



P&P Chapter Lead Recommendation  
San Bernardino Community College District

**Current Step:**  
PPAC Approves  
Review Level

Point Person	Date Requested	Anticipated Date of Recommendation:	Recommendation Received:
N Ornelas	10/20/2022	Recommendation Received	7/31/2023

**Reason(s) for Review/Changes**

> Legal Update 39: The Service updated this policy to add language regarding transgender student athletes. This Service also added legal citations to the Education Code regarding student athletes' rights to earn compensation for their name, image, likeness, or athletic reputation (Education Code Section 67456, as amended by Senate Bill 26) and reference to the California Community College Athletic Association Constitution and Bylaws. (2022-23 carryover)

**Review Level**

**Level 3**

**Anticipated AP2410 Schedule** (for info on this process, visit <https://sbccd.edu/ap2410>)

- 08/21/2023 PPAC Approves Review Level
- 09/06/2023 Level 3 First Anticipated AS Review
- 09/11/2023 Level 3 PPAC Reviews Constituent & Initial AS Feedback
- 09/20/2023 Level 3 Second Anticipated AS Review
- 10/09/2023 PPAC Reviews Second AS Feedback
- 11/09/2023 BOT First Reading
- 12/08/2023 BOT Final Approval

**Action Requested**

1. Please review this Chapter Lead recommendation based on the reasons above.
2. Staff recommended changes are **shown in red**.
3. Legal changes are **shown in blue** and should only be considered **optional** if indicated.
4. If there are no changes showing, this item is being presented for information only.
5. For questions on this recommendation, please contact J Torres or [kgoodric@sbccd.edu](mailto:kgoodric@sbccd.edu).

RECOMMENDATION STARTS ON NEXT PAGE



P&P Chapter Lead Recommendation  
San Bernardino Community College District

**Current Step:**  
PPAC Approves  
Review Level

**Reason(s) for Review/Changes**

- > Legal Update 39: The Service updated this policy to add language regarding transgender student athletes. This Service also added legal citations to the Education Code regarding student athletes' rights to earn compensation for their name, image, likeness, or athletic reputation (Education Code Section 67456, as amended by Senate Bill 26) and reference to the California Community College Athletic Association Constitution and Bylaws. (2022-23 carryover)

The District shall maintain an organized program for ~~men and women~~ students in intercollegiate athletics. The District will offer opportunities for participation in athletics equally to male, ~~and~~ female, ~~and transgender~~ students consistent with state and federal law, ~~and California Community College Athletic Association standards.~~

The Chancellor shall assure that the athletics program complies with state ~~and federal~~ law, the California Community College Athletic Association (CCCCA) Constitution, ~~Bylaws,~~ and Sport Championship Handbooks, and appropriate Conference Constitution regarding student athlete participation.

**References:**

Education Code Sections ~~78223~~, 66271.6, 66271.8, ~~and~~ 67360, ~~and 78223~~ et seq  
20 U.S. Code Sections 1681 et seq.;  
ACCJC Accreditation Standard II.C.4  
[California Community College Athletic Association \(CCCCA\) Constitution and CCAA Bylaws](#)

**End of Recommendation for BP 5700 Intercollegiate Athletics**



P&P Chapter Lead Recommendation  
San Bernardino Community College District

**Current Step:**  
PPAC Approves  
Review Level

Point Person	Date Requested	Anticipated Date of Recommendation:	Recommendation Received:
N Ornelas	10/20/2022	Recommendation Received	7/31/2023

**Reason(s) for Review/Changes**

> Legal Update 39: This Service updated this procedure to add legally required language regarding student athletes' rights to earn compensation for their name, image, likeness, or athletic reputation. (Education Code Section 67456, as amended by Senate Bill 26) The Service also added a citation to California Community College Athletic Association Constitution and Bylaws. (2022-23 carryover)

**Review Level**

**Level 3**

**Anticipated AP2410 Schedule** (for info on this process, visit <https://sbccd.edu/ap2410>)

- 08/21/2023 PPAC Approves Review Level
- 09/06/2023 Level 3 First Anticipated AS Review
- 09/11/2023 Level 3 PPAC Reviews Constituent & Initial AS Feedback
- 09/20/2023 Level 3 Second Anticipated AS Review
- 10/09/2023 PPAC Reviews Second AS Feedback
- 11/09/2023 BOT First Reading
- 12/08/2023 BOT Final Approval

**Action Requested**

1. Please review this Chapter Lead recommendation based on the reasons above.
2. Staff recommended changes are shown in red.
3. Legal changes are shown in blue and should only be considered optional if indicated.
4. If there are no changes showing, this item is being presented for information only.
5. For questions on this recommendation, please contact J Torres or [kgoodric@sbccd.edu](mailto:kgoodric@sbccd.edu).

RECOMMENDATION STARTS ON NEXT PAGE



P&P Chapter Lead Recommendation  
San Bernardino Community College District

**Current Step:**  
PPAC Approves  
Review Level

### Reason(s) for Review/Changes

- > Legal Update 39: This Service updated this procedure to add legally required language regarding student athletes' rights to earn compensation for their name, image, likeness, or athletic reputation. (Education Code Section 67456, as amended by Senate Bill 26) The Service also added a citation to California Community College Athletic Association Constitution and Bylaws. (2022-23 carryover)

SBCCD Has Not adopted this Legally Advised AP; please review and determine if it should be adopted.

**NOTE:** This procedure is **legally advised**. Local practice may be inserted here. Rules for participation in intercollegiate athletics should be developed in accordance with Education Code Sections 67360 et seq. and BP 5700, which states that the District shall comply with rules and regulations adopted by voluntary associations, one of whose purposes is to govern intercollegiate athletics (e.g. the California Community College Athletic Association (CCCAA)).

The authority for developing, implementing and monitoring these procedures should be stated, and should reference appropriate assistance required from the Academic Senate.

### Athletic Drug Testing

**NOTE:** Athletic Drug Testing is not mandated. If the District wishes to consider such a procedure, it may contact the League for sample language.

### Name, Image, Likeness, and Athletic Reputation

**Prospective Student Athlete:** The District will not provide a prospective student athlete with compensation in relation to the athlete's name, image, likeness, or athletic reputation.

**Student Athletes:** The District will not prevent a student participating in intercollegiate athletics from either earning compensation as a result of the use of the student athlete's name, image, likeness, or athletic reputation, or from obtaining professional representation by duly licensed athletic agents or attorneys. However, a student athlete may not enter into a contract that provides compensation to the student athlete for their name, image, likeness, or athletic reputation if the contract conflicts with a provision of the student athlete's team contract.

A student who enters into a contract providing compensation for use of the student's name, image, likeness, or athletic reputation must disclose the contract to [ **Official to be designated by District, e.g. athletic director/dean** ]. If the District determines that a conflict between the student athlete's contract and the student athlete's team contract, the [ **Official to be designated by District, e.g. athletic director/dean** ] will disclose the conflict to the student or student's legal representative, if any, and identify the contractual provisions that conflict.

Any team contract entered into, modified or renewed on or after September 1, 2021 will not prevent a student athlete from using their name, image, likeness, or athletic reputation for a commercial purpose when the athlete is not engaged in official team activities.

A student athlete's scholarship eligibility will not be impacted as a result of the student earning compensation for their name, image, likeness, or athletic reputation.

The District will not revoke a student-athlete's scholarship that provides the student-athlete with the cost of attendance as a result of the student athlete earning compensation or obtaining legal representation in accordance with state law.

### References:

Education Code Sections 66271.6, 66271.8, and 67360 et seq., 67456, and 78223;

20 U.S. Code Sections 1681 et seq.

ACCJC Accreditation Standard II.C.4

Community College Athletic Association (CCCAA) Constitution and CCCAA Bylaws

### End of Recommendation for AP 5700 Intercollegiate Athletics