

## **Fresno Unified Board Policy (BP) 6145.2 Athletic Competition**

The Governing Board recognizes that the district's athletic program constitutes an integral component of the district educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The district's athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

*(cf. 3541.1 - Transportation for School-Related Trips)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(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)*

The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

*(cf. 1260 - Educational Foundation)*  
*(cf. 1321 - Solicitation of Funds from and by Students)*  
*(cf. 1325 - Advertising and Promotion)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*  
*(cf. 3290 - Gifts, Grants and Bequests)*

### **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

No person shall on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise discriminated against in interscholastic, intramural, or club athletics. (5 CCR Section 4920).

A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. (EC Section 221.5(f))

The district shall not, on the basis of sex, exclude from participation in, or deny equivalent opportunity in, athletic programs. In determining whether equivalent opportunities are available to both sexes in athletic programs, the factors a district shall consider, include, but are not limited to (5 CCR 4922(a)):

- (a) Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes;

- (b) The provision and maintenance of equipment and supplies;
- (c) Scheduling of games and practice times; selection of the season for a sport; location of the games and practices;
- (d) Travel and per diem allowances;
- (e) Opportunities to receive coaching and academic tutoring;
- (f) Assignment and compensation of coaches and tutors;
- (g) Provision of locker rooms, practice and competitive facilities;
- (h) Provision of medical and training facilities and services;
- (i) Provision of housing and dining facilities and services;
- (j) Publicity.

The district shall ensure that athletic programs supported by public funds provide equal opportunity to both sexes for participation and for use of facilities. (EC Section 221.7(b)).

- (a) A school may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex. (34 CFR Section 106.33)

The district accommodates the interests and abilities in athletics of both sexes by any one of the following tests (EC Section 230(d)):

- (a) Opportunities for interscholastic-level participation for male and female pupils are provided in numbers substantially proportionate to their respective enrollments.
- (b) The history of the program and continuing practice of program expansion are demonstrably responsive to the developing interest and abilities of members of the sex that has been and is underrepresented among interscholastic athletes.
- (c) Interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the present program.

A school which only provides 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 previously been limited, members of the excluded sex must be allowed to try out and compete with the school's team. The same standards for eligibility shall be applied to every pupil trying out for a team, regardless (5 CCR Section 4921(b))

Any complaint regarding the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Student Eligibility**

Eligibility requirements for student participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement and residency, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

*(cf. 3530 - Risk Management/Insurance)*

*(cf. 5111.1 - District Residency)*

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.2 - Education of Children of Military Families)*

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

Students shall not be charged a fee to participate in an athletic program, including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.

*(cf. 3260 - Fees and Charges)*

*(cf. 5143 - Insurance)*

Participation in the district interscholastic athletic program shall be made available to those students who meet the eligibility requirements and demonstrate successful progress towards meeting graduation requirements.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

## **Sportsmanship**

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Codes of Conduct adopted by CIF.

Students and staff may be subject to disciplinary action for improper conduct.

*(cf. 1265 – Civility Policy)*

*(cf. 3515.2 - Disruptions)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

## **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 interscholastic athletic programs. Care shall be taken to ensure that all athletic training and competition 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 - Steroids)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.6 - School Health Services)*

*(cf. 5141.7 - Sun Safety)*

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)*

The Superintendent or designee shall develop a written emergency action plan that describes the location of automated external defibrillator(s) and procedures to be followed in the event of sudden cardiac arrest or other medical emergency related to the athletic program's activities or events. The plan shall be posted in accordance with guidelines of the National Federation of State High School Associations. (Education

## Code 35179.4)

In the event of a serious injury or a perceived imminent risk to a student's health during or immediately after an athletic activity, the coach or other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, 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 Conditions)*

*(cf. 5141.22 - Infectious Diseases)*

## California Interscholastic Federation

Any district school that participates in the California Interscholastic Federation (CIF) shall conduct its athletic activities in accordance with CIF bylaws and rules, and any applicable district policy and regulation. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

The designated representative(s) shall vote on issues that impact interscholastic athletics at the league and section levels, perform any other duties required by the CIF league, and report regularly to the Board on league, section, and statewide issues related to athletic programs.

*(cf. 0500 - Accountability)*

The district ensures that each public elementary school, secondary school, and charter school offering competitive athletics shall make all of the following information publicly available at the end of the school year: (1) total enrollment of the school, classified by gender; (2) number of pupils enrolled at the school who participate in competitive athletics, classified by gender; and (3) number of boys' and girls' teams, classified by sport and competition level. *(EC Section 221.9(a))*

- (a) The information shall reflect the total number of players on a team roster on the first official day of team competition. *(EC Section 221.9(b))*
- (b) This information shall be posted on the school's internet website, or if the school does not maintain an internet website, on the district or charter school operator's internet website and the information for each school shall be disaggregated by school site. *(EC Section 221.9(c))*
- (c) All materials used to compile each school's information shall be retained by the school for a minimum of three years after the information is posted on the Internet. *(EC Section 221.9(d))*

If the district reduces its athletic budget, it does so consistently with its legal obligation to comply with both state and federal gender equity laws. *(EC Section 230(e))*

*Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

17578 Cleaning and sterilizing of football equipment

17580-17581 Football equipment

32220-32224 Insurance for athletic teams, especially:

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  
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act  
35160.5 District policies; rules and regulations  
35179 Interscholastic athletics  
35179.1 California High School Coaching Education and Training Program  
35179.4 Emergency action plan  
35179.5 Interscholastic athletics; limitation on full-contact practices  
35179.6 Automated external defibrillator, athletic activities  
48850 Interscholastic athletics; students in foster care and homeless students  
48900 Grounds for suspension and expulsion  
48930-48938 Student organizations  
49010-49013 Student fees  
49020-49023 Athletic programs; legislative intent, equal opportunity  
49030-49034 Performance-enhancing substances  
49458 Health examinations, interscholastic athletic program  
49475 Health and safety, concussions and head injuries  
49700-49701 Education of children of military families  
51242 Exemption from physical education for high school students in interscholastic athletic program  
HEALTH AND SAFETY CODE  
1797.196 Automated external defibrillator  
PENAL CODE  
245.6 Hazing  
CODE OF REGULATIONS, TITLE 5  
4900-4965 Nondiscrimination in elementary and secondary education programs, especially:  
4920-4922 Nondiscrimination in intramural, interscholastic, and club activities  
5531 Supervision of extracurricular activities of students  
5590-5596 Employment of noncertificated coaches  
UNITED STATES CODE, TITLE 20  
1681-1688 Discrimination based on sex or blindness, Title IX  
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) 602 F. 3d 957  
McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275  
Kahn v. East Side Union High School District, (2003) 31 Cal. 4th 990 Hartzell v.  
Connell, (1984) 35 Cal. 3d 899

#### Management Resources:

CSBA PUBLICATIONS  
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013  
CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS  
Athletic Department Emergency Action Plan: Response Teams  
California Interscholastic Federation Constitution and Bylaws  
A Guide to Equity in Athletics  
Guidelines for Gender Identity Participation  
Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians  
Event Emergency Guidelines, 2013  
Pursuing Victory with Honor, 1999

Policy FRESNO UNIFIED SCHOOL DISTRICT  
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