
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 949
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Version: May 6, 2015
Urgency: No
Consultant: Lynn Lorber
Hearing Date: July 1, 2015
Fiscal: Yes

Subject: Physical education: competition cheer

SUMMARY

This bill requires the California Interscholastic Federation to develop guidelines, procedures, and safety standards to classify competition cheer as an interscholastic sport.

BACKGROUND

The California Interscholastic Federation (CIF) is a voluntary organization consisting of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools. (Education Code § 33353)

Existing law requires the California Department of Education (CDE) to have the following authority over interscholastic athletics:

- 1) The CDE may state that the policies of school districts and the CIF are in compliance with both state and federal law.
- 2) The CDE may require school districts or the CIF to adjust policies to be in compliance, but the CDE does not have the authority to determine the specific policy that a school district must adopt in order to comply with state or federal law.
- 3) The CDE is authorized to begin legal proceedings if a school district or the CIF does not change its policy.

Existing federal law, Title IX, requires local educational agencies to ensure that male and female students are provided equal opportunities to participate in interscholastic athletics programs consistent with Title IX (United States Code, Title 20 § 1681 et seq. and Code of Federal Regulations, Title 34, Part 106)

ANALYSIS

This bill requires the CIF to develop guidelines, procedures, and safety standards to classify competition cheer as an interscholastic sport. Specifically, this bill:

- 1) Requires the CIF, in consultation with the California Department of Education (CDE), to develop guidelines, procedures, and safety standards for the purpose of classifying competition cheer as an interscholastic sport that is consistent with the

United States Department of Education Office for Civil Rights' definition of a sport.

- 2) Requires the California Interscholastic Federation (CIF) to develop the guidelines, procedures and safety standards by July 1, 2017.
- 3) Requires the CIF to seek a United States Department of Education Office of Civil Rights Title IX compliance designation for competition cheer.
- 4) Prohibits competition cheer from counting towards a school's Title IX compliance unless the Office of Civil Rights deems competition cheer compliant with its definition of a sport.
- 5) Defines "competition cheer" as a sport in which teams participate in direct, head-to-head competition with one another using an objective scoring system.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Cheerleading regulations are not included as an interscholastic sport under the California Department of Education's jurisdiction. The lack of formal governance, standards and regulations has resulted in inconsistent safety and training of coaches. The recognition of cheerleading as an official sport will provide resources to cheerleading coaches and cheerleaders, consistent with other California Interscholastic Federation (CIF)-sanctioned sports. The benefits of having the same CIF standards will ensure a certain level of coaching competency and skill once safety guidelines are developed by the Department and CIF."
- 2) ***What is a "sport" under Title IX?*** In September 2008, the US Department of Education Office of Civil Rights (OCR) issued a Dear Colleague Letter: Athletic Activities Counted for Title IX Compliance document, "to provide State educational agencies, local educational agencies, and postsecondary institutions with information to ensure that male and female students are provided equal opportunities to participate in intercollegiate and interscholastic athletics programs consistent with Title IX of the Education Amendments of 1972, 20 U.S.C §§ 1681 et seq., and its implementing regulations (34 C.F.R. Part 106). Specifically, this letter provides clarifying information to help institutions determine which intercollegiate or interscholastic athletic activities can be counted for the purpose of Title IX compliance; it does not represent a change in OCR's policy under Title IX." <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20080917.html>

The letter outlined several factors to consider on a case-by-case evaluation of whether an activity can be counted as an intercollegiate or interscholastic sport for the purpose of Title IX compliance, OCR will consider factors including:

- a) Program structure and administration.
- b) Team preparation and competition.
- c) Practice opportunities.
- d) Competitive opportunities.

According to the federal Office of Civil Rights (OCR):

It is OCR's policy to encourage compliance with the Title IX athletics regulations in a flexible manner that expands, rather than limits, student athletic opportunities. By disseminating this list of factors, OCR intends to provide institutions with information to include new sports in their athletics programs, such as those athletic activities not yet recognized by governing athletics organizations and those featured at the Olympic games, if they so choose. Expanding interscholastic and intercollegiate competitive athletic opportunities through new sports can benefit students by creating and stimulating student interest in athletics, taking advantage of athletic opportunities specific to a particular competitive region, and providing the opportunity for access to a wide array of competitive athletic activities.

- 3) ***California Interscholastic Federation (CIF) sports vs non-CIF sports.*** With the creation of competition cheer as a new interscholastic sport, participants in the sport will be governed by rules adopted by CIF, competition cheer coaches will be required to complete the same training as all other interscholastic coaches, and participants will be eligible for an exemption from physical education courses, like all other interscholastic sport participants.
- 4) ***Slippery slope?*** Statutes do not currently address specific sports or direct CIF to do anything other than report to the Legislature and Governor on its evaluation and accountability activities, by January 1, 2016. Does requiring CIF, through statute, to essentially designate competition cheer, and only competition cheer, as a sport set a precedent for adding one sport at a time?
- 5) ***Fiscal impact.*** According to the Assembly Appropriations Committee, there are no additional costs for the California Department of Education for consultation with the CIF, which is not a state-funded entity.
- 6) ***Related and prior legislation.***

RELATED LEGISLATION

SB 138 (Fuller, 2015) authorizes school districts to exempt high school students from physical education courses if the student is engaged in high school rodeo. SB 138 is scheduled to be heard by the Assembly Education Committee on July 8.

PRIOR LEGISLATION

AB 1893 (Hayashi, 2010) required all high school spirit activities (HSSA) coaches to have a valid certification in Cardiopulmonary resuscitation (CPR) and first aid, and established several requirements for HSSA coaches and students participating in HSSA including, requiring students to have an annual medical examination and receive proper training, and requiring HSSA coaches to develop an emergency plan. AB 1893 was never heard by the Assembly Education Committee.

AB 351 (Salas, 2009) authorized the governing board of a school district that provides the following courses or programs to exempt any student participating in such a course or program from physical education and from the physical education high school graduation requirement: California Cadet Corps; Cheer team or Dance Team; Color guard or Drill team; Junior Reserve Officer Training Corps; Marching band. AB 351 failed passage in the Assembly Education Committee.

SUPPORT

California Athletic Trainers Association
California Interscholastic Federation
California Medical Association
California Physical Therapy Association
California School Boards Association
Safe Kids San Diego

OPPOSITION

Fair Play for Girls

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