and the Governor on its evaluation and accountability activities undertaken pursuant to specified provisions. Upon receiving a report from the California Interscholastic Federation, existing law requires the appropriate policy committees of the Legislature to hold a joint hearing, and requires the California Interscholastic Federation to testify on information in the report, as provided.

This bill would require the California Interscholastic Federation to, during years in which the California Interscholastic Federation is not required to submit a report, and at the request of the appropriate policy committees of the Legislature, make itself available for hearings regarding the information that is covered by the report. The bill would require the State Department of Education, on or before January 1, 2025, to develop, in consultation with relevant stakeholders, a standardized incident form to track racial discrimination, harassment, or hazing, as defined, that occurs at high school sporting games or sporting events, and annually report the information from completed incident forms on the department's internet website, as provided. The bill would require a school district, county office of education, or charter school that participates in the California Interscholastic Federation to, on or before April 1, 2025, post the standardized incident form on its internet website and upon request by the department, submit information related to any completed standardized incident forms received by that local educational agency.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 33353 of the Education Code is amended to read:

33353. (a) The California Interscholastic Federation is a voluntary organization that consists of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools. It is the intent of the Legislature that the California Interscholastic Federation, in consultation with the department, implement the following policies:

(1) Give the governing boards of school districts specific authority to select their athletic league representatives.

(2) Require that all league, section, and state meetings affiliated with the California Interscholastic Federation be subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(3) Establish a neutral final appeals body to hear complaints related to interscholastic athletic policies.

(4) Provide information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints arising out of interscholastic athletic activities.

(5) Comply with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), and in doing so, as a third-party recipient of pupil and school personnel information, be afforded the same public records disclosure exemptions as are afforded to school districts, in order to protect the confidentiality of pupil and school personnel records and information.

(b) (1) The California Interscholastic Federation shall report to the appropriate policy committees of the Legislature and the Governor on its evaluation and accountability activities undertaken pursuant to this section on or before January 1, 2023, and on or before January 1 every seven years thereafter. This report shall include, but not be limited to, the goals and objectives of the California Interscholastic Federation with regard to, and the status of, all of the following:

(A) The governing structure of the California Interscholastic Federation, and the effectiveness of that governance structure in providing leadership for interscholastic athletics in secondary schools.

(B) Methods to facilitate communication with agencies, organizations, and public entities whose functions and interests interface with the California Interscholastic Federation.

(C) The quality of coaching and officiating, including, but not limited to, professional development for coaches and athletic administrators, and parent education programs.

(D) Gender equity in interscholastic athletics, including, but not limited to, the number of male and female pupils participating in interscholastic athletics in secondary schools, and action taken by the California Interscholastic Federation in order to ensure compliance with Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

(E) Health and safety of pupils, coaches, officials, and spectators, including, but not limited to, racial discrimination, harassment, or hazing.

(F) The economic viability of interscholastic athletics in secondary schools, including, but not limited to, the promotion and marketing of interscholastic athletics.

(G) New and continuing programs available to pupil athletes.

(H) Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools.

(2) It is the intent of the Legislature that the California Interscholastic Federation accomplish all of the following:

(A) During years in which the California Interscholastic Federation is not required to submit a report to the Legislature and the Governor pursuant to paragraph (1), it shall hold a public comment period relating to that report at three regularly scheduled federation council meetings per year.

(B) Annually allow public comment on the policies and practices of the California Interscholastic Federation at a regularly scheduled federation council meeting.

(C) Require sections of the California Interscholastic Federation to allow public comment on the policies and practices of the California Interscholastic Federation and its sections, and the report required pursuant to paragraph (1), at each regularly scheduled section meeting.

(D) Engage in a comprehensive outreach effort to promote the public hearings described in subparagraphs (A) and (C).

(3) (A) Upon receiving a report from the California Interscholastic Federation pursuant to paragraph (1), the appropriate policy committees of the Legislature shall hold a joint hearing at which the California Interscholastic Federation shall testify and members of the public shall be encouraged to testify on information in the report, including, but not limited to, the information required in paragraph (1).

(B) During years in which the California Interscholastic Federation is not required to submit a report to the Legislature and the Governor pursuant to paragraph (1), it shall, at the request of the appropriate policy committees of the Legislature, make

itself available for hearings regarding the information in paragraph (1).

(c) (1) (A) (i) On or before January 1, 2025, the department shall develop, in consultation with relevant stakeholders, a standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or sporting events, and annually report the information from completed incident forms as statewide totals on the department's internet website.

(ii) The information reported by the department pursuant to clause (i) shall be provided on an aggregated basis and in a manner that does not disclose any personally identifying information.

(B) The standardized incident form shall include a category for the basis of the complaint and shall include information on how to report a hate incident or hate crime through the Civil Rights Department's CA vs. Hate Resource Line and Network.

(2) (A) On or before April 1, 2025, a local educational agency that participates in the California Interscholastic Federation shall post on their internet website the standardized incident form developed by the department pursuant to paragraph (1) and shall include information on how to submit a completed incident form to the local educational agency.

(B) A local educational agency that participates in the California Interscholastic Federation shall, upon request by the department, submit information related to any completed standardized incident forms received by the local educational agency.

(C) The department may share completed incident forms it has collected from a local educational agency with the California Interscholastic Federation to assist the California Interscholastic Federation with preparation of the report required pursuant to subdivision (b).

(3) A completed incident form is a public record pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and is subject to all applicable exemptions from public disclosure under that act in order to protect the confidentiality of pupil and school personnel records and information.

(d) For purposes of this section, the following definitions apply:

(1) "Hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. "Hazing" does not include athletic events or school-sanctioned events.

(2) "Local educational agency" means a school district, county office of education, or charter school.