

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1327 (Weber) – As Amended April 17, 2023

[Note: This bill is double referred to the Assembly Arts, Entertainment, Sports, & Tourism Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Interscholastic athletics: California Interscholastic Federation: racial discrimination or harassment

SUMMARY: Requires the California Interscholastic Federation (CIF) to report to the Legislature every three years on instances of racial discrimination or harassment, and requires the CIF to develop, in consultation with community organizations that represent the interests of ethnic groups and communities of color, a standardized incident form to track instances of racial discrimination or harassment that occur at high school sporting games or sporting events, and annually post those results on the CIF website.

- 1) Requires the CIF to report to the appropriate policy committees of the Legislature and the Governor on its evaluation and accountability activities undertaken on or before January 1, 2023, and on or before January 1 every three years thereafter. Requires this report to include, but not be limited to, the goals and objectives of the CIF with regard to, and the status of, all of the following:
 - a) The governing structure of the CIF, 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 CIF;
 - 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 CIF 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 or harassment;
 - 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; and

- h) Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools.
- 2) Requires during the years in which the CIF is not required to submit a report to the Legislature and Governor, to, at the request of the appropriate policy committees of the Legislature, make itself available for hearing regarding the information required in (1), above.
- 3) Requires the CIF to develop, in consultation with community organizations that represent the interests of ethnic groups and communities of color, a standardized incident form to track racial discrimination or harassment that occurs at high school sporting games or sporting events, and annually post those results on their website.

EXISTING LAW:

- 1) Requires the CIF to report to the appropriate policy committees of the Legislature and the Governor on its evaluation and accountability activities on or before January 1, 2023, and on or before January 1 every seven years thereafter. Requires the report to include, but not be limited to, the goals and objectives of the CIF with regard to, and the status of, all of the following:
 - a) The governing structure of the CIF, 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 CIF;
 - 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 CIF 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;
 - 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; and
 - h) Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools.
- 2) States the intent of the Legislature that the CIF accomplish all of the following:

- a) During years in which the CIF is not required to report to the Legislature and the Governor, the CIF 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 CIF at a regularly scheduled federation council meeting.
 - c) Require sections of the CIF to allow public comment on the policies and practices of the CIF and its sections, and the report at each regularly scheduled section meeting.
 - d) Engage in a comprehensive outreach effort to promote the public hearings described in subparagraphs (a) and (c). (Education Code (EC) 33353)
- 3) Prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid. (Education Code (EC) 220)
- 4) Requires the California Department of Education (CDE) to monitor, through its federal program monitoring process, whether LEAs have:
- a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics defined as hate crimes, and immigration status, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy must include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district;
 - b) Adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying;
 - c) Publicized antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint, to students, parents, employees, agents of the governing board, and the general public;
 - d) Provided certificated school employees in schools serving students in grades 7 to 12, information on existing schoolsite and community resources related to the support of LGBTQ+ students, or related to the support of students who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation;
 - e) Posted the policy in all schools and offices, including staff lounges and student government meeting rooms;
 - f) Maintained documentation of complaints and their resolution for a minimum of one review cycle;

- g) Ensured that complainants are protected from retaliation and that their identity remains confidential, as appropriate; and
 - h) Identified a responsible LEA officer for ensuring compliance. (EC 234.1)
- 5) States that students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, colleges, and universities have the inalienable right to attend campuses which are safe, secure and peaceful. (California Constitution Article 1, §28(f)(1))

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “In California, during a penalty kick period at a soccer game at Oak Ridge High School in 2022, a Black student from Buchanan High School received monkey or ape noises from a student at the opposing school; students from Coronado High School threw tortillas at basketball players from Orange Glen, a predominantly Latino School; a Latina student from Buchanan High School was barked at by a student at the opposing school; during a girls’ playoff basketball game against McClatchy High School, Oak Ridge fans directed racial and body-shaming jeers at McClatchy’s Asian American players; and players from Cathedral Catholic High School in San Diego was placed on a two year probation after images were shared depicting shirts that read ‘Catholics vs. Convicts III’ prior to playing Lincoln High School, a predominantly low-income, majority-minority high school.

Despite taking a more subdued form, unconscious or aversive racism hurts minority student-athletes in high school sports in at least one major way: it marginalizes their academic, social, and psychological well-being. CIF is charged with governing interscholastic athletics and cannot begin to strengthen the integrity of students or promote respect and good citizenship if these racist incidents continue unchecked. As an organization whose mission is to promote equity, quality, and character, CIF should be able to hold schools accountable for the racist actions that happen during California sporting events.”

California Interscholastic Federation. The CIF was organized at a high school athletic convention on March 28, 1914, as a voluntary association of schools. Since 1914, the California Department of Education (CDE) has allowed the CIF to regulate interscholastic athletics, and the CIF has been the rule-making body for all of California's K-12 athletics programs since 1917. In 1981, that rule-making authority was expanded to include control over all interscholastic athletics, replacing the CDE in that role.

The Federation consists of ten regional sections, each of which is divided into several “leagues,” for purposes of scheduling athletic contests, and assigning referees. Similar organizations exist in other states. Almost all public, private and parochial schools in California are CIF members.

The primary responsibilities of the CIF are to administer high school athletic programs and to promulgate and enforce rules relating to a student’s involvement in athletics – age, semesters in school, scholarship, residence, transfer status, and amateur standing. Such regulations, which are generated by the 1,609 member base of secondary schools, prevent undesirable exploitation of

high school students, provide for the welfare of participants, and ensure that interscholastic athletics offer major benefits to students in a safe, rewarding environment.

CIF Game Management Guidelines. The CIF develops Game Management Guidelines which are designed for adaptation into district or high school policy regarding athletics. The CIF has developed the program “Plan, Prevent, Respond” to help raise awareness and understanding of the Spectator Conduct Guidelines. The CIF Guidelines for Spectator Conduct includes:

Fan behavior at high school athletic contest, whether at home or away, reflects on the entire community. Home fans should treat visitors with respect. Similarly, visiting fans should treat their hosts -both individuals and property - with the proper appreciation.

- 1) Know and demonstrate good sportsmanship;
- 2) Be positive. Cheer for your team rather than against the opposition;
- 3) Refrain from booing and name calling;
- 4) Respect the official’s judgment and interpretation of the rules; and
- 5) Exhibit respect for visiting and home coaches.

All cheers, comments, and actions shall be in direct support of one’s team. No cheers, comments, or actions shall be directed at one’s opponent or at contest officials. Some examples of unacceptable conduct include but are not limited to disrespecting players by name, number or position; negative cheers or chants; throwing objects on the playing surface; use of derogatory or racially explicit language; discriminatory harassment or conduct that creates a hostile environment that is disruptive to the contest. Spectators are not to be permitted to use vulgar/offensive or racially/culturally insensitive language or engage in any racially/culturally insensitive action.

CIF complaint form. The CIF has an existing complaint form on their website, *CIF Complaint Form, Unsportsmanlike Behavior Based on Discrimination or Harassment at an Interscholastic Event*, and states that the form may be used by a complainant to file a complaint due to experiencing unsportsmanlike conduct based on discrimination or harassment at an interscholastic event. The CIF recommends, “Whenever possible, that the complainant speak with his/her/their school administrator or the school district’s local compliance coordinator regarding his/her/their complaint. The school site/school should investigate complaints of poor sportsmanship based on discrimination or harassment in a prompt and thorough manner.” The form includes the collection of basic information (name, contact information), identification of the basis of the complaint (harassment or discrimination based on gender, race/ethnicity, religion, disability, etc.), and information related to where and how to file a complaint. For example, if an incident occurred at or during a pre-season or league event, the filer is directed to submit the completed complaint to the school site with jurisdiction over the matter.

This bill would require the CIF to develop, in consultation with community organizations that represent the interests of ethnic groups and communities of color, a standardized incident form to track hate violence that occurs at high school sporting games or sporting events, and annually post those results on their website.

Hate crimes and incidents. According to the California Attorney General’s website, a hate crime is a crime against a person, group, or property motivated by the victim's real or perceived protected social group. Hate crimes are serious crimes that may result in imprisonment or jail time. A hate incident is an action or behavior motivated by hate but which, for one or more reasons, is not a crime. Examples of hate incidents include name-calling, insults, displaying hate material on private property, posting hate material that does not result in property damage, and distribution of materials with hate messages in public places. Previous versions of this bill required the CIF to develop a standardized form to track hate violence incidents, but recent amendments now require the form to only track complaints related to racial discrimination or harassment.

According to the U.S. Department of Justice, in 2020 just over two-thirds of hate crime incidents in California were against persons, and just under one-third were crimes against property. As shown in Table 1: 2020 Hate Crime Statistics for California, the state is experiencing increasing cases of hate crimes related to race/ethnicity/ancestry, gender identity, as well as cases overall.

Table 1: 2020 Hate Crime Statistics for California

Bias motivation categories	2018	2019	2020
Race/ethnicity/ancestry	596	534	882
Religion	199	208	181
Sexual orientation	239	235	210
Disability	7	10	5
Gender	4	7	5
Gender identity	20	33	59
Total	1,065	1,017	1,340

Source: FBI Uniform Crime Reporting Program

School Safety Plans. Every kindergarten through grade twelve public school, including charter, community and court schools, are required to develop and maintain a School Safety Plan designed to address campus risks, prepare for emergencies, and create a safe, secure learning environment for students and school personnel. In a school district with fewer than 2,501 units of average daily attendance, there may be one School Safety Plan for all schools within the district.

Current law requires designated stakeholders to annually engage in a systematic planning process to develop strategies and policies to prevent and respond to potential incidents involving emergencies, natural and other disasters, hate crimes, violence, active assailants/intruders, bullying and cyberbullying, discrimination and harassment, child abuse and neglect, discipline, suspension and expulsion, and other safety aspects.

Recommended Committee Amendments. *Staff recommends that the bill be amended as follows:*

- Require the CIF report to the Legislature and Governor every 7 years.
- Require the CDE, by January 1, 2025, to:

- Develop, in consultation with relevant stakeholders, a standardized incident form to track racial discrimination or harassment that occurs at high school sporting games or sporting events; require the form to include the basis category of the complaint indicated on the incident form and include information related to how to report a hate incident or crime through the CA vs. Hate program at the California Civil Rights Department; and
- Annually report the information from the completed incident forms as statewide totals on their website.
- Require LEAs to:
 - Post the standardized incident form developed by the CDE on their website, and include information related to how to submit a form to the LEA by April 1, 2025; and
 - Submit information related to the completed standardized incident forms to the CDE upon request.
- Define LEA to mean a school district, COE, or charter school.
- Remove the requirement for the CIF to develop a standardized incident form to track racial discrimination or harassment.

Arguments in support. The California Hawaii State Conference of the NAACP writes, “During high school sporting events, racial minority athletes are routinely targeted and subjected to racial violence. In California, students have had to endure monkey and/or ape noises, tortillas being thrown onto the field, barking, racial and body-shaming, and a flurry of racial slurs by opposing team members and sometimes parents. These students are left victimized and traumatized, and there are no accountability measures for the victimizers or the schools that allow this behavior. CIF is charged with governing interscholastic athletics, and its mission is to promote equity, quality, and character, and cannot begin to strengthen the integrity of students or promote respect and good citizenship if these racist incidents continue unchecked.”

Related legislation. AB 1660 (Cooper), Chapter 122, Statutes of 2016, eliminated the sunset on provisions related to the CIF, and instead requires legislative hearings every seven years to correspond with the release of specific reporting by the CIF.

SB 107 (Price), Chapter 230, Statutes of 2011, among other provisions, extended the sunset on the CIF statutes from January 1, 2012 to January 1, 2017.

SB 562 (Torlakson), Chapter 301, Statutes of 2006, among other provisions, extended the sunset on the CIF statutes from January 1, 2007 to January 1, 2012.

SB 225 (Kuehl), Chapter 889, Statutes of 2001, among other provisions, extended the sunset date on the CIF statutes from January 1, 2001, to January 1, 2007.

REGISTERED SUPPORT / OPPOSITION:

Support

California Teachers Association
California-Hawaii State Conference of The NAACP
NAACP San Diego Branch
San Diego Unified School District

Opposition

None on file

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