

**Testimony of Elizabeth Kristen on behalf of  
The Legal Aid Society – Employment Law Center  
and the California Women’s Law Center**

August 8, 2008, 10:00 a.m., Room 437

California State Assembly

Committee on Arts, Entertainment, Sports, Tourism  
& Internet Media

Good afternoon. My name is Elizabeth Kristen and I am a lawyer and the Project Director of the Title IX K-12 Equality Project at the Legal Aid Society – Employment Law Center (LAS-ELC). I am testifying on behalf of my own organization as well as on behalf of the California Women’s Law Center, our partner in working on Title IX issues in California high schools.

The Legal Aid Society is a private, non-profit public interest law firm. Founded in 1916, the Society represents persons of color, women, recent immigrants, members of the lesbian, gay, bisexual and transgender community, and the working poor and their families in challenges to discriminatory or otherwise impermissible employment and educational access practices.

The California Women’s Law Center, founded in 1989, is a private, non-profit advocacy and support center, dedicated to ensuring that life opportunities for women and girls are free from unjust social, economic, and political constraints.

I am pleased to be here today to speak about equality for girls in athletics, particularly in high school sports.

First, I would like to thank the Chair of the Committee, Assembly Member Karnette as well as Assembly Members Strickland and Swanson for holding this hearing on an issue of critical importance to my clients and me. I also would like to thank Dana Mitchell, Chief Consultant to the Committee for inviting me.

It is particularly fitting that this hearings is being held today, on the day of the opening ceremony of the Summer Olympics in Beijing. While we celebrate the accomplishments of elite female athletes like Dana Torres, let us also remember the girls who play softball and kick soccer balls on their high school teams in California.

As you know, Title IX has been the law for more than 30 years. Similarly, California state law prohibits schools from discriminating against girls in the area of athletic programs. The positive effect of Title IX on girls' sports has been astronomical. In 1971, the year before the passage of Title IX "fewer than 295,000 girls participated in high school athletics ...."<sup>1</sup> In contrast more than 3 million girls participated in high school athletics in 2006-07.<sup>2</sup>

Despite the progress we have seen over the last three decades, girls at the high school level still struggle with inequality in their high school sports programs. In California, according to a 2004 study by the RMC Research Corporation (with just 125 California high schools participating), only 26% of high schools complied with Title IX's proportionality standard.<sup>3</sup> I will explain what this proportionality standard means.

Title IX's proportionality standard is part one of a three-part test to determine whether a school is providing girls with equal opportunity to participate in athletics. The statistic that 26% of high schools comply with part one of this three-part test is somewhat misleading since it considered schools to be in compliance if the difference between girls' enrollment and girls' athletic participation was 5% or less. The more careful reading of the law does not allow a 5% safe harbor. Rather, it considers exact

---

<sup>1</sup> Susan Ware, *Title IX: A Brief History with Documents* (Bedford/St. Martins: New York 2007).

<sup>2</sup> [http://www.nfhs.org/web/2007/09/high\\_school\\_sports\\_participation.aspx](http://www.nfhs.org/web/2007/09/high_school_sports_participation.aspx).

<sup>3</sup> "Title IX Athletics Compliance Study" at 5.

fit proportional unless there are too few girls to form a viable team.<sup>4</sup>

What proportionality means is that the percentage of girls enrolled in the school should closely match the percentage of girls playing sports in that school's athletic program. The proportionality standard is important because helps determine whether girls are afforded an equal opportunity to participate in sports.<sup>5</sup>

Participation in sports at a young age is a strong predictor for athletic participation later in life.<sup>6</sup> As I will detail later, participation in athletics tremendously improves education, health and employment outcomes for females and therefore improving compliance with the law is critical.

The proportionality standard also should provide a fairly clear measure of how well or how poorly a school is doing in terms of overall Title IX compliance. Data about enrollment at high

---

<sup>4</sup> Both the OCR's Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test and the Title IX Athletics Investigator's Manual recognize that a perfect fit between enrollment and athletic participation establishes substantial proportionality. *See Policy Guidance* at 6; Title IX Athletics Investigator's Manual (1990) at 24 (hereafter Investigator's Manual) available at [http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content\\_storage\\_01/0000019b/80/14/c1/26.pdf](http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/14/c1/26.pdf). However, because of "natural fluctuations in an institution's enrollment and participation rates," an Institution may be allowed some leeway from establishing an exact fit from year to year. *See Policy Guidance* at 6; *Investigator's Manual* at 24.

<sup>5</sup> Once plaintiffs demonstrate that an institution lacks numerical proportionality and there is unmet interest, the school may show as an affirmative defense that it has a history and continuing practice of program expansion. *Cohen*, 991 F.2d at 901-02 ("To invoke the prophylaxis of Title IX, the statute, 20 U.S.C. § 1681(b), and the regulations, read together, require a Title IX plaintiff to show disparity between the gender composition of the institution's student body and its athletic program, thereby proving that there is an underrepresented gender. Then, the plaintiff must show that a second element-unmet interest-is present.... If the plaintiff carries the devoir of persuasion on these two elements, she has proven her case unless the [defendant] shows, as an affirmative defense, 'a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members' of the underrepresented gender."); *Cohen*, 101 F.3d at 175; *see also Policy Guidance* at 7-8; *see also* Office of Civil Rights, 1979 Policy Interpretation 44 Fed. Reg. 71,413, 71,418.

<sup>6</sup> "If a girl does not participate in sports by the time she is 10 years old, there is only a 10% chance that she will participate when she is 25." (Girls Sports Facts, Team up for Youth, citing Linda Bunker, University of Virginia, 1989 available at [http://www.teamupforyouth.org/fileadmin/team\\_up/news/Girls\\_Sports\\_Facts.pdf](http://www.teamupforyouth.org/fileadmin/team_up/news/Girls_Sports_Facts.pdf)).

schools in California by gender is easily obtained through the internet site Dataquest (maintained by the California Department of Education).<sup>7</sup> As I will explain further later, however, the data on athletic participation is much more difficult to obtain.

The 2004 Title IX Compliance Study I mentioned earlier, also found that high schools were not complying with other important aspects of Title IX. For example, the study found that boys' teams had more and more experienced coaches than girls' teams,<sup>8</sup> boys' teams were provided with practice uniforms more often than girls' teams,<sup>9</sup> boys' teams received more publicity than girls' teams on campus and for team events,<sup>10</sup> and boys' teams had more office space for their coaches.<sup>11</sup> This Study also discovered that fewer than a quarter of respondents had ensured that their coaches and administrators had received Title IX training in the previous three years.<sup>12</sup> This study is borne out by the real world stories we hear from parents, coaches and female student athletes.

The Legal Aid Society and California Women's Law Center hear regularly from parents, coaches and female athletes that their schools, right here in California, are not complying with the mandates of state and federal law. A common practice has schools building new sports facilities for boys and leaving girls to play at sub-standard athletic venues. Even when new facilities are built for boys and girls, girls' facilities are not as nice as those provided to the boys. For example, schools frequently lavish funds on new football stadiums whose use benefits proportionally more boys than girls. Comparing baseball to softball fields at almost any high school will show that the boys' baseball facilities are nicer, have

---

<sup>7</sup> <http://data1.cde.ca.gov/dataquest/>.

<sup>8</sup> Title IX Athletics Compliance Study at 10.

<sup>9</sup> *Id.* at 14.

<sup>10</sup> *Id.* at 16.

<sup>11</sup> *Id.* at 17.

<sup>12</sup> *Id.* at 11.

more amenities and are better maintained than the girls' softball facilities.

The Legal Aid Society and California Women's Law Center, have filed two class action lawsuits against California high schools that have failed to comply with Title IX. The first case, *Cruz v. Alhambra*, was brought against the Alhambra School District just east of Los Angeles. There, the school district and the City had collaborated to build a state-of-the-art baseball field exclusively for boys' use. The girls' softball program at Alhambra High School was relegated to a small, dirty and dangerous field. In addition, the girls' basketball team had to practice in the small "girls' gym," while the regulation gym was reserved at prime practice time for boys. Girls had less access to weight training facilities, fewer locker rooms, less publicity and other support and less funding. Also, there were fewer athletic participation opportunities for girls. Thanks to settlement agreements with the District and the City, these problems are being corrected at that school.

But Alhambra was not an isolated incident. In 2007, LAS-ELC and CWLC filed *Ollier v. Sweetwater* against the Sweetwater Union High School District in Chula Vista, California south of San Diego. At Castle Park High School in that District, the girls' softball program was forced to play on a sub-standard field lacking basic amenities like covered dugouts. The softball team shared their field with the PE program, which led to overuse of and damage to the entire field. The boys' baseball field was fully fenced, locked and reserved exclusively for the boys' baseball team and was in excellent condition. The boys also had covered dugouts with storage and a concessions stand to name just a few of their amenities. When girls and their parents complained about inequality, the school fired their beloved softball coach.

Like at Alhambra, the girls at Castle Park High School have less access to the weight room, fewer locker rooms, less publicity and

less funding. Also, similar to Alhambra, the District invested more than \$500,000 to build a roller hockey rink, which is used almost exclusively by boys. At the same time it was starting a roller hockey program, the school cut field hockey for girls, despite strong interest in the sport, because it allegedly could not find a coach. The U.S. Olympic Training Center for nine sports (archery, rowing, canoe/kayak, soccer, softball, field hockey, tennis, track and field, and cycling) is located in Chula Vista.<sup>13</sup> It is hard to believe that there were no available coaches to coach at Castle Park High School, about 10 miles away.

Castle Park High School also shows a large disparity between girls' enrollment and participation in athletics. One of the difficulties we have faced in the case is obtaining consistent and reliable data regarding the gender breakdown of athletes at Castle Park High School. The only CIF Participation Survey that this school maintained was from 2004-05. The school's data for years dating back to the 1998-99 school year is inconsistent and often missing. The school could provide no satisfactory explanation for why it could not provide consistent, reliable data on this important issue of athletic participation for girls.

This case is ongoing.

As Arianna Hernandez, future Castle Park student athlete recognized: "Girls have the same rights as boys and they should be treated equally. Girls also have pride and respect for themselves and they don't want to be treated like they're not as good as the boys. I, like other girls, want to play on a nice field and have the same quality equipment and facilities like the boys. I hope that this lawsuit will change things at [Castle Park High School] and ensure that girls are finally treated fairly."

---

<sup>13</sup> <http://www.chulavistaca.gov/attraction/olympics.asp>.

Treating girls fairly is the right thing to do. It is the law and it also provides myriad benefits to girls and to society at large. I'd like to address some of those benefits now.

### Educational Outcomes

Girls who participate in sports receive better grades and are significantly more likely to graduate compared with girls who do not play sports.<sup>14</sup> The correlation is particularly strong for minority girls who participate in sports. For example, graduation rates for black female athletes are higher than their non-athlete counterparts.<sup>15</sup> Similarly, Latina athletes reported receiving higher grades than non-athletes, and the percentage of Latina athletes scoring in the top quartile of standardized tests exceeded that of non-athletes.<sup>16</sup> Young women who have graduated from high school and college are more likely to receive jobs and succeed in the workplace.

At the collegiate level, female students who receive sports scholarships graduate at higher rates than female students generally.<sup>17</sup> However, to receive a scholarship, most students must acquire the necessary skills and discipline to compete in the sport at the elementary and high school levels.

### Health Outcomes

---

<sup>14</sup> *Women's Sports Foundation Report: Sport and Teen Pregnancy*, May 1998; Women's Sports Foundation Study, 1989 (reporting higher high school graduation rates for women who play sports); *Minorities in Sports*, Table 8, p. 27; see also *NCAA News*, 1995 (reporting higher college graduate rates for women who play sports).

<sup>15</sup> *Equity in School Athletics*, American Association of University Women, 2002.

<sup>16</sup> *Minorities in Sports*, Table 8, p. 27.

<sup>17</sup> *Women's Sports Foundation Report: Title IX and Race in Intercollegiate Sport*, p. 6, June 2003; Women's Sports Foundation.

Regular participation in physical activity helps build muscle and reduce fat.<sup>18</sup> Moreover, girls who were also athletes were half as likely to become pregnant than girls who were not athletes.<sup>19</sup> Early childbearing is a common cause of school dropout for girls, and is a strong predictor of female poverty. Female athletes were more likely than female non-athletes to postpone sexual activity, and to use contraceptives if sexually active.<sup>20</sup>

### Employment Outcomes

Sports teams provide girls with “opportunity for leadership, teamwork, and competition.”<sup>21</sup> Furthermore, young girls who participate in sports are offered personal contacts with adult role models who can provide guidance and support, and these personal contacts are beneficial at both secondary and post-secondary levels.<sup>22</sup> Girls who participate in high school sports are more likely than non-athletes to “aspire to be leaders in their communities as adults.”<sup>23</sup> Girls who participate in sports acquire the skills and develop the relationships necessary to achieve success in the workplace.

Girls who participate in sports possess higher self-esteem.<sup>24</sup> The women who actively participated in sports as girls “feel greater confidence, self-esteem and pride in their physical and social

---

<sup>18</sup> The Women’s Sports Foundation Report: Her Life Depends on It: Sport, Physical Activity and the Health and Well-Being of American Girls (2004), at 11 available at <http://www.womenssportsfoundation.org/Content/Research-Reports/Her-Life-Depends-On-It.aspx>.

<sup>19</sup> *The Women’s Sports Foundation Report: Sport and Teen Pregnancy* (1998), at 7.

<sup>20</sup> *Id.* at pp. 8, 10. Note: this pattern was not the same for male athletes, who become sexually active earlier than male non-athletes; see also Allison Tracy, Ph.D and Sumru Erkut, Ph.D, *Sports as Protective of Girls’ High-Risk Sexual Behavior* (2001).

<sup>21</sup> *Equity in School Athletics*, American Association of University Women, 2002.

<sup>22</sup> *Id.*

<sup>23</sup> *Minorities in Sports: The Effect of Varsity Sports Participation on the Social, Educational, and Career Mobility of Minority Students*, Table 13, Women’s Sports Foundation (New York, NY) August 1989.

<sup>24</sup> *Empowering Women in Sports*, The Empowering Women Series, No. 4; A Publication of the Feminist Majority Foundation, 1995.



selves than those who were sedentary as kids.”<sup>25</sup> Confidence gained through participation in sports also helps women succeed in the workplace.<sup>26</sup> Executive businesswomen believe involvement with sports contributed to their success by providing them with leadership skills, discipline, and the ability to work in a team.<sup>27</sup> A nationwide random poll of 401 senior women business executives was conducted in December 2001. More than eighty percent reported that they played organized sports after grammar school. Basketball was the most popular participant sport, followed by volleyball, softball, tennis, track and field, and soccer.<sup>28</sup>

Our clients have benefited from playing sports. Veronica Ollier explained that she loves to play softball because she “love[s] being part of a team and being competitive. It keeps [her] focused and goal-oriented.” Playing softball also helped her in school with respect to setting priorities “regarding her grades” and it “pushes [her] to do better in school.” Naudia Rangel passionately stated that she plays softball “because it makes [her] feel like [she’s] a part of something; like [she’s] important.”

While the Legal Aid Society and California Women’s Law Center have brought lawsuits against school districts to bring them in compliance with Title IX, this method is slow, cumbersome and expensive. It is our sincere hope to work with this Committee and Marie Ishida and CIF to help improve Title IX compliance in our California public schools with litigation reserved as last resort.

---

<sup>25</sup> *Miller Lite Report 1995*. Found at [www.trinitydc.edu/trinity\\_center/women2.htm#success](http://www.trinitydc.edu/trinity_center/women2.htm#success) (last viewed July 6, 2006).

<sup>26</sup> Lopiano, Donna A. *Women’s Sports Foundation: The Importance of Sport Opportunities for Our Daughters*, p. 2.

<sup>27</sup> *New Nationwide Research Finds: Successful Women Business Executives Don’t Just Talk a Good Game ... They Play(ed) One* Mass Mutual (Polling Firm: Ziment), New York, February 2002. Found at [www.massmutual.com/mmfg/pdf/boardroom.pdf](http://www.massmutual.com/mmfg/pdf/boardroom.pdf) (last viewed July 6, 2006).

<sup>28</sup> “From the Locker Room to the Boardroom: A Survey on Sports in the Lives of Women Business Executives” (MassMutual Financial Group, 2002).

Our specific recommendations are as follows:

- 1) Ensure that participation data is reliably collected from every California high school every year and is publicly available on the Internet;
- 2) Utilize the State Architect's review process for school plans to ensure that facilities are equal for boys and girls at California high schools.
- 3) Mandate that the School Districts' Title IX Coordinators play an active role in monitoring Title IX compliance.

I would be pleased to speak further with any member of the committee regarding these issues.

Thank you.

Informational Hearing of the California Assembly  
Committee on Arts, Entertainment, Sports, Tourism, & Internet Media  
August 8, 2008, 10 a.m.  
State Capitol, Room 437

California Interscholastic Federation

*Thank you for inviting me to participate in this informational hearing regarding the California Interscholastic Federation (CIF). My name is Cindy Cunningham and I serve as Superintendent O'Connell's representative to the CIF Federated Council. Prior to beginning my tenure with Superintendent O'Connell as an intern in his Assembly Office fifteen years ago, I was a student athlete and participated in varsity soccer and track at Santa Paula High School, so I feel confident in my ability to portray an accurate picture of the benefits the CIF has for California's high school students.*

As you have already heard today, the CIF is an organization that has positively and lastingly impacted the lives of countless students. Throughout his tenure, Superintendent O'Connell and the California Department of Education (CDE) have enjoyed a strong collaborative relationship with the CIF. Together, we work to ensure interscholastic athletics are free from discrimination, harassment, and fully open to all students.

A direct beneficiary of CIF's work is Superintendent O'Connell himself and I'm sure he would tell you this if he were here today. Earlier this year, Superintendent O'Connell, a former student athlete at Oxnard High School, saw his high school basketball jersey retired by his alma mater. I observed firsthand that this experience brought back fond memories of the basketball and general life skills he learned on and off the court from his coaches and his teammates as well as the camaraderie that he developed and still maintains today with his former teammates. Above all, though, he speaks often about a collection of virtues he's learned of over the years that have served him well both in his career and his personal life. These virtues are: trustworthiness, respect, responsibility, fairness, caring and good citizenship, which also happen to be the "six pillars of character" that the CIF believes every single one of California's student-athletes must know, understand, and apply to their daily lives both during high school and after. CIF actively and strongly encourages school and district personnel, including sports leadership personnel, as well as parents and guardians to promote and teach these pillars to their students.

This is why Superintendent O'Connell is steadfast in his belief that involvement in student athletics can play a significant role in building character in our youth. In fact, last fall he participated in the Champions for Character luncheon in Long Beach where students were recognized by the CIF Southern Section for their sportsmanship and character, not for their athletic ability. During this lunch, Superintendent O'Connell noted that the 21<sup>st</sup> century demands that students know how to work cooperatively, to learn and to innovate in teams, to interact with, empathize with, and work with people from

different cultures. What some consider old-fashioned virtues are essential for successful citizenship in a global economy. He also acknowledged the CIF for their commitment to student athletics and recognized them for espousing the very highest standards of behavior and sportsmanship.

### **Oversight**

The California *Education Code* provides the CDE specific authority over interscholastic athletics. Over the years, this authority has expanded in response to concerns from the legislature and general public.

To ensure that local education agencies (LEAs) are in compliance with state and federal laws, the CDE uses established, well-known processes such as the Uniform Complaint Procedures (UCP), Compliance Program Monitoring (CPM), and provides technical assistance to LEAs. I will now briefly outline each of these programs as they relate specifically to interscholastic athletics.

### **UCP**

The California Code of Regulations authorizes the CDE, through the Uniform Complaints Procedures (UCP), to process only complaints regarding student discrimination and/or categorical programs that are mandated by certain federal and state statutes and regulations as appeals of the local education agency decision or, in certain specified situations.

On an annual basis, LEAs are required to notify parents, employees, committees, students and other interested parties of the LEA complaint procedures, including the opportunity to appeal the LEA's decision. The notice must also advise recipients of any civil law legal remedies that may be available.

UCP discrimination appeals are handled by the Office of Equal Opportunity (OEO). OEO conducts an independent review of individual appeals to determine if direct intervention is necessary. Non-compliance issues identified during the investigation may require corrective action by the LEA. Further, OEO provides monitoring and technical assistance to LEAs to ensure resolution on non-compliant findings.

The CIF publication "A Guide to Equity in Athletics" specifically directs local level complaints to the UCP process for sports-related gender equity complaints. Similar to other types of UCP complaints, appellants are directed to appeal to the CDE if they are not satisfied with the disposition of the complaint.

### **CPM**

The Categorical Program Monitoring (CPM) process is a combination of data and document review and onsite visits of categorical programs administered by LEAs. On an annual basis, the CDE monitors one quarter of all the LEAs in California. This allows for each LEA to be monitored once every four years. The Office of Equal Opportunity participates in the CPM by conducting onsite visits to LEAs and reviewing issues relating to interscholastic athletics such as participation, funding, and outreach.

**Technical Assistance**

On an ongoing basis, the OEO provides technical assistance to LEAs and the CIF regarding issues related to education equity, and prevent of discrimination and harassment in schools.

In short, the CDE takes allegations of discrimination, harassment, or a violation of state or federal law seriously. All valid complaints are reviewed and responded to in a timely manner.

**Federated Council**

The CDE provides leadership and assistance to the CIF in the development of policies addressing current issues as a standing member of the CIF Federated Council. Specifically, in response to concerns raised by the public on education equity, our OEO provided the CIF technical assistance and our representative to the Federated Council served on the Education Equity Committee. During this period, the CDE assisted the CIF with the development of a plan to educate schools about Title IX through the creation of the CIF publication "A Guide to Equity in Athletics", and through the establishment of grievance procedures and complaint forms for sports-related gender equity complaints.

As the CIF representative for CDE, I attend all Federated Council meetings, consult with CIF Executive Staff on interscholastic athletic issues, and serve as a State Appeal Panel Member. In this capacity, I work closely and often with my colleagues on the Federated Council, as well as CIF staff. In my short tenure, I have found CIF to be a highly efficient body comprised of highly competent board members and staff who take very seriously the concerns of and the issues facing each and every student, parent, coach, teacher, administrator, school and district that comes before the Council.

# Notes and Recommendations

## Delivered by Keith Johannes-

**CAHPERD** is a professional organization with members in the Health, Physical Education, Recreation and Dance. We also have two divisions dealing with Athletics and Sport. These are Boys and Men's Athletics and Girls and Women's Sport. All of these members as some others would be involved in sport in our schools

### **School sports are at a critical juncture**

Benefits of participation are more valuable than ever. With the rising obesity rates among our young people, sport offers many opportunities to engage in vigorous physical activity. It is imperative that programs that our students engage in be safe physically and emotionally.

Outside pressures are expanding, In some cases the pressure to win has parents, coaches and students engaging in questionable behaviors. Also many financial pressures are placed upon programs and communities.

We feel this requires a response from the entire education community for a balanced, educational based program. In most literature these participants are referred to as student athletes, indicating there is educational value in these programs

### **Governance**

CIF appears to be a self governing well run organization, that positively effects sport in California schools. We did find, by talking with some of our members from around the state, it made a big difference as to which Section of CIF they were members of, as to what their opinion of the Organization was. With the Sections having great autonomy they each seem to be run in very different manner. – If you add to that the almost nonexistence of monitoring of this portion of the local schools by the CDE, in some areas it becomes difficult for coaches and parents to have confidence in the resolution of disputes. CAHPERD does not see the involvement of the CDE as outlined in Education Code in this and other areas.

EC 33353 outlines policies that the legislature has outlined for implementation by CIF with the consultation of the CDE.

## Delivered by Arleen Hammerschmidt-

### **The current structure produces Fragmentation**

10 Sections – each with the potential for it's own set of policies and practices.  
No statewide focus. Confusing for all – including parents.

Layers of communication systems that are not as effective as they should or can be.

CIF is essentially self governed. Input from others in the education community is limited.

## Coaches Training

- Current program is composed of two pre-designed programs (neither developed in California).
- Neither of the two is adequate for lay coaches.
- They Lack specifics that are mandated by the statute EC 35179.1
  1. Development of coaching philosophies consistent with school, school district, and school board goals.
  2. Knowledge of, and adherence to, statewide rules and regulations, as well as school regulations including, but not necessarily limited to, eligibility, gender equity and discrimination.

Further, Few school boards, districts, or schools develop goals for athletics, certainly an important step toward quality, evaluation, and accountability.

CIF promoted use of physical education professional development funds for coaches training (\$500 million)

## Title IX

- Issues are not examined or acted upon by local schools sites.
- Need additional professional development for athletic directors and school board members on Title IX.

**EC 49023. Notwithstanding any other provision of law, no public funds shall be used in connection with athletic programs conducted under the auspices of a school district governing board or any student organization within the district, which do not provide facilities and opportunities for participation by both sexes on an equitable basis.**

**Facilities and opportunities for participation include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.**

**California State Assembly Committee  
Arts, Entertainment, Sports, Tourism and Internet Media**

**The California Interscholastic Federation (CIF) Information Hearing**

**Friday August 8, 2008**

**Recommendations**

**California Association for Health, Physical Education,  
Recreation, and Dance (CAHPERD)**

1. The Legislature, Governor, California Department of Education (CDE), California Interscholastic Federation (CIF), local school boards, local school districts and other educational entities recognize and appropriately address the critical juncture that we find interscholastic athletics at today.
2. CDE and other educational organizations take an active role in providing leadership for sound athletic opportunities for our students through collaborative efforts with CIF.
3. CIF examine its current structure for the purpose and need for ten local sections, and evaluate the structure for redundancy and fragmentation.
4. CIF utilize external evaluation processes to gather data for its report to the Legislature and Governor.
5. CIF implement comprehensive outreach efforts to provide and promote public hearings regarding policy and program development.
6. CIF add additional information to its coaches training program to include: Development of coaching philosophies consistent with school, school district, and school board goals, and knowledge of, and adherence to, statewide rules and regulations, as well as school regulations including, but not necessarily limited to, eligibility, gender equity and discrimination. In addition, it is recommended that walk-on coaches participate in additional training modules to better prepare them to provide instruction in school athletic programs.
7. Professional development programs be developed and made available specifically for school administrators and school board members in regard to the equity issues of high school athletics.
8. CIF, CDE and CAHPERD work collaboratively to address issues that relate to the relationship of athletics and physical education instruction.
9. CDE monitor schools compliance with federal and state statutes, and regulations as related to equity in athletic programs and the use of public funds; physical education instruction and impact of practices related to interscholastic athletics.
10. The State Board of Education (SBE) examine current regulations related to athletic coaches and adopt further regulations as required by law, and deemed necessary to provide each student with an educational sound athletic experience.