
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 1538
Author: Committee on Arts, Entertainment, Sports, Tourism, and Internet Media
Version: March 26, 2015 **Hearing Date:** June 10, 2015
Urgency: No **Fiscal:** No
Consultant: Lynn Lorber

Subject: Educational equity: sex equity in education: federal Title IX

SUMMARY

This bill moves the Athletes' Bill of Rights provisions in the Education Code to the Sex Equity in Education Act provisions of the Education Code.

BACKGROUND

Current federal law provides that, in part, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program of activity receiving Federal financial assistance." (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)

Existing state law:

- 1) Prohibits discrimination based on sex in all aspects of educational opportunities, not just athletics, but also includes academics and extracurricular activities. Each public school that offers competitive athletics is required to publicly make available, beginning with the 2015-16 school year and annually thereafter, information specific to athletic participation. Schools are to use a three-prong test to determine if athletic interests of both sexes have been accommodated. These provisions are known as the Sex Equity in Education Act. (Education Code § 221.5-231.5)
- 2) Requires the California Department of Education (CDE) to post on its website, in both English and Spanish, and at a reading level that may be comprehended by students in high school, the information set forth in the federal regulations implementing Title IX. A list of rights is listed in statute, and authorizes the CDE to use this list to meet the posting requirement. These provisions are known as the Athletes' Bill of Rights. (EC § 270-271)

ANALYSIS

This bill moves the Athletes' Bill of Rights provisions in the Education Code to the Sex Equity in Education Act provisions of the Education Code.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “One of the problems with implementation of existing gender equity laws identified in a recent Senate Judiciary informational hearing entitled *Attaining Equal Opportunity for Girls in California Secondary Schools: How Our Schools are Complying with Title IX*, is the confusing statutory framework. Currently, the Education Code has two different sections that harbor language pertaining to gender equity in education which are similar in intent and purpose, but are separated by hundreds of pages in their placement in the Education Code. To further complicate matters, there is no cross reference in either section to the other.”
- 2) ***Simple renumbering.*** This bill makes no changes to policy. This bill renumbers provisions of the Athletes’ Bill of Rights, thereby placing it within provisions of the Sex Equity in Education Act.
- 3) ***Fiscal impact.*** This bill is keyed as non-fiscal.

SUPPORT

Equal Rights Advocates

OPPOSITION

None received.

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