

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 1327 (Weber)  
Version: June 29, 2023  
Hearing Date: July 11, 2023  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Interscholastic athletics: California Interscholastic Federation: racial discrimination or harassment

**DIGEST**

This bill requires the California Department of Education (CDE) to develop a standardized incident form to track incidents of racial discrimination or harassment that occurs at high school sporting games or sporting events, as specified, and provides for the CDE to obtain the information submitted on the form from local educational agencies and to share the information with the public and the California Interscholastic Federation, subject to certain privacy limitations.

**EXECUTIVE SUMMARY**

In June 2023, the California Department of Justice reported that hate crimes had increased 20.1 percent over the prior year – an increase of 145.7 percent since 2013.<sup>1</sup> The year-over-year increase disproportionately affected Black residents.<sup>2</sup> The increase in racially motivated hate crimes corresponds with an increase in other types of overt racial discrimination and harassment, including at high school sporting events. As the author and sponsor report, there have been numerous incidents of high school students yelling racial slurs and other racist comments at high school sporting events. The State, however, appears to lack a straightforward mechanism for collecting information about such incidents in order to analyze the data and determine how to combat this appalling trend.

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<sup>1</sup> Campa, 'It's so pervasive.' California hate crimes soared in 2022, report shows, L.A. Times (originally published Jun. 27; updated Jun. 28, 2023), <https://www.latimes.com/california/story/2023-06-27/its-so-pervasive-california-hate-crimes-soared-20-in-2022-report-shows>. All links in this analysis are current as of July 7, 2023.

<sup>2</sup> *Ibid.*

This bill is intended to establish a uniform procedure for reporting incidents of racial discrimination and harassment at high school sporting events, to give the CDE and the public better information about such incidents and how to reduce them. Specifically, this bill requires the California Department of Education (CDE) to develop a standardized incident form to track incidents of racial discrimination or harassment that occurs at high school sporting games or sporting events, as specified; requires each local educational agency that participates in the California Interscholastic Federation (CIF) to post the form on their website; requires a local educational agency to share the information obtained from the forms with the CDE on request; requires the CDE to post the statewide totals on the information obtained through the forms annually on its website; and permits the CDE to share the information obtained from the forms with the CIF, pursuant to specified privacy requirements, for the CIF to include the information as part of its report to the Legislature and the Governor every seven years. The author has agreed to amend the bill to include hazing incidents on the form and in the report submitted by CIF.

This bill is sponsored by the NAACP and is supported by the California Teachers Association, NAACP San Diego Branch, the San Diego Unified School District, and Yocha Dehe Wintun Nation. There is no known opposition. The Senate Education Committee passed this bill with a vote of 7-0.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Provides that the secondary schools of the state are designated as high schools, technical schools, and adult schools. (Ed. Code, § 52.)
- 2) Establishes the CIF as a voluntary organization that consists of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools. (Ed. Code, § 33353(a).)
- 3) States that it is the intent of the Legislature that the California Interscholastic Federation, in consultation with the California Department of Education (CDE), to implement the following policies:
  - a) Give the governing boards of school districts special authority to select their athletic league representatives.
  - b) Require that all league, section, and state meetings affiliated with the CIF be subject to the notice and hearing requirements of the Ralph M. Brown Act (Gov. Code, tit. 5, div. 2, pt. 1, §§ 54950 et seq.)
  - c) Establish a neutral final appeals body to hear complaints related to interscholastic athletic policies.

- d) Provide information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints arising out of interscholastic athletic activities.
  - e) Comply with the California Public Records Act (CPRA) (Gov. Code, div. 10, §§ 7920.000 et seq.), and in doing so, as a third-party recipient of pupil and school personnel information, be afforded the same public records disclosure exemptions as are afforded to school districts, in order to protect the confidentiality of pupil and school personnel records and information. (Ed. Code, § 33353(a)(1)-(5).)
- 4) Requires the CIF to report to the appropriate committees of the Legislature and the Governor on its evaluation and accountability activities undertaken pursuant to this section on or before January 1, 2023, and every seven years thereafter. The report shall include the goals and objectives of the CIF with regard to specified information, including the health and safety of pupils, coaches, and spectators. (Ed. Code, § 33353(b)(1).)
- 5) States that it is the intent of the Legislature that the CIF accomplish all of the following:
- a) In the years during which the CIF is not required to report to the Legislature and the Governor pursuant to 3), hold a public comment period relating to that report at three regularly scheduled council meetings per year.
  - b) Annually allow public comment on the CIF's policies and practices at a regularly scheduled meeting.
  - c) Require sections of the CIF to allow public comment on the policies and practices of the CIF and its sections, and the report, at each regularly scheduled section meeting.
  - d) Engage in a comprehensive outreach effort to promote the hearings described in (a)-(c). (Ed. Code, § 33353(b)(2).)

This bill:

- 1) Specifies, that for purposes of the CIF's obligation to report on the health and safety of pupils, coaches, officials, and spectators within its seven-year report to the Legislature and Governor, that "health and safety" includes, but is not limited to, racial discrimination or harassment.
- 2) Requires, in the years when the CIF is not required to submit a report to the Legislature and the Governor, the CIF shall, at the request of the appropriate policy committees of the Legislature, make itself available for hearings regarding the topics on which it is required to report.
- 3) Requires, on or before January 1, 2025, the CDE to develop, in consultation with stakeholders, a standardized incident form to track racial discrimination or

harassment that occurs at high school sporting games or sporting events, and annually report the information from completed incident forms as statewide totals on their website.

- a) The form must include a category for the basis of the complaint and information on how to report a hate incident or hate crime through the Civil Rights Department's CA vs. Hate Resource Line and Network.
  - b) The DOE may share completed incident forms it received from a local educational agency with the CIF for the purpose of assisting the CIF with their seven-year report to the Legislature and the Governor; any information made public shall be provided on an aggregated basis and in a manner that does not disclose any personally identifying information.
- 4) Requires, on or before April 1, 2025, a local educational agency that participates in the CIF to post on their website the standardized incident form developed by the DOE pursuant to 3) and include information on how to submit a completed incident form to the local educational agency.
- a) On request from the CDE, a local educational agency shall submit information related to any completed standardized incident forms received by the local agency.
  - b) Information in completed incident forms shall be afforded the same public records disclosure exemptions as are afforded school districts under the CPRA in order to protect the confidentiality of pupil and school personnel records and information.
  - c) "Local educational agency" means a school district, county office of education, or charter school.

### COMMENTS

#### 1. Author's comment

According to the author:

In California, during a penalty kick period at a soccer game at Oak Ridge High School in 2022, a Black student from Buchanan High School received monkey or ape noises from a student at the opposing school; students from Coronado High School threw tortillas at basketball players from Orange Glen, a predominantly Latino School; a Latina student from Buchanan High School was barked at by a student at the opposing school; during a girls' playoff basketball game against McClatchy High School, Oak Ridge fans directed racial and body-shaming jeers at McClatchy's Asian American players; and players from Cathedral Catholic High School in San Diego were placed on a two year probation after images were shared depicting shirts that read "Catholics vs. Convicts III" prior to playing Lincoln High School, a predominantly low-income, majority-minority high school.

Despite taking a more subdued form, unconscious or aversive racism hurts minority student-athletes in high school sports in at least one major way: it marginalizes their academic, social, and psychological well-being. By reporting these incidents, CDE and CIF can better inform the Legislature to the issues so that the Legislature can take action to address the root causes.

## 2. Hate in high school sports

As the author reports, overt displays of racism are on the rise in high school sports. In addition to the incidents set forth in the author's statement, students were caught making racist comments to opposing teams' players at high schools in Laguna Hills, Danville, and Concord.<sup>3</sup> The racism is not confined to games; two separate high schools had their varsity football seasons canceled after the teams were discovered engaging in extremely racist group chats and social media videos.<sup>4</sup>

The CIF, which governs high school sports in the state, is a largely autonomous body that consults with CDE and is required to submit a report to the Legislature and the Governor once every seven years.<sup>5</sup> According to the Senate Education Committee's analysis of this bill, which is incorporated here by reference, the CIF's website has a complaint form for unsportsmanlike behavior resulting from discrimination or harassment at an interscholastic event; however, local educational agencies are not required to use the form, and there is no clear answer to what happens with a form once it has been submitted.

## 3. This bill implements a standardized racial discrimination and harassment form and provides processes for the collection and utilization of the information provided on the forms

In order to give the CDE better information about racial discrimination and harassment incidents at high school sporting events, this bill creates a clear procedure for complaints to be obtained and provided to the entities that can act on the information. Specifically, this bill:

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<sup>3</sup> Yee, Smith, & Fry, *Video captures Laguna Hills student racist slurs at Black basketball player*, L.A. Times (originally published Jan. 25, 2022; updated Jan. 26, 2022), <https://www.latimes.com/california/story/2022-01-25/video-captures-racist-slurs-at-laguna-hills-high-basketball-game>; ABC 7 News, *San Ramon Valley High School issues apology for racist remark made by student during basketball game* (Jan. 26, 2023), <https://abc7news.com/san-ramon-valley-high-school-student-makes-racist-comment-apology-dublin/12739406/>; ABC 7 News, *CA high school kids, parents face racist insults during soccer game in Concord* (Mar. 5, 2022), <https://abc7news.com/high-school-racist-remarks-de-la-salle-racism-bay-area-soccer-team/11626808/>.

<sup>4</sup> NBC Bay Area, *Racism Sidelines 2 California High School Football Teams* (originally published Oct. 2, 2023; updated Oct. 4, 2022), <https://www.nbcbayarea.com/news/california/racism-california-high-school-football-teams/3019940/>.

<sup>5</sup> Ed. Code, § 33353.

- Requires CDE, on or before January 1, 2025, with input from stakeholders, to develop a standardized incident form to track racial discrimination or harassment that occurs at high school sporting games or events;
- Requires the standardized form to include a category for the basis of the complaint and include information on how to report a hate incident or hate crime through the Civil Rights Department's CA vs. Hate Resource Line and Network;
- Requires a local educational agency that participates in the CIF, on or before April 1, 2025, to post on their website the standardized form developed by CDE and include information on how to submit a completed form to the local educational agency;
- Requires a local educational agency to provide information from the forms to the CDE on request;
- Requires CDE to annually report the statewide totals of racial discrimination and harassment incidents on its website;
- Permits CDE to share information from the completed forms with the CIF for purposes of the CIF's report to the Legislature and the Governor, filed once every seven years; and
- Provides that the completed forms are subject to the CPRA's exemptions and that any information from the completed forms made public must be done so on an aggregated basis and in a manner that does not disclose any personally identifying information.

The bill also clarifies that the CIF must make itself available to the Legislature to provide information in the years it is not required to file a report, and that the topics on which the CIF is required to report include incidents of racial discrimination and harassment.

To the extent that this bill imposes any new restrictions on the public's right to access information – and it is not clear that it does, given that the CIF, CDE, and local educational agencies are already subject to the CPRA and its exemptions<sup>6</sup> – the need to protect the privacy of students and other individuals who were involved in traumatic incidents appears consistent with the constitutional guarantee of privacy and therefore justifies the limitation.<sup>7</sup>

#### 4. Amendments

In light of several recent publicized incidents of hazing in high schools, the author has agreed to add hazing incidents to the list of incidents that must be reported on by the CIF and which may be reported on the form to be created under this bill. The amendments are as follows, subject to any nonsubstantive changes the Office of

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<sup>6</sup> Ed. Code, § 33353; Gov. Code, §§ 7920.510, 7920.540, 7921.000.

<sup>7</sup> Cal. Const., art. I, § 1.

Legislative Counsel may make:

Amendment 1

At page 4, in lines 2-3, replace “racial discrimination or harassment.” with “racial discrimination, harassment, or hazing.”

Amendment 2

At page 5, in lines 1-2, replace “racial discrimination or harassment” with “racial discrimination, harassment, or hazing”

Amendment 3

Add a definition of “hazing,” consistent with the definition in the Education Code, as follows:

“Hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. “Hazing” does not include athletic events or school-sanctioned events.

5. Arguments in support

According to the NAACP California Hawaii State Conference (CA/HI NAACP), the bill’s sponsor:

During high school sporting events, racial minority athletes are routinely targeted and subjected to racial violence. In California, students have endured monkey or ape noises, tortillas being thrown onto the field, barking, racial and body-shaming, and a flurry of racial slurs by opposing team members and sometimes parents. These students are left victimized and traumatized, and there are no accountability measures for the victimizers or the schools that allow this behavior. CIF is charged with governing interscholastic athletics, and its mission is to promote equity, quality, and character. However, they cannot begin to strengthen the integrity of students or encourage respect and good citizenship if these racist incidents continue unchecked.

The CA/HI NAACP’s principal objective is to ensure the political, educational, social, and economic equality of minority citizens in California and eliminate race prejudice. Despite taking a more subdued form, unconscious or aversive racism hurts minority student-athletes in high school sports in at least one

significant way: it marginalizes their academic, social, and psychological well-being. By requiring CDE not only to track but also to make available a report of hate violence occurrences to the general public, CDE is forced to recognize the profound health implications and trauma caused to the victims of racist incidents and hold students and schools accountable for racist behavior that must stop.

**SUPPORT**

California Hawaii Conference of the NAACP (sponsor)  
California Teachers Association  
NAACP San Diego Branch  
San Diego Unified School District  
Yocha Dehe Wintun Nation

**OPPOSITION**

None known

**RELATED LEGISLATION**

Pending legislation: None known.

Prior legislation: None known.

**PRIOR VOTES:**

Senate Education Committee (Ayes 7, Noes 0)  
Assembly Floor (Ayes 76, Noes 0)  
Assembly Appropriations Committee (Ayes 15, Noes 0)  
Assembly Education Committee (Ayes 7, Noes 0)  
Assembly Arts, Entertainment, Sports, and Tourism Committee (Ayes 5, Noes 0)

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