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**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

# Memo

**To** Board of Education

**From** Marion McWilliams, General Counsel

**Board Meeting Date** June 28, 2017

**Subject** Amendment to Board Policy – BP 6145.2 Athletic Competition

**Action Requested** Approval of updates to the Oakland Unified School District Board Policy BP 6145.2 Athletic Competition

**Background** Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District's standards.

**Discussion** In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with blue strikeouts. The recommended additions are shown in red.

**Recommendation** Approval of modification to the Oakland Unified School District Board Policy BP 6145.2 Athletic Competition

**Fiscal Impact** No direct funding implications

**Attachments** Board Policy BP 6145.2 Athletic Competition

# Oakland Unified School District

## Board Policy

### Instruction

#### BP 6145.2

#### Athletic Competition

The Governing Board recognizes that the district's 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 of~~ participating students. The athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

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

(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 ~~in accordance with~~ prohibited by state and federal law. -The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for ~~both~~ all genders.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Any complaint regarding the district's athletic program shall be filed in accordance with ~~BP/AR 1312.3 Uniform Complaint Procedures.~~ the district's uniform complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

## **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 principles during all athletic 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." All O.A.L. high schools have adopted the CIF operating principles of Pursuing Victor with Honor.~~

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

~~(cf. 4118 Suspension/Disciplinary Action)~~

~~(cf. 4218 Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 5131.4 Campus Disturbances)~~

~~(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~~regulations, and CIF bylaws and rules. The Superintendent or designee shall have responsibility for the ~~district~~district's 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 ~~the Principal 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~~athletic programs.

(cf. 0500 - Accountability)

## Student Eligibility

Eligibility requirements for participation in the district's interscholastic athletic program ~~are governed by Oakland Athletic League Rules and CIF Bylaws.~~ , 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. 5118 - Transfers)~~

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(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.

(cf. 3260 - Fees and Charges)

## 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. 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. ~~Universal precautions shall be observed when injuries occur.~~

~~(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)~~

~~(cf. 4119.43/4219.43/4319.43 - Universal Precautions)~~

~~(cf. 5141.1 - Accidents)~~

~~(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)~~

~~(cf. 5141.23 - Infectious Disease Prevention)~~

Students shall have a medical clearance before participating in ~~the~~ interscholastic athletic ~~program~~ programs. 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. 5141.7 - Sun Safety)~~

~~(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. (cf. 5141.3 - Health Examinations)~~

~~(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.~~

### Supervision

~~Site principal/~~The Superintendent or designee shall ~~be responsible to supervise~~ ensure that all athletic ~~events. All athletic teams~~ 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 be supervised by qualified coaches to ensure that remove the student athletes receive 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. instruction and guidance related to safety, health, training 4119.43/4219.43/4319.43 - Universal Precautions)~~

~~(cf. 5141 - Health Care and Emergencies)~~

~~(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)~~

~~preparation for competition. Athletic events shall be officiated by qualified personnel.~~

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

(cf. 5141.22 - Infectious Diseases)

*Legal Reference:*

EDUCATION CODE

200-261262.4 Prohibition of discrimination-on the basis

17578 Cleaning and sterilizing of ~~sex~~ football equipment

17580-17581 Football equipment

32221.5 Required insurance for athletic activities

33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program

33354 CDE California Department of Education authority over interscholastic athletics

35160.5 District policies; rules and regulations

35161 Powers and duties generally

35179 Interscholastic athletics

35179.5 Interscholastic athletics; limitation on full-contact practices

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~~

60850-60856 High School Exit Examination

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

PENAL CODE

245.6 Hazing

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs ~~receiving state financial assistance~~, especially:

4920-4922 Nondiscrimination in intramural, interscholastic, and club activities

5531 Supervision of extracurricular activities of ~~pupils~~ 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) 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

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities and Facilities, March 2014

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

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

CIF CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

~~Pursuing Victory with Honor, November 1999~~

~~Guidelines for Gender Identity Participation~~

~~California Interscholastic Federation Constitution and Bylaws, 1996-97~~

~~A Guide to Equity in Athletics~~

~~Acute Concussion Evaluation (ACE) Care Plan, 2006~~

~~Pursuing Victory with Honor, 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>~~

~~CIF California Department of Education: <http://www.cde.ca.gov>~~

~~California Interscholastic Federation: <http://www.cifstate.org>~~

~~NOCSAE: <http://www.nocsae.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>~~

7/14/04, 6/28/17 (proposed)

# **Oakland Unified School District**

## **Board Policy**

### **Instruction**

#### **BP 6145.2(a)**

#### **Athletic Competition**

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*(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.

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*(cf. 1312.3 - Uniform Complaint Procedures)*

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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  
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