

# CSBA Sample Board Policy

**Instruction**

BP 6145.2(a)

## **ATHLETIC COMPETITION**

Note: Pursuant to Education Code 35179, the Governing Board has control of and responsibility for all aspects of district interscholastic athletic policies, programs, and activities.

Pursuant to Education Code 51242, the Board may exempt any high school student engaged in a school-sponsored interscholastic athletic program after regular school hours from the requirement to attend physical education courses; see BP 6142.7 - Physical Education and Activity.

The Governing Board recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The **district's** athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

*(cf. 3541.1 - Transportation for School-Related Trips)*

*(cf. 5030 - Student Wellness)*

*(cf. 5137 - Positive School Climate)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 7110 - Facilities Master Plan)*

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

*(cf. 1260 - Educational Foundation)*

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 1325 - Advertising and Promotion)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 3290 - Gifts, Grants and Bequests)*

## **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

Note: Pursuant to Education Code 35179, the Board is responsible for ensuring that district and interscholastic athletic policies, programs, and activities are in compliance with federal and state law. Gender equity and nondiscrimination in district and interscholastic athletic programs and activities are governed by both federal and state laws (Title IX, 20 USC 1681-1688; Education Code 200-262.4; 5 CCR 4900-4965).

**ATHLETIC COMPETITION** (continued)

See the accompanying administrative regulation for factors that the district must consider in determining whether equivalent opportunities are being provided.

In Mansourian v. Regents of University of California, the Ninth Circuit Court of Appeals ruled that a university receiving federal funds can be held liable for failing to effectively accommodate the athletic interests of both men and women even if the aggrieved women did not first provide the appropriate university officials with notice of their disadvantageous treatment and an opportunity to cure it. **See the accompanying administrative regulation for factors the district must consider in determining whether equivalent opportunities are being provided.**

**Education Code 221.2-221.3 (the California Racial Mascot Act) declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to an equal education and specifically prohibit public schools from using the term "Redskins" as a school or athletic team name, mascot, or nickname. The following paragraph includes an expansion of this prohibition to cover any racially derogatory or discriminatory athletic team name, mascot, or nickname and may be revised to reflect district practice. Also see BP 0410 - Nondiscrimination in District Programs and Activities.**

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, **including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname.** The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, **and that students are permitted to participate in athletic activities consistent with their gender identity.**

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

Any complaint regarding the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

**California Interscholastic Federation**

Note: The following **optional** section is for use by districts that maintain grades 9-12. Pursuant to Education Code 35179, the district may join an association, such as the California Interscholastic Federation (CIF), for the purpose of providing regional or statewide interscholastic athletic programs and activities **for district students.** Pursuant to Education Code 33353, CIF is responsible for **regulating secondary school athletic programs, including establishing rules for participation, under the general direction of school boards setting rules governing interscholastic athletic programs. Students who attend schools that participate in interscholastic sports are therefore subject to CIF regulations as well as applicable district rules. SB 107 (Ch. 230, Statutes of 2011) amended Education Code 33353 to extend CIF operations until January 1, 2017.**

~~The Board maintains membership~~ **Any district school that participates** in the California Interscholastic Federation (CIF) ~~and requires that interscholastic shall conduct its~~ athletic

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## ATHLETIC COMPETITION (continued)

activities ~~be conducted~~ in accordance with ~~Board policy, administrative regulations, and~~ CIF bylaws and rules **and any applicable district policy and regulation**. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

**Note: Pursuant to CIF rules established in accordance with Education Code 33353, the Board is required to designate an individual from each school that participates in CIF sports to serve as a representative to the local CIF league. The name and contact information of these representatives must be annually reported to the CIF. The following paragraph may be revised to reflect district practice.**

~~Upon recommendation of the Superintendent, t~~The Board shall annually designate ~~an employee from each high school to serve as a representative to the local CIF league~~ **from each school that participates in CIF sports**. ~~Appointees shall represent the district in performing all duties required by the CIF league. In making this selection, the Board shall consider the employee's~~ **The Superintendent or designee shall recommend a candidate for the position who demonstrates** ~~an~~ understanding of the district's goals for student learning and interscholastic ~~and extracurricular~~ activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and ~~individual~~ interpersonal communication and leadership skills.

The ~~designated representative(s) shall vote on issues that impact interscholastic athletics at the league and section levels, perform any other duties required by the CIF league, and Superintendent or designee shall ensure that the district representatives to CIF report regularly to the Board on league, section, and statewide issues, as well as activities and prospective actions related to athletic programs.~~

*(cf. 0500 - Accountability)*

## Student Eligibility

**Note: The following section provides that student eligibility for participation in athletic programs shall be based on** ~~applies~~ the same criteria ~~for student eligibility as adopted by the Board for all other extracurricular or cocurricular activities (see BP/AR 6145 - Extracurricular and Cocurricular Activities), including criteria related to academic eligibility and residency, to athletic programs~~ and may be revised to reflect district practice.

Education Code 48850 specifies that, ~~when the residence of a student in foster care~~ **a homeless student or a foster youth whose residence** changes pursuant to a court order or decision of a child welfare worker, ~~the student~~ shall be deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports; see **AR 6173 - Education for Homeless Children and** ~~BP/AR 6173.1 - Education for Foster Youth.~~

**ATHLETIC COMPETITION** (continued)

In addition, Education Code 49700-49701 establish a uniform means of assisting children of active duty military families transferred from one state to another, by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians; see BP/AR 6173.2 - Education of Children of Military Families. Among other things, Education Code 49701 requires flexibility of districts' local rules to facilitate eligibility for extracurricular activities of children of military personnel.

Eligibility requirements for **student** participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement ~~and residency~~, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

*(cf. 3530 - Risk Management/Insurance)*

*(cf. 5111.1 - District Residency)*

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6146.1 - High School Graduation Requirements)*

~~*(cf. 6162.52 - High School Exit Examination)*~~

***(cf. 6173 - Education for Homeless Children)***

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.2 - Education of Children of Military Families)*

Note: The following **optional** paragraph is for use by districts that participate in CIF. CIF bylaws specify eligibility criteria for participating student athletes, including criteria related to age, grade, attendance, scholastic achievement, residence, transfers, and discipline. In addition, in accordance with CIF bylaws, students in home schooling or home study/independent study programs are not eligible for CIF interscholastic competition unless they are enrolled in a program under the jurisdiction of a CIF member school district (i.e., a program in which the district approves the curriculum, administers the program, and evaluates the student).

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

Note: ~~The California Supreme Court in Hartzell v. Connell rendered the assessment of fees for extracurricular activities illegal. CSBA's advisory entitled "Student Fees Litigation Update" clarifies that districts must provide, free of charge, all the required supplies which are necessary to fulfill the district's educational program or extracurricular activity. Thus, the district **Education Code 49010-49011 and the California Department of Education's (CDE) Fiscal Management Advisory 12-02, Pupil Fees, Deposits, and Other Charges**, clarify that districts may not charge a fee for student participation in extracurricular activities, regardless of whether the activity is elective. Such prohibited fees the athletic program, including, but are not limited to, the cost of uniforms, locks, lockers, and equipment.~~

However, **pursuant to Education Code 32220-32224**, the district may charge a fee for **required medical and accident insurance for athletic team members that is not paid for with school district or student body funds, as long as costs for insurance are covered for those determined to be financially unable to pay; see the accompanying administrative regulation and AR 5143 - Insurance. The district may also charge a fee for other students to attend athletic events as spectators since such attendance is not directly related to the educational**

program. Districts are advised to seek legal counsel before charging a fee for any activity which may be construed as related to the educational program.

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## ATHLETIC COMPETITION (continued)

Students shall not be charged a fee to participate in an athletic program, **including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.**

*(cf. 3260 - Fees and Charges)*

***(cf. 5143 - Insurance)***

## Sportsmanship

Note: CIF has adopted a set of principles entitled Pursuing Victory with Honor to **guide participants in interscholastic athletic competitions provide the tools for teaching character development to student athletes.** Districts that are not affiliated with CIF may delete or modify the following **optional** section to reflect district practice.

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship, and the Codes of **Ethics Conduct** adopted by CIF.

Students and staff **may shall** be subject to disciplinary action for improper conduct.

*(cf. 3515.2 - Disruptions)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

## Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

Note: CIF requires students in grades 9-12 to undergo medical examinations before participating in interscholastic competition; see BP 5141.3 - Health Examinations. Pursuant to Education Code 49458, any examination required for participation in an interscholastic athletic program may be conducted by a physician or physician assistant.

Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

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## ATHLETIC COMPETITION (continued)

(cf. 5131.61 - Drug Testing)

(cf. 5131.63 - Steroids)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5141.7 - Sun Safety)

(cf. 5143 - Insurance)

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

(cf. 5142 - Safety)

Note: CIF bylaws specify procedures to follow in order to prevent the spread of communicable diseases when handling student injuries, including the use of universal precautions.

In addition, Education Code 49475, as added by AB 25 (Ch. 456, Statutes of 2011), requires that an athlete a student at any grade level who is suspected of sustaining a concussion be immediately removed from the athletic activity and not returned until a health care provider provides written clearance. Education Code 33479.5, as added by AB 1639 (Ch. 792, Statutes of 2016), and CIF bylaws require that a student athlete who passes out or faints, or is known to have passed out or fainted, while participating in or immediately following an athletic activity be removed from participation and not be allowed to return until he/she has been evaluated and given written clearance to return to participation by a health care provider. See the accompanying administrative regulation.

Education Code 33479.5 and 49475 specify that these requirements do not apply during an athletic activity occurring within the regular school day or in physical education class unless it constitutes a practice, interscholastic practice, or scrimmage. However, to promote student safety, it is recommended that district staff remove a student from an athletic activity at any time of day if he/she exhibits the symptoms of a concussion or sudden cardiac arrest.

In the event that of an injury occurs or a perceived imminent risk to a student's health, such as a concussion or passing out, fainting, or other sign of sudden cardiac arrest, during or immediately after an athletic activity, the coach or any other appropriate district employee who is present shall observe universal precautions and shall remove the student athlete from the activity, and observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141 - Health Care and Emergencies)  
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)  
(cf. 5141.22 - Infectious Diseases)

Note: The following **optional** paragraph may be revised to reflect district practice.

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## ATHLETIC COMPETITION (continued)

**Whenever an injury is suffered by a student, the Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury suffered by the student and any actions taken to treat the student.**

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

17578 Cleaning and sterilizing of football equipment

17580-17581 Football equipment

#### **32220-32224 Insurance for athletic teams, especially:**

32221.5 Required insurance for athletic activities

33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program

33354 California Department of Education authority over interscholastic athletics

#### **33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act**

35160.5 District policies; rules and regulations

35179 Interscholastic athletics

#### **35179.1 California High School Coaching Education and Training Program**

35179.5 Interscholastic athletics; limitation on full-contact practices

48850 Interscholastic athletics; students in foster care **and homeless students**

48900 Grounds for suspension and expulsion

48930-48938 Student organizations

#### **49010-49013 Student fees**

49020-49023 Athletic programs; legislative intent, equal opportunity

49030-49034 Performance-enhancing substances

49458 Health examinations, interscholastic athletic program

49475 Health and safety, concussions and head injuries

49700-49701 Education of children of military families

51242 Exemption from physical education for high school students in interscholastic athletic program

#### PENAL CODE

245.6 Hazing

#### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs, especially:

4920-4922 Nondiscrimination in intramural, interscholastic, and club activities

5531 Supervision of extracurricular activities of students

5590-5596 Employment of noncertificated coaches

#### UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

#### CODE OF FEDERAL REGULATIONS, TITLE 34

106.31 Nondiscrimination on the basis of sex in education programs or activities

106.33 Comparable facilities

106.41 Nondiscrimination in athletic programs

COURT DECISIONS

Mansourian v. Regents of University of California, (2010) ~~594 F. 3d 1095~~ **602 F. 3d 957**

McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275

Kahn v. East Side Union High School District, (~~2004~~ **2003**) 31 Cal. 4th 990

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources: (see next page)

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## ATHLETIC COMPETITION (continued)

Management Resources:

CSBA PUBLICATIONS

**Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017**

**Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities and Facilities, March 2014**

**Student Fees Litigation Update, Education Legal Alliance Advisory, May 20, 2011**

**A School Board Member's Guide to CIF and Interscholastic Sports, 1997**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013**

**CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS**

California Interscholastic Federation Constitution and Bylaws

A Guide to Equity in Athletics

Guidelines for Gender Identity Participation

**Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians**

Pursuing Victory with Honor, 1999

**CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS**

Heads Up: Concussion in High School Sports, Tool Kit, June 2010

Heads Up: Concussion in Youth Sports, Tool Kit, July 2007

Acute Concussion Evaluation (ACE) Care Plan, 2006

**OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS**

**Withdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017**

Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague Letter, April 20, 2010

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Interscholastic Federation: <http://www.cifstate.org>

Centers for Disease Control and Prevention, Concussion Resources: <http://www.cdc.gov/concussion>

National Federation of State High School Associations: <http://www.nfhs.org>

National Operating Committee on Standards for Athletic Equipment: <http://www.nocsae.org>

U.S. Anti-Doping Agency: <http://www.usada.org>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

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