

SANTA ANA UNIFIED SCHOOL DISTRICT

BP 6145.2 (a)

Instruction

Athletic Competition

The Governing Board recognizes that the 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 of participating students, and provides them with an opportunity to learn beneficial character development skills. The athletic program shall be designed to meet students' interests and abilities and be varied in scope to attract wide participation. (cf. 3541.1-Transportation for School-Related Trips) (cf. 5137-Positive School Climate) (cf. 6142.7-Physical Education) (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)

Nondiscrimination and Equivalent Opportunities in the Athletic Program

The District's athletic program shall be free from discrimination and discriminatory practices in accordance with state and federal law. The Superintendent or designee shall ensure that equivalent opportunities are provided for both genders. (cf. 0410-Nondiscrimination in District Programs and Activities) (cf. 5145.3-Nondiscrimination/Harassment) (cf. 5145.7-Sexual Harassment)

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, or any other basis specified in law. (Education Code 220-221.5, 230; 5 CCR 4920; 34 CFR 106.41) (cf. 0410-Nondiscrimination in District Programs and Activities) (cf. 5145.3-Nondiscrimination/Harassment)

The Superintendent or designee may provide single-sex teams when selection for the team is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Any complaint regarding the District's athletic program shall be filed in accordance with BP/AR 1312.3-Uniform Complaint Procedures (cf. 1312.3-Uniform Complaint Procedures)

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with his/her gender identity and for which he/she is otherwise eligible to participate, irrespective of the gender listed on the student's records.

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When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete

with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5CCR 4921; 34 CFR 106.41)

When determining whether equivalent opportunities are available to both sexes in athletic programs, the Superintendent or designee shall consider, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes.

The athletic program shall be considered to effectively accommodate the interests and abilities of both sexes if it meets one of the following criteria: (Education Code 230)

- a. The interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.
 - b. When the members of one sex have been and are underrepresented among interscholastic athletes, the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex.
 - c. When the members of one sex are currently underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #b above, the district can demonstrate that the interest and abilities of the members of that sex have been fully and effectively accommodated by the present program.
2. The provision and maintenance of equipment and supplies
 3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
 4. Travel and per diem allowances
 5. Opportunities to receive coaching and academic tutoring
 6. Assignment and compensation of coaches and tutors
 7. Provision of locker rooms and practice and competitive facilities
 8. Provision of medical and training facilities and services
 9. Provision of housing and dining facilities and services
 10. Publicity
 11. Provision of necessary funds

Sportsmanship

The Board supports the ideals of good sportsmanship, ethical conduct and fair play, and expects student athletes, coaches, spectators and others to demonstrate these principals during all athletics competitions.

In preparing for and participating in athletic competitions, students and staff shall abide by the core principles of trustworthiness, respect, responsibility, fairness, caring and citizenship, as adopted by the California Interscholastic Federation (CIF) in its publication "Pursuing Victory with Honor."

Students and staff may be subject to disciplinary action for improper conduct. (cf. 3515.2) - Disruptions) (cf. 5144-Discipline) (cf. 5144.1-Suspension and Expulsion/Due Process)

California Interscholastic Federation

The Board maintains membership in the California Interscholastic Federation (CIF) and requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulation and CIF bylaws and rules. The Superintendent or designee shall have responsibility for the District interscholastic athletic program while the principal or designee at each participating school shall be responsible for the site-level decisions as appropriate.

Upon recommendation of the Superintendent, the Board shall annually designate an employee from each high school to serve as a representative to the local CIF league. 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 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 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 athletics.

Student Eligibility

The first priority of student athletes shall be commitment to their education and academic achievement. Eligibility requirements for participation in the District's interscholastic athletic program are the same as those set by the District for participation in extracurricular and co-curricular activities. (cf. 5111.1-District Residency) (cf. 5121-Grades/Evaluation of Student Achievement) (cf. 6145-Extracurricular and Co-curricular Activities) (cf. 6146.1-High School Graduation Requirements) (cf. 6162.52-High School Exit Examination)

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In addition, the Superintendent or designee shall ensure that students participating in CIF league athletics satisfy any additional CIF eligibility requirements.

Students shall not be charged a fee to participate in an athletic program.

Health and Safety

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

Students shall have a medical clearance before participating in the interscholastic athletic program. 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. (cf.

5131.61-Drug Testing) (cf. 5131.63-Anabolic Steroids) (cf. 5141.3-Health Examinations) (cf. 5141.6 - School Health Services) (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)

In the event that an injury occurs, the coach or other appropriate district employee shall observe universal precautions and shall remove the student athlete from the activity 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 Condition) (cf. 5141.22 -Infectious Diseases)

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student's initiating practice or competition. (Education Code 49475) (cf. 5145.6 - Parental Notifications)

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. (Education Code 49475)

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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.

The Superintendent or designee shall provide training to coaches, athletic trainers, and/or school nurses regarding concussion symptoms, prevention, and appropriate response.

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

Parental Notifications

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall send a notice to the student's parent/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator (cf. 1312.3 - Uniform Complaint Procedures)
2. Includes a copy of the Athletes' Bill of Rights pursuant to Education Code 271
3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will

not be injured, despite a commitment to every participant's health and welfare (cf. 3530 - Risk Management/Insurance)
4. Provides information about insurance protection pursuant to Education Code 32221.5 (cf. 5143 - Insurance)
5. Request parental permission for the student to participate in the program and, if appropriate, be transported by the district to and from competitions. (cf. 3541.1 - Transportation for School-Related Trips)
6. States the Governing Board's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship (cf. 5144 - Discipline) (cf. 5144.1- Suspension and Expulsion/Due Process)
7. Includes a copy of the local California Interscholastic Federation (CIF) league rules.
8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency. (cf. 5131.63 - Steroids)

Legal Reference:

EDUCATION CODE

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| 200-261 | Prohibition of discrimination on the basis of sex |
| 270-271 | Athletes Bill of Rights |
| 17580-17581 | Football equipment |
| 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 |
| 35160.5 | District policies; rules and regulations |
| 35179 | Interscholastic athletics |
| 48850 | Interscholastic athletics; students in foster care |
| 48900 | Grounds for suspension and expulsion |
| 48930-48938 | Student organizations |
| 49020-49023 | Athletic programs; legislative intent, equal opportunity, apportionment, prohibited sex discrimination |
| 49030-49034 | Performance-enhancing substances |
| 49458 | Health examinations, interscholastic athletic program |
| 49475 | Health and safety, concussions and head injuries |
| 51242 | Exemption from physical education for high school students in interscholastic athletic program |

PENAL CODE

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| 245.6 | Hazing |
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CODE OF REGULATIONS, TITLE 5

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| 4900-4965 | Nondiscrimination in elementary and secondary education programs, especially: receiving state financial assistance |
| 4920-4922 | Nondiscrimination in intramural, interscholastic, and club activities |
| 5531 | Supervision of extracurricular activities of pupils |
| 5590-5596 | Employment of non-certificated coaches |

UNITED STATES CODE, TITLE 20

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| 1681-1688 | Discrimination based on sex or blindness, Title IX |
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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
Kahn v. East Side Union High School District, (2004) 31 Cal. 4th 990t
McCormick v. School District of Mamaroneck, (2004) 370 F. 3d 275
Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

CSBA PUBLICATIONS

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

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

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

California Interscholastic Federation Constitution and Bylaws

A guide to Equity in Athletics

Acute Concussion Evaluation (ACE) Care Plan, 2006

Pursuing Victory with Honor, November 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

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

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>