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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 209 Session of  
2011

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INTRODUCED BY BRIGGS, BRADFORD, BRENNAN, CALTAGIRONE, DeLUCA,  
DePASQUALE, FABRIZIO, FREEMAN, JOSEPHS, KORTZ, KULA, MATZIE,  
MULLERY, MURT, M. O'BRIEN, ROEBUCK, SANTARSIERO, STURLA,  
SWANGER, TOEPEL, WAGNER AND YOUNGBLOOD, MARCH 21, 2011

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 21, 2011

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for disclosure by school  
6 entities of certain interscholastic athletic opportunity  
7 information.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, is amended by adding an  
12 article to read:

13 ARTICLE XVI-C

14 DISCLOSURE OF INTERSCHOLASTIC ATHLETICS OPPORTUNITIES

15 Section 1601-C. Scope of article.

16 This article requires reporting by school entities of  
17 athletic opportunities afforded to male and female secondary  
18 school students.

19 Section 1602-C. Definitions.

1 The following words and phrases when used in this article  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 "Athletic facilities." Locker rooms, playing fields,  
5 gymnasiums, field houses, arenas, athletic training rooms,  
6 stadiums, weight rooms or any other location used by secondary  
7 school students and their coaches for sports training, practice,  
8 competition and coaching.

9 "Department." The Department of Education of the  
10 Commonwealth.

11 "Equipment and supplies." Sport-specific equipment and  
12 supplies, general equipment and supplies, instructional devices  
13 and conditioning and weight training equipment.

14 "Participant." A student-athlete who is:

15 (1) receiving institutionally sponsored support normally  
16 provided to athletes competing at the institution involved,  
17 such as coaching, equipment, medical and training room  
18 services, on a regular basis during a sport's season;

19 (2) participating in organized practice sessions and  
20 other team meetings and activities on a regular basis during  
21 a sport's season; and

22 (3) listed on the team list on the day of the team's  
23 first scheduled competition, excluding preseason scrimmages.

24 "Race/ethnicity." American Indian/Alaskan Native;  
25 Asian/Pacific Islander; Black, non-Hispanic; Hispanic and White,  
26 non-Hispanic.

27 "School entity." Any public or private primary or secondary  
28 educational program or activity that receives Federal financial  
29 assistance, as defined under Title IX of the Education  
30 Amendments of 1972 (Public Law 92-318, 20 U.S.C. § 1681 et

1 seq.), that provides interscholastic athletic opportunities for  
2 secondary school students.

3 "Secondary school student." A student who attends a school  
4 entity in grade 7 through grade 12.

5 "Travel." Transportation, housing furnished during travel  
6 and per diem dining allowances.

7 "Uniforms." Clothing for practice and games, such as shoes,  
8 rain gear and warm-up suits.

9 Section 1603-C. Duty to disclose.

10 (a) Information.--A school entity shall annually submit  
11 information to the department regarding interscholastic athletic  
12 opportunity and treatment for male and female secondary school  
13 students for the preceding school year.

14 (b) Disclosure form.--The information shall be submitted on  
15 a disclosure form and in a manner to be established by the  
16 department.

17 (c) Submission.--By October 15, 2012, and October 15 of each  
18 year thereafter, a school entity shall submit to the department  
19 the completed disclosure form for the immediately preceding  
20 school year.

21 (d) Public access.--No later than November 1 of each year, a  
22 school entity shall make a copy of the completed disclosure form  
23 available for public inspection during regular business hours,  
24 including on any publicly accessible Internet website of the  
25 school entity. The completed disclosure form shall constitute a  
26 public record subject to public inspection under the act of  
27 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

28 (e) Notice to students and other affected individuals.--As  
29 soon as the disclosure form required by this section is  
30 completed, each school entity shall provide notice of its

1 availability for review to students, educational personnel,  
2 student athletes and parents by posting a notice on school  
3 bulletin boards, in the school newspaper, on any electronic  
4 mailing list or list serve, and by any other means reasonably  
5 likely to provide such notice.

6 Section 1604-C. Department duties.

7 (a) Duties.--The department shall establish a disclosure  
8 form for the submission of the required information for the  
9 immediately preceding school year by school entities. The  
10 department shall provide for the distribution of the disclosure  
11 form through the department's Internet website and shall provide  
12 technical assistance to school entities.

13 (b) Disclosure form information.--The following information  
14 shall be included in the disclosure form:

15 (1) The total number of students in each school entity  
16 and in each secondary school within a school entity as of  
17 October 1 of the immediately preceding school year,  
18 including:

19 (i) the total number of students by gender; and

20 (ii) the total number of male students by  
21 race/ethnicity and the total number of female students by  
22 race/ethnicity.

23 (2) A listing by gender of each varsity, junior varsity  
24 and freshman athletic team that competed in interscholastic  
25 athletic competition.

26 (3) For each team identified in paragraph (2), the  
27 following information:

28 (i) The total number of team participants as of the  
29 day of the first scheduled competition for each team by  
30 gender.

1           (ii) The total number of male team participants by  
2 race/ethnicity and the total number of female team  
3 participants by race/ethnicity, as of the day of the  
4 first scheduled competition for each team.

5           (iii) For the initial submission under this article,  
6 the school year in which each existing interscholastic  
7 athletic team was established and, for teams that the  
8 school entity sponsored in the past but no longer  
9 sponsors, the identity of the team and the year it was  
10 eliminated or demoted from interscholastic competition.  
11 For each subsequent year, a listing of interscholastic  
12 athletic teams that were newly established,  
13 reestablished, eliminated or demoted from interscholastic  
14 competition during the reported school year.

15           (iv) The seasons during which each interscholastic  
16 athletic team competed.

17           (v) The total value of contributions and purchases  
18 made on behalf of each team by booster clubs, alumni and  
19 any other nonschool sources.

20           (vi) The total expenditures for each team in the  
21 school year, including a separate listing of expenditures  
22 for each team in each of the following categories:

23                   (A) The total amount of expenditures for travel.

24                   (B) The total amount of expenditures for  
25 purchase and replacement of athletic uniforms.

26                   (C) The total amount of expenditures for  
27 purchase and replacement of equipment and supplies.

28                   (D) Compensation of coaches, per sport and per  
29 season.

30                   (E) Expenditures made for construction,

1 renovation, expansion, maintenance, repair and rental  
2 of athletic facilities. For any facilities shared by  
3 multiple teams, expenditures per team shall be  
4 calculated either by dividing expenditures by the  
5 number of teams using the facility or percentage of  
6 time used by each team.

7 (F) Compensation of athletic trainers per  
8 academic year.

9 (vii) The total number of trainers, including the  
10 amount of time spent by each athletic trainer with each  
11 team.

12 (viii) The total number of coaches per team by  
13 employment status, full-time, part-time, head and  
14 assistant.

15 (ix) The total number of competitions scheduled and  
16 played per team.

17 (x) The name of the school entity's Title IX  
18 compliance officer required under 34 CFR § 106.8(a)  
19 (relating to designation of responsible employee and  
20 adoption of grievance procedures).

21 (c) Copies.--The department shall make copies of all  
22 submitted disclosures available for public inspection on the  
23 department's publicly accessible Internet website.

24 (d) Annual report.--No later than January 15 of each year,  
25 the department shall prepare and submit an annual report to the  
26 General Assembly regarding the compliance with the disclosure  
27 requirements of this article and summarizing the information  
28 submitted to it regarding interscholastic athletic opportunity  
29 for and treatment of each gender by race and ethnic group, and  
30 other such information as the department deems relevant.

1 Section 1605-C. Regulations.

2 The department may promulgate rules, regulations or standards  
3 to administer this article.

4 Section 2. This act shall take effect as follows:

5 (1) The addition of section 1604-C(b)(3)(v) of the act  
6 shall take effect two years from the effective date of this  
7 section.

8 (2) This section shall take effect immediately.

9 (3) The remainder of this act shall take effect in 60  
10 days.