

Date of Hearing:

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, AND TOURISM

Christopher M. Ward, Chair

AB 932 (Irwin) – As Introduced February 19, 2025

SUBJECT: Community youth athletics programs: sex or gender discrimination

SUMMARY: This bill would prohibit a local educational agency (LEA) from discriminating against community youth athletic programs in the allocation or rental of school and recreation facilities and resources on the basis of sex or gender.

Specifically, **this bill:**

- 1) Prohibits LEAs from discriminating against a person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs, or in the allocation or rental to a third-party community youth athletics program of school and recreation facilities and resources that support or enable the program.
- 2) Allows community youth athletic programs to bring civil actions against LEAs for discrimination, for injunctive relief and/or damages, with the courts considering among specific resources and facilities provided by the LEAs, whether the selection of community youth athletics programs offered effectively accommodates the athletic interests and abilities of members of both genders.
- 3) Allows courts to assess the following when determining whether an LEA has effectively accommodated the athletic interests and abilities of both genders:
 - a) Whether community youth athletics program opportunities for boys and girls are provided in numbers substantially proportionate to their respective numbers in the community.
 - b) Where the members of one gender are underrepresented in community youth athletics programs, whether the LEA can demonstrate that the interests and abilities of the members of that gender have been fully and effectively accommodated by the present program and allocation of resources.
- 4) Defines “school and recreation facilities and resources” to include, but not be limited to, school facilities, including athletic fields, athletic courts, gymnasiums, recreational rooms, restrooms, concession stands, and storage spaces; lands and areas accessed through permitting, renting, leasing, or other land use arrangements, or otherwise accessed through LEAs; sports and recreation equipment; devices used to promote athletics such as scoreboards, banners, and advertising; and all moneys used in conjunction with youth athletics.

EXISTING LAW:

- 1) Prohibits a city, county, city and county, or special district, including, but not limited to, a community services district, recreation and park district, regional park district, regional park and open-space district, regional open-space park district, or resort improvement district from

discriminating against any person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs or in the allocation of parks and recreation facilities and resources that support or enable these programs. (Government Code (GOV) Section 53080 (a))

- 2) Allows community youth athletic programs to bring civil actions against a city, county, city and county, or special district for discrimination, for injunctive relief and/or damages, with the courts considering among specific resources and facilities provided by the city, county, city and county, or special district, whether the selection of community youth athletics programs offered effectively accommodates the athletic interests and abilities of members of both genders. (GOV 53080 (f))
- 5) Allows courts to assess the following when determining whether a city, county, city and county, or special district has effectively accommodated the athletic interests and abilities of both genders: (GOV 53080 (g))
 - a) Whether community youth athletics program opportunities for boys and girls are provided in numbers substantially proportionate to their respective numbers in the community.
 - b) Where the members of one gender have been, and continue to be, underrepresented in community youth athletics programs, whether the city, county, city and county, or special district can show a history and continuing practice of program expansion and allocation of resources that are demonstrably responsive to the developing interests and abilities of the members of that gender.
 - c) Where the members of one gender are underrepresented in community youth athletics programs, whether the city, county, city and county, or special district can demonstrate that the interests and abilities of the members of that gender have been fully and effectively accommodated by the present program and allocation of resources.
- 6) Provides in the Unruh Civil Rights Act, that all persons within the jurisdiction of this State are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. (Civil Code 51).
- 7) Declares that no person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University. (GOV 11135).

FISCAL EFFECT: Unknown. This measure has been keyed fiscal by the Legislative Counsel.

COMMENTS:

- 1) Author's statement. According to the author, "AB 932 shines a light on longstanding practices that exclude and marginalize girls in sports. Oftentimes girls join a club sports team because their preferred sport is not available until high school, or because they are hoping to improve to be able to play at a college or professional level. Under current law, boys' club teams can still be afforded better practice times, more gym or field time, or different prices than the girls' team for the corresponding sport by a school district or local education agency. Many of these practices are borne out of longstanding relationships between boys' club teams and school rental facilities, compounding historical inequities. In addition to concerns about disparities in the quality of facilities, girls' sports clubs face gender-based discrimination when trying to find adequate practice times to rent out school facilities. While previous legislation has aimed to curtail inequities at city and county parks, AB 932 would close the loophole that still allows discrimination against young women in school facility rentals to third-parties such as club sports groups. This loophole creates a pathway for continued gender-based discrimination, and sends the message to young women that their sport, their talent, and their hard work will be overlooked from the start of their athletic careers."

- 1) Background. In October 2022, the City of Davis settled with the Davis Youth Softball Association after allegations that the city was out of compliance with state laws protecting gender-based equity in community sports. Davis agreed to make softball-oriented improvements to facilities, constructing shaded dugouts, providing quality spectator seating and installing portable restrooms and nearby drinking water stations. Davis also agreed to collect data on participation levels in youth competitive sports, hosted or ran by the city, to ensure every girl has an equal opportunity to play. They additionally agreed to monitor funding, equipment, practice and game schedules, opportunities to receive coaching, coaching assignments and coach compensation, access to locations and facilities for games and practices, seasonal sport selection, publicity, and officiating by qualified and certified umpires, referees or judges.

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. It prohibits sex-based discrimination in any educational program or activity that receives federal funding. The law applies to schools, colleges, and universities, ensuring equal opportunities in academics, athletics, and other aspects of education. Title IX had a transformative impact on girls' sports. Before Title IX, girls had limited opportunities to participate in organized sports, and funding for girls' sports programs was almost nonexistent.

Title IX led to a surge in female participation in sports. High school girls went from comprising about 7% of all athletes in 1972 to nearly 43% by the 2010s, with millions of girls now competing annually.

- 2) Arguments in support. According to the American Academy of Pediatrics, "Under current law, local government agencies are already prohibited from engaging in gender discrimination in youth sports programming. AB 932 ensures that public educational institutions are held to the same standard, particularly in the allocation and rental of facilities and resources. This is a much-needed expansion that will promote greater equity in how youth athletics programs are developed, supported, and accessed."

- 3) Double-referral. Should the bill pass from this committee, it will be re-referred to the Assembly Committee on Judiciary.
- 4) Policy considerations. The language of this bill as it impacts LEAs and school facilities was drafted into the Education Code; however, similar provisions impacting cities, counties, and special districts are located in the Government Code. In order to standardize the locations of these protections against discrimination on the basis of sex or gender, the committee has asked the author to accept amendments that will add LEAs and school and recreation facilities and resources to Government Code 53080.
- 5) Prior and related legislation.
 - a) AB 2881 (Aguiar-Curry), of 2020, would have repealed section 53080 of the Government Code and replaced it with the Fair Play in Community Sports Act. Died in the Assembly Arts, Entertainment, Sports, Tourism, and Internet Media committee.
 - b) AB 2404 (Steinberg), Chapter 852, Statutes of 2004, extended laws requiring equal access in state school sports to all local government sports programs.

REGISTERED SUPPORT / OPPOSITION:**Support**

American Academy of Pediatrics, California
Davis Storm Girls Basketball

Opposition

None on file.

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